

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan (Attn: T. N. Goble)
- 1 - Mr. Conrad
- 1 - Mr. Jevons
- 1 - Mr. Frazier
- 1 - Mr. Gallagher

62-109060-

REQUIREMENTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Reference is made to your memorandum dated May 10, 1970, regarding Mr. Weisberg's request for certain information relating to the assassination of former President Kennedy.

Your attention is directed to my letter to the Attorney General dated November 20, 1967, entitled "The Assassination of President John F. Kennedy, November 22, 1963, Dallas, Texas," which set out information concerning Harold Weisberg from the files of this Bureau. It included the fact that Weisberg was one of ten employees fired by the State Department in 1957 because of suspicion of being a Communist or having communist sympathies. Later Weisberg was allowed to re-employ without prejudice.

Weisberg has written several books concerning the assassination of President Kennedy which attack the Warren Commission Report. His book "Whitewash-The Report of the Warren Report" is a vitriolic and diabolical criticism of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Illinois State Police Department. It contains inaccuracies, falsehoods, and deliberate slanting of facts to fit Weisberg's purpose.

The following comments are in the order they were requested in Weisberg's letters, copies of which were furnished with your memorandum:

- (1) Geographic Analysis: Weisberg has requested details of the specific geographic analysis conducted on certain bullet evidence involved in the assassination.

RHJ:mjk (1)

(see note page 6)

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Attorney General

Reference is made to the matter entitled "John F. Kennedy
Versus United States of America, et al., U.S.D.C.
D. Mass., Civil No. T-67-103" and to my memorandum
to Mr. William D. Bishop dated February 17, 1969.
This material related to the release of spectrographic
data concerning certain bullet evidence involved in the
assassination of former President Kennedy. It is
understood that litigation is still pending as to whether
or not information regarding spectrographic analyses
will be released.

As mentioned in my memorandum of February 17, 1969,
it is our considered opinion that the results of the
spectrographic tests are adequately shown in the report
of the Warren Commission where (Volume 5, Pages 67,
69, 73 and 74) it is specifically set forth that the metal
fragments were analyzed spectrographically and were
found to be similar in composition. The work notes and
raw analytical data on which such results are based
are not normally made public particularly since they
can only be interpreted properly by scientifically trained
personnel.

The work notes and raw analytical data are part of the
investigative files of this Bureau and rightfully fall
within exemption number 7 of subsection (b) of 5 U.S.C.
552 which specifically exempts investigatory files compiled
for law enforcement purposes.

Release to any and all who request them of the raw
analytical data in the instances of spectrographic tests
conducted in the numerous cases received by this Bureau
would place an unnecessary and heavy burden on this
Bureau and thus greatly hamper its efficient operation,
and compliance with the current request would set a
potentially highly undesirable precedent in this regard.

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Based on these observations, it is our firm opinion that the provisions of 5 U.S.C. 552, subsection (b), exemption 7 should be invoked and the request of Mr. Weisberg for the spectrographic analyses be denied.

- (2) Documentation Relating to David William Ferris:
Mr. Weisberg described the records he requests as documents relating to the late David William Ferris of New Orleans:

- (a) withheld from the Warren Commission and/or

Comment: No documents relating to David William Ferris were withheld by the FBI from the Warren Commission.

- (b) withheld from the National Archives

Comment: So far as is known, all records of the Warren Commission pertaining to David William Ferris were turned over to the National Archives by the Warren Commission, together with all other records of the Warren Commission.

- (c) withheld by the National Archives by order of the Department of Justice

Comment: Your attention is directed to my letter to the Attorney General dated May 15, 1963, entitled "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas," and to my letter to the Acting Attorney General dated February 24, 1967, entitled "Public Disclosure of

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Warren Commission Records." Both of these letters concerned 65 pages of Warren Commission Document No. 75 which dealt with allegations and investigation regarding Ferris. Copies of the 65 pages in question were enclosed with the letter of February 24, 1967. These are pages 212-221, 225-226, 231-232, 237-241, 245-246, 248-249, and 251-253, all inclusive. In the letter dated May 15, 1968, I stated that the final decision as to the public disclosure of the material concerning Ferris rests with the Department of Justice. I also advised that this Bureau has no objection to public disclosure of the data concerning Ferris.

These pages were originally excluded from public disclosure under guidelines approved by Mr. William J. Bundy, Special Assistant to the President. The specific guideline applicable is identified as 3(C), which provided that public disclosure should be made unless disclosure "would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the administration of the President." Our position as to this guideline concerning Ferris has not changed since the May 15, 1968, letter.

- (3) Exhibit 60 (Pictures of President Kennedy's Suit and Shirt) - These are referred to in Exhibit 60 as a copy of a portion of Exhibit 60 showing the label on the President's shirt. The Federal Archives has a copy of this Exhibit.

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however, he has advised the quality of this copy is not satisfactory for his purpose and has requested a print from the original negative which is a part of this Bureau's files.

Compliance with the request would set an undesirable precedent and could lead to numerous such requests for copies of photographic matter furnished the Commission. The Bureau can ill afford to divert away from our important investigative responsibilities the time needed to search our voluminous files and prepare such material. However, since the photograph referred to as Exhibit 60 is available to the public through Access it is felt the matter of furnishing additional copies is for the Department to decide and an additional photographic print of the portion showing the "shirts tails" is attached in the event the Department wishes to set this precedent.

- (4) Concerning Receipt of Material Obtained at Admays
Weisberg requested a photograph and all records relating to the material removed by Commander James Humes, U. S. N., at the time of the autopsy, and received for by Special Agents Francis X. O'Neill and James W. Sibert November 22, 1963. This request appears to be based on his inability to specifically identify the exhibit in the Commission report.

The material referred to in the receipt is identified as Commission Exhibit 543. A photograph of this exhibit furnished the Commission and was published in "News Before the President's Commission on the Assassination of President Kennedy," Volume I, Page 61. Other