# NAR ORIGINALS

**Subject** JFK Assassination

**File #** HQ 62-109060-8307x (Box 208)

2 - Crim. Inv.
1 - Tolson
1 - Mr. Belmont
1 - Mr. Sullivan
1 - Mr. Conrad
1 - Mr. Branigan
1 - Mr. White
1 - Mr. Heiberger, Jr.
1 - Mr. H. E. Williams
1 - Mr. Killion
1 - Mr. Dahlgren
1 - Liaison (Attn: Enlow)
1 - Mr. Putnam

BY LIAISON

Date: September 15, 1964

To: The Chief
Defense Atomic Support Agency
The Pentagon
Washington, D. C.

From: John Edgar Hoover, Director

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-18-97 BY 36668 SLD/KSR (JFK)

Subject: PENTAGON NUCLEAR WEAPONS BRIEFINGS

There are enclosed three copies of a composite roster of all personnel of this Bureau who will attend the Pentagon nuclear weapons briefings on October 5, 8, and 9, 1964.

Your courtesy in making the briefings available to Bureau personnel is very much appreciated.

Enclosures (3)

NOTE: These briefings are held by the Defense Atomic Support Agency (DASA) twice a year. They include current data on new weapons, delivery systems, weapons phenomena, and future weapons development. The Bureau has a standing invitation to send personnel to these briefings and we have done so at each session in the past. Brigadier General Kenneth F. Dawalt, Deputy Director, Defense Atomic Support Agency, has requested that he be furnished this letter along with a composite roster in triplicate of personnel from the Bureau who will attend these briefings. The briefings are to be held in Room 5A1070, the Pentagon. DASA has requested that individuals attending use bus service to get to the Pentagon inasmuch as parking is very limited. Each briefing will last three hours.

PDP:mab (14)

SEP 12 11 22 AM '64
RECEIVED - CONRAD

NW 54990 DocId:32989522 Page 2

3 - Orig. & 2
1 - Yellow
1 - Mr. Belmont
1 - Mr. Sullivan
1 - Mr. Conrad
1 - Mr. Branigan
1 - Mr. White
1 - Mr. Holberger, Jr.
1 - Mr. M. E. Williams
1 - Mr. Killion
1 - Mr. Dahlgren
1 - Liaison (Attn: Enlow)
1 - Mr. Putnam

September 15, 1964

FEDERAL BUREAU OF INVESTIGATION PERSONNEL WHO WILL ATTEND THE PENTAGON NUCLEAR WEAPONS BRIEFINGS ON OCTOBER 5, 8, AND 9, 1964

The following personnel of the FBI will attend the nuclear weapons briefings at the times and dates set forth below:

October 5, 1964

1:30 p.m. - 4:30 p.m.

Assistant Director Ivan W. Conrad
Marion E. Williams
William A. Branigan

October 8, 1964

8:00 a.m. - 11:00 a.m.

Philip F. Enlow
Charles L. Killion
Briggs J. White

October 9, 1964

8:00 a.m. - 11:00 a.m.

Hilding L. Dahlgren
Henry D. Holberger, Jr.

All of the above individuals are cleared for access to "Top Secret" information and have Atomic Energy Commission "Q" clearances.

Enclosure to letter to Chief, Defense Atomic Support Agency, 9/15/64, re "Pentagon Nuclear Weapons Briefings," PDP:mab.

PDP:mab (15)

1 - Mr. Belmont
1 - Mr. Evans
1 - Mr. Stanley
1 - Mr. Engelstad

August 13, 1964

BY COURIER SERVICE

Honorable Walter W. Jenkins
Special Assistant to the President
The White House
Washington, D. C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 BY 5668 SLD/KSR
(JFK)

Dear Mr. Jenkins:

With reference to the killing of three Gwinnett County, Georgia, Police Officers whose bodies were found on April 17, 1964, in a rural area near Atlanta, Georgia, our Atlanta Office has continued to work closely with the Georgia Bureau of Investigation. On the day the bodies were found the Special Agent in Charge of our Atlanta Office went to the scene, offered FBI technical assistance, and FBI Agents assisted in a search of the area. It was determined at that time that the officers had responded to a citizen's telephone call reporting suspicious activities in the area.

Not far from where the bodies were found was located a 1963 Oldsmobile which had been burned. Local authorities determined that the car had been stolen in the greater Atlanta, Georgia, area. It was also determined that there had been instances of cars having been stolen from the metropolitan Atlanta area, which cars had been taken to the nearby rural areas and stripped. Local authorities have considered the possibility that the victim officers had surprised individuals who were engaged in this type of operation. There has been no information developed indicating any interstate angle to the car theft activity.

1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Mosen
1 - Mr. Conrad
1 - Mr. Trotter

JBE:swb
(11)

Honorable Walter W. Jenkins

Assistant Director DeLoach contacted Governor Sanders on the evening of August 11, 1964, and advised him of our close working arrangements with the Georgia Bureau of Investigation, and that in view of the Governor's interest, we had taken this matter up with the Civil Rights Division of the Department of Justice, which had ruled that the facts did not constitute a matter within the jurisdiction of the FBI. Governor Sanders advised that he understood the situation and requested that we consult with the Georgia Bureau of Investigation and cover any out-of-state leads which might develop. We have, of course, been covering out-of-state leads, and Governor Sanders was advised we would continue to render all possible assistance to the Georgia Bureau of Investigation, including the coverage of such leads.

Sincerely yours,



NW 54999 DocId:32989522 Page 5

~~1 - Mr. Conrad~~
1 - Mr. Griffith
1 - Mr. Cadigan

Mr. Conrad

February 24, 1964

W. D. Griffith

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 BY 57668 SLD/KSR
(JFK)

Unsub; Mrs. Jacqueline Kennedy
VIKKA

By memorandum dated 2/19/64, from Mr. Rosen to Mr. Belmont an envelope postmarked 2/10/64, at Marseille, France, addressed to Master B. Kennedy, Minister of Justice, Washington, U.S.A., and accompanying three-page anonymous letter handwritten in French dated 2/11/64, was furnished to the Laboratory. This letter, designated as Q2, makes scurrilous reference to Mrs. Kennedy.

The handwriting on specimen Q2 was not identified with any of the material in the Anonymous Letter File. A photograph of this handwriting will be added to this file.

The submitted evidence is attached.

RECOMMENDATION: That this memorandum and the attachment be forwarded to the General Investigative Division for appropriate action.

D-443205 AX

Enclosure

1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Evans
1 - Mr. Rosen (Mr. Conley) - Office of Origin
1 - Mr. Sullivan

JCC:GFM
(10)

NW 54999 DocId:32989522 Page 6

1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Hegvold

Mr. Conrad 5/1/64

W. D. Griffith

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 BY 3668 SLD/KSR
(JFK)

Unsub;
Mrs. J. F. Kennedy - Victim;
Anonymous Letter

On 4/29/64 Liaison Section Supervisor O. H. Bartlett forwarded to the Laboratory an anonymous hand printed letter addressed to Mrs. J. F. Kennedy, which letter was made available by Mr. Chester Miller of the Secret Service. Mr. Miller submitted this to the Bureau as a matter of information and stated Secret Service does not desire the letter be returned.

The letter in question does not contain any threats but instead is scurrilous, insulting and psychopathic in its content. It was furnished to the Laboratory with the suggestion that it be searched through our Anonymous Letter File. This letter, postmarked Hampton, Iowa, 4/24/64, was searched through the Anonymous Letter File but was not identified with any of the writers of similar communications maintained in this file. We have added copies to the Anonymous Letter File for reference purposes.

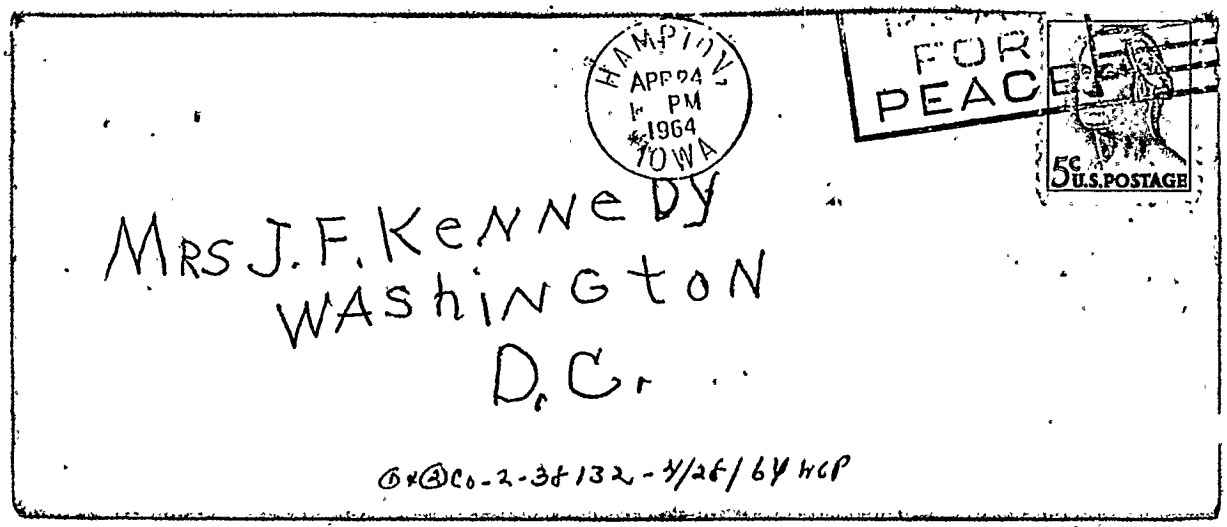
According to Supervisor Bartlett, no further action is required of the Bureau, with respect to this anonymous letter, since no threat is made and he will simply advise Secret Service that we have not identified the writer of this letter as a result of a search of the Laboratory's Anonymous Letter File.

RECOMMENDATION: That this memorandum be forwarded to Domestic Intelligence Division for appropriate action.

Enclosures

1 - Mr. Belmont
1 - Mr. Sullivan (Mr. Bartlett)

AEH:WDG:em
(6)




6+@Co-2-38132-4/28/64 HCP

CONTAINED
DATE 1-18-97 5668 SLD/ICSC
(JFK)

dear

New Hampton Iowa

April 20 1964

Mrs J F Kennedy

I have been wanting to write to you for sometime. I did not vote for your man. I don't Like Catholics, And he was not the youngest to be Pres. Teddy Roosevelt was. (Look it up) You were the most of all the Pres. to have there names in the newspapers. Brags Gone the most of any. Horse back Riding, Swiming, Having Kids cut out of your body, Like You don't know how it felt To have them, Like Mary Did, They all should have ~~D'd~~ Died, You should have Taken Them with They will never get To The Moon or the Sun For He will destroy ALL Like he Did when he parted the water And drowned ALL that crossed over And he God will do it by Fire Next time. See what happened To Glen your man Did That To Lincoln, McKinnley. X never did A thing Like Get the Kennedys out of the White House ~~&~~ OR More will Meet The SAME Fate, Just the other Day News came out that Robert Kennedy was-to-be Next Get out while going is Good. I am Glad that Cape Kennedy had Another Explosion. I hope they

you, So they COULD HAVE SEEN WHAT HAPPENED to thier DAD. If you Let this MAN Go that Shot OSWALd. JACK Ruby hiRed OSWALd to Do the dirTy WORK. JACK WAS the ONE, he WAS AFRAId OSWALd WOULd tELL who hiRed. YOUdONT beLieve it Do you? Why Did you hAVE to buy SUCH A LARGE MANSION 4 ROOMS WERE big.eNOugh. Just look AND SEE ALL the POOR Little ChilDREN you COULd help ThEN You Should Keep YOUR NAME AND pictURES out of the PAPERS. NEVER beFORE hAS ANY PRES. DONE that MUCH, NIXON IS GLAD he WAS NOT PRES: NOW It is tRUE WHAT WAS SAId About yOUR MAN A Big Mouth AND A hUNK of hAIR. YOUR MAN WAS NOT the ONLY PRES. there WERE 3 OTHERS tHAT WERE GREATER. I KNEW this would hAPPEN AND it Did. I CANT see how you COULD Ride horse bACK, I see your going on trips. SURE dONT Look AS tho you feel to bAd We hAVE A MAN NOW who KNOWS SOMETHING. IT WAS J.F.K. who STARTed this ASTRONOTS Stuff MY BIBLE SAYS God MAde this EARTH, MOON, SUN, STARS. he CREATed MAN AND ALL LIVING beINGS

bLow UP. See ALL the
MeN thAt ARe beiNG
KiLLed. SiNce thisMoON
StuffhAS beiNG oN
CLeAN house At the white
HouSe KeNNedy Did it
ALL. YoU WiLL be NeXT
MoNey isNt eveR thiNG
Root of ALL EviL.
AND this chANGiNGtime
I Go by GodsTime. SuNUp
SUNdown is Good eNouGh
foR Me. I WiSh ALL books
Records, PicTuRES, NEWS,
About YouR KiNd ofTRASH
TRUMAN ShouLd haVe
been ANother MAN tobe
put out of the WAY
WASHiNGtoN, LiNCOLN

EISENhoweR. McKinnley
Not one of them WANted
to Go to the MOON ORSUN
thAt is GodPROPERTY
My BibLe IS RePeAtiNG
its SeLf. VoLCANO oN
Good FRI, FLoods FIRES
EARtb QuAKes,
God SAYS IN MY BIBLEH
LEt ~~m~~oMAN destRoY
~~WAh~~ WhAt I hAVE CREAted

RECEIVED
FBI - ALBUQUERQUE
JUN 27 2016
FBI - ALBUQUERQUE
SECTION
RESEARCH
SERVICE

~~1 - Mr. Conrad~~
1 - Mr. Griffith
1 - Mr. Bohn

Mr. Conrad 3/10/64

W. D. Griffith

Unknown Subject;
JOSEPH KENNEDY - Victim;
THREATENING LETTER

1-1897-5668 SLD/KSR
(JFK)

The items described below were furnished to the Bureau by the U. S. Secret Service. These items were received in the FBI Laboratory on 3/3/64.

Q1 White envelope bearing handwritten address to "Mr. Joseph Kennedy Palm Beach Florida c/o The White House Washington, D. C." postmarked "NEW YORK, N. Y. PM 29 FEB 1964 9B"

Q2 Sheet of white folded paper bearing handwritten letter dated "February 1964," and beginning "Dear Sir: I hope that you are feeling..." and signed "Good Luck."

The writing on Q1 and Q2 was compared with the appropriate sections of the Anonymous Letter File. No identification was made. Copies are being added to this file for future reference.

No indented writing or watermarks were found in Q1 and Q2. Q1 is a white envelope measuring approximately 6.5 by 3.6 inches. Q2 is a sheet of folded paper. When unfolded Q2 measures approximately 11 by 8.5 inches. Q1 and Q2 are written in script with blue ink.

Q1 and Q2 are attached hereto.

RECOMMENDATION: It is recommended that this memorandum, with attached enclosures, be forwarded to the Liaison Section for appropriate handling.

Enclosures (2)

1 - Mr. Belmont
1 - Mr. Sullivan (O. H. Bartlett, 845 HB)

CEO:em
(7)

NW 54999 DocId:32989522 Page 13

Laboratory Transmittal Form
7-72

FBI
LABORATORY

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C.

To: FBI, Chicago (9-3509) Date: February 19, 1964

Re: Unsub; JACQUELINE KENNEDY
VIKEX

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No.
Lab. No. D-442972 AX

Examination requested by: Chicago

Reference: Airtel 2/14/64

Examination requested: Document

Remarks:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 5668 SLD/KSR
(JFK)

Enclosures (2) (2 Lab rpt)

1 - Mr. J. P. O'Keeffe, Rm. 5714 (sent direct)

JCC:GFM (7)

ADMINISTRATIVE PAGE

7-1b

# REPORT of the FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C.

To: FBI, Chicago

Date: February 19, 1964

FBI File No.

Re: Unsub; JACQUELINE KENNEDY VIEEX

Lab. No. D-442972 AX

Specimens received 2/17/64

K1 Two envelopes and accompanying letters in the Polish language bearing known handwriting of SPANISLAWA JUSZCZAK

Result of examination:

It was concluded that the post card, Q1, previously submitted was written by SPANISLAWA JUSZCZAK, K1.

K1 is retained.

JCC:GFM (7)

NW 54999 DocId:32989522 Page 15

Mr. Belmont February 19, 1964

A. Rosen

CLASSIFICATION CANCELLED
DATE 1-18-97 5668 SLD/KSR
(JFK)

UNKNOWN SUBJECT;
JACQUELINE KENNEDY - VICTIM
EXTORTION

This concerns a threatening obscene post card which was written to victim in the Polish language and postmarked 2/9/64 at Chicago, Illinois. The post card was unsigned and the message was incoherent and partly illegible. However, it bore the return address of 3642 North Milwaukee Avenue, city not given.

Our Chicago Office advised that one Stanislawa Juszczak, 3419 North Kedzie Avenue, Chicago, was possibly identical with the unknown subject in this instance, since that individual was subject of an extortion investigation during 1958 when she admitted writing several obscene threatening letters in the Polish language over a period of three years. During that investigation subject claimed she received signals from her sewing machine and composed music while employed. She also stated someone then stole this music and she later heard it played on the radio. At that time the AUSA at Chicago declined prosecution because it was his contention the subject was mentally deficient.

USA at Chicago was contacted concerning instant post card on 2/18/64, and he deferred prosecutive opinion concerning this case until writing on post card could be compared with handwriting of suspect Juszczak by Bureau Laboratory. The Laboratory has advised that handwriting identification establishes that suspect Juszczak wrote the post card to Mrs. Kennedy.

ACTION:

1. Results of Laboratory examination were sent to Chicago 2/18/64.

Chicago being instructed to locate and interview Stanislawa Juszczak and then immediately present to USA for prosecutive opinion.

2. Liaison should advise Secret Service of the identification by our Laboratory of the woman being responsible for writing the card received by Mrs. Kennedy.

1 - Mr. DeLoach
1 - Mr. Conrad
1 - Mr. Trotter
1 - Mr. Sullivan

RMF:kat:cmr

MM 94999 DocId:32210022 Page 16

1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Cadigan

Mr. Conrad

February 18, 1964

W. D. Griffith

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 BY 5668 SLD/KSR
(JFK)

Unsub; Jacqueline Kennedy -
Victim
Extortion

The purpose of this memorandum is to advise that an obscene post card written in Polish previously received at the Bureau was written by one Spanislawa Juszczak, a resident of Chicago, Illinois.

The obscene post card written in Polish was previously received in the Bureau on February 12, 1964, and designated as Q1 in the Laboratory.

By airtel of February 14, 1964, the Chicago Office submitted known handwriting of one Spanislawa Juszczak, who presently resides at 2419 North Kedzie Avenue, Chicago, and handwriting identification establishes that she wrote the obscene post card.

A Laboratory report is being sent to Chicago concerning this identification.

RECOMMENDATION: (1) That this memorandum be forwarded for the attention of the General Investigative Division
(2) Since Mr. D. B. Flohr of the Secret Service was previously advised on February 12, 1964, of the receipt of the post card, Liaison Section should advise Secret Service of the handwriting identification set out above

D-442972 AK

1 - Mr. Belmont
1 - Mr. Sullivan
1 - Mr. Rosen (Mr. Conley)
1 - Liaison Section

JCC:gk (8)

DIRECTOR, FBI
ATTENTION: FBI LABORATORY

1/17/64

SAC, CINCINNATI (55-0) (C)

PROTECTION OF THE PRESIDENT
OF THE UNITED STATES

1-18-97 5668 SLD/KSR
(JFK)

Enclosed herewith for the FBI Laboratory are the original and seven copies of a letterhead memorandum suitable for dissemination.

On 1/4/64, Mr. E. L. SCOTT, Supervisor, Research Photograph, Mead Central Research, The Mead Corporation, Chillicothe, Ohio, contacted SA ROBERT J. BARADA of the Chillicothe, Ohio, Resident Agency. Mr. SCOTT, on these two contacts, furnished his suggestions for a "setup of fish-eye cameras" on the Presidential car. Mr. SCOTT indicated that the use of this type of camera mounted on the Presidential car while President was travelling through various cities would record any action against the President and could later be used as evidence. He stated that in his opinion it could also be used as a protective device. Mr. SCOTT specified the fish-eye cameras would merely record action on a movie-type film. It was suggested to Mr. SCOTT by SA BARADA that this could possibly be used in connection with a closed television circuit by which one man could monitor the complete area around the President's car. He stated this would be an additional possibility but would have several limitations.

The attached letterhead memorandum which includes a sketch by Mr. SCOTT of the mounting of the cameras and notations of how they would operate is being forwarded to the FBI Laboratory for their observations and notations. It is thought that after reviewing the suggestion by SCOTT, the Laboratory may want to make some additions or corrections and if justified may want to refer the suggestion to Secret Service.

3 - Bureau (Enc. 8)
1 - Cincinnati

RJB/hja
(4)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

Cincinnati, Ohio
January 17, 1964

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-18-97 BY 5668 SLD/KSR (JFK)

Re: Protection of the President of the United States

On January 4, 1964, Mr. E. L. Scott, Supervisor, Research Photograph, Mead Central Research, The Mead Corporation, Chillicothe, Ohio, residence address 356 Meadow Lane, Chillicothe, Ohio, furnished the following suggestions in the hope that it might possibly be an aid to the protection of the President.

Mr. Scott suggested the use of "fish-eye" lens cameras. He explained "fish-eye" is a generic term for extensive wide angle coverage by means of a precision ground lens. Mr. Scott indicated that one type of lens was an 8mm 180 degree "fish-eye" lens made by Nikon. He suggested placing two 35mm cameras back to back on the top of the windshield frame for record purposes. He said these cameras could be automatic or internal timing cameras, electronic diaphragm controlled with the aforementioned lens. He stated the cameras should be so placed to be inconspicuous, not in the line of sight of any car occupant, and pre-set to take a picture at desired intervals which would cover the entire Presidential route.

Mr. Scott indicated that coverage would be in essence 360 degrees and would include the car occupants. He stated exposure, that is diaphragm openings, would be automatically set for any lighting conditions (underpass to bright areas).

Mr. Scott stated that an assassination attempt on the President would be completely recorded on film and could be important evidence at a later date. He stated the film could reveal an opened window with a gun barrel protruding, or some type of evidence which could later be used to identify the individual attempting the assassination.

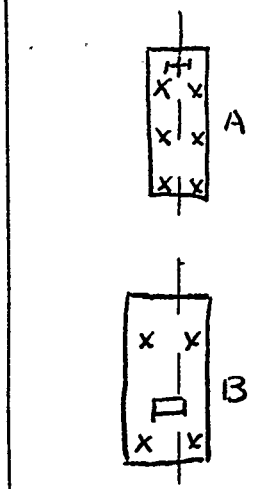
Mr. Scott further indicated that an additional possibility would be a closed circuit television setup utilizing "fish-eye" lens, where one or two Secret Service agents could observe the entire area around the President by riding in a car carrying a screen on which the closed circuit television would be projected. Mr. Scott indicated, however, that there were limitations to this type of a arrangement. He stated that all pictures would have to be on tape, and power failure or circuit trouble could cause interference at a crucial time. He indicated that two combined televisions and twin cameras would give coverage that would be invaluable as a documentary record as well as an immediate observation of the area.

Mr. Scott indicated that the photographs in the camera could later be developed and examined and known fanatics and agitators could be pinpointed at various locations. If these individuals continued to re-appear in different locations some action might be warranted.

Attached herewith is a photostatic copy of a drawing made by Mr. Scott diagraming his aforementioned suggestion.

Mr. Scott indicated that his idea in submitting the above suggestion was without any thought of personal publicity or remuneration and he stated that in his opinion this was a small way in which he could contribute something for the good of his country.

THIS IS LOANED TO YOU BY THE FBI, AND NEITHER IT NOR ITS CONTENTS ARE TO BE DISTRIBUTED OUTSIDE THE AGENCY TO WHICH LOANED.




+ TWO "FISH-EYE" CAMERAS.*

A "THE" CAR

| CENTE LINE

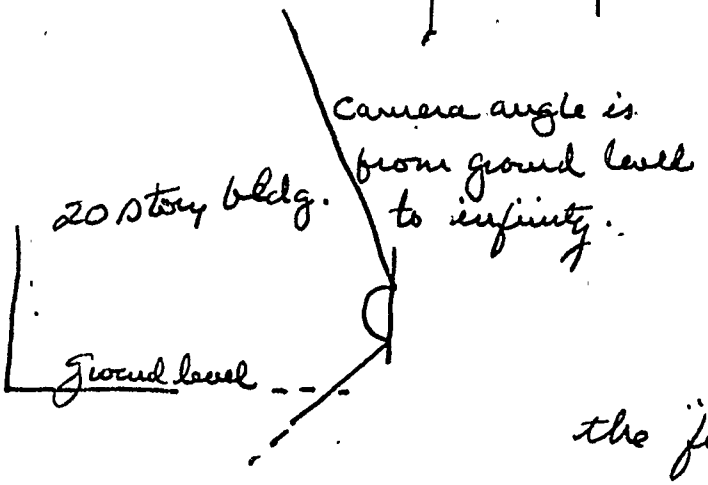
x PASSENGERS

B AGENTS CAR

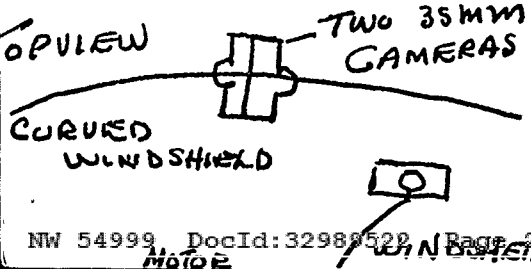
▭ CLOSED CIRCUIT TV WITH "FISH-EYE" LENS INCLUDING TAPED VIDEO

x AGENTS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-97 BY 5668 SLD/KSR
(JFK)




*▭ COVERAGE WOULD BE APPOX. 360°. THIS WOULD INCLUDE "THE" CARS OCCUPANTS.




This note to further explain the "fish-eye" and TV recording of Special personages entourage and surrounding areas.

E K Scott

NW 54999 DocId:32988520 Page 21

June 12, 1968

1 - Mr. Conrad
1 - Mr. McKinnon

680612031

Lieutenant General James M. Gavin
U. S. Army (Retired)
25 Acorn Park
Cambridge, Massachusetts 02140

1-18-97 5668 SLO/MSR (JFK)

Dear General Gavin:

I am in receipt of your letters of June 7, 1968, and the enclosures to those letters.

The facts concerning the possible threats made against the children of former President John F. Kennedy are being brought to the attention of the appropriate United States Attorney for his consideration as to whether a violation of the Federal Extortion Statute exists.

I indeed appreciate your bringing this to my attention.

Sincerely,

1 - New York (Enclosures 6)
1 - Houston (Enclosures 6)
1 - Dallas (Enclosures 6)

SEE NOTE FOR SACs PAGE 2.

CRM:pah
(7)

SEE NOTE PAGE 3...

INDEX & FILES

NOTE FOR SACs:

Enclosed for each office is 1 copy each of 2 letters, true copies of those letters, and 2 envelopes received by General Gavin who furnished them to the Bureau. They were mailed from Corpus Christi, Texas, 6/2/68 and 5/23/68. Reference is made to Bureau phone calls to New York and Houston, 6/10/68, in which you were instructed to advise U. S. Secret Service locally and appropriate local authorities of the possible threats. Houston promptly discuss the facts in this case with the appropriate U. S. Attorney for a prosecutive opinion under the Federal Extortion Statute. Advise Bureau results in form suitable for dissemination. New York insure that U. S. Secret Service and local authorities have been advised. This is being submitted to the Dallas Office for information as it is indicated the subject has mailed letters in the past to General Gavin from Thunderbird Lodge, Abilene, Texas.

General Gavin, by letters dated 6/7/68, furnished a letter containing possible threats to the children of former President Kennedy. This letter contains no legible signature. By letter dated the same date, General Gavin advised his secretary had found other letters, apparently sent by the same individual, in his files. He indicated he does not know this individual. The other letters were sent to him by Wendall Tarver, 1435 Devon Drive, Apt. #5, Corpus Christi, Texas, 78415. The threatening communication is being examined in the FBI Laboratory. A comparison will be made of the threatening communication with the other letters sent by Tarver to determine if he is the writer of the letter containing possible threats.

You will be advised of the results.



NW 54999 DocId:32989522 Page 23

NOTE:

By letter dated 6/7/68, former Lt. General James M. Gavin, Cambridge, Massachusetts, forwarded a letter containing an illegible signature which, at the end states, "The Beret people is going to take Care of John John and Caroline Kennedy." The letter is rambling in nature, is illegible in some instances, however, is a scurrilous, anti-Semitic communication. By another letter dated the same date, General Gavin stated his secretary had found other letters sent to him, apparently by the writer of the scurrilous communication. They were sent to him by the subject Wendall Tarver of Corpus Christi, Texas. General Gavin indicated he does not know Tarver. Bureau files indicate a person by the name of Wendall J. Tarver, possibly identical with the subject, wrote the Bureau in 1967 saying he was accused by State Department of corresponding with individuals out of the United States. Secret Service advised Friday, June 10, 1968.

General Gavin is retired from the U. S. Army and is currently with Arthur D. Little, Inc., a research organization in Cambridge, Massachusetts.



NW 54999 DocId:32989522 Page 24

# NAR

# ORIGINALS

**Subject** JFK Assassination

**File #** 62-109060-8307X Bulky

Part I

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[✓] For your information: FOIA

[✓] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Weisberg

1 - Mr. W. C. Sullivan
1 - Mr. Rosen
1 - Mr. C. D. Brennan

The Deputy Attorney General

December 16, 1970

Director, FBI

1 - Mr. Schutz
1 - Mr. Whitson

FREEDOM OF INFORMATION ACT

Reference is made to your letter of December 11, 1970, and to its attachments which pertain to requests from Mr. Harold Weisberg for additional information concerning the assassination of President Kennedy.

Mr. Weisberg's requests require extensive research and inquiries of our field divisions, which are being conducted expeditiously. When the results of research at FBI Headquarters and in the field have been analyzed, you will be furnished our comments.

LW:as

NOTE: The request received by the Department for information from FBI files is from Harold Weisberg, a man who has written several books critical of the Warren Commission, the FBI, Secret Service, police agencies and other branches of the Government relating to the assassination investigation. His writings have contained inaccuracies falsehoods and deliberate slanting of facts to fit his purpose. He was one of ten employees fired by the State Department during 1947 because of suspicion of being a communist or having communistic sympathies. Later he was allowed to resign without prejudice, but was not restored to his former position. A check of Portland, Minneapolis, Dallas and New Orleans files is necessary to be certain we can give the Department complete information on Weisberg's questions, which relate to possible cropping or editing of film rolls by the FBI. The films in which Weisberg is interested were taken at various times by private citizens and also some professional TV film from New Orleans.

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

16 Page(s, withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

[] Subsection 1A (intelligence agent's identity)

[] Subsection 1B (intelligence source or method)

[] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)

[] Subsection 2 (living person who provided confidential information)

[] Subsection 3 (unwarranted invasion of privacy)

[] Subsection 4 (cooperating individual or foreign government, currently requiring protection)

[] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

file 7410
62-109060

March 7, 1975

1 - Mr. S. J. White - Enc.
Atten: Mr. Kilty
1 - Mr. Mintz

Dr. John Nichols
School of Medicine
College of Health Sciences
and Hospital
The University of Kansas
Medical Center
Rainbow Boulevard at 39th
Kansas City, Kansas 66103

Dear Dr. Nichols:

I am in receipt of your undated letter and Western Union message dated February 19th regarding your request for information relating to investigation conducted with reference to the assassination of the late President John F. Kennedy.

With regard to your request described in item one of your letter and the request contained in the Western Union message, I wish to advise you we are presently in the process of attempting to identify and isolate laboratory data that would come within the scope of your request. I will be in communication with you further in connection with this portion of your request.

Concerning your inquiries set forth in your letter as items 2-5, the following information is being furnished:

2. The firing pin in C. E. 139 (Serial Number C2766) is of one piece.

3. The relative angle of rotation with respect to the various ejector, extractor and follower marks, if present, on exhibits CE543, CE544, CE545 and CE141 was not recorded by the FBI and is, therefore, not available from the FBI. These items are now located in the National Archives, Washington, D. C.

1 - The Deputy Attorney General - Enclosures (2)
1 - Bufile 62-115530 (FOI-REPLIES)

MMB:law (8)

NW 54999 DocId:32989522 Page 29

Dr. John Nichols

4. The heights of the seats on which the President and Governor Connally were sitting during the assassination and on which the "stand-ins" were seated during the on-site reenactment, were not recorded by the FBI and, therefore, are not available from the FBI. The President's Commission conducted this reenactment assisted in part by County Surveyor Robert H. West, 160 County Courthouse, Dallas, Texas. Information was furnished the FBI by the President's Commission concerning the relative heights of the "stand-ins" and especially the relative heights of the bullet impact points. All such information furnished and other details concerning this matter will be found in Volume V beginning on page 135 and, in particular, on page 166 of the Hearings Before the President's Commission on the Assassination of President Kennedy.

5. The horizontal firing angle (either with reference to the Texas School Book Depository Building or the Presidential limousine) was not recorded by the FBI and, therefore, is not available from the FBI. It should be noted that the tracing prepared by County Surveyor Robert H. West may fix the location of the Zapruder film frames you referred to from which the horizontal firing angle may be measured. This tracing is CE882 and is available for review and/or copying at the National Archives, Washington, D. C.

With regard to your request for information regarding appeal procedures under the amended Freedom of Information Act, I am enclosing the portion of a reprint of the Federal Register, Volume 40, No. 30, dated February 12, 1975, which sets forth the regulations under sections 16.6 and 16.7.

I trust the above will be of assistance to you.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (2)

SEE NOTE PAGE THREE



NW 54999 DocId:32989522 Page 30

Dr. John Nichols

NOTE: Correspondent has submitted previous requests under the FOIA prior to its amendment regarding the John F. Kennedy assassination. This reply has been coordinated with the Laboratory Division and the answers to correspondent's questions 2 trough 5 were provided by Laboratory Division. Legal Counsel Division memorandum to Mr. J. B. Adams dated 2-26-75 requested Laboratory to provide proper response to Nichols' request and the location of any documentation necessary.

Attached to this memorandum is a copy of a letter containing a Freedom of Information Act (FOIA) request from John Nichols, M.D., received on 2/20/75. Also attached is a copy of a teletype containing an additional item to be included in the request. We have had considerable correspondence with Dr. Nichols in the past, the last being on 1/15/75, at which time he was advised we would process his request under the amended FOIA after its effective date if he so desired.

We have pending a similar request from Harold Weisberg with regard to neutron activation and spectrographic analysis data. Weisberg's request, which is now in the form of an appeal from earlier correspondence, is still in the hands of the Justice Department. Correspondence is being prepared by the Department to him which will in effect refer him back to us since the Department's position is his appeal was premature.

By memorandum from Mr. M. E. Williams to Mr. White dated 1/24/75, the Laboratory Division identified the data pertinent to the Weisberg request for the spectographic and neutron activation testing and advised concerning problems of reproduction and cast factors.

The Laboratory Division is requested to review the Nichols request and comment concerning each of the six items as to whether the answer is available, and if so, provide proper response and location of any documentation necessary.



NW 54999 DocId:32989522 Page 31

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 2/26/75

FROM : Legal Counsel

SUBJECT: FREEDOM OF INFORMATION REQUEST OF JOHN NICHOLS, M.D., REGARDING JOHN F. KENNEDY ASSASSINATION DOCUMENTS

Attached to this memorandum is a copy of a letter containing a Freedom of Information Act (FOIA) request from John Nichols, M.D., received on 2/20/75. Also attached is a copy of a teletype containing an additional item to be included in his request. We have had considerable correspondence with Dr. Nichols in the past, the last being on 1/13/75, at which time he was advised we would process his request under the amended FOIA after its effective date if he so desired.

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The Laboratory Division is requested to review the Nichols request and comment concerning each of the six items as to whether the answer is available, and if so, provide proper response and location of any documentation necessary.

Enc.

1 - Mr. White
1 - Mr. Mintz
1 - Mr. McCreight
1 - Mr. Bresson

THB:mfd
(5)

CONTINUED - OVER

Memorandum to Mr. Adams
Re: Freedom of Information Request
of John Nichols, etc.

RECOMMENDATION:

That the Laboratory Division furnish Legal Counsel Division, FOIA Unit, the above requested information in order that a reply can be furnished to Dr. Nichols.



NW 54999 DocId:32989522 Page 33

THE UNIVERSITY OF KANSAS MEDICAL CENTER
COLLEGE OF HEALTH SCIENCES AND HOSPITAL
RAINBOW BOULEVARD AT 39TH • KANSAS CITY, KANSAS 66103

SCHOOL OF MEDICINE
SCHOOL OF NURSING
SCHOOL OF ALLIED HEALTH
UNIVERSITY HOSPITAL

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY
(913) 831-7070

Clarence M. Kelley, Esq., Director
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Kelley:

You will recall our previous correspondence relative to artifacts of the assassination of the late President John F. Kennedy. Pursuant to Freedom of Information Act (5 USC § 552) amendments effective February 19, 1975, I make the following requests, viz., that you: —

1. Divulge to me the raw data and derived results of any and all spectrographic and/or neutron activation studies on artifacts of the assassination including those, but not limited to, CE 399, CE 842, CE 567, CE 569, CE 840, CE 843, and CE 573.

2. Advise me whether or not the firing pin in Mr. Oswald's rifle CE 139 (serial C 2766) was of the two-piece or solid type.

3. Advise me the angle of rotation with respect to one another of the diverse ejector marks and follower spring marks on each of exhibits CE 543, CE 544, CE 545, and CE 141.

Not recorded
Not available

4. Advise me the height of the seats on which the President and Governor Connally were sitting during the assassination and the height of the seats on which the stand-ins were sitting during the FBI re-enactment.

5. Advise me Mr. Oswald's lateral (horizontal) firing angle for each of the Zapruder frames 210-225 and frame 312. [The vertical (depressed) angles are published.]

If done as by civilian, architectural & Pres. Comm. we believe develop this information except perhaps as CE 882, 883 TRACING 2 of 4

Of course, I shall be happy to pay the usual costs in providing the answers, or acquiring the data for the answers. Anticipating a denial I should appreciate you advising me by return post the correct procedure for appealing the denial within the agency. With kindest personal regards,

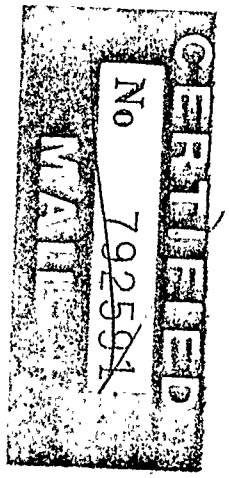
sincerely,
John Nichols
John Nichols, M.D.
(Effective date to be date of receipt)

11

NW 54999 DocId:32989522 Page 34

THE UNIVERSITY OF KANSAS MEDICAL CENTER
COLLEGE OF HEALTH SCIENCES AND HOSPITAL
RAINBOW BOULEVARD AT 39TH • KANSAS CITY, KANSAS 66103

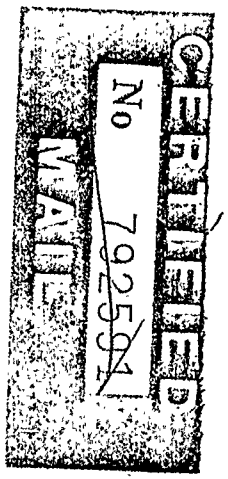
SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY




Clarence M. Kelley, Esq., Director
Federal Bureau of Investigation
Washington, D. C. 20535

THE UNIVERSITY OF KANSAS MEDICAL CENTER
COLLEGE OF HEALTH SCIENCES AND HOSPITAL
RAINBOW BOULEVARD AT 39TH • KANSAS CITY, KANSAS 66103

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY




Clarence M. Kelley, Esq., Director
Federal Bureau of Investigation
Washington, D. C. 20535

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 19 1975

WU INFOMASTER 2-044253E050 02/19/75

ICS IPMBNGZ CSP

TELETYPE

3125659182 TDBN CHICAGO IL 52 02-19 0829P EST

TWX 7108229444 FBI WASH DC

CLARENCE KELLY, DIRECTOR, CARE FEDERAL BUREAU OF INVESTIGATION

PENNSYLVANIA AVE AT 9TH NORTHWEST

WASHINGTON DC

SUPPLEMENTARY TO CERTIFIED LETTER NUMBER 792591 SENT YESTERDAY RELATIVE TO ARTIFACTS OF ASSASSINATION PRESIDENT KENNEDY. ADD 6TH REQUEST TO BE "ADVISE AMOUNT OF METAL REMOVED FROM EACH EXHIBIT FOR CHEMICAL AND OR NEUTRON ACTIVATION ANALYSIS AND AMOUNT OF EACH REMAINING AND PERMIT ME TO SUBMIT ANY REMAINING TO NEUTRON ACTIVATION ANALYSIS"

JOHN NICHOLS

2031 EST

FBI WASH DC

Asst. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

1 correction

cc 4706

REC'D-CORR & TOURS
FEB 20 8 39 AM 1975

FEB 19 8 33 PM '75
RECEIVED
TELETYPE UNIT

file 7410
62-109060
"Outside Comms." folder
Filed

March 5, 1974

John Nichols, M.D.
Associate Professor
Department of Pathology and Oncology
School of Medicine
The University of Kansas Medical Center
Rainbow Boulevard at 39th Street
Kansas City, Kansas 66103

Dear Dr. Nichols:

This will acknowledge receipt of your letter on February 20th, with enclosures, in which you requested certain data surrounding examinations made by the FBI Laboratory during the investigation of the assassination of former President John F. Kennedy.

The "Q and K" items referred to in your letter were all listed and described in FBI Laboratory Reports which were made available to the President's Commission and are available to you for review. In addition, a listing of the "C" items you referred to, also by descriptions, can be found in Commission Document 345 in the National Archives.

Under the same descriptions, the President's Commission assigned exhibit numbers to the items listed above as set forth in the testimony of Special Agent Robert A. Frazier, FBI Laboratory, in Volume III, (beginning at page 390), and Volume V, (beginning at page 58), of the "Hearings Before the President's Commission on the Assassination of President Kennedy."

When examined in the FBI Laboratory, Commission Exhibit 840 consisted of three metal fragments and this Exhibit was subsequently transferred to the National Archives. No further information is available concerning the present condition of this Exhibit.

1 - Office of the Deputy Attorney General - Enclosure
1 - Kansas City - Enclosure
1 - Mr. Briggs White - Enclosure
Attention: Mr. Frazier
1 - Bufile 62-115530 (FOI-REPLIES)
JCF:law (8)

RCF law JCF

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
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Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐ FARMINGTON 4706

John Nichols, M.D.

Commission Exhibit 842, when submitted to the FBI Laboratory for examination, consisted of one metal fragment which weighed 0.5 grain.

Commission Exhibits 840 and 842 were subjected to analytical studies in which small portions were necessarily consumed. The remaining weights of these Exhibits are not available.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: Dr. Nichols has previously corresponded with the Bureau concerning medical studies he has made which apparently have convinced him that the late President Kennedy was shot at least once from the front instead of only from the rear as found by the Warren Commission. He has brought an unsuccessful suit against the Government under the Public Information Law for the notes and work papers of the FBI Laboratory examiners concerning their spectrographic analysis of the bullets uncovered in the examinations. The "C" items, "K" items and "Q" items are correlated with Commission Exhibit numbers as follows:

| C# | Q or K# | CE# | |
|---|---|---|---|
| C1 | Q1 | 399 | Bullet from stretcher |
| C2 | Q2 | 567 | Bullet fragment from front seat cushion |
| C3 | Q3 | 569 | Bullet fragment from beside front seat |
| C4 | Q4 | 843 | Metal fragment from the President's head |
| C5 | Q5 | 843 | Metal fragment from the President's head |
| C6 | Q6 | 543 | 6.5 millimeter Mannlicher-Carcano cartridge case from building |
| C7 | Q7 | 544 | 6.5 millimeter Mannlicher-Carcano cartridge case from building |



NW 54999 DocId:32989522 Page 40

John Nichols, M.D.

NOTE CONTINUED:

| | | | |
|---|---|---|---|
| C8 | Q8 | 141 | 6.5 millimeter Mannlicher-Carcano cartridge |
| C9 | Q9 | 842 | Metal fragment from arm of Governor John Connally |
| C14 | K1 | 139 | 6.5 millimeter Mannlicher-Carcano rifle with telescope sight, Serial No. C2766 |
| C16 | Q14 | 840 | Three metal fragments recovered from rear floorboard carpet |
| C17 | Q15 | 841 | Scraping from inside surface of windshield |
| C38 | Q48 | 545 | 6.5 millimeter Mannlicher-Carcano cartridge case from building |

The material received and listed above was assigned "Q" and "K" numbers and was later assigned "C" numbers. A list of "C" numbers, bearing the same description as when listed with "Q" or "K" numbers was furnished the President's Commission. The list of "C" items is among the Commission papers in the National Archives, as Commission Document 342. Under the same descriptions, the President's Commission assigned exhibit numbers to the items listed above as set forth in the testimony of Special Agent Robert A. Frazier, FBI Laboratory, in Volume III, (page 390), and Volume V, (page 58), of the "Hearings Before the President's Commission on the Assassination of President Kennedy." Certain early FBI Laboratory reports referred to these items by "Q" and "K" numbers. These reports were submitted to the President's Commission either by the Dallas, Texas, Police Department, or by the Dallas Office of the FBI. These papers are available for review at the National Archives. Some of the items referred to by Dr. Nichols were subjected to Laboratory examinations which necessarily consumed portions of the items and/or altered their appearance. The residual portions of the items were turned over to the National Archives where they are available for inspection. No attempt was made to record the weights of the minute quantities consumed in the examinations, (spectrographic and neutron activation analyses), or to weigh the material remaining. All of the items were photographed in their original condition. They were delivered to the National Archives where they are presently maintained. This reply coordinated with the Laboratory Division.



NW 54999 DocId:32989522 Page 41

THE UNIVERSITY OF KANSAS MEDICAL CENTER
RAINBOW BOULEVARD AT 39TH STREET
KANSAS CITY, KANSAS 66103

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

(913) 831-7070

Dep.-A.D.-Adm
Dep.-A...-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eva
Spec. Inv.
Training
Legal Coun.
Telephone Rm
Director Sec'y

February 17, 1974

62-109060

Clarence M. Kelley, Esq., Director
Federal Bureau of Investigation
Washington, D. C. 20535

Frazier 713

Re: Artifacts of the Assassination
of President John F. Kennedy

Dear Mr. Kelley:

Mr. Hoover in his letter (CE 2968) of June 2, 1964, to Mr. Rankin writes of: cartridge cases C6, C7, and C38, as well as cartridge C8, and rifle C14.

Mr. Hoover, in his letter, Thermofax® copy enclosed, of July 8, 1964, to Mr. Rankin writes of: C1, C2, C4, C5, C9, and C16.

Mr. Hoover, in his report, five (5) page thermofax® copy enclosed, to Mr. Jesse Curry, under date of November 23, 1963, writes of: Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q8, Q9, Q14, Q15, and rifle K1.

I should greatly appreciate if you could correlate these "C" and "Q" numbers for me with the final Commission Exhibit (CE) numbers and advise where, in the Warren Commission Reoprt and/or Testimony and Exhibits of the hearings the correlations may be found.

Commission Exhibit 840 in the photograph on page 840 of volume 17, prepared by the FBI, shows three (3) pieces of metal. However, a recent photograph of this same exhibit prepared for me by the Archivist shows only two pieces of metal. As you can see from the enclosed Thermofax® copy of a letter from the Archivist under date of January 4, 1974, he "assumes" that the missing piece was not delivered to him from the FBI. I should greatly appreciate if you could advise me the disposition of this missing third piece of metal from this exhibit 840.

ENCLOSURE

CONFERENCE SEVEN

[redacted]VERSITY OF KANSAS
MEDICAL CENTER

The official photograph of CE 842, as found on page 841 of volume 17, intends to show metal removed from Governor John Connally's wrist. I can detect, presumably, one piece of metal; it is impossible to express further opinion from photograph.

Mr. Hoover's report to Mr. Curry mentions Q9 as "metal fragment" [singular] from the Governor's arm. The operative report (CE 392) of the surgeon, Doctor Gregory, mentions "Small bits of metal...these were". This is plural. In his testimony on page 122 of volume 4, Doctor Gregory speaks of "two fragments".

Mr. Frazier, on page 72 of volume 5, testified, in response to a question from Mr. Specter about the "fragment" thus: "that is the one from Governor...I do not know where Captain Fritz obtained it [singular].

A photograph, taken by the Archivist, and appearing in Mr. Josiah Thompson's book Six Seconds in Dallas (Bernard Geis, New York, 1967) on page 147 clearly shows two pieces of metal as CE 842.

A special photograph taken for the undersigned by the Archivist clearly shows three (3) pieces of metal being CE 842.

I should appreciate if you could advise me how many pieces of metal were removed from the Governor's arm and comprise CE 842, and its various earlier code numbers.

Finally, it is alleged that samples of metal was removed from some of these specimens for destructive spectrographic analysis and I should greatly appreciate if you could advise me how much was removed from each specimen and how much un-analyzed specimen of each remains. Shall look forward to hearing from you.

Sincerely,

John Nichols, M.D.
Associate Professor
of Pathology



Enclosures: Three

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

[] Subsection 1A (intelligence agent's identity)

[] Subsection 1B (intelligence source or method)

[] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)

[] Subsection 2 (living person who provided confidential information)

[] Subsection 3 (unwarranted invasion of privacy)

[] Subsection 4 (cooperating individual or foreign government, currently requiring protection)

[] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

April 2, 1974

1 - Mr. B. J. White
Atten: Mr. Frazier
1 - Mr. Mintz

John Nichols, M. D.
Associate Professor
Department of Pathology and Oncology
School of Medicine
The University of Kansas Medical Center
Rainbow Boulevard at 39th Street
Kansas City, Kansas 66103

Dear Dr. Nichols:

Reference is made to our letter to you dated March 6, 1974.

Pursuant to your request, we are enclosing 8 by 10 glossy prints of Warren Commission Exhibits 141, 543, 544, 545, 562 and 564. The photographs of Commission Exhibits 543, 544 and 545 are comparison microscopic shots and were taken under the same lighting and magnification and were enlarged identically.

There were no photographs of the whole primers of any of the Commission Exhibits you requested. For your information, Commission Exhibits 557 (a) and 557 (b) are shown in Commission Exhibits 543, 544 and 545.

We are returning your check in view of the fact only six of the photographs you have requested are available. Please forward a remittance in the amount of $3, payable by check or money order to the Treasury of the United States.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (7)

1 - The Deputy Attorney General
1 - Bufile 62-115530 (FOI-REPLIES)

RD:law (7)

SEE NOTE PAGE TWO

John Nichols, M. D.

NOTE: Substantial correspondence has previously been had concerning the assassination of President Kennedy. By letter 2-24-74, Nichols requested 8 by 10 glossy prints of certain Commission Exhibits and whole primers of certain other enumerated Commission Exhibits. (By letter 7-3-73, Nichols requested similar documents and was furnished requested copies at a charge of 50¢ per print.) By Bulet 3-6-74, he was advised we were in the process of preparing the documents he had requested, but was informed we would be unable to honor any further requests. The 3-6-74 letter was coordinated with John L. Gallinger, Departmental attorney, Office of Legal Counsel.



NW 54999 DocId:32989522 Page 46

March 6, 1974

John Nichols, M.D.
Associate Professor
Department of Pathology and Oncology
School of Medicine
The University of Kansas Medical Center
Rainbow Boulevard at 39th Street
Kansas City, Kansas 66103

Dear Dr. Nichols:

This will acknowledge receipt of your letter dated February 24th in which you enclosed a check in the amount of $4. We are in the process of preparing the documents you requested and will forward them to you upon completion.

We are of the opinion that we will continue to receive requests such as yours in the future. However, the FBI Laboratory does not have the manpower nor was it designed to furnish documents of this nature to the public on a volume basis. Consequently, we regret to inform you that we will be unable to honor any future requests you should make for similar documents. We trust you will understand our position in this matter.

Sincerely yours,

Clarence M. Kelley
Director

1 - Office of the Deputy Attorney General - Enclosure
1 - Mr. Briggs White - Enclosure
Attention: Mr. Shaneyfelt
1 - Bufile 62-115530 (FOI-REPLIES)
NOTE: Substantial correspondence has previously been had with Nichols concerning the assassination of President Kennedy. By letter 7-3-73, Nichols requested similar documents and was furnished requested copies at a charge of 50¢ per print. This reply was coordinated with John L. Gallinger, Departmental attorney, Office of Legal Counsel. Lyndal Shaneyfelt of the Laboratory is having the documents prepared. Check in the amount of $4 is being retained in the FOIA Unit until completion of request.
RD:law (7)

Robt Frazier

NW 54999 DocId:32989522 Page 47

THE UNIVERSITY OF KANSAS MEDICAL CENTER
RAINBOW BOULEVARD AT 39TH STREET
KANSAS CITY, KANSAS 66103

Dep.-A.D.-Adm.
D... Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

February 24, 1974

(913) 831-7070

Clarence M. Kelley, Esq.,
Director, Federal Bureau of
Investigation, Washington, D.C.

Re: Records of the
Warren Commission

Dear Mr. Kelley:

I should like to obtain 8x10 glossy prints of Commission Exhibits 562 and 564. Prints previously prepared for me by the Archivist are of poor quality inasmuch as they are second generation prints in which the engraver's grid marks are clearly visible. I am advised that the FBI has the original negatives.

Also I should like to obtain 8x10 glossy prints of the whole primers showing firing pin marks of certain cartridges being Commission Exhibits 141, 543, 544, 545, 557(a) and 557(b). I want the ones which were all taken under identical lighting conditions, at the same magnification, and printed at the same magnification. Some of these were used in Commission Exhibits 559-565 and 613-624.

Enclosed is personal check number 6757 payable in the amount of $4.00 calculated at 50¢ per print as previous photographs of July 18, 1973.

Shall look forward to hearing from you.

Sincerely,

John Nichols

John Nichols, M.D.
Associate Professor of Pathology

Enclosure: Check

CORRESPONDENCE

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

1-2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

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- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: _____

FOIPA

[X] The following number is to be used for reference regarding this page (these pages):

62-109060-8307 X Bulky

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Communications
7410

File
outside covers folder
Assoc. Dir. 7410

Mr. Miller 5-15-74

Legal Counsel

HAROLD WEISBERG v. U. S. DEPARTMENT OF JUSTICE
FREEDOM OF INFORMATION ACT (FOIA)

The U. S. Supreme Court on 5-13-74 denied certiorari in captioned suit and let stand a District of Columbia Circuit Court decision which sanctioned withholding information contained in FBI investigatory files pursuant to the FOIA.

In 1970, Harold Weisberg requested, through the Department of Justice, FBI records concerning the results of spectrographic analyses of bullets, bullet fragments, garments and other objects connected with the assassination of President Kennedy. His request was denied on the ground that the records were part of an investigatory file compiled for law enforcement purposes and exempt from disclosure pursuant to exemption (b)(7) of the FOIA.

He subsequently filed suit in the U. S. District Court, Washington, D. C., lost, and appealed to the United States Circuit Court. A three-judge panel of that Court ruled against the Government, holding that information must be disclosed from FBI investigatory files unless an ongoing investigative matter would be prejudiced thereby. The Government petitioned the Circuit Court for a hearing en banc, which was granted. The full Court affirmed the District Court opinion, interpreting exemption 7 as mandating that as long as materials were contained in investigatory files, they were exempt from public disclosure.

With this denial of certiorari by the Supreme Court, the FBI could operate within the statutory parameters of the FOIA even with the imminent passage of S. 2543 which will amend

1 - Mr. Callahan
1 - Mr. Jenkins
1 - Mr. Miller
1 - Mr. Adams
1 - Mr. Campbell
1 - Mr. Cleveland
1 - Mr. Franck
1 - Mr. Gebhardt
RD:law (18)

1 - Mr. Jacobson
1 - Mr. Jamieson
1 - Mr. Marshall
1 - Mr. Thompson
1 - Mr. Walsh
1 - Mr. Wannall
1 - Mr. White
1 - Mr. Mintz

CONTINUED - OVER

that Act. It must be pointed out, however, the FBI remains under Attorney General Order 528-73 which directs release of our files older than 15 years to historical researchers.

RECOMMENDATION:

For information.



NW 54999 DocId:32989522 Page 51

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

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- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIPA

[] The following number is to be used for reference regarding this page (these pages): 62-109068-8307X Bulky

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RIL H. WECHT, M.D., J.D., F.C.A.P.
CORONER

JOSHUA A. PERPER, M.D., LL.B., M.Sc.
CHIEF FORENSIC PATHOLOGIST
CHARLES L. WINEK, PH.D.
CHIEF TOXICOLOGIST
BERNARD J. McGOWAN, Esq.
SOLICITOR

# County of Allegheny

542 FOURTH AVENUE · PITTSBURGH, PA. 15219
(412) 355-4460 355-4466
OFFICE OF THE CORONER

Asst. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Lv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ✓
Telephone Rm. ____
Director's Sec'y ____

May 17, 1974

The Honorable William B. Saxbe
Attorney General of the United States
Department of Justice
Washington, D. C. 20530

Dear Mr. Saxbe:

This is an appeal of a decision by FBI Director Clarence Kelley. I am seeking access to certain scientific laboratory data compiled by the FBI Laboratory in 1964 in connection with the investigation of the assassination of President Kennedy. The data were not made available to the Warren Commission and have been withheld from the public for the past ten years.

Director Kelley has indicated a desire to be of assistance in making the data available, but he apparently feels there is some statutory or departmental prohibition on the release of such data, and even on the answering of questions pertaining to it. He has suggested that I appeal directly to you.

To explain my request and to set forth the basis for my appeal, I invite your consideration of the enclosures to this letter.

Enclosure (1), dated July 8, 1964, is a copy of a letter from the late FBI Director Hoover, which establishes that the FBI Laboratory performed two separate analyses of certain bullet fragments recovered in the investigation of the assassination. The second and third paragraphs of this letter from Director Hoover disclose that the more sensitive of the two analyses, the neutron activation analysis, revealed "minor variations in composition" among some of the fragments. However, no specifics or actual data from the analysis are disclosed, and the letter sidesteps any definitive conclusions about the possible significance of the observed variations.

MAY 21 1974
REGISTERED

MAY 22 1974

Enclosure (2) is my letter of March 8, 1974, to Director Kelley, wherein I ask for the details of the neutron activation analysis results; either through access to the actual laboratory data, or alternatively, through answers to certain specific questions which I enumerated on page 3 of Enclosure (2). This letter also explains how the reported "minor variations in composition" could be of crucial significance in assessing the validity of the Warren Commission's hypothetical explanation of the shooting, and why a discretionary release of the data might assist in resolving public doubts about the case.

Enclosure (3), dated March 20, 1974, is Director Kelley's reply. He asserts that the FBI had furnished the results of the neutron activation analysis to the Warren Commission in its letter of July 8, 1964, i. e., in Enclosure (1), and that these results are "now available for review at the National Archives as part of the Commission's documents". Unfortunately, Director Kelley was in error. Inquiry at the National Archives revealed that there was nothing on file there concerning the neutron activation analysis of the bullet fragments beyond the FBI letter of July 8, 1964, itself, to which there were no attachments or enclosures. Obviously, the FBI letter of July 8, 1964, does not provide answers to the specific requests made in my letter to Director Kelley.

Enclosure (4), dated April 23, 1974, is my second letter to Director Kelley, in which I pointed out the insufficiency of the information contained in the FBI letter of July 8, 1964, to which he had referred me. I emphasized the possibility of deriving additional conclusions from the laboratory data if they were made available to me, and I reiterated the requests I had made in my letter of March 8.

Enclosure (5), dated May 6, 1974, is Director Kelley's second reply. He indicates that he would like to be of assistance, which suggests that he would prefer to release the data, but that he must decline my request because of the provisions of Title 5, United States Code, Section 552 (b) (7). He then refers me to you.

It is my understanding of 5 U.S.C. 552 that the exemptive provisions in Subsection (b) are discretionary with the agency involved. In fact, the Justice Department's own regulations in support of this statute, specifically those published in 28 CFR 16A, Subsection 16.1 (a), provide:

> "To the extent permitted by other laws, the Department also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest."

To my knowledge, there are no other laws prohibiting disclosure of this type of information from FBI investigative files. Moreover, the files of the Warren Commission already contain voluminous materials from FBI investigative files, most of them available to the public. Accordingly, there is no binding prohibition on disclosure of the information I am seeking.

It is also my understanding from various news reports that the FBI recently adopted a more open policy on disclosures of information to the public. In the past six months, extensive FBI files on the Hiss, Rosenberg, and Ezra Pound cases have reportedly been released. If that is true, would it not be consistent with this policy to release the small amount of FBI laboratory data I am seeking, considering that it relates to so historic a case as the assassination of President Kennedy? Or should we infer that the Justice Department feels there is something about this case which must still be concealed from the public?

