

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. Conrad
- 1 - Mr. Williams, 7133

Tolson	
Sullivan	
Mohr	
Bishop	
DeLoach	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Tavel	
Walters	
Soyars	
Tele. Room	
Holmes	
Gandy	

TO : Mr. Conrad

FROM : M. E. Williams

DATE: 8/19/70

SUBJECT: HAROLD WEISBERG V. DEPARTMENT OF JUSTICE
USDC D. C., CIVIL ACTION NO. 2301-70

By memorandum of 8/13/70, copy attached, the Department has requested the Bureau to provide certain information relative to a civil suit brought by Harold Weisberg to force the Government to "produce and make available for copying the spectrographic analyses of the various bullets and fragments" involved in the assassination of President Kennedy.

Weisberg is the author of several books pertaining to the assassination including "Whitewash - The Report of the Warren Commission." His writings for the most part are vitriolic and diabolical criticisms of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Dallas Police Department. His writings contain inaccuracies, falsehoods, and deliberate slanting of facts to suit his purpose.

There has been considerable past correspondence between Weisberg and the Department and the Department and the Bureau concerning the results of these spectrographic examinations. In each instance, Weisberg has been denied access to the detailed notes, work sheets, and photographic plates comprising the "raw data" upon which the conclusions of the Laboratory examiners were based. This civil suit is the latest in Weisberg's moves to obtain this material.

Enclosures (2) *sent 8-21-70*

62-109060

- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 - Mr. Casper (Attention: Mr. Dalbey)
- 1 - Mr. Bishop

MEW:mjk (8)

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REC-79

AUG 31 1970

EX-109

AUG 27 1970

Memorandum to Mr. Conrad
RE: HAROLD WEISBERG
62-109060

As a matter of background information, spectrographic analyses of material such as bullet material permit a compositional comparison of the different samples and thus an indication as to whether such samples may have originated from the same or different bullets. Laboratory examiners furnished testimony before the Warren Commission that certain fragments were examined spectrographically and were similar in composition. The "raw data" (work sheets, notes, and photographic plates) upon which these conclusions were based are part of the Bureau's investigative files pertaining to this matter. These "raw data" are not normally made public since they can only be interpreted properly by scientifically trained personnel. Moreover opening the Bureau's investigative files would set a highly dangerous precedent and could cause irreparable damage. Paragraph 5 in the attached affidavit covering this aspect is included at the request of the Department.

In a somewhat similar suit "John Nichols v. United States of America, et al., USDC D. Kansas, Civil No. T-4536" filed 1/20/69 we answered the Department memorandum of 2/3/69 in a manner similar to the instant response. In that reply as in the attached memorandum we recommended to the Department that the release of the requested information be denied based on the exemption in the Public Information Law, 5 USC 552, subsection (b), paragraph 7, which specifically exempts investigative files compiled for law enforcement purposes. This case was subsequently withdrawn by the Plaintiff.

RECOMMENDATION:

1. That we recommend to the Department that the release of the information requested by Weisberg be opposed.
2. There is attached for approval a proposed memorandum enclosing the affidavit requested.