

"For delivery at Univ. of Maryland 7:30 p.m. 6/13/75 by Harold Weisberg

"NEW" JFK ASSASSINATION EVIDENCE

WHITEWASH: The Report on the Warren Report, completed February 15, 1965, was the first book analyzing the Warren Report and the first of five I have printed on the subject. I believe the amount and nature of the work these books required qualify me as an expert on the Warren Commission, its Report and the evidence it used, misused and ignored.

Based on Prior professional experience as an investigator and intelligence analyst, one of the items of quintessential evidence on which I fixed early is the spectrographic analyses of what can be called the ballistics evidence. The Commission went to some trouble to hide the fact that it also had had Neutron Activation analyses done. The Report and the 10,000,000 words of published evidence are silent on the NAA.

Without access to any spectrographic analysis, which for reasons not consistent with complete and thorough investigation the Warren Commission did not have, at this early date, February 1965, it was apparent that the spectrographic analysis of any of the alleged three shots, all allegedly from one rifle in one set of hands and with one type of ammunition - copper-alloy, full-jacketed military bullets - could destroy the conclusions of the Warren Commission.

Here are the Warren Commission's conclusions on this shooting (Report, p.19):

"(1) President Kennedy was first struck by a bullet which entered the back of his neck and exited through the lower front portion of his neck, causing a wound which would not necessarily have been lethal. The President was struck a second time by a bullet which entered the right-rear portion of his head, causing a massive and fatal wound.

"(2) Governor Connally was struck by a second bullet which entered on the right side of his back and traveled downward through the right side of his chest, exiting below his right nipple. This bullet passed through his wrist and entered his left thigh where it caused a superficial wound."

To this was added as gross a lie as officials can tell:

"(3) Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally ..."

Well, we shall see that it could not have been either of the other

two admitted ~~shots~~ and nothing could be more essential to any official findings.

In my first writing of that early date, the first mention of the spectrographic analyses it turns out is completely accurate, confirmed by the limited material delivered to me by the FBI under C.A.226-75. On page 160 I wrote of the so-called "missed" shot, which missed by about 260 feet, that "the curbstone reflects the mark of one of the other types of bullets the Commission declined to consider even though it knew - but did not report - they were readily available in Dallas."

The Warren Commission's expert ballistics testimony was taken from FBI Agent Robert Frazier, even though he testified he was not the right one to give first-person testimony on some aspects. His testimony is vague to the point of meaninglessness. Of the so-called nonfatal shot, he testified of this bullet and fragments allegedly recovered from it no more than that their lead was "similar" (page 164). Of the fatal shot from which five fragments allegedly were recovered in the car, the same bullet that is supposed to have damaged the car's windshield, he told the Commission of two fragments from this bullet found in the front seat that they could not be identified as from the same bullet as three fragments found in the back seat, of all places under the seat on the opposite side of the car on which Mrs. John Connally sat. (p.164) Of the scrapings from the windshield, his testimony was only of "similarity. But unless all this represents a single bullet, there had to have been another shot, another assassin, and the crime is unsolved.

So also was it with all other comparisons, where he could even suggest a relationship.

He even testified of some of the evidence, one of the fragments, "it lacks any physical characteristic which would permit stating whether or not it actually originated from a bullet" (page 164, quoting from 5H67-74).

In short, none of Frazier's testimony is precise. He in no way made positive determinations that the scientific analyses were proof of the Commission's conclusions that are theories rather than facts.

He qualified some of his testimony even more. With the nonfatal shot - Bullet 399 - having had to inflict seven wounds on both victims and from this career to have emerged virtually unscathed, virtually pristine, two excerpts from his testimony are relevant. On the President's clothing and on direction - the bullet having had to go from back to front on both men - his qualification was, "Assuming that when I first examined

... it was in the same condition as it was the time the hole was made." Asked separately about the President's shirt, he applied the identical limitation, "again assuming that when I first examined the shirt it was - it had not been altered from the condition it was in at the time the hole was made ..." Of both holes he testified based on the direction in which the fibres of the edges pointed and that reversal of this direction was possible by pushing them from the opposite direction (page 161, quoting from 5H60-1).

Not only had Frazier no way of knowing whether the direction of the fibres had been reversed at some point in the many handlings between Dallas and the FBI lab in Washington, he further indicated the impossibility of the history attributed to this one bullet that allegedly caused these holes and the more significant damage.

In the Commission's account this bullet transited the President's neck, in some mysterious way avoiding any bone; thereafter smashing four inches of Governor Connally's fifth rib; whence it proceeded to demolish the relatively heavy bones in his right wrist; after which it attached itself to his right thigh bone so firmly that when it later in some magical fashion dislodged itself a fragment refused to leave with it.

This fragment was not removed during surgery.

This bullet is unmutilated and virtually undeformed - so undeformed that in some views its slight flattening is not detectable.