As we all know, the President of the United States has recently disclosed extensive transcripts of his conversations with advisors. These contain numerous unflattering characterizations of individuals and other details potentially harmful to persons who are the subjects of current criminal prosecution by your Department. I have heard no protests from the Department of Justice about these public disclosures, from which I infer that you determined that such disclosures were "in the public interest". How, then, can it be maintained that it would not be in the public interest to release purely factual scientific data bearing on the validity of the Warren Commission's explanation of the assassination of President Kennedy more than ten years ago? Is this not an absurd inconsistency on the part of the Federal Government?

During the past week, the United States Supreme Court has declined to review a lower court decision which had denied public access to the detailed results of the spectrographic analysis described in the first paragraph of Enclosure (1). Thus, the Court has said, in effect, that the public has no right, as a matter of law, to know the full details of the FBI investigation of the assassination of President Kennedy. I should like to point out, however, that the Court's decision in no way affects or limits the discretionary power of the Attorney General to release such data if he finds it in the public interest to do so. Moreover, my request concerns the entirely separate neutron activation analysis data which, according to Enclosure (1), produced results which differed quantitatively from those of the spectrographic analysis and were not taken into account by the Warren Commission. The continued withholding of this information by the Justice Department strikes me as a moral dereliction of duty to the public, even though it may not be in conflict with the law.

I repeat my requests for access to the data or alternative information specified in my letter of March 8, 1974, to Director Kelley, and I appeal to you to exercise your discretion in allowing the FBI to make it available.

Very truly yours,

Cyril H. Wecht

Cyril H. Wecht, M.D., J.D.

CHW/bhm

Enclosures (5)

REGISTERED MAIL
RETURN RECEIPT REQUESTED

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

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- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIPA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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October 30, 1974

1 - Mr. White - Enc.
Atten: Mr. Frazier
1 - Mr. Mintz

Mr. G. Norman Albree
Box 181
Winchester, Massachusetts 01890

Dear Mr. Albree:

This is in response to your letter of October 18th. I wish to advise you the subject matter of your inquiry was covered by testimony and laboratory reports furnished by the FBI to the Warren Commission. This material was subsequently released by the Warren Commission to the National Archives, and it is suggested you contact this source for the information you requested.

Sincerely yours,

Clarence M. Kelley
Director

1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: Correspondent communicated with us frequently during the 1960's regarding his suspicions concerning the Kennedy assassination. Last letter to him in 1966 directed him to the Archives in connection with a similar type request.

THB:ms (8)

NW 54999 DocId:32989522 Page 58

G. NORMAN ALBREE
BOX 181
WINCHESTER, MASS. 01890

18 October 1974.

Honorable Clarence M. Kelley,
9th Street and Pennsylvania Avenue,
Washington, D.C. 20535

Dear Mr. Kelley:

Is there to be found in the Warren Commission Report - or elsewhere - anything to indicate that the alleged three shots fired on 22 November 1963 were other than 6.5 m/m Mannlicher-Carcano (or, perhaps, better known as Mannlicher-Schoenauer) 161 grain full metal jacketed bullet? Olin Mathieson Chemical Corporation informed me in 1965 that these rounds might well have been some of those manufactured by them under contract to our Government for one of our Allies.

If, indeed, these were the three bullets fired, the total weight was 483 grains of which weight less than fifty per cent has, so far as I am aware, been accounted for in any way. It is possible you furnish some information in this connection. A categorical reply will be greatly appreciated.

Sincerely,

G. Norman Albree

NW 54999 DocId:32989522 Page 59

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

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- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[X] For your information: FOIA

[X] The following number is to be used for reference regarding this page (these pages):

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March 21, 1975

FREEDOM OF INFORMATION
REQUESTS FOR RECORDS

The following informal guidelines have been received from Freedom of Information Unit, Office of Legal Counsel, for use when they request cost data concerning FOI record requests from outsiders.

1. FOI will calculate reproduction costs unless unusually difficult, such as photographic reproduction of spectrographic plates.

2. "Reproduction" time is not chargeable, but must be absorbed by FBI.

3. Reviewing time, to determine if material may be furnished under FOI Law, is not chargeable.

4. Searching time (separate clerical and agent) is chargeable at the rate of $4/hour for clerks and $8/hour for agent. Exact records must be kept to support affidavit by agent in case of legal contest.

NW 54999 DocId:32989522 Page 61

1-Office, 7133
1-Mr. White
1-Mr. Kilty
March 19, 1975
1-Mr. Cunningham
1-Mr. Mintz
(Attn: Mr. Bresson)

Mr. White

M. E. Williams

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

The attached documents are proposed for release to Weisberg in accordance with a discussion with Weisberg held on March 14, 1975. The details concerning the meeting with Weisberg are being set out in a separate memorandum by the FOIA Unit.

The only requested item not included in the attached documents is one referring to a spectrographic examination of metal smears on a section of curb. The files are being searched for this item and it will be furnished to Weisberg if it is located.

The documents proposed for release are the following:

1. Three pages of results of neutron activation analysis examinations on Q1 (CE 399), Q2 (CE 567), Q4, Q5(CE 843), Q9 (CE 842), Q14 (CE 840).

2. Worksheet and notes for PC-78243 BX JV GH on spectrographic examinations on Q2, Q4, Q5, Q9, Q14, Q15 (CE 841).

3. Worksheet and notes for PC-80185 BX HB on spectrographic examinations on Q566, Q567, Q568, Q569.

4. Worksheet and notes for PC-78282 BX HB on spectrographic examinations on Q22 (CE 393), Q24 (CE 395), Q25 (CE 394).

5. Worksheet and notes for PC-78378 BX HB on spectrographic examinations on Q1, Q2, Q3 (CE 569), Q188 (CE 573).

Approximately 50 hours of Agent and clerical time were spent in locating and reproducing items attached.

Enclosure

ACTION: None. For information only.
JWK:fdb(6)

March 17, 1975

1 - Mr. Mintz
1 - Mr. Gale
(Attn: Mr. Frazier)

Mr. Emory L. Brown, Jr.
Box 32 Squankum Road
Howell, New Jersey 07731

Dear Mr. Brown:

This is in reply to your letter dated February 20, 1975, addressed to the National Archives and Records Service. A copy of your letter was referred to my office by Miss Jane F. Smith, Director, Civil Archives Division, National Archives and Records Service, and was received March 5, 1975.

In connection with your request for a copy of each film plate relating to the spectrographic examination of items enumerated in your letter, our Laboratory Division is attempting to locate and identify the requested records. Estimates of your costs involved in the possible reproduction of the requested spectrographic plates are not presently available. An extension of time is necessary to complete the processing of your request. Please be assured that your request is being processed as promptly as possible.

Sincerely yours,

Clarence M. Kelley
Director

1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

TLW:dw
(8)

Mr. Emory L. Brown, Jr.

NOTE: Reply has been coordinated with the Laboratory Division and based on memorandum dated 1/24/75, from Mr. M. E. Williams to Mr. White, FOIA request of Harold Weisberg. There is no derogatory information regarding the correspondent in Bufiles. Correspondent has written to us on five different occasions in connection with the Kennedy assassination. In all prior correspondence correspondent was denied requests under FOIA on basis of confidentiality.



NW 54999 DocId:32989522 Page 64

Box 82 Squankum Road
Howell, New Jersey 07731
February 20, 1975

Miss. Jane F. Smith, Director
Civil Archives Division
National Archives and Records Service
General Services Administration
Washington, D. C. 20408

Dear Miss. Smith:

Subject: RECORDS OF THE WARREN COMMISSION: CD 81-b

The above mentioned document, an F.B.I., lab report, states that spectrographic examination was made on various specimens including certain bullet fragments as well as a whole bullet. However, the actual test data is absent from the report.

Generally, in Emission Spectrochemical Analysis the results are recorded photographically by means of Photographic Immage Formation of the spectra. What I would like, is a copy of each of those film plates relating to the testing of items Q 1, Q 2, Q 3, Q 4, Q 5, Q 8, Q 9, Q 14 and Q 15. Please advise me of the number of prints and the copying fee.

Very truly yours,

Emory L Brown, Jr.

1-Office, 7133
1-Mr. Kilty
March 13, 1975
1-Mr. Cunningham

Mr. White

M. F. Williams

FREEDOM OF INFORMATION REQUEST OF
JOHN NICHOLS, M.D. REGARDING
JOHN F. KENNEDY ASSASSINATION DOCUMENTS

Reference is made to Legal Counsel to J. F. Adams' memorandum of February 26, 1975, wherein the Laboratory was asked to review Nichols' requests in his letter received February 21, 1975, and in his telegram of February 19, 1975, and comment on the availability of the material.

Item No. 1

His first item requests the "raw data" and "derived results" of neutron activation analysis (NAA) and/or spectrographic examinations conducted on the following specimens and any other specimens so examined:

Description of Specimens

| Commission Exhibit Number | Laboratory Number | Description |
|---|---|---|
| CE 399 | Q1 | Bullet from Stretcher |
| CE 567 | Q2 | Bullet fragment from front seat cushion |
| CE 569 | Q3 | Bullet fragment from beside front seat, right side |
| CE 843 | Q4, Q5 | Metal fragments from President's head |
| CE 842 | Q9 | Metal fragment from arm of Governor John Connolly |

62-115530

JWK:fdb(6)
1 - Mr. Bresson
1 - Mr. Mintz

(CONTINUED-OVER)

NW 54999 DocId:32989522 Page 66

Memorandum to Mr. White
FREEDOM OF INFORMATION REQUEST OF
JOHN NICHOLS, M.D. REGARDING
JOHN F. KENNEDY ASSASSINATION DOCUMENTS
62-115530

| | | |
|---|---|---|
| CE 840 | Q14 | Three metal fragments recovered from rear floor board carpet |
| CE 573 | Q188 | Bullet from General Walker's residence |

The response to this request is being limited to the specimens listed by Nichols and two copies of the "raw data" and "derived results" are attached for review. It should be noted that no NAA examinations were conducted on CE 569 and CE 573.

The attached notes and calculations may not be entirely responsive to Nichols' "raw data" request. The actual data printouts for NAA are available but are not being furnished because the numbers obtained from the data printouts were subjected to basic arithmetic operations the results of which are incorporated in the information furnished with this memorandum.

The Special Photographic Unit of the Laboratory is still involved in the reproduction of the spectrographic plates. These reproductions will be available by March 24, 1975.

Items No. 2 through 5

The answers to Nichols' second through fifth items were included in Bureau letter to Nichols dated March 7, 1975.

Request in telegram dated February 19, 1975

Except for small amounts of each specimen which were removed for spectrographic and/or NAA examinations, the specimens referred to were turned over to the National Archives and are in the custody of the Archivist. The amounts of material removed for preparation of the specimens for examination were not recorded nor were the remaining weights recorded.

The Laboratory is not in position to respond to Nichols' request for permission to conduct his own examinations of the referred to specimens.

ACTION: None. For information only.



54999 DocId:32989522 Page 67

Mr. J. B. Adams 3/7/75

Legal Counsel

PUBLIC LAW 93-502, AMENDMENTS TO THE FREEDOM OF INFORMATION ACT (FOIA), TITLE 5, UNITED STATES CODE, SECTION 552

The purpose of this memorandum is to bring to the attention of all Bureau Officials and Supervisors information and pertinent guidelines, in addition to those contained in attached proposed letter to all SACs, resulting from the new amendments to the FOIA. Additional guidelines and observations will be submitted for consideration from time to time as experience gained under the provisions warrant. Also, representatives of the FOIA Unit will be available to address Division conferences regarding this Act.

As you have previously been advised, the Freedom of Information Act (FOIA) was recently amended and the amendments became effective February 19, 1975. Copies of the FOIA incorporating the recent amendments are now available and are attached for your information. As can be seen from the attached reprint, the primary effect of the new amendments is to increase the administrative burden of processing requests under the Act, which is being handled by the Legislative Matters Section, FOIA Unit of the Legal Counsel Division. Occasionally, however, the assistance of other Divisions will be necessary in resolving questions concerning a particular request.

The amended Act has altered the previous Act in three major areas of concern to the FBI.

1. Change in Exemption (b)(1). This exemption relates to classified national defense and foreign policy records. The major change in this area is that the amended Act expressly provides for in camera judicial inspection of any documents withheld under this exemption, with the purpose of ascertaining if they are "properly" classified. As a result of this provision, a review of all classified documents will be made prior to assertion of this exemption, to insure the classification is proper and current.

Enc.

1 - Mr. Adams - Enc.
1 - Each Assistant Director - Enc.
JRD:ms (17) CONTINUED - OVER

2. Change in Exemption (b)(7). The language of this exemption has been changed from "investigatory files" under the old Act to "investigatory records" under the present Act, and the bases for withholding records falling in this category have been narrowed to six specified situations.

The situations in which investigatory records may be withheld are specified in the amended Act and may be briefly described as follows: Where release of the record would... (1) interfere with enforcement proceedings (investigation or prosecution) (2) deprive a person of a fair trial (3) constitute an unwarranted invasion of personal privacy (4) disclose the identity of a confidential source (either a paid informant or any citizen furnishing information to us with an express or implied assurance of confidentiality) (5) disclose investigative techniques and procedures, or (6) endanger the life or safety of law enforcement personnel.

3. Processing of Requests. The amended Act has imposed a statutory requirement that an agency respond to an FOIA request by either denying or granting the request within ten working days, or in certain specified instances within 20 working days. As pointed out above, the amendments have also drastically revised the "investigatory files" exemption and now refers to "investigatory records." The effect of these two modifications is to greatly increase the administrative burden of processing FOIA requests. The change in the wording from "files" to "records" requires a document-by-document review of the files falling within the scope of the request. The exemption for investigatory records is now such that it also requires a page-by-page review to justify withholding of the information contained in these records. The Act also requires that any "reasonably segregable" portions of a record be made available to the requester after the portions which are exempt have been deleted. This means that any documents not exempt in their entirety must be read and deleted on a paragraph-by-paragraph basis. As mentioned above, the modification of the (b)(1) exemption now requires us to review the classification of documents before the (b)(1) exemption is asserted.

As can be seen from the above explanation, the bases for withholding information in a closed investigatory file are limited. The two most frequently relied-on exemptions when dealing with an inactive investigation are (b)(7)(C) (unwarranted invasion of personal privacy) and (b)(7)(D) (information furnished with an express or implied assurance of confidentiality).



NW 54999 DocId:32989522 Page 69

Assertion of these exemptions relies heavily on the assumption that an individual who cooperates with this Bureau in the course of an official investigation does not wish to have his identity or the information he furnished released to the subject of the investigation or to third parties, unless this is necessary in enforcement proceedings of a judicial nature. The Legal Counsel Division is giving consideration to suggesting adoption of certain procedures by the field in recording the results of our interviews in order to strengthen our position in asserting these exemptions. Before adoption of any such procedures, the views of other Divisions as to the effect these procedures might have on dissemination of information and related problems will be solicited.

Additionally, to enable the FOIA Unit to comply with the short statutory deadlines imposed by the Act, normally ten working days, it will be necessary for all other Divisions to cooperate expeditiously in the handling of these matters when called upon to do so. This will involve insuring that any misdirected FOIA requests received by other Divisions are transmitted to the Legislative Matters Section, Room 4503, Justice Building, Attention: FOIA Unit, by the most expeditious means available. The time limit for response to a request generally begins to run from the date the request is received in any Division of FBI HQ. As the applicability of some of the exemptions depend upon whether release of the information requested would interfere with an ongoing investigation or enforcement proceedings, it will on some occasions be necessary for the FOIA Unit to consult with other Divisions concerning their opinion as to the effect release of information would have on an ongoing case. In some situations, also, the Division handling the substantive violation may be consulted to provide background data, in order to ascertain if the continued classification of a particular document is justified.

RECOMMENDATION:

The attached letter to all SACs be sent, which explains the recent amendments to the FOIA and sets out procedures for handling FOIA requests or inquiries received by Field Offices.



NW 54999 DocId:32989522 Page 70

(Typed March 7, 1975)

PERSONAL ATTENTION

Memorandum to All Special Agents in Charge:

RE: PUBLIC LAW 93-502
AMENDMENTS TO THE FREEDOM OF INFORMATION
ACT (FOIA), TITLE 5, UNITED STATES CODE
SECTION 552

Congress recently amended the FOIA, Title 5, United States Code, Section 552 and these amendments became effective February 19, 1975. Attached are two copies of the FOIA which incorporate the recent amendments.

As you will recall, the FOIA requires Government agencies to furnish records and documents to the public upon request subject to several exceptions or exemptions which allow the withholding of records and documents in certain specified situations.

The primary effect of the recent amendments is to:

(1) Reduce the time available to an agency for responding to an FOIA request to ten working days, or in certain specified situations 20 working days.

(2) Provide for in camera court review of any classified documents withheld under exemption (b)(1) to ascertain if the classification is proper. This, of course, would occur only if a suit is filed by the requester appealing from a denial of documents withheld under this exemption.

(3) Narrow the exemption (b)(7), which previously provided for the withholding of investigatory files compiled for law enforcement purposes. The amended exemption (b)(7) now allows withholding of "investigatory records" in six specific instances or circumstances.

The Legal Counsel Division, Legislative Matters Section, FOIA Unit of FBI HQ is handling the implementation of this Act. Field offices should continue to follow procedures previously set forth for handling of FOIA requests, in Manual of Rules and Regulations, Part II, Section 8D, page 15C. That is, a brief letter acknowledging the receipt of a request should be sent to the requester and he should be advised the request is

1 - Each Assistant Director
1 - Mrs. Smith
JRD:ms (17)

NW 54999 DocId:32989522 Page 71

being forwarded to FBI HQ for consideration. The request should then be transmitted by airtel to FBI HQ, Attention: Legal Counsel Division, Legislative Matters Section, on an expedite basis. The airtel transmitting the letter should provide a summary of any background data available on the subject matter of the request. In the event telephonic or personal inquiries are received concerning the procedures for making requests under the Act, the requester should be advised to direct a written request to the Director, FBI, Washington, D. C. 20530. The envelope and letter should be marked "Freedom of Information Act Request," or similar wording. The time period for response to an FOIA request will not begin to run until the request is received at FBI HQ.

The principal effect of the extensive amendment to the investigatory files exemption, Section 552 (b)(7), is to allow the withholding of records from our investigatory files only in six specified circumstances which are set out in the Act. We anticipate that in handling these requests we will rely heavily on subsection (b)(7)(D) which allows withholding of information furnished by an individual who is a "confidential source." The term "confidential source" has been interpreted in the legislative history of the Act and through analysis of the Act by the Department of Justice, as covering not only informants but any citizen who furnishes information to an agency with the express assurance of confidentiality or under circumstances where such an assurance could reasonably be inferred.

Efforts will be made during initial and follow-up in-service training of Field Office Legal Counsel, to cover in detail the provisions of the Act. Any inquiries concerning other problems arising under the Act should be directed to the Legislative Matters Section, Legal Counsel Division, FBI HQ. Additional guidelines and interpretations concerning the Act, resulting from expected court decisions and experience gained in applying its different provisions, will be furnished you from time to time where necessary.

Clarence M. Kelley
Director

Enclosures (2)



NW 54999 DocId:32989522 Page 72

## § 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4) (A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such



NW 54999 DocId:32989522 Page 73

agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6) (A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names



NW 54999 DocId:32989522 Page 74

and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are—

(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a) (6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a) (4) (F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a) (4) (E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

The amendments made by this Act shall take effect on the ninetieth day beginning after the date of enactment of this Act.

Pub. L. 93-502, 88 Stat. 1561 Nov. 21, 1974.

1 - Mr. Conrad
1 - Office, 7133
1 - Mr. Frazier

Mr. Conrad

3/18/71

22

W. D. Griffith

FREEDOM OF INFORMATION
HAROLD WEISBERG

By memorandum of 3/16/71, attached, the Department has referred for comment a request from Mr. Weisberg for additional photographs of President Kennedy's clothing.

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 criticisms of the Warren Commission, the FBI, the Secret Service and several other U. S. Government agencies, as well as the Dallas Police Department. His writings contain inaccuracies, falsehoods and the 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 photographs and other material in our files relating to the investigation of the assassination of President Kennedy.

In memoranda from the Department dated 5/19 and 6/22/70, and our replies of 5/28 and 7/1/70, relating to requests from Weisberg, we furnished to the Department a photograph showing the tabs of the President's shirt and three additional photographs showing the back of the shirt, a close-up of the area containing the bullet hole in the back of the shirt, and a picture of the knot in the necktie.

By memorandum from the Department dated 8/13/70, the Bureau was advised that a complaint had been filed in the U. S. District Court for the District of Columbia entitled Harold Weisberg v. Department of Justice, Civil Action No. 2301-70, under the Freedom of Information Act, 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. This civil suit was the outgrowth

Enclosure
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Rosen

MEW:ljb (9)

(CONTINUED - OVER)

NW 54999 DocId:32989522 Page 76

of Weisberg's continuing efforts to obtain detailed notes, worksheets and photographic plates comprising the "raw data" upon which the conclusions of Laboratory examiners were based. Our files show that this action is still pending.

We took the position in this latter matter that the materials requested were part of the Bureau's investigative files pertaining to the assassination and hence Weisberg's request should be denied on the basis of the exception in the Freedom of Information Act which specifically exempts investigative files compiled for law enforcement purposes, Title 5 United States Code, Section 552 (b) (7). This matter has been discussed and coordinated with the Office of Legal Counsel.

RECOMMENDATION:

(1) Although we have furnished photographic material to the Department previously which has been furnished Weisberg, in view of the pending litigation it is recommended that we request the Department to deny this most recent request.

(2) There is attached for approval a proposed letter to the Department setting forth our views and returning the enclosures to the Department's memorandum.



NW 54999 DocId:32989522 Page 77

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIPA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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May 15, 1975

Clarence M. Kelley
Office of the Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Kelley:

First, I would like to thank you for your letter of March 20, 1975 and the enclosure, which, contributed much to my understanding of the FBI investigation into this matter.

I have a document from the Warren Commission's files (document enclosed) that lends itself to several interpretations - one which could reflect badly on the FBI. In a November 22, 1963 report of transmittal of ballistics evidence from the autopsy at Bethesda Naval Hospital to the FBI Laboratory, agent Francis X. O'Neill, Jr., lists a "missle" recovered by the autopsy doctors.

I realize FBI agents Sibert and O'Neill transmitted several tiny bullet fragments to the FBI Lab (CE 843) for examination. Are they referring to these fragments or are they reporting the recovery of a bullet?

Sincerely,

Fred T. Newcomb

FRED T. NEWCOMB

FTN:mkn
Enclosure

14812 McCormick Street
Van Nuys, California 91411

June 11, 1975

(1) - Laboratory Division

Mr. Fred T. Newcomb
14812 McCormick Street
Van Nuys, California 91411

Dear Mr. Newcomb:

This is to acknowledge your letter of May 15th.

Enclosed is a copy of an FBI Laboratory report which sets forth the specimens transmitted by Special Agents Francis O'Neill, Jr., and James W. Sibert. I trust this document will help clarify any possible misunderstanding concerning this evidence.

Sincerely yours,

Clarence M. Kelley
Director

Enclosure

1 - The Deputy Attorney General - Enclosures (2)
Attention: Susan M. Hauser

NOTE: The reply and the material sent to requester were coordinated with the Laboratory Division. Names of Agents are published in Warren Commission Report.

siw:mrs (5)

NW 54999 DocId:32989522 Page 80

1 - Cunningham
"Outside File"
7410

1 - Kelley

March 20, 1975

Newcomb

Mr. Fred L. Newcomb
14812 McCormick Street
Van Nuys, California 91411

1 - Mr. Mintz
1 - Mr. White
(Attn: Mr. Frazier)

Dear Mr. Newcomb:

This is in reply to your letter dated February 28th, with enclosures, which was received in my office on March 3rd.

Enclosed pursuant to your request is one Xerox copy of our results of paraffin cast tests from Lee Harvey Oswald conducted in the investigation of the assassination of former President Kennedy.

As your reply from James L. Liverman, Director, Division of Biomedical and Environmental Research, Energy Research and Development Administration, dated February 13th indicates, our personnel conducted the examination and analysis in question. While the Atomic Energy Commission did provide the necessary equipment for these tests, it did not conduct the examination or produce a report.

The results of the examination and analysis of the bullets you request are the spectrographic tests contained in an FBI report dated November 30, 1963, at Dallas, Texas, and the results of the neutron activation analyses. The spectrographic report has been furnished to the National Archives and is available to the public. Additionally, the results are set forth in the report of the Warren Commission, Volume 5, pages 67, 69, 73 and 74, wherein it is specifically stated that the metal fragments were analyzed spectrographically and were found to be similar in composition.

1 - The Deputy Attorney General - Enclosure
s (3)

1 - Bufile 62-115530 (FOI-REPLIES)

CLW:dw (7)

NW 54999 DocId:32989522 Page 81

Mr. Fred T. Newcomb

The neutron activation analysis results were furnished by letter to Honorable J. Lee Rankin dated July 8, 1964. This letter is available to the public in the National Archives.

We are therefore of the opinion there has been full disclosure of the results of our testing in this regard.

Sincerely yours,

Clarence M. Kelley
Director

Enclosure

NOTE: Correspondent is not identifiable in Bufiles. Reply has been coordinated with the Laboratory Division. The enclosure is serial 2384 from file captioned "Lee Harvey Oswald, IS-R" (Bufile 105-82555) with deletion of file numbers, administrative data, and addendum which identified three employees of Union Carbide who assisted in the examination.



NW 54999 DocId:32989522 Page 82

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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62-109060

MR. MINTZ 3/21/75

J. B. ADAMS

FREEDOM OF INFORMATION
ACT (FOIA) REQUESTS

In order to expedite processing of FOIA requests received in the Legal Counsel Division requiring document review and/or comments by other FBIHQ divisions, the following procedures should be implemented under normal circumstances:

Legal Counsel should prepare memorandum to the Assistant Director of the FBIHQ division involved requesting review of material, necessary comments, or other required action relating to the FOIA request. The recipient FBIHQ division should handle the matter in accordance with Legal Counsel's request and respond directly to Legal Counsel by addendum to the memorandum or, if necessary, by memorandum. When all action is completed, the final package including the reply to the initiator of the FOIA request prepared by Legal Counsel would thereafter be sent to me for approval.

If, however, there is some specific reason to notify me of the receipt of the FOIA request as would be the case if the initiator was of particular interest to higher Bureau officials, or if good judgment would otherwise dictate, I should be aware of the request, Legal Counsel should, in those instances, prepare the memorandum to me.

ACTION:

For information.

PLM:ams
(16)

1 - Mr. Jenkins
1 - Each Assistant Director

NW 54999 DocId:32989522 Page 84

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

176 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

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- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[✓] For your information: FOIA

[✓] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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KENSALT
(Assassination of
Senator Robert F.
Kennedy
Los Angeles, Calif.
6-5-68)

Mr. Conrad

March 3, 1970

W. D. Griffith

EXAMINATION OF HYPNOTIC WRITINGS (KENSALT)

During the recent American Academy of Forensic Sciences meeting in Chicago, Dr. Seymour Pollack, psychiatrist at the University of Southern California, Los Angeles, presented a discussion of hypnotic writings which he classified as automatic writings.

Dr. Pollack stated that his study followed the claim made in the Sirhan Sirhan trial that the writings in Sirhan's notebook were prepared while Sirhan was under a state of self hypnosis. This claim was successfully refuted during the trial of Sirhan.

Subsequent to the trial, Dr. Pollack conducted experiments concerning automatic (hypnotic) writings. In his experiments he requested that each subject present normal undictated writings prepared prior to the experiment. He also obtained dictated handwriting samples which were written prior to hypnosis. He then obtained dictated writings prepared under hypnosis. Finally, he obtained handwriting samples subsequent to hypnosis.

Dr. Pollack then subsequently presented the handwriting samples to Lawrence Sloan, Sr., document examiner, Los Angeles, with the request that Sloan determine which of the writings were prepared under hypnosis. Dr. Pollack reported that Sloan erred in about 70 per cent of his determinations in labeling as being automatic (hypnotic)

62-587-

NOT RECORDED
183 MAR 6 1970

1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Brittain
1 - Mr. Cadigan
1 - Mr. Oberg
1 - Mr. Webb
1 - Mr. Williams
1 - Mr. Bohn
1 - 62-587
1 - Expert file of Lawrence Sloan, Sr., document examiner for Los Angeles, California, Prosecutor's Office

CONTINUED - OVER

CEB:mf (11)

NW 54999 DocId:32989522 Page 87

writings certain of the writings examined. This was the result of comparisons with normal writings of the subjects. Sloan also reportedly made 100 per cent error in labeling the writings prepared subsequent to hypnosis as being automatic (hypnotic) writings.

Dr. Pollack appears to be an extremely competent psychiatrist and was very sincere in his discussions. He suggested that Sloan's errors may have been the result of "over predicting," as frequently happens in the psychiatric field. Also, Dr. Pollack stated that he considered the field of hypnotic writings a proper field for experiments.

The above observations would tend to indicate that Sloan may have made a series of speculations in his examinations, that there was an insufficient amount of writings available to suitably permit positive determinations, and possibly that some hypnotic writings cannot be determined from examination.

ACTION: None. For information.



NW 54999 DocId:32989522 Page 88

Laboratory Transmittal Form
7-72

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

1 - Gen. Invest, Div.
Room 2260
(Attn: H. A. Schutz,
1 - Mr. Conrad
1 - Mr. Bradley
1 - Mr. Harward

To: FBI, Los Angeles

Date: June 30, 1969

Re: KENSALT
STUS PRUSZYNSKI

John Edgar Hoover, Director

FBI File No. 62-507
Lab. No. E-767-KB

Examination requested by: FBI, Los Angeles

Reference: Bulet to Los Angeles 5/6/69

Examination requested: Engineering

Remarks:

It is noted that one portion of Qc36 near the middle of the recording appears to be either part of some prior recording that was not recorded over or part of a recording made over the original recording. The material during this section of the tape appears unrelated to other parts of the tape.

One copy of Qc36 is furnished for dissemination by you to the Los Angeles Police Department.

A determination as to whether any of the recorded material on Qc36 relates to the assassination of Kennedy was not attempted by the Laboratory since it is felt personnel in the Los Angeles Office familiar with the case would be in a better position to make such determination.

Enclosures (2) (2 Lab Reports)

WEH:sdh:law
(7)

NOTE: This examination and instructions to Los Angeles coordinated with Supervisor Schutz, Div. 6.

General Investigative Division
Room 2260

ADMINISTRATIVE PAGE

7-1b

# REPORT of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

1 - Gen. Invest. Div.
Room 2260
(Att: H.A. Schutz)
1 - Mr. Conrad
1 - Mr. Bradley
1 - Mr. Harward

To: FBI, Los Angeles

Date: June 30, 1969

Re: KENSALT
STUS PRUSZYNSKI

FBI File No. 62-537

Lab. No. E-767-KB

Specimens received 6/3/69

Qc36 Copy of tape recording made by Stus Pruszynski 6/5/68.

Results of Examination:

Qc36 was found to have been recorded at a non-standard speed on ¼-track recorder and contained an interfering hum. A copy of Qc36 was made by playing back Qc36 on a variable speed recorder adjusting the speed for a natural sound and equalizing the frequency response to enhance intelligibility.

The submitted Qc36 and two copies made as described above are being sent to Los Angeles under separate cover via registered mail.

WH:sdh
(7)

NW 54999 DocId:32989522 Page 90

1-Mr. Conrad
1-Office, 7133

MR. I. W. CONRAD 1/14/69

R. H. JEVONS

KENSALT
(ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA)

The Los Angeles Office has forwarded to the Bureau a letter dated 1/7/69, from the Los Angeles Police Department signed by Deputy Chief Robert A. Houghton, requesting that the firearms examinations conducted by the Los Angeles Police Department in this case, be duplicated by the FBI Laboratory personnel.

The letter states, "A separate and independent analysis would be of value in later refuting any claims attacking the validity of the examination by a single department and should preclude disputes or frivolous complaints."

The duplication of examinations, such as requested, is in direct opposition to the long-standing examination policy of the Laboratory. There appears to be no advantage to be gained by the Bureau by conducting the re-examination of this evidence and the Los Angeles Office recommends that the examinations not be conducted. Moreover, current newspaper reports quote the Chief Defense Counsel, Grant B. Cooper, as stating in open Court, "There will be no denial of the fact that Sirhan B. Sirhan fired the shot or shots that killed Senator Kennedy." These same newspaper reports further indicate that defense strategy will be to prevent the prosecution from proving the key element of premeditated, conscious intent to kill. Accordingly, duplication of the firearms examination would have no bearing on this element.

ACTION:

(1) In view of the circumstances mentioned above, it is recommended that we decline to re-examine this evidence.

(2) If approved, the Los Angeles Office will be advised accordingly.

1-Mr. Mohr
1-Mr. DeLoach
1-Mr. Bishop
1-Mr. Rosen
MEW:nlb&dmg (7)

NW 54999 Docid:32989522 Page 91

1-Mr. Conrad
1-Mr. Jevons, 7133

Mr. Conrad

10/15/68

1-Mr. Heilman, 7417

R. H. Jevons

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

On 10/14/68, Dr. John Holloway, Deputy Medical Examiner, Los Angeles County, California, telephonically contacted the Laboratory at the request of the Chief Medical Examiner for Los Angeles, Dr. Thomas T. Noguchi. Dr. Holloway stated that in a recent conference at the White House relative to this case, President Johnson expressed the desire to Dr. Noguchi to have a Federal laboratory conduct neutron activation analyses on certain items of evidence collected by the Los Angeles, California Police Department and his office.

Dr. Holloway was inquiring if the FBI Laboratory could examine by neutron activation analysis methods a specimen bullet, foreign metallic deposits on a piece of bone and several biological specimens containing foreign metallic deposits. The purpose of such examinations is to show that the foreign metal deposits originated from a bullet of the same lot as used by assassin Sirhan Bishara Sirhan.

It was explained to Dr. Holloway that it was doubtful that such conclusions could be reached from such an analysis and that at best, it might be concluded that the foreign metal smears could have originated from a bullet of similar composition. Our policy of not examining materials previously examined by other laboratories was also defined to Dr. Holloway. Dr. Holloway was not certain as to what examinations had been made but stated he would find out.

Upon conclusion of the discussion, Dr. Holloway advised that he would contact Dr. Noguchi and subsequently make a formal written request setting forth the examinations desired and the extent and nature of prior analyses. Dr. Holloway was advised that upon receipt of such information, the Bureau could then determine whether or not we would consider making any analyses.

62-587

1-Mr. Mohr
1-Mr. DeLoach

V.RH:fch
(6)

(CONTINUED - OVER)

NW 54999 DocId:32989522 Page 92

Memorandum to Mr. Conrad
Re: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
62-587

Dr. Holloway stated that he had previously contacted the Atomic Energy Commission authorities at Oak Ridge, Tennessee, with the same request but was refused assistance.

ACTION:

For information.



NW 54999 DocId:32989522 Page 93

Laboratory Transmittal Form
7-72

1) - Mr. Conrad
1 - Mr. Schultz Rm.5722
1 - Foreign Liaison
1 - Lab File

FBI
LABORATORY

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Washington Field Office

Date: September 30, 1968

Re: KENSALT

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 62-587
Lab. No. D-680918067 AT

Examination requested by: Legat, Paris

Reference: Bulet to Washington Field Office dated 9/17/68

Examination requested: Document

Remarks:

2 - Los Angeles (56-156) Enclosures (2) (2 Lab report)
2 - Legat, Paris Enclosures (2) (2 Lab report)
1 - Director, U.S. Secret Service (attachment only)

CEB:AW (13)

ADMINISTRATIVE PAGE

REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Washington Field Office

Date: September 30, 1968
FBI File No. 62-587
Lab. No. D-680918067 AT

Re: KENSALT

Specimens received 9/17/68

Qc33 Photocopy of two-page handwritten letter dated 6/11/68, bearing message in Serbo-Croation language (copy of original letter previously submitted)

Kc23 Photocopy of two-page letter dated at Paris, 5/24/66, bearing purported handwriting of DJURO STOKIC

Kc24 Photocopy of two-page letter in Serbo-Croation language, dated 1/22/68, purportedly written by DJURO STOKIC, and attached copy of photograph, alleged to be that of the writer

Result of examination:

It was found that the purported writing of DJURO STOKIC appearing on the submitted photocopies designated Kc23 and Kc24 is entirely too indistinct to permit a suitable comparison with the questioned writing on the two-page letter designated as Q33. Specimen Q33 is the original letter for the photocopy Qc33. Q33 and the envelope in which it was mailed, designated Q 32, are described in FBI Laboratory report dated 8/23/68, a copy of which was furnished to the Director, U.S. Secret Service, Washington, D.C. Photocopies of Q32 and Q33 were furnished with FBI Laboratory report of 8/23/68.

Due to the indistinctness of the writing on Kc23 and Kc24, a definite conclusion was not reached whether DJURO STOKIC wrote the questioned writing on Q32 and Q33. Certain handwriting characteristics were noted in the purported known writing of DJURO STOKIC on Kc23 and Kc24 which are consistent with handwriting characteristics in the letter designated as Q33. These consistences in handwriting characteristics indicate that Q33 may have been written by DJURO STOKIC.

The submitted material is being retained in the FBI files.

7-1a (Rev. 4-17-67)

REPORT
of the

FBI LABORATORY

- LAB FILE
- Mr. ~~Conrad~~
1 - Mr. Shroder)

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C. 20535

To: Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

July 30, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680724058 AT

Examination requested by: FBI, Los Angeles

Reference: Letter dated 7/22/68

Examination requested: Document

Specimens: Received 7/24/68, from FBI, Los Angeles

Qe24 Photograph of the shooting roster of the San Gabriel Valley Gun Club, Duarte, California, for 6-4-68, bearing signature and address Sirhan Sirhan, 696 E Howard St, Pasa ' in lower portion of page

Page 1 (continued on next page)

2 - FBI, Los Angeles (56-156) Enclosure

CEB/eks (9)

Result of examination:

The conclusion was reached that the signature and address Sirhan Sirhan, 696 E Howard St, Pasa on Qe24 were written by SIRHAN BISHARA SIRHAN, whose writings and whose purported writings appear on K1 through K3, K8, K14, K18, K19, Ke22, and whose endorsements appear on K9 and K16.

Specimen Qe24 is being returned to FBI, Los Angeles. This specimen has been photographed.

NOTE: For FBI, Los Angeles

If future testimony of the FBI Laboratory expert is needed concerning the identification set forth in this report, it will be necessary that the expert have an opportunity to examine the original document represented by the photograph Qe24, prior to court appearance. It will also be necessary to authenticate a number of the known and purported writings of SIRHAN.



NW 54999 DocId:32989522 Page 97

Laboratory Transmittal Form
7-72

1 - Mr. Shroder
1 - Mr. ~~Conrad~~
1 - LAB FILE

FBI LABORATORY

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C. 20535

To: FBI, Atlanta (44-2412) Date: July 26, 1968

Re: KLKSALT

OO: Los Angeles

J. Edgar Hoover

John Edgar Hoover, Director

FBI File No. 62-587
Lab. No. D-680716126 AT

Examination requested by: Atlanta

Reference: Letter 7/15/68

Examination requested: Document

Remarks: Since the postcard, Q28, does not appear to be directly related to the investigation being conducted by the District Attorney at Los Angeles, copies of this report are not being sent to the District Attorney.

Enclosures (3) (Q28, 2 Lab report)

2 - Los Angeles (56-156) Enclosures (3) (Photograph of Q28, 2 Lab rpt)

CEB:atj
(8)

ADMINISTRATIVE PAGE

# REPORT of the FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: FBI, Atlanta (44-2412)

Date: July 26, 1968
FBI File No. 62-587
Lab. No. D-680716126 AT

Re: KENSALT

Specimens received 7/16/68

Q28 Postcard of the Harrison Hotel, Chicago, Ill., bearing address "To Federal Bureau of Investigation, 275 Peachtree St. N. E. Atlanta, Georgia," bearing various handwriting and hand printing notations

Result of examination:

The writing on Q28 was compared with the Anonymous Letter File and with the specimens submitted previously in this case without effecting an identification.

Much of the writing on Q28 is extremely scrawled and partially illegible. The following is the best possible interpretation for the writing on Q28:

| | |
|---|---|
| POSTMARKED: | Chicago Ill 7/8/68 PM |
| ADDRESS: | To Federal Bureau of Investigation<br>275 Peachtree St. N. E.<br>Atlanta, Georgia |
| ACROSS TOP: & UNDER STAMP | NT c/o Robert Harris - 1019 N. Dearborn, Chicago, Ill. Fed & Interpol - pc_____<br>Taft Hartly violations - dope, plag____;<br>illegal racing, man - act violations<br>_____dat 21 Sept 1948 |
| UPPER LEFT: CORNER | Please forward to new address<br><br>JFK Homicide |

Page 1 (continued on next page)

CEB:ctj (8)

BODY: What relationship: Ben Gage, Cy Howard, Ernest Borgine Ann Southern - Lucille Ball June Ha____, Tony De Santi__ Mr. Alan Ladd, Gene _____, James Stewart, Carol Baker, Francis Solon, Sheldon Te___, dope__dder Senator Margaret Chase Smith, Henry Fonda, Bette Davis, Jane Fonda Brigette Bardot, Ilkin of N.Y. Steven Boydd, Steven McQueen, Francine Ruwe, Albert DeSylvia Howard Fast, Melina Mercoui, Tony Perkins, Yves Montand, Ingrid Bergman, Roberta Rossellini, Frank Sinatra. Gina Lol_____gida, Mussolini Family, Lauren Bacall. ason Rohanday nine mayer Selznik_ Richard Burton, Neil Simms

SIDE WAYS: Lawrence Lawrence - Ray Hirsh, Don Simms, Barbara Paley, Katheren Hepburn, Mm. S. Paley Ava Gardner, Sammy Davis, Jr. Peter Lawford Mikey Rooney Tony De Santis, Bennett Cerf, Phyliss Cerf, Dave Garroway, St. Suher. Elane May, Billy Wilder, Audrey Wilder, George Hamilton, Maggie Dayl, Gloria DeH_____, Howard Hughes, Hal Wallis, Arleen Dahl, Fred Astaire, Dany F__amude, Regan "s ing' family, Joe A--pp, Pierre Salinger, Augie P____ Mel Ferrier, Marlen_ Dietrid, Lorretta Young

LEFT SIDE (Vertical): TREASON

RIGHT LOWER CORNER (Below Address): NROHAPIN

UPPER [redacted]: Postatheg- MURDER & grand larceny



(continued on next page)

NW 54999 DocId:32989522 Page 100

Q28 is returned herewith to FBI, Atlanta. A photograph of Q28 is being forwarded to FBI, Los Angeles. Copies are retained.



NW 54999 DocId:32989522 Page 101

7-1a (Rev. 4-17-67)

# REPORT of the FBI LABORATORY

1 - Mr. Conrad
1 - Mr. Schroder
1 - LAB FILE

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

July 24, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680719050 AT
D-680718003 AT

Examination requested by: FBI, Los Angeles and FBI, Sacramento

Reference: Letters dated 7/15/68, 7/17/68

Examination requested: Document

Specimens:

Specimen received 7/19/68, from FBI, Los Angeles

Kc22 Certified photocopy of California driver's license #M238847, signed "Sirhan Birhan"

Specimen received 7/17/68, from FBI, Sacramento

Additional photocopy of Kc22

2 - FBI, Los Angeles (56-156) Enclosure
2 - FBI, Sacramento (62-76)

Page 1 (continued on next page)

CEB:dls (10)

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

If approved, Andrew Vitale of Senator Edward Kennedy's Office should be contacted by the Crime Records Division. With the exception of the four items mentioned above, this material should be returned to him for whatever disposition he sees fit. It should be diplomatically pointed out to Mr. Vitale that unless material received by the Kennedy family would indicate a violation of Federal law within FBI jurisdiction, or is of interest in connection with our inquiries into the Senator's assassination, it is not necessary that it be furnished the Bureau.



NW 54999 DocId:32989522 Page 103

Mr. DeLoach

July 13, 1968

A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
~~1 - Mr. Conrad~~
1 - Mr. Bowers
(Crime Records Division)

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

By letter dated July 12, 1968, John M. Carlin, a staff member of Senator Robert F. Kennedy, furnished the Bureau with 2 bulky packages of accumulated mail which he advised had been sent to Mrs. Ethel Kennedy since the Senator's death. Carlin indicated he had been instructed to furnish this material by Andrew Vitale of Senator Edward Kennedy's Office and requested that Mr. Vitale be informed as to what action had been taken.

This material has been thoroughly reviewed and contains, for the most part, letters of condolences. In addition, there are many communications which are unintelligible, obviously prepared by individuals suffering from mental instability. One of the letters contained a check for a contribution to a Jewish home.

One of the letters, postmarked Pittsburgh, Pennsylvania, and signed John L. Stockwell, made numerous references to the Bible and contained what could be interpreted as a veiled threat against political leaders in the United States. Three others were written in Spanish and Portugese.

ACTION:

We are translating the letters written in Spanish and Portugese in order to determine if they contain a threat.

Pittsburgh is being instructed to ascertain the details relative to the correspondent whose letter dated June 8, 1968, contained an implied threat against political leaders of the United States.

JAS:pah
(3)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 104

Mr. Conrad 7-16-68

R. W Swartz

KENSALT

By memorandum A. Rosen to DeLoach 6-12-68, it was recommended and approved by the Director that certain procedures be followed in reporting results of examinations by the FBI Laboratory or Identification Division in captioned case. Reports of results of examinations of evidence submitted by FBI field offices are to be addressed to the Los Angeles County Prosecuting Attorney, E. J. Younger, with copies to pertinent FBI Divisions and Offices. Administrative data and other information of special Bureau interest would not be sent to Younger.

The attached Laboratory report relating to a voice comparison examination contains information showing handling of evidence only. The questioned materials consisted of a tape recording of an unknown caller to the Hilly Rose Radio Show, Station KNEW, Oakland, California. The known material consisted of recordings of S. B. Sirhan made by the Los Angeles Police Department. The transmittal page contains administrative data for investigative guidance revealing that the voice of Sirhan differs in significant characteristics from the voice of the anonymous caller to Radio Station KNEW, and it is not likely they are the same speaker. It is, therefore, felt that since no purpose would be served by submitting this report to the Los Angeles County officials, the report should be sent directly to the contributor, the Los Angeles FBI Office, in accordance with normal procedures.

ACTION:

It is recommended that the attached report be sent directly to the FBI Los Angeles Field Office.

Enc.

1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Conrad
1 - Mr. Swartz
1 - Mr. Harward

WEH:sdh: mcc
(7)

NW 54999 DocId:32989522 Page 105

Consider copy for District Attorney
Los Angeles County
Los Angeles, California

Result of examination:

The signature on Kc22 is too limited to be of value for further comparison with the unidentified questioned writing on the specimens submitted previously in this case. No additional conclusions were reached as a result of the examination of the signature on Kc22.

The certified photocopy submitted by FBI, Los Angeles, is being returned to FBI, Los Angeles. This specimen has been photographed. The photocopy submitted by FBI, Sacramento, is being retained.



NW 54999 DocId:32989522 Page 107

Laboratory Transmittal Form
7-72

FBI
LABORATORY

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

1 - General Investigative Division (Room 3260)
(1) - Mr. Conrad
1 - Mr. Dwartz
1 - Mr. Shimota

To: FBI, Los Angeles

Date: July 17, 1963

Re: KENSALT

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 62-537
Lab. No. E-604-MD

Examination requested by: Los Angeles

Reference: Airtel 6/27/63

Examination requested: Engineering

Remarks:

The analysis and comparison of voices for speaker identification is conducted to provide investigative guidance.

Due to intermittent background sounds and a poor signal to noise ratio, the utterances recorded on K21 were not suitable for voice comparison purposes. A comparison of the utterances of SIRHAN BISHARA SIRHAN, designated as K20, with the voice of the anonymous caller to Radio Station KMPC, Oakland, California, designated as Q27, has been made. The K20 utterances differ in significant characteristics from the anonymous voice on Q27. It is not likely that they could be the same speaker.

NOTE:
Coordinated with the General Investigative Division.

Enclosures (2) (2 Lab report)

JES:edh
(7)

(continued next page)

ADMINISTRATIVE PAGE

Although there is no proven scientific basis for accurately determining qualities such as age, education, occupation, regional accent, etc., on the basis of a limited voice sample, the following subjective aural impressions based on the voice quality and language usage of the unidentified caller, are set forth:

The voice of the anonymous caller is that of a mature male, possibly between the ages of 35 to 45. Although the thoughts which he expressed are somewhat disorganized and vaguely stated, it is believed that the caller is intelligent and well read but probably has little if any formal education.

The accent of his initial comment seems to be somewhat affected "hillbilly;" but, thereafter, his accent can be broadly characterized as Southwestern United States. His speech patterns are idiomatic and do not appear to be contaminated by foreign influence.

It is noted that the anonymous caller, with the exception of his initial comment, pronounces his words fully without swallowing syllables or clipping word endings, particularly final (r).



NOTE:
See cover memo R. W. Swartz to Mr. Conrad 7/16/68, WEH:sdh:mcc.

7-1b

# REPORT of the

LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

1 - General Investigative Division (Room 2260)
1 - Mr. Conrad
1 - Mr. Swartz
1 - Mr. Shimota

To: FBI, Los Angeles

Re: KENSALT

Date: July 10, 1968
FBI File No. 62-587
Lab. No. E-304-MB

Specimens received 7/1/68

Q27 One reel tape recording of portion of Hilly Rose Show. Station KNEW, Oakland, California.

K20 One reel tape recording, number 29083, of interview by Los Angeles Police Department with SIRHAN BISHARA SIRHAN on 6/6/68.

K21 One reel tape recording, number 29084, furnished by Los Angeles Police Department.

Results of examination:

The K20, K21, and Q27 recordings are being returned to you under separate cover via registered mail.

JES:sdh
(7)

NW 54999 DocId:32989522 Page 110

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: July 11, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

A third report totaling 746 pages dealing with the assassination of Senator Robert F. Kennedy has been received from the Los Angeles Office. Previous reports were furnished the Department on June 17 and June 21, 1968. Major aspects of our investigation have been completed and investigation has failed to establish the existence of a conspiracy.

This report, which is three volumes, has a brief synopsis, a table of contents, and an index. It has been thoroughly reviewed for accuracy and content.

In summary, this report sets forth additional inquiries at the gun club where Sirhan Bishara Sirhan, the accused assailant, was seen practicing with his .22 caliber pistol on June 4, 1968; it includes results of our searching inquiry into his background and the background of his family; and likewise, sets forth results of interviews with customers at the ammunition store where he is known to have purchased ammunition on at least one occasion. Investigation at the Golden Garter Bar, Alhambra, California, where Sirhan was alleged to have been seen during late May, 1968, is also included in this report. Employees of the Ambassador Hotel, the scene of the shooting, members of Kennedy's staff as well as the press covering his victory speech in the Embassy Room of the hotel, have been interviewed in detail. None of these interviews lend any support to the fact that Sirhan was assisted by one or more fellow conspirators.

In conclusion, we included details relative to the results of FBI Laboratory examinations of much of the physical evidence connected with this case.

Enclosure
HAS/lrk
(13)

CONTINUED - OVER

MEMORANDUM TO MR. DELOACH
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

ACTION:

Administrative data is set forth on the cover pages of the report. It will not be disseminated. No information is contained in the details of the report pertaining to sources of information or other confidential matters. If approved, the following dissemination is recommended:

1. Three copies to the Department; one for the Criminal Division and one for the Civil Rights Division, both of which have an interest, and one for Special Assistant to the Attorney General William S. Lynch in accordance with the Attorney General's request. Transmittal letter attached for approval.

2. Two copies to the Los Angeles prosecuting attorney, former FBI Agent Evelle J. Younger. One for his prosecutive staff, the second for his investigative staff. The reports will be delivered by our Los Angeles Office which has sufficient copies. The Department by letter 6/17/68 requested that copies of reports be furnished Younger. Attached letter to the Department advises of this action.

3. One copy to the United States Attorney's Office, Los Angeles (also will be delivered by our Los Angeles Office). Attached letter advises the Department that this action is being taken.

4. One copy each to Secret Service, State Department, and Central Intelligence Agency, all of whom have an interest in this matter (to be delivered by Bureau liaison).



NW 54999 DocId:32989522 Page 112

Mr. Frod M. Vinson, Jr.
Assistant Attorney General

Director, FBI

July 11, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Conrad
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotte

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached for you, Assistant Attorney General Stephen J. Pollak, Civil Rights Division, and Special Assistant to the Attorney General William S. Lynch is one copy each of the report of Special Agent Amedee O. Richards, Jr., dated July 1, 1968, at Los Angeles, California, concerning captioned matter.

Information contained in this report as well as that in reports furnished you on June 17 and June 21, 1968, completes, for the most part, our investigation into the major aspects of this case. We are, of course, continuing our inquiries into this matter and results will be furnished you in report form.

In accordance with the Department's request of June 17, 1968, copies of this report are being furnished District Attorney Evelle J. Younger at Los Angeles, California, who is handling the prosecution of this case. Likewise, a copy is being furnished the United States Attorney at Los Angeles, California.

Enclosure

1 - Mr. Stephen J. Pollak
Assistant Attorney General (Enclosure)

1 - Mr. William S. Lynch
Special Assistant to the Attorney General (Enclosure)

HAS/lrk
(15)

NOTE

See Rosen to DeLoach Memo, dated 7/10/68, captioned as above, "HAS:jls."

NW 54999 DocId:32989522 Page 113

Mr. DeLoach

July 3, 1968

A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Sullivan
1 - Mr. Trotter

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Our Los Angeles Office reported 7-3-68 that Sirhan's brother, Saidallah, at 4:45 a.m. (Los Angeles time), 7-3-68, advised local authorities in Los Angeles that he had been shot at by unidentified individuals while proceeding along the Pasadena, California, Freeway. One bullet was found embedded in the interior of the car, the second in the back seat and they appeared to be .38 caliber.

Saidallah, who did not appear too forthright in his explanations, stated he had been attempting to locate an unknown female writer in the Watts section. When unsuccessful, he started to return to Pasadena by the Freeway. He noticed a white Volkswagon bus with four male occupants and a 1958 Chevrolet, light green, with two male occupants which apparently were following him. As he approached the end of the Freeway, the Volkswagon bus pulled up to his right side and two shots were fired. The bullets apparently passed through the right wind vent.

The above information was received from local authorities who contemplate giving Saidallah a polygraph examination. We have no information as to the race of the assailants. Our Los Angeles Office is conducting no active investigation, but is maintaining liaison with local authorities. We have, of course, offered cooperative services of our Laboratory and Identification Divisions.

ACTION:

This is submitted for information. Department advised.

ADDENDUM: At 5:10 Los Angeles advised polygraph shows Saidallah lying when he claimed to have been shot at and when he claimed to be seeking female writer. Further he was lying when he made report to police.

HAS:hcs
(10)

NW 54999 DocId:32989522 Page 114

7-23 (Rev. 3-18-68)

FEDERAL BUREAU OF INVESTIGATION
LABORATORY DIVISION

_____, 1968

| | |
|---|---|
| ___ Director | ___ Mr. White |
| ___ Mr. Tolson | ___ Mr. Downing |
| ___ Mr. Mohr | ___ Mr. Griffith |
| ___ Mr. DeLoach | ___ Mr. Jevons |
| ___ Mr. Bishop | ___ Mr. Swartz |
| ___ Mr. Casper | |
| ___ Mr. Callahan | ___ Miss Gray |
| ___ Mr. Conrad | ___ Miss Novotny |
| ___ Mr. Felt | |
| ___ Mr. Gale | ___ Mr. M.A. Jones |
| ___ Mr. Rosen | ___ Mr. G.S. McMichael |
| ___ Mr. Sullivan | ___ Genl. Inves. Div., |
| ___ Mr. Tavel | Rm. 2260 |
| ___ Mr. Trotter | ___ Mail Room |
| ___ Mr. Beaver | ___ Reading Room |
| ___ Mr. Donahoe | |
| ___ Mr. Hyde | ___ See Me |
| ___ Miss Gandy | ___ Call Me |
| ___ Miss Holmes | ___ Note & Return |
| ___ Mrs. Skillman | ___ Please Handle |
| ___ Miss Weber | |
| ___ Director's Office | |

___ Mr. _____

Room _____

Please run this

through ELSUR

Furnish cc of

Send prior to

Los Angeles letterhead

I. W. Conrad
Room 7621, Ext. 777

NW 54999 DocId:32989522 Page 115

Laboratory Transmittal Form
FD-72

FBI LABORATORY

1 - Mr. Conrad
1 - Mr. Trimbach
1 - Mr. Bohn

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Los Angeles (56-156)

Date: July 3, 1968

Re: KENSALT
ANONYMOUS LETTER PERTAINING
TO FRANK QUARTUCCI

00: Los Angeles

John Edgar Hoover, Director

FBI File No. 62-587
Lab. No. D-680627078 AT

Examination requested by: Bureau

Reference: Bureau airtel to Los Angeles 6/24/68

Examination requested: Document - Fingerprint

Remarks:

Results of the fingerprint examination of Q25 and Q26 are being furnished separately.

It was found that the handwriting on Q25 and Q26 is not comparable with the known handwriting specimens submitted in the KENSALT case. While an adequate comparison could not be conducted, differences were noted in handwriting characteristics in Q25, Q26, and the known handwriting in the KENSALT case.

The detailed physical characteristics of Q25 and Q26 are being retained for future reference.

Los Angeles will include the results of the FBI Laboratory examination in its investigative report concerning this matter.

Enclosures (2) (2 Lab report)

CEB:dls (6)

ADMINISTRATIVE PAGE

NW 54999 DocId:32989522 Page 116

7-1b

# REPORT of the

FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: FBI, Los Angeles (56-156)

Date: July 3, 1968
FBI File No. 62-587
Lab. No. D-680627078 AT

Re: KENSALT
ANONYMOUS LETTER
PERTAINING TO FRANK QUARTUCCI

OO: Los Angeles

Specimens received 6/25/68 from U.S. Secret Service, Washington, D.C.

Q25 White envelope bearing handwritten address "Presedent Johnson, White house Washington, D. C.," postmarked "Pekin, Ill June 20 PM 1968 61554"

Q26 Sheet of white, ruled paper bearing handwritten message beginning "A man by the name of Frank Quartucci. . ." and ending ". . .my family would be in danger"

Result of examination:

The questioned writing on Q25 and Q26 was compared with the Anonymous Letter File without effecting an identification with any prior submission. Copies are being added thereto.

No indented writing was found on Q25 and Q26. No watermarks were found in Q26. The envelope, Q25, contains fragments of a watermark which may be a part of the watermark "KRETONE" which appears in paper sold by the S.S. Kresge Company. A six cent U.S. postage stamp which came from a roll of stamps was attached to Q25.

Q25 and Q26 are being retained at the Bureau.

CEB:dls (6)

NW 54999 DocId:32989522 Page 117

Laboratory Transmittal Form
7-72

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

1 - Mr. Conrad
1 - Mr. Rosen
(Mr. McKinnon)
1 - Lab File (62-587)
1 - Mr. Bohn

To: FBI, Los Angeles (9-3881)

Date: July 3, 1968

Re: UNSUB; KARL UECKER - VICTIM;
SENATOR EDWARD KENNEDY - VICTIM;
CHILDREN OF ROBERT F. KENNEDY -
VICTIMS;
EXTORTION

OO: Los Angeles

J. Edgar Hoover

John Edgar Hoover, Director

FBI File No. 9-48192
Lab. No. D-680627079 AT

Examination requested by: Los Angeles

Reference: Airtel 6/20/68

Examination requested: Document - Fingerprint

Remarks:

Q1 and Q2 are being returned separately with the results of the fingerprint examination.

A translation of the German writing on Q1 and Q2 was furnished to Los Angeles with Bureau letter dated 6/25/68. The detailed physical characteristics of Q1 and Q2 are retained.

Enclosures (2) (2 Lab report)
1 - Los Angeles (56-156) Enclosure (Lab report)
1 - Bufile (62-587)

CEB:dls (9)

ADMINISTRATIVE PAGE

7-1b

# REPORT of the

FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: FBI, Los Angeles (9-3081)

Date: July 3, 1968
FBI File No. 9-46192
Lab. No. D-680627079 AT

Re: UNSUB;
KARL UECKER - VICTIM;
SENATOR EDWARD KENNEDY - VICTIM,
CHILDREN OF ROBERT F. KENNEDY -
VICTIMS;
EXTORTION

Specimens received 6/27/68

Q1 Airmail envelope bearing hand printed address "HERRN KARL UECKER STELLVERTR. EMPFANGSCHEF HOTEL AMBASSADOR LOS ANGELES," postmarked "FRANKFORT AM MAIN 16-660-4"

Q2 White, gray-ruled paper bearing handwritten message in German, beginning "Vor. . ." and ending on reverse side "Umgelegt"

Result of examination:

The questioned handwriting on Q1 and Q2 was compared with the Anonymous Letter File without effecting an identification with any prior submission. Copies are being added thereto.

