

(Draft)

DECLARATION OF GREGORY STONE

I, Gregory Stone, declare as follows:

1. I reside at 2349 North Early Street, Alexandria, Virginia, 22302.

2.) For over ten years I have been deeply interested in the Robert F. Kennedy assassination and the evidentiary questions surrounding it. I have developed a certain amount of expertise on some aspects of the case and have worked closely with or for other persons who share these interests, including the late Congressman and Ambassador Allard K. Lowenstein, Paul Schrade, a friend of Senator Kennedy's and a victim in the shooting, and Robert J. Joling, former President of the American Academy of Forensic Science. I have written and spoken about the case, testified about it before the Los Angeles Police Commission, co-authored a memorandum on it requested by the Los Angeles County Board of Supervisors, and carried on research and correspondence with respect to it. I am interested in the case for both general and scholarly reasons and expect to do substantial further work on it in the coming years.

3. I believe that key questions of fact on the fundamental issues of the assassination are at present unresolved, based on the information currently in the public domain. I also believe that adequate public understanding of ~~substantive~~ a of this kind in American history is a matter of exceptional importance, and is rendered even more critical because of the ongoing grave problems in substan-

tiating the current official "lone assassin" theory of the case. In my judgement an understanding of the nature and effectiveness of the response of governmental and societal institutions to a tragedy of this magnitude is also of profound importance. Such an understanding can not only prepare us better to deal with such events in the future, but also has independent scholarly and public interest value for insights into the nature of these institutions.

4. Many of the most important facts casting doubt on the official theory of the assassination come from the reports and observations of the official investigators themselves. In the history of controversy about this case there has been a persistent tendency for important official claims to be contradicted by the very findings of the investigative personnel on which they are purportedly based. In other instances, the primary information has tended to fully or partially corroborate official conclusions, which serves both to refine our specific knowledge of the case and to lay to rest plausible but unfounded concerns or irresponsible charges. Thus, the primary observations of the investigators involved are of crucial importance in understanding the case as a whole. I intend to write about this assassination in the future, and such materials and corroborative information originating from the early investigative efforts are essential source materials.

5. In the mid-1970s, I corresponded with the FBI about one finding in their official reports of the crime-scene investigation which decisively contradicts their formal conclusion that only one gun was fired at the scene of the crime. No adequate explanation was forth-

coming with respect to the obvious discrepancy between evidentiary reports and official conclusions, and there was seemingly little or no interest on the part of my official correspondents in the fact that their own findings impeached a fundamental judgement concerning the nature of this crime. I have since spoken with a former FBI special agent whose observations at the crime scene are similarly consistent with the FBI crime scene reports and inconsistent with the current official theory about the number of shooters. Other similar information has also come to light. I believe that a lack of concern, if present, about a matter of such great importance is reprehensible on the part of a responsible law enforcement agency.

6. In consulting with my attorney in connection with the preparation of the Freedom of Information Act request to be filed on this case by myself and Professor Philip Melanson, I emphasized the importance of the names of individual agents as part of the requested disclosure. This is important for several reasons, and a prior release of headquarters FBI files in the mid-1970s has routinely deleted such names, significantly hampering its usefulness. Our initial letter to the FBI, dated December 22, 1984, stated in part:

"We request that the names of the FBI Special Agents and other personnel involved in the investigation not be excised absent specific facts showing that there is an actual serious threat that personal jeopardy or extreme embarrassment unrelated to the handling of the assassination investigation would result from such disclosure... The Warren Commission released thousands of documents concerning the assassination of President

Kennedy, a comparable national tragedy, without deleting the names of any of the investigating agents."

(pp. 2-3)

7. Notwithstanding this request, the most recent release of FBI material routinely excises the names of all law enforcement personnel, FBI and otherwise. The use of such deletions, absent some serious or unusual circumstance of danger or sensitivity, strikes me as being not only very detrimental to the usefulness of the files, but also as serving no constructive public purpose. Other possible purposes for such deletion practices might be to avoid specific accountability for investigating agency performance or to forestall access to substantive information germane to the evidentiary issues. If they exist, such purposes are demeaning to the agency involved and dangerous to the public.

8. I am aware of numerous past instances in which the names of specific FBI agents and other law enforcement officials who worked on this investigation have been matters of public knowledge. With the limited research files currently in my possession, I have identified the names of 26 agents or personnel who worked on the assassination investigation, all made available in the context of official actions, investigations, interviews, etc., they were engaged in during their work on the case (\*list names). I do not know of any instance in which the availability of the name of the agent involved has caused serious personal inconvenience or difficulty to that individual. I am similarly unaware of any serious private burden created by the identification of the many public and law enforcement personnel from other participating agencies whose names have long been well-

known known,

9. The names of several FBI special agents who worked on the case have long been available in a variety of routine situations characteristic of the free flow of information about an important public event. Among these ~~are~~ ~~the~~ ~~following~~ are the following:

a.) The FBI liaison with the Los Angeles Police Department, along with a long list of LAPD officers and other officials who worked on the case, was ~~disclosed~~ ~~in~~ the book Special Unit Senator, published in 1969 and written by the Chief of Detectives of the Los Angeles Police Department.

b.) The names of ten different special agents involved in the investigation were ~~given~~ ~~in~~ connection with their investigative activities in the Book RFK Must Die!, published in 1970. Agent names were listed in the book's index.

c.) One former special agent, now a professor of police science, introduced himself to a former Los Angeles Assistant District Attorney following a speech by the latter which touched in part on the case. This suggests that identification may ~~be~~ ~~welcome~~ to some or many of the individuals concerned.

d.) The name of the Special Agent reporting in this investigation has been available for nearly ten years as a result of earlier FBI releases pursuant to FOIA.

e.) In a report on the assassination filed in 1977 by a former Special Counsel for the Los Angeles District Attorney's office, the names of two FBI special agents who worked on the case were noted. Both had been contacted directly by the Special Counsel because the subject of their findings or observations re-

remained germane to ongoing controversies about the evidence.

f.) Material entered as prosecution exhibits in the formal trial record of the case, available in the past at the Los Angeles County Clerk's office and now at the National Archives included many wholly unedited FBI reports, ~~including the name(s) of the~~ the name(s) of the special agent(s) reporting and/or other FBI personnel. In the files which I have immediately at hand, I have located the names of 17 such agents, available in these public records since 1969.

10. 10. I note that in the materials on the assassination released by the FBI to date, both in the mid-1970s and in the recent release, the names of specific witnesses, sources, and even suspects from the general public have been substantially available. (Certain kinds of private information regarding the named individuals have, of course, been appropriately deleted in cases.) In no case of which I am aware has the release of such names by the FBI caused serious personal inconvenience or difficulty for the party involved. The risk of ~~such~~ inconvenience may at times be present, however amply justified by the overwhelming public importance of this investigation. I think that such minor risks would fall at least as appropriately on paid professional employees of an agency serving the public as on accidental witnesses, bystanders, investigatees or ~~voluntary recipients~~ who are private citizens.

11. In summary, I believe that the excision of the names of law enforcement personnel from the files publicly available in this matter will be seriously prejudicial to my own work and the work of others. Based on my knowledge of such names as have been released in the past,

I have doubt that, except in rare special cases, such excisions are even remotely justified by any legitimate public or private interest.

12. I declare under penalty of perjury that the foregoing is true and correct to the best of my belief. Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

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GREGORY STONE