On the lack of mutilation it was Frazier's testimony that "even a piece of coarse cloth, leather [leave [infinitesimal scratches which, when enlarged sufficiently, actually look like marks on the bullet" from the rifling of the barrel (page 163).

The expert testimony is that coarse cloth or leather could have marked this bullet. The evidence is that bones in three parts of Governor Connally's body did not - were not as hard as cloth.

Even the normal testing of this bullet for the residues of human tissue was not made. Nor was there interest in the fact that prior to examination this bullet allegedly had been wiped clean. By indirection Frazier testified there remained deposits that could have been examined - if the bullet had the history attributed to it. Nonetheless, examination for tissue was not made.

Asked, "There was no blood or similar material on the bullet when you examined it?" Frazier responded, "Not that would interfere with the [spectrographic] examination, no, sir" (page 163, quoting from 3H428-9).

This does not even mean that human tissues did remain, essential to the imputed history of that bullet.

In saying he was giving hearsay testimony, Frazier identified the spectrographer as FBI Agent John F. Gallagher. The last Commission witness, called only a week before the Report went to press, was this same John F. Gallagher. His September 15, 1964, testimony (15H746-53) contains no single question about these scientific tests (page 164).

Instead of the FBI volunteering its scientific work to the Commission and instead of the Commission asking for it for inclusion in its record - in 26 massive volumes and some 300 cubic feet of files - the Commission contented itself with the assurance that these tests are "a part of the permanent record of the FBI" (page 164, quoting from 5H69).

When Attorney General Ramsey Clark issued an executive order on October 31, 1966, under which all the evidence was to have been transferred to the National Archives, I went to the Archives and asked for these analyses. None were transferred. When Mr. Marion Johnson that very first morning phoned FBI Agent Courtland Cunningham for me and asked about these test results, Cunningham referred us to a single FBI lab report which does not and could not include these results. It is the unsigned lab report of November 23, 1963, addressed to then Dallas Chief of Police Jesse Curry.

My interest in the absence of these most basic proofs from the Commission's enormous record (which does include elaborate analyses of Lee Harvey Oswald's pubic hairs) was increased by the fact that each and every one of the Dallas doctors who testified on the Governor's wounds (WHITEWASH pp.167-87) said that the history attributed to the nonfatal bullet was impossible. The Commission substituted for this complete denial of its most basic conclusion the response of these same doctors to a hypothesis.

In the questioning of one of these doctors, Dr. Charles Gregory, this came out as "assume, if you will, another set of hypothetical circumstances..." (page 173, quoting from 4H127).

Dr. Robert Shaw also indicated the impossibility of this magical performance by this single bullet, Commission Exhibit 399. He was questioned by Commissioner Allen Dulles:

"Dr. Shaw. ... and we still do not know which bullet actually inflicted the wound on Governor Connally.

"Mr. Dulles. Or whether it was one or two wounds.

"Dr. Shaw. Yes.

"Mr. Dulles. Or two bullets?"

"Dr. Shaw. Yes; or three." (Page 176, quoted from 4HL09)

All three autopsy doctors also testified opposite to the Report's conclusions about the possibility of this bullet doing what was attributed to it, inflicting seven wounds on two victims and emerging un mutilated and virtually pristine. Commander James J. Humes used such words as "most unlikely" and "do not understand how it could have" and "I think it extremely unlikely" and "I can't conceive" when he testified with that bullet in his hand. Asked about this testimony, Commander J. Thornton Boswell and Colonel Pierre J. Finck agreed. When Colonel Finck, a wounds ballistics expert, was asked if he would "modify" Humes' testimony on this "in any way," Finck responded bluntly, "No." (page 165, quoting from 2H381)

That the expert medical evidence actually was opposite the Commission's conclusion makes these missing scientific tests more important. This testimony makes it virtually certain that the tests, if fully and honestly made and interpreted, have to prove the Report and its conclusions false. Otherwise, all the credible expert evidence is wrong.

Why else should the tests not be in the Commission's evidence and records?

J. Edgar Hoover was well aware of this.

Before there was a Warren Commission, as Hoover testified, President Lyndon B. Johnson put Hoover in direct charge of a "special investigation" for the President because otherwise, there being no law-enforcement purpose for the Federal Bureau in what was then a state crime only, "there is no federal jurisdiction." Attorney General Robert Kennedy was bypassed "within the first 24 hours." Because "it was the desire of the President to have this report completed by the Bureau just as quickly as possible, and as thoroughly as possible," Hoover had about 150 men at that time working on the report."

Hoover testified of the work of this enormous task force of FBI agents, "I have read and signed all the replies that have come [sic] to the Commission. In addition, I have read many of the reports that our agents have made." Further, "I myself go over these to see that we haven't missed anything or haven't any gap in the investigation so it can be tied down ..." (WHITEWASH II, quoting from 5H98-9).