No indented writing or watermarks were found in Q1 and Q2.

Specimen Q1 is an airmail envelope containing four "DEUTSCHE BUNDEPOSTE" postage stamps. Two of the stamps are thirty pfennig denomination, one stamp is twenty pfennig denomination and one stamp is ten pfennig denomination. Q1 measures approximately 6.4 by 4.5 inches. The name and address on Q1 were written in black ink with a ball-point pen. Specimen Q2 is a sheet of ruled white, air-weight paper bearing gray printed lines measuring approximately 0.4 inches apart. The message on Q2 was written in blue ink with a ball-point pen.

Q1 and Q2 are being returned separately. These specimens have been photographed.

CEB:dls (9)

NW 54999 DocId:32989522 Page 119

1-Mr. Conrad
1-Mr. Jevons, 7133

Mr. Conrad 7/3/68

E. H. Jevons

KENSALT

We have received from the Los Angeles Division of the Bureau approximately 28,000 .22 caliber cartridge cases for comparison with a cartridge case from Sirhan Sirhan's revolver. Los Angeles advises that these cartridge cases were obtained from the San Gabriel Valley Gun Club where, it is understood, witnesses identified Sirhan as having fired the revolver, later identified by the Los Angeles Police Department as being the weapon that was used to kill Senator Kennedy. All of the previous firearms examinations in this case were conducted by the Los Angeles Police Department.

This examination was probably requested to show that Sirhan had been at the firing range and was apparently initiated prior to the development of the eyewitnesses to this fact. Since to examine 28,000 cartridge cases would require approximately 500 man hours and since it appears that the results would only corroborate the eyewitnesses' testimony, the examination of the cartridge cases would appear to be of little value to the Bureau's case. (Persons talking to Sirhan at range already identified and interviewed.)

RECOMMENDATION:

In view of the previous examinations by the Los Angeles Police Department and the disproportionate amount of time to examine the extremely large number of cartridge cases and the apparent limited value of the resulting information to the Bureau's case, it is recommended that we not conduct the examinations.

If the local authorities feel the examination would be of value to them, we can turn the cartridge cases over to them for examination.

1-Mr. Mohr
1-Mr. DeLoach
1-Mr. Rosen

EHJ:ich (6)

NW 54999 DocId:32989522 Page 120

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

DATE: July 2, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

## WITNESS ADMITS FALSE TESTIMONY BEFORE LOS ANGELES GRAND JURY

Vincent Thomas DePierro, a waiter at the Ambassador Hotel who was walking next to Senator Kennedy at the time he was shot on June 5, 1968, was afforded a polygraph examination by the Los Angeles Police Department on July 1, 1968. DePierro had previously advised that he had observed Sirhan Sirhan in the vicinity and claimed Sirhan was talking to a girl in a polka dot dress just prior thereto. (It was determined that this girl was not the same as the one allegedly seen by Sandra Serrano running from the scene. Serrano subsequently admitted under polygraph examination her information was completely false).

DePierro testified to the above before the Los Angeles Grand Jury but after polygraph examination admitted his information concerning the girl in the polka dot dress was entirely false. He stated he lied solely to make his story more interesting to the news media and authorities.

Local authorities now indicate that DePierro's value as a witness concerning the actual shooting has now been destroyed.

## SIRHAN'S ATTORNEYS ENGAGE INVESTIGATOR

Los Angeles reports that defense attorneys for Sirhan engaged a former Los Angeles police officer as investigator for the defense, Michael A. McCowan. According to information furnished by the Los Angeles Police Department McCowan resigned from the department in 1965 after being arrested by postal inspectors on a mail theft charge. He received a probationary sentence and remains on probation at this time. No information could be located in Bureau files concerning McCowan.

Enclosure

HAS:jls
(13)

CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

AUTHOR GEORGE PLIMPTON AND WIFE INTERVIEWED

George Plimpton, author of the novel "The Paper Lion" which deals at length with the lives of professional football players, has been reported by various news media as having been present at the shooting. Both he and his wife have been interviewed by Agents of our New York Office. Mrs. Plimpton claims to have been in a position to see the actual shooting and George Plimpton immediately after the shooting helped subdue Sirhan.

ACTION:

Attached is a letter to the Attorney General with copies to the Deputy Attorney General, the Criminal Division, the Civil Rights Division and Special Assistant to the Attorney General William S. Lynch advising of DePierro's false testimony and the fact McCowan has been engaged as an investigator.



NW 54999 DocId:32989522 Page 122

The Attorney General

July 3, 1968

Director, FBI

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz 1 - Mr. Gale
1 - Mr. McGowan 1 - Mr. Mohr
1 - Mr. Bishop 1 - Mr. Sullivan
1 - Mr. Conrad 1 - Mr. Trotter

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Vincent Thomas DePierro, a waiter at the Ambassador Hotel, previously advised Special Agents of the FBI and officers of the Los Angeles Police Department that he had observed Sirhan Bishara Sirhan shoot Senator Robert F. Kennedy on June 5, 1968, and just prior thereto had noted Sirhan engaged in a conversation with an attractive white female attired in a polka dot dress. Our Los Angeles Office has now advised that DePierro was afforded a polygraph examination by Los Angeles, California, authorities on July 1, 1968, following which he admitted the information concerning the female in the polka dot dress was entirely false. DePierro told local authorities he lied solely to make his story more interesting to the news media and police authorities.

Local authorities have advised our Los Angeles Office that DePierro testified before a local Grand Jury identifying Sirhan as the assailant and commented on the fact that he had observed a female in a polka dot dress talking to Sirhan. In view of his current admissions as to the fraudulent nature of a portion of his testimony, local authorities now indicate his value as a witness concerning the actual shooting has now been destroyed.

For your additional information, our Los Angeles Office reports that defense attorneys for Sirhan have engaged one Michael A. McCowan, a former Los Angeles police officer, as an investigator for the defense. According to information furnished by the Los Angeles

Police Department, McCowan resigned from the department in 1965 after having been arrested by postal

HAS:jls
(20)

NOTE: See Rosen to DeLoach Memo captioned as above, 7/2/68 HAS:jls.

NW 54999 DocId:32989522 Page 123

inspectors on a mail theft charge. He received a probationary sentence and remains on probation at this time. Our files contain no additional information concerning McCowan.

Investigation into this matter is continuing.

1 - The Deputy Attorney General

1 - Mr. Fred M. Vinson, Jr.
Assistant Attorney General

1 - Mr. Stephen J. Pollak
Assistant Attorney General

1 - Mr. William S. Lynch
Special Assistant to the Attorney General



NW 54999 DocId:32989522 Page 124

Laboratory Transmittal Form
7-72

1 - Mr. Bohn
~~1 - Mr. Conrad~~
2 - Mr. Rosen
(Mr. McKinnon - 5718)
(Mr. Shroder - 5710)
1 - LAB FILE (62-587)

FBI LABORATORY

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Los Angeles (9-3880) Date: June 28, 1968

Re: UNKNOWN SUBJECT;
SIRHAN BISHARA SIRHAN -
VICTIM
EXTORTION

(OO: LOS ANGELES)

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 9-48193
Lab. No. D-680624021 AT

Examination requested by: Los Angeles

Reference: Airtel 6/19/68

Examination requested: Document - Fingerprint

Remarks:

Q1 through Q5 are being returned with the results of the fingerprint examination.

It was found that the writing on Q1 through Q5 is not sufficiently comparable with the known writings submitted in the KENSALT case (Bufile 62-587), to permit adequate comparison. However, no similarities in handwriting characteristics were found in the writing on Q1 through Q5 and any of the known writings in the KENSALT case.

Enclosures (2) (2 Lab report)

1 - Bufile 62-587

CEB/eks (9)

ADMINISTRATIVE PAGE

7-1b

**REPORT of the**

**FBI LABORATORY**

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Los Angeles (9-3880)

Date: June 28, 1968
FBI File No. 9-48193
Lab. No. D-680624021 AT

Re: UNKNOWN SUBJECT;
SIRHAN BISHARA SIRHAN -
VICTIM
EXTORTION

Specimens received 6/24/68

Q1 Envelope postmarked "SANTA MONICA, CA 1B PM 14 JUN 1968," bearing handwritten address "Mrs. Mary Sirhan 696 E. Howard Street Pasadena, California"

Q2 Page one of accompanying handwritten letter beginning "Dear Mary; I warn you..."

Q3 Page two of accompanying handwritten letter beginning ....have a lovely wife and..."

Q4 Page three of accompanying handwritten letter beginning "HE IS SO BAD BOY. YOU...."

Q5 Newspaper photograph of SIRHAN BISHARA SIRHAN, bearing hand printed message beginning "I'll Shot Sirhan Bishara..."

Result of examination:

Specimens Q1 through Q5 were compared with the Anonymous Letter File without effecting an identification. Copies are being added thereto.

No watermarks were found on Q1 through Q4. A six-cent U. S. postage stamp which came from a sheet of stamps was affixed to envelope Q1. The detailed physical characteristics of Q1 through Q4 are retained for future reference.

No indented writing was found on Q1 and Q5. The following indented writing was found in the upper portion of Q2:

T(J)o(a) Hazel
is not Davis
call back
at

Other fragmentary indented writing was found on Q2. This was too indistinct to permit a determination. The letters enclosed

 (continued on next page)

CEB/eks (9)

NW 54999 DocId:32989522 Page 126

in parentheses are alternate interpretations for the letters adjacent thereto.

Indented writing was found on Q3. This indented writing corresponds to the visible writing on Q2, revealing that Q2 was written while placed over Q3.

Indented writing corresponding to the visible writing on Q3 was found on Q4, revealing that Q3 was written while placed over Q4. Other indented writing was found in the lower portion of Q4 which does not correspond to the visible writing on Q3. This was determined to consist of:

5:30 TDI where
30 -

The underscored letters in the above enumerated indented writing represent letters which are too indistinct to permit definite determinations.

Q1 through Q5 are being returned separately. These specimens have been photographed.



NW 54999 DocId:32989522 Page 127

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

DATE: June 27, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Trimbach
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

FROM : A. Rosen

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

## PROSECUTIVE ACTION REGARDING SIRHAN BISHARA SIRHAN

Sirhan is scheduled to be arraigned and enter a plea before a Los Angeles County Superior Court Judge on 6/28/68.

These proceedings will be held in the chapel of the county jail for security reasons. The Hall of Justice where future court proceedings involving Sirhan will be conducted is being prepared in order to effect maximum security. The Los Angeles County Board of Supervisors voted to authorize $20,000 for the protection of Sirhan and also the judge and jury that will be involved in this trial. Plans call for armor-plated court room partitions, bulletproof glass and other security precautions.

## MUNIR SIRHAN (SUBJECT'S BROTHER) UNDERGOES POLYGRAPH EXAMINATION

During the evening of 6/25/68, Munir Sirhan, brother of Sirhan Bishara Sirhan, was afforded a polygraph examination by the Los Angeles Police Department. It was concluded by the police department that Munir was not involved in the assassination but that he did lie about the purchase of the gun. (The gun used in the assassination was traced through several owners, one of which, George Erhard, advised that he sold the gun to Munir Sirhan while Sirhan Sirhan was present. Munir had denied that he ever had ownership of this weapon).

Sirhan Sirhan was identified as purchasing ammunition at a gun shop on 6/1/68. A salesman in this store alleged that Sirhan was accompanied by two as yet unidentified individuals. The polygraph examination indicated that Munir did not accompany Sirhan to this store on 6/1/68.

ACTION:

For information.

JHT:jls (13)

NW 54999 DocId:32989522 Page 128

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 26, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Trimbach
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

## JOHN FAHAY'S INFORMATION REGARDING WOMAN WHO KNEW OF ASSASSINATION NOT SUBSTANTIATED

On 6/6/68 John Fahay, a Los Angeles salesman, claimed that the day before the assassination he met a woman who apparently knew that Senator Kennedy would be killed. Investigation has not substantiated any thing that Fahay has said. Fahay's story briefly is as follows:

At about 9 a.m., 6/4/68, (the day before the assassination) he met a woman at the Ambassador Hotel in Los Angeles. This woman used several names but eventually identified herself as Gilderdine Oppenheimer. She indicated an urgency to get out of the country and claimed she was being watched. Fahay then noticed an individual nearby that resembled Munir Sirhan, brother of Sirhan Bishara Sirhan. This woman said to Fahay "They are going to take care of Kennedy." This woman was very upset and Fahay left the hotel with her and they drove around in Fahay's car. Most of this time they were followed by unknown individuals. At approximately 7:30 p.m., on 6/4/68, Fahay returned this woman to the Ambassador Hotel.

Fahay has furnished his story to Fernando Faura, a reporter for the "Hollywood Citizen - News" Newspaper, but there is no indication that his story has been published.

Investigation has failed to verify one scintilla of Fahay's story. Munir Sirhan was at work from 8:54 am., until 6:00 p.m., on 6/4/68. No woman such as described by Fahay has been found to exist and employees at the hotel do not remember Fahay being there with a woman on 6/4/68. Fahay has been fired from past employments for fighting and is described as being "different" and "odd".

JHT:jls
(13)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 129

All aspects of Fahay's story have been checked with negative results.

ATTEMPTED INTERVIEW WITH ETHEL KENNEDY

Deputy Chief Robert Houghton, Los Angeles Police Department, advised that in connection with his recent trip to the East Coast to interview witnesses in this case his group was unable to interview Ethel Kennedy. Departmental Attorney William S. Lynch advised us earlier that he had been in contact with Houghton and was attempting to arrange for the Los Angeles Police Department to interview Mrs. Ethel Kennedy.

WITNESSES TO SHOOTING

Richard C. Lubic, President, Color Corporation of America, Los Angeles, advised he was standing right next to Senator Kennedy when he heard an unidentified voice say "Kennedy you SOB" and then he heard two shots. Lubic saw an individual with a gun and he later recognized photograph of Sirhan as being identical with the assailant.

ACTION:

For information.



NW 54999 DocId:32989522 Page 130

7-1a (Rev. 4-17-67)

REPORT
of the
FBI
LABORATORY

~~Mr. Conrad~~
1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Griffith
1 - LAB FILE

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C. 20535

To:
Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 26, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re:
Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-557
LAB. NO. D-680624022 AT
D-680624023 AT

Examination requested by: FBI, Los Angeles

Reference: Letters dated 6/20/68

Examination requested: Document

Specimens: received 6/22/68, from FBI, Los Angeles

Qc14 Photocopies of the shooting roster of the San Gabriel Valley Gun Club, Duarte, California, for 5/1/68 through 6/4/68, bearing on second page the signature Sirhan Sirhan

K19 Register of the Rosicrucian Order, bearing on line 6 the signature "Sirhan Sirhan"

Page 1 (continued on next page)

2 - FBI, Los Angeles (56-156) - Enclosures (2)

CEB/eks (9)

NW 54999 DocId:32989522 Page 131

Result of examination:

The writing on the photocopy, Qc24, is too indistinct for adequate comparison of the "Sirhan Sirhan" signature and address thereon with the available writings of SIRHAN SIRHAN. If the original document for Qc24 or a clearer photograph is submitted, a more suitable examination can be made.

The additional purported handwriting of SIRHAN SIRHAN, designated as specimen K19 is too limited to permit a definite conclusion to be reached whether SIRHAN wrote any of the unidentified questioned writing on the specimens submitted in this matter. It was found that the writing on specimen K19 is of value as an additional handwriting standard of SIRHAN.

Specimens Qc24 and K19 are being returned to FBI, Los Angeles. These specimens have been photographed.

NOTE: For FBI, Los Angeles

Los Angeles will refer to the comments of the FBI Laboratory made previously in this matter. Similarities in handwriting characteristics were found in the known writing of SIRHAN SIRHAN and the signature and address of SIRHAN SIRHAN on Qc24. If the original document or a clear photograph made normal size (with scale exhibited) is submitted, a definite conclusion with respect to the comparison with the writing of SIRHAN may be reached.



NW 54999 DocId:32989522 Page 132

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 24, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Trimbach
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

## SERRANO'S STORY OF GIRL IN POLKA DOT DRESS A FABRICATION

As reported previously Sandra Serrano claimed that prior to the shooting of Senator Robert F. Kennedy she saw a woman in a polka dot dress and two men, one of whom she identified as Sirhan Bishara Sirhan, enter the Ambassador Hotel. She also claimed that immediately after the shooting this woman ran by her shouting "We shot him. We shot him."

On 6-21-68, after a polygraph examination and a lengthy interview by the Los Angeles, California, Police Department, Miss Serrano admitted that her story was a complete fabrication.

## ALLEGED ASSOCIATE OF SIRHAN SIRHAN AT SAN GABRIEL VALLEY GUN CLUB NEVER SAW SIRHAN SIRHAN PREVIOUSLY

Sirhan Sirhan was identified as being at the San Gabriel Valley Gun Club practicing with a revolver on 6-4-68, the day before the shooting. An employee of the gun club said that Sirhan Sirhan was seen talking to a blonde woman and it appeared the two were previously acquainted.

This blonde woman has been identified as Claudia Williams who with her husband, Ronald, visited the gun club at the time Sirhan was there. Mr. Williams went to the rifle range and Mrs. Williams went to the pistol range. Claudia Williams advised she conversed with Sirhan Sirhan at the pistol range and he assisted her in shooting. Neither Mr. nor Mrs. Williams had met Sirhan previously.

Enclosures

JHT:hcs
(13)

CONTINUED - OVER

Memorandum to Mr. DeLoach
Re: Assassination of Senator Robert F. Kennedy

## THREATS MADE TO SIRHAN SIRHAN'S ATTORNEY

The receptionist at the office of Russell E. Parsons, Sirhan's attorney, Los Angeles, received two telephone calls on 6-20-68 from a person claiming to be John Lawrence of New York City. This caller said he was executive secretary of the Clemency Committee for Sirhan Sirhan and said that Los Angeles criminal attorneys are "crooks" and will take Sirhan "down the river." He also said "We are out to get Mr. Parsons" and claimed that Parsons was being paid $150,000 to represent Sirhan. He said that there are 250,000 Arabs who are militant and are not going to let Parsons get away with it. Parsons contacted the Los Angeles Police Department and requested protection. The police suggested that he discuss the matter with the presiding judge, Los Angeles County Superior Court. The presiding judge intends to hold a hearing to determine if Parsons needs protection. The United States Attorney is withholding a prosecutive opinion regarding a possible violation of the Federal Extortion Statute.

## MISCELLANEOUS

The autopsy report and related photographs have been completed and are awaiting final review by the chief medical examiner after which the report and photographs will be made available to our Los Angeles Office.

## ACTION:

Attached is a letterhead memorandum for the White House, the Vice President and the Department of Justice advising of pertinent recent developments.



NW 54999 DocId:32989522 Page 134

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

*In Reply, Please Refer to File No.*

June 24, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

As mentioned previously, twenty-year-old Sandra Serrano appeared on television shortly after Senator Robert F. Kennedy was shot and claimed that immediately after the shooting a woman in a polka dot dress ran by her shouting "We shot him. We shot him." According to Miss Serrano, this woman had entered the Ambassador Hotel prior to the shooting accompanied by two men, one of whom she identified as Sirhan Bishara Sirhan. Extensive investigation has failed to substantiate her story.

On June 21, 1968, after being afforded a polygraph examination and an extensive interview by the Los Angeles, California, Police Department, Miss Serrano admitted that her story was a complete fabrication.

An employee of the San Gabriel Valley Gun Club, Duarte, California, where Sirhan Bishara Sirhan was seen practicing with a revolver on June 4, 1968, claimed that Sirhan talked with a blonde woman at the gun club and it appeared the two had met previously. This woman has been identified as Mrs. Claudia Williams. She advised she was at the gun club with her husband, Ronald, on June 4, 1968, and Sirhan assisted her on the pistol range while her husband was at the rifle range. Neither Mr. nor Mrs. Williams had met Sirhan previously.

The receptionist at the office of Russell E. Parsons, Sirhan's attorney, Los Angeles, received two telephone calls on June 20, 1968, from a person claiming to be John Lawrence of New York City. This caller said he was executive secretary of the Clemency Committee for Sirhan Sirhan and that Los Angeles criminal attorneys are "Crooks" and will take Sirhan "down the river." He also said "We are out to get Mr. Parsons" and claimed that Parsons was being paid $150,000 to represent Sirhan. He said that there are 250,000 Arabs who are militant and who are not going to let Parsons get away with it. Parsons contacted the Los Angeles Police Department and requested protection. The police suggested that he discuss

NW 54999 DocId:32989522 Page 135

the matter with the presiding judge, Los Angeles County Superior Court. The presiding judge intends to hold a hearing to determine if Parsons needs protection. The United States Attorney is withholding a prosecutive opinion regarding a possible violation of the Federal Extortion Statute.

Our investigation into the assassination of Senator Kennedy is continuing.



NW 54999 DocId:32989522 Page 136

7-1a (Rev. 4-17-67)

REPORT
of the
FBI LABORATORY

1 - Mr. Rosen
(Mr. Shroder)
1 - ~~Mr. Conrad~~
1 - Mr. Griffith
1 - LAB FILE

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: Mr Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 24, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover
John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680620061 AT

Examination requested by: FBI, Los Angeles

Reference: Letter dated 6/18/68

Examination requested: Document

Specimens: received 6/20/68, from FBI, Los Angeles

K18 Burroughs Corporation Employment Application dated 11/7/67, bearing handprinting and signature "Sirhan Sirhan"

Result of examination:

In addition to the conclusions reported previously in this matter, the conclusion was reached that the hand printed name and hand printed address of SIRHAN SIRHAN in the lower portion of page 49 of specimen Q1 were written by SIRHAN BISHARA SIRHAN whose writings and whose purported writings appear on specimens K1 through K3, K8, K9, K14, K16 and K18.

Page 1 (continued on next page)

2 - FBI, Los Angeles (56-156) Enclosure

CEB/eks (9)

NW 54999 DocId:32989522 Page 137

The writing on K18 is not sufficiently comparable with the remaining unidentified questioned writing on the specimens submitted previously in this matter for the purpose of determining whether SIRHAN BISHARA SIRHAN wrote any of the remaining unidentified questioned writing.

Specimen K18 is being returned to FBI, Los Angeles. This specimen has been photographed.

NOTE: For FBI, Los Angeles

The writing on specimen K18 is of value as an additional known standard of writing of SIRHAN, and K18 must be established as a handwriting standard, if future testimony of the FBI Laboratory expert is needed concerning the identification of the handprinting on page 49 of specimen Q1, as set forth in this Laboratory report.



NW 54999 DocId:32989522 Page 138

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

FROM : A. Rosen

DATE: June 21, 1968

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

A second report totaling 618 pages has been received from the Los Angeles Office setting forth additional investigation relative to our inquiry into the assassination of Senator Robert F. Kennedy. The initial report was furnished to the Department on June 17, 1968.

The second report, which is two volumes, has a brief synopsis, a table of contents, and an index. It has been thoroughly reviewed for accuracy and content.

SUMMARY OF INFORMATION SET FORTH IN REPORT:

The initial report set forth results of our immediate inquiries into the situation at the Ambassador Hotel where Senator Kennedy was shot at 12:15 a.m., 6/5/68. The second report goes into further details in connection with this investigation. We interviewed additional witnesses at the Central Receiving Hospital where Kennedy was taken prior to being transferred to the Good Samaritan Hospital where unsuccessful surgery was performed.

A complete list of employees at the Ambassador Hotel, the site of the shooting, has been obtained. These individuals have been interviewed in detail relative to their observations prior to, during, and immediately following the shooting. Additional witnesses were located who identified Sirhan Bishara Sirhan as being in the area immediately prior to the shooting and some are in a position to positively identify him as the assailant.

We likewise have interviewed individuals attached to Senator Kennedy's party and members of the press who were in the area of the shooting. Professional football player Roosevelt Grier was interviewed in detail for his part in helping to disarm and subdue Sirhan. Grier did not view the actual shooting.

Enclosure

HAS:jls
(13)

CONTINUED - OVER

Detailed photographs are included in this report showing the results of the crime scene search in the area, the positions of Senator Kennedy and other individuals who were wounded in the assault, the direction of the bullets and the position of Sirhan at the time he initiated the attack.

Extensive investigation at the San Gabriel Valley Gun Club is set forth. It was learned earlier in our investigation that Sirhan had been identified as practicing with a .22 caliber revolver at this gun club on June 4, 1968. One of the individuals in charge of the firing range furnishes information to the effect that Sirhan was seen talking to an attractive blonde woman. It was indicated by this witness that Sirhan was previously acquainted with this woman. A complete list of individuals firing at the range on June 4, 1968, has been obtained and these people have been interviewed. Likewise we have interviewed in detail individuals employed at the range in an effort to pin down this aspect of our investigation. (Los Angeles has advised today that the blonde woman has been identified and interviewed and she has no connection with Sirhan as indicated by the one witness. This is being pursued further in order to establish the complete facts.)

Extensive investigation has been conducted into the background of Sirhan Bishara Sirhan. We have interviewed elementary and high school teachers as well as former employees and individuals associated with him when he was employed as a gas station attendant and a race horse exercising boy. Neighbors and other associates have likewise been interviewed. The majority of these individuals express shock at Sirhan's becoming involved in the shooting of Senator Kennedy although it is apparent from these inquiries that Sirhan has, over a period of years, exhibited very strong nationalistic sympathies toward the Arab nations and has apparently been frustrated by his inability to "get rich quick."

Investigation in the neighborhood of the Sirhan home, 696 East Howard Street, Pasadena, indicates that the family kept to themselves and did not associate with their neighbors. Background information concerning the other brothers indicates Munir, date of birth 7/15/47, has had numerous brushes with the police authorities as a juvenile in the Pasadena area culminating with a 1966 arrest for possession of marijuana. Saidallah, date of birth 7/4/32, has had two drunk driving convictions and Sharif, date of birth 6/7/33, was charged with attempted murder (later dismissed in lieu of psychiatric treatment) in 1963 in connection with an altercation with a former girl friend who rejected him.

 CONTINUED - OVER

NW 54999 DocId:32989522 Page 140

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

Considerable investigation is shown in connection with our inquiries concerning the girl in the polka dot dress who was alleged to have fled the scene shortly after the shooting shouting "We shot him - We shot him." A second witness claims to have seen a woman in a polka dot dress talking with Sirhan just prior to the shooting. Interviews with these witnesses definitely show that the dresses worn by these women are not alike. Extensive interviews were conducted with individuals in the area where these witnesses allegedly saw the girl in the polka dot dress. No witnesses have been located who substantiated their statements.

ACTION:

Administrative data is set forth on the cover pages of the report. It will not be disseminated. No information is contained in the details of the report pertaining to sources of information or other confidential matters. If approved, the following dissemination is recommended:

1. Three copies to the Department; one for the Criminal Division and one for the Civil Rights Division, both of which have an interest, and one for Special Assistant to the Attorney General William S. Lynch in accordance with the Attorney General's request. Transmittal letter attached for approval.

2. Two copies to the Los Angeles prosecuting attorney, former FBI Agent Evelle J. Younger. One for his prosecutive staff, the second for his investigative staff. The reports will be delivered by our Los Angeles Office which has sufficient copies. The Department by letter 6/17/68 requested that copies of reports be furnished Younger. Attached letter to the Department advises of this action.

3. One copy to the United States Attorney's Office, Los Angeles (also will be delivered by our Los Angeles Office). Attached letter advises the Department that this action is being taken.

4. One copy each to Secret Service, State Department, and Central Intelligence Agency, all of whom have an interest in this matter (to be delivered by Bureau liaison).



NW 54999 DocId:32989522 Page 141

Mr. Fred M. Vinson, Jr.
Assistant Attorney General

Director, FBI

June 21, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached for you, Assistant Attorney General Stephen J. Pollak, Civil Rights Division, and Special Assistant to the Attorney General William S. Lynch is one copy each of the report of Special Agent Amedee O. Richards, Jr., dated June 15, 1968, at Los Angeles, California, concerning captioned matter.

This supplements our first investigative report which was furnished you on June 17, 1968. Additional reports are being prepared and will, of course, be furnished you. In accordance with the Department's request of June 17, 1968, copies of this report are being furnished District Attorney Evelle J. Younger at Los Angeles, California, who is handling the prosecution of this case. Likewise, a copy is being furnished the United States Attorney at Los Angeles, California.

Enclosure

1 - Mr. Stephen J. Pollak
Assistant Attorney General (Enclosure)

1 - Mr. William S. Lynch (Enclosure)
Special Assistant to the Attorney General

HAS:jls
(15)

NOTE:
See Rosen to DeLoach Memo, dated 6/21/68, captioned as above, HAS:jls.

NW 54999 DocId:32989522 Page 142

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

Tolson
DeLoach
Conrad

TO : Mr. DeLoach

DATE: June 21, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - ~~Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

The Attorney General (AG) in a communication dated 6/19/68, advises of the fact that Mr. William S. Lynch has been designated as Special Assistant to the AG responsible for collecting and correlating information relative to our investigation of the assassination of Senator Robert F. Kennedy. He requested that copies of all reports, airtels, memoranda, etc., be delivered promptly to Mr. Lynch.

We have since the inception of our investigation prepared memoranda reflecting the results of pertinent investigation which were furnished in turn to the AG, the Deputy Attorney General, and Assistant Attorneys General of the Criminal and Civil Rights Divisions of the Department. In addition, we furnished the Department copies of our first investigative report. In response to the AG's request, we have delivered a complete set of all memoranda and a report previously furnished other Department officials to Mr. Lynch, 6/21/68.

We have, of course, many airtels, letters, teletypes, and memoranda in our files which contain lead material, identification of sources of information, and extraneous administrative data. Consequently, copies of airtels, teletypes, etc., will not be furnished to Mr. Lynch but we will continue to extract the pertinent information therefrom which will be furnished to the Department in memorandum or report form.

ACTION: There is attached for approval a letter to the AG with copies to the Deputy Attorney General, Assistant Attorneys General of the Criminal and Civil Rights Divisions and Special Assistant to the AG Lynch advising of the fact that a complete set of all material pertinent to this investigation has been furnished Mr. Lynch.

Enclosure

HAS:erg
(13)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 143

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

In addition, we advise that in the future copies of all pertinent material will be forwarded to Mr. Lynch as well as the Assistant Attorneys General in the Criminal and Civil Rights Divisions.



NW 54999 DocId:32989522 Page 144

Director
Federal Bureau of Investigation

The Attorney General

Assassination of Robert F. Kennedy

In addition to his other duties, William S. Lynch, Deputy Chief, Organized Crime and Racketeering Section of the Criminal Division, has been designated Special Assistant to the Attorney General.

In this capacity Mr. Lynch is responsible for collecting and collating for me and the Deputy Attorney General all information with respect to the above.

Accordingly, it would be appreciated if you will deliver promptly to Mr. Lynch copies of all reports, memoranda, airtels, etc., relating to this matter. I would also appreciate if you would have someone check with Mr. Lynch to be sure that he has a full set of all such materials to date.

The Attorney General

June 21, 1968

Director, FBI

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
(1) - Mr. Conrad
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

This is in reply to your communication of June 19, 1968, wherein you indicated Mr. William S. Lynch has been designated as Special Assistant to the Attorney General whose responsibility is to collect and correlate information with respect to this investigation.

In the past, we have furnished copies of all pertinent memoranda and a report to Assistant Attorneys General of the Criminal Division and Civil Rights Divisions. Copies of this material have been furnished Mr. Lynch today and in the future, copies of all pertinent material will be delivered to Mr. Lynch as well as the Assistant Attorneys General of the Criminal and Civil Rights Divisions.

1 - The Deputy Attorney General

1 - Mr. Fred M. Vinson, Jr.
Assistant Attorney General

1 - Mr. Stephen J. Pollak
Assistant Attorney General

1 - Mr. William S. Lynch
Special Assistant to the Attorney General

HAS:erg
(19)

Tolson

NW 54999 DocId:32989522 Page 146

7-1a (Rev. 9-7-60)

REPORT of the FBI LABORATORY

1 - Mr. Rosen
(Mr. Shroder)
1 - Mr. Conrad
1 - Mr. Griffith
1 - LAB FILE

# FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 21, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680618086 AT

Examination requested by: FBI, Los Angeles

Reference: Letter dated 6/14/68

Examination requested: Document

Specimens: received 6/18/68, from FBI, Los Angeles

K17 Pasadena Public Library Card #C13359, bearing handwriting of SIRHAN B. SIRHAN

ALSO SUBMITTED: Library fine slip in the name "Sirhan Sirhan" in the amount of $2.56, bearing stamp date "Apr 7 1966" at bottom

Result of examination:

It was found that the writing of SIRHAN B. SIRHAN on specimen K17 is too limited to be of value for further comparison with the unidentified questioned writing on the specimens submitted previously in this case. No additional conclusions were reached

Page 1 (continued on next page)

2 - FBI, Los Angeles (56-156) Enclosures (2)

CEB/eks (9)

NW 54999 DocId:32989522 Page 147

as a result of the present examination.

Specimen K17 and the material described as "ALSO SUBMITTED" are being returned to FBI, Los Angeles. These exhibits have been photographed.



NW 54999 DocId:32989522 Page 148

Laboratory Transmittal Form
7-72

1 - Mr. Rosen-(Mr. Shroder)
~~1 - Mr. Conrad~~
1 - Mr. Griffith
1 - Lab Files

FBI LABORATORY

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Los Angeles (56-156) Date: June 21, 1968

Re: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

J. Edgar Hoover
John Edgar Hoover, Director

OO: Los Angeles

FBI File No. 62-587
Lab. No. D-680017095 AT

Examination requested by: U. S. Secret Service, Washington, D. C.

Reference: Letter 6/13/68

Examination requested: Document - Fingerprint

Remarks:

A separate report is being submitted concerning the fingerprint examination. Specimens Q22 and Q23 are being forwarded to the Los Angeles Office with the fingerprint report.

Since the submitted material, Q22 and Q23, does not appear to be directly related to the investigation being conducted by the district attorney in Los Angeles, a copy of this report is not being sent to him.

Enclosures (2) (2 Lab report)
1 - Director (attachment only) CO-2-51,322
U. S. Secret Service

CEB:mja (7)

ADMINISTRATIVE PAGE

7-1b

# REPORT of the

FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: FBI, Los Angeles (56-150)

Date: June 21, 1968
FBI File No. 62-567
Lab. No. D-680617095 AT

Re: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Specimens received 6/17/68, from U. S. Secret Service, Washington, D. C.

Q22 White envelope bearing handwritten address "EARL WARREN UNITED STATES SUPREME COURT WASHINGTON (25) D. C.," postmarked "San Francisco, Calif. 25 May 1968 PM"

Q23 Campaign literature folder of Senator Robert F. Kennedy bearing handwritten notation "Somebody shoot this Catholic..." on front page

Result of examination:

Specimens Q22 and Q23 were compared with the Anonymous Letter File without effecting an identification. Copies are being added thereto.

The handwriting on Q22 and Q23 was compared with the available known handwriting of SIRHAN BISHARA SIRHAN. The writing of SIRHAN is too limited and not sufficiently comparable with the writing on Q22 and Q23 for the purpose of determining whether SIRHAN wrote any of this writing. However, differences in handwriting characteristics were found which indicate that SIRHAN may not have written Q22 and Q23.

No watermarks or indented writing was found on the Q22 envelope. Indented writing was found on Q23. This indented writing corresponds to the name and address on the Q22 envelope, revealing that Q23 had been placed in the Q22 envelope when the name and



(continued on next page)

NW 54999 DocId:32989522 Page 150

address were written on the envelope.

Specimens C22 and C25 are being temporarily retained. These specimens have been photographed.



NW 54999 DocId:32989522 Page 151

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

FROM : A. Rosen

DATE: June 20, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - ~~Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

This is to provide a brief resume of our investigation to date into the assassination of Senator Robert F. Kennedy at Los Angeles, California; to advise of the fact that our first investigative report, totaling 1,082 pages, has been disseminated to interested Government agencies and the prosecuting attorney in Los Angeles, California; and to pinpoint those areas of investigation that remain.

As approved, copies of our initial investigative report were forwarded on 6/17/68 to the Assistant Attorneys General of the Criminal Division and Civil Rights Division. In accordance with the reply from the Criminal Division on the same date, we instructed our Los Angeles Office to forward copies of this report to Prosecuting Attorney Evelle Younger, at Los Angeles and in addition, to the United States Attorney at Los Angeles. We also furnished CIA, Secret Service and State Department, all of whom have an interest in this case, a copy of this report.

Our investigation to date has established that Sirhan Bishara Sirhan has evidenced, over a period of years, animosity toward the State of Israel and has indicated strong nationalistic sympathies toward the Arab states. The scribblings and notations found on material located in his room indicated he had, prior to the actual assassination attempt, given consideration to shooting Senator Kennedy. There seems to be a direct tie-in between recent pro-Israel remarks made by Kennedy and the fact that the shooting took place on the anniversary of the war between Israel and the Arab states. Investigation indicates he purchased ammunition on June 1, 1968, and participated in target practice the day before the assassination attempt.

Although investigation has failed thus far to establish evidence a conspiracy exists, or Sirhan acted in concert with another, the news media continually bring to light allegations of

HAS:jls
(13)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 152

conspiracy which thus far are unsubstantiated. With respect to these rumors, we are concentrating our investigation in three areas:

1. The identity of the so-called girl in the polka dot dress which stems from, thus far, unsubstantiated and inconsistent statements made by 20-year-old Sandra Serrano who was at least 140 feet from the scene of the shooting but who steadfastly maintains that she heard sounds like shots and saw a girl running from the area in a polka dot dress shouting, "We shot him--we shot him." This witness is scheduled to undergo a polygraph examination by the Los Angeles Police Department 6/20/68.

An Ambassador Hotel employee has stated he saw Sirhan standing in the kitchen area just prior to the shooting. He states a white female in a polka dot dress was standing next to Sirhan and they conversed briefly. This female apparently not identical to the one viewed by Serrano since style and color of polka dot dresses differ.

2. Sirhan has been identified by the wife of the owner of the gun shop where the ammunition was bought on June 1, 1968, as having been in the shop during April, 1968, accompanied by two other "foreign-looking" individuals and the salesman in the same store alleges that on the day Sirhan made his purchase of ammunition (6/1/68), he was accompanied by two other as yet unidentified individuals.

3. Several witnesses positively identified Sirhan as participating in target practice at the San Gabriel Valley Gun Club on June 4, 1968. An employee of the club insists he overheard a conversation between Sirhan and an unidentified blonde girl while Sirhan was firing there. Other witnesses indicate such a woman was at the scene but no one substantiates the fact that she indicated an acquaintanceship with Sirhan.

These three, as well as all other facets of our investigation, are receiving exhaustive attention.



NW 54999 DocId:32989522 Page 153

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

ACTION:

The Department, the prosecuting attorney, the U. S. Attorney and interested Government agencies are now in possession of our first detailed report. We have kept the White House and the Department apprised of pertinent developments and will continue to do so.



NW 54999 DocId:32989522 Page 154

J-1a (Rev. 9-7-60)

**REPORT of the FBI LABORATORY**

~~Mr. Conrad~~
1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Griffith
1 - Mr. Bohn
1 - LAB FILE

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C.**

To: Mr. Evelle J. Younger
District Attorney
609 Hall of Justice
Los Angeles, California 90012

June 20, 1968

REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO. 62-587
FBI FILE NO. D-6806141O6 AT
LAB. NO. D-6806170O6 AT
D-6806170O7 AT

Examination requested by: FBI, San Francisco,
FBI, Los Angeles
Letters 6/12/68, 6/13/68, 6/13/68

Reference:

Document

Examination requested:

received 6/14/68, from FBI, San Francisco

Specimens:

K14 Application for Rosicrucian Membership bearing purported handwriting and hand printing of SIRHAN SIRHAN

ALSO SUBMITTED: Pamphlet entitled "Who and What are The Rosicrucians Facts at your Finger Tips"

Specimen received 6/15/68, from FBI, Los Angeles

K15 Two program cards, Pasadena City Schools, Pasadena, California, bearing signatures "Mrs. Mary Sirhan"

Page 1 (continued on next page)

2 - FBI, San Francisco (62-5461) - Enclosure
2 - FBI, Los Angeles (56-156) - Enclosures (2)

CEB/eks (12)

NW 54999 DocId:32989522 Page 155

Specimen received 6/17/68, from FBI, Los Angeles

K16 Cashiers Check #174778, drawn on Crocker-Citizens National Bank, Los Angeles, California, dated 4/12/68, payable to "SIRHAN SIRHAN" in amount of $1,705.00, and endorsed in name of payee

Result of examination:

The conclusion was reached that SIRHAN BISHARA SIRHAN, whose writings and whose purported writings appear on specimens K1 through K3, K8, K8, K14, and K16, wrote the hand printed address in the lower portion of page one of Q1; the hand ppinted address and names "SIRHAN SIRHAN" in the upper portion of page 32 of specimen Q1; and the English writing on the front of specimen Q5-F.

The available writing of SIRHAN BISHARA SIRHAN is too limited and not sufficiently comparable with the remaining questioned handwriting on the specimens previously submitted in this matter, for the purpose of determining whether SIRHAN BISHARA SIRHAN wrote any of the remaining questioned handwriting. Similarities in handwriting characteristics were found in the writings of SIRHAN BISHARA SIRHAN and a number of the remaining questioned writings, including certain questioned writings on pages 20, 35, 39, 47, 51, and 58 of specimen Q1, pages 123 and 124 of specimen Q3, and the writing on Q4.

The signatures appearing on K15 are too limited to permit adequate comparison of these signatures with the questioned writings.

Specimen K14 is being returned to FBI, San Francisco. Specimens K15 and K16 are being returned to FBI, Los Angeles. These specimens have been photographed. The pamphlet described as "ALSO SUBMITTED" is being retained.

NOTE: For San Francisco and Los Angeles

This confirms Bureau teletype 6/17/68, addressed to Los Angeles.

If future testimony of the FBI Laboratory expert is needed, it will be necessary to utilize as a minimum number of known handwriting standards, the writings on K1 through K3, K9, K14 and K16. The Los Angeles Office should appropriately advise the District Attorney, Los Angeles, that these specimens must be



(see next page)

NW 54999 DocId:32989522 Page 156

Note for San Francisco and Los Angeles (continued)

introduced and authenticated as known handwriting standards of the subject. The only available script writing of the subject appears on specimen K14, and this writing is absolutely essential for the identification of the English writing on Q5-F, and the similarities pointed out with respect to other questioned writings.

If it is possible to obtain additional adequate known handwriting samples prepared by SIRHAN, further conclusions may be reached.



NW 54999 DocId:32989522 Page 157

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

DATE: June 19, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz 1 - Mr. Gale
1 - Mr. McGowan 1 - Mr. Sullivan
1 - Mr. Bishop 1 - Mr. Mohr
1 - Mr. Conrad 1 - Mr. Trotter

FROM : A. Rosen

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

The following concerns most recent developments in connection with our investigation into the assassination of Senator Robert F. Kennedy.

JFK Act 6 (1) (B)

Our Los Angeles Office reports that a check of the Selective Service Headquarters records for the State of California shows no registration for Sirhan Sirhan or his brothers Saidallah Sirhan and Munir Sirhan. The remaining brothers Sharif and Adel Sirhan are both registered with local board 91, Pasadena, California.

Our Los Angeles Office in noting the failure to register on the part of Saidallah and Munir Sirhan advised that all four brothers have apparently been cooperative and have readily furnished background information relative to the activities of Sirhan Sirhan. Los Angeles was of the opinion that to pursue the Selective Service aspect insofar as Saidallah and Munir are concerned at this time could possibly adversely affect their cooperative spirit which has existed thus far.

ACTION:

In view of the above there is attached for approval,

Enclosure

HAS:jls
(13)

CONTINUED - OVER

a letter to the Assistant Attorney General, Criminal Division, pointing out what appears to be a delinquency on the part of Saidallah and Munir Sirhan with respect to their failure to register for the Selective Service Act of 1948 and noting the fact that they have thus far appeared to be cooperating with the FBI and local authorities in connection with this investigation. Accordingly, we request the Department's advice as to whether we should proceed further on this Selective Service matter at this time.



NW 54999 DocId:32989522 Page 159

Mr. Fred M. Vinson, Jr.
Assistant Attorney General

Director, FBI

June 19, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Mohr
(1) - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

In connection with our investigation into captioned matter, our Los Angeles, California, Office has reported that records of the Selective Service Headquarters for the State of California show no registration for Sirhan Bishara Sirhan or his brothers Saidallah and Munir Sirhan. The remaining brothers, Sharif and Adel Sirhan, are both registered with Local Board 91, Pasadena, California.

Our Los Angeles Office in noting the failure to register for the Selective Service Act on the part of Saidallah and Munir Sirhan advised that all four brothers have apparently been cooperative with the FBI and the Los Angeles Police Department in connection with the investigation into the assassination of Senator Robert F. Kennedy. They have readily furnished background information relative to the activities of Sirhan Bishara Sirhan. According to our Los Angeles Office, further inquiry into the Selective Service status of Saidallah and Munir Sirhan could possibly have an adverse effect upon what appears to be their cooperative spirit thus far.

Accordingly, the Department's advice is requested as to whether we should proceed further with these possible Selective Service violations at this time.

NOTE: See memorandum A. Rosen to Mr. DeLoach, captioned as above, dated 6-19-68, HAS:jls.

HAS:hcs
(15)

NW 54999 DocId:32989522 Page 160

Laboratory Transmittal Form
7-72

1 - LAB FILE
1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Conrad

FBI LABORATORY

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To: FBI, Los Angeles (56-156)

Date: June 19, 1968

Re: KENSALT

John Edgar Hoover, Director

FBI File No. 62-587
Lab. No. D-600613010 AT

Examination requested by: Los Angeles

Reference: Airtel 6/11/68

Examination requested: Document - Fingerprint

Remarks:

Q17 through Q20 are being returned separately with the results of the latent fingerprint examination.

Copies of this report are not being furnished to the District Attorney, Los Angeles, since these specimens do not appear to directly relate to the investigation being conducted by the District Attorney, Los Angeles.

Enclosures (2) (2 Lab reports)

CEB:pb (6)

ADMINISTRATIVE PAGE

7-1b

# REPORT of the

FBI LABORATORY

## FEDERAL BUREAU OF INVESTIGATION
## WASHINGTON, D. C. 20535

To: FBI, Los Angeles (56-156)

Re: KENSALT

Date: June 13, 1968
FBI File No. 62-587
Lab. No. D-680613010 AT

Specimens received 6/13/68

Q17 Envelope postmarked "BELLEVUE, PA. JUN 3 PM 1968," bearing typewritten address "NAACP Watts Section Los Angeles, Calif."

Q18 Accompanying piece of paper bearing typewritten message beginning "kennedy as an attorney general..."

Q19 Envelope postmarked "PITTSBURGH, PA. 4B -PM 31 MAY 1968," bearing typewritten address "Director, NAACP Watts Section Los Angeles, Calif."

Q20 Accompanying piece of paper bearing typewritten message beginning "KINDLY SEE THAT..."

Result of examination:

The typewriting on Q17 through Q20 corresponds to the standard for International Business Machines (IBM) pica style type having a horizontal alignment of ten letters to the inch. Q17 through Q19 bear black ribbon impressions and Q20 bears orange ribbon impressions. The notation "AIR MAIL," written in blue ball-point ink, appears on envelope Q19.

The questioned specimens were compared with the Anonymous Letter File without effecting an identification with any prior submissions. Copies are being added thereto.

No significant indented writing was found on Q17 through Q20. No watermarks were found in Q17, Q19 and Q20. Q18 contains a very fragmentary watermark consisting of a design and several letters. This watermark may be a part of a watermark "Old Council Tree" which watermark has been used by the Neenah Paper Division,

 (continued on next page)

CEB:pb (6)

NW 54999 DocId:32989522 Page 162

Kimberly-Clark Corporation, Neenah, Wisconsin 52957. The detailed physical characteristics of Q17 through Q20 are retained.

Q17 through Q20 are being returned separately. These specimens have been photographed.



NW 54999 DocId:32989522 Page 163

7-1a (Rev. 4-17-67)

**REPORT of the FBI LABORATORY**

1 - Mr. Rosen
(Mr. Shroder)
1 - Mr. Conrad
1 - Mr. Griffith
1 - LAB FILE

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To:
Mr. Evelle J. Younger
District Attorney
800 Hall of Justice
Los Angeles, California 90012

June 19, 1968
Registered Airmail

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover
John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-557
LAB. NO. D-680613068 AP

Examination requested by: FBI, Los Angeles

Reference: Letter 6/11/68

Examination requested: Document

Specimens:
received 6/13/68 from, FBI, Los Angeles

Four Pasadena, California, Police Department handwriting specimen cards for the following persons:

| SPECIMEN | NAME |
|---|---|
| K10 | ADEL BISHARA SIRHAN |
| K11 | SAIDALLAH B. SIRHAN |
| K12 | SHARIF B. SIRHAN |
| K13 | MUNIR BISHARA SIRHAN |

2 - FBI, Los Angeles (56-156) Enclosures (4)

 (continued on next page)
CEB:ctj (8)

NW 54999 DocId:32989522 Page 164

Result of examination:

The conclusion was reached that the majority of the questioned writings on pages fifteen and forty-seven of notebook Q1 were not written by SAIDALLAH B. SIRHAN, K11; by SHARIF B. SIRHAN, K12; or by MUNIR BISHARA SIRHAN, K13. While the writings on K11 through K13 are too limited and not sufficiently comparable for adequate comparison with other questioned writings on the specimens submitted previously in this case, many differences in handwriting characteristics were found.

Due to the limited nature of the writing on K10 and due to a lack of comparable handwriting, the writing of ADEL BISHARA SIRHAN, K10, could not be adequately compared with the questioned writings. Some differences were found in the writing on K10 and the questioned writings.

Specimens K10 through K13 are being returned to FBI, Los Angeles. These specimens have been photographed.

Note for Los Angeles:

This confirms Bureau teletype dated 6/14/68 to Los Angeles.



NW 54999 DocId:32989522 Page 165

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. DeLoach

FROM : A. Rosen

SUBJECT: ASSASSINATION OF SENATOR ROBERT F. KENNEDY LOS ANGELES, CALIFORNIA

DATE: June 18, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. O'Keeffe
1 - Mr. Bishop
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter
1 - Mr. McGowan

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

Attached hereto for approval is a letterhead memorandum for the White House with copies for the Vice President and the Department setting forth current developments in our continuing investigation of the assassination of Senator Robert F. Kennedy.

Information contained in the personal effects of Sirhan Bishara Sirhan indicated he was interested in the Rosicrucian Order (Ancient Mystical Order Rosae Crucis, also known as AMORC), San Jose, California. Inquiry with officials of this order reveals Sirhan filed an application in June, 1966, and his membership subsequently became inactive due to his failure to pay dues. His membership was reactivated upon payment of dues in February, 1968.

Bureau files reveal the Rosicrucian Order is philosophical in nature with religious implications and has never been investigated by us.

Officials of this order state it is a world-wide fraternal organization operated on a lodge system. They claim it is nonsectarian and is not a religious order although Christian principles are adhered to. They state that any law abiding citizen over 21 years of age, of good repute, and believing in a "Supreme Being" are eligible for membership. Members reportedly include a cross section of all classes of people and total world membership is claimed at approximately 90,000 people, of which 45,000 are in the United States. An official of this order states it traces its origin to the "mystery schools or secret schools" in Egypt approximately 1,500 years B.C. The order requires that each member take an oath in support of his country and the country in which he lives. The order claims that any member charged with commission of a felony or found guilty of a serious breach of moral ethics is immediately cast out.

Enclosure

JOK:hw
(14)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 166

Although Sirhan is a corresponding member, we have learned he did attend a meeting of the Pasadena, California, chapter on the evening of 5-28-68. We are interviewing all persons who were in attendance at that particular meeting.

The attached letterhead memorandum sets forth detailed information concerning this order.

Local authorities obtained a search warrant and thereafter searched Sirhan's automobile on 6-5-68. Among other items this search revealed a sales receipt from the Lock, Stock and Barrel gun store, San Gabriel, California, reflecting the purchase of four boxes of .22 caliber ammunition on 6-1-68. Interviews with the gun store owner, his wife and the salesman who allegedly sold Sirhan the ammunition have resulted in several inconsistent statements. We are intensifying our investigation into this phase.

ACTION:

If approved, the attached letterhead memorandum will be forwarded to the White House, with copies to the Vice President, the Attorney General, the Deputy Attorney General, Assistant Attorney General Fred M. Vinson, Jr., and Assistant Attorney General Stephen J. Pollak.



NW 54999 DocId:32989522 Page 167

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 18, 1968

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

The continuing investigation concerning Sirhan Bishara Sirhan has revealed that he is a member of the Rosicrucian Order, San Jose, California. This order is also known as the Ancient Mystical Order Rosae Crucis (AMORC).

An official of this organization has advised that Sirhan had a "corresponding membership" and did not attend regular meetings. Several members of the Pasadena, California, chapter of this order have advised that Sirhan attended a meeting at Pasadena, California, on the evening of May 28, 1968.

Officials of the Rosicrucian Order have advised this is a world-wide fraternal organization operating on a lodge system. They advised it is nonsectarian and is not a religious order although the ethics of the order adhere to Christian principles. They further advised that the teachings of the organization do not interfere with religious freedom of members and only law-abiding citizens over 21 years of age, of good repute, and believing in a "Supreme Being" are eligible for membership. Members reportedly include a cross section of all classes of people and total world membership is claimed at approximately 90,000 people of which 45,000 are in the United States. This order reportedly traces its origin back to the "mystery schools or secret schools" in Egypt approximately 1500 years B.C., and is nonpolitical in nature.

On June 5, 1968, a search of Sirhan's automobile was conducted by the Los Angeles, California, Police Department. This search revealed a sales receipt from the Lock, Stock and Barrel gun store, San Gabriel, California, reflecting the purchase of four boxes of .22 caliber ammunition on June 1, 1968. Intensive inquiries are continuing into this as well as all other phases of this investigation.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 17, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached is a memorandum setting forth full details relative to the story that appeared in the London Evening Standard on June 13, 1968, to the effect that "new and startling" information had been reported to American officials by an unidentified Arab Government concerning Sirhan Bishara Sirhan. The White House had previously made inquiry on June 13 concerning this release and a preliminary report was furnished the White House that date showing that the allegation had no basis in fact.

JFK Act 6 (1)(B)

Kimche alleged that his source identified Sirhan as having traveled to the Middle East from the United States in 1964 and 1966, during the latter visit spending time in Cairo, Egypt. It was reported that he allegedly married one Leila Ussef Mikhael at Es Salt, Jordan, during another trip to the Middle East on June 27, 1957.

Our investigation shows this to be entirely without foundation since we can definitely show Sirhan to have been either gainfully employed or in school during the periods he is alleged to have been ~~aborad~~ abroad. Furthermore, interview with each of his brothers indicate Sirhan has not left this country since his arrival on ~~June 10~~ JAN. 12, 1957.

The State Department, through its Embassy in London, contacted Kimche in an effort to pin him down relative to this story but he refused to identify his source and seemed unimpressed, according to the State Department, by the possibility this might be a simple case of mistaken identity.

ACTION:

Attached for approval is a memorandum for the White House, Vice President, and the Department setting forth full facts relative to the incident.

HAS:jls
(13)
Enclosure

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 17, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

A United Press International release on June 13, 1968, indicated an unidentified Arab Government had passed "new and startling" information to American officials relative to Sirhan Bishara Sirhan. It is reported by correspondent John Kimche in the London Evening Standard that Sirhan had traveled in the Middle East in 1964 for seven months. He allegedly returned to the Middle East in 1966 spending five months in Cairo, Egypt, before returning to the United States in the beginning of 1967.

A Reuters dispatch on June 13, 1968, additionally reported that this individual's full name, according to Kimche, was Sirhan Bishara Sirhan Abu Khatar. This individual, according to the dispatch, was first brought to the United States in 1928 when he was four years old. He was allegedly married upon a return to the Middle East on June 27, 1957, to Leila Ussef Mikhael at Es Salt, Jordan.

Records of the Immigration and Naturalization Service show that Sirhan Bishara Sirhan entered the United States on January 12, 1957. His date of birth was given as March 19, 1944, Jerusalem, Jordan.

Investigation by our Los Angeles Office reveals he took up residence with his family in Pasadena, California, immediately upon his entry into the United States attending the Pasadena city schools until graduation from the John Muir High School in June, 1963. Thereafter he attended Pasadena City College until May of 1965.

Investigation reveals that during 1964 Sirhan Bishara Sirhan was attending school and employed at two Pasadena, California, service stations. Investigation further indicates that during 1966 he was continuously in the Pasadena, California, area.

NW 54999 DocId:32989522 Page 170

In addition, each of Sirhan's four brothers was interviewed by Special Agents of the Los Angeles Office of the FBI on June 13, 1968, at which time they advised Sirhan has never left the United States since his arrival in 1957. They pointed out that the word Abu Khatar, meaning "is the father of Khatar," is a term not used by Christians and that the Sirhan family is Christian.

The Department of State has advised that it has received no communication from any country in the Middle East relative to the aforementioned matter. According to the Department of State, information was received from the American Embassy in Tel Aviv, Israel, to the effect that a United Press International correspondent had reportedly talked with Sirhan's father in Jordan who stated that to his knowledge Sirhan never married and the other details contained in the original story of June 13, 1968, are highly improbable.

According to the Department of State an attempt was made by that agency in London to contact Jon, also known as John, Kimche with whom this story originated. Kimche refused to identify his source but reiterated his source is usually reliable. According to the Department of State he seemed umimpressed by the possibility this might be a simple case of mistaken identity.

Kimche, according to the Central Intelligence Agency, is an able, unscrupulous free lance journalist in London who apparently supports official Israeli Zionist lines in his work.

JFK Act 6 (1)(C)



NW 54999 DocId:32989522 Page 171

1 - Mr. Rosen (Mr. Shroder)
~~1 - Mr. Conrad~~
1 - Mr. Griffith
1 - Mr. Bohn
1 - LAB FILE

6/17/68

PLAINTEXT

TELETYPE URGENT

TO SAC LOS ANGELES (56-156)

FROM DIRECTOR FBI (62-587)

KENSALT.

REAIRTEL FROM SAN FRANCISCO JUNE TWELVE ENCLOSING APPLICATION OF SIRHAN SIRHAN FOR MEMBERSHIP IN ROSICRUCIAN ORDER AND LOS ANGELES AIRTEL JUNE THIRTEEN ENCLOSING CASHIERS CHECK PAYABLE TO SIRHAN.

CONCLUDED HAND PRINTED ADDRESS IN LOWER PORTION OF PAGE ONE OF SPECIMEN Q ONE; HAND PRINTED ADDRESS AND NAME "SIRHAN SIRHAN" IN UPPER PORTION OF PAGE THIRTY-TWO OF SPECIMEN Q ONE; AND ENGLISH WRITING ON FRONT OF SPECIMEN Q FIVE-F WERE WRITTEN BY SIRHAN BISHARA SIRHAN, BASED ON COMPARISON WITH KNOWN SPECIMENS OF SIRHAN'S WRITING FORWARDED WITH REFERENCED COMMUNICATIONS AND PREVIOUSLY FORWARDED. CONFIRMING LABORATORY REPORT WILL SET FORTH THOSE SPECIMENS WHICH MUST BE AUTHENTICATED AS KNOWN HANDWRITING AND HAND PRINTING STANDARDS.

AVAILABLE KNOWN WRITING OF SIRHAN IS TOO LIMITED FOR PURPOSE OF DETERMINING WHETHER SIRHAN WROTE ANY OF REMAINING QUESTIONED WRITING. LOS ANGELES HAS PREVIOUSLY BEEN REQUESTED TO OBTAIN ADDITIONAL KNOWN WRITING OF SIRHAN. LABORATORY REPORT FOLLOWS.

