

UNITED STATES GOVERNMENT

# Memorandum

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TO : The Attorney General

DATE: March 11, 1977

FROM : *crank*  
*gma* Director, FBI

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
11/22/63; DALLAS, TEXAS

Enclosed is a copy of a letter dated February 25, 1977, which was received from the Archivist of the United States, General Services Administration, National Archives and Records Services (NARS).

In order to acquaint you with the background of this letter, the following information is being set forth:

In December, 1976, the Dallas Office of the Federal Bureau of Investigation received from a Dallas resident a metal fragment which this individual had found two years earlier in the vicinity of the John F. Kennedy assassination site, and which this individual believed may have been discharged from the rifle of Lee Harvey Oswald at the time of the assassination of President John F. Kennedy. This fragment was furnished to the FBI laboratory for comparison purposes.

By letter dated December 27, 1976, this Bureau requested of Dr. James B. Rhoads, Archivist of the United States, National Archives and Records Services, access to two test bullets originally obtained by the FBI from the rifle of Lee Harvey Oswald which were then turned over to NARS in 1964. Our request for access to the test bullets was for the purpose of ballistic comparison with the recently received fragment.

FBI access to the test bullets was approved by letter dated December 30, 1976, from Mr. James E. O'Neill, Acting Archivist of the United States.

However, prior to receipt of the test bullets, this Bureau received a second letter dated January 4, 1977, from the Archivist of the United States denying the FBI access to the test bullets based upon a written request received by NARS from Mr. Richard A. Sprague, Chief Counsel and Director, House Select Committee On Assassinations (HSCA). Mr. Sprague



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then corresponded with me by letter dated January 4, 1977, and expressed his "surprise" at the request made by the FBI for the test bullets without first bringing the reasons for this request to the attention of the House Select Committee On Assassinations. Mr. Sprague also expressed his opinion that it was inappropriate ". . . for any agency of the executive branch of Government (to) attempt to obtain the physical evidence presently in the possession of the National Archives without appropriate safeguards and discussion with the Select Committee."

On January 7, 1977, I directed letters to Dr. Rhoads and to Mr. Sprague which explained the FBI's continuing jurisdiction and responsibility pertaining to the investigation of the assassination of President Kennedy, reiterated my continuing desire to cooperate with the Committee, and advised that the results of all investigation conducted by this Bureau would continue to be made available to this Committee.

In response to this letter, Mr. James E. O'Neill, Acting Archivist, by letter dated January 25, 1977, suggested that a representative of this Bureau meet with him to discuss this matter. When one of my representatives attempted to set up this meeting, Mr. O'Neill indicated the necessity for having a representative of the HSCA attend this meeting. This was not satisfactory to the FBI, since the responsibility for the conduct of this investigation continues to rest with this Bureau, and I do not believe the question of our jurisdiction in this investigation to be negotiable. Dr. Rhoads was advised of the position of this Bureau by letter dated February 8, 1977, which letter was acknowledged by Dr. Rhoads by letter dated February 25, 1977, a copy of which is enclosed.

The issue of the availability to the FBI of the John F. Kennedy records, exhibits, and physical evidence placed under the custody of the General Services Administration, is less important than the question raised by the Chief Counsel, HSCA, and implicitly supported by the position taken by the Archivist of the United States which encroaches upon the investigative jurisdiction of this Bureau in carrying out our continuing responsibilities as they relate to the investigation of the assassination of President Kennedy, and upon the integrity of the FBI in fulfilling these responsibilities.

While I shall continue to insure that the results of our investigation are made available as requested by the HSCA, I do not believe that our investigative procedure in conducting this criminal investigation should be dictated by, approved by, or cleared with the HSCA, nor do I believe that this is a proper legislative function.

The Attorney General

Unless the Department of Justice can obtain a favorable resolution that allows the FBI to obtain the test bullets for ballistic comparison, the FBI remains unable to fulfill its continuing investigative responsibilities as they relate to the assassination of President John F. Kennedy.

Enclosure

- 1 - Deputy Attorney General
- 1 - Assistant Attorney General  
Office of Legislative Affairs
- 1 - Assistant Attorney General  
Criminal Division