This definitive FBI report totaled five bound volumes. It became the Commission's first file, identified as CD for "Commission Document" 1.

This report is a massive propaganda job on Lee Harvey Oswald. Here is what the Commission members admitted to themselves in their executive

session of January 22 of this FBI report and the Hoover and FBI attitude toward the Commission:

While it is the undeviating FBI practice to say it does not "evaluate," in this case "the FBI is very explicit that Oswald is the assassin ... that there was no conspiracy, and they are also saying in the same place that there was no conspiracy." But "they have not run out all kinds of leads ... They would like to have us fold up and quit ... This closes the case ... They have found their man. There is nothing more to do. The Commission supports their conclusions, and we can go home and that is the end of it."

It is pertinent and instructive to note that this transcript was withheld from me from 1967 until March of this year, on the spurious ground that it was properly classified "TOP SECRET," which means that it could cause a war. It is not the only such instance. In C.A. 2052-73 the government actually swore falsely to this, following which it released to me the executive session transcript of five days later than this one. Neither qualified for classification.

Not irrelevant is the way Commissioner Dulles closed this January 22 executive session: "I think this record ought to be destroyed." The existing Commission records indicate it was. Fortunately, the stenotypist's tape escaped the memory hole.

The Commission's immediate problem was not only that Hoover had reached conclusions before it had begun its work. Nor was it only that he had it boxed in, foreclosed from any real investigation when it depended on the FBI for most of its investigators and all its laboratory work.

Hoover's conclusions disagreed with and refuted those reached by the Commission.

Perhaps the most atypical part of those five bound volumes of Hoover's report, CD1, is that it makes virtually no reference to the actual assassination. I made careful examination of this report and added this charge to WHITEWASH, the first book (pp.192-5). It has never been refuted or even questioned. I sent a copy to each member of the Commission and to Hoover.

These are Hoover's only references to the actual assassination and to what makes the complete scientific test results sought in C.A.226-75 more important. Both are in Hoover's first volume.

In the first and extremely limited mention, under the heading, "I. THE ASSASSINATION," the FBI report says "two bullets struck President Kennedy, and one wounded Governor Connally."

The Secret Service reached the same conclusion in a report ignored by the Commission and published in WHITTEWASH II (page 168): "President Kennedy w.. was shot. Immediately thereafter Governor Connally ... was shot once. The President was then shot a second time."

Hoover's second reference, on page 18, reads:

C "Medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, ..."

C This directly disputes the Commission's conclusion that one bullet, which entered the neck rather than "just below his shoulder," inflicted the nonfatal wounds on the President and on the governor. Hoover had in his possession the spectrographic analyses I seek in C.A. 226-75 when he said this. He did not say that these scientific tests proved one bullet hit both men. He did have a fragment from Governor Connally tested, with the bullet allegedly having done all of this.

P With these results in his possession, Hoover said the opposite, that separate bullets caused the nonfatal wounds on both victims. The Secret Service said exactly the same - two bullets, not one, caused the nonfatal injuries.

Y The November 28, 1963, date of this formerly suppressed Secret Service report is five days after the FBI gave the head of the Secret Service the results of the initial scientific testing. The Directors of the FBI and the Secret Service are experts. Both are in fundamental disagreement with the Warren Commission in a manner that refutes the commission's entire Report after both had this still-suppressed scientific evidence.

Both agencies, however, entirely ignored the so-called "missed" bullet.

The best experts the Commission could get could not begin to duplicate in time or accuracy the shooting attributed to the duffer Oswald, evaluated by the Marines as a "rather poor" shot. So nobody could admit that more than three shots were fired. Even three shots made an impossible story.

The blood of James T. Tague made this problem acute. Tague was then and there wounded. He bled. It is amply recorded in the immediately available evidence.

Within minutes Dallas Patrolman L. L. Hill radioed, "I have one guy that was possibly hit by a ricochet from the bullet off the concrete."

Tague had immediately reported his injury to Deputy Sheriff Buddy Walthers. Photographs of the point of impact were taken by a newspaper and X a TV cameraman.

At the same time, Patrolman J. W. Foster, stationed higher up, on the Triple Underpass as the three adjoining railroad bridges are called, reported seeing still another bullet hit between where Tague had been standing and the Texas School Book Depository Building, the alleged source of all the shots. Pictures exist of Walthers examining that point. Other impacts of other bullets were reported. I have personally examined one totally ignored by all official investigations although it, too, was immediately reported.

Tague was no less explicit than Walthers in describing the point of impact of the bullet that caused his injury. Walthers said "it appeared that a bullet had hit the cement" and Tague that "There was a mark. Quite obviously, it was a bullet, and it was very fresh." (WHITEWASH, p.158, quoted from the Report, p.116, and 7H547,553)

None of the official explanations include any account of the other reported and confirmed impacts of bullets.