CEB/EKS (7)

NW 54999 DocId:32989522 Page 172

FD-1a (Rev. 4-17-67)

**REPORT of the**

**FBI LABORATORY**

1 - LAB FILE
1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Conrad

**FEDERAL BUREAU OF INVESTIGATION**
**WASHINGTON, D. C. 20535**

To:

Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 17, 1968
Registered Airmail

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re:
ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

YOUR NO.
FBI FILE NO. 62-557
LAB. NO. D-680611048 AT
D-680612033 AT
D-680617085 AT

Examination requested by: FBI, Los Angeles and FBI, San Francisco

Reference: Letters 6/7/68 and 6/10/68

Examination requested: Document

Specimens: received 6/11/68, from FBI, Los Angeles

K2 Application for License, California Horse Racing Board, #1094, dated 1/1/66, signed "Sirhan Sirhan"

K3 1966 Alien Address Report dated 1/25/66, and 1968 Alien Address Report dated 1/15/68, signed "Sirhan Sirhan"

K4 1968 Alien Address Report dated 1/22/68, signed "Saidallah B. Sirhan"

K5 1968 Alien Address Report dated 1/15/68, signed "Mary Sirhan"

K6 1968 Alien Address Report dated 1/15/68, signed "Adel Sirhan"

2 - FBI, Los Angeles (56-156) Enclosures (7)
2 - FBI, San Francisco (62-8981) Enclosure

Page 1 (continued on next page)

CEB:gmb (10)

NW 55990 DocId:32989522 Page 173

K7 1968 Alien Address Report dated 1/15/68, signed "Munir B. Sirhan"

Specimen received from FBI, Los Angeles, 6/12/68

K8 Information Blank, Pasadena City Schools, Pasadena, California, dated 10/28/58, bearing purported handwriting and hand printing of SIRHAN BISHARA SIRHAN

Specimen received from FBI, San Francisco, 6/12/68

K9 Argonaut Insurance Company check #262013 dated 4/5/68, in the amount of $1,705.00, payable to Sirhan Sirhan, and endorsed in name of payee

Result of examination:

Due to differences in time of writing and due to the limited amount of available writing of Sirhan Bishara Sirhan, a definite conclusion was not reached whether Sirhan Bishara Sirhan wrote any of the questioned writing on specimens submitted previously in this matter. Due to the limited amount of writing available for examination, a definite conclusion was not reached whether the writers of K4 through K7 wrote any of the questioned writing on the specimens submitted previously.

Specimens K2 through K8 are being returned to FBI, Los Angeles. Specimen K9 is being returned to FBI, San Francisco. These specimens have been photographed.

NOTE FOR LOS ANGELES AND SAN FRANCISCO:

This confirms Bureau teletypes dated 6-11-68, 6-12-68, and 6-13-68 addressed to Los Angeles in this matter. For your investigative guidance, similarities were noted in the writings of Sirhan Bishara Sirhan and certain questioned writings.

Los Angeles has been requested to obtain contemporary writings of Sirhan containing words and letters comparable with the questioned writing. Efforts to obtain known writings comparable with the questioned writing should be continued.

San Francisco requested the return of specimen K9 so that it could be returned to the Argonaut Insurance Company. Since K9 may become a piece of crucial evidence in this case, San Francisco should retain K9 until such time as this specimen may no longer be needed as evidence.



NW 54999 Docid:32989522 Page 174

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 15, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
~~1 - Mr. Conrad~~
1 - Mr. Mohr
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

FROM : A. Rosen

SUBJECT: ASSASSINATION OF SENATOR ROBERT F. KENNEDY LOS ANGELES, CALIFORNIA

A report totaling 1,082 pages has been received from the Los Angeles Office setting forth results of FBI investigation through June 9, 1968, into the assassination of Senator Robert F. Kennedy. It contains photographs and charts depicting the area where the shooting occurred, as well as photographs of Senator Kennedy immediately prior to autopsy.

The report, which is four volumes plus two volumes of exhibits, has a brief succinct synopsis, a table of contents, and an index.

The report has been thoroughly reviewed for accuracy and content. Minor typographical corrections have been made; however, over-all, the Los Angeles Office has done an excellent job in its preparation and has indicated a second report will be forthcoming within the next few days.

SUMMARY OF INFORMATION SET FORTH IN REPORT:

Senator Kennedy, following victory speech at Ambassador Hotel, Los Angeles, California, left podium at approximately 12:15 a.m., 6-5-68. As he and a number of his staff walked toward the Colonial Room to attend a press conference, he was shot three times in corridor leading to hotel kitchen. One bullet entered his head in right mastoid area. Two bullets entered under the right arm, one lodging in the neck near the spine, the second exiting the body. Five other persons also wounded, none critically.

Enclosure

HAS:hw
(13)

CONTINUED - O V E R

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Witnesses to the assault have been interviewed and several positively identified Sirhan Bishara Sirhan as the assailant. Sirhan was subdued by two hotel employees, assisted by Roosevelt Grier, professional football player, and Rafer Johnson, Olympic decathlon champion.

Confusion existed immediately following shooting and same situation prevailed at the emergency hospital where Kennedy was first taken. He was thereafter taken to Good Samaritan Hospital where brain surgery was performed and he expired at 1:44 a. m., 6-6-68.

The Los Angeles Police Department has established that the murder weapon was an eight-shot Iver Johnson .22 caliber revolver. All 8 cylinders in chamber contained expended cartridges. One bullet removed from Kennedy determined to have been fired from this revolver.

The Los Angeles Police Department furnished copy of their initial interview with Sirhan which was taped. Sirhan repeatedly advised of his rights by Los Angeles Police Department officers. The interview appears to have been conducted in an appropriate manner but it was totally unproductive and irrelevant.

No motive has been established for the killing beyond the probative value deduced from literature which Sirhan possessed and writings taken from his room which show he was deeply disturbed concerning the relations between Arabs and Jews.

Considerable investigation has been conducted concerning the background of Sirhan and his family, which consists of his mother and four brothers, all of whom have resided in Pasadena, California, area since they entered the United States. The father, the mother, subject Sirhan, two brothers and a sister came to the United States in 1957. Two other brothers came to this country in 1960. Sirhan's sister died in 1960. Sirhan resides with his mother and three brothers in house in Pasadena. His father currently resides in Jerusalem.


CONTINUED - O V E R

NW 54999 DocId:32989522 Page 176

Sirhan attended Pasadena City schools, graduating from high school in June, 1963. He entered Pasadena City College immediately thereafter until his dismissal for poor scholastic record in May, 1965.

While attending Pasadena City College, he was employed as a gas station attendant and subsequent to dismissal from school, he was employed as an exercise boy for race horses and as clerk in a health foods store.

During September, 1966, while employed as an exercise boy, he fell off a horse, sustaining what doctors describe as minor injuries; however, he was compensated in March, 1968, in the amount of $2,000 for damages. Relatives and some associates state following Sirhan's accident there was a noticeable change in his demeanor.

Subject actually has few friends, no known girl friend and is considered to be a "loner."

Report contains numerous references to the alleged girl in the "polka dot dress." This refers to statements made by one Sandra Serrano who was sitting on steps outside the Ambassador Hotel when she heard sounds like "backfire" and seconds later a man and a woman ran down the stairs, the woman shouting "We shot him--We shot him." Serrano states that prior to the shooting this woman and two men, one of whom she identifies as Sirhan, entered the Ambassador Hotel via the steps she was sitting on.

Identity of the girl in "polka dot dress" has not been established and inconsistencies in Serrano's alleged observations are set forth. Vigorous investigation continuing concerning this and any other unresolved aspects of this case.

For your additional information, Sirhan was indicted on 6-7-68, on one count of murder and five counts of assault with a deadly weapon with intent to commit murder and a hearing has been set for 6-28-68, at which time he is to enter a plea.



CONTINUED - OVER

NW 54999 DocId:32989522 Page 177

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

ACTION:

Administrative data is set forth in the cover pages of the report. It will not be disseminated. No information is contained in the details of the report pertaining to sources of information or other confidential matters. If approved, the following dissemination is recommended:

1. Two copies to the Department; one for the Criminal Division and the other for the Civil Rights Division, both of which have an interest. Transmittal letter attached for approval.

2. Two copies to the Los Angeles prosecuting attorney, former FBI Agent Evelle J. Younger. One for his prosecutive staff, the second for his investigative staff. These will be submitted over the Director's signature. The reports will be delivered by our Los Angeles Office which has sufficient copies. Attached letter to the Department requests authority for us to disseminate this report to District Attorney Younger.

3. One copy to the United States Attorney's Office, Los Angeles (also will be delivered by our Los Angeles Office). Attached letter advises the Department that this action is being taken.

4. One copy each to Secret Service, State Department, and Central Intelligence Agency, all of whom have an interest in this matter (to be delivered by Bureau liaison).



NW 54999 DocId:32989522 Page 178

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Mohr
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

Mr. Fred M. Vinson, Jr.
Assistant Attorney General

June 17, 1968

Director, FBI

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached for you and Assistant Attorney General Stephen J. Pollak, Civil Rights Division, is one copy each of the report of Special Agent Amedee O. Richards, Jr., dated June 9, 1968, at Los Angeles, California, concerning captioned matter.

This preliminary report encompasses investigative activity through June 9, 1968. Additional reports will, of course, be prepared in this matter and will be furnished to you.

As you are aware, this Bureau, as well as the Los Angeles Police Department, has been conducting an investigation into the death of Senator Kennedy. Local prosecutive action is pending in Los Angeles, California, and is being handled by District Attorney Evelle J. Younger. It is believed that the results of our investigation would be of material assistance to Mr. Younger, and you are requested to advise if and when copies of these reports may be furnished to him.

A copy of this report will be furnished to the United States Attorney, Los Angeles, California.

Enclosure

1 - Mr. Stephen J. Pollak
Assistant Attorney General (Enclosure)

HAS:hw
(15)

NOTE: See Rosen to DeLoach memorandum, dated 6-15-68, same caption, HAS:hw.

NW 54999 DocId:32989522 Page 179

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 15, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
~~1 - Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

In connection with our investigation into the shooting of Senator Kennedy at the Ambassador Hotel in Los Angeles, California, on the night of June 4 - 5, 1968, of interest is the fact that we have located and interviewed a college student by the name of Paul W. Grieco who was in the kitchen area waiting for the Senator to complete his speech. As Senator Kennedy came into view approximately ten to twelve feet from him he heard several shots then saw the Senator lying on the floor. Grieco immediately knelt by him attempting to stop the bleeding with his hand and according to Grieco, Kennedy asked him "Is Paul all right? Is everybody all right?" He then apparently lapsed into unconsciousness. Grieco did not see Sirhan Bishara Sirhan the assailant until after attempting to comfort the Senator and after Sirhan had been restrained.

Witnesses have been located who have positively identified Sirhan as being in the hotel area up to three hours before the shooting. The most recent, Judy Marie Royar, private secretary to former California Governor Pat Brown, while not observing the shooting, has positively identified Sirhan as an individual she had seen at approximately 10:00 o'clock in the vicinity of the Embassy Ballroom.

Our investigation has developed several instances wherein individuals traveling abroad in Europe and the Middle East between May 15 - 18, 1968, heard reports from various sources of an alleged assassination of Senator Kennedy. These reports appear to stem from erroneous releases from European news media at about that time. We are currently conducting investigation to obtain full facts with respect to this situation and in particular we are attempting to pin down the origin of this story.

HAS:jls
(13)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 180

ROSEN TO DELOACH MEMO
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

ACTION:

Exhaustive investigation is continuing into all phases of the assassination of Senator Kennedy and you will be kept advised of pertinent developments as they occur.



NW 54999 DocId:32989522 Page 181

Mr. DeLoach

A. Rosen

June 14, 1968
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shumaker
1 - Mr. B. Cooke
1 - Mr. Conrad

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

This is to request Laboratory examination of handwriting appearing on Kennedy campaign literature forwarded to Earl Warren, U. S. Supreme Court and furnished to this Bureau by Secret Service.

BACKGROUND:

Campaign literature of Senator Robert F. Kennedy was mailed anonymously to U. S. Supreme Court Justice Earl Warren in an envelope bearing postmark May 25, 1968, at San Francisco, California. On this campaign literature appeared inked handwriting saying "Somebody shoot this Catholic Bastard" and "Somebody will blow this Catholic Bastards Head off." This anonymous mailing was obtained by Secret Service and forwarded to the Bureau with the notation that it will not be necessary for the originals to be returned to Secret Service.

ACTION:

It is requested that the FBI Laboratory conduct appropriate examination on the attached Kennedy campaign literature to attempt to identify the writer and determine if it has any significance in captioned case.

EMC:jls
(7)

NW 54999 DocId:32989522 Page 182

7-13 (Rev. 3-28-68)

FBI LABORATORY

_____, 1968

| | | | | | |
|---|---|---|---|---|---|
| ___ | Mr. Conrad | 7621 | ___ | Mr. Dingle | 7601 |
| ___ | Mr. White | 7621 | ___ | Mr. Dahlgren | 7605 |
| ___ | Mr. Downing | Annex | ___ | Mrs. Gusack | 7143 |
| ___ | Mr. Jevons | 7133 | ___ | Miss Bailey | 7601 |
| ___ | Mr. Griffith | 7601 | ___ | Miss Andrykovitch | 7601 |
| ___ | Mr. Swartz | 7114 | ___ | Miss Fuson | 7605 |
| ___ | Mr. Avignone | 7617 | | | |
| ___ | Mr. Bohn | 7616 | ___ | Mr. Marshall | 7630 |
| ___ | Mr. Brittain | 7612 | ___ | Mr. Mesnig | 7627 |
| ___ | Mr. Buckley | 7612 | ___ | Mr. Miller | 7625 |
| ___ | Mr. Cadigan | 7334 | ___ | Mr. Mortimer | 7613 |
| ___ | Mr. Collier | 7607 | ___ | Mr. Newbrough | 7627 |
| ___ | Mr. Davies | 7627 | ___ | Mr. Oberg | 7617 |
| ___ | Mr. Davis | 7635 | ___ | Mr. Ray | 7630 |
| ___ | Mr. Delaney | 7633 | ___ | Mr. Senter | 7630 |
| ___ | Mr. Devine | 7613 | ___ | Mr. Shaneyfelt | 7336 |
| ___ | Mr. Farrell | 7609 | ___ | Mr. Stangel | 7607 |
| ___ | Mr. Hegvold | 7629 | ___ | Mr. Thompson | 7633 |
| ___ | Mr. Herbertson | 7616 | ___ | Mr. Tunstall | 7614 |
| ___ | Mr. Jepsen | 7635 | ___ | Mr. Webb | 7336 |
| ___ | Mr. Kittel | 7609 | ___ | Mr. Whitcomb | 7625 |
| ___ | Mr. Lilja | 7614 | ___ | Mr. Williams | 7629 |
| ___ | Mr. Lisker | 7334 | ___ | Mr. Woodcock | 7334 |

| | | | |
|---|---|---|---|
| ___ | Mr. Preston | 7314 | ___ Voucher-Stat Sec. 6221 IB |
| ___ | Consolidation | 7231 | ___ Assembly Sec. 2211 IB |
| ___ | Reading Rm. | 5533 | ___ Miss Stiles 2210 IB |
| ___ | Lab Files | 7147 | ___ (Assembly Locate) |
| ___ | L.F.P.S. | 6137 IB | ___ Correspondence Unit 6208 IB |
| ___ | Records Branch | | ___ Technical Sec. 3201 IB |
| ___ | Mail Room | | |
| ___ | Mechanical Section B-110 | | (2) Miss Gray 7621 |

Please See Me _____
Please Call Me _____
Please Handle _____
Please Initial _____

DOCUMENT SECTION

NW 54999 DocId:32989522 Page 183

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 14, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley 1 - Mr. Mohr
1 - Mr. Shroder 1 - Mr. Gale
1 - Mr. McGowan 1 - Mr. Sullivan
1 - Mr. Schutz 1 - Mr. Trotter
~~1 - Mr. Conrad~~ 1 - Mr. Bishop

SUBJECT: ASSASSINATION OF SENATOR ROBERT F. KENNEDY LOS ANGELES, CALIFORNIA

Deputy Attorney General Warren Christopher called with reference to captioned matter. He said he had received a call from Deputy Chief of Police Robert A. Houghton. Houghton is handling the special squad for the District Attorney's Office who has been investigating this matter. Our office has worked closely with the District Attorney's Office and the local police department.

Christopher stated that Houghton had inquired as to whether anything could be done to accelerate submission of the reports in this matter. I advised Christopher that I had been in touch with Departmental Attorney Lynch of the Criminal Division and had advised him that we were hopeful to have the report in proper shape by Monday, June 17, 1968. Christopher said that if there were any portions which he could read, he would appreciate being furnished them. I advised him that the report would be submitted in toto to the Department and that we were working on some exhibits which we thought would be helpful in submission of the reports. (These are photos being reproduced which have been made from copies previously submitted. Such photocopies are much more readable.)

He also inquired as to whether any information or contact with Central Intelligence Agency would be furnished. I advised him that any information which we had received pertinent to this investigation would be submitted to him. If the information was furnished by CIA and was labeled "Secret," it would have to be handled separately. (In this connection, I am not aware of any information which falls into this category.) I also advised him that if the information was from a confidential source, we would not identify the source, but would furnish the information. It was pointed out that if the disclosure of the information would identify the source, that it would have to be properly labeled. In any event, the report would contain the information which was pertinent to this case.

AR:hw
(13)

CONTINUED - O V E R

NW 54999 DocId:32989522 Page 184

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

I also pointed out that it should be recognized the report is a preliminary report and consequently cannot be considered as a final report, our investigation was continuing and all possible leads were being completely run out so that this matter can be fully resolved insofar as available information is concerned.

Christopher thanked me and said that he was hopeful he would be able to get the report sometime Monday. I told him the report would be sent through appropriate channels and when in proper form would be submitted to the Department.

ACTION:

The report is in final form. We are assembling it and it will be ready for transmittal on Monday, June 17, 1968.



NW 54999 DocId:32989522 Page 185

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Tolson
DeLoach
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Casper
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Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: June 14, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
~~1 - Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Investigation is continuing in an effort to identify all individuals who were at or near the scene of the shooting at the Ambassador Hotel on the night of 6/4-5/68. We have located Rafer Johnson, Olympic champion, who related how he assisted in subduing Sirhan immediately after the shots were fired. Johnson advises that as he held Sirhan in his grasp he put his fist next to Sirhan's head and asked "Why did you do it" and repeated "Why did you to it." Sirhan's only reply was "I'll explain it." Another witness to the shooting identifies Sirhan as having queried him shortly before midnight as to the route Senator Kennedy was to take when he exited from the stage.

Information has been received indicating Sirhan was allegedly seen in the lobby of the Ambassador Hotel on 6/2/68 during a reception for Senator Kennedy on that date. We are checking further into this aspect. We are likewise making every effort to determine the full circumstances surrounding the change in Kennedy's itinerary which took him through the kitchen where he was shot instead of downstairs to the Ambassador Room as originally planned.

Of note is the fact that confidential information made available only to the FBI has been received from the Affairs Secretary of the Governor's Office in California to the effect that a group of Arabs in New York State have formed a committee to insure the United States Government does not "railroad" Sirhan into prison. This group has attempted to bring pressure on the Los Angeles Sheriff's Office through the Governor's Office to insure that Sirhan's incoming mail is no longer screened. The Governor's Office in turn has advised this group that this is the responsibility of the Sheriff's Office and has refused to intervene. Our Los Angeles Office reiterated that this information was given in extreme confidence and must not be disseminated.

Enclosures

CONTINUED - OVER

HAS:hcs
(18)

NW 54999 DocId:32989522 Page 186

Memorandum to Mr. DeLoach
Re: Assassination of Senator Robert F. Kennedy

With respect to the unfounded United Press International release of 6/13/68 relative to alleged travels abroad of Sirhan in 1964 and 1966, we know this to be completely false since Sirhan was either employed or going to school in Pasadena, California, at the time. A preliminary report was given the White House late in the afternoon of 6/13/68 and we are obtaining complete facts in order to furnish the White House a detailed refutation to this press release.

ACTION:

Attached for approval is a memorandum setting forth current developments. This will be disseminated to the White House, the Vice President and the Department of Justice.



NW 54999 DocId:32989522 Page 187

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 14, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

We are continuing interviews with individuals who were at or near the scene of the shooting at the Ambassador Hotel, Los Angeles, California, during the evening of June 4-5, 1968, in an effort to establish full facts relative to the activities of Sirhan Bishara Sirhan.

Rafer Lewis Johnson, Olympic champion who assisted in subduing Sirhan, advises that while he was holding Sirhan immediately after subduing him he held his fist to Sirhan's head and repeated the question "Why did you do it?" The assailant's only reply to Johnson was "I'll explain it."

Another witness, Jesus Perez, saw Sirhan, gun in hand, immediately after Senator Kennedy had been shot. He stated Sirhan is identical with an individual who talked to him briefly just before midnight June 4, 1968, inquiring as to whether Senator Kennedy would pass their way after his speech.

Investigation indicates that the itinerary for Senator Kennedy was modified somewhat during the evening of June 4, 1968, due to delays in receiving election returns. According to information received from Senator Kennedy's Public Relations Director for the California Campaign, the decision to take the route directly to the Colonial Room at the Ambassador Hotel was made on the stage immediately after Senator Kennedy's speech. Inquiry into this phase is continuing.

NW 54999 DocId:32989522 Page 188

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

A United Press International release on June 13, 1968, indicated Sirhan Bishara Sirhan had traveled to the Middle East during 1964 and 1966. This information allegedly originated with an unidentified Arab state. According to our investigation, it is completely unfounded since Sirhan had been, during 1964 and 1966, either pursuing his education or employed in the Pasadena, California, area.



NW 54999 DocId:32989522 Page 189

AFFIDAVIT

DISTRICT OF COLUMBIA ) ss:

JAMES H. MORTIMER, being duly sworn, deposes and says:

1. I am 42 years old and reside in Springfield, Virginia. I attended Miami University at Oxford, Ohio and the University of South Carolina and received a Bachelor of Science degree at the latter in 1945. I also attended the University of Cincinnati.

2. I am a Special Agent of the Federal Bureau of Investigation, and am assigned to the Laboratory of the Federal Bureau of Investigation at the Headquarters Office in Washington, D. C. I have been employed by the Federal Bureau of Investigation continuously since July 21, 1952, when I entered on duty as a Special Agent. After an initial training period of sixteen weeks at the Washington, D. C. Headquarters Office, I was assigned to the Pittsburgh, Pennsylvania Division for a period of eighteen months and then was transferred to the Washington, D. C. Field Office, where I remained until March 16, 1959, when I was assigned to the Laboratory. I have been employed there since then exclusively and full-time as an examiner of questioned documents. I received extensive training in this highly specialized field, working originally as an apprentice under an experienced examiner for a period of three years. I attended lectures delivered by experts in this field and read the extensive literature of the subject.

NW 54999 DocId:32989522 Page 190

3. As an examiner of questioned documents, I have examined and compared numerous written, typed and printed instruments for the purposes of determining questions of identity, authenticity, and the like. I have examined and compared samples of handwriting in thousands of instances, and have testified as a handwriting expert in numerous trials in the federal and state courts.

4. On April 10, 1968, in the due course of business I received a sealed envelope which had been sent by registered mail from the Memphis Division of the Federal Bureau of Investigation. I opened the envelope and found therein a Registration Card labeled for the Vic Dupratt's New-Rebel Motor Hotel, bearing the written signature "Eric S. Galt." A photographic copy of the face of the Registration Card, which is a true and faithful reproduction of the original, is attached hereto and designated as Exhibit I. A photographic copy of the back of the card, which is a true and faithful reproduction of the original, is attached hereto as Exhibit II.

5. On April 22, 1968, in the due course of business, I received a sealed envelope which had been sent by registered mail from the Los Angeles Division of the Federal Bureau of Investigation. I opened the envelope and found therein, among other items, two original documents. One was a printed form headed "APPLICATION FOR SCHOOL ADM", bearing at the top and bottom the handwritten signature "Eric S. Galt." A photographic copy of that document, which is a true and faithful reproduction of the original, is attached hereto

as Exhibit III. The other document was a printed form headed "INSTALLMENT NOTE - INTEREST EXTRA," bearing at the bottom the typewritten and handwritten signatures, "Eric S. Galt" and "Tomas Reyes Lau." A photographic copy of that document, which is a true and faithful reproduction of the original, is attached hereto as Exhibit IV.

6. I have compared the handwritten signature "Eric S. Galt" on the Registration Card of the New-Rebel Motel in Memphis, Tennessee dated April 3, 1968 (a copy of which is attached as Exhibit I) with the two handwritten signatures "Eric S. Galt" on the application form (a copy of which is attached as Exhibit III) and with the handwritten signature "Eric S. Galt" on the installment note (a copy of which is attached as Exhibit IV). As a result of my comparison, it is my opinion that all four of the aforesaid handwritten signatures "Eric S. Galt" were written by the same person.

JAMES H. MORTIMER

Subscribed and sworn to before
me this day of June 1968.

---

I hereby certify that the attached three pages comprise the original affidavit of James H. Mortimer.

Clerk

1 - Mr. Rosen
(Mr. Shroder)
1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Bohn
6/14/68

1 - Lab File

PLAINTEXT

TELETYPE

DEFERRED

TO SAC, LOS ANGELES (56-156)

FROM DIRECTOR, FBI (62-587)

KENSALT

REURAIRTEL JUNE ELEVEN LAST SUBMITTING HANDWRITING SAMPLES OF ADEL BISHARA SIRHAN, SAIDALLAH B. SIRHAN, SHARIF B. SIRHAN AND MUNIR BISHARA SIRHAN.

CONCLUDED MAJORITY OF QUESTIONED WRITINGS ON PAGES FIFTEEN AND FORTYSEVEN OF NOTEBOOK Q ONE WERE NOT WRITTEN BY SAIDALLAH B. SIRHAN, BY SHARIF B. SIRHAN OR MUNIR BISHARA SIRHAN. THE WRITING OF ADELL BISHARA SIRHAN CONSISTS PRIMARILY OF HANDWRITING WHICH IS NOT COMPARABLE WITH QUESTIONED WRITING.

WHILE SUBMITTED KNOWN WRITINGS FOR PERSONS MENTIONED ARE NOT ADEQUATE FOR COMPARISON WITH ALL THE QUESTIONED WRITINGS, MANY DIFFERENCES WERE NOTED.

LABORATORY REPORT FOLLOWS.

9:AW (7)

NW 54999 DocId:32989522 Page 193

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 13, 1968

FROM : A. Rosen

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

DMG 7621

The attached teletype from our Los Angeles Office summarizes recent investigation into the assassination of Senator Robert F. Kennedy, setting forth the results of interviews with former associates, employers and witnesses to the shooting of Senator Kennedy. Roosevelt Grier, professional football player, has been interviewed and relates his part in helping to disarm Sirhan Bishara Sirhan. Another associate of Sirhan's who recently conversed with Sirhan described him as extremely frustrated with respect to the so-called "Zionist plots" and states Sirhan is convinced the United States is involved in the furtherance of the Zionist goals.

With respect to Sandra Serrano, a 20-year-old girl who insists she saw a female in a polka dot dress run from the scene of the shooting shouting "We shot him - we shot him," Serrano has now obtained an attorney and will not be interviewed by authorities unless that attorney is present. The Los Angeles Police Department does not contemplate further interview with Serrano and considers her story of no value to this investigation because of inconsistencies. The Los Angeles prosecutor's office is of the firm opinion that investigation has failed to indicate any evidence to support Sirhan was associated with anyone in a conspiracy.

Wilbur Littlefield, in the office of the Public Defender, Los Angeles, has been named to represent Sirhan although press reports indicate Sirhan desires private attorneys but cannot afford them.

ACTION:

Attached for dissemination to the White House with copies to the Vice President and the Department of Justice if approved is a brief summary of recent developments in our investigation.

Enclosures

HAS:hcs
(18)

NW 54999 DocId:32989522 Page 194

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 13, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Interviews with witnesses into the shooting of Senator Robert F. Kennedy continue, as well as interviews with associates and former employers of the accused assailant Sirhan Bishara Sirhan. Approximately 207 employees of the Ambassador Hotel have been interviewed to date.

Roosevelt Grier, professional football player who was present at Senator Kennedy's speech in the Ambassador Hotel at Los Angeles, California, during the night of June 4, 1968, related to FBI Agents how he, with the assistance of hotel employees and Rafer Johnson, Olympic champion, disarmed Sirhan after the shooting. Another individual, Louis Shelby, a restaurant owner where Adel Sirhan had been employed, described the assailant as an extremely frustrated individual and one who was convinced the United States was involved in the furtherance of Zionist goals.

Chief Deputy District Attorney, Los Angeles County, Lynn Compton, has advised our Los Angeles Office that a review of investigation conducted by the investigative staff of the District Attorney's office and the Los Angeles Police Department fails to indicate that there is any evidence to support Sirhan was associated with anyone else or conspired with any other person in the assassination of Senator Kennedy.

With respect to the prosecution of Sirhan, it has been reported that Mr. Wilbur Littlefield, Chief Trial Deputy in the Office of the Public Defender, has been named to represent Sirhan. The news media indicates Sirhan reportedly desires two private attorneys to defend him but alleged he has stated he could not afford to retain private counsel. Littlefield was placed in charge of the case after a meeting of the Los Angeles Bar Association.

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder

1 - Mr. Schutz
1 - Mr. Mohr
1 - Mr. Conrad

6/13/68

MR. DeLOACH

1 - Mr. Gale
1 - Mr. Sullivan

A. ROSEN

ASSASSINATION OF SENATOR
ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

William Lynch of the Criminal Division, who is handling this case for the Attorney General as a special, called to inquire whether we have a report and whether we planned to send the results of our investigation to District Attorney Evelle J. Younger of Los Angeles.

I told him that any report which we receive will be furnished, in accordance with the Department's request, to the Department. He wanted to know if we planned to submit it to the Department before it went to Younger. Pollak has previously stated they wanted to review it before it went out to Younger.

It is noted that Pollak asked me when he can expect a report. I told him we expect a report sometime toward the end of the week and that it had to be carefully reviewed. I also told Lynch the report would be transmitted to the Department in accordance with the request of the Attorney General.

For your information, we have the report. It is most bulky, it is over 1,000 pages, and it is being carefully reviewed. It represents the current investigation to date. Corrections are being made and it is being rechecked with Los Angeles in any instances where questions arise. Just as soon as the review is completed, an appropriate memorandum will be transmitted forwarding the report to the Department, and at that time, we will specifically inquire to be advised when the material may be submitted to District Attorney Younger.

AR:kvv
(10)

NW 54999 DocId:32989522 Page 196

1 - Mr. [illegible]sen (Mr. Shroder)
1 - Mr. [illegible]
1 - Mr. Griffith
1 - Mr. Bohn
1 - Lab Files

6/13/68

PLAINTEXT

TELETYPE DEFERRED

TO SAC, LOS ANGELES (56-156)

FROM DIRECTOR, FBI (62-567)

KENSALT.

RELET JUNE TEN FROM SAN FRANCISCO ENCLOSING ARGONAUT INSURANCE COMPANY CHECK ENDORSED SIRHAN SIRHAN.

DUE TO LIMITED KNOWN HANDWRITING AVAILABLE, A DEFINITE CONCLUSION WAS NOT REACHED WHETHER SIRHAN WROTE ANY OF THE QUESTIONED HANDWRITING ON SPECIMENS SUBMITTED PREVIOUSLY.

SIMILARITIES WERE NOTED IN WRITING OF SIRHAN AND CERTAIN QUESTIONED WRITINGS.

EFFORTS TO LOCATE CONTEMPORARY WRITINGS OF SIRHAN COMPARABLE WITH QUESTIONED WRITING SHOULD BE CONTINUED.

LABORATORY REPORT FOLLOWS. COPY BEING MAILED TO SAN FRANCISCO.

1 - SAN FRANCISCO (62-5481)

CEB:pb (9)

NW 54999 DocId:32989522 Page 197

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

DATE: June 7, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached for approval is a memorandum to the White House with copies to the Vice President and the Department summarizing developments relating to the assassination of Senator Robert F. Kennedy. Enclosed with the memorandum are copies of material found by FBI Agents and Los Angeles police officers in a search of Sirhan Bishara Sirhan's room. This material relates to notations possibly by Sirhan threatening in nature against President Johnson, Senator Kennedy and Ambassador Goldberg. Of significance is one statement that "Robert F. Kennedy must be assassinated before 5 June 68."

In summary, the attached memorandum to the White House briefly sets forth results of additional inquiries into Sirhan's background, interviews with his brothers and the fact that we have insufficient samples of Sirhan's known handwriting specimens to identify the notations appearing on the above-referred-to material. Additional specimens are being obtained. With respect to statements by Samuel W. Yorty of Los Angeles that Sirhan is affiliated with the WEB Dubois Clubs, we advise that no information has been developed to establish this fact at this time.

The following details do not appear in the letterhead memorandum. One Terry Mickey Welch, a former exercise boy with the Granja Vista Del Rio Thoroughbred Horse Farm at Corona, California, where Sirhan was employed, was interviewed by our Detroit Office and claimed to know Sirhan well. He last saw him during May of 1967 and advised while Sirhan was, prior to his accident when he fell from a horse in September, 1966, good natured, popular, gentlemanly and ambitious, he underwent a complete personality change becoming quiet, aloof, unpredictable and a "loner." Welch alleges Sirhan, to his knowledge, was anti-communist and did not appear to be prejudiced against race or nationality.

Enclosure
HAS:dlg
(12)

CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

He named among individuals knowing Sirhan, T.V. personalities Desi Arnez, Buddy Ebson and Dale Robertson all of whom kept horses at Granja Vista Del Rio.

Of interest is the fact that the District Attorney in Los Angeles County, who is prosecuting Sirhan, is Evelle Jansen Younger, a former Bureau Agent. Younger entered on duty December 9, 1940, he was placed on leave without pay for military purposes May 2, 1942, and submitted his voluntary resignation effective 12/5/45, as he did not desire to return to active duty. His services were satisfactory.

ACTION:

(1) Attached for approval is a letterhead memorandum for the White House with copies to the Vice President, the Attorney General, Deputy Attorney General, and Civil Rights Division.

(2) In view of the fact that the material found in Sirhan's room bearing threatening notations is of direct interest to the Secret Service, CIA and the State Department, if approved, copies of this material will be made available to these agencies.

(3) All phases of this investigation are being pressed to the utmost.



NW 54999 DocId:32989522 Page 199

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 7, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Intensive investigation is continuing in order to determine the complete circumstances surrounding the shooting of Senator Robert F. Kennedy by an individual who has been charged by Los Angeles, California, authorities as his assailant, Sirhan Bishara Sirhan.

School records in Pasadena, California, described Sirhan prior to 1963 when he graduated from John Muir High School as "friendly, cooperative, well mannered, has adjusted very nicely to his new environment and making many new friends." Continuing investigation into Sirhan's background indicates, according to his brother Sharif Bishara Sirhan, the assailant had little association or communication with the rest of the family. He had few male associates and since his fall from a horse in September, 1966, had been more withdrawn.

The FBI Laboratory has conducted an examination of the handwriting appearing on papers found after a search of Sirhan's room in the Pasadena family home which bore notations advocating the overthrow of the President of the United States and other statements alluding to the necessity of assassinating Robert F. Kennedy. The handwriting could not be identified as Sirhan's because of the lack of adequate known handwriting samples. Additional samples of Sirhan's known handwriting are being obtained for comparison purposes.

A copy of this material is attached.

Investigation is continuing in an effort to account for Sirhan's activities directly prior to the shooting of Senator Kennedy. Individuals who were in attendance at the ballroom in the Ambassador Hotel at the time of the shooting are being located and interviewed in detail. Two

NW 54999 DocId:32989522 Page 200

witnesses, Humphrey Cordero and Enrique Rabago, identified Sirhan as being at the Ambassador Hotel at approximately 9:30 p. m., Pacific Daylight Time, on June 4, 1968, at which time Sirhan is alleged to have made derogatory comments regarding "rich people" in general and Senator Kennedy in particular. It was alleged Sirhan stated that Senator Kennedy was going to "buy the presidency" for personal purposes, and that he (Sirhan) was looked down upon because of his clothing. Both Cordero and Rabago were of the opinion based on their conversation with Sirhan that he had come to the Ambassador Hotel alone since no one appeared to be accompanying him during their approximate ten-minute conversation with him.

Three of the five individuals who were wounded during the shooting were interviewed, but none observed the assailant. The remaining two who were more seriously wounded will be interviewed as soon as their condition permits.

Mayor Samuel W. Yorty, Los Angeles, California, was reported by the news media on June 6, 1968, as stating Sirhan was associated with the W. E. B. DuBois Clubs of America. The Los Angeles Police Department advised that on January 16, 1966, a vehicle registered to Sirhan's brother Adel was observed in the vicinity of Baces Hall, Sunset and Vermont, Los Angeles, California, where a meeting sponsored by the W. E. B. DuBois Clubs of America was being held.

FBI files based on available data failed to establish Sirhan was a member of such an organization.

A reliable source has indicated that Dorothy Healy, Los Angeles Communist Party leader, has stated the assassin is unknown as a member of the W. E. B. DuBois Clubs of America in the Los Angeles area. The W. E. B. DuBois Clubs of America is a Marxist-orientated youth organization whose leaders in 1967 were Communist Party, United States of America, members. It was indicated that the Communist Party, United States of America, intends to issue a press release denying Sirhan has had any connection with the Communist Party and, in fact, is considering a legal suit against Mayor Yorty with respect to his allegations.



NW 54999 DocId:32989522 Page 201

ASSASSINATION OF SENATOR ROBERT F. KENNEDY

FBI Agents, on June 5, 1968, located a 1956 DeSoto registered to Sirhan Sirhan at Wilshire Boulevard and New Hampshire Avenue a few blocks from the Ambassador Hotel. An examination of this vehicle, after a search warrant was obtained, resulted in the location of one empty box of .22 caliber bullets in the glove compartment. In addition, a sales receipt was located in the glove compartment showing the purchase of four boxes of .22 caliber bullets for $3.99 paid for in cash on June 1, 1968. A wallet containing identification in the name of Sirhan Sirhan was also located in the glove compartment.

Enclosure



NW 54999 DocId:32989522 Page 202

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

*In Reply, Please Refer to*
*File No.*

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NW 54999 DocId:32989522 Page 204

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Enclosure

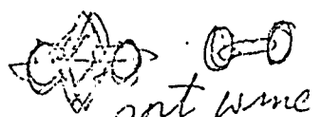


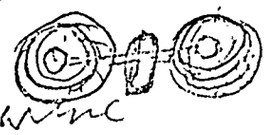
NW 54999. DocId:32989522 Page 205

May 18 9.45 AM - 68'

my determination to eliminate R.F.K. is becoming more the more of an unshakable obsession

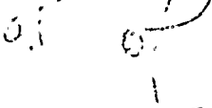
Please pay to the Order

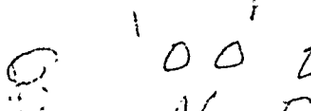




port wine port wine port wine port wine

R.F.K. must die - RFK must be killed Robert F. Kennedy must be assassinated R.F.K. must be assassinated R.F.K. must be assassinated R.F.K. must be assassinated R.F.K. must be assassinated Robert F. Kennedy Robert F. Kennedy must be assassinated Robert F. Kennedy must be assassinated assassinated Robert F. Kennedy must be assassinated Robert F. Kennedy must be assassinated before 5 June 68 Robert F. Kennedy must be assassinated I am now having to pay the order of





Please pay the order

Saffire Stone Stone
Saffire Stone Tom —
Lodestone Eleven Dollars —
Dollars — Would like to come
Would You up — for several days —
Ambassador Goldberg Stone —
Must die decon yobe die meet
die die die mile attic airport —
Ambassador Goldberg must die
Stone
Ambassador Dine thank you
Stone goldberg must be illiminatid — Stone
Dine fine thank you Stone
Dine Stone SIRHAN IS AN ARAB
Di Sirhan you you you you
Stone IRAB ARAB you
Sirhan Sirhan Sirhan ARAB
Sirhan Sirhan you you SIP
Sirhan Sirhan
1616 No Howard St.
Sirhan PASADENA, CALIF.
Sirhan/O $ you Sirhan Sirhan
Perhaps you could use the
Sirhan
enclosed $ Sirhan Sirhan Sirhan
Sirhan green
Sirhan Sirhan Sirhan Sirhan
Stone Sirhan green Dont Stone
Stone

A W O + 56

Kennedy must fall Kennedy must fall
Please pay to the order of Sirhan Sirhan

the amount of Sirhan Sirhan and do not
forget to become any more of a
~~pooder~~ Senator R. Kennedy
Second group of American Sailors -
must must be disposed of - - -
We believe that Robert F. Kenedy must
be sacrificed for the cause of the
~~poo~~ poor exploited people

we believe that we ~~do~~ can effect
such action and produce such results -
the hand that is writing doing this
writing is going to do the slaying of
the above mentioned victim
One wonders what it feels like to do any
assassination that might do some
illegal work - ~~please pay~~ to

I believe that I can effect the
death of Bert C. Allphichick - -

Kennedy must die | Kennedy must fall
Kennedy must fall | Kennedy must fall
Kenedy must fall Kennedy must
fall D. Kennedy must fall

the so called president of the
United States of America must be adusid
of their punishments for their ~~crom~~
treasonable crimes against the the
the State more over me believe that
the glorious United States of America will
eventually be felled by a blow of an
assasins bullet - 6 bullets
bullets
by an assasins bullet

Today I must plan to come home in
a new car today I must plan to
drive he home in a new new new mustang
in in a new mustang - in a
tonight we'll I must by a new mustang tonight
tonight tonight tonight tonight
tonight Meet me tonight
tonight Come home
tonight tonight
Mustang Mustang

. intentional - vs - extentional. "
. connotation vs - denotation -
. implicit = Equality before and after the law

. I advocate the overthrow of the current president of the fucken United States of america, I have no absolute plans yet - but soon will compose some
I am poor — This country's propoganda says that she is the best country in the world - I have not experienced this yet - the U. S - says that life in Russia is bad — Why — ~~to~~ Supposedly No average american has ever lived in a slavic society so how can he tell if it is good or bad — Isn't his govt putting words in his mouth.

. Anyway — I believe that the U. S is ready ~~to~~ to start declining, not that it hasn't - it began in Nov 23, 63 — but it should decline at a ~~fast~~ faster rate so that the real utopia will not ~~be~~ be to far from being realized during the early 70's — in this country.

I strongly support the communist Cuban and its people — we the Russian, chinese

free from what we are doing in Viet Nam - we're keeping the economy going through our war spending - We will keep busy here working on piddlyuink matters - to impress you - all what we really want to do is fuck you up - get fat and then quit

Well, my solution to this type of government that is to do away with its leaders - and declare anarchy the best form of govt - or no govt

~~I suggest that we get rid of the President~~

the President elect is your best friend until he gets in power then he is your ~~most dangerous fucker~~ suck every drop of blood out of you - and if he doesn't like you - you're dead -

U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE-DISTRICT DIRECTOR
300 NORTH LOS ANGELES STREET
LOS ANGELES, CALIFORNIA 90012

POSTAGE AND FEES PAID
INTERNAL REVENUE SERVICE

OFFICIAL BUSINESS

RFK Must be disposed of like his brother was.

46 reactionary.

E-1

D-680606001 Q4 AT
IRS
LABORATORY

AFFIDAVIT

DISTRICT OF COLUMBIA ) ss:

LYNDAL L. SHANEYFELT, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation, and am assigned to the Laboratory of the Federal Bureau of Investigation at its Headquarters Office in Washington, D. C. I have been employed by the Federal Bureau of Investigation continuously since 1940, except for almost one year of army service in 1945. From 1940 until 1951 I did photographic work. In 1951 I became a Special Agent and was assigned as a field investigator to the Detroit Field Office. In 1952 I was reassigned to the Laboratory as a document examiner specializing in photographic matters. Since 1952 I have been employed continuously and exclusively in examining questioned documents and photographic evidence. I have received training in this specialized field in the Laboratory, attending lectures, reading the recommended literature on the subject, and conducting experiments, as well as working initially as an apprentice under an experienced examiner. During the course of my career I have examined thousands of photographs for the purposes of comparison, including comparisons to establish the identification of individuals.

2. I have examined the photograph attached as Exhibit 2 to the affidavit of Donald F. Wood, a copy of which photograph also appears as Exhibit I attached to this

NW 54999 DocId:32989522 Page 213

affidavit, and compared it with the photographs attached as Exhibit II to the affidavit of George J. Bonebrake, a copy of which photographs also appear as Exhibit II attached to this affidavit, and have concluded from my examination which involved a comparison of the front view of the individual depicted in the attachment to the Bonebrake affidavit and the individual depicted in the attachment to the Wood affidavit that these two photographs depict the same individual.

3. I have based my conclusion on a comparison of all of the facial characteristics in these photographs, including the contour of the ears, nose, mouth, areas surrounding the eyes, and the significant wrinkles and lines appearing in the face.

LYNDAL L. SHANEYFELT

Sworn to before me this

_____ day of June, 1968.

_____

I hereby certify that the attached two pages comprise the original affidavit of Lyndal L. Shaneyfelt.

_____

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 12, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - ~~Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF SENATOR ROBERT F. KENNEDY LOS ANGELES, CALIFORNIA

Attached for approval is a memorandum for the White House with copies for the Vice President and the Department dealing with current developments in our investigation into the assassination of Senator Robert F. Kennedy.

The attached memorandum includes not only information originally set forth in our letterhead memorandum of June 11, 1968, which was not sent, but, information relating to facts as supplied by the ambulance attendant, Max Alma Behrmann, in his dealings with Ethel Kennedy as well as true facts relating to the subduing of Sirhan after the shooting.

ACTION

(1) If approved, the attached memorandum will be forwarded to the White House with copies to the Vice President, the Attorney General, the Deputy Attorney General and the Civil Rights Division of the Department.

(2) Additional memoranda will be prepared for dissemination to the White House upon the development of significant details.

HAS/lrk
(13)

NW 54999 DocId:32989522 Page 215

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 12, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Investigation is continuing in order to develop full background information concerning Sirhan Bishara Sirhan as well as that of members of his immediate family and associates.

With respect to a previous statement attributed to Mayor Samuel W. Yorty, Los Angeles, California, as reported by the news media on June 6, 1968, alleging Sirhan was associated with the W. E. B. DuBois Clubs of America, and a vehicle registered to Sirhan's brother, Adel, was observed on January 16, 1966, in the vicinity of Baces Hall, 1528 North Vermont, Los Angeles, California, where a meeting sponsored by that organization was being held, information has been developed indicating Adel Sirhan had previously been employed as a musician at the Fez Restaurant, 1508 North Vermont, adjacent to Baces Hall. Full details are being developed with respect to this phase of our investigation.

On June 9, 1968, a United Press International release datelined Cairo made reference to the arrest of one Soliman Sirhan by Iraqi authorities as an Israeli spy alleging he was a brother of Sirhan Bishara Sirhan. Sirhan's mother, during an intensive interview by FBI Agents on June 10, 1968, volunteered she had heard this newscast and stated she has only five sons, Sirhan, Munir, Sharif, Adel and Saidallah, none of whom are living outside the United States. The individual to whom the United Press International referred was unknown to her.

Interviews are continuing with those individuals who were in or near the Embassy Room at the Ambassador Hotel during the evening of June 4-5, 1968. Several have

been located who were witnesses to the shooting of Senator Robert F. Kennedy and who positively identify Sirhan Bishara Sirhan as the individual who fired the shots at Senator Kennedy. This phase of our investigation is being exhaustively pursued.

According to information furnished by ambulance attendant Max Alma Behrmann, after responding to the call at the Ambassador Hotel, a distraught Mrs. Kennedy attempted to keep him from assisting the Senator stating "Keep your hands off him, I'm Mrs. Kennedy." As the Senator was placed in an ambulance, an argument ensued between Behrmann and Mrs. Kennedy as to who would accompany the ambulance and again, according to Behrmann, when he questioned Mrs. Kennedy while en route to the hospital as to what had transpired, she stated "I don't give a damn what you say," grabbed his record book and threw it out of the ambulance. Upon noting the Senator was having difficulty breathing and thereafter trying to assist him, Behrmann was told by Mrs. Kennedy "You keep your dirty filthy hands off my husband," and she struck him on the right side of his face stunning him. He further recalls Mrs. Kennedy called to a male associate who was sitting in the front seat to "Come back here and throw this ambulance man out; he's bothering me; he's asking too many questions."

It was further reported by a witness at the hospital that upon arrival there Mrs. Kennedy grabbed a camera from a newsman, knocking it to the floor, and she also swung at the newsman hitting him in the chest area. Senator Kennedy's bodyguard then jumped over the stretcher and punched the newsman in the face.

Of possible significance is the fact that among items found on Sirhan's person when taken into custody was a newspaper article by David Lawrence captioned "Paradoxical Bob" and highlighting the fact that while Kennedy vigorously opposes the war in Vietnam, he has nevertheless recommended full assistance to Israel "with arms if necessary" to meet the threat of the Soviets.

In addition, whereas press reports claim Rafer Johnson, Olympic champion, and Roosevelt Grier, professional football player, subdued the assailant, investigation reveals the first to reach the assailant were two hotel employees. They then were assisted by Grier and Johnson.



NW 54999 DocId:32989522 Page 217

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Tolson
DeLoach
[illegible]
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

FROM : A. Rosen

DATE: June 12, 1968

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

CFD ... CONRAD

In order to facilitate the handling of evidence with respect to reporting results of FBI examination either by the FBI Laboratory or Identification Division, the following should be placed in effect:

1. When evidence has been submitted for examination to either the FBI Laboratory or the Identification Division by the FBI, as opposed to evidence recovered by a police department and submitted to the FBI Laboratory, a report should be prepared addressed to Evelle Janson Younger, Prosecuting Attorney for the County of Los Angeles, setting forth the results of the desired examination. The evidence should be returned to the contributing field office. Copies of the report should be furnished FBI, Los Angeles, the General Investigative Division and, if appropriate, the Domestic Intelligence Division. The material transmitted to Younger will not, of course, contain administrative data or other information of special interest to the Bureau alone.

2. When evidence is submitted for examination by the Los Angeles or other police departments, a report should be returned in accordance with existing procedure to the submitting law enforcement agency. A copy of the report should be made available to the Los Angeles Division, the General Investigative Division, and if appropriate, the Domestic Intelligence Division.

ACTION:

If approved, the above procedures should be adopted henceforth.

HAS:jls
(13)

NW 54999 DocId:32989522 Page 218

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

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DATE: June 12, 1968

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copy routed to White House - Griffith - Jackson - R. W. Swatz - C. F. Downing

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UNITED STATES GOVERNMENT

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FROM : A. Rosen

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1 - Mr. Trotter

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1. When evidence has been submitted for examination to either the FBI Laboratory or the Identification Division by the FBI, as opposed to evidence recovered by a police department and submitted to the FBI Laboratory, a report should be prepared addressed to Evelle Janson Younger, Prosecuting Attorney for the County of Los Angeles, setting forth the results of the desired examination. The evidence should be returned to the contributing field office. Copies of the report should be furnished FBI, Los Angeles, the General Investigative Division and, if appropriate, the Domestic Intelligence Division. The material transmitted to Younger will not, of course, contain administrative data or other information of special interest to the Bureau alone.

2. When evidence is submitted for examination by the Los Angeles or other police departments, a report should be returned in accordance with existing procedure to the submitting law enforcement agency. A copy of the report should be made available to the Los Angeles Division, the General Investigative Division, and if appropriate, the Domestic Intelligence Division.

ACTION:

If approved, the above procedures should be adopted henceforth.

HAS:jls
(13)

NW 54999 DocId:32989522 Page 220

Mr. DeLoach

A. Rosen

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

June 12, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Bailey
1 - Mr. Sarodor
1 - Mr. Schutz
1 - Mr. Mcowan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

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2. When evidence is submitted for examination by the Los Angeles or other police departments, a report should be returned in accordance with existing procedure to the submitting law enforcement agency. A copy of the report should be made available to the Los Angeles Division, the General Investigative Division, and if appropriate, the Domestic Intelligence Division.

ACTION:

If approved, the above procedures should be adopted henceforth.

MAT:jlw
(13)

NW 54999 DocId:32989522 Page 221

1 - Mr. Rosen (Mr. Shroder)
~~1 - Mr. Conrad~~
1 - Mr. Griffith
1 - Mr. Bohn
1 - Lab File

6/12/68

PLAINTEXT

TELETYPE DEFERRED

TO SAC, LOS ANGELES (56-156)

FROM DIRECTOR, FBI (62-587)

KENSALT.

REURAIRTEL JUNE TEN.

DUE TO DIFFERENCES IN TIME OF WRITING AND DUE TO LIMITED AMOUNT OF WRITING AVAILABLE, A DEFINITE CONCLUSION WAS NOT REACHED WHETHER SIRHAN SIRHAN WROTE ANY OF THE QUESTIONED WRITING, BASED ON SUBMITTED NINETEEN FIFTYEIGHT INFORMATION BLANK AND SPECIMENS SUBMITTED PREVIOUSLY.

SIMILARITIES WERE FOUND IN WRITING OF SIRHAN AND CERTAIN QUESTIONED WRITINGS. EFFORTS TO OBTAIN ADDITIONAL KNOWN WRITING SHOULD BE CONDUCTED WITH CONCENTRATION ON CONTEMPORARY WRITINGS CONTAINING COMPARABLE WORDS AND LETTERS.

LABORATORY REPORT FOLLOWS.

CEB:pb (7)

NW 54999 DocId:32989522 Page 222

Mr. DeLoach

A. Rosen

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

June 12, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Bailey
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. LaGrasso
1 - Mr. Lobar
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Trotter

In order to facilitate the handling of evidence with respect to reporting results of FBI examination either by the FBI Laboratory or Identification Division, the following should be placed in effect:

1. When evidence has been submitted for examination to either the FBI Laboratory or the Identification Division by the FBI, as opposed to evidence recovered by a police department and submitted to the FBI Laboratory, a report should be prepared addressed to Evelle James Younger, Prosecuting Attorney for the County of Los Angeles, setting forth the results of the desired examination. The evidence should be returned to the submitting field office. Copies of the report should be furnished FBI, Los Angeles, the General Investigative Division and, if appropriate, the Domestic Intelligence Division. The material transmitted to Younger will not, of course, contain administrative data or other information of special interest to the Bureau alone.

2. When evidence is submitted for examination by the Los Angeles or other police departments, a report should be returned in accordance with existing procedure to the submitting law enforcement agency. A copy of the report should be made available to the Los Angeles Division, the General Investigative Division, and if appropriate, the Domestic Intelligence Division.

ACTION:

If approved, the above procedures should be adopted henceforth.

RAR:jls
(13)

NW 54999 DocId:32989522 Page 223

7-1a (Rev. 4-17-67)

REPORT of the

LABORATORY

1 - Mr. Rosen
1 - Mr. Shroder)
1 - Mr. Bonn
1 - Lab File

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C. 20535

To: Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 12, 1968
REGISTERED AIRMAIL

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: Assassination of
Senator Robert F. Kennedy

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680610093 AT

Examination requested by: FBI, Los Angeles

Reference: Letter 6/7/68

Examination requested: Document

Specimens: received 6/10/68, from FBI, Los Angeles

K1 Pasadena City College Residence Statement bearing purported handwriting of SIRHAN B. SIRHAN

Result of examination:

The writing on K1 is too limited and not sufficiently comparable with the questioned writing on the specimens submitted previously for adequate examination. Therefore, it could not be determined whether the writer of K1 wrote any of the questioned specimens.

K1 is being returned to FBI, Los Angeles. This specimen has been photographed.

2 - FBI, Los Angeles Enclosure
(56-156)

See note on next page

CEB:AW (8)

NW 54999 DocId:32989522 Page 224

Note to FBI, Los Angeles:

This confirms Bureau teletype dated 6/10/68, addressed to Los Angeles in this case.

For your investigative guidance, some similarities were found in the writing on K1 and in the questioned writing on the specimens submitted previously.

As soon as additional known handwriting samples are obtained, further comparisons will be made.



NW 54999 DocId:32989522 Page 225

-7-1a (Rev. 4-17-67)

REPORT of the

LABORATORY

Inc 76 2 1

1 - Lab file
1 - Mr. Rosen
(Mr. Shrode

# FEDERAL BUREAU OF INVESTIGATION
# WASHINGTON, D. C. 20535

To: Mr. Evelle J. Younger
District Attorney
600 Hall of Justice
Los Angeles, California 90012

June 12, 1968

Registered Airmail

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

YOUR NO.
FBI FILE NO. 62-587
LAB. NO. D-680606001 AT
CR-13268 JU

Examination requested by: FBI, Los Angeles

Reference: Letter dated 6/5/68

Examination requested: Document - Translation

Specimens: received 6/6/68, from FBI, Los Angeles

Q1 Spiral notebook bearing green cover captioned "PASADENA CITY COLLEGE"

Q2 Spiral notebook bearing brown cover captioned "The SPIRAL NOTE BOOK, 302, REG. U.S. PAT. OFF."

Q3 Spiral notebook bearing light green cover captioned "Simpson, INDEXED FILLER, 3 Subjects in One Book, No. 9804"

Q4 U.S. Treasury Department envelope bearing hand printed and handwritten notation "RFK Must be disposed of like his brother was.....reactionary"

Enclosure

2 - FBI, Los Angeles (56-156) Enclosures (2) (2 copies of translation)

Page 1 (continued on next page)

CEB:pal (7)

NW 54999 DocId:32989522 Page 226

Q5 Seven sheets of spiral notebook paper, further described as follows:

(A) Sheet bearing handwriting beginning "Slavery — History," ending on reverse side "...cattle Kingdom"

(B) Sheet bearing handwriting beginning "Cattle Kingdom began...," and ending on reverse side "...tarrif"

(C) Sheet bearing handwriting beginning "Rosecrucian Philosophy"

(D) Sheet bearing handwriting beginning "the New epic," and ending on reverse side "...realistic"

(E) Sheet bearing handwriting beginning "How to Swing a golf club properly," and bearing handwriting on reverse side beginning "If you decide..."

(F) Sheet bearing handwriting beginning "...Your book, Mastery of life," and bearing various handwritten characters on reverse side

(G) Sheet of paper bearing handwriting on reverse side beginning "I have often experienced momentary..."

Q6 Portion of cardboard sheet bearing handwriting beginning "Jet Spe___, Rosenc to..."

Q7 Two sheets of paper bearing handwriting and reproductions of typewriting, first sheet beginning "RUSSIAN 1B FINAL L's 14" containing exercise notations 1-10 through 105-128 and second page bearing exercise notations 129-139 through 199-200

Q8 Honorable Discharge from California Cadet Corps issued to Sirhan B. Sirhan dated June 13, 1963

Q9 Strip of three photographs

Q10 May 23, 1968, issue of The Christian Science Monitor, Western Edition

Q11 Two-page copy of "THE OPINION, AN INDEPENDENT STUDENT PUBLICATION," dated Friday, March 30, 1962



(continued on next page)

NW 54999 DocId:32989522 Page 227

Q12 One-page announcement beginning "MEET A WINNER..."

Q13 Pamphlet entitled "MENTAL PROJECTION"

Q14 Business card of BORIS YARO, STAFF WRITER, LOS ANGELES TIMES, bearing on reverse side handwritten notation "7469541, 625 W 28th St., L.A."

ALSO SUBMITTED: Manila-type folder

Result of examination:

The signature on the available photocopy of the fingerprint card of SIRHAN BISHARA SIRHAN (obtained by St. Horse Racing Bd,, Los Angeles, California) is too limited and not sufficiently comparable with the questioned writing on the specimens described above for the purpose of determining whether SIRHAN wrote any of the questioned writing.

The submitted material is being returned separately to FBI, Los Angeles. This material has been photographed.

A translation of the foreign language material contained in the submitted specimens is attached.

Note for Los Angeles:

This supplements Bureau teletype dated 6/6/68 to Los Angeles in this case.

A separate report is being submitted concerning the fingerprint examination, at which time you will be advised with respect to the return of the submitted evidence.

Nothing significant was noted in the cryptanalytic examination of specimens Q1 through Q14.

The questioned writing was searched through the appropriate sections of the National Security File without effecting an identification with any prior submission.

It was found that the typewriting on Q7 and Q11 is not clear enough for adequate examination.


(continued on next page)

NW 54999 DocId:32989522 Page 228

Certain indented writings were found on pages of the notebook, Q3, It was found that these indented writings correspond to writings on other pages in the submitted material.

Various ink and pencil writings appear on the questioned documents. Faint writings consisting of ink transfers were noted on pages 65 and 122 of notebook, Q3. Ink transfers of this nature sometimes occur when documents are pressed closely together for some period of time. The faint writing on page 122 of Q3 is a transference of a portion of page 123 of Q3. The original document from which the ink transference on page 65 of Q3 originated does not appear to be contained in any of the submitted material.

The seven sheets of spiral notebook paper listed as Q5 correspond in physical features to the pages in the notebook, Q3. The sheets in Q5 were probably torn from Q3.

Stains appear on certain of the questioned documents. Since exhaustive Laboratory examination of the stains would entail destruction of portions of the documents, chemical examinations of the stains were not made.

Two copies of the translation of the foreign language material contained in the submitted specimens are forwarded to Los Angeles.



NW 54999 DocId:32989522 Page 229

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 11, 1968

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - ~~Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

FROM : A. Rosen

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

There is attached for approval a memorandum for the White House with copies for the Vice President and the Department dealing with current developments in our investigation of the assassination of Senator Robert F. Kennedy.

