UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG Route 8 Frederick, Maryland Plaintiff	
V.	Civil Action No. _____
U.S. DEPARTMENT OF JUSTICE 10th & Constitution Ave., N.W. Washington, D. C. Defendant	

C O M P L A I N T

(Pursuant to Public Law 89-487; 5 U.S.C. 552)

1. Plaintiff brings this action under Public Law 89-487; 5 U.S.C. 552.

2. Plaintiff is a professional writer, living and working in Frederick County, near the city of Frederick, in the State of Maryland. Plaintiff has published a number of books dealing with political assassinations and currently is devoting his full time efforts to researching and writing additional books on this same subject.

3. Defendant is the U.S. Department of Justice.

4. Spectographic analysis is a common and simple method making possible the study of objects in even miniscule

quantities, so that their precise composition may be discovered and compared.

5. When bullets and fragments thereof are studied spectographically, it is possible to make a definite determination that all of the bullets and fragments came from one particular batch made by one particular manufacturer or they did not.

6. After the assassination of President John F. Kennedy in Dallas on November 22, 1963, the Federal Bureau of Investigation, a subordinate branch of the defendant Department of Justice, spectographically analyzed and compared the following items:

a) the bullet found on the stretcher of either President Kennedy or Governor John Connally of Texas (Identified as Exhibit 399 of the President's Commission on the Assassination of President Kennedy, hereafter referred to as the Warren Commission);

b) bullet fragment from front seat cushion of the President's limousine;

c) bullet fragment from beside front seat;

d) metal fragments from the President's head;

e) metal fragment from the arm of Governor Connally;

f) three metal fragments recovered from rear floor board carpet of limousine;

g) metal scrapings from inside surface of windshield of limousine; and

h) metal scrapings from curb in Dealey Plaza which was struck by bullet or fragment.

7. The spectographic analyses were made by FBI Special Agent John F. Gallagher.

8. Even though Mr. Gallagher testified in deposition form before the Warren Commission, he was asked no questions about the spectographic analyses made of the bullets and metal fragments. (Hearings Before The Warren Commission, Vol. XV, pp. 746-52).

9. The testimony re the said analyses was given by another FBI Special Agent, Robert A. Frazer. (Hearings Before the Warren Commission, Vol. V, pp. 58-74).

10. At page 74 of his testimony, Mr. Frazer said that the bullets and fragments listed in paragraph 6, supra, were "similar in metallic composition" but refused to say that they were identical.

11. It is not known whether the FBI turned over the spectographic analyses of the bullets and fragments or a copy thereof to the Warren Commission or not, although they were requested to do so by the Commission (Commission Report, p. XI).

12. However, if the analyses were turned over to the Warren Commission, the Commission in turn did not deposit them in the National Archives, although all of the rest of its materials were so deposited.

13. Plaintiff's first formal attempt to get permission to see and/or copy the spectographic analyses was in a letter to FBI Director J. Edgar Hoover, dated May 23, 1966. (See Exhibit A appended hereto.)

14. Plaintiff's request went unanswered.

15. During 1966, 1967, 1968, and 1969 Plaintiff made numerous requests, both orally and in writing, of the National Archives (which should have had a copy of the analyses, but maintains that it does not) and the Department of Justice to examine and/or copy the analyses. (See Exhibit B appended hereto.)

16. On April 6, 1970, Plaintiff wrote to the Attorney General requesting his review of the denial by the Deputy Attorney General of his request for access to various materials, including the spectographic analyses. (See Exhibit C appended hereto.)

17. On May 16, 1970, in a letter addressed to Mr. Richard Kleindienst, Deputy Attorney General, Plaintiff renewed his request, accompanying it with a completed form DJ 118 ("Request for Access to Official Records Under 5 U.S.C. 552(a) and 28 CFR Part 16"), describing the records sought as follows:

> "Spectographic analysis of bullet, fragments of bullet and other objects, including garments and part of vehicle and curbstone said to have been struck by bullet and/or fragments during assassination of President Kennedy and wounding of Governor Connally. See my letter of 5/16/70.

(See Exhibit D appended hereto.)

18. On June 4, 1970, the Attorney General replied to Plaintiff's letter of April 6, 1970, denying him access to the spectographic analyses, stating that they were exempt from public disclosure under 5 U.S.C. 552 as a part of an "investigatory file compiled for law enforcement purposes." According to the Attorney General, they were exempt from compulsory disclosure under exception No. 7 of that Act. (See Exhibit E appended hereto.)

19. In a letter dated June 12, 1970, the Deputy Attorney General took an identical position, denying access under 5 U.S.C. 552 (b)(7). (See Exhibit F appended hereto.)

20. The request remaining denied after exhaustion of administrative procedures, Plaintiff files this complaint pursuant to Public Law 89-487, 5 U.S.C. 552, further alleging that, pursuant to this law, the records must be made available to him, and the Court shall determine the matter de novo, and the burden is on the Defendant to sustain its refusal.

WHEREFORE, Plaintiff prays this honorable Court for the following relief: that Defendant be ordered to produce and make available for copying the spectographic analyses of the various bullets and fragments listed in paragraph 17, supra, and such other relief as this Court may deem just and equitable.

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Attorney for Plaintiff

Dated: _____