But the Commission felt it could not get away with the Hoover solution, which was to ignore the wounding of Tague, as the Secret Service also did.

Hoover, who knew what the existing evidence could and could not bear, had to ignore more than the shot that wounded Tague. Hoover also ignored the known and reported wound in the front of the President's neck. His supposedly definitive account - the result of the intensive work of 150 agents - after he had read every word passed on to the Commission, which includes the above-quoted evidence, makes no reference at all to this anterior neck wound.

It cannot be because in five volumes so large binding was required he lacked space. Nor can it be because he did not know. It was widely reported - publicly.

It was because, had he not tried to stonewall it this way, he knew that he would be admitting what the facts make beyond question, that there had been a conspiracy, whether or not Oswald was part of it and whether or not Oswald had done any shooting.

All officials were horrified at the thought that there had been a

conspiracy. Former Solicitor General J. Lee Rankin who as general counsel ran the Warren Commission told the members in that formerly TOP SECRET executive session of January 22, 1964, about reports that Oswald had served the FBI and/or the CIA. If "it ever came out and could be established, then you would have people think that there was a conspiracy to accomplish this assassination that nothing this Commission did or anybody did could dissipate," Rankin lamented.

Commissioner Dulles' reaction was, "Oh, terrible." Commissioner Boggs added, "The implications of this are fantastic." Dulles then uttered a single word: "Terrific."

This is what immediately preceded the previously quoted admission that the FBI had decided what would and could be said without its investigation completed and regardless of what the Commission wanted to do and find.

The reason Dulles declared, "I think this record ought to be destroyed" and the reason the transcript was illegally classified TOP SECRET and suppressed for more than 11 years are not because it could start a war.

The man who was to become our first unelected President was there and did participate in these deliberations.

Five days later the same subject with its "terrible" and "terrific" implications came up again. Rankin did not charge the Commission with the responsibility to get to the bottom, to develop and disclose the truth, whatever it might be. Rather did he tell them that they had this "dirty rumor" and their obligation, in investigating the assassination of the President, was to "wipe it out."

That is what is being tried with these scientific tests I have sought for a decade. In my first suit the government manipulated the courts and accomplished a rewriting of the law by deceptions and misrepresentations. Then Congress amended the law last year. In the debates that suit, Civil Action 2301-70, was cited as the first of four requiring amending to give the law the meaning the Congress intended before the executive branch corrupted the law by dishonestly procured court decisions.

To now, with the exception of these suppressed executive session transcripts, I have dealt with the so-called "old evidence" only. Thus I have cited the very first book on the subject to date the "age" and say how "old." It was so long enough ago many of you then believed the biggest thing in life was a sandpile and a toy shovel.

I am, of course, happy that the phrases I used that long ago to reply to the official reaction to this "old evidence" as I had put it together is now achieving a new popularity. I welcome it.

There was nothing wrong with this old evidence except that it was abused and ignored and misinterpreted.

I remember my spontaneous reaction the first time I was confronted with the demand for "new" evidence back in 1966: "What is wrong with the old evidence except that it destroys a false 'solution' to the assassination of a President?"

I then compared this with the errant husband who complained about the alleged deficiencies of the wife he was never home long enough to appreciate.

The only trouble with this "old evidence" ~~is~~ that it destroyed the Warren Report. With so many files still suppressed, who could present "new evidence?"

Thanks to the Congress, which enacted the fine Freedom of Information law to try to give the people access to public information, it has been possible to end some suppressions of what the bureaucrats could not live with. By this law I have ended some suppressions in court and out. You will hear more about this fine law tomorrow.

Once the Congress amended the law and made it specific that these test results could not be denied me, the government had a choice between two kinds of stonewalling or admitting a fake official "solution" to the assassination of a President.

It could claim that because I asked for "results" and it had no "results," there was nothing it could give me in response to this suit. Or it could opt the course it took, offer me as an alternative the so-called "raw materials." On March 14, 1975, it told my lawyer, Jim Lesar, and me exactly this: that there never were any compiled results. And while in the first suit it had sworn that the FBI would be a shambles and there would be no possibility of fighting crime if it gave me the raw material I never asked for, now it offered this same raw material without fear of the demolition of the FBI attested to in the affidavit of FBI Agent Marion Williams.

You and I go to jail for that kind of ^kswearing. But who prosecutes the prosecutor?

In another false affidavit the government swears it has given me all. This was sworn to. It is false. I have proven the fals~~e~~ swearing

in court.

It is the prosecutor who presented this false swearing to the material - which means perjury - to the court.

But, who does prosecute the prosecutor?

However, what I have received is enough to destroy the integrity of all those who knew of it and were and remain silent. It also destroys the Warren Report. It is incomplete. We have specified to the court some of what is withheld after the swearing that none was. What I have received leaves no doubt about intent, particularly among the countless silent of the FBI.