In summary, we indicate our investigation is continuing into all aspects of this matter. We refer to the fact that Mayor Samuel W. Yorty, Los Angeles, California, claimed Sirhan Bishara Sirhan was associated with the W. E. B. DuBois Clubs of America. Yorty's release to the press on 6-6-68 identified an automobile belonging to Sirhan's brother, Adel, as having been parked in the vicinity of Baces Hall when a meeting of the above group was in session. We point out that Adel is reported to have been employed as a musician at a restaurant directly adjacent to Baces Hall. In addition, we comment on the fact that Sirhan's mother definitely states the individual mentioned by United Press International, Soliman Sirhan, reportedly an Israeli spy currently under arrest, * is not, as indicated by United Press International, her son and brother of the subject. The individual arrested was unknown to her.

Additional information not reported in the attached memorandum is as follows:

An investigative report totaling 1,082 pages was received from our Los Angeles Office on 6-10-68. It is currently being intensively reviewed. Investigation would indicate that immediately following the shooting of Senator Kennedy, considerable confusion resulted. According to information furnished by ambulance attendant Max Alma Behrmann, after responding to the call at the Ambassador Hotel, a distraught Mrs. Kennedy attempted to keep him from assisting the Senator stating

Enclosures

*by Iraqi authorities

CONTINUED - OVER

HAS:hcs
(13)

NW 54999 DocId:32989522 Page 230

"Keep your hands off him, I'm Mrs. Kennedy." As the Senator was placed in an ambulance, an argument ensued between Behrmann and Mrs. Kennedy as to who would accompany the ambulance and again, according to Behrmann, when he questioned Mrs. Kennedy while en route to the hospital as to what had transpired, she stated "I don't give a damn what you say," grabbed his record book and threw it out of the ambulance. Upon noting the Senator was having difficulty breathing and thereafter trying to assist him, Behrmann was told by Mrs. Kennedy "You keep your dirty filthy hands off my husband," and she struck him on the right side of his face stunning him. He further recalls Mrs. Kennedy called to a male associate who was sitting in the front seat to "Come back here and throw this ambulance man out; he's bothering me; he's asking too many questions."

It was further reported by a witness at the hospital that upon arrival there Mrs. Kennedy grabbed a camera from a newsman, knocking it to the floor, and she also swung at the newsman hitting him in the chest area. Senator Kennedy's bodyguard, former FBI Agent Bill Barry, then jumped over the stretcher and punched the newsman in the face.

Of possible significance is the fact that among items found on Sirhan's person when taken into custody was a newspaper article by David Lawrence captioned "Paradoxical Bob" and highlighting the fact that while Kennedy vigorously opposes the war in Vietnam, he has nevertheless recommended full assistance to Israel "with arms if necessary" to meet the threat of the Soviets.

In addition, whereas press reports claim Rafer Johnson, Olympic champion, and Roosevelt Grier, professional football player, subdued the assailant, review of Los Angeles report would indicate the first to reach the assailant were two hotel employees. They then were assisted by Grier and Johnson.

ACTION: (1) If approved, the attached memorandum will be forwarded to the White House with copies to the Vice President, the Attorney General, the Deputy Attorney General and the Civil Rights Division of the Department.

(2) Additional memoranda will be prepared for dissemination to the White House upon the development of significant details.



NW 54999 DocId:32989522 Page 231

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 11, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Investigation is continuing in order to develop full background information concerning Sirhan Bishara Sirhan as well as that of members of his immediate family and associates.

With respect to a previous statement attributed to Mayor Samuel W. Yorty, Los Angeles, California, as reported by the news media on June 6, 1968, alleging Sirhan was associated with the W. E. B. DuBois Clubs of America, and a vehicle registered to Sirhan's brother, Adel, was observed on January 16, 1966, in the vicinity of Baces Hall, 1528 North Vermont, Los Angeles, California, where a meeting sponsored by that organization was being held, information has been developed indicating Adel Sirhan had previously been employed as a musician at the Fez Restaurant, 1508 North Vermont, adjacent to Baces Hall. Full details are being developed with respect to this phase of our investigation.

On June 9, 1968, a United Press International release datelined Cairo made reference to the arrest of one Soliman Sirhan by Iraqi authorities as an Israeli spy alleging he was a brother of Sirhan Bishara Sirhan. Sirhan's mother, during an intensive interview by FBI Agents on June 10, 1968, volunteered she had heard this newscast and stated she has only five sons, Sirhan, Munir, Sharif, Adel and Saidallah, none of whom are living outside the United States. The individual to whom the United Press International referred was unknown to her.

Interviews are continuing with those individuals who were in or near the Embassy Room at the Ambassador Hotel during the evening of June 4-5, 1968. Several have

NW 54999 DocId:32989522 Page 232

been located who were witnesses to the shooting of Senator Robert F. Kennedy and who positively identify Sirhan Bishara Sirhan as the individual who fired the shots at Senator Kennedy. This phase of our investigation is being exhaustively pursued.

Additional significant developments will be reported as they occur.



NW 54999 DocId:32989522 Page 233

1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Conrad
1 - Mr. Griffith
1 - Mr. Bohn

6/11/68

PLAINTEXT

TELETYPE DEFERRED

TO SAC LOS ANGELES (56-156)

FROM DIRECTOR FBI (62-587)

KENSALT

REURAIRTEL JUNE SEVEN.

WRITINGS ON INS FORMS AND CALIFORNIA HORSE RACING BOARD APPLICATION ARE TOO LIMITED FOR ADEQUATE COMPARISON FOR PURPOSE OF DETERMINING WHETHER ANY OF THE WRITERS OF SUBMITTED ITEMS WROTE QUESTIONED HANDWRITING.

CERTAIN SIMILARITIES IN HANDWRITING CHARACTERISTICS WERE NOTED IN WRITING OF SIRHAN SIRHAN AND SOME OF QUESTIONED WRITINGS. EFFORTS TO OBTAIN ADDITIONAL KNOWN HANDWRITING SAMPLES SHOULD BE CONTINUED.

LABORATORY REPORT FOLLOWS.

CEB:jp (6)

NW 54999 DocId:32989522 Page 234

Mr. DeLoach

A. Rosen

June 10, 1968
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Bailey
1 - Mr. Shroder
1 - Mr. Sciuto  1 - Mr. Sullivan
1 - Mr. McGowan  1 - Mr. Mohr
1 - Mr. Bishop  1 - Mr. Trotter
1 - Mr. Cale  1 - Mr. Conrad

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

With respect to the information dealing with previous employment of Sirhan Bishara Sirhan at the Granja Vista Del Rio Thoroughbred Horse Farm at Corona, California, and the fact he apparently underwent a personality change after falling from a horse during September, 1966, this specific information was not contained in the memorandum that went to the White House on June 7, 1968, since it represented the opinion of only one individual and did not differ in substance from information previously furnished the White House. Accordingly, in the interest of brevity and in keeping our memorandum as succinct as possible, it was not repeated.

In connection with the material which was obtained from Sirhan's room in the Pasadena family home, much of it containing notations threatening not only the life of Kennedy but President Johnson and Ambassador Goldberg, copies of this material were disseminated June 7, 1968, by liaison to Secret Service, CIA, and State Department in view of their interest in the matter.

Early in the afternoon of June 7, 1968, the Laboratory concluded the examination of the material and it was forwarded the Identification Division for processing for latent prints. The Identification Division completed its examination late on June 7, 1968, the evidence was returned immediately to Los Angeles and at 10:10 a.m., Los Angeles time, June 10, 1968, the material was turned over to Lieutenant Charles Hughes, Rampart Division, Los Angeles Police Department.

ACTION:

None. For information. At this time the Bureau does not possess any physical evidence resulting from investigation of this case.

HJS:jls
(13)

NW 54999 DocId:32989522 Page 235

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 10, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
~~1 - Mr. Conrad~~
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

In connection with our investigation into the assassination of Senator Robert F. Kennedy, there is attached for approval a memorandum for the White House with copies for the Vice President and the Department.

In summary, we indicate interviews with individuals in the area have determined that Sirhan Bishara Sirhan, who has been charged by local authorities as the assailant, was seen alone in the Ambassador ball room immediately prior to the shooting. One witness viewed the actual shooting. It was further determined that Sirhan earlier in the evening on June 4, 1968, met a casual acquaintance and gave no indication during this meeting that he planned such an act. Results of our interview with a Communist Party member, an acquaintance of Sirhan, is also set forth. This individual, Walter S. Crowe, Jr., unequivocally states Sirhan was not a Communist Party member.* Additional facts relative to the so-called girl in the polka dot dress are likewise set forth as well as the results of the Los Angeles Police Department's ballistics tests which show that the murder gun fired the lethal bullets found in Senator Kennedy's body from a distance of from 2" to 6". Facts relating to the order by the Superior Court in Los Angeles prohibiting the release of statements, documents, exhibits or evidence are also reported.

Of significance is the fact investigation indicates Sirhan was seen taking target practice at the San Gabriel Gun Club, Duarte, California, on June 4, last. This information is set forth in the attached memorandum. Two other individuals were seen at the gun club. One an unidentified female, husky build, shoulder-length blond hair, and an unidentified male companion were at the range at the same time. The range officer indicated Sirhan and the female may possibly have been acquainted. This phase of our investigation is being pressed vigorously and under the circumstances, because of the incomplete facts on hand, information relating to the other individuals at the range does not appear in the attached memorandum.

Enclosures

HAS/lrk
(13)

CONTINUED - OVER

*or a member of the W. E. B. Du Bois Clubs of America

NW 54999 DocId:32989522 Page 236

Rosen to DeLoach Memorandum
RE: ASSASSINATION OF SENATOR
ROBERT F. KENNEDY

ACTION

(1) Attached is a letterhead memorandum for the White House with copies to the Vice President, the Attorney General, the Deputy Attorney General, and the Civil Rights Division.

(2) An all-out investigation is continuing in order to fully develop all facets of this case.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

WASHINGTON, D.C. 20535

June 10, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

In our continuing investigation to trace the activities of Sirhan Bishara Sirhan immediately prior to the shooting of Senator Robert F. Kennedy, several witnesses have been located who observed Sirhan in the ballroom of the Ambassador Hotel moments prior to the assault. One witness, Edward Minasian, employee at the Ambassador Hotel, observed the actual shooting. None of the witnesses interviewed observed Sirhan in the company of any other individual.

A casual acquaintance of Sirhan's, Gaymoard Mistri, Pasadena, California, when interviewed related he had a chance meeting with Sirhan at approximately 6:10 p. m., Pacific Daylight Time, on June 4, 1968, at a Pasadena restaurant. He claimed to have been with Sirhan until approximately 7:30 p. m., Pacific Daylight Time. During this period, Sirhan gave no indication whatsoever of his intentions to commit the action that followed several hours later. In fact, he invited Mistri to engage in a game of pool and gave no indication that there would be a time limit or that he had a subsequent engagement.

Walter S. Crowe, Jr., an admitted member of the Communist Party, acknowledged an acquaintanceship with Sirhan, having last been in contact with him on May 2, 1968. Crowe stated Sirhan was not a member of the W. E. B. DuBois Clubs of America nor was he a member of the Communist Party. Crowe considered Sirhan "erratic" in his political philosophy since he politically favored movements that are considered by the general populace to be left of center; however, definite phases of his thinking were to the right of center, particularly on the subject of the State of Israel.

It has been reported by the Los Angeles, California, Police Department that a ballistic examination has proven that the bullet removed from Senator Kennedy's head had definitely been fired by the murder weapon at a distance from two to six inches.

NW 54999 DocId:32989522 Page 238

ASSASSINATION OF SENATOR ROBERT F. KENNEDY

Information was developed by our Los Angeles Office to the effect that Sirhan has been identified as engaging in target practice with a .22 caliber pistol on June 4, 1968, at the San Gabriel Valley Gun Club, Duarte, California.

Sandra Serrano, aged 20, who appeared on television immediately after the shooting was interviewed in detail relative to her statement that she heard shots and then saw a man and woman running from the scene of the shooting. According to Serrano, as the woman who wore a polka-dot dress ran by her she yelled "We shot him - we shot him." An on-the-scene examination of the area in the presence of Serrano indicates she was across the ballroom at least 140 feet from the scene of the shooting and at the time there were approximately 1,500 people in the ballroom. Detective C. J. Hughes, Los Angeles Police Department, advised in his opinion it would have been physically impossible to hear a .22 caliber pistol being fired at a location where Serrano claims to have been, pointing out many other individuals much closer to the shooting who were inside the ballroom had not heard the shots. This phase of our investigation is continuing.

On June 7, 1968, Judge Arthur L. Alarcon, Superior Court, Los Angeles, California, issued an order prohibiting the release of any extra judicial statements, documents, exhibits or evidence so as to insure there be no interference with the constitutional right of Sirhan to a fair trial.



NW 54999 DocId:32989522 Page 239

1 - Mr. Rosen (Mr. Shroder)
1 - Mr. Conrad
6/10/68
1 - Mr. Griffith
1 - Mr. Bohn

PLAINTEXT

TELETYPE

DEFERRED

TO SAC, LOS ANGELES (56-156)

FROM DIRECTOR, FBI

KENSALT

REURAIRTEL JUNE SEVEN.

WRITING ON RESIDENCE STATEMENT OF SIRHAN IS TOO LIMITED AND NOT SUFFICIENTLY COMPARABLE FOR PURPOSE OF DETERMINING WHETHER SIRHAN WROTE ANY OF QUESTIONED WRITING. SOME SIMILARITIES IN HANDWRITING CHARACTERISTICS WERE FOUND. AS SOON AS ADDITIONAL KNOWN HANDWRITING SAMPLES ARE OBTAINED FURTHER COMPARISONS WILL BE MADE.

CEB:mja (6)

NW 54999 DocId:32989522 Page 240

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

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

TO : Mr. DeLoach

DATE: June 7, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Attached for approval is a memorandum to the White House with copies to the Vice President and the Department summarizing developments relating to the assassination of Senator Robert F. Kennedy. Enclosed with the memorandum are copies of material found by FBI Agents and Los Angeles police officers in a search of Sirhan Bishara Sirhan's room. This material relates to notations possibly by Sirhan threatening in nature against President Johnson, Senator Kennedy and Ambassador Goldberg. Of significance is one statement that "Robert F. Kennedy must be assassinated before 5 June 68."

In summary, the attached memorandum to the White House briefly sets forth results of additional inquiries into Sirhan's background, interviews with his brothers and the fact that we have insufficient samples of Sirhan's known handwriting specimens to identify the notations appearing on the above-referred-to material. Additional specimens are being obtained. With respect to statements by Samuel W. Yorty of Los Angeles that Sirhan is affiliated with the WEB Dubois Clubs, we advise that no information has been developed to establish this fact at this time.

The following details do not appear in the letterhead memorandum. One Terry Mickey Welch, a former exercise boy with the Granja Vista Del Rio Thoroughbred Horse Farm at Corona, California, where Sirhan was employed, was interviewed by our Detroit Office and claimed to know Sirhan well. He last saw him during May of 1967 and advised while Sirhan was, prior to his accident when he fell from a horse in September, 1966, good natured, popular, gentlemanly and ambitious, he underwent a complete personality change becoming quiet, aloof, unpredictable and a "loner." Welch alleges Sirhan, to his knowledge, was anti-communist and did not appear to be prejudiced against race or nationality.

Enclosure
HAS:dlg
(12)

CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

He named among individuals knowing Sirhan, T.V. personalities Desi Arnez, Buddy Ebson and Dale Robertson all of whom kept horses at Granja Vista Del Rio.

Of interest is the fact that the District Attorney in Los Angeles County, who is prosecuting Sirhan, is Evelle Jansen Younger, a former Bureau Agent. Younger entered on duty December 9, 1940, he was placed on leave without pay for military purposes May 2, 1942, and submitted his voluntary resignation effective 12/5/45, as he did not desire to return to active duty. His services were satisfactory.

ACTION:

(1) Attached for approval is a letterhead memorandum for the White House with copies to the Vice President, the Attorney General, Deputy Attorney General, and Civil Rights Division.

(2) In view of the fact that the material found in Sirhan's room bearing threatening notations is of direct interest to the Secret Service, CIA and the State Department, if approved, copies of this material will be made available to these agencies.

(3) All phases of this investigation are being pressed to the utmost.



NW 54999 DocId:32989522 Page 242

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

*In Reply, Please Refer to File No.*

June 7, 1968

ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

Intensive investigation is continuing in order to determine the complete circumstances surrounding the shooting of Senator Robert F. Kennedy by an individual who has been charged by Los Angeles, California, authorities as his assailant, Sirhan Bishara Sirhan.

School records in Pasadena, California, described Sirhan prior to 1963 when he graduated from John Muir High School as "friendly, cooperative, well mannered, has adjusted very nicely to his new environment and making many new friends." Continuing investigation into Sirhan's background indicates, according to his brother Sharif Bishara Sirhan, the assailant had little association or communication with the rest of the family. He had few male associates and since his fall from a horse in September, 1966, had been more withdrawn.

The FBI Laboratory has conducted an examination of the handwriting appearing on papers found after a search of Sirhan's room in the Pasadena family home which bore notations advocating the overthrow of the President of the United States and other statements alluding to the necessity of assassinating Robert F. Kennedy. The handwriting could not be identified as Sirhan's because of the lack of adequate known handwriting samples. Additional samples of Sirhan's known handwriting are being obtained for comparison purposes.

A copy of this material is attached.

Investigation is continuing in an effort to account for Sirhan's activities directly prior to the shooting of Senator Kennedy. Individuals who were in attendance at the ballroom in the Ambassador Hotel at the time of the shooting are being located and interviewed in detail. Two

witnesses, Humphrey Cordero and Enrique Rabago, identified Sirhan as being at the Ambassador Hotel at approximately 9:30 p. m., Pacific Daylight Time, on June 4, 1968, at which time Sirhan is alleged to have made derogatory comments regarding "rich people" in general and Senator Kennedy in particular. It was alleged Sirhan stated that Senator Kennedy was going to "buy the presidency" for personal purposes, and that he (Sirhan) was looked down upon because of his clothing. Both Cordero and Rabago were of the opinion based on their conversation with Sirhan that he had come to the Ambassador Hotel alone since no one appeared to be accompanying him during their approximate ten-minute conversation with him.

Three of the five individuals who were wounded during the shooting were interviewed, but none observed the assailant. The remaining two who were more seriously wounded will be interviewed as soon as their condition permits.

Mayor Samuel W. Yorty, Los Angeles, California, was reported by the news media on June 6, 1968, as stating Sirhan was associated with the W. E. B. DuBois Clubs of America. The Los Angeles Police Department advised that on January 16, 1966, a vehicle registered to Sirhan's brother Adel was observed in the vicinity of Baces Hall, Sunset and Vermont, Los Angeles, California, where a meeting sponsored by the W. E. B. DuBois Clubs of America was being held.

FBI files based on available data failed to establish Sirhan was a member of such an organization.

A reliable source has indicated that Dorothy Healy, Los Angeles Communist Party leader, has stated the assassin is unknown as a member of the W. E. B. DuBois Clubs of America in the Los Angeles area. The W. E. B. DuBois Clubs of America is a Marxist-orientated youth organization whose leaders in 1967 were Communist Party, United States of America, members. It was indicated that the Communist Party, United States of America, intends to issue a press release denying Sirhan has had any connection with the Communist Party and, in fact, is considering a legal suit against Mayor Yorty with respect to his allegations.



NW 54999 DocId:32989522 Page 244

ASSASSINATION OF SENATOR ROBERT F. KENNEDY

FBI Agents, on June 5, 1968, located a 1956 DeSoto registered to Sirhan Sirhan at Wilshire Boulevard and New Hampshire Avenue a few blocks from the Ambassador Hotel. An examination of this vehicle, after a search warrant was obtained, resulted in the location of one empty box of .22 caliber bullets in the glove compartment. In addition, a sales receipt was located in the glove compartment showing the purchase of four boxes of .22 caliber bullets for $3.99 paid for in cash on June 1, 1968. A wallet containing identification in the name of Sirhan Sirhan was also located in the glove compartment.

Enclosure

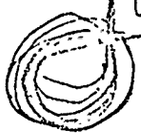
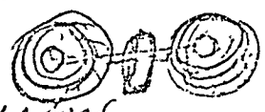


NW 54999 DocId:32989522 Page 245

May 18 9.45 AM - 68

my determination to eliminate
eliminate R.F.K. is becoming
more the more of an
unshakable obsession

Please pay to the Order

R.F.K must be assassinated R.F.K must be assassinated R.F.K must be assassinated R.F.K must be assassinated R.F.K must be assassinated R.F.K must be assassinated as Robert F. Kennedy Robert F. Kennedy must be assassinated Robert F. Kennedy must be assassinated assassinated Robert F. Kennedy must be assassinated Robert F. Kennedy must be assassinated before 5 June as Robert F. Kennedy must be assassinated Please pay to the order of

NW 54999 DocId:32989522 Page 246

the so called president of the
United States of America must be advised
of their punishments for their ~~coor~~
treasonable crimes against the the
the State more over we believe that
the glorious United States of America will
eventually be felled by a blow of an
assasins bullet - 6 bullets
bullets
by an assasins bullet

Today I must plan to come home in
a new car today I must plan to
drive he home in a new new new mustang
in in a new mustang - in a

tonight We N I must by a new Mustang tonight
tonight tonight tonight tonight
tonight No meet me tonight
tonight Come
tonight tonight
Mush Musta

Connected to a World Wide Network

Saffire Stone Stone
Saffire Stone Tom ——
Lodestone Eleven Dollars—
Dollars— Would like to come
Would You up— for several days—
Ambassador Goldberg Stone—
Must die soon after we meet
die die die Mediterranean airport—
Ambassador Goldberg must die
Stone Stone
Ambassador. Fine thank you
Stone goldberg must be eliminated— Stone
Fine fine thank you Stone
Fine Stone SIRHAN IS AN ARAB
Si Sirhan you you you you
Stone IRAB ARAB you
Sirhan Sirhan Sirhan ARAB
Sirhan you you SIP
Sirhan Sirhan
696 No Howard St.
Sirhan PASADENA, CALIF.
Sirhan/O$ - you Sirhan Sirhan
Perhaps you could use the
Sirhan
enclosed $ Sirhan Sirhan Sirhan
Sirhan Sirhan Sirhan Sirhan
Stone Sirhan great Stone
Stone Sirhan

# A 1 1 7 0 + 5 6

Kennedy must fall Kennedy must fall
Please pay to the order of Sirhan Sirhan

the amount of Sirhan Sirhan and do not
forget to become any more of a
~~No~~ Senator R. Kennedy
second group of American Dollars -
must must be disposed of
We believe that Robert F. Kennedy must
be sacrificed for the cause of the
~~poo~~ poor exploited people

we believe that we ~~ca~~ can effect
such action and produce such results -
the hand that is writing doing this
writing is going to do the slaying of
the above mentioned victim
One wonders what it feels like to do any
assassination that might do some
illegal work - ~~please pay~~ to

I believe that I can effect the
death of Bert C. Millibrand

Kennedy must die | Kennedy must fall
Kennedy must fall Kennedy must fall
Kennedy must fall Kennedy must
fall D. Kennedy must fall

intentional - vs - extentional."
connotation vs - denotation -
implicit - Equality before and after the law

I advocate the overthrow of the current president of the fucken United States of America, I have no absolute plans yet - but soon will compose some I am poor — This country's propoganda says that she is the best country in the world - I have not experienced this yet - the U. S - Says that life in Russia is bad — Why — ~~to~~ Supposedly No average american has ever lived in a slavic society so how can he tell if it is good or bad — Isn't his goat putting words in his mouth.

Anyway — I believe that the U. S is ready ~~to~~ start declining, not that it hasn't - it began in Nov 23, 63 — but it should decline at a ~~fast~~ faster rate so that the real utopia will not ~~be~~ be to far from being realized during the early 70's in this country.

I firmly support the communist cause and its people — Wether Russian, chinese

the from what we are doing in
viet Nam - we're keeping the
economy going through our war spending -
We will keep busy here working
on pro-communist matters - to impress you -
all what we really want to do is
fuck you up - get fat and then
quit

Well, my solution to this type of
government that is to do away
with its leaders - and declare
anarchy - the best form of govt - or no
govt

~~I intend that to happen if I decide~~
~~I run to run for president~~

the President elect is your best friend until
he gets in power then he ~~is~~ your
~~most oppressive leader~~ suck every
~~one~~ drop of blood out of you - ~~eat~~ and
if he doesn't like you - you're dead -

U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE-DISTRICT DIRECTOR
300 NORTH LOS ANGELES STREET
LOS ANGELES, CALIFORNIA 90012

POSTAGE AND FEES PAID
INTERNAL REVENUE SERVICE

OFFICIAL BUSINESS

RFK Must be disposed of like his brother was

46 reactionary.

E-1

D-680606001 Q4 AT
LABORATORY

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

DATE: June 7, 1968

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY
LOS ANGELES, CALIFORNIA

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The following details do not appear in the letterhead memorandum. One Terry Mickey Welch, a former exercise boy with the Granja Vista Del Rio Thoroughbred Horse Farm at Corona, California, where Sirhan was employed, was interviewed by our Detroit Office and claimed to know Sirhan well. He last saw him during May of 1967 and advised while Sirhan was, prior to his accident when he fell from a horse in September, 1966, good natured, popular, gentlemanly and ambitious, he underwent a complete personality change becoming quiet, aloof, unpredictable and a "loner." Welch alleges Sirhan, to his knowledge, was anti-communist and did not appear to be prejudiced against race or nationality.

Enclosure
HAS:dlg
(12)

6-7-68

101

6-[illegible]-269

CONTINUED - OVER

JUN 12 1968

MEMO ROSEN TO DE LOACH HAS:dlg 6-7-68

PERS. REC. UNIT

NW 54999 DocId:32989522 Page 253

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

He named among individuals knowing Sirhan, T.V. personalities Desi Arnez, Buddy Ebson and Dale Robertson all of whom kept horses at Granja Vista Del Rio.

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(2) In view of the fact that the material found in Sirhan's room bearing threatening notations is of direct interest to the Secret Service, CIA and the State Department, if approved, copies of this material will be made available to these agencies.

(3) All phases of this investigation are being pressed to the utmost.

Why was that all original exhibits which we have are returned to person from which obtained.



NW_54999 DocId:32989522 Page 254.

June 7, 1968

PLAINTEXT 1 - Mr. Shroder
1 - Mr. Schutz
~~1 - Mr. Conrad~~

TELETYPE URGENT

TO SAC, LOS ANGELES

FROM DIRECTOR, FBI

KENSALT

IMMEDIATELY SUTEL RESULTS OF INTERVIEW WITH NBC REPORTER SANDER VANOCUR AND SUMMARY OF INVESTIGATION CONDUCTED TO LOCATE THE WOMAN WHO ALLEGEDLY SAW SIRHAN AT THE AMBASSADOR HOTEL.

ALSO SUTEL RESULTS OF ANY BALLISTIC TESTS MADE ON THE REVOLVER AND ANY BULLETS TAKEN FROM SENATOR KENNEDY'S BODY OR OTHER VICTIMS. ALSO ADVISE IF EXAMINATION MADE OF "SPENT BULLETS" FOUND IN SUBJECT'S CAR WITH THE MURDER WEAPON. IMMEDIATELY CLARIFY IF BULLETS ARE ACTUALLY CARTRIDGE CASES.

IN ADDITION SUTEL WHETHER SIRHAN'S FINGERPRINTS FOUND ON MURDER WEAPON.

RIS:ctj
(5)

NW 54999 DocId:32989522 Page 255

L _1 - Mr. Rosen (Mr. Shroder) 1-Mr. Bohn
(Mr. Trimbach)
~~Mr. Conrad~~
1 - Mr. Griffith 6/6/68

PLAIN TEXT

TELETYPE URGENT

TO SAC LOS ANGELES (56-156)

FROM DIRECTOR, FBI

XENSALT.

REURAIRTEL JUNE FIVE LAST.

AVAILABLE KNOWN HANDWRITING OF SIRHAN BISHARA SIRHAN CONSISTS OF FINGERPRINT CARD SIGNATURE ONLY. THIS IS NOT ADEQUATE FOR PURPOSES OF DETERMINING WHETHER SIRHAN WROTE ANY OF QUESTIONED HANDWRITING ON SUBMITTED MATERIAL. MANY OF QUESTIONED WRITINGS APPEAR CONSISTENT WITH EACH OTHER AND IF ADEQUATE KNOWN HANDWRITING SAMPLES CAN BE OBTAINED A SUITABLE COMPARISON MAY BE CONDUCTED. MANY OF THE WRITINGS CONSIST OF ARABIC AND RUSSIAN. EVERY EFFORT SHOULD BE MADE TO OBTAIN COMPARABLE KNOWN HANDWRITING SAMPLES FOR COMPARISON WITH QUESTIONED WRITING.

YOU WILL BE ADVISED SEPARATELY CONCERNING YOUR REQUEST FOR LATENT FINGERPRINT EXAMINATION AND TRANSLATIONS OF THE ARABIC AND RUSSIAN WRITINGS.

CEB:mb (7)

NW 54999 DocId:32989522 Page 256

TELETYPE TO LOS ANGELES
KENSALT

SUBMITTED NOTEBOOK CAPTIONED "PASADENA CITY COLLEGE" CONTAINS FOLLOWING INFORMATION OF POSSIBLE VALUE. ONE OF PAGES CONSISTS OF AN UNDATED LETTER WRITTEN IN ARABIC APPARENTLY TO HIS MOTHER IN WHICH HE SENDS HER TEN DOLLARS TO BUY POSTAGE STAMPS FOR LETTERS SHE WILL WRITE TO HIM AND MAINLY FOR THE ENVELOPE AND NEWSPAPER OR MAGAZINE OF THE ROSECRUCIANS AND PACKAGES. HE SAYS HE IS WAITING FOR THE CHECK FROM THE U. S. TREASURY. HE STATES HE HAS WRITTEN HIS ADDRESS ON THE ENVELOPE AND SHE IS TO USE IT ONLY TO MAIL THE LETTERS AND FOR HER NOT TO REVEAL TO ANYONE HIS WHEREABOUTS. A SECOND PAGE CONTAINS ARABIC WORDS "HOTEL ONE EIGHT SEVEN NINE" WITH THE NAME "ROGERS" WRITTEN IN ENGLISH AFTER THIS NOTATION. VARIOUS PAGES ALSO SHOW NAMES AND ADDRESSES: MISS PEGGY OSTERKAMP, ONE THREE TWO NINE ZERO ARCHIBALD AVENUE, CORONA, CALIFORNIA EIGHT ZERO ONE ONE THREE. HER ADDRESS ALSO SHOWN AS EIGHT ZERO THREE TWO SEVEN (NO STREET), TWO SEVEN ONE FOUR TWO (NO STREET), SIX NINE SIX E. HOWARD STREET, TWO SEVEN ONE SEVEN N. ARCHIBALD AVENUE AND TWO SEVEN SEVEN TWO N. ARCHIBALD; MISS GWENDOLINE GUM, ONE ZERO ZERO NINE NINTH AVENUE, ARCADIA, CALIFORNIA.

LABORATORY EXAMINATION CONTINUING.

NW 54999 DocId:32989522 Page 257

1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Conrad
(Attn: Mr. Griffith)

PLAINTEXT

JUNE 6, 1968

TELETYPE

URGENT

TO: SAC LOS ANGELES

PERSONAL ATTENTION

FROM: DIRECTOR FBI

KENSALT.

THIS WILL CONFIRM FOLLOWING INSTRUCTIONS ISSUED TO ASAC ROGGE TODAY. COMPREHENSIVE REPORT MUST BE PREPARED AND RECEIVED AT THE BUREAU BY NINE A. M., EDT, JUNE TEN NEXT. SUBMIT TWENTY COPIES AND INSURE THERE IS AN INDEX.

ADMINISTRATIVE PROCEDURES MUST BE INSTITUTED TO INSURE THAT THERE IS APPROPRIATE INDEXING OF ALL PERTINENT NAMES RESULTING FROM YOUR INVESTIGATION.

THE MATERIAL OBTAINED FROM SUBJECT'S ROOM CONTAINS NUMEROUS INVESTIGATIVE LEADS WHICH SHOULD BE RUN OUT IMMEDIATELY. HANDWRITING EXEMPLARS OF SUBJECT SHOULD BE OBTAINED TODAY AND SUBMITTED TO LABORATORY SO APPROPRIATE EXAMINATION CAN BE MADE OF HANDWRITING APPEARING ON MATERIAL OBTAINED FROM SUBJECT'S ROOM. THIS MATERIAL CONTAINS NUMEROUS ARABIC NOTATIONS, WHICH ARE BEING TRANSLATED

RIS:hcs
(5)

NW 54999 DocId:32989522 Page 258

AT THE BUREAU AND YOU WILL BE ADVISED.

YOUR INVESTIGATION CONCERNING KENSALT SHOULD BE CONDUCTED IN A MOST EXHAUSIVE MANNER WITH PARTICULAR EMPHASIS DIRECTED TOWARD ESTABLISHING WHETHER SUBJECT ACTED IN CONCERT WITH OTHERS. YOU SHOULD IMMEDIATELY RUN OUT ALL FACETS OF SUBJECT'S BACKGROUND INCLUDING RESIDENCE, NEIGHBORHOOD, EDUCATION, EMPLOYMENT, RELATIVES, ASSOCIATES, AND ASSOCIATION WITH SUBVERSIVE, ETHNIC OR RACIAL GROUPS.

INTERVIEW REPORT FORMS SHOULD BE USED FOR INTERVIEWS CONDUCTED AND AUXILIARY OFFICES SHOULD SUBMIT INTERVIEW REPORT FORMS OR INSERTS TO YOU FOR INCLUSION IN A REPORT. ALL LEADS SHOULD BE SET OUT BY EITHER TELEPHONE OR TELETYPE AND THE BUREAU SHOULD BE ADVISED IMMEDIATELY OF ALL PERTINENT DEVELOPMENTS.



NW 54999 DocId:32989522 Page 259

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

Miss Conrad's copy

UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. DeLoach

FROM : A. Rosen

DATE: June 5, 1968

B J White
Jwonrad
W D Griffith

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. McGowan
1 - Mr. Bishop
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Trotter

SUBJECT: ATTEMPTED ASSASSINATION OF SENATOR ROBERT F. KENNEDY LOS ANGELES, CALIFORNIA JUNE 5, 1968

Our Los Angeles Office has advised that a telephone call was received from one Ronald R. Huntley, 2902 East Burnside, Portland, Oregon, this morning. Huntley stated that he saw a picture of Kennedy's assailant on television this morning and recalled that he had seen this same individual in Portland, Oregon. According to Huntley, after the votes had been tabulated on the evening of 5-28-68 Senator Kennedy visited Senator McCarthy's campaign headquarters at the Benson Hotel, Portland. A crowd was around Senator Kennedy and Huntley says that the individual whose picture was on television this morning was very close to Kennedy and, in fact, he (Huntley) pushed this individual away from Kennedy. At the time he did this he felt an object on this individual which he states was a pistol. Huntley did not report this to Senator Kennedy, any of his staff or the police department.

Huntley states that the individual whom he describes as Kennedy's assailant was accompanied by another individual described as of Latin appearance, 5'4" tall, stocky build, 23 to 25 years of age, and with dark brown hair. Our Portland Office has been instructed to immediately interview Huntley and obtain full details concerning his alleged observations. All facets of this phase of the investigation will be completely checked out.

Our Los Angeles Office has been instructed to conduct an all-out investigation into this matter and upon identifying the subject, to completely check out every bit of his background. Instructions were also issued to begin the preparation of a comprehensive report concerning our investigation; however, in the interim the Bureau should be kept advised of all pertinent developments by telephone followed by teletype confirmation.

Our Los Angeles Office has arranged with the telephone company to have a direct line to the hospital where Kennedy is confined so that we will be aware of any changes in his condition or prognosis.

RIS:hcs
(11)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 260

Memorandum to Mr. DeLoach
Re: Attempted Assassination of
Senator Robert F. Kennedy

The 1958 Chrysler registered to Robert Gene Gendroz will be thoroughly processed for physical as well as fingerprint evidence; however, the local police desire to obtain a search warrant prior to conducting any examination. They are attempting to contact a magistrate to obtain the search warrant. Any pertinent evidence developed from an examination of this car will be flown to our Laboratory for examination. There is no stolen report on this car in the Los Angeles area.

Pierre Salinger called the office and advised that Senator Kennedy is out of surgery, the extent of his injuries will not be known for a couple of days; however, the doctors are optimistic.

ACTION:

This is submitted for information.



NW 54999 DocId:32989522 Page 261

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

24 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Form DJ-151
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# *Memorandum*

TO : CORTLANDT CUNNINGHAM DATE: 10/6/77

FROM : MIKE RYAN, AUSA

SUBJECT: WEISBERG v. DEPT OF JUSTICE, et al.

Thought you would be interested in reading Judge Pratt's decision which will be published in Federal Supplement. Thanks for all your help.

mike Ryan

NW 54999 DocId:32989522 Page 263

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )
)
Plaintiff, )
)
v. ) Civil Action No. 75-226
)
U. S. DEPARTMENT OF JUSTICE )
et al., )
)
Defendants. )

FILED

OCT - 5 1977

JAMES F. DAVEY, Clerk

MEMORANDUM OPINION

This matter is before the Court on defendants' motion for summary judgment. Plaintiff has brought suit under the Freedom of Information Act ("FOIA") to obtain materials relating to scientific and ballistics tests alleged to have been performed on items of evidence in the assassination of President John F. Kennedy. 5 U.S.C. § 552(b)(7) (Supp. V 1975). The defendants are the United States Department of Justice, to which plaintiff has directed his requests for laboratory records of the Federal Bureau of Investigation, and the United States Energy Research and Development Administration ("ERDA"), to which plaintiff has directed requests for records of the Atomic Energy Commission ("AEC"), ERDA's predecessor agency. 1/

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1/ ERDA's responses to plaintiff's interrogatories indicate that the AEC's role in the investigation of the assassination of President Kennedy was limited to making its reactor facilities at Oak Ridge, Tennessee, available for FBI tests on assassination evidence. See generally Defendant ERDA's Responses to Plaintiff's First Set of Interrogatories. Plaintiff apparently does not dispute this point; the only respect in which either ERDA or AEC figure in his recent submissions relates to the FBI's alleged failure to follow up on an AEC official's recommendations that certain tests be conducted. See Affidavit of Harold Weisberg, at 16; Letter from Dr. Paul C. Aebersold, Director, Division of Isotopes Development, United States Atomic Energy Commission, to Herbert J. Miller, Assistant Attorney General, Criminal Division, United States Department of Justice (December 11, 1963). The AEC recommendations were conveyed to the FBI by counsel for the President's Commission on the Assassination of President Kennedy (Warren Commission). Letter from J. Lee Rankin, General Counsel, President's Commission on the Assassination of President Kennedy, to J. Edgar Hoover, Director, Federal Bureau of Investigation, (January 7, 1964). In its reply, the FBI pointed out that it was already "well-acquainted" with the techniques propounded by the AEC, and that arrangements for such testing already were under way. Letter from J. Edgar Hoover to J. Lee Rankin (January 10, 1964). There is no indication that the FBI followed the AEC recommendations to the letter; indeed, the FBI special agent who conducted the type of testing in question appears to have resented the AEC recommendation as interfering in the FBI's investigation. See Deposition of John F. Gallagher, at 67-69.

NW 54999 DocId:32989522 Page 264

Although the Government's submissions to the plaintiff have been voluminous, plaintiff maintains that much of what he has received was unsought, and that much of what he has sought has not been tendered to him. The Government's position, on the other hand, remains, first, that it has complied fully with plaintiff's requests as to materials extant, and second, that it cannot possibly comply with the remaining requests because the materials sought do not exist.

In moving for summary judgment, the Government bears the burden of demonstrating that no genuine issue of material fact impedes its right to judgment as a matter of law. Fed. R. Civ. P. 56(c); Bloomgarden v. Coyer, 156 U.S. App. D.C. 109, 479 F.2d 201, 208 (D.C. Cir. 1973). Although mere assertions in the pleadings will not suffice to defeat a motion for summary judgment, Dewey v. Clark, 86 U.S. App. D.C. 137, 180 F.2d 766, 770 (D.C. Cir. 1950), matters of fact are to be viewed in the light most favorable to the party opposing the motion. Nyhus v. Travel Management Corp., 151 U.S. App. D.C. 269, 466 F.2d 440, 442 (D.C. Cir. 1972); Semaan v. Mumford, 118 U.S. App. D.C. 282, 335 F.2d 704, 705 n.2 (D.C. Cir. 1964).

I. BACKGROUND OF THE ACTION.

Plaintiff's initial quest for scientific investigatory data related to the assassination of President Kennedy was frustrated in the courts on the ground that the data sought lay within the purview of FOIA exemption seven, covering investigative matter. Weisberg v. United States Department of Justice, 160 U.S. App. D.C. 71, 489 F.2d 1195 (D.C. Cir. 1973) (en banc), cert. denied, 416 U.S. 993 (1974); see Act of June 5, 1967, Pub. L. No. 90-23, § 1, 81 Stat. 54 (current version at 5 U.S.C. § 552(b)(7) (Supp. V 1975)). Congress subsequently narrowed the scope of exemption seven, and plaintiff renewed his requests. Act of Nov. 21, 1974, Pub. L. No. 93-502, § 2, 88 Stat. 1563, amending 5 U.S.C. § 552(b)(7) (1970). On July 15, 1975, this Court dismissed the action as moot, and plaintiff took an appeal. A panel of the United States Court of Appeals for the District of Columbia

NW 54999 DocId:32989522 Page 265

Circuit reversed, and remanded for further proceedings. Weisberg v. United States Department of Justice, 177 U.S. App. D.C. 161, 543 F.2d 308 (D.C. Cir. 1976). The Court of Appeals identified five categories of investigative tests as to which plaintiff had made demands "which raise material factual questions still in dispute." Id. at 163, 543 F.2d at 310. As the Court of Appeals noted, however, there remain other categories of tests, such as the microscopic examinations performed on certain items of evidence, as to which plaintiff asserts his requests have not evoked satisfactory response. Id. at 164, 543 F.2d at 311. These categories, as well as the five enumerated in the Court of Appeals opinion, must figure in consideration of the motion for summary judgment. In addition to identifying several of the factual areas to be explored on remand, the Court of Appeals specified an exploratory technique, namely the taking of the testimony, by deposition or otherwise, with an opportunity for cross-examination in any case, of the individuals who actually conducted the tests, the results of which plaintiff has requested. Id. at 163, 164, 543 F.2d at 310, 311.

In February and March, 1977, plaintiff took the depositions of four former and present employees of the Federal Bureau of Investigation laboratory, all of whom worked directly with evidence associated with the assassination. The four are Robert A. Frazier, employed as a special agent in the laboratory's firearms and toolmarks unit during the investigation of the assassination, and retired from the FBI as of April 1975; John F. Gallagher, assigned to the laboratory's spectrographic unit during the investigation, and retired as of January 1975; Lyndal L. Shaneyfelt, assigned as a documents examiner and photographic specialist for the laboratory between 1955 and 1975, when he retired from the Bureau; and Cortlandt Cunningham, formerly a special agent supervisor in the firearms and toolmarks unit during the investigation, and presently chief of the unit. Frazier and Cunningham were deposed February 24, 1977, and Gallagher and Shaneyfelt were deposed March 28, 1977. At each deposition save that of former Special Agent Gallagher, examination was by plaintiff's counsel

MW 54999 DocId:32989522 Page 266

only, with occasionally interposed objections from counsel for the defendants. At a hearing March 30, 1977, counsel for plaintiff indicated that no further depositions of FBI employees who had participated in the Bureau's investigation were planned.[2/] Weisberg v. United States Department of Justice, No. 75-226, Tr. at 4 (D.D.C. March 30, 1977). These representations controvert the suggestion in an affidavit of the plaintiff that "[t]his Court refused me the depositions my counsel and I consider necessary to meet what I regard as the mandate of the court of appeals. . .". Affidavit of Harold Weisberg ¶ 165, at 34 (July 28, 1977) [hereinafter "Weisberg Affidavit"]. Read broadly, the mandate of the Court of Appeals was to resolve whether the data sought exist on "the basis of the best available evidence, i.e., the witnesses who had personal knowledge of events at the time the investigation was made." 177 U.S. App. D.C. at 164, 543 F.2d at 311. Plaintiff has not sought to depose any such witness other than the four whose depositions were taken. To borrow the metaphor employed by the Court of Appeals in its opinion above, the legal engine of cross-examination has done its work on plaintiff's behalf with respect to witnesses with direct knowledge of the FBI investigation into the President's assassination. 177 U.S. App. D.C. at 164, 543 F.2d at 311. The issue devolves to what the evidence adduced in the four depositions establishes, and thence to whether there now remains a genuine issue as to whether the Government has complied with the strictures of the FOIA.

## II. THE EVIDENCE ADDUCED.

The testimony of all four deponents related not only to specific pieces of assassination evidence and the tests performed, or not performed, upon them, but also to the procedures, and occasionally lack of procedures, employed in those sections of the FBI laboratory with which the deponents

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2/ Counsel had previously indicated he planned to depose plaintiff, an employee of the National Archives, which has custody of the evidence involved, and an FBI special agent who had not participated in the investigation but whose affidavit had constituted part of the Government's response to plaintiff's request.

NW 54999 DocId:32989522 Page 267

were familiar. These laboratory procedures bear significantly on the question whether much of the material plaintiff seeks exists.

Laboratory Procedures. The laboratory's Scientific Analysis Section, was known at the time of the investigation as the Physics and Chemistry Section; then, as now, the section comprised several disparate units, including the firearms and toolmarks unit, and the spectrographic unit, which in 1963-64 was responsible for both emissions spectrography and neutron activation analysis. Cunningham Deposition, at 4-5. During the investigation of the Presidential assassination, investigating agencies in the field--the Dallas Police Department, the Secret Service, and the FBI--forwarded the evidence to the FBI laboratory, in some instances directly to the firearms and toolmarks unit. Frazier Deposition, at 5, 7-8; Cunningham Deposition, at 8. Ordinarily, the evidence would be accompanied by a statement of the matters sought to be ascertained through laboratory testing, as, for example, the presence of gunpowder on a piece of evidence. Frazier Deposition, at 6, 8. The decision as to the specific tests to be conducted, however, was made within the laboratory. Id. at 8-9; Cunningham Deposition, at 8-9; Gallagher Deposition, at 26-27. The decisionmaking process as to which tests would be appropriate apparently was highly informal: in some cases, Frazier, the laboratory examiner with direct responsibility for the Physics and Chemistry Section's efforts in the investigation, conferred with his superiors on the tests to be performed, Cunningham Deposition, at 8-9, and in others, he and the individual examiners who would conduct the tests conferred on which tests to perform. Frazier Deposition, at 8; Gallagher Deposition, at 27. In still other instances, if the individual examiner determined that tests outside his domain were called for, he and his supervisor (Frazier, in most cases) would approach examiners in the other units with jurisdiction over the requisite type of testing. Cunningham Deposition, at 10; Frazier Deposition, at 8-9; Shaneyfelt Deposition, at 14. Only rarely were these conferences on tests to be performed recorded in communications between the conferees,

NW 54999 DocId:32989522 Page 268

or in notes made by one of them. Cunningham Deposition, at 10; Frazier Deposition, at 8-9; Gallagher Deposition, at 27-28.

The tests determined to be appropriate for a given item of physical evidence typically were conducted by examiners working individually, or under the direct supervision of the individual examiner. Cunningham Deposition, at 10; Frazier Deposition, at 10. Three examiners in the firearms and toolmarks unit collaborated on the testing within that unit, all three having been present during all tests conducted by the unit on assassination evidence, save a velocity test. Cunningham Deposition, at 53. Several examiners tested items of evidence in the spectrography unit, although they appear to have worked separately. Gallagher Deposition, at 7, 35-37.

Just as there was no established procedure for deciding which tests were to be performed on a particular item of evidence, there was no requirement that test results be expressed in a particular format, or expressed at all if the results were insignificant. In most instances, the examiner performing a test took notes during the testing. Cunningham Deposition, at 11; Frazier Deposition, at 10; Gallagher Deposition, at 38. However, all deponents testified to not having made notes on results they deemed insignificant or insufficiently reliable. Cunningham, for example, testified to his practice of making notes on a weapon's operating condition only if the weapon was not in normal working order. Cunningham Deposition, at 21. Gallagher explained the absence of observation data in a neutron activation analysis folder by suggesting that he might have skipped the step of noting down the readings and done the tabulations in his head. Gallagher Deposition, at 61-62. He indicated later that he did not report a thirty percent variation in primer residue data between shells because he did not consider the variation significant. Id. at 114. Shaneyfelt testified that he had not submitted a report on the four frames allegedly spliced out of the Zapruder film of the assassination because the film print from which he had worked was complete. Shaneyfelt Deposition, at 21.

NW 54999 DocId:32989522 Page 269

What an examiner did with test results likewise varied. In many instances, the examiner dictated a report on the tests conducted, either for use on its own or for incorporation in a more comprehensive report prepared by the examiner's superior. Frazier Deposition, at 11; Gallagher Deposition, at 38. Gallagher, however, indicated that he occasionally submitted data directly to Special Agent Frazier who transmuted the figures into prose. Gallagher Deposition, at 38. When the examiner himself prepared the report, he did not always include in it all the results obtained, as when the testing was done for "background purposes," Gallagher Deposition, at 57; when flaws in the testing itself cast the results in doubt, see id. at 71, or when the results would simply not be of value, in the examiner's judgment. Cunningham Deposition, at 47. In some instances, the examiner's failure to make a report is unexplained. See Cunningham Deposition, at 33, 53; Gallagher Deposition, at 73-74.

After the report was prepared, one copy went into FBI files, another went to the "original contributor" of the item of evidence on which the report was based (generally the FBI's Dallas field office), and a third went to the examiner or examiners responsible, for them to retain informally with their notes of the tests. Cunningham Deposition, at 11-12, 17; Frazier Deposition, at 12, 15; Gallagher Deposition, at 86-87. Whether the Warren Commission received the actual reports, and how the reports the Commission received were transmitted, varied widely. Former Special Agent Frazier recalled the "mechanics" of the process as being, first, that the laboratory forwarded the report to the Dallas field office; next, that the Dallas office incorporated the report into its report to the Commission, and finally, that the latter report was transmitted to the Commission. Frazier Deposition, at 19-20. In practice, however, there appears to have been substantial, continuing and direct contact between laboratory personnel and the Commission. Cunningham Deposition, at 49-50; Frazier Deposition, at 20-21; Shaneyfelt Deposition, at 8. Frazier indicated that several laboratory employees, whose identities he could not recall, served as

NW 54999 DocId:32989522 Page 270

liaison between the laboratory and the Commission. Frazier Deposition, at 20. Cunningham stated that he "generated some correspondence" with the Commission every day during the laboratory's participation in the investigation. Cunningham Deposition, at 51. Shaneyfelt indicated that his reports went to the Commission via his section chief, and that he testified to the Commission, either live or by deposition, on all examinations he conducted. Shaneyfelt Deposition, at 8-9. In his affidavit of May 13, 1965, John W. Kilty, special agent assigned to the FBI laboratory in a supervisory capacity, stated that plaintiff had been told that all final FBI laboratory reports in the pertinent categories of testing had been furnished to the Commission. However, there apparently was no monitoring system known to deponents to log the transfer of final reports to the Commission, and no custodian within the laboratory to collect final laboratory reports. Frazier Deposition, at 68. It is clear, on the other hand, that not all examiners' observation notes went to the Commission, the rule being that examiners retained their notes except when the supervisor prepared a report directly from the notes. Cunningham Deposition, at 47, 52-53; Frazier Deposition, at 15; see Gallagher Deposition, at 73, 107. One instance of the latter occurred when Frazier used Gallagher's worksheets to prepare a report on testing of a bullet fragment; both the worksheets and the report went to the Commission, though only Frazier appeared before the Commission. Frazier Deposition, at 42-44; Gallagher Deposition, at 82, 84. Finally, neither observation notes, worksheets, nor final reports were distributed among units within the laboratory, absent a specific reason. Cunningham Deposition, at 12-13; Frazier Deposition, at 15, 18. Former Special Agent Gallagher testified that even within the spectrographic unit one examiner's report on testing would not necessarily, or even customarily, have been circulated among the other examiners in the same unit. Gallagher Deposition, at 7-8. An examiner who performed tests on a particular item of evidence thus might be unaware whether other units within the laboratory had performed other tests on the same item. E.g. Cunningham Deposition, at 22-23; Gallagher Deposition, at 6-7, 26; Shaneyfelt Deposition, at 16.

NW 54999 DocId:32989522 Page 271

Tests Performed on Assassination Evidence. The Court of Appeals opinion remanding this case for further consideration and testimony adverts to five areas of continuing factual dispute [177 U.S. App. D.C. at 163-64, 543 F.2d at 310-11]:

(1) Final reports of spectrographic analyses;

(2) Reports on neutron activation analyses of bullet fragments;

(3) Raw data of spectrographic and neutron activation analysis tests;

(4) Neutron activation analysis of clothing; and

(5) Emissions spectroscopy data and reports. 3/

Plaintiff's opposition to the motion for summary judgment identifies nine specific areas of testing, encompassed within the five areas enumerated by the Court of Appeals, in which plaintiff asserts the evidence shows tests should have been, or were, conducted, yet concerning which plaintiff has received no materials. These areas are:

(1) Neutron activation analysis of clothing, Opp., at 7-8;

(2) Neutron activation analysis of windshield scrapings, Opp., at 8-9;

(3) Neutron activation analysis of Q3, a bullet fragment discovered beside the right front seat of the Presidential limousine, Opp., at 9;

(4) Print-outs for neutron activation analysis of Q3 and other specimens, Opp., at 9;

(5) Testing of the live round found chambered in the Mannlicher-Carcano rifle determined to have been the murder weapon, and comparison of said live round with shells found at the scene, Opp., at 9-10;

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3/ The distinction between spectroscopic analysis and spectrographic analysis was not observed in deposition testimony and the pleadings. Hence, discussion of spectrography herein should be deemed to encompass spectroscopy where appropriate.

NW 54999 DocId:32989522 Page 272

(6) Spectrographic testing of the curbstone supposed to have been struck by a bullet, a bullet fragment or fragments, or other airborne debris during the moments of the assassination, Opp., at 10;

(7) Testing of the bullet holes below the collar button of the shirt President Kennedy was wearing when he was shot, Opp., at 10;

(8) A "formal report" prepared by Frazier on the basis of Gallagher's comparison of windshield scrapings with other bullet matter, and alluded to in an exchange between Commission counsel and Frazier during Frazier's testimony before the Commission, Opp., at 10-11; and

(9) Report on neutron activation testing, Opp., at 11. 4/

As these differently organized catalogs of potential factual issues indicate, there are numerous ways of approaching the factual aspects of this case for the purpose of determining whether they engender issues of sufficient magnitude to defeat the motion for summary judgment. What follows is an amalgam or combination of the Court of Appeals' and plaintiff's approaches, in that this discussion commences with general observations on firearms testing, spectrography, and neutron activation analysis, with particular emphasis on each technique's capabilities and limitations, and proceeds to consideration of testing on specific items of evidence. It should be stressed that the question throughout is not whether tests ought to have been made, or even whether tests that actually were made should have culminated in the preparation of reports, but simply whether there is any genuine issue as to the existence of the reports and other materials plaintiff Weisberg seeks.

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4/ Plaintiff does not indicate which item of evidence is the subject of the allegedly extant report; the reference will be construed hereafter as applying both to the windshield residues discussed in the preceding paragraph of the Opposition, and to the body of assassination evidence as a whole.

NW 54999 DocId:32989522 Page 273

Firearms Identification. Special Agent Cunningham's work with the firearms and toolmarks unit of the laboratory's Scientific Analysis Section has included the examination of firearms and bullets to determine the source of particular bullets. Cunningham testified that the process commences with the marking, weighing, and identification of the slug as to type and characteristics. Cunningham Deposition, at 18-19. The bullet is examined microscopically for rifling marks that might be useful for purposes of identifying the source of the bullet. Id. at 19-20. If a weapon believed to be the source of the bullet is on hand, as was the Mannlicher-Carcano rifle in the Presidential assassination, it, too, is examined. Id. at 20-22. The examiner then fires the weapon using ammunition as similar as possible to the bullet under analysis. Id. at 25. The "evidence bullet" and the test bullet then are viewed simultaneously under a comparison microscope. Id. Any of three conclusions is possible: identification, indicating that the bullet under study was fired from the weapon in question, and no other; non-identification, indicating that the general rifling characteristics of the two bullets vary to the degree sufficient to exclude the weapon as the source of the bullet under analysis; and "no conclusion," indicating that the general characteristics are similar, but that the individual markings are either different or lacking. Id. at 26-27.

Spectrography. Former Special Agent Gallagher was a specialist in both spectrographic examination and neutron activation analysis. In spectrographic analysis, samples are either sparked or burned; the results show up on spectrographic plates from which the examiner derives composition data. Gallagher Deposition, at 37-38. Spectrographic examination will elicit information on a range of elements, though specific readings in multiple tests of the same item of evidence may vary as a consequence of the technique's relative insensitivity, inherent testing error, and compositional differences between different portions of the object under analysis. Id. at 41-42, 54, 58-60. Although less sensitive than neutron

NW 54999 DocId:32989522 Page 274

activation analysis, spectrographic testing appears to have been much more abundantly used in the examination of evidence, apparently because of the limitations inherent in neutron activation analysis.

Neutron Activation Analysis. In 1964, during the neutron activation analysis conducted in connection with the investigation into the assassination of President Kennedy, neutron activation analysis was relatively in an infant state, particularly so far as the equipment was concerned. Id. at 115. Even so, it was a far more sensitive technique for measuring the presence of certain elements in samples than spectrography: it was about twice as sensitive with respect to antimony, barium and other elements present in items of the assassination evidence, and up to a thousand times as sensitive with respect to other elements. Id. at 116. Its limitations, however, precluded its use on many items of assassination evidence, and vitiated the results of some tests that were performed on items. Id. at 50-51, 92. One such limitation was that only a handful of elements were discernible through neutron activation analysis. Id. at 42. Another was that certain elements, such as sodium and copper, showed up so prominently in neutron activation analysis results as to obscure others. Id. at 51, 74. Thus, items of evidence composed largely of copper, such as copper bullet jackets, were not subjected to neutron activation analysis. Id. at 74-75, 97, 98-99. By the same token, however, lead does not show up in neutron activation analysis. Id. at 109.

On behalf of the FBI laboratory, Gallagher conducted neutron activation analysis on items of assassination evidence at the reactor at Oak Ridge National Laboratory in Tennessee. Gallagher Deposition, at 64. The paraffin lifts taken from Lee Harvey Oswald were tested shortly after the assassination, but other items were not tested at Oak Ridge until May 1964. Id. at 63, 65. When plaintiff's counsel asked him to explain the delay with respect to other items, Gallagher pointed out that the FBI's access to the reactor was limited, and that the paraffin lifts were tested

NW 54999 DocId:32989522 Page 275

early because they were tested solely by neutron activitation analysis, whereas bullet samples could be tested by spectrography as well. Id. at 65.

Two additional observations on both spectrographic examination and neutron activation analysis should be made in response to points raised in plaintiff Weisberg's affidavit. First, plaintiff asserts that none of the reports he has been furnished alludes to microscopic examination, which both Cunningham and Gallagher testified they frequently conducted. Weisberg Affidavit, at 32; Cunningham Deposition, 18-19; Gallagher Deposition, at 31. Gallagher's explanation was that microscopic examination, at least within the FBI laboratory, is so widely accepted as a preliminary to spectrographic and other tests as not to be worth noting in a report. Gallagher Deposition, at 107. That, in plaintiff's words, "there is not a word in a single report" about microscopic examination is entirely consistent with Gallagher's statement that FBI laboratory practice was to omit reference to microscopic examination. The second point raised by plaintiff is that the FBI laboratory reports contain "no statement of positive proof in the comparisons" of different items of evidence; "[t]here is only the meaningless description of 'similar.'" Weisberg Affidavit, at 8. Here, too, the deposition testimony reveals the plaintiff to be under a misapprehension, stemming from ignorance not of FBI laboratory practice in this instance, but of the inherent limitations of FBI examination techniques. Even neutron activation analysis, a much more sophisticated technique than spectrography, frequently will not enable bullet fragments, for example, to be positively identified as having come from a particular bullet. Cunningham Deposition, at 45-48; Gallagher Deposition, at 97-98. Neither will it be possible in many instances to exclude a fragment as having come from a given bullet, as when compositional variances are not sufficiently great to indicate different sources rather than fluctuations in composition within the bullet. Gallagher Deposition, at 102-05.

