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Dr. Vincent P. Guinn
Department of Chemistry
University of Calif.
Irvine, Ca. 92717

3/17/80

Dear Dr. Guinn,

Thanks for your 3/12 and the enclosures. As I was glancing through the reprint pertaining to the HSCA work my eye caught what prompts me to write immediately because I cannot now do what I want to do, read both reprints with care. The FOIA litigation takes great amounts of time and I'm in court in the morning.

With regard to the "evens memo I sent you, I suppose I sent you that one, of a number, because it contained what you do not exaggerate in calling unkind. There are others. When in going over all the vast files I got by litigation I came to that one I made a copy for you, but it got lost in a stack of other records. I sent it when I later came to it.

It is my recollection that the FBI was well aware of the possibility, if not the fact, that you had not said what was attributed to you.

In spite of what you regard as friendship, as I tried to tell you long ago those people did not like you and pretended not to trust you. My belief is that they were afraid and this was their cover. Gallagher, who you regard as a friend, maligned you. It was close to libel. He said you are a publicity seeker who could not be trusted and that you and Gulf Atomic would have sought to commercial the project. This was when I deposed him in C.A. 75-226.

Jevons was Gallagher's boss. I believe he had to leave in other scandals that surfaced about Watergate time, under Kelley. I also believe that I checked to see if Gallagher drafted the Jevons memo, which would have been normal practice. I think that Jevons wrote it, though. You can tell by the initials in the lower left-hand corner.

It is not true that John Nichols got those 70 NAA pages by legal action. They are not all, as you may have reason to recall. It also is not true that the record establishing that there had been NAAs was secret until the time you give. John probably learned of it through a then unpublished manuscript of mine.

I got those pages, later more, in C.A. 75-226, which is still in court. I gave them to others, including the press, before John got copies, which the FBI gave him when he asked for what had been disclosed to me. He went no farther. I did, and got what is supposed to be all the raw material, including printouts. You got those pertaining to the paraffin tests from a friend of mine at the National Enquirer, Rod Gibson. (I believe that testing was inadequate and based on a limiting preconception.)

John knew of this litigation, which goes back to 1970. He declined to join me in it, as did Wecht, each preferring self-promotion. In the earlier form this is the case

that led to the 1974 amending of the investigatory files exemption. It is the first case filed anywhere under the amended act, as C.A. 75-226. Those first 70 pages were given to me in an effort to halt the case with them by summary judgement, before a pro-FBI judge. When I proved those pages were not all, still aiming for that summary judgement, at night on a weekend just before a calendar call, the government lawyer hand-delivered several hundred other pages, described above, along with pictures of the ~~paraffin~~ paraffin casts. He then got the summary judgement. I carried the case to the appeals court and got a remand, under which we deposed four SAs and then were cut off. It has now been before the appeals court for a full year.

John and Cyril both declined to be witnesses, as experts, in the first case. Cyril actually wailed that he was making so much money he couldn't afford to take the time. Both then cribbed all they could. John even duplicated some of my work and copyrighted it, including the picture of the base of the bullet, 399, which I'd loaned him in confidence because that work was incomplete and I didn't want any of it out pending completion.

Neither is a real subject expert and often enough both were in factual error, despite their scientific training and experience.

I did try to help John before I learned that he could not control his ego and was being unethical. He asked me to go out to his college in May of 1968 to reinforce him and I did, at my expense. I gave him a lengthy and I fear unwelcome critique of his first case, both sides, but he did not profit ~~far~~ from this also not inconsiderable and unpaid work. The government filed a false affidavit in it by Jevons.

I am not well and was not able to be present when you testified. I took the broadcast in. I fear you were had and I suspect you suspect at least some of this. You can't validate your samples. I think I can show you an alternative source of them.

The specimen you said did not exist did exist when Gallagher subjected it to radiation, which he testified on deposition does not consume it. This is Q15, the windshield scrapings. The raw material on it does not exist in what I got and Gallagher's explanation of the absence of that and ^{of} either Q2, which I think, or Q3, in not credible, under FBI regulations are impossible. The front-seat specimen that had no core material is the one.

There may well have been other shooting and I have FBI records indicating there was. There was testing, the results of which remain withheld. I did not learn of these matters until the case was before the appeals court. I do have proofs, solid ones.

There is no doubt that you could not get any material from the curbstone for two reasons: the FBI removed it all and that is not the pristine material. There is absolutely no doubt in my mind that the scar was punched before Shaneyfelt dug it up and that the FBI knew this.

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It appears that initially all they planned for NAA is the paraffin casts and that limited to an attempt to distinguish between rifle and pistol bullet deposits. (As I recall it the variation between the original and the test results was about a third in one of the two elements.) Paul Aeborsold gave them a ~~major~~ real problem by going to the Department, not the FBI. The Department communicated with the Commission. The FBI then worked on Seaborg to bypass and eliminate Aeborsold, who the FBI insisted be kept entirely in the dark. Seaborg agreed. Aeborsold had recommended using you and Galt Atomic but the FBI would not agree. UC did whatever Gallagher wanted and no more.

Aeborsold had urged use of the unfired bullet. Gallagher did not do that. When we questioned Gallagher about this on deposition he claimed he was prohibited because of the alleged historical importance of that one specimen only.

There is much that was withheld from me under discovery, although we then did get some records that had been withheld. I've gone through more than 100,000 pages since then and have found a considerable amount more.

This is a pretty Byzantine matter.

If you have a copy of your remarks following your HSCA testimony, in any form, I'd appreciate a copy, particularly of what was germane to your testimony but you were not asked. I'm especially interested in the specimens that did not equal their descriptions. This is now historical interest only because I'll not repeat any of my writing again and I've written an enormous book dealing with this material. It came out in late 1975.

I know you repeated only what you were told and had no reason not to believe but I do regret the error into which John led you because those who may have an interest in these things and read what you wrote will not be led to where the records they require will be.

Please excuse the haste and typing errors.

Sincerely,

Harold Weisberg