Numberless people, from clerk to agent and higher, have to know the truth and that lies were told. So also did many eminent lawyers on the Warren Commission, one of whom achieved recent fame as Executive Director of the Rockefeller Commission.

David Belin had the best credentials with this kind of past!

Those who disagree with his selective misrepresentation of fact are to Belin "sensationalists."

Having done more than one man's share to turn history around, we can grant Belin the right to believe the world is flat.

True believers like him are, however, a minority.

There was this awful crime of silence.

Silence about the "old" evidence and about the "new."

There are two kinds of this "new" evidence: what the Commission suppressed and for varying periods of time, including ~~the~~ moment, the government keeps suppressed; and what the Commission never had. I have, over the long and difficult years, accumulated a large store of both kinds.

Nothing could have been withheld from the Commission if it had wanted any of the evidence it did not have. It had the power of compulsion, the power of subpoena.

It did not want these scientific tests or it would have had them.

If the FBI is now telling the truth, then the Commission, on demanding the tests, would have learned that they were never really made. Sure, samples were examined, some samples and in some ways. But the real job - unless the FBI is now committing another perjury in a federal court - was never done.

There ~~are~~ no tabulations of, for example, all the components of the ammunition allegedly used in the crime. Not one itemization, anywhere!

There is no tabulation of all the measurements of all these components

in the various specimens supposedly tested. Not one!

Without these how could the Commission begin to understand or have any independent check on the interpretation given these non-existent - we are today told - results?

They are important. Spectrography is not a new science. In an old text, Crime Investigation, published in 1953, we find, under "Spectrographic analysis" (pp.274-5) that "The method is based on registering photographically the spectrum of each of the samples compared as well as blank and calibration spectra on the same plate under conditions as nearly identical as is practical. When the plate is developed all spectra have identical development and will be strictly comparable regardless of other conditions. If two samples yield identical spectra in all observable particulars they have identical composition regardless of what the composition may be. ... it does allow the operator to state that one sample has closely the same, more or less of a metal than another sample. ... if the samples have actually different origins there will almost invariably be differences in some of the constituents of such magnitude as to be readily discovered."

The use of spectrography, this text states, is outstanding ... in metal analysis." Bullets are of metal.

So, with "the constituents" of the metal an essential in this testing, the foresighted FBI saw to it that there is nowhere a tabulation of all the "constituents" of its standards, fabled Bullet 399 and the less well-known one, the unfired, complete bullet found in the rifle allegedly used, Exhibit 141.

An even older standard text, Forensic Chemistry and Scientific Criminal Investigation, was published in 1935 - 50 years ago. Under "Projectiles" (pp. 265-7) it illuminates the importance of scientific analyses with a series of "Illustrative Cases." The first two alone make our point. In the first "A nightwatchman suspected of the crime [shooting another] escaped conviction because the projectile did not agree with the composition of the slugs in the cartridges with which he was supplied."

In the second a man suspected of wounding another was found innocent "because the shot from a cartridge seized in his house was found of chemical analysis to differ in composition from the shot extracted from the wounded man."

Neutron activation analysis is an even finer test. That these tests were made was a major Warren Commission secret.

I have here a sample of some of this "new" evidence. Some, referred to in what I shall now read, the Archives did not supply when, after all the stonewalling it dared, it gave us some of the records the FBI actually refused us while swearing that it had held nothing back.

Under date of December 11, 1963, Paul C. Ebersold, Director, Division of Isotope Development of the AEC, wrote then Assistant Attorney General Herbert J. Miller, Criminal Division, Department of Justice, that "Within less than 24 hours of the assassination" the AEC had "offered our assistance and that of our laboratories experienced in obtaining criminalistics evidence by means of nuclear analytical techniques."

Ebersold spelled out the potential:

It "... may be possible to determine by trace-element measurements whether the fatal bullets were of composition identical to that of the purportedly unfired shell found with the Italian carbine."

FBI Director Clarence Kelley assured us under date of April 10, 1975, that this comparison was not made.

Note these quintessential words: "trace-element measurements" and "identical."

Without a complete listing of all the components of the unfired bullet and of each of the other samples, how was this possible?

Yet under oath and in court we are assured that the vaunted FBI did not do these things, like tabulate all the components of the various samples tested. Or the "results."

Can one imagine this omission if it proved the case?

Hoover demurred, even tried to talk the Commission out of neutron activation analyses, according to several letters that have over the years emerged from that evidentiary swampland in the National Archives. (have samples with me)

Ebersold, the AEC's expert, was in his own word "eager." He drew this conclusion:

"Our work leads one to expect that the tremendous sensitivity of the activation analysis method is capable of providing useful information that may not be otherwise obtainable."

What better reason for keeping the whole thing secret and entirely out of the Warren Report? Or for Hoover not to be in favor of it?

Want more "new evidence" on this alone?

After he could no longer stonewall us because we had filed suit, FBI Director Kelley itemized what was subjected to neutron activation testing in his April 10 letter.