NW 54999 DocId:32989522 Page 276

CE # 399: The "Pristine Bullet." The Warren Commission concluded that Commission Exhibit 399, one of the bullets fired at the Presidential motorcade that day, had passed through the President's neck, and struck successively Governor Connally's chest, wrist, and thigh, ending its journey without substantial visible damage to itself. Plaintiff's counsel directed numerous questions to both Cunningham and Frazier on how the slug could have inflicted so much damage without itself sustaining damage. Cunningham Deposition, at 34-37; Frazier Deposition, at 24-28; 31-33. Although plaintiff's line of questioning is, at best, doubtfully relevant to the question whether plaintiff has received all material on CE 399, plaintiff has devoted considerable discussion to the physical state of CE 399. Weisberg Affidavit, at 44-48. Cunningham was asked whether he would expect a bullet alleged to have inflicted the damage attributed to CE 399 to emerge as unscathed as CE 399. Cunningham Deposition, at 35. Cunningham pointed out that a relatively heavy bullet with a slow muzzle velocity normally is less likely to fragment upon impact than lighter, faster slugs, and that the damage imputed to CE 399 and its outwardly pristine condition were not inconsistent. Id. at 36-37. Frazier, who with Cunningham and one other had performed the ballistics tests on assassination evidence, observed that CE 399 had flattened slightly during its journey and might have extruded a significant amount of lead, in the form of fragments, from its base. Frazier Deposition, at 26-27, 32, 38-39.

The remainder of plaintiff's assertions regarding CE 399 concern tests he claims ought to have been performed, such as comparison of CE 399 with core fragments. Weisberg Affidavit, at 15, 16. Gallagher indicated that he indeed had made such comparisons, but that aside from the spectrographic worksheets which formed the basis of Frazier's November 23, 1963 report, he prepared no reports on the comparison under spectrography or neutron activation analysis. Gallagher Deposition, at 26, 73-74. Gallagher indicated also that a directive to preserve CE 399 "for posterity" precluded his testing different portions of the bullet for composition,

MW 54999 DocId:32989522 Page 277

id. at 57, though he ran multiple tests on the samples he was permitted to remove. Id. at 59-60. Apart from plaintiff's allegations, there is nothing to suggest that any comparative test reports, by spectrographic and neutron activation techniques, were prepared other than those furnished to plaintiff. That such tests should have been made is not relevant, even if true.

The first report disseminated by the FBI laboratory took the form of a letter dated November 23, 1963, to Dallas Police Chief Jesse Curry. Gallagher Exh. 5. Portions of this letter indicate that CE 399 [referred to in the letter as Q1] was fired from the Mannlicher-Carcano rifle, and that the windshield scrapings as well as certain bullet fragments were determined to be similar in composition to CE 399. Gallagher Exh. 5, at 2. In the course of his testimony before the Commission, Frazier was questioned about a "comparison made of the lead residues on the inside of the windshield with . . . the bullet fragments. . ." Frazier indicated he had prepared "the formal report of the entire examination" based on the report Gallagher had submitted. Plaintiff claims not to have received either the "formal report" or the "report" prepared by Gallagher. Opposition, at 11. The confusion as to the latter appears to have stemmed from differences in terminology: what Frazier called a report consisted of Gallagher's worksheets. Gallagher Deposition, at 84. As to the "formal report," plaintiff argues that the November 23 letter could not possibly cover "the entire examination" because much testing, particularly the neutron activation analysis, did not transpire until months after the letter was written. Opposition, at 11. Frazier and Gallagher, on the other hand, indicate that the November 23 letter was the "formal report" Frazier alluded to in his Commission testimony. Frazier Deposition, at 41; Gallagher Deposition, at 86. Here, too, the evidence is uniformly against plaintiff's assertion. Frazier's reference to "the formal report of the entire examination" plainly relates to the procedures about which he was just queried: the comparison

NW 54999 DocId:32989522 Page 278

of the windshield residues with CE 399 and bullet fragments. Plaintiff's assumption that the "formal report" covers the entire investigation rather than one of the numerous examinations which comprised the investigation is wholly unwarranted. There is no evidence to controvert Frazier's and Gallagher's statements that the November 23 letter was, in fact, the "formal report" described by Frazier before the Commission.

Plaintiff also contends that neither CE 399 nor any bullet fragment was tested for human residue. Weisberg Affidavit, at 14. Because this allegation does not concern the existence of unfurnished reports but rather the appropriateness of such tests, such contention need not be considered except to note that the depositions yield no indication that such testing ever occurred. Cunningham Deposition, at 22-23; Gallagher Deposition, at 39, 48.

Plaintiff asserts he received no report on "the analysis of the copper-jacket material." Weisberg Affidavit, at 15. Gallagher indicated that laboratory practice was not to test copper jackets spectrographically unless such testing would contribute to the investigation. Gallagher Deposition, at 13. Copper's tendency to overshadow other elements under neutron activation analysis precluded testing of that kind. Id. at 74-75. Nothing in the record indicates reports or other materials in this area have not been furnished.

Q8: The Live Round. Plaintiff claims repeatedly not to have received reports on Q8, the live round discovered in the chamber of the Mannlicher-Carcano rifle. Opposition, at 10; Weisberg Affidavit, at 16, 57. Gallagher was unaware whether the round had been tested, and indicated that it probably should have been tested. Gallagher Deposition, at 43-46. Defendant Department of Justice has indicated that Q8 was subjected to "Firearms Identification" testing only. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 4. Inexplicably, however, plaintiff directed questions about Q8 only to

NW 54999 DocId:32989522 Page 279

Gallagher, who was unfamiliar with testing in the firearms identification category, and not to Frazier or Cunningham, both of whom conducted firearms identification tests. Though what either of the latter might have said about Q8 is open to speculation, the November 23, 1963 report to Chief Curry describes Q8 only as being of the same manufacture as certain cartridges found on the scene in the school book depository building. The inference to be drawn, uncontroverted by any other evidence, is that Q8 was subjected to visual scrutiny only by one of the ballistics examiners, and thus that no reports or other material on Q8 remain to be furnished. It is worth noting parenthetically that the plaintiff does not indicate, and the Court does not discern, what purpose additional testing of Q8 would have served. In that respect, Gallagher's supposition--that no further testing of Q8 was necessary because it was sufficient that the live round was of the same manufacture as the cartridges--seems eminently reasonable. Gallagher Deposition, at 46-47, 68-69. There is no evidence to suggest that reports or other materials on Q8 have not been supplied.

Testing of Clothing. Taken together, the Weisberg affidavit and plaintiff's Opposition to the motion for summary judgment reveal only one point of dispute: whether a report exists comparing the two anterior holes in CE 394, the shirt worn by President Kennedy on November 22, 1963. Opposition, at 10; Weisberg Affidavit, at 24-25. As to the remaining tests performed on items of clothing (the President's, Governor Connally's, and Oswald's), the record indicates that spectrographic testing only was performed on these items, and that neutron activation analysis was not performed because laboratory personnel did not deem it an appropriate technique for those items. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 12-13; Gallagher Deposition, at 50-52. The worksheets reflecting examination of both the President's and Governor Connally's clothing have been provided to plaintiff, together with the FBI's reports, internal and external, on the examinations. E.g.,

NW 54999 DocId:32989522 Page 280

Letter from J. Edgar Hoover to J. Lee Rankin (March 23, 1964); Memorandum from R. H. Jevons to Mr. Conrad (April 15, 1964).

The sole basis for plaintiff's assertion that an extant report on the comparison of CE 394 holes remains to be furnished is that former Special Agent Frazier testified in the course of his deposition that he had asked another examiner to determine, by buttoning the shirt, whether the two anterior holes overlap. Frazier Deposition, at 60-62. Initially, Frazier could not recall whether he himself had conducted that aspect of the examination of the shirt, id. at 61, and he subsequently indicated that another examiner, whom he thought was Paul M. Stombaugh, had made the examination, and prepared a report on his conclusions. Id. at 62. Frazier assumed that the Commission had obtained a copy of the report in the course of taking Stombaugh's testimony. Id. There is no indication outside Frazier's deposition testimony that Stombaugh, or any examiner other than Frazier, prepared such a report. CE 394 was discussed only twice in the course of the Commission hearings, by Cmdr. James J. Humes, a pathologist at the Naval Medical Center who testified on the autopsy conducted on the body of the President,[5/] and by Frazier himself. Frazier stated first that he himself had conducted the examination of the President's shirt. V Hearings Before the President's Comm'n on the Assassination of President Kennedy 60 (1964). He stated that "on the front of the shirt, I found what amounts to one hole. Actually, it is a hole through both the button line of the shirt and the buttonhole line which overlap down the front of the shirt when it is buttoned." Id. Frazier's testimony before the Commission compels the conclusion that he was mistaken in attributing responsibility for the examination of the two anterior holes to another examiner. One

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5/ Commander Humes indicated that "with the shirt buttoned, the fly front of the shirt causes two layers of cloth to be present in this location, and that [sic] there is a defect in the inner layer of cloth and a corresponding defect in the outer layer of the cloth." II Hearings Before the President's Comm'n on the Assassination of President Kennedy 365 (1964). He said also that "the defects in 393 [the President's suitcoat] and 394 [the shirt] coincide virtually exactly with one another." Id. at 366.

NW 54999 DocId:32989522 Page 281

explanation for his error, aside from the lapse of more than thirteen years since the examination in question, is that Special Agent Stombaugh indeed examined the fibers of a shirt linked with the assassination, and testified before the Commission on the results of his examination; the shirt in question, however, was CE 150, that worn by Lee Harvey Oswald at the point he was captured by police. IV Hearings, supra, at 74-75. There being no genuine question as to the existence of the report alluded to by Frazier in his deposition, this point, too, must be resolved against the plaintiff.

Neutron Activation Testing of Fragments and Residue. Plaintiff claims not to have received extant reports on the neutron activation analysis of Q3, a fragment recovered from beside the right front seat of the Presidential limousine, and Q15, residues obtained by scraping the inside of the limousine's windshield. Opposition, at 8-9; Weisberg Affidavit, at 13. The Department of Justice answers to plaintiff's interrogatories indicated that neither Q3 nor Q15 was subjected to neutron activation analysis. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 12, 13. When former Special Agent Gallagher was queried about Q3, he initially could not recall testing it, but later, on his own initiative, he remembered subjecting the item to neutron activation analysis and emerging with no significant result. Gallagher Deposition, at 74-75, 90-92. The lack of results for Q3, a fragment consisting chiefly of copper jacket, is consistent with Gallagher's previous statement that copper is normally not susceptible to neutron activation analysis. Id. at 74. As to Q15, the windshield scraping, Gallagher stated, after initial inability to recall, that neutron activation analysis had, just as with Q3, not resulted in any significant finding, chiefly because the Q15 sample was inadequate. Id. at 71. In each case, Gallagher had left his worksheets virtually blank, accounting for the Department's assumption in its answers to plaintiff's interrogatories that no neutron activation analysis on these items had been

NW 54999 DocId:32989522 Page 282

conducted. The record indicates conclusively that, despite its denial that such testing had occurred, the Government has unwittingly supplied the plaintiff with the very worksheets to indicate that such testing did occur, albeit unsuccessfully. As to the printouts from the testing, Gallagher indicated that the data on the printouts was duplicative of that on the worksheets, and hence that the printouts themselves might not have been kept. Gallagher Deposition, at 92, 117. The deposition testimony on the neutron activation analysis conducted on fragments does not indicate that tests were conducted for which materials have not been furnished.

Dealey Plaza Curbstone. Plaintiff claims that he was not supplied with materials relating to testing performed on a curbstone removed in 1964 from near the site of the assassination. Opposition, at 10; Weisberg Affidavit, at 10, 36-42.[6/] According to bystanders at the assassination, there were indications that a bullet or bullet fragment had struck the curbstone during the moments of firing at the Presidential limousine. On July 7, 1964, the Warren Commission requested an examination of the curbstone, and early in August Special Agent Lyndal Shaneyfelt was dispatched to Dallas to retrieve it. The result of his analysis of the "smear" he discovered on the curbstone was that the foreign substances thereon "could be bullet metal." Shaneyfelt Exh. 2. The tests conducted on the curbstone were microscopic and spectrographic only; no neutron activation analysis was conducted. Gallagher Deposition, at 69-70. The decision not to subject

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6/ It might be noted that plaintiff's allegations regarding the curbstone extend far beyond testing materials supposedly not furnished pursuant to his FOIA requests. His submissions include the affidavit of James T. Tague, a witness to the assassination apparently struck by unidentified debris associated, Tague contends, with the mark on the curbstone. Tague Affidavit, at 7. Much of the affidavits of both plaintiff Weisberg and Mr. Tague are directed toward establishing that the mark on the curbstone underwent drastic alteration, from a chip in 1963 to a smear in mid-1964, when the FBI recovered the curbstone. It is not clear from plaintiff's affidavit whether he is asserting that the FBI removed the wrong curbstone, or that the curbstone is the same, with only the mark different. Compare Weisberg Affidavit ¶ 185 with id. ¶ 194. In any case, none of the allegations on these points need be considered in the context of plaintiff's FOIA requests, and the extent of Government compliance therewith.

NW 54999 DocId:32989522 Page 283

the mark to neutron activation analysis explains the disparity between the two elements isolated in the "smear" and the nine isolated from bullet core fragments, and accounts also for the laboratory's reluctance to attribute the mark to a bullet. See Weisberg Affidavit, ¶ 33, at 10; Frazier Deposition, at 48; Shaneyfelt Exh. 2. As to microscopic examination, Frazier testified on deposition that he had scrutinized the curbstone mark under a microscope, and Shaneyfelt indicated that he might have done so in the course of conducting other tests on the mark. Frazier Deposition, at 51; Shaneyfelt Deposition, at 14. Frazier incorporated the results of his microscopic examination of the curbstone into a draft of a letter eventually sent August 12, 1964, by J. Edgar Hoover to Commission counsel Rankin. The spectrographic examination of the curbstone was conducted by Special Agent William R. Heilman, now retired. Memorandum from M. J. Stack, Jr. to Mr. Cochran (June 20, 1975). The spectrographic plate which reflects the single run to which Heilman subjected the curbstone has not been furnished to the plaintiff; Heilman believes it was discarded in the course of one of the laboratory's periodic housecleanings. Id. Shaneyfelt testified to not having seen any other reports on the curbstone besides those shown to him in the course of his deposition. Shaneyfelt Deposition, at 15. Taken together, these aspects of the record indicate uniformly that all available material on testing of the curbstone has been furnished to plaintiff.

## CONCLUSION

The foregoing analysis of the record has disposed of every contention and claim the Court has been able to elicit from plaintiff's various submissions. In many instances, there is direct testimony that a particular test was not performed; in others, testimony as to particular laboratory practices compels the conclusion that the test was not performed. For all its detail, the preceding analysis does not pretend to treat such aspects of plaintiff's argument as the alleged destruction of assassination evidence and falsification of test results. Neither topic is pertinent. The analysis likewise has not dealt extensively with plaintiff's allegations

HW 54999 DocId:32989522 Page 284

and suggestions, sounding of conspiracy, that reports and materials have been stolen or deliberately mislaid, and that Government witnesses have lied under oath; apart from these allegations, there is not an iota of evidence to support either assertion.

A FOIA action demonstrably lacking in genuine issues of material fact is appropriately resolved by summary judgment. See Nolen v. Rumsfeld, 535 F.2d 890, 891 (5th Cir. 1976), cert. denied, 429 U.S. 1104 (1977). This action lacks such issues. Although plaintiff has impugned defendants' affidavits on the ground that they do not specify the files searched in compliance with plaintiff's request, Opposition, at 12, the Government's response to a FOIA request need not be as specific as plaintiff would require, it being sufficient that the affiant has personal knowledge that all files which might contain requested material have been searched. Exxon Corp. v. FTC, 384 F. Supp. 755, 759-61 (D.D.C. 1974), remanded without opinion, 527 F.2d 1386 (D.C. Cir. 1976).

As in Nolen, supra, "[t]he Government has, in candor and good faith before this Court, stated that all the records available have been made available to the plaintiff." 535 F.2d at 891. If plaintiff has any further recourse, it is not under FOIA. See id. Accordingly, defendants' motion for summary judgment must be granted.

An Order consistent with the foregoing has been entered this 4th day of October, 1977.

John H. Pratt
United States District Judge

NW 54999 DocId:32989522 Page 285

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )
)
Plaintiff, )
)
v. ) Civil Action No. 75-226
)
U. S. DEPARTMENT OF JUSTICE )
et al., )
)
Defendants. )

FILED

OCT - 5 1977

JAMES F. DAVEY, Clerk

ORDER

This matter having come before the Court on defendants' motion for summary judgment, and plaintiff's opposition thereto, and it appearing that no genuine issue of material fact exists, Fed. R. Civ. P. 56(c), it is, by the Court this 4th day of October, 1977,

ORDERED, that the plaintiff's motion for leave to file opposition out of time is granted; and it is further

ORDERED, that the defendants' motion for summary judgment be, and hereby is, granted.

J. H. Pratt

John H. Pratt
United States District Judge

NW 54999 DocId:32989522 Page 286

# NAR

# ORIGINALS

Subject JFK Assassination

File # 62-109060-8307 X Bulky

Part II

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): HQ 62-109060-8307X Pulky

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG,<br><br>Plaintiff<br><br>-v-<br><br>UNITED STATES DEPARTMENT OF JUSTICE, et al.,<br><br>Defendants | Civil Action No. 75-226 |

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTIONS TO STRIKE, TO COMPEL ANSWERS TO INTERROGATORIES, FOR PRODUCTION OF DOCUMENTS, AND RESPONSE TO MOTION TO POSTPONE CALENDAR CALL AND STAY ALL FURTHER PROCEEDINGS

On February 19, 1975, plaintiff filed this suit under the Freedom of Information Act, as amended, 5 U.S.C. 552, seeking disclosure of the spectrographic analyses and other tests made by the F.B.I. for the Warren Commission in connection with the investigation into the assassination of President John F. Kennedy, as well as any tests made by the Atomic Energy Commission in connection with said investigation.

On March 14, 1975, plaintiff and his attorney met with representatives of the F.B.I. for the purpose of specifically identifying the scope of plaintiff's request.*/ Defendants attach

*/ Plaintiff's attorney was advised by correspondence prior to filing of this action that the Atomic Energy Commission (now Energy Research and Development Administration) provided technical assistance to the F.B.I. at AEC's Oak Ridge National Laboratory (now Holifield National Laboratory) in performing paraffin casts taken from Lee Harvey Oswald and neutron activation analyses of bullet fragments. Plaintiff's attorney was further advised that neither AEC nor its laboratory at Oak Ridge prepared any report on the results of these analyses, and was referred to the F.B.I. for any further information. (plaintiff's Exhibit E to the complaint; attachment to plaintiff interrogatories to ERDA).

MW 54999 DocId:32989522 Page 289

hereto the affidavit of Special F.B.I. Agent John W. Kilty, assigned to the F.B.I.'s laboratory in a supervisory capacity, who was present at that meeting. (Government Ex. 1) As established by Special Agent Kilty's affidavit, Mr. Weisberg requested certain specific categories of information which were subsequently given to him on March 31, 1975. Thereafter, when plaintiff's attorney advised the F.B.I.'s Freedom of Information Act unit that plaintiff had also intended his request to include certain other data, the F.B.I. also provided this information to plaintiff on April 15, 1975. Mr. Kilty's affidavit, sworn on May 13, 1975, concludes that F.B.I. files do not to the best of his knowledge contain other information responsive to plaintiff's request.

Defendants also attach hereto the affidavit of Bertram H. Schur, Associate General Counsel of the United States Energy Research and Development Administration (ERDA), formerly the AEC, which establishes that the AEC did provide technical assistance to the F.B.I. at AEC's Oak Ridge National Laboratory (now Holifield National Laboratory) in performing analyses of paraffin casts taken from Lee Harvey Oswald and neutron activation analyses of bullet fragments, that neither AEC nor its laboratory prepared any report on the results of these analyses, and that no other tests were performed by or for the AEC on behalf of the Warren Commission (Government Exhibit 2).

At calendar call held in this matter on May 21, 1975, counsel for defendants provided plaintiff with a copy of Special F.B.I. Agent Kilty's affidavit and indicated an expectation that an affidavit indicating ERDA's compliance with plaintiff's request would be forthcoming shortly, and that these affidavits would be used to support a brief motion to dismiss on grounds of mootness since all information requested of which defendants are aware would have been provided to plaintiff. At that time, plaintiff



NW 54999 DocId:32989522 Page 290

counsel indicated dissatisfaction with the Kilty affidavit and contested the fact that all information had been provided. The Court also suggested that a reasonable way to proceed would be for plaintiff to specify what documents he contended had not been given and to thereby resolve the matter amicably.

Subsequent to the calendar call, counsel for defendants was served with plaintiff's motion to strike the Kilty affidavit on grounds, inter alia, of bad faith, and other discovery-related motions calculated to probe behind defendants' assertions of good faith compliance with plaintiff's Freedom of Information Act request. Plaintiff alleges in his motion to strike and attached affidavit that the Kilty affidavit is deliberately deceptive, not based upon personal knowledge, and should have been made by Special Agent Robert A. Frazier who plaintiff believes is still an active agent with the F.B.I. Laboratory. Defendants respectfully inform counsel and the Court, however, that Special Agent Robert A. Frazier retired from the F.B.I. on April 11, 1975 after thirty-three years, ten months and three days service, and that supervisory Special Agent Kilty is the most knowledgeable active service Special Agent to give this testimony on behalf of the F.B.I.

In the motion to strike (pp. 2-3), plaintiff also alleges the existence of certain documents which he claims have not been provided by the F.B.I. In a sense, plaintiff could make such claims ad infinitum since he is perhaps more familiar with events surrounding the investigation of President Kennedy's assassination than anyone now employed by the F.B.I. However, in a final attempt to comply in good faith with plaintiff's request, a still



NW 54999 DocId:32989522 Page 291

further search is being made by the F.B.I.'s FOIA Unit and Laboratory as a result of plaintiff's latest claims to determine whether any such items exist, and to provide them or indicate their whereabouts. Accordingly, defendants have delayed filing their motion to dismiss on grounds of mootness until an official response can be made to plaintiff's latest claims of non-compliance. Defendants are endeavoring to complete this additional search and provide an official response by way of supplemental affidavit within a matter of a few days of the filing of this opposition, and expect to expeditiously make their motion to dismiss this action on mootness grounds. */

In view of the foregoing, defendants respectfully request the Court to deny plaintiff's motions to strike the affidavit of John W. Kilty, to compel answers to interrogatories, and for production of documents.

EARL J. SILBERT
United States Attorney

ELLEN LEE PARK
Assistant United States Attorney

MICHAEL J. RYAN
Assistant United States Attorney

*/ By way of perspective, counsel for defendants has been informed that the F.B.I.'s FOIA Unit received 1789 requests for production of documents during the month of April, 1975, or an average of 113.4 per work day; 1198 FOIA requests during the month of May, 1975; 165 requests by 2:00 p.m. on the day of June 17, 1975.

NW 54999 DocId:32989522 Page 292

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Defendants' Opposition to Plaintiff's Motions to Strike, etc., and attachments and proposed Order has been made upon plaintiff by hand-delivering a copy thereof to James Miram Lesar, Esquire, 1321 Fourth Street, S.W., Washington, D. C. 20024, on this 18th day of June, 1975.

MICHAEL J. RYAN
Assistant United States Attorney
United States Courthouse
Room 3421
Washington, D. C. 20001

Telephone: 426-7375

NW 54999 DocId:32989522 Page 293

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

AFFIDAVIT

I, John W. Kilty being duly sworn, depose as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the Laboratory Division of the FBI, Washington, D. C., in a supervisory capacity.

2. I have personal knowledge that Harold Weisberg directed a Freedom of Information Act request to the FBI for documents relating to spectrographic and neutron activation analysis examinations conducted in the John F. Kennedy assassination case.

3. On March 14, 1975, I was present at a meeting with Mr. Weisberg, his attorney, Mr. James H. Lesar, and two other representatives of the FBI, SAs Robert A. Frazier and Thomas H. Bresson. The purpose of this meeting was to identify specifically the scope of Mr. Weisberg's request since he had been advised that all final reports with regard to the requested data had been furnished to the Warren Commission and are available to the public.

4. At this meeting Mr. Weisberg requested the following:

a. Specific spectrographic and neutron activation material which consists of tables and pages with results of readings, representing examinations of metal fragments from the bodies of President Kennedy and Governor Connally.

b. Spectrographic analysis from the areas on the clothing of President Kennedy and Governor Connally where the bullets may have passed.

Government EX. 1
C.A. 75-226

NW 54999 DocId:32989522 Page 294

c. Available material relating to examination of the windshield of the President's automobile and examinations regarding metal fragments from the President's automobile.

d. Laboratory examination data which may be available regarding testing done on a curbstone near the crime scene.

5. All available data relating to the above consists of 22 pages also furnished to Mr. Lesar by SA Bresson on March 31, 1975.

6. I have personal knowledge that Mr. Lesar thereafter advised the FBI's Freedom of Information Unit that Mr. Weisberg had intended his request as defined at the meeting of March 14, 1975, to include certain data which was shown to him at the close of that meeting. This material, consisting of 54 pages of data and results of neutron activation examinations conducted on certain metal fragments from the body of President Kennedy, the stretcher, and the President's automobile, is referred to in a letter from Director Clarence M. Kelley to Mr. Lesar dated April 10, 1975, and attached hereto. All this material was furnished to Mr. Weisberg by letter from Director Kelley to Mr. Lesar dated April 15, 1975, a copy of which is also attached.

7. With regard to the interrogatories submitted by Mr. Weisberg, the affiant states that the FBI Laboratory employed methods of elemental analysis, namely neutron activation analysis and emission spectroscopy. Neutron activation analysis and emission spectroscopy 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.

8. I have conducted a review of FBI files which would contain information that Mr. Weisberg has requested under the Freedom of Information Act. I have had compiled the materials

NW 54999 DocId:32989522 Page 295

which have been furnished to Mr. Weisberg through his attorney, Mr. Lesar. The FBI files to the best of my knowledge do not include any information requested by Mr. Weisberg other than the information made available to him.

Enclosures - 2

John W. Kilty

John W. Kilty
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Before me this 13th day of May, 1975, affiant John W Kilty, has appeared and signed this affidavit first having sworn that the statements therein are true.

Margaret F. Devine

Notary Public - District of Columbia

My commission expires 12/14/78.

NW 54999 DocId:32989522 Page 296

April 10, 1975

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in regard to Mr. Harold Weisberg's request under the Freedom of Information Act (FOIA) for laboratory data concerning the John F. Kennedy assassination investigation.

In accordance with your request expressed in a telephone conversation with Special Agent Thomas H. Bresson on April 3, 1975, for additional data regarding neutron activation testing, I wish to advise we have compiled 54 pages of irradiation data and calculations used in neutron activation analyses of the following:

| Commission Exhibit Number | Laboratory Number | Description |
|---|---|---|
| CE 399 | Q1 | Bullet from Stretcher |
| CE 567 | Q2 | Bullet fragment from front seat cushion |
| CE 843 | Q4, Q3 | Metal fragments from President's head |
| CE 842 | Q9 | Metal fragment from arm of Governor John Connolly |
| CE 840 | Q14 | Three metal fragments recovered from rear floor board carpet |

NW 54999 DocId:32989522 Page 297

James H. Lesar, Esq.

These documents will be furnished to Mr. Weisberg at the copying fee of $5.40 which we are authorized to charge in connection with the release of documents under the FOIA.

With regard to Mr. Weisberg's request for the FBI copy of the J. Edgar Hoover memorandum to Mr. J. Lee Rankin dated August 12, 1964, which pertained to the curbstone examination, I wish to advise the original of this document was furnished to the Warren Commission. A representative of the National Archives has confirmed it is published with its enclosures in the Warren Commission Reports as Shaneyfelt Exhibits numbered 26, 27, 28 and 34. In view of its publication and availability for public inspection, I am declining to release the FBI copy of this document which differs from the original only with regard to internal, administrative markings which appear on the FBI copy.

It is considered that the offer of release of the 54 pages of the above-described data, together with that already furnished to Mr. Weisberg, responds fully to his FOIA request for spectrographic and neutron of November 27, 1974, and subsequent discussion with FBI representatives on March 14, 1975.

You may wish to contact Special Agent Thomas H. Bresson of the FBI FOIA Unit at telephone number 324-2461, to arrange for delivery of these documents.

Sincerely yours,

Clarence M. Kelley
Director

NW 54999 DocId:32989522 Page 298

April 15, 1975

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in reference to my letter to you of April 10, 1975, and your telephone conversation with Special Agent Thomas H. Bresson on April 14, 1975.

Enclosed with this letter, please find 54 pages of the laboratory data described in my letter of April 10, 1975. We have attempted to obtain the best possible copies of this material, but in the event you have any question concerning the quality of the documents, please feel free to communicate with me. The copying fee for this material is $5.40, as indicated in my referenced letter to you.

Sincerely yours,
C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NW 54999 DocId:32989522 Page 299

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG,<br>Plaintiff,<br>v.<br>UNITED STATES DEPARTMENT OF JUSTICE, et al.,<br>Defendants. | Civil Action No. 75-0226 |

AFFIDAVIT

BERTRAM H. SCHUR, being first duly sworn, hereby deposes and says:

1. I am Associate General Counsel of the United States Energy Research and Development Administration (ERDA), which on January 19, 1975, pursuant to the Energy Reorganization Act of 1974 (P.L. 93-438) and Executive Order 11834 (January 15, 1975), assumed the functions of the Atomic Energy Commission (AEC) other than licensing and related regulatory functions. Prior to January 19, 1975, and since June 27, 1962, I had been Associate General Counsel of the AEC.

2. I am familiar with Plaintiff's request to the AEC for copies of reports on the results of tests performed by or for the AEC on behalf of the Warren Commission.

3. I have caused to be made searches of the ERDA (AEC) files and inquiries of ERDA (AEC) personnel and ERDA (AEC) contractor personnel who should have been knowledgeable regarding the subject matter of Plaintiff's request.

4. The results of these searches and inquiries were reported to me as follows:

a. The AEC's Oak Ridge National Laboratory (ORNL; now known as the Holifield National Laboratory) did provide technical support to the Federal Bureau of Investigation (FBI) in the performance of neutron activation analyses on the paraffin casts from the right hand, the left hand, and the right cheek of Lee Harvey Oswald and on bullet fragments;

Government Ex. 2
C.A. 75-226

NW 54999 DocId:32989522 Page 300

b. neither AEC nor ORNL prepared any report on the results of these analyses; and

c. no other tests were performed by or for the AEC on behalf of the Warren Commission.

5. ORNL did retain copies of some photographs of the paraffin casts and Xerox copies of some of the raw data obtained by the FBI in the course of the neutron activation analyses, and these are being made available to Plaintiff although they were not understood to be covered by his request.

6. Some analytical work on simulated evidence was done by General Atomic at the John Jay Hopkins Laboratory for Pure and Applied Science in San Diego, California, using a 6.5 mm. Mannlicher-Carcano rifle of exactly the same type as the one involved in the assassination of President Kennedy. This work was funded under an AEC contract, and was done in furtherance of a continuing, independent research program that began in 1962. The work involved no evidence samples from the assassination and was not done on behalf of the Warren Commission. This work was reported in the following two publications:

a. "Use of Neutron Activation Analysis in Scientific Crime Detection" (GA-6152, February 15, 1965).

b. "Applications of Neutron Activation Analysis in Scientific Crime Investigation" (GA-9807, June 30, 1970).

These reports are not understood to be covered by Plaintiff's request. Copies may be purchased from the National Technical Information Service, U. S. Department of Commerce, Springfield, Virginia 22151.

7. I am not aware of any other information that would be responsive to Plaintiff's First Set of Interrogatories to Defendant U. S. Energy Research and Development Administration.

Bertram H. Schur

SUBSCRIBED and SWORN to before me
this 22nd day of May, 1975.

Helen B. Mullican
Notary Public

My commission expires: July 1, 1978

NW 54999 DocId:32989522 Page 301

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants.

Civil Action No. 75-226

O R D E R

Upon consideration of plaintiff's motions to strike the affidavit of John W. Kilty, to compel answers to interrogatories, for production of documents, and defendants' opposition thereto, and the entire record herein, it is by the Court this _____ day of _____, 1975,

ORDERED that plaintiff's said motions be and the same hereby are denied.

UNITED STATES DISTRICT JUDGE

NW 54999 DocId:32989522 Page 302

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

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- [] Subsection 2 (living person who provided confidential information)
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- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): HQ 62-109060-8307X Bulky

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-0226

UNITED STATES DEPARTMENT OF JUSTICE, and

U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,

Defendants

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Under Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to defendant United States Energy Research and Development Administration:

1. List all items of evidence tested by the AEC or at any AEC facility as part of the investigation into the assassination of President Kennedy and give the following information with respect thereto:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons

listed in response to interrogatory 1(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 1(c).

2. List all correspondence with respect to such tests which was exchanged between the AEC and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

3. List all correspondence with respect to such tests which was exchanged between the AEC and the FBI.

4. List all correspondence with respect to such tests which was exchanged between the AEC and any forensic scientist, criminalist, or other scientific expert.

5. Under normal procedures would the AEC keep records of tests performed by the AEC or at an AEC facility? Were records kept by the AEC of all such tests which were conducted as part of the investigation into the assassination of President Kennedy?

6. What statutory provisions or administrative regulations, if any, require or govern the keeping of records of such tests as were performed as part of the investigation into President Kennedy's assassination?

7. Attached hereto is a copy of a February 14, 1975 letter from Mr. Bertram H. Cohn, Associate General Counsel for ERDA, which states:

> The information contained in my October 16, 1974, letter was based primarily on advice we obtained from the former FBI agent who participated in the work described. He now advises that, in addition to the analyses of paraffin casts mentioned in that letter, neutron activation analyses of bullet fragments were performed at the Oak Ridge National Laboratory (now the Holifield National Laboratory).

NW 54999 DocId:32989522 Page 305

(a) Who is the former FBI agent referred to by Mr. Schur?

(b) Was his advice to the AEC or to ERDA stated in writing?

8. What are the normal standards and procedures for conducting neutron activation analysis?

9. Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

10. Under normal circumstances, who decides what is tested?

11. With respect to the assassination of President Kennedy, who decided what was tested?

12. In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

13. In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

14. Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

15. Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

16. Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

17. Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE 840 (Q14)--mentioned in the

April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

13. If the answer to interrogatory number 12 is affirmative, what are the other items of evidence which were subjected to neutron activation testing?

14. If the answer to interrogatory number 12 is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory number Q3?

15. Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR

NW 54999 DocId 32989522 Page 307

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing has been made upon the defendant by personally delivering a copy thereof to its attorney, Assistant United States Attorney Michael J. Ryan, on this 2nd day of May, 1975.

JAMES HIRAM LESAR

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

January 15, 1975

The Honorable Laurence Silberman
Acting Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Silberman:

I am writing on behalf of a client, Mr. Harold Weisberg, of Frederick, Maryland.

For nine years Mr. Weisberg has been trying to obtain the results of certain spectrographic analyses which were made for the Warren Commission as part of the investigation into the assassination of President John F. Kennedy. Mr. Weisberg's original efforts to force the disclosure of these spectrographic analyses culminated in a suit brought under the Freedom of Information Act. Ultimately, after a special en banc hearing at which the United States Court of Appeals for the District of Columbia reversed the decision of the Court of Appeals panel, Mr. Weisberg lost the suit. [See Weisberg v. U.S. Department of Justice, 489 F. 2d 1195 (1973)]

As you know, Congress has since amended the Freedom of Information Act. During the floor debate on May 30, 1974, Senator Philip Hart proposed an amendment to the "investigatory files" exemption which the Department of Justice had invoked to thwart Mr. Weisberg's access to the spectrographic analyses. An exchange between Senator Hart and Senator Edward Kennedy made it clear that this amendment was intended to override the decision of the Court of Appeals in Weisberg. Thus, the enactment of the recently amended Freedom of Information Act constitutes a congressional mandate for the disclosure of the records Mr. Weisberg seeks.

On December 6, 1974, Mr. Weisberg wrote a letter to the Deputy Attorney General requesting the disclosure of certain spectrographic and neutron activation and other tests performed in connnection with the Warren Commission's investigation. The Deputy Attorney General referred this letter to Mr. Clarence Kelley, the Director of the Federal Bureau of Investigation. I am enclosing a copy of Mr. Kelley's December 19, 1974 reply to Mr. Weisberg. I call your attention to its concluding sentence, which states: "In the meantime, we are attempting to identify and locate the documents in which you have expressed an interest, and will communicate with you concerning this in the near future."

In response to this, I wish to point out that an FBI Agent has stated under oath that he "examined" the spectrographic records. In

view of this, it is evident that there is no problem at all in either identifying or locating these records, and any alleged problem is obviously only a pretext for evading and stalling legal action by Mr. Weisberg. This conclusion is further supported by the fact that there has been no further communication from Mr. Kelley, despite his assurances that there would be.

Under these circumstances, I have advised Mr. Weisberg that he has no alternative but to treat Mr. Kelley's letter as a denial of his request for these records. In turn, Mr. Weisberg has asked me to appeal that denial for him. This letter constitutes Mr. Weisberg's appeal from Mr. Kelley's denial of his request for disclosure of the records specified in his December 6, 1974 letter to the Deputy Attorney General.

I believe that you should be aware that Mr. Weisberg has made very serious charges about the reason why the Department of Justice has gone to extraordinary lengths to keep these records from being made public. In connection with his previous suit, Mr. Weisberg executed an affidavit stating:

> From evidence in my possession I believe that the release of the results of the spectrographic analyses would reveal that the FBI deceived the Warren Commission members as to what these analyses do in fact show. Contrary to the assertions contained in the Williams affidavit, I believe the real reason the Department of Justice continues to withhold these analyses is that they would prove that the FBI engaged in deception of Warren Commission members and the American public.

Congress has now mandated the discloure of these records. If, after that mandate, the Department of Justice still continues to suppress them, then there is no alternative to the conclusions stated by Mr. Weisberg in his affidavit. In light of this, I would hope that the Department will make these documents promptly available, without puting Mr. Weisberg to the expense of yet another lawsuit.

Finally, I wish to remind you that Mr. Weisberg has also requested the disclosure of of two items of court evidence in the Watergate case. Mr. Weisberg appealed the Special Prosecutor's denial of these requests more than a year ago. To date he has re-

ceived no acknowledgement of his appeal. I am renewing Mr. Weisberg appeal of the Special Prosecutor's denial and requesting that you either affirm or reverse that denial immediately. If I do not hear from you within ten days, I will treat your silence as a denial of Mr. Weisberg's appeal and proceed to file suit for these documents.

Sincerely yours,

Jim Lesar

EHL:AS:SMG:rmd

cc: Files
Miss Gradoville
Mr. Farrington-FBI-FOI-
Mrs. Hauser-DAG Unit
Mr. Saloschin
Mr. Kreindler-Counsel to the Special Prosecutor
Mr. Bresson-FBI FOI Unit
Retrieval

FEB 25 1975

James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D.C. 20024

Dear Mr. Lesar:

This letter responds to your January 15, 1975 letter in which you appeal in behalf of Mr. Weisberg what you view as the denial of access under the Freedom of Information Act to FBI spectrographic and neutron activation and other tests performed by the Bureau in connection with the Warren Commission's investigation of President Kennedy's assassination. You also seek to renew an appeal of Mr. Weisberg from the Special Prosecutor's July 15, 1973 denial of access to items of court evidence in the Watergate case.

You have apparently misunderstood Director Kelley's December 19, 1974 reply to Mr. Weisberg's November 27, 1974 request. That request expressly asked for processing under the 1974 Amendments to the Freedom of Information Act, which were not effective until February 19, 1975. The Department issued regulations for their implementation only last week, which regulations were likewise effective February 19; and general Departmental guidance concerning interpretation and application of the Amendments has just been distributed.

Under these circumstances, Director Kelley felt constrained to defer final disposition of Mr. Weisberg's request, though the Bureau has proceeded with the task of identifying the requested materials. Some, which are clearly responsive, are contained in the National Archives and will be made available. There is, also, however, a great bulk of material which does not reasonably come within Mr. Weisberg's specification of 'final reports'.

NW 54999 DocId:32989522 Page 313

The Bureau is willing to discuss with Mr. Weisberg the nature of these materials to ascertain whether he is interested in having access to them. I urge you to pursue these matters directly with the Bureau--which will in any event act upon this matter within the time limits (computed from February 19) established by the new Amendments.

With regard to your desire to "renew" an appeal from the Special Prosecutor's denial of July 25, 1973: We have no record of any earlier appeal, and I must inform you that the thirty-day time limit set forth in 28 CFR § 16.7(a) precludes my entertaining an appeal at this time. No special circumstances have come to my attention which would explain or excuse the 1 1/2 year delay. I have nevertheless examined the merits of the matter and I am satisfied that the Special Prosecutor's denial was proper on the basis of Exemption (3) of the Freedom of Information Act. The material which Mr. Weisberg sought (the "released pages of the transcript of the grand-jury testimony of E. Howard Hunt") is not within the power of the Department of Justice to disclose by reason of Rule 6(e) of the Federal Rules of Criminal Procedure.

I may add that in the future, under the revised regulations for the Department which became effective February 19, 1975, I will not review on appeal the decisions of the Special Prosecutor under the Freedom of Information Act. Having received a denial of your request from him, you have exhausted your administrative remedies and are free to challenge his decision in the courts.

Sincerely,

Edward H. Levi

Edward H. Levi
Attorney General



NW 54999 DocId:32989522 Page 314

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

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- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[X] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

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1 - Mr. White
1 - Office, 7133
1 - Mr. Cunningham
January 24, 1975
(1) - Mr. Kilty
1 - Mr. Mintz
Attn: Mr. Bresson

Mr. White

Mr. M. E. Williams

FREEDOM OF INFORMATION ACT (FOIA) REQUEST
OF HAROLD WEISBERG

Reference is made to Legal Counsel to J. B. Adams' memorandum of December 17, 1974, wherein it was recommended that the Laboratory Division review Weisberg's request for information concerning the assassination of President Kennedy and identify pertinent material available which may satisfy his request.

Weisberg indicates in his letter that he is interested in "the report itself" or "the complete report only"; however, since these are available to him at National Archives, his request must extend beyond these documents.

The material available in this case falls into three categories. 1. All of the background information and data accumulated during the actual examinations of the evidence specimens. 2. The compositional analyses arrived at from calculations of the raw data. 3. The final reports.

Spectrographic analyses were conducted on bullets and/or fragments therefrom, lead fragments and several items of clothing. Examinations by neutron activation were conducted on the above-mentioned bullet and lead materials and on paraffin casts taken from the hands of Oswald. The results of all these examinations, with the exception of the neutron activation studies of the bullet and lead materials, have been included in the FBI Laboratory reports. The results of the neutron activation examinations of the bullet and lead materials are contained in a letter to J. Lee Rankin, General Counsel, The President's Commission, dated July 8, 1964. This letter and the FBI Laboratory reports are available in the National Archives.

The Laboratory has on hand spectrographic plates and neutron activation analysis data which were used to calculate answers and make judgments regarding the compositions of the materials examined. As with most scientific data, interpretations of these plates and neutron activation analyses data will not stand alone but must be accompanied by technical

JWK/rrk (6)

(CONTINUED - OVER)

NW 54999 DocId:32989522 Page 316

information which explains the parameters involved. Some of this explanatory information could be obtained by an inquirer from outside experts in emission spectroscopy and neutron activation analysis, but in the absence of detailed procedural data, the raw information is not subject to interpretation by non-technical individuals.

Notes were made at the time the examinations were conducted which contain the actual analyses including percentage of some elements present, relative concentrations of other elements and absence of detectable concentrations of elements. Some of these notes are physically in the Laboratory and others are assumed to be interspersed in the case file. The search for this material will be extensive and time-consuming. It is estimated that approximately 50 pages of technical notes may be involved. The costs of reproduction will vary according to the physical dimensions and nature of the material to be furnished.

If we are requested to produce copies of the actual spectrographic plates and neutron activation data, costs will be substantial because of the various formats involved. In the case of the spectrographic plates, the Special Photographic Unit of the Laboratory is investigating the possibility of accurately reproducing the plates so that the recorded information can accurately be assessed from the "duplication." Estimates of the costs involved in such reproduction; if they can be made, are not presently available. In the case of the neutron activation data, the total reproduction of this material will involve the equivalent of approximately 1,000 pages. Much more clerical time than that normally required to reproduce 1,000 pages will be involved due to the nature and size of the pages to be copied. It is not unreasonable to assume that the time involved would be approximately ten times greater than the time needed to reproduce 1,000 normal pages.

Accordingly, it will be necessary to evaluate each request in terms of the material to be furnished, and the overall costs will depend on what materials are to be reproduced in response to a specific request.

ACTION: None. For information only.



HW 54999 DocId:32989522 Page 2

Mr. J. B. Adams 12-17-74

Legal Counsel

FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF HAROLD WEISBERG

Attached is a proposed letter to captioned individual. Incoming correspondence was addressed to the Deputy Attorney General dated 11-27-74, and was received by the FOIA Unit on 12-6-74.

It will be recalled Weisberg's initial lawsuit, referred to in his letter, concerned spectrographic analyses made by the FBI for the Warren Commission in connection with the Kennedy assassination. This suit culminated in an appeal to the Supreme Court, which on 5-13-74 denied certiorari, leaving the District of Columbia Circuit Court decision which upheld our withholding the documents under the exemption provisions of Section (b)(7), FOIA ( investigatory files).

Weisberg now reinstitutes his request under the amended FOIA which limits the former investigatory files exemption to certain enumerated categories and types of information, none of which initially appear applicable to the material Weisberg requests. He additionally requests results of neutron activation testing, but specifies he is interested only in final reports, not raw materials or Laboratory work.

RECOMMENDATIONS:

1. That the Laboratory Division review the request of Weisberg for the purpose of identifying reports and material requested, and furnish the FOIA Unit with observations regarding the volume of material requested and any unusual cost factors regarding release of the information.

Enclosure
1 - Mr. Adams - Enclosures (2)
1 - Mr. White - Enclosures (2)
Atten: Mr. Frazier
1 - Mr. Mintz

TJB:lav (5)

RECOMMENDATIONS CONTINUED ON PAGE TWO

NW 54999 DocId:32989522 Page 318

RECOMMENDATIONS:

2. That the FOIA Unit review the material identified by the Laboratory Division as being within the scope of Weisberg's request to determine the applicable provisions of the FOIA.

3. That the attached letter be sent to Mr. Weisberg.



NW 54999 DocId:32989522 Page 319

December 19, 1974

1 - Mr. Adams
1 - Mr. White
Atten: Mr. Frazier
1 - Mr. Mintz

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is to acknowledge your letter addressed to the Deputy Attorney General, Department of Justice, which was referred to this Bureau and received on December 6th.

For your information, we are presently awaiting guidelines and instructions from the Department of Justice regarding the implementation of the recently amended Freedom of Information Act, which becomes effective February 19, 1975. In the meantime, we are attempting to identify and locate the documents in which you have expressed an interest, and will communicate with you concerning this in the near future.

Sincerely yours,

Clarence M. Kelley
Director

1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: See Legal Counsel to Mr. J. B. Adams memorandum dated 12-17-74, captioned, "Freedom of Information Act (FOIA) Request of Harold Weisberg."

THB:law (3)

NW 54999 DocId:32989522 Page 320

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

The Deputy Attorney General

June 30, 1970

Director, FBI

HAROLD WEISBERG: REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Reference is made to your memorandum dated June 22, 1970, forwarding a letter from Mr. Weisberg for comment.

The following comments are in the order of the subject matter set forth in Mr. Weisberg's letter:

(1) Exhibit 60 (Pictures of President Kennedy's Clothing): Weisberg requested a photographic print of a composite picture showing President Kennedy's clothing. Exhibit 60 is a composite of several photographs showing various articles of the President's clothing. There is no single negative of this composite picture; however, there are attached prints made from the photographic negatives from which the composite picture of Exhibit 60 was prepared.

Mr. Weisberg refers to an identification symbol "CD 107" in referring to FBI Exhibit 60. CD 107 is the designation for the Warren Commission Document number 107. This document is a supplemental report furnished the Warren Commission which contains Exhibit 60.

The check in the amount of $1.25 attached to Mr. Weisberg's letter is being returned herewith for appropriate disposition.

RHJ:mjk (11)

(SEE NOTE PAGE 4)

The Deputy Attorney General

(2) Spectrographic Analyses: In referring to the testimony regarding the spectrographic analyses of certain bullet evidence involved in the assassination, Weisberg advises that the testimony was simply that all specimens were of lead, no more. This statement is not true since the testimony as set out in Volume 5, Page 74, Line 1 of the Warren Commission Report states specifically that the various items "were found to be similar in metallic composition." This statement encompasses trace amounts of other metals besides lead which are invariably present in bullet lead.

(3) Documentation Relating to David William Ferrie: Mr. Weisberg in his letter of June 19, 1970, argues in the last paragraph on Page one and the first two paragraphs on Page two with the reply you furnished him on June 12, 1970, dealing with his request for the Ferrie material.

Our observations and comments previously furnished to you regarding the Ferrie material remain unchanged; that is, the final decision as to the public disclosure of the material concerning Ferrie rests with the Department of Justice, but this Bureau has no objection to public disclosure of this material.

Mr. Weisberg argues that "all the records of the Warren Commission are not in the National Archives." This Bureau has no information that any of the Ferrie material which we furnished to the Warren Commission was not turned over by that Commission to the National Archives. It is noted that the last sentence of the Forward to the published Report of the Commission reads: "The Commission is committing all of its



NW 54999 DocId:32989522 Page 322

reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable Federal law." So far as is known by this Bureau, this was done by the Commission before it went out of existence.

Mr. Weisberg's argument in the second full paragraph of his letter draws a distinction between "documents" and "information." He does not describe what he means by "information" and the distinction he draws does not appear to make sense. Mr. Weisberg's reference to Carlos Marcello is also not clear, although the New Orleans attorney for Marcello, Mr. G. Wray Gill, advised this Bureau on November 27, 1963, that Ferrie had done some investigative work in the Marcello case. This was reported in Dallas report of Special Agent Warren C. De Brueys dated December 2, 1963, which was furnished to the Warren Commission.

(4) Concerning Receipt of Material Obtained at the Autopsy: Weisberg comments concerning Exhibit 843 containing two objects and possibly a third. He also makes comments regarding receipt of this Exhibit. Weisberg was previously advised by you that Commission Exhibit 843 consists of two lead fragments removed from President Kennedy's head at the time of the autopsy. These are the only fragments removed from President Kennedy's body and turned over to the FBI. They were described as a "missile" in the receipt furnished Navy authorities by Special Agents Francis X. O'Neill and James W. Sibert.



NW 54999 DocId:32989522 Page 323

The Deputy Attorney General

(5) Autopsy Photographs: Weisberg was previously advised by you that the FBI has never had possession or custody of the autopsy photographs. It is difficult to determine from Mr. Weisberg's letter what he had in mind regarding this matter. However, this Bureau has never had in its possession any negatives, prints, or copies of photographs taken at the time of the autopsy.

The letter of Mr. Weisberg forwarded with your memorandum is being returned herewith.

Enclosures (7)

NOTE:

We have had previous correspondence with the Department regarding Mr. Weisberg and his requests for information under the Freedom of Information Act. Weisberg is a prolific and notorious critic of the Warren Commission, the FBI, et cetera. His criticisms have included slanting of the truth and outright lies.

Relative to the autopsy photographs mentioned in Item 5, the Laboratory has never had in its possession or custody any of these photographs or any prints, negatives or other such material relating to the autopsy. The Domestic Intelligence and the General Investigative Divisions also advise that they have never had custody of such material.

The material set out above concerning Ferrie was compiled by the Domestic Intelligence Division.



NW 54999 DocId:32989522 Page 324

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

Mr. Gallagher 7417

TO : The Deputy Attorney General

DATE: May 28, 1970

FROM : Director, FBI

SUBJECT: HAROLD WEISBERG: REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Reference is made to your memorandum dated May 19, 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 "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas," which set out information concerning Harold Weisberg from the files of this Bureau. This included the fact that Weisberg was one of ten employees fired summarily by the State Department in 1947 because of suspicion of being a communist or having communist sympathies. Later Weisberg was allowed to resign 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 Dallas, Texas, 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 Mr. Weisberg's letters, copies of which were forwarded with your memorandum:

(1) Spectrographic Analyses: Weisberg has requested details of the spectrographic analyses conducted on certain bullet evidence involved in the assassination.

The Deputy Attorney General

Reference is made to the matter entitled "John Nichols Versus United States of America, et al., U. S. D. C. D. Kan., Civil No. T-4536" and to my memorandum to Mr. William D. Ruckelshaus 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 thousands 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.



NW 54999 DocId:32989522 Page 326

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 Ferrie: Mr. Weisberg described the records he requests as documents relating to the late David William Ferrie of New Orleans:

(a) withheld from the Warren Commission and/or

Comment: No documents relating to David William Ferrie 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 Ferrie 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, 1968, 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



NW 54999 DocId:32989522 Page 327

Warren Commission Records." Both of these letters concerned 55 pages of Warren Commission Document No. 75 which dealt with allegations and investigation regarding Ferrie. Copies of the 55 pages in question were enclosed with the letter of February 24, 1967. These are pages 212-221, 225-228, 281-304, 307-311, 313-316, 318-338, and 341-343, all inclusive. In the letter dated May 15, 1968, I stated that the final decision as to the public disclosure of the material concerning Ferrie rests with the Department of Justice. I also advised that this Bureau has no objection to public disclosure of the data concerning Ferrie.

These pages were originally excluded from public disclosure under guidelines approved by Mr. McGeorge Bundy, Special Assistant to the President. The specific guideline applicable is identified as 8(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 assassination of the President." Our position as to this information concerning Ferrie has not changed since the May 15, 1968, letter.

(3) Exhibit 30 (Pictures of President Kennedy's Shirt and Tie): Weisberg requested a photographic copy of a portion of Exhibit 30 showing the tabs of the President's shirt. Apparently Archives has furnished a copy of this Exhibit,



NW 54999 DocId:32989522 Page 328

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 Archives 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 "shirt tabs" is attached in the event the Department wishes to set this precedent.

(4) Concerning Receipt of Material Obtained at Autopsy: Weisberg requested a photograph and all records relating to the material removed by Commander James Humes, M.C., U.S.N., at the time of the autopsy and receipted 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 843. A photograph of this Exhibit was furnished the Commission and was published in "Hearings Before the President's Commission on the Assassination of President Kennedy," Volume 17, Page 841. Other



NW 54999 DocId:32989522 Page 329

information regarding this Exhibit appears elsewhere in the Commission's Hearings.

(5) Autopsy Photographs: The FBI has never had possession or custody of the autopsy photographs requested by Mr. Weisberg

Enclosure

NOTE:

As is stated in the letter to the Deputy Attorney General and as we have pointed out in previous communications to officials of the Department of Justice, Weisberg is a prolific and notorious critic of the Warren Commission, the FBI, etc. His criticisms have included slanting of the truth and outright lies.

So far as the Ferrie material is concerned, Ferrie died in February, 1967. The 55 pages of information about him which were withheld from public disclosure contained allegations, hearsay, and rumor indicating he may have been a homosexual. This information was withheld in 1965, two years before Ferrie's death. The previous communications to Department officials which were written following Ferrie's death took the position that we had no objection to the release of this information to the public; however, the final decision in this regard was a decision to be made by the Department of Justice.

Regarding the photograph mentioned in Item 3 above informal discussions with Mr. Carl Eardley, Deputy Assistant Attorney General, show the Department feels that it would be difficult, if not impossible, to sustain in court a refusal to furnish copies of material the subject matter of which is already available to the public.



NW 54999 DocId:32989522 Page 330

The receipt referred to in Item 4 above was made out for a missile. The "missile" consisted of two small fragments of lead recovered from the head of President Kennedy.

Relative to the autopsy photographs mentioned in Item 5, the Laboratory has never had in its possession or custody any of these photographs. This material has also been co-ordinated with the Domestic Intelligence and General Investigative Divisions. Both Divisions advise that they have never had custody of the autopsy photographs.

Material set out above concerning Ferrie and background on Weisberg compiled and furnished by Domestic Intelligence Division.



NW 54999 DocId:32989522 Page 331

Form DJ-150
(12-9-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Mr. J. Edgar Hoover
Director, F.B.I.

DATE: May

FROM : Richard G. Kleindienst
Deputy Attorney General

SUBJECT: Harold Weisberg: Requests for Information under Freedom of Information Act

Attached hereto are two letters dated May 15, 1970 from Mr. Harold Weisberg in which he explains his requests for certain information relating to the assassination of former President Kennedy. Also attached are five Forms DJ-118 which specifically identify the materials he is seeking in each case.

Would you please have these requests reviewed and advise me with respect to their disposition.

NW 54999 DocId:32989522 Page 332

Lillian & Harold Weisberg
Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
Code 301 / 473-8186

5/13/70

Mr. Richard Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

Your Department has engaged in a systematic effort to vitiate the clear intent of Congress and the law on "Freedom of Information" to the point that inquiries properly made are ignored. Seeking of you what is my right and your obligation to respond to has been converted into an activity. Even so simple a request for forms you require for citizens to use the law is blatantly ignored. Moreover, when I asked for copies of your instructions two days ago at two different offices of your Department, not only was I not given any, but in the proper office they even declined to take my name and address so that I could mail these instructions to me. I have, in the past, addressed a number of requests to the Attorney General. He has, on not one occasion, made response. I have asked of your office that when my requests were rejected, as I anticipated they would be, the record indicating this is automatic when not ignored, it be in the name of the Attorney General so that the organized mechanism for delaying me would not be put into play again. In every case, this has not been done. I have three times addressed appeals from decisions to the Attorney General only to have them also ignored. I regard this record as one in which your Department has effectively surrendered any rights to insist upon compliance with those rules you employ only to frustrate my proper requests and, in the event it becomes necessary, am prepared to test this in court.

I would prefer that this not become necessary, that you discontinue your ways, that lacking response, eliminate the deception and falsehood from them-in short, recognize that Congress passes laws and Presidents sign them so that they will be obeyed, most of all by that Department in whose care the sanctity and integrity of the law is vested. Or, the Department from which we have been hearing so much about what it calls "law and order". Like charity, I suggest that should begin at home.

Herewith I enclose three completed DJ-118 forms. In each of these three cases my most recent requests have been made some time ago. In not one of them has there been response.

Two of them are conspicuously flagrant, and I single them out for emphasis. My first request for the spectrographic analysis of the bullet, fragments of bullet and objects said to have been struck by either the President was assassinated and Governor Connally injured is dated in May 1969. There has never been response to it or its subsequent repetition. I addressed a request for this same public, non-secret information to the Attorney General 40 days ago. My first request of your Department for these documents [illegible] late William Ferrie of New Orleans was made under the previous administration. My most recent, still unanswered, was addressed to your office [illegible]

ENCLOSU[illegible]

NW 54999 DocId:32989522 Page 333

Because the record does not encourage belief you will provide what I seek without recourse to the courts, I feel it would be unfair of me to disclose anything I seek. But because I want voluntary compliance with the law and because despite your best contrary efforts, I do not want to give this result in embarrassment for you or the government, I do suggest so many items.

With regard to the spectrographic analysis, if you are not aware of it, not then having been in your present position, I think you should know that if it does not agree in the most minute detail with the interpretation put upon it by the Warren Commission, their Report is a fiction. It was, in ways I do not explain, "considered by" that Commission. These words are from the executive order of the Attorney General of October 31, 1966. Moreover, it was, to all practicable purposes, made public and published in different form, repeatedly, by the Commission. Most recently, this was done by former Dallas Chief of Police Jesse Curry, in a book bearing his name. When I asked for it at the National Archives, in person, the day this executive order was reported in the press, in my presence a representative of your Department told the National Archives it had been transferred there pursuant to this order. When we checked the files cited, we found it was but a paraphrase. To the best of my knowledge, there has been no response to the report made to him that this was not the analysis itself. This analysis involves no secret processes, no informants whose identities need be hidden, no defamations of the innocent, and does not in any way fall under the right to withhold embodied in any of the guidlines for withholding.

Your Department, through Mr. Vinson, told me the various documents relating to David Ferrie were being reviewed with the intent of seeing whether they would be made available. I never heard further from him. The National Archives told me it had no knowledge of any such review. Obviously, it is impossible for me to provide you with an identification of each and every such suppressed document, but to the degree I can, it is already in your files. In fairness to you, for I do not seek scandal but I do seek information I believe is properly mine, I want you to know that I have some of what is said to be withheld and it cannot possibly be withheld properly. As I have already explained, what might tend to reflect upon the innocent has already been made public, rather extentively, by the men involved and by their attorney, in a book and its serialization. Ferrie himself is dead, was unmarried, and his sexual tastes are public knowledge in a variety of ways, including but not limited to public reporting of criminal charges against him for them and in his contesting of these charges and his subsequent loss of employment because of them.

With regard to the photograph identified as FBI Exhibit 60, requested in my letter of April 22, 1970, addressed to the Attorney General, I provide this information and request:

This is a picture of President Kennedy's shirt. The shirt itself is withheld from examination and study and any taking of pictures of it is prevented on the seemingly proper ground that neither the government nor his estate want any undignified or sensational use of it. I have explored this thoroughly with the National Archives and the representative of the estate, verbally and in extensive correspondence. However, there is no use to which the available pictures can be put that is of any other nature, for they show nothing but his blood. This is not what I want to study or, perhaps, to show (my chief purpose is study).

