

UNITED STATES GOVERNMENT
Memorandum

TO : Mr. Fehl *F/S-1*

FROM : ~~J. S. Peelman~~

SUBJECT: HOUSE SELECT COMMITTEE
ON ASSASSINATIONS (HSCA)

DATE: May 9, 1977

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Fehl
- 1 - Mr. Peelman
- 1 - Mr. Lawn
- 1 - Mr. Mintz
- 1 - Mr. Daly
- 1 - Mr. Cochran

- Asst. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

PURPOSE: To advise that the Archivist of the United States has again corresponded with this Bureau and has set down conditions under which certain test bullets may be borrowed for FBI Laboratory testing, which conditions are not acceptable to the FBI.

SYNOPSIS: In December, 1976, the FBI requested that the Archivist make available to the FBI two test bullets fired from Oswald's rifle. After initially approving this request, the Archivist then denied the request based upon an agreement between the Archivist and the HSCA. By letters dated 3/11/77 and 4/28/77, the Department was requested to resolve this matter and to delineate the jurisdiction of this Bureau. Letter from the Archivist is being acknowledged and the Department is being advised of the receipt of this letter and that the conditions set out are unacceptable and that the Bureau foresees no alternative but to return the bullet fragment found in Dallas to the finder as he has requested.

RECOMMENDATIONS: EX-103 REC-50 62-117290-18
7 MAY 12 1977

(1) That the attached letter to the Archivist be approved and forwarded.

X *me*

APPROVED: _____

Director _____
Asst. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

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Training _____
Public Affs. Off. _____

JCL:bam (9) *bam*

Enclosures (3)
encl. detailed & ind
Serial & Dept

CONTINUED - OVER

Memorandum to Mr. Fehl
RE: HOUSE SELECT COMMITTEE
ON ASSASSINATIONS (HSCA)

(2) That attached memorandum be forwarded to the Attorney General.

Handwritten: -224, ml, JH, JH

DETAILS: By letter dated 5/4/77, the Archivist of the United States advised that the FBI could have access to two test bullets fired from the rifle of Lee Harvey Oswald under the conditions that a representative of HSCA and a representative of the National Archives be present during testing procedures. These conditions are not acceptable.

By way of background, in December, 1976, a Dallas resident furnished to the FBI a bullet allegedly found in the vicinity of Dealy Plaza, the site of the assassination of President John F. Kennedy. Since January, 1977, the Archivist has refused the FBI access to the test bullets from the Oswald rifle at the request of HSCA.

By memoranda dated 3/11/77 and 4/28/77, the Department has been requested to resolve this issue and to delineate the jurisdiction of the FBI in order to avoid duplication of investigative effort with the HSCA. These issues remain unresolved.

It is recommended, therefore, that the letter to the Archivist be approved which would acknowledge receipt of his letter and the memorandum to the Attorney General be approved advising the Department of the continuing impasse and of the anticipated course of action by the FBI regarding the bullet found in Dallas. This has been coordinated with the Laboratory Division.

1 - Mr. Held
1 - Mr. Adams

The Attorney General

May 10, 1977

Director, FBI

FEDERAL GOVERNMENT

HOUSE SELECT COMMITTEE
ON ASSASSINATIONS (HSCA)

1 - Mr. Fehl
1 - Mr. Peelman
1 - Mr. Lawn
1 - Mr. Mintz
1 - Mr. Daly
1 - Mr. Cochran

Reference is made to my most recent letter dated April 28, 1977, captioned as above, which reiterated this Bureau's inability to obtain certain test bullets from the National Archives for ballistics comparison. The Archivist of the United States has denied this access to the FBI at the request of HSCA.

Enclosed is a copy of the most recent letter of Dr. James B. Rhoads, Archivist of the United States, dated May 4, 1977, with enclosures, which sets out the conditions under which this Bureau may gain access to the test bullets, originally turned over to the Archives by the FBI in 1964.

Also enclosed is a copy of this Bureau's acknowledgement of that letter dated May 10, 1977.

The FBI cannot agree to this compromise which directly impugnes the integrity of this Bureau and attacks the validity and trustworthiness of our Laboratory examination, nor can this Bureau comprehend how such encroachment by the HSCA on an investigative matter within the criminal jurisdiction of the FBI is a proper legislative function.

7 MAY 12 1977

Since the impasse between the HSCA, the Archivist, and the FBI has continued to remain unresolved for the past 5 months, the FBI foresees no other alternative in this matter but to return the bullet fragment to the finder in Dallas as he has requested.

MAILED 3
MAY 11 1977
FBI

EX-103 REC-50 2-117290-218

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:

Adm. Serv. 1 - The Deputy Attorney General (Enclosures 4)

Crim. Inv. _____
 Fin. & Pers. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Spec. Inv. _____
 Tech. Serv. _____
 Training _____
 Public Affs. Off. _____

ATTENTION: Mr. Robert L. Kauch

APPROVED: _____
 Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Spec. Inv. _____
 Tech. Serv. _____
 Training _____
 Public Affs. Off. _____

Office of Legislative Affairs (Encs. 4)

CL 1407 (15) SEE NOTE PAGE 2

The Attorney General

NOTE: See memorandum, Peelman to Fehi, dated 5/9/77,
captioned "House Select Committee on Assassinations
(HSCA)"; JCL:bam.

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FEDERAL GOVERNMENT

May 10, 1977

Dr. James B. Rhoads
Archivist of the United States
National Archives and
Records Service
Washington, D. C. 20408

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Fehl
- 1 - Mr. Peelman
- 1 - Mr. Lawn
- 1 - Mr. Mintz
- 1 - Mr. Daly
- 1 - Mr. Cochran

Dear Dr. Rhoads:

This will acknowledge receipt of your letter, with enclosures, dated May 4, 1977.

The conditions stipulated in your letter under which you would agree to loan the test bullets to the FBI are not satisfactory. The desire of the FBI to obtain the test bullets is based upon this Bureau's criminal jurisdiction in this investigation and is neither negotiable nor arbitrable.

I have taken the liberty of forwarding a copy of your letter, with enclosures, to the Attorney General of the United States for departmental review and resolution.

Sincerely,
REC-75
4-10-77
62-117290-25

G. W. Kelley

7 MAY 18 1977

Clarence M. Kelley
Director

MAILED 10
MAY 11 1977
FBI

- 1 - The Attorney General (Sent separately)
- 1 - The Deputy Attorney General (Sent separately)

Asst. Dir. _____	Dep. AD Adm. _____	Dep. AD Inv. _____	Asst. Dir. _____	Adm. Serv. _____	Crim. Inv. _____	Ident. _____	Intell. _____	Laboratory _____	Legal Coun. _____	Plan. & Insp. _____	Rec. Mgnt. _____	Spec. Inv. _____	Tech. Serv. _____	Training _____	Public Affs. _____
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ATTENTION: Mr. Robert L. Keuch
Office of Legislative Affairs
NOTE: See memorandum, Peelman to Fehl, 5/9/77, captioned "House Select Committee on Assassinations (HSCA)"; JCL:bam.

1977 PMS
MAIL ROOM TELETYPE UNIT

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FBI/DOJ