I will not mince words with you. At the outset I tell you what he said is false and we have established the falsity in court, in an affidavit Jim Lesar filed for me on June 3, only 10 days ago.

The bullet that the AEC said held all this potential, Exhibit 141, was not tested, according to Kelley. Of two fragments of bullet found on the front seat of the President's limousine, one, the one entirely of copper alloy, was not tested.

When poor overworked Bullet 399 is supposed to have had the first of its wearying impacts on the President's jacket and shirt, back then front, neither the jacket nor the shirt was tested. When it is alleged to have nicked JFK's tie, the tie, too, was not tested.

So says Kelley.

I am reminded of the obscenity I used to hear when I first started raising questions like these in discussing this first book on the Warren Commission: "What difference does it make. The President is dead, isn't he?"

~~Exhibit~~ The last person I recall pulling this indecency was the late Louis Lomax. That is the only time I've ever been beeped and when I stalked from the TV studio, the audience followed.

I don't know what Mr. Kelley knows and does not know. But I do know that in the standard FBI method for deceiving courts by having a man without first-person knowledge execute a false affidavit - in the hope of escaping a charge of perjury for false swearing - in this case they made a serious mistake. As my June 3 affidavit informed the court, either Special Agent John W. Kilty lied under oath or Director Kelley did.

The Kilty affidavit was long delayed. Jim Lesar filed this suit on February 19. The Kilty affidavit was executed May 13. In what is also a standard FBI device in my suits, this affidavit was then withheld from us so we could not prepare to tear it to shreds in open court. Instead, it was handed to us in the courtroom on May 21, just as court began.

Kelley says the clothing was not tested. Kilty swears, in his seventh numbered paragraph, "that the FBI Laboratory employed methods of elemental analysis, namely neutron activation analysis and emission spectrography." Both, he swears, "were used to determine the elemental composition of the borders and edges of holes in clothing and metallic smears present on a windshield and a curbstone."

How "new" is this evidence? Well, Director Kelley did not have it a month earlier. Or he lied. His letter states that all the testing

done, which is what I filed suit for, did not include either the clothing or the windshield or the curbstone, the one from which the spray of concrete made Tague bleed.

Do you for one minute think that if the copper-alloy jacket of the bullet that allegedly hit the President in the back of the neck was, as Ebersold put it, "identical" with the traces on his jacket this would ever have been kept secret? That there would have been silence in ~~xxx~~ response to the disclosures of WHITEWASH and my handling of this evidence in the following books? That the government would have forced me to go all the way to the Supreme Court to deny me the scientific analyses?

Would they not have proclaimed it as the given word? Had it on the front page of every newspaper? On TV and radio?

The processes are not secret. Only the results of the tests were.

Why keep the results secret if they prove the Warren Commission was right?

Why would Kelley write us that the copper-alloy jacket of the fragmented bullet was not tested? That the whole bullet was not tested? That the clothing was not tested? Or the curbstone?

These are not just questions. This is all "new" evidence.

It is this new:

I got it only by suing for the fifth time, the second time for this evidence. I have not written an article on it. I have not made a single speech on it. And I did announce that when I had all I would give it all away. I do not yet have all of it, despite the oaths of the FBI.

Some of it can be shown in pictures. I have a combination of these pictures for you here and now for the first time ever. In this the "old" evidence becomes the "new" because of this suit. It has to do with that curbstone.

It is "old" that the FBI, fabled in its self-promotions, pretended for nine months that it could not find this curbstone when the whole story was known immediately. Two photographers, Deputy Walthers and Victim Tague are among the many who observed it and knew where it was. It also is "old" that when this failed the vaunted FBI tried to talk the Commission out of its interest, consistent with Hoover's complete omission of any mention of this "missed" shot in his so-called "definitive" report. It is "old" that when this failed the FBI went further. All of this I had written by February 15, 1965. It is in WHITEWASH on page 158. "Old" but maybe not to you.

The FBI had these pictures of the mark on the curb. (Display) And they are, as you will see, clearly marks of some kind of very visible damage. Yet the FBI reported, "It should be noted that, since the mark was observed on November 23, 1973, there have been numerous rains, which could have possibly washed away such a mark and also the area is cleaned by a street cleaning machine about once a week, which would also wash away such a mark."

The rains blew and the machines flew and the Commission had its way. The FBI sent Photographic Expert Agent Lyndal Shaneyfelt down to Dallas to save that curbstone for posterity. He had no trouble finding it. He used their existing pictures taken by Tom Dillard and James Underwood and the two professional photographers. With them he went where they said and where their pictures showed and then he had this curbstone dug up and with it he flew back to Washington and to the FBI labs.

Believe it or not, this is your FBI. The rains and the machines did not wash the evidence away. Yet with the pictures and the live witnesses the Dallas Field Office could not find the spot where poor Tague bled seemingly in vain.