FBI Exhibit 80 is available at the National Archives as it has been published by the Warren Commission and by others. However, someone in your Department has gone to some trouble to see to it that the photograph at the National Archives is entirely useless for any serious study or to see that it can be used only for no other than unjustified or sensational purposes. Instead of a photographic print there is a photograph of the printed page. Now FBI Exhibit 80 is not lithographic but is photographic in nature. With the screen built-in for printing, any enlargement is effectively precluded. My interest is the only non-sensational one. It is restricted to that tabs of the shirt through which a bullet is alleged to have passed. I do not, really, want the entire picture, and I would much prefer the largest clear enlargement you can have made of just this very small area of the shirt. My purpose is as simple as it is obvious. It is entirely restricted to a study of the damage to the shirt by the alleged bullet. I would much prefer an// enlargement of this very small area of the shirt, which would eliminate all the gore, to a standard 8x10 glossy print of the exhibit itself. If you will not do this, as I hope you will, then I will accept the clearest possible photograph of the original negative of FBI Exhibit 80. However, because I am confident the Department would prefer no suggestion that it is withholding evidence relating to the murder of a President, I do hope you will provide me with the enlargement instead, showing only the damage. It will be obvious, I hope, that there is no unjustified use of such an enlargement of the original negative that is remotely possible, even if I were intending to publish it, which I am not.

The law, as you know better than I, imposes no burden upon me to make any explanation of what I seek under it. I hope you will understand that I have taken this time, gone to this trouble, in a sincere effort to put you in a position to understand that my purposes are serious, scholarly, proper and entirely within the intent of Congress and covered by the law. If you will reflect but a moment, perhaps you will also understand that, at possible cost to myself, I have sought to put you in a position to save yourself and the Department embarrassment if you do as you have in the past.

On the other hand, I will no longer accept the standard Departmental whipping from piller to post. One of these requests to which your Department has never responded is four years old. The request embodied in my Civil Action 718-70 was a year old at the time you acceded to the perfectly proper request but only after I filed the action and you could no longer delay trial. If I have not heard from you within two weeks that you will comply with these requests, or if I get a rejection in any name other than that of the Attorney General, I will proceed with further civil actions. I would much prefer to avoid this. Most sincerely, I hope you would also.

Sincerely,

Harold Weisberg

NW 54999 DocId:32989522 Page 335

COQ. D'OR PRESS
ROUTE 8
FREDERICK, MD. 21701
PHONE 301 473-8186

No. 382

65-26
521

FREDERICK, MD. 11/ 19

PAY TO THE ORDER OF United Way $1.00

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FREDERICK, MARYLAND

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Form DJ-118
(Ed. 7-4-67)

# U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

## REQUEST FOR ACCESS TO OFFICIAL RECORD UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold Weisberg | Rt. 3, Frederick, Md. 21701 |
| DATE 5/16/70 | |

| DO YOU WISH TO RECEIVE COPIES? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED | OFFICE AND CITY WHERE RECORD IS LOCATED (if known) |
|---|---|---|
| | 1 each | Washington, D.C. |

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Spectrographic analysis of bullet, fragments of bullet and other objects, including garments and part of vehicle and cubbstone 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

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING ⇒ LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

| | |
|---|---|
| FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 | |
| FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 | |
| COPIES OF DOCUMENTS: 50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE | |
| FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH | |
| FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH | |
| GSA CHARGE | |
| TOTAL CHARGE | |

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

NW 54999 DocId:32989522 Page 337

orm DJ-118
Ed. 7-4-67)

# U.S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

## REQUEST FOR ACCESS TO OFFICIAL RECORD UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| AME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| ..rold Weisberg | Rt. 5, Frederick, Md. 21701 |
| ATE 5/16/70 | |

| O YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>F YES, SO INDICATE (no more than 10 copies of any ocument will be furnished). | NUMBER OF COPIES REQUESTED<br>1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

ESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Documents relating to the late David W. Ferrie of New Orleans withheld from the Warren Commission and/or the National Archives, documents withheld by the National Archives by order of Department of Justice. See my letter of 5/16/70. A list of all such documents and reason(s) for withholding each is requested.

ITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| ILL IN IF N PENDING ⇨ ITIGATION | COURT (check one) | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | ☐ FEDERAL<br>☐ STATE | | | |

There is no prospective litigation if request is complied with

SIGNATURE

| FOR USE BY DEPARTMENT OF JUSTICE ONLY | A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box) |
|---|---|
| HIS REQUEST IS:<br>☐ GRANTED<br>☐ DENIED<br>☐ REFERRED | FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____<br>FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____<br>COPIES OF DOCUMENTS:<br>50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____<br>FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH _____<br>FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH _____<br>GSA CHARGE _____<br>TOTAL CHARGE _____ |

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Form DJ-118
(Ed. 7-4-67)

# U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

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| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold Weisberg | Rt.8, Frederick, Md. 21701 |
| DATE 5/18/70 | |

| DO YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED | OFFICE AND CITY WHERE RECORD IS LOCATED (if known) |
|---|---|---|
| | 1 each | Washington, D.C. |

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Enlarged photograph of part of FBI Exhibit 80 (Warren Commission material) as described in my enclosed letter of 5/18/70) preferred, or, if this cannot be done and only if it cannot, one 8/10 glossy photographic print of FBI Exhibit, whichever is provided being made from original negative.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING ⇒ LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☒ DENIED.

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____

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Lillian & Harold Weisberg
Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
Code 301/473-8186

5/13/70

Mr. Richard Kleindienst
Deputy Attorney General
U.S.Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

I am separating this part of my today's letters to you for your convenience because it relates to two requests I have not earlier made of you. Although your regulations do not require the filing of a DJ-118 form with such requests or the inclusion of the $5.00 fee with each, I presume you would prefer to require it and prefer to confiscate the fees, so I enclose both for each request.

In the hope it will help you, because you did not at the time concerned with these requests have your present responsibilities, I make these explanations.

The two FBI agents present at the President's autopsy were given "a missle" removed from the corpse. While for four years the existence of this receipt has been denied, I now have a copy and for your convenience I enclose herewith a copy of that copy.

The National Archives says it is unable to identify this single, receipted "missle" in the records of the Warren Commission. There is an exhibit of multiple tiny fragments, which can hardly be described as "a missle", especially when the well-known FBI care with fact, detail and evidence is considered.

I request all records relating to this "missle" and as large as practicable a photograph of it, up to 8x10 inches, the size to be limited by considerations of clarity, including whatever measurements, weighings, tests, analyses, evaluations or any other scientific or medico-legal appraisals, opinions and/or facts there may be.

Secondly, there were certain autopsy photographs taken. These were delivered exposed but undeveloped to the Secret Service. If I can give you no chain of possession of them and I can assure you the National Archives has written me that to its knowledge there is no recorded chain of possession, I do presume the Department has it. The Secret Service has written me that it has no records of the processing, etc., of these photographs and no explanation for the fact that some are exposed but show no image. My request is for this information, the chain of possession, the records and other information about processing, the explanations and, if there were any, the investigations to determine why some showed no image upon processing, and anything relevant to the above.

In connection with these requests, I remind you of that of which you may not be aware, that there was a special relationship between the FBI and the Warren Commission under which the FBI was the Commission's investigative arm as

NW 54999 DocId: 32989522 Page 340

from your office do not reflect an awareness of current regulations dating to prior to your holding the office, including but not restricted to the promptness of response, I hope someone in your office will familiarize himself with them. This need not in any way delay the promptness of the response unless a copy of those regulations is as unavailable to the Deputy Attorney General as it was to me this week.

There are certain intentions of which I informed you in my earlier letter today, enclosed herewith. They also apply to the requests in this letter. I believe the Department's failure to abide by its own regulations cannot be held against me and that its failure to abide by its regulations forfeits its rights, under the law, to insist that others comply with them, in these areas of Departmental non-compliance.

Together with the DJ-118 forms, I enclose herewith two checks, one in the amount of $9.00, the other in the amount of $6.00.

Sincerely,

Harold Weisberg

NW 54999 DocId:32989522 Page 341

22 November 1963

From: Francis X. O'NEILL, Jr., Agent FBI
James W. SIBERT, Agent FBI

To: Captain J. H. STOVER, Jr., Commanding Officer, U. S. Naval Medical School, National Naval Medical Center, Bethesda, Maryland

1. We hereby acknowledge receipt of a missile removed by Commander James J. HUMES, MC, USN on this date.

Francis X. O'NEILL, Jr.

James W. SIBERT

NW 54999 DocId:32989522 Page 342

COQ. D'OR PRESS
ROUTE 8
FREDERICK, MD. 21701
PHONE 301 473-8186

No. 293

65-26
521

FREDERICK, MD. May 16 1970

PAY TO THE ORDER OF Treasurer of the United States $6.00

Six and no/100 DOLLARS

FARMERS AND MECHANICS NATIONAL BANK
FREDERICK, MARYLAND

Lorin J. Mirsberg

⑈0521⑈0026⑈

NW 54999 DocId:32989522 Page 343

Form DJ-118
(Ed. 7-4-67)

# U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

## REQUEST FOR ACCESS TO OFFICIAL RECORD
## UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold Weisberg | Rt. 8, Frederick, Md. 21701 |
| DATE 3/18/70 | |

| DO YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED<br>1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Records relating to "missle" removed from corpse of President Kennedy as described in enclosed letter dated 5/18/70 and attached FBI receipt for "a missle", including photograph, also described in said letter.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING ⇒ LITIGATION | COURT (check one)<br>☐ FEDERAL<br>☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

| FOR USE BY DEPARTMENT OF JUSTICE ONLY | A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box) |
|---|---|
| THIS REQUEST IS:<br>☐ GRANTED<br>☐ DENIED<br>☐ REFERRED | FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____<br>FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____<br>COPIES OF DOCUMENTS:<br>50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____<br>FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH _____<br>FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH _____<br>GSA CHARGE _____<br>TOTAL CHARGE _____ |

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This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

Form DJ-118
(Rev 7-4-67)

# U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

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| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) | |
|---|---|---|
| Harold Weisberg | Rt 8, Frederick, Md. 21701 | |
| DATE 5/13/70 | | |
| DO YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED 1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known) Washington, D.C. |

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

~~There is no prospective litigation if request is complied with.~~

Information relating to the autopsy pictures of President Kennedy, their processing, chain of xxxxxx possession, etc., as described in enclosed letter dated 5/13/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING ⇒ LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____

COPIES OF DOCUMENTS:
50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____

FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH _____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH _____

GSA CHARGE _____

TOTAL CHARGE _____

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*Lillian & Harold Weisberg*

**Coq d'Or Press** ROUTE 8, FREDERICK, MD. 21701

*Code 301/473-8186*

November 27, 1974

The Deputy Attorney General
The Department of Justice
Washington, D. C. 20000

Dear Sir:

After exhausting my administrative remedies, I filed C.A. 2301-70 in Federal district court in Washington. In it I sought the described spectrographic analyses made by the FBI for the Warren Commission which had been denied me.

The law has now been amended. I herewith request that you reinstitute this application for these analyses under the law as amended.

The Department saw fit in this previous case to make misrepresentations to the courts. I therefore want it to be clear that I sought and now seek only the final scientific reports on these tests. Not raw materials, not laboratory work, only the conclusions as embodied in the full report, or the report itself.

Herewith I expand that request to include similar neutron-activation testing, whether or not by the FBI, of those same objects and materials, namely the bullet allegedly used in the assassination, various fragments of bullet also allegedly so used, and the various objects said to have been in contact with any or all of these. Here also my request is for the complete report only.

Very truly yours,

Harold Weisberg

NW 54999 DocId:32989522 Page 346

# United States District Court

FOR THE
District of Columbia

2301-70

CIVIL ACTION FILE NO.

HAROLD WEISBERG

Plaintiff

v.

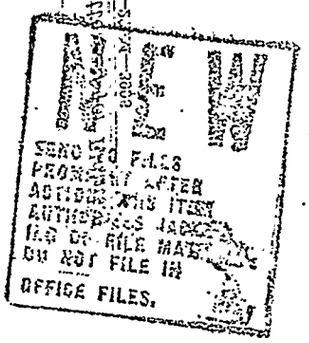
U. S. DEPARTMENT OF JUSTICE

Defendant

SUMMONS IN CIVIL ACTION

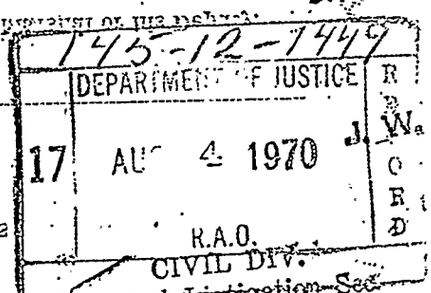
Returnable not later than ____ days after service.

SUMMONS




To the above named Defendant :

You are hereby summoned and required to serve upon




BERNARD FENSTERWALD, JR.

plaintiff's attorney , whose address

927 Fifteenth St., N.W.
Washington, D. C. 20005

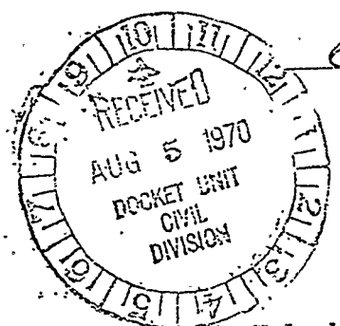
an answer to the complaint which is herewith served upon you, within XXXXX days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT M. STEARNS
Clerk of Court.

Evelyn M. Gaetzinger
Deputy Clerk.

[Seal of Court]

Date: August 3, 1970




Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

NW 54999 DocId:32989522 Page 347

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG<br>Route 8<br>Frederick, Maryland<br><br>Plaintiff<br><br>V.<br><br>U.S. DEPARTMENT OF JUSTICE<br>10th & Constitution Ave., N.W.<br>Washington, D. C.<br><br>Defendant | 2301-70<br><br>Civil Action No. _____ |

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



NW 54999 DocId:32989522 Page 348

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:

Q1 C1 HB a) the bullet found on the stretcher of either CE 399 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);

Q2 C2 GH HB b) bullet fragment from front seat cushion of the President's limousine; CE567

Q3 C3 HB c) bullet fragment from beside front seat; CE569

Q4-Q5 C4-C5 GH d) metal fragments from the President's head;

Q9 C9 GH e) metal fragment from the arm of Governor Connally;

Q14 C16 GH f) three metal fragments recovered from rear floor board carpet of limousine;

Q15 C17 GH g) metal scrapings from inside surface of windshield of limousine; and



NW 54999 Docid:32989522 Page 349

C321 Piece of curbing
Marked curbing,
Spectro results
furnished commission by letter to Rankin on August 12, 1964
Heilman

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.



NW 54999 DocId:32989522 Page 350

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 ccopy 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 5/16/80.

(See Exhibit D appended hereto.)



NW 54999 DocId 32989522 Page 351

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.

BERNARD FENSTERWALD, JR.
927 Fifteenth St., N.W.
Washington, D.C. 20005
Tel. 347-3919
Attorney for Plaintiff

Dated: _____



NW 54999 DocId:32989522 Page 352

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

55 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): HQ 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Mr. J. B. Adams

6/23/75

Legal Counsel

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

Reference is made to memorandum of Legal Counsel to Mr. Adams 5/13/75, which recommended furnishing to the Department and Assistant United States Attorney (AUSA) Michael Ryan, District of Columbia, copies of an affidavit of SA John W. Kilty dated 5/13/75, concerning various examinations conducted by the FBI Laboratory in connection with our investigation of the assassination of President John F. Kennedy. This recommendation was approved, the affidavit was subsequently submitted to the court, and the plaintiff has filed a motion to strike the affidavit on the grounds that it was made not on personal knowledge, does not comply with the court's directive that such an affidavit should respond to plaintiff's interrogatories, and was submitted in bad faith.

Attached supplemental affidavit of Kilty contains information requested by AUSA Ryan on 6/20/75, in order to oppose motion to strike, and Ryan has advised that he would like to have this supplemental affidavit, if at all possible, by 6/23/75.

Three of the points raised in plaintiff's motion to strike have brought to the attention of Legal Counsel three problems:

In one of the Laboratory work sheets concerning the investigation, which was previously furnished plaintiff, reference is made to the fact that spectrographic analysis was made of small foreign metal smears appearing on a curbstone near the location where the President was shot. The conclusion

1 - Mr. Adams
1 - Mr. Cochran
1 - (Attn: Mr. Kilty
1 - Mr. Bassett
1 - (Attn: Mr. Bresson)
2 - Mr. Mintz
1 - Mr. Blake

CONTINUED OVER

PTH:lay
(7)

NW 54999 DocId:32989522 Page 354

was reached that this smear "could be bullet metal." The Laboratory has advised that they have been unable to locate the spectrographic plate or plates which would have been made (and subsequently preserved) during this test; the Laboratory has also been unable to locate the notes made from the plate(s). Contact with the retired SA who conducted this test indicates he does not recall what he did with the plate(s), and he believes he wrote his findings directly on the work sheet, without having made any additional notes. Plaintiff specifically excluded spectrographic plates from this FOIA request, and we are indicating in the attached supplemental affidavit (see Paragraph Three) that the previously furnished work sheet alone consists of all notes and results of this test, so there should be no direct problem in connection with this present lawsuit. However, the fact remains that material concerning our investigation of the Kennedy assassination is missing, material which could be the subject of a future FOIA request and/or suit.

The second possible problem is that, in a 8/12/64, letter from J. Edgar Hoover to J. Lee Rankin, General Counsel of the Warren Commission, which letter has also been furnished plaintiff, it is stated (concerning this same metal smear) "it was 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." The conclusions of this sentence are apparently correct; that is, the smear was lead and the object could have come from the direction of the Book Depository. However, the Laboratory is unable to locate any documentary evidence that any "microscopic study" determined this. The presence of lead was ascertained through spectrographic analysis (as explained in this memorandum and the directional finding was made through a study of the local scene and the Zapruder film. The plaintiff has requested this microscopic study, and we are answering in the supplemental affidavit (see Paragraph Four) simply that we have "uncovered no additional documents concerning a study of this type." A claim could be made that we purposely or through error misled the Warren Commission.

The third problem is a lesser one in that FBI Laboratory records support our position. Plaintiff in his motion to strike quotes from Mr. Rankin at the 1/27/64 Executive Session of the



NW 54999 DocId:32989522 Page 355

Memorandum to (Mr.) J. B. Adams
Re: Freedom of Information Act (FOIA)
Request of Harold Weisberg

Warren Commission, when he gave testimony to the effect that neutron activation analysis was being utilized as early as 1/10/64 on the bullet fragments removed from the bodies of President Kennedy and Governor Connally. Plaintiff also quotes from a 1/10/64 letter of Mr. Hoover to Mr. Rankin which could be viewed as supporting this testimony. However a search of pertinent laboratory files and notes shows NAA was being used on earlier dates to examine paraffin casts from the hands and cheek of Lee Harvey Oswald. NAA testing was not being used at this time for the examination of any metal fragments involved in this case, nor was it so utilized until 5/15/64. (See Paragraph Six of attached supplemental affidavit.)

RECOMMENDATION:

That the attached supplemental affidavit be approved and thereafter immediately hand-carried to Anna Ryan by a representative of the FOIA Litigation Unit. A copy of this affidavit will also be hand-carried to Mr. Jeffrey Axelrad, Department of Justice.

- 3 -

NW 54999 DocId:32989522 Page 356

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

v. Civil Action No. 75-226

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

AFFIDAVIT

I, John W. Kilty, being duly sworn, depose as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the Laboratory Division of the FBI, Washington, D. C., in a supervisory capacity. This affidavit supplements my previous affidavit of May 13, 1975.

2. I have personal knowledge concerning the contents of Paragraphs 26-29, inclusive, of plaintiff's affidavit dated June 2, 1975, wherein plaintiff alleges numerous documents falling within his Freedom of Information Act (FOIA) request have not been furnished him.

3. Concerning plaintiff's allegation that he has not been given the "spectrographic testing" of "small foreign metal smears on a piece of curbing": the Laboratory work sheet which was previously furnished plaintiff and from which he quotes is the notes and results of this test. A thorough search has uncovered no other material concerning the spectrographic testing or the metal smear on the curbing.

4. Concerning plaintiff's allegation that he has not been given the "microscopic study" referred to at the bottom of page two of an August 12, 1964, letter from J. Edgar Hoover to J. Lee Rankin, which letter has also been furnished plaintiff: a thorough search has uncovered no additional documents concerning a study of this type.

NW 54999 DocId:32989522 Page 357

5. Concerning plaintiff's allegation that he has not been furnished "a Laboratory report apparently dated December 5, 1963": inasmuch as plaintiff has indicated he did not wish to receive our reports which are already available to the public, but rather the data compiled as input to these reports, this report was not furnished to him. This material is available to the public as Commission Document No. 205, pages 153-154.

6. Concerning plaintiff's allegation that, although the date of all the neutron activation analysis (NAA) documents furnished him is May 15, 1964, there is an indication that this technique was already being utilized as early as January 10, 1964: the earlier NAA, the quote from Mr. Rankin in Paragraph 27 of plaintiff's affidavit to the contrary notwithstanding, was conducted upon paraffin casts taken of Lee Harvey Oswald's hands and cheek. Plaintiff requested NAA material concerning metal fragments only. No neutron activation analysis of the metal fragments was made prior to May 15, 1964.

7. Concerning plaintiff's allegation that there may have been NAA testing subsequent to May 15, 1964: to prevent any further misunderstanding concerning NAA technique, it should be noted that the date written on the NAA documents furnished plaintiff refers to the date irradiation of the metal fragments was conducted. The compilation of other data appearing on these documents would have of necessity occurred after the date of irradiation.

8. Concerning plaintiff's allegation that, although NAA testing was conducted on the clothing of President Kennedy and Governor Connally, he has not been furnished the results of this testing: further examination reveals emission spectroscopy only

was 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. NAA was used in examination of certain metal fragments, and plaintiff has already been furnished material relating to these examinations. NAA was not used in examining the clothing, windshield, or curbing.

9. FBI files, to the best of my knowledge, do not include any other information requested by plaintiff in addition to that previously furnished him.

John W. Kilty

John W. Kilty
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 23rd day of June, 1975.

Ann Lee Balassa

Notary Public

My commission expires 4-30-78.

1 - Mr. Cochran
1 - Mr. Stack
1 - Mr. Kilty

Mr. Cochran

June 20, 1975

M. J. Stack, Jr.

FREEDOM OF INFORMATION (FOIA)
REQUEST OF HAROLD WEISBERG

Reference Stack to Cochran memoranda, June 16 and June 17, 1975.

This memorandum concerns itself with paragraph 27 in Weisberg's Memorandum of Points and Authorities wherein Weisberg quotes a letter dated January 10, 1964, from J. Edger Hoover to J. Lee Rankin and comments made by Rankin at an executive session of the Warren Commission on January 27, 1964.

In regard to the first point, Director Hoover's letter states that "work is already in progress applying" neutron activation analysis "to certain phases of the current investigation." An examination of pertinent Laboratory files and notes shows that NAA was being used at this time to examine paraffin casts from the hands and cheek of Oswald. NAA was not being employed at this time for the examination of any metal fragments involved in this case.

In regard to the second point, Rankin states that the AEC was conducting examinations on "bullet fragments" "by a new method" and "they have had it for the better part of two and a-half weeks and we ought to get an answer." An examination of pertinent Laboratory files and notes shows that the metal fragments were not submitted to examination by NAA until May 15, 1964.

Weisberg has never requested the NAA data on the paraffin casts from Oswald and has been given the data on the examination of the metal fragments.

ACTION: For information.

1 - Mr. Blake, 4706 JB
1 - Mr. Bresson, 5448 JEH

JWK:jak (6)

NW 54999 DocId:32989522 Page 360

Mr. Cochran

M. J. Stack, Jr.

June 20, 1975
1-Mr. Cochran
1-Mr. Stack
1-Mr. Kilty

FREEDOM OF INFORMATION (FOIA)
REQUEST OF HAROLD WEISBERG

Reference is made to Stack to Cochran memorandum dated June 16, 1975.

Former SA William R. Heilman conducted the spectrographic examination of a lead smear removed from a curbstone in the investigation of the John F. Kennedy assassination. On June 19, 1975, SA John W. Kilty of the Laboratory telephonically contacted Mr. Heilman for the purpose of determining if the notes made by him concerning his examination and available in the Oswald file are complete. He advised that normally he would construct a "table" to record the relative concentrations of the eliments he measured on a spectrographic plate so that it would facilitate intercomparisons between samples. However, in this case, as he recollects, he ran only one sample and the important part of the examination was to determine if the smear was in fact lead. The notes he made on the worksheet reflect that he detected lead with a trace of antimony and that no copper was observed.

Mr. Heilman stated that he does not know the whereabouts of the spectrographic plate he made. He advised that it is probable that it was destroyed along with other plates which are disposed of periodically according to polocy set down in Bufile 62-38539.

Mr. Heilman advised that if it were required he would make an affidavit stating substantially the foregoing.

ACTION: None. For information only.

JWK:jc
(6)

1 - Mr. Blake, 4706 JB
1 - Mr. Bresson, 5448 Hoover Building

NW 54999 DocId:32989522 Page 361

Mr. Cochran

M. J. Stack, Jr.

June 16, 1975
1-Mr. Cochran
1-Mr. Stack
1-Mr. Kilty

FREEDOM OF INFORMATION (FOIA)
REQUEST OF HAROLD WEISBERG

By letter dated March 31, 1975, to James B. Lesar, Esq., attorney for Weisberg, the Bureau released five pages of documents in the John F. Kennedy assassination investigation. These five pages related to the examination of a curbstone and are enclosed with this memorandum.

As can be noted on the first page of the Laboratory worksheet, lead smears from the curbstone were examined spectrographically. In a Memorandum of Points and Authorities filed in U. S. District Court for the District of Columbia, Weisberg has asked for "this spectrographic testing." An exhaustive search of pertinent files, and storage locations has not turned up the spectrographic plates nor the notes made therefrom. Therefore, by affadavit, Kilty can say that the FBI Laboratory has turned over to Weisberg all the material it has concerning the spectrographic examination of the lead smears from the curbstone.

ACTION: None. For information only.

JWK:jc
(6)

1 Mr. Breson, 5448 JEH (with enclosures)
1 - Mr. Blake, 4706 (with enclosures)

Enclosures

NW 54999 DocId:32989522 Page 362

Mr. Cochran

M. J. Stack, Jr.

June 17, 1975
1 Mr. Cochran
1-Mr. Stack
1-Mr. Kilty

FREEDOM OF INFORMATION (FOIA)
REQUEST OF HAROLD WEISBERG

Weisberg has initiated action in U. S. District Court to have stricken an affidavit executed by Special Agent John W. Kilty. Among the numerous reasons given are two which are discussed in this memorandum.

The first concerns the "microscopic study" referred to in the last paragraph of page two of the attached Hoover to Rankin letter. Weisberg contends that this "study" was not furnished him. Weisberg's requests by letter and by personal interview were limited to the spectrographic analysis of lead smears from the curbstone. The Laboratory has available a single page worksheet prepared by former SA Lyndal Shaneyfelt concerning examinations he made which may be applicable to the "microscopic study." This page is enclosed.

The second reason concerns the fact that Weisberg was not given an FBI Laboratory report dated December 5, 1963, which contains the results of examinations on the clothing of the President. Weisberg did not request this report. He requested the worksheets and notes concerning these examinations and he was furnished these worksheets and notes. According to Mr. Marion Johnson, U. S. Archives, the results of the Laboratory examination of the President's clothing are set out in Commission Document 205, pages 153-154. This is available to the public.

ACTION: None. For information only.

JWK:jc
(6)

1 - Mr. Blake, 4706 JB, with enclosures
1 - Mr. Bresson, 5448 JEH, with enclosures

Enclosures

NW 54999 DocId:32989522 Page 363

REV. 5/9/75

FEDERAL BUREAU OF INVESTIGATION
LEGAL COUNSEL

6/13, 1975

| | | |
|---|---|---|
| ___Director | ___Mr. Herington | ___Miss Devine |
| ___Mr. Callahan | ___Mr. Bowers | ___Miss Murphy |
| ___Mr. Jenkins | | |
| ___Mr. Adams | ___Mr. Hotis | ___Miss Hughes |
| ___Mr. Ash | ___Mr. Daly | ___Miss Kircher |
| ___Mr. Bassett | ___Mr. Dennis | ___Miss Weaver |
| ___Mr. Cleveland | ___Mr. Miller | ___Miss Goselin |
| ___Mr. Cochran | ___Mr. Taylor | ___Miss Scott |
| ___Mr. Decker | | ___Miss Ellis |
| ___Mr. Gallagher | ___Mr. Olmert | ___Miss Yoder |
| ___Mr. Gebhardt | ___Mr. Peterson | |
| ___Mr. McDermott | | ___Mrs. Craighead |
| ___Mr. Mintz | ___Mr. Donahue | |
| ___Mr. Mooney | ___Mr. Blunt | ___Mr. Donelan, Quantico |
| ___Mr. Moore | ___Mr. Davis | ___Mr. Boutwell " |
| ___Mr. Walsh | ___Mr. Laturno | ___Mr. Burke " |
| ___Mr. Wannall | | ___Mr. McLaughlin " |
| | ___Mr. Sarhatt | ___Mr. Rissler " |
| ___Mr. Brownfield | ___Mr. Blake | |
| ___Mr. Coleman | ___Mr. Schofield | ___See Me, Please |
| ___Mr. Reed | | ___Call Me, Please |
| ___Mrs. Metcalf | ___M Kelley | |
| ___Mr. Malfeldt | Room 7417 Justice | ___Note & Return |
| ___Mr. Still, 6139 IB | | ___For Approp. Action |
| | | ___Mail Room 5531 |
| | | ___Corres. Review |
| | | ___Teletype Room |
| | | ___Place on Record & Return |

John -

Attached is that portion of the documents filed by plaintiff which relates to what we discussed today. We need info for our answer ASAP. Thanks very much -

Tom Black
Legal Counsel
~~Room 5640, Ext. 2676~~
X2461
rm 4706 Justice

NW 54999 DocId:32989522 Page 364

is further corroborated by the reference to these tests made by Warren Commission General Counsel J. Lee Rankin at the Commission's January 27, 1964, executive session:

> Now, the bullet fragments are now, part of them are now, with the Atomic Energy Commission, who are trying to determine by a new method, a process that they have, of whether they can relate them to various guns and the different parts, the fragments, whether they are a part of one of the bullets that was broken and came out in part through the neck, and just what particular assembly of bullet they were part of.
>
> They have had it for the better part of two and a-half weeks and we ought to get an answer. [See Exhibit F to the Complaint]

28. In addition, I also have reason to believe that other NAA testing should have been done after May 15th. Yet I have not been given any NAA testing done after that date.

29. FBI Director Kelley's April 10, 1975, letter to Mr. Lesar, a copy of which is attached to the Kilty affidavit, states that the FBI has responded fully to my request for the spectrographic and NAA testing. Director Kelley's letter also lists the NAA-tested items on which I have been given "irradiation data and calculations". This list does not include NAA tests performed on the clothing of President Kennedy or Governor Connally. Yet Special Agent Kilty's affidavit states in its seventh paragraph that: "Neutron activation analysis and emission spectroscopy were used to determine the elemental composition of the borders and edges of holes in clothing . . ." Because I have not been given <u>any</u> NAA testing of <u>any</u> clothing, Mr Kilty's affidavit is false and deceptive. It also contradicts Mr. Kilty's and Director Kelley's assertions that the FBI has fully complied with my request for the NAA testing. I believe this court should address itself to the question of perjury.

Document: 32989522 Page 365

waived my claim to the neutron activation analysis (NAA) of the clothing of President Kennedy and Governor Connally as is suggested by the wording of paragraph 4-b.

26. Paragraph five of the Kilty affidavit refers to the materials listed by Agent Kilty in paragraph four and then states: "All available data relating to the above consists of 22 pages also furnished Mr. Lesar by SA Bresson on March 31, 1975." Unless there has been destruction of evidence, this is false. For example, one of the documents given me is a partially masked copy of a letter from J. Edgar Hoover to Warren Commission General Counsel J. Lee Rankin. Attached to that letter is a laboratory work sheet which reports that "small foreign metal smears" on a piece of curbing "were run spectrographically (Jarrell-Ash)". I have not been given this spectrographic testing. Nor have I been given the microscopic study referred to at the bottom of page two of this same Hoover letter. Similarly, another document provided me refers to a lab report apparently dated "12/5/63". I have not been given that report either.

27. Nor has the FBI provided me with all the materials relating to the neutron activation analyses which were made. All of the NAA documents which I have been given bear a date of May 15. However, in his January 10, 1964, letter to Mr. Rankin, FBI Director J. Edgar Hoover stated:

> The FBI Laboratory is well acquainted with the analytical technique of neutron activation analysis. Through arrangements worked out with Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, work is already in progess applying this technique to certain phases of the current investigation. [Emphasis added. See Attachment D]

From this it is evident that NAA testing was performed long before the May 15 date on the documents which the FBI has given me. This

NW 54999 DocId:32989522 Page 366

he been given the microscopic study referred to at the bottom of page two of the same Hoover letter. (3) Nor the lab report dated 12/5/63 which is referred to in another document given Mr. Weisberg. [See Weisberg affidavit, paragraphs 26-28] These still withheld documents contradict the claim of full compliance with Mr. Weisberg's request and show that the affidavit of Special Agent Kilty was not submitted in good faith.

Accordingly, the Kilty affidavit should be striken.

Respectfully submitted,

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of June, 1975, mailed a copy of the foregoing Motion to Strike Affidavit of John W. Kilty together with the Memorandum of Points and Authorities, proposed Order, and attached affidavit of Harold Weisberg to Assistant United States Attorney Michael J. Ryan, Room 3421, United States Courthouse, Washington, D. C. 20001.

JAMES HIRAM LESAR

NW 54999 DocId:32989522 Page 367

of Harold Weisberg make the bad faith nature of this affidavit quite clear. Special Agent Kilty was present at the March 14 conference arranged so the FBI could offer Mr. Weisberg materials he had not asked for rather than give him what he had requested. At that conference Mr. Kilty had to turn to FBI Special Agent Robert Frazier for answers to questions raised by Mr. Weisberg. Agent Frazier does have personal knowledge of what tests were conducted on the items of evidence specified in Mr. Weisberg's information request. In fact, Agent Frazier, who is still on active duty with the FBI Laboratory, testified before the Warren Commission about some of the tests which were conducted. He could execute a proper affidavit, since he does have personal knowledge of the tests performed. Yet it is Agent Kilty, who does not claim such personal knowledge, who has been used to execute the affidavit. The reason is obvious: because Agent Frazier does have personal knowledge of the tests conducted, he could not execute an affidavit stating there has been full compliance with Mr. Weisberg's request without committing perjury. [See Weisberg affidavit, paragraphs 29-31]

The content of the Kilty affidavit itself provides additional evidence that it was submitted in bad faith. For example, paragraph five of that affidavit states that Mr. Weisberg has been given "all available data" relating to tests on certain items of evidence listed in paragraph four. Unless evidence has been destroyed, this is false. This is shown by internal evidence from those documents which the FBI has given Mr. Weisberg. Attached to the August 12, 1964 letter from FBI Director J. Edgar Hoover to Warren Commission General Counsel J. Lee Rankin is a laboratory work sheet which reports that "small foreign metal smears" on a piece of curbing "were run spectrographically (Jarrell-Ash)".(1) Mr. Weisberg has not been given this spectrographic testing.(2) Nor

MW 54999 DocId:32989522 Page 368

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG,<br>Plaintiff,<br>v.<br>UNITED STATES DEPARTMENT OF JUSTICE, and<br>U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,<br>Defendants | Civil Action No. 75-226 |

MEMORANDUM OF POINTS AND AUTHORITIES

Counsel for the defendants has submitted an affidavit by FBI Special Agent John W. Kilty in support of his assertion that the FBI has fully complied with plaintiff's freedom of information request for all spectrographic and neutron activation analyses and other scientific tests conducted on specified items of evidence pertaining to the shooting of President John F. Kennedy. However this affidavit does not recite facts which establish that Special Agent Kilty has personal knowledge of all the tests which were conducted. Nor does Agent Kilty state in his affidavit that he has searched all of the relevant files which might contain information by plaintiff or how in the absence of personal knowledge of all the tests conducted he could locate and search all of the relevant files. [See the attached affidavit of plaintiff Harold Weisberg, especially paragraphs 30 and 31]

The Kilty affidavit must be stricken because it was not submitted in good faith. The facts recited in the attached affidavit

NW 54999 DocId:32989522 Page 369

Ryan
75-0113

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-226

UNITED STATES DEPARTMENT OF JUSTICE, and

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,

Defendants.

MOTION TO STRIKE AFFIDAVIT OF JOHN W. KILTY

Plaintiff moves the court to strike the affidavit of FBI Special Agent John W. Kilty on the grounds that it is not made on personal knowledge, does not comply with the court's directive that such an affidavit should respond to plaintiff's interrogatories, and was submitted in bad faith.

A Memorandum of Points and Authorities and a counter-affidavit of Harold Weisberg are attached hereto.

Respectfully submitted,

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

NW 54999 DocId:

Mr. J. B. Adams 5/15/75

Legal Counsel

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

For your information, it will be recalled that Weisberg recently reinstituted a civil suit to compell production of Laboratory documents pertaining to spectrographic analysis examinations conducted in connection with the assassination case of President John F. Kennedy. Weisberg and his attorney, James H. Lesar, subsequently met with representatives of the Legal Counsel and Laboratory Divisions at which time the scope of his request was identified and the documents to which he sought access were described to him. It was agreed that production of these documents would satisfy his request and moot the pending civil suit. Requested information and documents have been furnished Mr. Weisberg and his attorney.

Mr. Michael Ryan, Assistant United States Attorney (AUSA), District of Columbia, has now furnished copies of interrogatories (attached) directed by Mr. Weisberg's attorney to the Department of Justice and the United States Energy Research and Development Administration (ERDA) regarding additional data not previously obtained by Weisberg during various steps of negotiations. Mr. Ryan indicates this matter has been set for a repeat status called by Judge John H. Pratt, United States District Court for the District of Columbia, for 5/21/75. Judge Pratt expects our affidavit along with ERDA's affidavit showing compliance with Weisberg's FOIA request prior to 5/21/75. Mr. Ryan suggested that our reply to the attached interrogatories be answered generally in our affidavit as he will request the court to moot the pending civil suit on basis of our compliance with the FOIA. This matter has been

1 - Mr. Cochran
1 - Mr. Kilty
2 - Mr. Mintz
1 - Mr. Sarhatt

LS:lsy
(6)

(CONTINUED - OVER)

NW 54999 DocId:32989522 Page 371

Memorandum to Mr. J. B. Adams
Re: Freedom of Information Act (FOIA)
Request of Harold Weisberg

coordinated with the Laboratory Division and the Legal Counsel Office has discussed this matter with Mr. Jeffrey Axelrad, Department of Justice, Civil Division, and the aforementioned Mr. Michael Ryan. There is attached to this memorandum the affidavit of SA John W. Kilty.

Enclosures

RECOMMENDATIONS:

That the attached affidavit be approved and thereafter be hand-carried to AUSA Ryan by representative of the FOIA Litigation Unit, Legal Counsel Office, in an effort to comply with Judge Pratt's wishes for an early determination of this matter. Also a copy of the affidavit will be hand-carried to Mr. Jeffrey Axelrad, Department of Justice.



NW 54999 DocId:32989522 Page 372

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG,<br><br>Plaintiff,<br><br>v.<br><br>UNITED STATES DEPARTMENT OF JUSTICE, et al<br><br>U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,<br><br>Defendants | Civil Action No. 75-0226 |

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE

Under Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to defendant United States Department of Justice:

1. What are the kinds of tests or examinations, physical, chemical, microscopic or otherwise, which would normally be conducted to determine: (a) whether or not bullets or bullet fragments have a common origin, or (b) which bullets or bullet fragments struck which persons or objects?

2. Are there any additional tests which could have been used in the investigation into the assassination of President Kennedy to help make these determinations? If so, what are they?

3. Which of the tests listed in response to the above interrogatories were performed on the evidence pertaining to the assassination of President Kennedy?

4. Were the tests conducted on the items of evidence pertaining to the assassination of President Kennedy as complete as

they could have been?

5. List all items of evidence having to do with the shooting of President Kennedy or any weapon used or allegedly used in the shooting, including any and all bullets or bullet fragments and any objects struck or allegedly struck by bullet or bullet fragments. Give the following information with respect to these items of evidence:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons listed in response to interrogatory 5(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 5(c).

6. List all correspondence with respect to such tests which was exchanged between the FBI and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

7. List all correspondence with respect to such tests which was exchanged between the FBI and the AEC.

8. What are all the chemical components of the bullet [CE399] allegedly used in the murder of President Kennedy?

9. Were all of these chemical components tested in each of the tests made? If not, why not?

10. What are the normal standards and procedures for conducting neutron activation analysis?

11. Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

12. Under normal circumstances, who decides what is tested?

13. With respect to the assassination of President Kennedy, who decided what was tested?

14. In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

15. In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

16. Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

17. Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

18. Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

19. Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE 840 (Q14)--mentioned in the April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

20. If the answer to interrogatory number 12 is affirmative, what are the other items of evidence which were subjected to

neutron activation testing?

21. If the answer to interrogatory number 12 is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory Number Q3?

22. Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

23. Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of the metallic traces on President Kennedy's clothing, (b) the composition of the metallic traces on Governor Connally's clothing, and (c) the composition of all fragments removed from Governor Connally's body?

24. Was a full and complete comparison made between the chemical composition of the bullet fragments recovered from President Kennedy's head and (a) the composition of the sweepings from the windshield, and (b) all five fragments found in the car during two different searches?

25. Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of CE 141, the bullet found in the Mannlicher-Carcano rifle, and (b) all other bullet fragments?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing has been made upon the defendant United States Department of Justice by delivering a copy thereof to its attorney, Assistant United States Attorney Michael J. Ryan, on this 2nd day of May, 1975.

JAMES HIRAM LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG, Plaintiff, v. UNITED STATES DEPARTMENT OF JUSTICE, and U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Defendants | Civil Action No. 75-0226 |

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Under Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to defendant United States Energy Research and Development Administration:

1. List all items of evidence tested by the AEC or at any AEC facility as part of the investigation into the assassination of President Kennedy and give the following information with respect thereto:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons

listed in response to interrrogatory 1(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 1(c).

2. List all correspondence with respect to such tests which was exchanged between the AEC and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

3. List all correspondence with respect to such tests which was exchanged between the AEC and the FBI.

4. List all correspondence with respect to such tests which was exchanged between the AEC and any forensic scientist, criminalist, or other scientific expert.

5. Under normal procedures would the AEC keep records of tests performed by the AEC or at an AEC facility? Were records kept by the AEC of all such tests which were conducted as part of the investigation into the assassination of President Kennedy?

6. What statutory provisions or administrative regulations, if any, require or govern the keeping of records of such tests as were performed as part of the investigation into President Kennedy's assassination?

7. Attached hereto is a copy of a February 14, 1975 letter from Mr. Bertram H. Schur, Associate General Counsel for ERDA, which states:

> The information contained in my October 16, 1974, letter was based primarily on advice we obtained from the former FBI agent who participated in the work described. He now advises that, in addition to the analyses of paraffin casts mentioned in that letter, neutron activation analyses of bullet fragments were performed at the Oak Ridge National Laboratory (now the Holifield National Laboratory).

(a) Who is the former FBI agent referred to by Mr. Schur?

(b) Was his advice to the AEC or to ERDA stated in writing?

8. What are the normal standards and procedures for conducting neutron activation analysis?

9. Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

10. Under normal circumstances, who decides what is tested?

11. With respect to the assassination of President Kennedy, who decided what was tested?

12. In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

13. In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

14. Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

15. Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

16. Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

17. Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE 840 (Q14)--mentioned in the

April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

13. If the answer to interrogatory number 12 is affirmative, what are the other items of evidence which were subjected to neutron activation testing?

14. If the answer to interrogatory number 12 is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory number Q3?

15. Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing has been made upon the defendant by personally delivering a copy thereof to its attorney, Assistant United States Attorney Michael J. Ryan, on this 2nd day of May, 1975.

JAMES HIRAM LESAR

UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
WASHINGTON, D.C. 20545

February 14, 1975

James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D. C. 20024

Dear Mr. Lesar:

Please refer to your November 11, 1974, letter and subsequent telephone conversations with Ralph Goldenberg of this office regarding work performed by the Atomic Energy Commission in support of the Warren Commission's investigation into the assassination of President Kennedy.

The information contained in my October 16, 1974, letter was based primarily on advice we obtained from the former FBI agent who participated in the work described. He now advises that, in addition to the analyses of paraffin casts mentioned in that letter, neutron activation analyses of bullet fragments were performed at the Oak Ridge National Laboratory (now the Holifield National Laboratory). As in the case of the paraffin cast analyses, the bullet fragment analyses were done for the FBI and with FBI participation.

We are advised that neither AEC nor ORNL prepared any report on the results of the bullet fragment analyses. However, we understand they yielded no meaningful information additional to that provided by the emission spectroscopic analyses of the fragments done at the FBI Laboratory.

For further information on the results of either the neutron activation analyses or the emission spectroscopic analyses, we suggest you contact the FBI by writing to Clarence M. Kelley, Director, Federal Bureau of Investigation, Washington, D. C. 20535.

If you believe we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

Bertram H. Schur
Associate General Counsel

NW 54999 DocId:32989522 Page 383

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

AFFIDAVIT

I, John W. Kilty being duly sworn, depose as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the Laboratory Division of the FBI, Washington, D. C., in a supervisory capacity.

2. I have personal knowledge that Harold Weisberg directed a Freedom of Information Act request to the FBI for documents relating to spectrographic and neutron activation analysis examinations conducted in the John F. Kennedy assassination case.

3. On March 14, 1975, I was present at a meeting with Mr. Weisberg, his attorney, Mr. James H. Lesar, and two other representatives of the FBI, SAs Robert A. Frazier and Thomas H. Bresson. The purpose of this meeting was to identify specifically the scope of Mr. Weisberg's request since he had been advised that all final reports with regard to the requested data had been furnished to the Warren Commission and are available to the public.

4. At this meeting Mr. Weisberg requested the following:

a. Specific spectrographic and neutron activation material which consists of tables and pages with results of readings, representing examinations of metal fragments from the bodies of President Kennedy and Governor Connally.

b. Spectrographic analysis from the areas on the clothing of President Kennedy and Governor Connally where the bullets may have passed.

c. Available material relating to examination of the windshield of the President's automobile and examinations regarding metal fragments from the President's automobile.

d. Laboratory examination data which may be available regarding testing done on a curbstone near the crime scene.

5. All available data relating to the above consists of 22 pages also furnished to Mr. Lesar by SA Bresson on March 31, 1975.

6. I have personal knowledge that Mr. Lesar thereafter advised the FBI's Freedom of Information Unit that Mr. Weisberg had intended his request as defined at the meeting of March 14, 1975, to include certain data which was shown to him at the close of that meeting. This material, consisting of 54 pages of data and results of neutron activation examinations conducted on certain metal fragments from the body of President Kennedy, the stretcher, and the President's automobile, is referred to in a letter from Director Clarence M. Kelley to Mr. Lesar dated April 10, 1975, and attached hereto. All this material was furnished to Mr. Weisberg by letter from Director Kelley to Mr. Lesar dated April 15, 1975, a copy of which is also attached.

7. With regard to the interrogatories submitted by Mr. Weisberg, the affiant, states that the FBI Laboratory employed methods of elemental analysis, namely neutron activation analysis and emission spectroscopy. Neutron activation analysis and emission spectroscopy 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.

8. I have conducted a review of FBI files which would contain information that Mr. Weisberg has requested under the Freedom of Information Act. I have had compiled the materials

NW 54999 DocId:32989522 Page 385

which have been furnished to Mr. Weisberg through his attorney, Mr. Lesar. The FBI files to the best of my knowledge do not include any information requested by Mr. Weisberg other than the information made available to him.

Enclosures - 2

_____

John W. Kilty
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Before me this _____ day of _____, 1975, affiant _____, has appeared and signed this affidavit first having sworn that the statements therein are true.

_____

Notary Public - District of Columbia

My commission expires _____.

April 10, 1975

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in regard to Mr. Harold Weisberg's request under the Freedom of Information Act (FOIA) for laboratory data concerning the John F. Kennedy assassination investigation.

In accordance with your request expressed in a telephone conversation with Special Agent Thomas H. Bresson on April 3, 1975, for additional data regarding neutron activation testing, I wish to advise we have compiled 54 pages of irradiation data and calculations used in neutron activation analyses of the following:

| Commission Exhibit Number | Laboratory Number | Description |
|---|---|---|
| CE 399 | Q1 | Bullet from Stretcher |
| CE 567 | Q2 | Bullet fragment from front seat cushion |
| CE 843 | Q4, Q3 | Metal fragments from President's head |
| CE 842 | Q9 | Metal fragment from arm of Governor John Connolly |
| CE 840 | Q14 | Three metal fragments recovered from rear floor board carpet |

NW 54999 DocId:32989522 Page 387

James H. Lesar, Esq.

These documents will be furnished to Mr. Weisberg at the copying fee of $5.40 which we are authorized to charge in connection with the release of documents under the FOIA.

With regard to Mr. Weisberg's request for the FBI copy of the J. Edgar Hoover memorandum to Mr. J. Lee Rankin dated August 12, 1964, which pertained to the curbstone examination, I wish to advise the original of this document was furnished to the Warren Commission. A representative of the National Archives has confirmed it is published with its enclosures in the Warren Commission Reports as Shaneyfelt Exhibits numbered 26, 27, 28 and 34. In view of its publication and availability for public inspection, I am declining to release the FBI copy of this document which differs from the original only with regard to internal, administrative markings which appear on the FBI copy.

It is considered that the offer of release of the 54 pages of the above-described data, together with that already furnished to Mr. Weisberg, responds fully to his FOIA request for spectrographic and neutron of November 27, 1974, and subsequent discussion with FBI representatives on March 14, 1975.

You may wish to contact Special Agent Thomas H. Bresson of the FBI FOIA Unit at telephone number 324-2461, to arrange for delivery of these documents.

Sincerely yours,

Clarence M. Kelley
Director

NW 54999 DocId:32989522 Page 388

April 15, 1975

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in reference to my letter to you of April 10, 1975, and your telephone conversation with Special Agent Thomas H. Bresson on April 14, 1975.

Enclosed with this letter, please find 54 pages of the laboratory data described in my letter of April 10, 1975. We have attempted to obtain the best possible copies of this material, but in the event you have any question concerning the quality of the documents, please feel free to communicate with me. The copying fee for this material is $5.40, as indicated in my referenced letter to you.

Sincerely yours,
C. M. Kelley

Clarence M. Kelley
Director

Enclosure

Mr. J. B. Adams

4/10/75

Legal Counsel

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

Reference is made to Legal Counsel memo to Mr. J. B. Adams dated 3/25/75, which provided background concerning the furnishing of Laboratory documents to captioned individual in connection with his request for John F. Kennedy assassination investigation material. By letter dated March 31, we furnished Weisberg's attorney, James H. Lesar, a total of 22 pages of material relating to his original written FOIA request, and as modified as a result of a March 14, 1975, meeting with SA Thomas H. Bresson of the FOIA Unit and SAs Robert A. Frazier and John W. Kilty of the Laboratory Division.

On 4/3/75, Mr. Lesar telephonically contacted SA Bresson to advise Weisberg objected to the copy of a Bureau memorandum to J. Lee Rankin dated August 12, 1964, a copy of which is attached to this memorandum, in that we had obviously deleted material from the upper right corner. The portion deleted was that containing names of Bureau officials for whom tickler copies were designated. He also stated the memorandum indicated there were enclosures to this memorandum and they were not included.

Mr. Lesar was subsequently advised the August 12th memo is published entirely with enclosures in the Warren Commission Reports and that we had determined through contact with a National Archives representative that they are listed as Shaneyfelt exhibits numbered 26, 27, 28 and 34. Mr. Lesar stated that in view of the "alteration" to the document, he wanted the FBI copy without deletion.

The second point of Lesar's contention is that at the March 14th meeting with FBI representatives, Mr. Weisberg was

Enclosures

1 - Mr. White
1 - Mr. Mintz

CONTINUED - OVER

TJB:dw (5)

shown more samples of data than he actually received. Mr. Lesar, who was also present at the March 14th meeting, was reminded that Mr. Weisberg indicated at the meeting that he was not interested in certain type of raw data which was displayed to him, and what was furnished to him was in response to his specific request for tables and pages with results of spectrographic and neutron activation testing. Lesar's position now is there must be a misunderstanding concerning this, and that Weisberg's request includes this raw data.

As has been previously reported, Weisberg's FOIA request is currently the subject of litigation in U. S. District Court for the District of Columbia. The issues raised by Mr. Lesar have been discussed with Mr. Jeffrey Axelrad, Civil Division, Department of Justice, and Michael Ryan, Assistant U. S. Attorney, District of Columbia. Both indicate our decision to withhold the identifying data regarding Bureau officials in the memorandum to Mr. Rankin dated August 12, 1964, is defendable, but that it would of course be open to discretionary release. The problem concernin the additional laboratory data which we claim was not included in Weisberg's request at the meeting of March 14th, and which Weisberg now claims was within the scope, has now been reduced to a factual issue.

Based on the conversations with these Justice Department representatives and a review of this matter by the FOIA Unit, the following is recommended:

1. That with regard to the Bureau memorandum to Rankin, Weisberg be referred to the Warren Commission Reports, stating the original document and enclosures were furnished to the Commission and are now available for public inspection.

2. That material, consisting of 54 pages of raw data, which is currently in the process of being proposed



NW 54999 DocId:32989522 Page 391

for release to another FOIA requester, be furnished to Weisberg, with the statement this involves all data, other than that furnished to the Warren Commission, relating to the spectrographic and neutron activation analysis testing which is within the scope of his FOIA request. He will be charged the authorized fees of 10¢ per page. Copy of these proposed documents attached.

RECOMMENDATIONS:

1. That these proposals be approved in order that Department of Justice representatives may communicate this to Lesar and obtain the necessary delay in the litigation proceedings for us to compile and produce the data.

2. That the proposed letter be forwarded to Mr. Lesar.



NW 54999 DocId:32989522 Page 392

April 18, 1975

1 - Mr. White
(Attn: Mr. Kilty)
1 - Mr. Mintz

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in regard to Mr. Harold Weisberg's request under the Freedom of Information Act (FOIA) for laboratory data concerning the John F. Kennedy assassination investigation.

In accordance with your request expressed in a telephone conversation with Special Agent Thomas H. Bresson on April 3, 1975, for additional data regarding neutron activation testing, I wish to advise we have compiled 54 pages of irradiation data and calculations used in neutron activation analyses of the following:

| Commission Exhibit Number | Laboratory Number | Description |
|---|---|---|
| CE 399 | Q1 | Bullet from Stretcher |
| CE 567 | Q2 | Bullet fragment from front seat cushion |
| CE 843 | Q4, Q5 | Metal fragments from President's head |
| CE 842 | Q9 | Metal fragment from arm of Governor John Connolly |
| CE 840 | Q14 | Three metal fragments recovered from rear floor board carpet |

1 - Bufile 62-115530 (FOI-REPLIES)

THB:dw (10)

NW 54999 DocId:32989522 Page 393

James H. Lesar, Esq.

These documents will be furnished to Mr. Weisberg at the copying fee of $5.40 which we are authorized to charge in connection with the release of documents under the FOIA.

With regard to Mr. Weisberg's request for the FBI copy of the J. Edgar Hoover memorandum to Mr. J. Lee Rankin dated August 12, 1964, which pertained to the curbstone examination, I wish to advise the original of this document was furnished to the Warren Commission. A representative of the National Archives has confirmed it is published with its enclosures in the Warren Commission Reports as Shaneyfelt Exhibits numbered 26, 27, 28 and 34. In view of its publication and availability for public inspection, I am declining to release the FBI copy of this document which differs from the original only with regard to internal, administrative markings which appear on the FBI copy.

It is considered that the offer of release of the 54 pages of the above-described data, together with that already furnished to Mr. Weisberg, responds fully to his FOIA request for spectrographic and neutron activation analyses, as contained in his written request of November 27, 1974, and subsequent discussion with FBI representatives on March 14, 1975.

You may wish to contact Special Agent Thomas H. Bresson of the FBI FOIA Unit at telephone number 324-2451, to arrange for delivery of these documents.

Sincerely yours,

Clarence M. Kelley
Director

1 - Honorable Michael Ryan
Assistant United States Attorney
Room 3421
United States District Courthouse
3rd Street and Constitution Avenue, N. W.
Washington, D. C. 20001

1 - The Deputy Attorney General
Attention: Susan M. Hauser

1 - Assistant Attorney General

NW 54999 DocId:32989522 Page 394

James H. Lesar, Esq.

NOTE: See memo to Mr. Adams from Legal Counsel captioned, "Freedom of Information Act Request of Harold Weisberg," dated April 10, 1975.



NW 54999 DocId:32989522 Page 395

March 31, 1975

1 - Mr. White
Atten: Mr. Kilty
1 - Mr. Mintz

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

I am enclosing 17 pages of material described in my letter to you dated March 26th, plus five pages of documents relating to the curbstone examination which your client, Mr. Weisberg, has requested.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (6)

1 - Honorable Michael Ryan
Assistant United States Attorney
Room 3421
United States District Courthouse
3rd Street and Constitution Avenue, N. W.
Washington, D. C. 20001
1 - The Deputy Attorney General
Attention: Sue Hauser
1 - Assistant Attorney General
Civil Division, Attention: Mr. Axlerad
1 - Bufile 62-115530 (FOI-REPLIES)

THB:ms (9)

NOTE NEXT PAGE

NW 54999 DocId:32989522 Page 396

James H. Lesar, Esq.

NOTE: We have previously had approved the release under the FOIA of the 17 pages of material which relate to spectrographic and neutron activation examination conducted in the assassination of the John F. Kennedy case. This material will be personally delivered to Mr. Lesar, who will appear at the FOIA Office on March 31st.

Mr. J.B. Adams 3/25/75

Legal Counsel

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

Reference is made to Mr. Williams to Mr. White memorandum dated March 19th, captioned "Freedom of Information Act (FOIA) Request of Harold Weisberg" which identified 17 pages of copies of documents proposed for release in connection with captioned matter.

It will be recalled that Weisberg recently re-instituted a civil suit to compel production of laboratory documents pertaining to spectrographic analyses examinations conducted in connection with the John F. Kennedy assassination case. Weisberg and his attorney, James H. Lesar, subsequently met with representatives of the Legal Counsel and Laboratory Divisions at which time the scope of his request was identified and the documents to which he sought access were described to him. It was agreed that production of these documents would satisfy his request and moot the pending civil suit.

There is attached to this memorandum a proposed letter to Mr. Lesar setting forth the costs incurred in connection with the release of these documents.

In addition to coordination of the handling of this request with the Laboratory Division, the FOIA Unit has discussed this matter with Mr. Jeffrey Axlerad, Department of Justice, Civil Division, and Mr. Michael Ryan, Assistant U.S. Attorney, District of Columbia.

The two requesters who will shares costs of processing are Cyril Wecht, M.D., and John Nichols, M.D.

RECOMMENDATION:

That the attached letter be approved and forwarded to Mr. Lesar.

Enclosure
1 - Mr. White - Enclosure
(Attn: Mr. Kilty)
1 - Mr. Mintz

THS:llk (5)

NW 54999 DocId:32989522 Page 398

March 25, 1975

1 - Mr. White
(Attn: Mr. Kilty)
1 - Mr. Mintz

James H. Lesar, Esq.
1231 Fourth Street, S.W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in regard to the request of your client, Mr. Harold Weisberg, for certain documents which relate to FBI Laboratory findings concerning spectrographic and neutron activation analyses in connection with the John F. Kennedy assassination investigation.

I wish to advise you that 17 pages of material are now available for release and include, with one exception, the material Mr. Weisberg made specific request for during a recent discussion he had in your presence with representatives of the FBI. The one exception is the data concerning spectrographic examination of metal smears on a section of a carbatene. We are still in the process of compiling this data and will advise you concerning this as soon as it is possible to do so.