There is an FBI report on this adventure into the disaster that was not wrought upon the curbstone evidence by the weather and the brushes of the machines. It emphasized and concludes "that no nick or break in the concrete was observed in the area checked, nor was there any mark similar to the ones in the photographs taken by Underwood and Dillard." (Shaneyfelt Exhibit 26, 21H474)

Does one not wonder why, when Tague did bleed and the police did report the impact of the "missed" shot, the derring-do FBI did not then and there go and preserve this evidence? Before the rains blew and the machines flew?

Especially when it had FBI agents there, at the scene?

Does one not also wonder what could have made poor Tague bleed?

The late St. Edgar, who should have written a text on semantics, wrote the Commission about all of this under date of August 12, 1964. You'd never know the date from the copy the FBI gave me under this suit. (hold it up) It was necessary for the FBI to mask this rather poor carbon copy. They say it is because they have a right to keep internal distribution secret under the law. I suggest it is to hide the identities of those with guilty knowledge.

But even the date is "internal" and masked when it is not secret and also was in WHITEWASH?

Being careful not to say that this bullet came from the so-called sniper nest, Hoover told the Commission that "assuming that a bullet shot from the sixth floor window of the Texas School Book Depository Building struck the curb on the south side of Main Street at the location of the mark described above and assuming it passed directly over the President, the bullet would have passed over the President ... 5.3 seconds" after the President's head was blown apart.

C This is within a fraction of a second of the entire time permitted for the entire assassination in the official account of it.

O This "missed" shot "would have passed over the center of Elm Street at an elevation of about 18 feet from the street level" and struck the curbing 260 feet farther away than the President was when he was killed.

O This is the Marine Corps Oswald, a "rather poor" shot, not the expert who placed those two perfect hits of the official account.

P Of course, if this was not the last shot the whole official tale is ended on this basis alone.

And the shooting was even more terrible.

P Hoover was expert on covering Hoover. He made a record to which, in extremity, he could refer. With translation into plain English, of course.

Y The FBI found no traces of copper on the curbstone. This, Hoover wrote, "precludes the possibility that the mark on the curbing was made by an unutilated military-type full metal-jacketed bullet..."

How else then was this damage caused? There was the spray of concrete that made Tague bleed. And nothing but air between the window and the curb.

Hoover added detail: "It was also determined from a microscopic study that the lead object that struck the curbing causing the mark was moving in a general direction away from the Texas School Book Depository Building."

Even for Hoover, this was a masterpiece. Could any shot have been fired from anywhere in that building without moving "in a general direction away" from it? Could any shot have been fired from that side of the triple underpass, which is a complete north-south barrier, regardless of where it originated, and this not have been true of it? No. Any shot fired would have been "in a general direction away" from that building.

Translating the rest into non-Hoover English, he could not and did not associate whatever struck that curbstone with a shot that struck the car or its occupants.

There is no evidence that the fatal bullet sent a fragment that far and common sense and the laws of physics, not the FBI lab, eliminate the possibility.

This is what forced the Commission into the so-called "single bullet" theory. It never was any more than a theory and it never had any factual or evidentiary basis. Otherwise there had to be acknowledgment of another assassin, which means conspiracy, or "Oh, terrible," "Fantastic."

Attached to this carbon of this Hoover letter the FBI gave me two other pieces of paper. One is a partly-masked FBI lab work sheet. Content, not just distribution, is masked in this case. (Show)

Under "Specimens submitted for examination" is written "Piece of curbing," followed by this summary, "Small metal smears (see attached for location) were run spectrographically (Jarrell-Ash) & found to be essentially lead with a trace of antimony - Could be bullet metal. No copper observed."

Well, it could also have been type-metal or a wide variety of other lead alloys, as Hoover himself wrote the Commission March 18, 1964. The combination is very common, he said, and ticked off a list of them, including "lead alloys," and common paint.

There has been more magic and don't miss it. Where the concrete erupted with sufficient violence to draw Tague's blood there is no nick, hole or mark of any kind other than a smear.

To what, then, does the FBI attribute Tague's wound? To the whiff of that "smear?" More magic?

In other ways but not this we are helped by the attached sketch. (Hold it up) It shows the top and the bottom of the curbing, the top by a squiggly line because the top had a curved edge; and the bottom by the line of the paving of the street. While the painstakingly careful FBI fails to orient the "smear" from top to bottom, it shows it to be in about the middle. If anything, a little closer to the street than the top of the curbing. By actual measurement the smear is located within an eighth of an inch of exact laterla center.

Under it is another sketch. (Hold it up)

This shows the alleged angle, 33° . Now if you carry this back some 500 feet, you are way above the top of the sniper's alleged perch. At 33°

that shot came from the man in the moon. And what kind of ricochet could have gone downward at 33° and had the force to blast and spray concrete?

If this is not enough, there is yet the direction.

Hoover said "generally away" from the alleged sniper's perch, which would have been to the left in this sketch. But the sketch has an arrow and it shows the direction of whatever magical object caused the so-called "smear" as coming from the right.

Well, that one could not have come from the man in the moon because at a little over 20 feet from the Triple Underpass it would have had to originate in the top of the underpart of the bridge.

This is "new" evidence indeed! Does "new" describe it adequately? It is all completely impossible.

Among the falsely sworn FBI statements is that I was given all the results of all the tests. Yet this combination of papers establishes that there were both microscopic and spectrographic examinations of this piece of fabulous curbing and neither was given me.

By now the reason should be fairly obvious.

This "smear" cannot have been caused by one of the so-called Oswald bullets. If, indeed, by any bullet.

Look at one. (Hold up.) This one was pulled from the shell. It is about a quarter of an inch in diameter, with a lead core only about half of that, an eighth of an inch.

Yet this FBI sketch shows that the "smear" was an inch and three-quarters high - considerably longer than the bullet with its copper jacket intact - and an inch wide. And it held no copper.

It is to gild the lily to say no more than that this, too, is an utter and complete impossibility.

We are left with two choices, the concrete clearly and to the FBI's knowledge having been damaged: the FBI dug up the wrong curbing or it was patched. I have examined it several times, first in 1966 and then last month, when I had pictures taken of which I'll show you one.

Coinciding with where the contemporaneous pictures show the hole caused by the bullet there is what is visibly a different shade in the picture and I tell you actually is a different texture - much smoother.

Whichever is the case, it is one way to investigate the assassination of a President. I leave the characterization to you.

It is not the way to determine fact and truth.

Tague did indeed bleed. There was visible physical damage - at the

top - not where the brushes sweep the streets.

Take a good look at the contemporaneous pictures. (Hold and take a little time) The enlargement of Underwood's TV film is not as clear but it is unmistakable that there is a hole, a real hole, and that the shades are different. Its size is indicated by the fingers. Fresh concrete is exposed.

The Dillard picture provides comparison with a ball pen or pencil. It is anything but an inch and three-quarters by an inch.

There definitely was a hole caused by a bullet when John Kennedy was killed. What is wrong with this "old" evidence of which the FBI knew immediately? What is right, when Hoover was put in charge immediately and read everything, with his letting the FBI ignore this essential evidence and continue to ignore it for nine months until - "new" evidence - it allegedly no longer exists?

An obvious conclusion is that this curbstone evidence would in and of itself be a separate and definitive destruction of the official mythology about the assassination of our President. Why else would Hoover's "definite" report ignore it? Whether by digging up the wrong curbstone or by accepting and palming off a patched one or by "testing" the wrong part of whichever curbstone or by suppressing these and other test results, the integrity of the FBI is very much in question and in jeopardy. Clarence Kelley was to cleanse the Bureau of the sins typified by the short career of L. Patrick The Watergate Incinerator Gray. But Kelley's letter to us incinerates evidence quintessential to an acceptable explanation of how our President was killed, if not by whom.

And it incinerates his integrity or condemns his agent as a perjurer, a felon.

But if Kelley did not lie, what more sensational "new" evidence can there be than that the FBI did not make the most important of the neutron activation analyses of the evidence vital to the acceptance of the official explanation of how the entire system of society was turned around - subverted - by this assassination?

Can there be more significant "new" evidence than that we have an FBI Director who is content with this, his own "new" evidence that there never was anything reasonable people can call an investigation, never an intent for a real investigation of this assassination?

John Kennedy was consigned to the memory hole by this kind of noninvestigation.

Decent, concerned people must cry out in anguish against it.

There is much more "new" evidence. I have not been able to print it. Who can know when this is the character of the "investigation" how much more there is or can be than what in more than a decade I have been able to rescue from shameful oblivion?

Can we accept this in silence and still hold our heads up and call ourselves decent citizens? I ask you!

I didn't hear you. What say you?

It is particularly gratifying to me that after more than a decade you are gathered to exercise your Constitutional rights - may we call them obligations? - to petition the Congress for the redress of grievances. My first book concluded that the need was for a new and a real investigation, by the Congress and entirely in public.

Some Members of the Congress have already signified they believe an investigation - meaning a real one, the first official real one - is needed.

We can help bring this to pass if we are responsible and stick to factual evidence, without embellishment, exaggeration or what has too often been the tragic actuality, inventing it.

When we have and will have still more of this "new" evidence of which tonight you have had only an example, our problem in this effort which can restore some of the integrity we lost with the fake inquest is not evidence, "new" or "old."

Our problems include fear and ignorance, fear of the truth that will heal, not harm; and ignorance that comes from a refusal to see and understand.

Both we can overcome.

Our country needs it.

You and those you represent can be cleansing and healing if you help remove this ugly and dangerous cancer.