The following is a statement regarding fees we are authorized to charge in accordance with Department of Justice regulations, currently published in the Federal Register. The regulations authorize a charge at the rate of $1.00 per each one quarter hour spent by clerical personnel, in excess of the first quarter hour, in searching for and producing a requested record. Where a search cannot be performed by clerical personnel, charges for the search may be made at a rate of $2.00 per each one quarter hour spent in excess of the first quarter hour. These regulations authorize copying fees at the rate of ten cents per page. The charges itemized in this case are as follows:

1 - Honorable Michael Ryan
Assistant United States Attorney
Room 3421
United States District Courthouse
3rd Street and Constitution Avenue, N.W.
Washington, D. C. 20001
1 - The Deputy Attorney General
1 - Assistant Attorney General, Civil Division
(Attn: Mr. Axlerad)

THB:llk (10)

SEE NOTE PAGE TWO

NW 54999 DocId:32989522 Page 399

James H. Lesar, Esq.

| | |
|---|---|
| Clerical search time: (5 hours at $1.00 per quarter hour) | $ 20.00 |
| Nonroutine, nonclerical searches: (19 and three quarter hours at $2.00 per quarter) | 86.00 |
| Copies: (17 at ten cents per page) | 1.70 |
| Total: | $107.70 |

Two other individuals have requested, under the Freedom of Information Act, access to the same data as your client; therefore, the total cost is being apportioned among the three requesters. The authorized charge to Mr. Weisberg is determined to be $35.90.

Upon receipt of your client's willingness to pay the above charges, arrangements will be made for the delivery of these documents to you.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: See Legal Counsel memo to Mr. J.B. Adams, dated 3/25/75, captioned "Freedom of Information Act Request of Harold Weisberg."



NW 54999 DocId:32989522 Page 400

OPTIONAL FORM NO. 10
~~MAY 1962 EDITION~~
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ✓
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ✓
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 3/24/75

FROM : Legal Counsel

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF HAROLD WEISBERG

dated March 13th

By memorandum from Legal Counsel to Mr. J. B. Adams under the above caption it was advised discussion with Mr. Weisberg concerning his request for laboratory data connected with the John F. Kennedy assassination investigation was planned for March 14th. This is to advise of the results.

Mr. Weisberg was accompained by his attorney, James H. Lesar of Washington, D. C. Representing the FBI were SA Thomas H. Bresson of the FOIA Unit, Legal Counsel Division, SAs Robert A. Frazier and John W. Kilty of the Laboratory Division.

This discussion resolved what apparently was Mr. Weisberg's confusion as to what data, other than that which had been furnished to the National Archives, was in existence and in possession of the FBI. After the data was generally identified for him, and samples shown to him, he made specific requests for spectographic and neutron activation material which consists of tables and pages with results of readings, representing metal fragments from the body of President Kennedy and the body of Governor Connolly. Additionally requested were spectographic analyses data of the areas on the clothing of President Kennedy and Governor Connolly where the bullets may have passed. Weisberg also requested the available material relating to examination of the windshield of the President's automobile, and examination regarding metal fragments from the President's automobile. Additional request was made for laboratory examination data which may be available regarding testing done on a curbstone near the crime scene.

Enc.

1 - Mr. Adams - Enc.
1 - Mr. White - Enc.
1 - Mr. Mintz

THB:ms (6)

CONTINUED - OVER

Both Mr. Weisberg and Mr. Lesar indicated this would be completely satisfactory to them and would cover the scope of the current FOIA request with regard to laboratory data in the Kennedy assassination case.

With regard to the above request, the documents proposed for release are not considered to be material that would be subject to withholding under the current FOIA. It is estimated it will contain approximately 20-30 copied pages, and a preliminary estimate of a full-work day to search and compile. We would be authorized to charge ten cents per copy for reproduction, and $2 per quarter hour for search and production of the documents, this being the fee specified in regulations for a non-clerical type search.

Discussion thereafter continued with SA Bresson regarding FOIA matters generally and specifically the pending civil suit. Mr. Lesar stated that receipt of the requested documents would moot the civil litigation with regard to laboratory documents.

Mr. Weisberg then attempted to formulate some additional FOIA requests regarding the Kennedy assassination investigative file regarding events in Dallas and investigation of Lee Harvey Oswald. He also indicated he plans to pursue further the Martin Luther King assassination case, including laboratory findings, and some general data of historical interest to him that he claims he furnished the FBI many years ago. Mr. Weisberg was informed, and he understands, that any future FOIA request will have to be submitted in writing in accordance with the Departmental regulations.

Mr. Lesar made reference to a letter we sent to him dated 2/27 in response to his letter of 1/29 which he directed to the then Acting Attorney General Laurence Silberman. He felt the reply was not responsive to his question, and that it particularly did not address the issue as to whether information concerning Mr. Weisberg had ever been furnished to former Congressman Hale Boggs. He advised he would pursue this matter further indicating he did not feel a reply based mainly on the search of records was sufficient in this case.



NW 54999 DocId:32989522 Page 402

Legal Counsel to Mr. Adams memo
Re: FOIA Request of Harold Weisberg

The correspondence to which Lesar refers, copy attached, contained in addition to the Boggs question, a request for reply to what was identified as previously unanswered inquiries as to whether Weisberg was subject to surveillance or other intrusions into his life by the FBI. The reply, copy attached, was based on review of the Weisberg file and references in indices to him, and advised generally that FBI records contained no information to substantiate this.

During this conference Mr. Weisberg specifically asked if "Director Hoover's confidential files" were searched and the reply was that as far as is known, the appropriate files that would reflect the type of requested information, if it existed, were checked and no information to substantiate the allegations was found. Mr. Lesar asked if any contact was made with the son of Hale Boggs to verify this, and he was answered that we did not.

The "OC" file was not checked initially, but on 3/14 it was determined there is no reference to Weisberg contained therein.

Results of this discussion, insofar as the pending civil litigation is concerned was furnished to Mr. Jeffrey Axelrad of the Civil Division of the Department on 3/14 and to Assistant United States Attorney Michael Ryan, who is handling the case. Mr. Axelrad was advised we still had not received a copy of this complaint, and he stated he would insure we would receive it promptly.

RECOMMENDATION:

The requested documents be processed by Laboratory Division and coordinated with FOIA Unit for determination of charges and release.



NW 54999 DocId:32989522 Page 403

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

THB

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO Mr. J. B. Adams

DATE: 3/13/75

FROM Legal Counsel

SUBJECT FREEDOM OF INFORMATION REQUEST
OF HAROLD WEISBERG

As you know, captioned subject recently reinstituted his Freedom of Information Act (FOIA) request for laboratory documents pertinent to the John F. Kennedy assassination investigation under the amended version of the Act. His request was submitted two months prior to the effective date of the amendments. On December 19th a letter was directed to him advising we were attempting to identify the documents in which he expressed interest, and that we were, at that time, awaiting guidelines from the Department of Justice regarding implementation of the amended FOIA. He considered this reply a denial and appealed. By letter to him dated February 25th, the Attorney General upheld our decision to defer final disposition of his request until the effective date of the amended FOIA, and suggested that he confer with the FBI directly since there was some question as to the scope of his request.

By letter dated March 6th, James H. Lesar, Weisberg's attorney throughout his efforts to obtain data regarding the Kennedy assassination case, directed a letter to us suggesting we set an appropriate time to discuss this matter. He included the request that Weisberg, and the Bureau, be allowed to tape record the conference.

We learned on March 10, 1975, through the Civil Division of the Justice Department, that Weisberg has recently filed civil suit in U. S. District Court for the District of Columbia regarding production of these documents. A copy of this complaint is being forwarded to the FOIA Unit.

A meeting with Lesar and Weisberg has been set for the morning of March 14, 1975, for the purpose of identifying the scope of Weisberg's request and discussion concerning the nature of data which may be available for release under the FOIA. The laboratory work data and findings are not considered to be exempt from disclosure under the amended FOIA. Mr. Lesar was advised the Bureau did not intend to tape record the conference and it was our desire that Weisberg not tape record the discussion. Mr. Lesar agreed there will be no tape recording.

THB:dw (6)
1 - Mr. Adams
1 - Mr. White
1 - Mr. Mintz

CONTINUED - OVER

Legal Counsel to Mr. J. B. Adams Memo
RE: FREEDOM OF INFORMATION REQUEST

This proposed meeting was discussed with Mr. Jeffrey Axlerad of the Civil Division, who is the litigation attorney in the civil suit. He interposed no objection and advised he did not care to participate.

SA Thomas H. Bresson of the FOIA Unit and SAs John W. Kilty and Robert A. Frazier of the Laboratory Division will participate in this conference. FOIA Unit will report results of this meeting.

RECOMMENDATION:

None. For information.



NW 54999 DocId:32989522 Page 405

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

March 6, 1975

Mr. Clarence Kelley, Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Kelley:

Attorney General Levi has informed me that the Bureau would like to meet with Mr. Harold Weisberg to discuss the implementation of his request for access to the results of certain scientific tests which were performed for the Warren Commission. I suggest that you give me a call to set up an appropriate time, preferably some day next week.

Mr. Weisberg would prefer that we--and the Bureau--be allowed to tape record this conference. Is that agreeable to you?

Sincerely yours,

Jim Lesar

Jim Lesar

FBI
MAR 7 1975
WASH. D.C.

MAR 7 1975
3/13
LEGAL COUNSEL

1-Office, 7133
1-Mr. White
1-Mr. Kilty
Mr. White March 19, 1975
1-Mr. Cunningham
1-Mr. Mintz
M. E. Williams (Attn: Mr. Bresson)

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST OF HAROLD WEISBERG

The attached documents are proposed for release to Weisberg in accordance with a discussion with Weisberg held on March 14, 1975. The details concerning the meeting with Weisberg are being set out in a separate memorandum by the FOIA Unit.

The only requested item not included in the attached documents is one referring to a spectrographic examination of metal smears on a section of curb. The files are being searched for this item and it will be furnished to Weisberg if it is located.

The documents proposed for release are the following:

1. Three pages of results of neutron activation analysis examinations on Q1 (CE 399), Q2 (CE 567), Q4, Q5 (CE 843), Q9 (CE 842), Q14 (CE 840).

2. Worksheet and notes for PC-78243 BX JV GK on spectrographic examinations on Q2, Q4, Q5, Q9, Q14, Q15 (CE 841).

3. Worksheet and notes for PC-80135 BX HB on spectrographic examinations on Q566, Q567, Q568, Q569.

4. Worksheet and notes for PC-78282 BX HB on spectrographic examinations on Q22 (CE 393), Q24 (CE 395), Q25 (CE 394).

5. Worksheet and notes for PC-78378 BX HB on spectrographic examinations on Q1, Q2, Q3 (CE 569), Q188 (CE 573).

Approximately 50 hours of Agent and clerical time were spent in locating and reproducing items attached.

Enclosure

ACTION: None. For information only.
JVK:fdh(6)

NW 54999 DocId:32989522 Page 407

ATT CAB MEMO

To Bisson 3/18/75 re Weinberg request:

1) 3 pages on NAA of Q1, Q2, Q4, Q5, Q9, Q1

2) Worksheet PC-78243 BX JV GH on spectro results of Q1, Q2, Q4, Q5, Q9, Q14, Q15,

3) Worksheet PC-80185 BX HB on spectro results on Q566, Q567, Q568

4) Worksheet PC-78282 BX HB on spectro results on Q21, Q22, Q25, Q24

5) Worksheet PC-78378 BX HB on spectro results on Q1, Q2, Q3, Q188

| Q | CE |
|---|---|
| 1 | 399 |
| 2 | 567 |
| 4, 5 | 843 |
| 9 | 842 |
| 14 | 840 |
| 3 | 569 no NAA |
| 188 | 573 " " |
| 15 | 841 |
| Q22 | 393 |
| Q24 | 395 |

| Q | CE |
|---|---|
| Q25 | 394 |
| Q566 | No CE Number |
| Q567 | " |
| Q568 | " |
| Q569 | " |

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

19 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[✓] Information pertained to a matter unrelated to the JFK Assassination investigation.

[✓] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-106070-8307X

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

CIVIL SUBPOENA

FPI-MI—10-1-75-20M-4437

# United States District Court

*for the*

## District of Columbia

Harold Weisberg

*Plaintiff.*

*vs.*

CIVIL ACTION NO. 75-0226

U.S. Dept. of Justice, et al.

*Defendant.*

To: Mr. John W. Kilty, Special Agent, FBI

J. Edgar Hoover Building, Washington, D. C. 20535

YOU ARE HEREBY COMMANDED to appear in (~~this court~~) (the office of Mr. James H. Lesar 910 16th Street, N. W., Suite 600, Washington, D. C. 20006) to give testimony in the above-entitled cause on the 26th day of April, 1977, at 10:00 o'clock a.m. (and bring with you) all documents produced in response to plaintiff's FOIA request in this action; 2) all files searched in locating said documents, together with the documents contained in them; and 3) all work sheets or other documents reflecting the time expended in searching for the documents disclosed as a result of plaintiff's FOIA request.

and do not depart without leave.

JAMES F. DAVEY, *Clerk*

By Robert L. Lesar

*Deputy Clerk.*

Date April 8, 1977

James H. Lesar

*Attorney for* { *Plaintiff.* / ~~*Defendant.*~~

### RETURN ON SERVICE

Summoned the above-named witness by delivering a copy to h____ and tendering to h____ the fees for one day's attendance and mileage allowed by law, on the _____ day of _____, 19 ___, at _____

Dated _____

_____

Subscribed and sworn to before me, a _____ this _____ day of _____, 19 ____

_____

NOTE.—Affidavit required only if service is made by a person other than a U.S. Marshal or his deputy.

NW 54999 DocId: 32989222 Page 4

per Moschella 4/25/77

Assistant Director
Records Management Division 10/5/76

Legal Counsel

HAROLD WEISBERG v.
UNITED STATES DEPARTMENT
OF JUSTICE, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 75-226

PURPOSE: To furnish copy of plaintiff's Request for Production of Documents.

SYNOPSIS: Attached request concerns records pertaining to the subject of plaintiff's FOIA request, namely, laboratory examinations conducted in connection with our investigation of the assassination of President Kennedy, and also concerns records relating to plaintiff's request itself, along with other requests he has made.

RECOMMENDATION: That the FOIPA Section, Records Management Division, locate all records falling within the scope of attached request, and also coordinate with Special Agent John Kilty of the Laboratory Division our answers to plaintiff's First Set of Interrogatories. Defendants' response to both the attached request and the Interrogatories must be filed with the Court no later than 10/15/76.

Enclosure

1 - Mr. Cochran (Attn: Mr. Kilty)
1 - Mr. Decker (Attn: Mr. Smith)
1 - Mr. Mintz
1 - Mr. Blake

PTB:rml
(5)

CONTINUED - OVER

Memorandum to Assistant Director
Records Management Division
Re: Harold Weisberg, v. United States Department of Justice, et al., (U.S.D.C., D. C.)
Civil Action No. 75-226

DETAILS: On 8/12/76, plaintiff served a copy of attached Request for Production of Documents by Defendant United States Department of Justice upon the AUSA handling this case, but the AUSA did not advise the FBI of this or furnish us a copy until 9/17/76. The request concerns records relating to laboratory examinations conducted with regard to the assassination of President Kennedy, as well as plaintiff's FOIA request for materials relating to these examinations. The FOIPA Section is being requested to locate all records which would be responsive to this request, so that a determination can be made as to which of these records should be turned over to plaintiff. Special Agent John Kilty of the Laboratory Division has already advised Special Agent Parle Thomas Blake of the Legal Counsel Division that the FBI possesses no records which would be responsive to paragraph 3 of the request, and has also advised that he will assist the FOIPA Section in making any determinations as to whether specific documents located would refer to the types of laboratory examinations which are within the scope of plaintiff's FOIA request. Special Agent Kilty will also answer the Laboratory-related questions in plaintiff's First Set of Interrogatories.

Special Agent Blake previously furnished a copy of this request to Special Agent Donald L. Smith of the FOIPA Section, and advised him that portions of the Request for Production are much more broad than plaintiff's original FOIA request, and in the opinion of Legal Counsel need not be complied with, even under the liberal rules of discovery, inasmuch as a plaintiff may not obtain through discovery that which he cannot obtain under his original FOIA request if it is not relevant to that FOIA request.



NW 54999 DocId:32989522 Page 412

Memorandum to Assistant Director
Records Management Division
Re: Harold Weisberg, v. United States Department of Justice, et al., (U.S.D.C., D. C.)
Civil Action No. 75-226

At a status call on 10/1/76, the Court indicated that the Request for Production must be responded to by 10/15/76, and that also by that date plaintiff's First Set of Interrogatories, originally served upon defendants on 5/2/75, must be answered. After this case was remanded back to the District Court for further discovery, these Interrogatories were apparently re-served on the AUSA on 8/9/76, but we were not advised of this until 10/1/76.



NW 54999 DocId:32989522 Page 413

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| HAROLD WEISBERG, Plaintiff, | |
| v. | Civil Action No. 75-226 |
| UNITED STATES DEPARTMENT OF JUSTICE, and | |
| U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Defendants | |

REQUEST FOR PRODUCTION OF DOCUMENTS BY
DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiff requests that within 30 days the defendant United States Department of Justice produce and permit plaintiff to make copies of the following documents:

1. All correspondence, notes, memos, routing slips, or any other form of record pertaining to any communications, whether written, telephonic, or oral, exchanged in regard to spectrographic or neutron activation anlayses or any other scientific tests performed on items of evidence in the assassination of President Kennedy. This should include all such correspondence or communications exchanged with respect to any such tests which were discussed or contemplated but not actually carried out.

2. All correspondence, notes, memos, routing slips, or any other form of record pertaining to plaintiff's 1966, 1970, and 1974 requests for the results of the spectrographic and/or neutron acti-

NW 54999 DocId:32989522 Page 414

vation analyses conducted on items of evidence in the assassination of President Kennedy, including any such records which reflect the defendant's efforts to ascertain what records it has which come within the scope of plaintiff's request and any efforts it made to determine what tests were actually conducted.

3. Any rules, regulations, procedures, or guidelines which pertain to or govern spectrographic and neutron activation testing.

4. Any instructions, directives, or memorandums issued with respect to the testing of items of evidence in the assassination of President Kennedy by spectrographic or neutron activation analysis or other scientific means.

James H. Lesar

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of August, 1976, mailed a copy of the foregoing Request for Production of Documents by Defendant United States Department of Justice to Assistant United States Attorney Michael Ryan, Room 3421, United States Courthouse, Washington, D. C. 20001.

James H. Lesar

JAMES HIRAM LESAR

NW 54999 DocId:32989522 Page 415

Mr. J. B. Adams 7/12/76

Legal Counsel

HAROLD WEISBERG v. UNITED STATES
DEPARTMENT OF JUSTICE, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 75-226

PURPOSE:

This is to advise of receipt of attached appellate decision.

SYNOPSIS:

On 7/7/76 the United States Court of Appeals for the District of Columbia Circuit entered attached decision remanding captioned litigation back to the District Court to allow plaintiff, through discovery, to ascertain whether the records which he claims exist do in fact exist.

RECOMMENDATION:

None. For information.

DETAILS:

Plaintiff instituted captioned FOIA litigation in early 1975 after his request for Laboratory materials pertaining to our investigation of the assassination of

Enclosure
1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Decker
Attn: Mr. Bresson
1 - Mr. Mintz
1 - Mr. Plake

CONTINUED - OVER

PTD:lso
(5)

NW 54999 DocId:32989522 Page 416

Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v. United States
Department of Justice, et al.
(U.S.D.C., D.C.)
Civil Action No. 75-226

President John F. Kennedy was not complied with to his satisfaction. His primary contention was that records which do not exist really do exist, and with the goal in mind of proving that they exist, plaintiff served defendants with a lengthy and detailed set of interrogatories primarily directed toward our Laboratory procedures. Based on affidavits provided by us, defendants moved to dismiss the action on the grounds of mootness, and on 7/15/75, the District Court granted defendants' motion, stating that the interrogatories were overly oppressive to defendants, who had substantially complied with plaintiff's request.

Plaintiff appealed to the District of Columbia Circuit, and attached decision is the result of that appeal. The Circuit Court in its decision implies that plaintiff, in this FOIA litigation, is entitled to learn from former FBI personnel, through subpoenaed testimony and/or depositions, whether the records which appropriate present FBI personnel have already sworn do not exist, do in fact exist.



NW 54999 DocId:32989522 Page 417

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S. App. D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 75-2021

HAROLD WEISBERG, APPELLANT

v.

U. S. DEPARTMENT OF JUSTICE, ET AL.

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Appeal from the United States District Court for the District of Columbia

(D.C. Civil Action 75-0226)

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Argued 3 June 1976

Decided 7 July 1976

*James H. Lesar*, for appellant.

*Michael H. Stein*, Attorney, Department of Justice, with whom *Rex E. Lee*, Assistant Attorney General, *Earl J. Silbert*, United States Attorney and *Leonard Schaitman*, Attorney, Department of Justice, were on the brief for appellees.

Before: ROBINSON and WILKEY, *Circuit Judges* and JAMESON,* *United States Senior District Judge* for the District of Montana

Opinion for the Court filed by *Circuit Judge* WILKEY.

WILKEY, *Circuit Judge*: Following our decision en banc in *Weisberg v. Department of Justice*[1] the Freedom of Information Act was amended[2] to facilitate access to certain investigatory files, those previously falling within Exemption 7. Plaintiff Weisberg accordingly renewed his request for scientific investigatory data compiled after the assassination of President Kennedy and the wounding of Governor Connally, alleged to be in the files of the Federal Bureau of Investigation and the United States Energy Research and Development Administration (formerly the Atomic Energy Commission). In the course of this renewed litigation under the Freedom of Information Act plaintiff made certain demands for the production of information and addressed interrogatories to the Department of Justice. After back and forth demands, responses, and conferences, which we need not detail here, data in various forms was furnished plaintiff, which he claims to be insufficient.

In hearings held on 21 May and 15 July 1975, the District Court (Pratt, J.) refused to order the Government to respond to plaintiff Weisberg's interrogatories, which it described as "oppressive,"[3] found that the Government had "complied substantially" with plaintiff's demands,[4] and accordingly granted defendants' motion to dismiss the action as moot.[5] The Government defendants' position, sustained by the District Court, was that all data which existed and which had been described in plaintiff's request had been furnished, and that other data for which Weisberg repeated his demands did not exist. Before reaching this overall conclusion that the Government defendants had "complied substantially," the trial court made no detailed findings of fact, nor did it list any material relevant facts as not in dispute and relied upon to support a summary judgment.



In response to his demands in this Freedom of Information Act suit plaintiff has received letters from Government officials, affidavits from Government employees, some scientific data which he requested, and other scientific data which he maintains he did not request and does not need; he has had conferences with Government officials; and he has heard the statements and arguments of Government counsel in court. He has not received *all* of the data which he has demanded and which he claims still to exist or to have existed at one time. He has not received an answer to any of his interrogatories, nor has he had the opportunity to examine a single live witness either on deposition or on trial before the District Court.

We make no attempt to unravel the conflicting claims, assertions, or responses, but we have identified certain

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* Sitting by designation pursuant to 28 U.S.C. § 294(d).

[1] 489 F.2d 1195 (D.C. Cir. 1973), *cert. denied*, 416 U.S. 993 (1974).

[2] Act of 21 Nov. 1974, Pub. L. No. 93-502, § 2, 88 Stat. 1563, *amending* 5 U.S.C. § 552(b)(7) (1970).

[3] Transcript of Hearing on 21 May 1975 at 22, Joint Appendix (J.A.) at 185; Transcript of Hearing on 15 July 1975 at 19, J.A. at 205.

[4] Transcript of Hearing on 15 July 1975 at 19, J.A. at 205.

[5] *Id.* Although the District Court dismissed this action as moot, it relied upon affidavits outside the pleadings on review, and therefore this court must treat the dismissal as a grant of summary judgment in favor of defendant. FED. R. CIV. P. 12(c); *Dorado v. Kerr*, 454 F.2d 892 (9th Cir.), *cert. denied*, 409 U.S. 934 (1972). Thus, we must determine whether a genuine issue as to any material fact remains to be resolved. FED R. CIV. P. 56(c). If so, we must remand to the District Court.

NW 54999 DocId:32989522 Page 419

demands which appear not to have been answered satisfactorily by the Government defendants, *i.e.*, demands which raise material factual questions still in dispute.

1. *Final reports of spectrographic analysis*—The FBI claims it does not have such "final reports" as sought by Weisberg. The FBI asserts that Special Agent Gallagher made an oral report of spectrographic analysis to Special Agent Frazier, who incorporated the oral report in a comprehensive report to the Dallas police, which is a public document, and which has been turned over to Weisberg. The Government asserts this is all there is. Special Agents Gallagher and Frazier are now retired from the FBI but both are living, yet no testimony or affidavit has been received from them.

2. *Neutron activation analyses of bullet fragments*—The FBI asserts that these were very small samples and have been turned over to Weisberg. Plaintiff thinks there is more. The analyses were performed at the Oak Ridge National Laboratory with FBI participation. Apparently no one with personal knowledge of this has testified or furnished affidavits. The Government representative furnishing information by letter to plaintiff originally furnished incorrect information, which subsequently was corrected.

3. *Raw data of the spectrographic and neutron activation analysis tests*—Weisberg claims that some of this has been withheld, particularly raw data on the Jarell-Ash spectrographic analysis. The FBI maintains that the only report of this is on a worksheet already furnished Weisberg, and that the Jarrell-Ash spectrographic analysis results are on that worksheet.

4. *Neutron activation analysis testing of clothing*—Plaintiff maintains he has been promised the results of such testing and that he has not received this, although admitting that he has received certain related materials



from the National Archives. The FBI responds that the neutron activation analysis testing has not been furnished because it was never done, and that the statement in the original affidavit mentioning such testing was an error subsequently corrected by the responsible FBI Special Agent.

5. *Emissions spectroscopy*—This allegedly was 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. The FBI maintains that the results were inconclusive and such results as the FBI has were furnished in the spring of 1975 as part of the raw data given Weisberg.

The above listing is probably not all of the factual areas which are in dispute between the parties, but the listing of these five indicates that summary judgment was clearly inappropriate. The Government's assertion to the District Court that the "[c]ase has been settled by fully producing all material sought by plaintiff's Freedom of Information Act request . . . that is, all laboratory data concerning the John F. Kennedy assassination investigation"[6] was certainly unwarranted. The Government's effort to respond to plaintiff's request has consisted of furnishing information by affidavits executed by agents now in the employ of the FBI who have examined the Bureau's files. None of these agents participated in the original investigation, and there are at least three agents, retired from the FBI and identified by plaintiff, who have not been heard by deposition, affidavit, or in court.

Plaintiff's attempt to secure information from the Government defendants by interrogatories was not the most efficient means, if used alone, of gaining access to

[6] Defendant's Calendar Call Certification (2 May 1975), J.A. at 36.

NW 54999 DocId:32989522 Page 420

the whole story, but it was chosen as a preliminary first step to outline parameters of discovery and as being the most economical means available to plaintiff. We think in these circumstances plaintiff was entitled to insist on his interrogatories being answered and that they should not have been dismissed by the trial judge as oppressive.

It may be that plaintiff would now be well advised, given the totality of discovery, irregular as it may be, which he has been afforded, to proceed with depositions or a court hearing.[7] Certainly plaintiff later must do so. Although the choice of discovery methods is normally up to the litigant, we cannot cast the blame on the Government defendants here. Part of the reason for plaintiff obtaining unsatisfactory responses undoubtedly lies in the fact that plaintiff has been addressing inquiries only to the opposing parties, who by this date in history are nothing but file custodians with no personal knowledge of the matters in issue.

The data which plaintiff seeks to have produced, if it exists, are matters of interest not only to him but to the nation. Surely their existence or nonexistence should be determined speedily on the basis of the best available evidence, *i.e.*, the witnesses who had personal knowledge of events at the time the investigation was made. This cannot be done by interrogatories addressed to a party, although this might serve to narrow the scope of inquiry. It must be done with live witnesses either by deposition or in court.

Decades ago Dean Wigmore said that cross-examination "is beyond any doubt the greatest legal engine ever

[7] While we think the trial judge should not have quashed the interrogatories *in toto* as "oppressive," we do not rule out a detailed evaluation of individual questions, if plaintiff renews them and the trial judge so desires, given the discovery plaintiff has already received.



invented for the discovery of truth."[8] We think it time for the trial court to start the engine running, and thereafter make detailed findings as to what the evidence adduced establishes. Accordingly, we remand this case to the District Court for further proceedings under the Freedom of Information Act not inconsistent with this opinion.

*So ordered.*

[8] 5 J. WIGMORE, EVIDENCE § 1367 at 32 (Chadbourn rev. 1974).

NW 54999 DocId:32989522 Page 421

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. McDermott
Attn: Mr. Bresson

Assistant Attorney General
Civil Division
Attn: Messrs. Jeffrey Axelrad, Michael Stein

January 19, 1976

Director, FBI

1 - Mr. Mintz
1 - FOIA Litigation
(Blake)

HAROLD WEISBERG v.
UNITED STATES DEPARTMENT OF JUSTICE, et al.
(UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA)
CIVIL ACTION NO. 75-2021

This is to confirm the substance of the telephone conversations on January 14, 1976, between Mr. Michael H. Stein of the Civil Division and Special Agent Parle Thomas Blake of our Legal Counsel Division.

It will be recalled that Mr. Weisberg instituted suit in the United States District Court for the District of Columbia, and one of his allegations was that the FBI had failed to comply with his request, made pursuant to the Freedom of Information Act (FOIA), for FBI Laboratory reports concerning the assassination of President John F. Kennedy. Our position was that Mr. Weisberg had in fact been furnished all material we had been able to locate which responded to his request. On July 15, 1975, United States District Court Judge John H. Pratt granted defendants' motion to dismiss the action as moot.

On September 8, 1975, Mr. Weisberg filed his Notice of Appeal to the United States Court of Appeals for the District of Columbia, although we were not aware of this until advised of same by Mr. Stein in his January 14, 1976, telephone call to Special Agent Blake.

During the above-mentioned telephone conversation, Mr. Stein indicated that, on page 17 of his appellate brief Mr. Weisberg quoted from the testimony of Special Agent Robert A. Frazier before the Warren Commission (contained on page 69, volume V, Hearings Before the President's Commission on the Assassination of President Kennedy). Mr. Weisberg's apparent contention was to the

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(10)

SEE NOTE, PAGE 3

NW 54999 DocId:32989522 Page 422

effect that there were two separate FBI Laboratory reports concerning the spectrographic analysis of bullet fragments and lead residues located by the FBI in connection with its investigation of President Kennedy's assassination. Mr. Weisberg apparently contended that one report was prepared by Special Agent John F. Gallagher, and the other was prepared by Special Agent Frazier. Mr. Weisberg further contended that, although he had requested these reports, he had never been furnished them. Mr. Stein indicated that he had been able to answer all other allegations contained in Mr. Weisberg's appellate brief, but requested FBI assistance in formulating an answer to this specific allegation.

Special Agent Blake advised Mr. Stein that, after securing a copy of Mr. Weisberg's brief as well as the appropriate volume of the Warren Commission report, he would attempt to furnish Mr. Stein the facts concerning Mr. Weisberg's allegation as soon as possible.

Special Agent Blake contacted Special Agent John W. Kilty of the Laboratory Division of the FBI. Special Agent Kilty advised as follows concerning Mr. Weisberg's allegation:

The Laboratory report of Special Agent Frazier to which Mr. Weisberg refers was a lengthy report dated November 23, 1963, directed to Jesse E. Curry, Chief of Police, Dallas, Texas, and contained the results of numerous Laboratory examinations conducted by various personnel in the FBI Laboratory concerning the Kennedy assassination. Special Agent Kilty explained that Special Agent Gallagher had performed the above-mentioned spectrographic analysis, and furnished the results thereof in "rough draft" dictation to Special Agent Frazier, who incorporated it, along with the results of other Laboratory examinations, into his November 23, 1963, report. It can be thus seen that there were neither two separate spectrographic analyses nor two separate "reports."

Special Agent Blake telephonically advised Mr. Stein of the above, and also advised him that attachment G of Mr. Weisberg's June 2, 1975, affidavit, filed with the District Court in this action, indicated that Mr. Weisberg was furnished Special Agent Frazier's November 23, 1963, FBI Laboratory report by letter dated



NW 54999 DocId:32989522 Page 423

Assistant Attorney General
Civil Division

May 28, 1975, from Jane F. Smith, Director, Civil Archives Division, United States General Services Administration, to Mr. Weisberg's attorney, James H. Lesar. Mr. Stein indicated that he would need no further assistance from the FBI at this time in answering Mr. Weisberg's appellate brief, but would furnish the FBI copies of all documents filed in this appeal and keep us advised of pertinent developments.

We would very much appreciate being immediately advised in all cases when Notice of Appeal is filed in actions in which the FBI is a defendant or is involved to the extent that we have a substantial interest in the final outcome of the litigation.

1 - United States Attorney
District of Columbia
(Attn: Mr. Michael Ryan)

NOTE:

See memorandum of Legal Counsel to Mr. Adams dated June 23, 1975, captioned "Freedom of Information Act (FOIA) Request Of Harold Weisberg", which set out three possible problems presented to the FBI by this litigation. In essence, these problems dealt with the credibility of portions of our laboratory investigations concerning the Kennedy assassination. Reference is also made to the July 17, 1975, memorandum of Legal Counsel to Mr. Adams, same caption, which indicated that Mr. Weisberg's suit had been dismissed on July 15, 1975. The purpose of this memorandum to the Department is to confirm in writing the substance of the telephone conversations reported herein, and, more importantly, to advise the Department that, regardless of whether they need our assistance when a case in which we are involved is appealed, we wish to be notified immediately whenever a Notice of Appeal is filed in a case in which we are either a defendant or have a substantial interest in its outcome. Copy of Mr. Weisberg's brief and the voluminous appendix thereto, furnished by Mr. Stein, retained by the FOIA Litigation Unit, Legal Counsel Division, pending final outcome of this litigation.



NW 54999 DocId:32989522 Page 424

MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

Mr. Kilty

- Assoc. Dir.
- Dep. AD Adm.
- Dep. AD Inv.
- Asst. Dirs.:
- Admin.
- Comp. Syst.
- Ext. Affairs
- Files & Com.
- Gen. Inv.
- Ident.
- Inspection
- Intell.
- Laboratory
- Legal Coun.
- Plan. & Eval.
- Spec. Inv.
- Training
- Telephone Rm.
- Director Sec'y

TO : Mr. Cochran

DATE: 1/9/76

FROM : J. J. McDermott

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA)
REQUEST FROM HAROLD WEISBERG
CONCERNING SPECTROGRAPHIC AND
NEUTRON ACTIVATION ANALYSES
REGARDING OFFICER J. D. TIPPIT

Weisberg has pending a request for Spectrographic and Neutron Activation Analyses of bullets and clothing in connection with the shooting of Officer Tippit in Dallas on November 22, 1963.

Attached is a copy of requester's letter.

RECOMMENDATIONS:

1. That Laboratory Division determine whether the alleged examinations were performed.

2. If such data does exist, furnish copies to FOIA-PA Section together with your recommendations regarding the feasibility of releasing the data.

Enclosure

1 - Mr. Cochran
plb
plb:bsj (4)

SEE LABORATORY ADDENDUM PAGE 2

5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Rt. 12, Frederick, Md. 21701
12/20/75

Mr. Thomas Bresson, FOIA REQUEST
FOIA Officer
FBI
Washington, D.C.

Dear Mr. Bresson,

This is my request under FOIA for copies of the spectrographic analyses, neutron activation analyses or any similar tests by the FBI in the case of the murder of Office J.D.Tippit in Dallas, Texas, 11/22/63.

By this I mean the reports of any and all such tests as may have been performed on the recovered bullets, all recovered shells, o n the ammunition found in the pistol and the pockets of Lee Harvey Oswald, on Officer Tippit's clothing and all comparisons between any of these and the pistol and any of the other objects.

For your information and that of any searchers, the FBI could not connect these bullets and the pistal ballistically.

The bullets did not match the shells (thus my interest in any testing of the powder in the discharged shells and the unfired ones).

One automatic shell was found at the scene.

In the absence of ballistics proofs I presume there was greater interest in the tests the results of which I seek because they could enable what was not possibly ballistically, connecting Oswald with that murder.

By clothing I mean to include such objects as buttons, one of which was struck by a bullet.

Sincerely,

Harold Weisberg

LABORATORY ADDENDUM, JWK:fdb (Enclosures (7) March 5, 1976

The Laboratory conducted spectrographic examinations of lead bullets removed from the body of Officer J. D. Tippit, bullets from cartridges removed from Lee Harvey Oswald's revolver, and bullets from cartridges removed from the pocket of Oswald's trousers. A search of pertinent files does not reveal any information concerning neutron activation analyses (NAA) being conducted on any of these items.

A search of pertinent files does not reveal the existance of any information concerning an examination of a button allegedly struck by a bullet. There is no information in the files concerning any examination of Tippit's clothing.

Weisberg's letter of request is vague; however, it appears that he is interested in analytical test results and not firearms examinations inasmuch as he comments on the inability to associate the bullets from Tippit with Oswald's gun "ballistically." Therefore, the information recommended for release to Weisberg will not include the notes and worksheets concerning the firearms examinations.

The worksheets, notes and reports regarding the spectrographic examinations of the previously mentioned items do not identify the items easily for a person not familiar with the total ~~use~~ case. For that reason, a Dallas airtel describing these items is being included in the material for release.

The following documents which appear to be responsive to Weisberg's request are enclosed:

1. A two page Dallas airtel which sets out items connected with Oswald and which are difficult to identify in the worksheets and reports.

2. A two page worksheet numbered PC-78243 which contains a listing of item Q13, a bullet from Tippit.

3. A worksheet numbered PC-79846 with one page of notes concerning the spectrographic analysis of the bullets.

4. An unnumbered worksheet with one page of notes concerning the spectrographic analysis of a wrist watch and a ring.

5. A two page FBI Laboratory report dated December 5, 1963, containing a listing for Q177 and Q178, two cartridges removed from Oswald's revolver. The spectrographic analysis of the bullet from Q178 is contained in paragraph 3.

6. A two page FBI Laboratory report dated December 5, 1963, which sets out the results of spectrographic examinations of some specimens listed in worksheet described in paragraph 4.

7. A four page FBI Laboratory report dated March 30, 1964, which sets out results of spectrographic analysis of bullets from Tippit and bullets from cartridges obtained from Oswald.

It is recognized that information in these documents will, no doubt, cause Weisberg to make additional FOIA requests.

As previously pointed out, the identification of bullets from Tippit and pertinent material from Oswald was difficult. Forty-four hours of Agent time were spent on this project.



NW 54999 DocId:32988522 Page 428

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

109 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[X] For your information: FOIA

[X] The following number is to be used for reference regarding this page (these pages):
HQ 62-109060 -8307X Bulky

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UNITED STATES GOVERNMENT

# *Memorandum*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgnt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : The Director

DATE: 5/16/80

FROM : Legal Counsel

SUBJECT: WEISBERG
v. DEPARTMENT OF JUSTICE, et al.
(U.S.D.C., DISTRICT OF COLUMBIA)
CIVIL ACTION NUMBER 75-0226
D.C. Circuit Court of Appeals Number 78-1107

PURPOSE: To advise the Director of the 4/28/80 decision of the United States Court of Appeals in captioned litigation (copy attached).

SYNOPSIS AND DETAILS: Plaintiff commenced this action in 2/75 to compel the DOJ and the Energy Research and Development Administration (ERDA), to disclose the results of certain spectrographic, neutron activation, and other scientific tests conducted by the defendants during the investigation of the assassination of President John F. Kennedy. The documents at issue in this lawsuit were requested by plaintiff under the provisions of the Freedom of Information Act (FOIA) by letter dated 11/27/74. On 7/15/75, the Court dismissed this action as moot on the basis of affidavits setting forth the Government's position that all material responsive to this request had been identified and provided to plaintiff. The District of Columbia Court of Appeals reversed this decision in 7/76, and remanded this case to the District Court for further proceedings to determine by either deposition or in Court testimony of the "witnesses who had personal knowledge of events at the time the investigation was made" whether the alleged additional data responsive to plaintiff's request existed. Weisberg v. Department of Justice, et al., 543 F.2d 308, 311 (D.C. Cir. 1976).

As a result of this remand, interrogatories and requests for production of documents were submitted by plaintiff and responded to by defendants. Also, plaintiff obtained by deposition the live testimony of SA Cortlandt Cunningham and retired SAs Robert A. Frazier, Lyndal L. Shaneyfelt, and John F. Gallagher, all of whom

Enclosure

1 - Mr. Boynton
1 - Mr. Colwell
1 - Mr. Joseph
1 - Mr. Bailey
Attn: Mr. Whaley
1 - Mr. Greenleaf
Attn: Mr. Kilty
JJS:kr (10)

1 - Mr. Young
1 - Mr. Roin
1 - Mr. Slicks
1 - IPALU

(CONTINUED -- OVER)

FBI/DOJ

participated in the scientific tests connected with the investigation of President Kennedy's assassination. Plaintiff also attempted to depose SA John W. Kilty relative to the scope of the search that had been made of FBI files. (SA Kilty, prior to the remand, executed two affidavits avowing that the FBI files contained no information of interest to plaintiff other than that already furnished to him.) The District Court granted the Defendants' Motion for a Protective Order in this regard, and ultimately awarded Summary Judgment to the Defendants, holding that all documents within the purview of plaintiff's demands had been released. The record relied on by the Court included, in part, the two previously described Kilty affidavits. Plaintiff appealed to the D.C. Court of Appeals.

On 4/28/80, the D.C. Court of Appeals again reversed the decision of the District Court, holding that material issues of fact existed which made Summary Judgment improper. Weisberg v. Department of Justice, et al., No. 78-1107 (D.C. Cir. Apr. 28, 1980). The Court particularly questioned the non-existence of at least three items that should have been turned up during the search of FBI files, and commented that the agency affidavits addressing the thoroughness of the search were inadequate in that they "do not denote which files were searched or by whom, do not reflect any systematic approach to document location, and do not provide information specific enough to enable Weisberg to challenge the procedures utilized." Id., 13-14. The Court further noted that "the District Court should have permitted him to depose at least SA Kilty and perhaps others who examined the files" Id., 14.

LCD does not anticipate that further appellate review of this decision will be pursued by the DOJ, nor will such a recommendation be formally made by the LCD. The LCD also does not anticipate that further proceedings in this case in the District Court is likely to result in the location of additional material responsive to plaintiff's request; however, LCD expects that the deposition of SA Kilty, another search for the records at issue and an affidavit will be required to support a renewed motion for summary judgment.

RECOMMENDATION: None. For information.



NW 54999 DocId:32989522 Page 431

Assistant Director
Records Management Division

10/28/76

Legal Counsel

HAROLD WEISBERG v.
UNITED STATES DEPARTMENT
OF JUSTICE, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 75-226

PURPOSE: To furnish copies of defendants' answers to plaintiff's interrogatories, documents referred to in the answers, and documents being turned over to plaintiff in response to his Request for Production of Documents.

SYNOPSIS: Attached are copies of defendants' answers to plaintiff's interrogatories, documents referred to in the answers, and documents being turned over to plaintiff in response to his Request for Production of Documents. The answers were furnished Assistant United States Attorney (AUSA) Michael Ryan on 10/21/76, and the documents were furnished him on 10/27/76.

RECOMMENDATION: None. For information.

DETAILS: As set forth in the 10/5/76 memorandum from Legal Counsel to Assistant Director, Records Management Division, captioned as above, plaintiff served a copy of his Request for Production of Documents

Enclosures (3)

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Decker
Attn: Mr. Smith
1 - Mr. Mintz
1 - Mr. Blake

CONTINUED - OVER

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MW 54999 DocId:32989522 Page 432

by Defendant United States Department of Justice upon the AUSA handling this case on 8/12/76, but the AUSA did not advise the FBI of this or furnish us a copy until 9/17/76. SAs John W. Kilty of the Scientific and Technical Services Division and Donald L. Smith of the FOI-PA Branch, Records Management Division, supervised the location of all documents which would be encompassed by plaintiff's request, and at a meeting on 10/21/76, SAs Kilty, Smith, Parle Thomas Blake of the Legal Counsel Division, Departmental Attorney Lynne Zusman, and AUSA Ryan determined which documents should be turned over to plaintiff. SA Smith then processed these documents and compiled an inventory of them, three copies of which were furnished AUSA Ryan by a representative of the FOI-PA Branch on 10/27/76.

Defendants' answers to plaintiff's interrogatories were prepared by SAs Kilty and Blake, and the original and appropriate number of copies were furnished AUSA Ryan at the 10/21/76 meeting. Ms. Zusman was also furnished two copies at the same meeting.

Also attached are copies of documents which are referred to in defendants' answers to the interrogatories. These documents are being furnished to AUSA Ryan for his information, but will not be furnished plaintiff or the Court, unless the latter directs AUSA Ryan to do so.

AUSA Ryan plans on filing with the Court and serving upon plaintiff both the answers and the requested documents on 10/28/76. There is a status call set for 10/29/76 in this case, which involves plaintiff's FOIA request for documents in our possession concerning the investigation of the assassination of President John F. Kennedy.



NW 54999 DocId:32989522 Page 433

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

v.

Civil Action No. 75-0226

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

John W. Kilty, Special Agent, Federal Bureau of Investigation (hereinafter FBI), being duly sworn, pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby answers the following Interrogatories. These answers are based on information available to a party within the meaning of Rule 33.

Interrogatory No. 1: What are the kinds of tests or examinations, physical, chemical, microscopic or otherwise, which would normally be conducted to determine: (a) whether or not bullets or bullet fragments have a common origin, or (b) which bullets or bullet fragments struck which persons or objects?

Answer No. 1: (a) Elemental analysis is used to determine the composition of bullets and bullet fragments. If, say, bullet A has the same composition as bullet B, our report would say that bullet A came from the same source (origin) of lead as bullet B or another source of lead with the same composition as bullet B. This does not associate bullet A with bullet B to the exclusion of all other bullets. If bullet A is different in composition from bullet B, we point out this fact and say that bullet B



NW 54999 DocId:32989522 Page 434

could not have come from the same source (origin) of lead as bullet A; however, we point out that bullets of more than one composition are often represented in a single box of ammunition. Our Laboratory and other laboratories have demonstrated that several different compositions of lead are often represented in a single box of cartridges. The two methods of elemental analysis which were used in the Kennedy Assassination case were emission spectroscopy and neutron activation analysis (NAA).

(b) There are no tests available which will specifically associate a bullet or bullet fragment to the exclusion of other bullets or bullet fragments with a particular hole in a person or object. There are tests available which will determine if a hole in a person or object, or a dent in an object, could have been caused by being struck by a bullet. In this case, emission spectroscopy was used to determine the composition at the edges of holes in certain garments and to compare this composition with cloth used as control taken from areas distant from these holes, and also to determine the composition of metal scrapings from an automobile windshield and curbstone.

Interrogatory No. 2: Are there any additional tests which could have been used in the investigation into the assassination of President Kennedy to help make these determinations? If so, what are they?

Answer No. 2: Making the assumption that positive answers to interrogatories 1(a) and 1(b) are possible, there are no additional tests which could have been used to help make these determinations in the Kennedy Assassination case.

Interrogatory No. 3: Which of the tests listed in response to the above interrogatories were performed on the evidence pertaining to the assassination of President Kennedy?



NW 54999 DocId:32989522 Page 435

Answer No. 3: Emission spectroscopy and/or NAA were performed on items pertaining to interrogatory 1(a) and emission spectroscopy was performed on articles of clothing or other objects relative to interrogatory 1(b).

Interrogatory No. 4: Were the tests conducted on the items of evidence pertaining to the assassination of President Kennedy as complete as they could have been?

Answer No. 4: Yes.

Interrogatory No. 5: List all items of evidence having to do with the shooting of President Kennedy or any weapon used or allegedly used in the shooting, including any and all bullets or bullet fragments and any objects struck or allegedly struck by bullet or bullet fragments. Give the following information with respect to those items of evidence:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons listed in response to interrogatory 5(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 5(c).

Answer No. 5:

| SPECIMEN # | IDENTIFICATION |
|---|---|
| Q1 | Bullet from stretcher |
| Q2 | Bullet fragment from front seat cushion |
| Q3 | Bullet fragment from beside front seat on right side |



NW 54999 DocId:32989522 Page 436

| SPECIMEN # | IDENTIFICATION |
|---|---|
| Q4 | Metal fragment from the President's head |
| Q5 | Metal fragment from the President's head |
| Q6 | 6.5 mm Mannlicher - Carcano cartridge case from building |
| Q7 | 6.5 mm Mannlicher - Carcano cartridge case from building |
| Q8 | 6.5 mm Mannlicher - Carcano cartridge from rifle |
| Q9 | Metal fragment from arm of Governor John Connally |
| Q14 | Three metal fragments recovered from rear floor board carpet |
| Q15 | Scraping from inside surface of windshield |
| Q21 | Trousers worn by President Kennedy |
| Q22 | Coat worn by President Kennedy |
| Q24 | Necktie worn by President Kennedy |
| Q25 | Shirt worn by President Kennedy |
| Q48 | 6.5 mm Mannlicher - Carcano cartridge case from Depository |
| Q558 | Windshield from President's limousine |
| Q566 | Coat worn by Governor Connally |
| Q567 | Trousers worn by Governor Connally |
| Q568 | Shirt worn by Governor Connally |
| Q569 | Necktie worn by Governor Connally |
| Q609 | Piece of Curbing |
| K1 | 6.5 mm Mannlicher - Carcano rifle with telescope sight, serial No. C2766 |

(a) Firearms Identification Examinations

Q1, Q2, Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q48, K1

Elemental Analysis Examinations

Q1, Q2, Q3, Q4 and Q5, Q9, Q14, Q15, Q22, Q24, Q25, Q556, Q567, Q568, Q609

Microscopic Analysis (Fibers)

K1



NW 54999 DocId:32989522 Page 437

Glass Fracture Examination

Q558

Microscopic Examination

Q609

No records were identified which concern examinations, if any, performed on Q21 and Q569.

(b) With few exceptions the date(s) on which each item of evidence was examined is not recorded. However in order to be as responsive as possible, the date of receipt of the evidence and the date of the communication containing results are listed below; the date upon which the item was examined would of necessity fall between the former and latter date.

Specimens received in the FBI Laboratory on November 22, and/or 23, 1963, and examined therein:

Q1, Q2, Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q15, K1

Results of examinations on these specimens are included in a November 23, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on November 23, 1963, and examined therein:

Q22, Q24, Q25

Results of examinations on these items are included in a December 5, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on November 27, 1963, and examined therein:

Q48, K1

Results of examinations on these items are included in a November 29, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on March 20, 1964, and examined therein:

Q558

Results of examinations on this item are included in a March 26, 1964, Laboratory Report.



NW 54999 DocId:32989522 Page 438

Specimens received in the FBI Laboratory on April 9, 1964, and examined therein:

Q556, Q567, Q568

Results of examinations on these items were reported to the President's Commission by letter dated April 16, 1964.

Specimens received in the FBI Laboratory on August 6, 1964, and examined therein:

Q609

Results of examinations on this item were reported to the President's Commission by letter dated August 12, 1964.

Specimens Q1, Q2, Q4 and Q5, Q9, and Q14 were examined by neutron activation analysis at the Oak Ridge National Laboratory. Records indicate that these items were irradiated May 15, 1964, and counted on May 15, 1964, and May 26, 1964. The results of these examinations were reported to the President's Commission by letter dated July 8, 1964.

(c) Firearms Identification Examinations

Special Agents Robert A. Frazier, Courtlandt Cunningham, and Charles L. Killion

Elemental Analysis Examinations

Special Agents John F. Gallagher, Henry B. Heiberger, and William R. Heilman. J. F. Emery and Frank F. Dyer

Microscopic Analysis (Fibers)

Special Agent Paul M. Stombaugh

(d) All individuals listed in 5(c) were acting in their official capacity.

(e) Coutlandt Cunningham, FBI Headquarters, Washington, D. C.
Paul M. Stombaugh, FBI Headquarters, Washington, D. C.
Robert A. Frazier, Retired
Charles L. Killion, Retired



NW 54999 DocId:32989522 Page 439

John F. Gallagher, Retired

Henry B. Heiberger, Retired

William R. Heilman, Retired

Our records do not indicate the current address and employment of retired employees. Our records do not indicate the current address and employment of J. F. Emery and Frank F. Dyer. However, in 1963 and 1964 they were chemists for Union Carbide Corporation, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Interrogatory No. 6: List all correspondence with respect to such tests which was exchanged between the FBI and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

Answer No. 6: Our records indicate that the examinations listed in interrogatory 5 were referred to in letters from J. Lee Rankin, General Counsel, the President's Commission, to J. Edgar Hoover, Director, FBI, bearing the following dates:

January 7, 1964

February 4, 1964

February 12, 1964

March 6, 1964

March 18, 1964

March 18, 1964

April 9, 1964

May 12, 1964

July 7, 1964

Our records indicate that the examinations listed in interrogatory 5 were referred to in letters to J. Lee Rankin, General Counsel, the President's Commission, from J. Edgar Hoover, Director, FBI, bearing the following dates:

January 10, 1964

February 7, 1964



NW 54999 DocId:32989522 Page 440

February 18, 1964

March 11, 1964

March 23, 1964

March 24, 1964

April 16, 1964

June 2, 1964

July 8, 1964

August 12, 1964

August 19, 1964

Our records indicate that the examinations listed in interrogatory 5 were referred to in FBI Reports of Special Agent Robert P. Gemberling, Dallas, bearing the following dates:

November 30, 1963

December 12, 1963

April 15, 1964

May 28, 1964

July 2, 1964

Interrogatory No. 7: List all correspondence with respect to such tests which was exchanged between the FBI and the AEC.

Answer No. 7: No correspondence between the Atomic Energy Commission (AEC) and the FBI was located in FBI records.

Interrogatory No. 8: What are all the chemical components of the bullet (CE399) allegedly used in the murder of President Kennedy?

Answer No. 8: CE 399 (Q1) was examined for its elemental composition. An examination of records shows that the lead portion contained bismuth, copper, magnesium, silicon, iron, silver and antimony. The jacket portion contained tin, lead, copper, zinc, silicon, iron and silver.

Interrogatory No. 9: Were all of these chemical components tested in each of the tests made? If not, why not?



NW 54999 DocId:32989522 Page 441

Answer No. 9: I am not able to answer this question inasmuch as I do not understand plaintiff's question. See my answer to interrogatory 8 for a listing of the elements in CE 399 (Q1).

Interrogatory No. 10: What are the normal standards and procedures for conducting neutron activation analysis?

Answer No. 10: NAA is a method of chemical analysis based on the detection and measurement of characteristic radionuclides produced in a nuclear reactor. The procedures for conducting such an analysis are many and varied depending on the material to be examined and the chemical elements under investigation. Three texts which are publically available and may be of assistance to plaintiff are Principles of Activation Analysis by Paul Kruger, Applied Gamma Ray Spectrometry by Adams and Dams and Neutron Activation Analysis by De Soete, Gijbels and Hoste. "Normal standards" as this term is used in interrogatory 10 and applied to NAA in general is not understood by me.

Interrogatory No. 11: Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

Answer No. 11: It is assumed that this interrogatory refers to NAA. The procedures used to examine the items of evidence by NAA were ones that would have been employed by other practicioners given the same kinds of materials with which to work.

Interrogatory No. 12: Under normal circumstances, who decides what is tested?

Answer No. 12: Assuming that evidence is submitted to the FBI Laboratory, the contributor usually requests that certain items be examined to show relationships to one another and to somehow associate items with a



NW 54999 DocId:32989522 Page 442

crime. Based on their experience and expertise, examiners in the FBI Laboratory will usually determine the kinds of examinations to perform on items of evidence.

Interrogatory No. 13: With respect to the assassination of President Kennedy, who decided what was tested?

Answer No. 13: Our records do not reveal "who decided what was tested" in the Kennedy assassination case.

Interrogatory No. 14: In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

Answer No. 14: It is "normal" to make a "tabulation" of the results when subjecting specimens to NAA. By "results" I mean the numerical quantitative amount of a chemical element measured in the material examined. The use of the "full and complete" characterization of the "tabulation" is not understood by me. A "tabulation" was made of the results obtained in the NAA of metal fragments in this case. This was given to plaintiff and to the best of my knowledge is complete.

Interrogatory No. 15: In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

Answer No. 15: The conclusion one makes regarding whether or not specimens are "identical or different in chemical composition" is based on the data available from whatever technique or techniques were employed in the examination. In some cases, due to the limited size of the material and/or its state of contamination and/or the character of its composition, it is not possible to reach an "identical or different" conclusion. Additionally, the terms used to



NW 54999 DocId:32989522 Page 443

describe the conclusion reached are the choice of the person making the conclusion and may not necessarily be stated as "identical" or "different." See my answer to interrogatory 1(a) for a further discussion regarding the conclusions reached concerning elemental analysis of bullet fragments.

Interrogatory No. 16: Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

Answer No. 16: Consistent with my answer to interrogatory 15 the answer is yes.

Interrogatory No. 17: Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

Answer No. 17: In interrogatory 14 I defined "results" as the numerical quantitative amount of a chemical element measured in the material examined. This definition applied to NAA examinations. An extension of this definition for spectrographic "results" would be the relative concentration of a chemical element in the material examined. Using these definitions, the "results of the spectrographic and neutron activation tests" were not given to the Warren Commission. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.

Interrogatory No. 18: Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

Answer No. 18: If by "full and complete stated conclusions as to what the tests showed" the plaintiff means our expert opinion as to what the results of the spectrographic examinations and NAA indicated, the answer is yes. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.



NW 54999 DocId:32989522 Page 444

Interrogatory No. 19: Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE (Q14)--mentioned in the April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

Answer No. 19: No.

Interrogatory No. 20: If the answer to interrogatory number 12 is affirmative, what are the other items of evidence which were subjected to neutron activation testing?

Answer No. 20: Assuming plaintiff means to refer to "interrogatory 19," no answer is necessary.

Interrogatory No. 21: If the answer to interrogatory number 12 (sic) is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory Number Q3?

Answer No. 21:

(a) Our records do not indicate why CE 141 (Q8) was not examined by NAA.

(b) Based on my experience and expertise, the reason the clothing of President Kennedy and Governor Connally was not examined by NAA in the areas where a bullet allegedly passed is because NAA is not the method of choice for the determination



NW 54999 DocId:32989522 Page 445

of bullet holes. In 1963, emission spectroscopy was the method of choice for elemental analysis of the borders of holes in garments.

(c) Based on my experience and expertise and an examination of the notes made regarding the spectrographic analysis of the lead smear on the curbstone, it is clear that the minimal amount of lead smear present on the curbstone was not adequate to conduct an examination by NAA.

(d) Records indicate that Q3 is a section of bullet jacket devoid of its lead core. Bullet jacket material made of copper, zinc and/or iron is generally unsuitable for examination by NAA unless chemical separations are conducted. The chemical separations would necessarily destroy markings on the item of evidence. Emission spectrographic analysis was the method of choice for analysis of bullet jacket material in 1963.

Interrogatory No. 22: Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

Answer No. 22: An examiner often consults with another examiner concerning his findings in a specific case, but in all likelihood there would be no reason to commit this consultation to record. An examination of records does not indicate that more than one person recorded or verified the results of the individual spectrographic or NAA examinations.

Interrogatory No. 23: Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of the metallic traces on President Kennedy's clothing, (b) the composition of the metallic traces on Governor Connally's clothing, and (c) the composition of all fragments removed from Governor Conally's body?



NW 54999 DocId:32989522 Page 446

Answer No. 23:

(a) No. Referring to my answer to interrogatory 1(b), a "full and complete comparison" between the composition of a bullet and the minute traces of metal left at the edges of a hole will not permit the conclusion that the hole was made by a specific bullet.

(b) There were no metallic traces on Governor Connally's clothing.

(c) Our records indicate that only one fragment of lead was removed from Governor Connally's body. The answer to this portion of the interrogatory is yes.

Interrogatory No. 24: Was a full and complete comparison made between the chemical composition of the bullet fragments recovered from President Kennedy's head and (a) the composition of the sweepings from the windshield, and (b) all five fragments found in the car during two different searches?

Answer No. 24:

(a) Yes, to the extent that the specimens were of adequate size and condition for compositional analysis.

(b) Our records indicate that the metal fragments recovered from President Kennedy's head were lead and that the five fragments found in the car consisted of a portion of a jacketed bullet (core and jacket), a bullet jacket and three lead fragments. It is apparent from these records that a compositional comparison was made where appropriate.

Interrogatory No. 25: Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of CE 141, the bullet found in the Mannlicher-Carcano rifle, and (b) all other bullet fragments?

Answer No. 25:

(a) No.



NW 54999 DocId:32989522 Page 447

(b) No. Although comparisons were made, CE 399 (Q1) was not compared with all other bullet fragments.

John W Kilty

JOHN W. KILTY
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 20th day of October, 1976.

Lynn Lee Balassa
Notary Public

My commission expires 4-30-78.



NW 54999 DocId:32989522 Page 448

1. (a) Elemental analysis is used to determine the composition of bullets and bullet fragments. If, say, bullet A has the same composition as bullet B, our report would say that bullet A came from the same source (origin) of lead as bullet B or another source of lead with the same coposition as bullet B. This does not associate bullet A with bullet B to the exclusion of all other bullets. If bullet A is different in composition from bullet B, we point out this fact and say that bullet B could not have come from the same source (origin) of lead as bullet A; however, we point out that bullets of more than one composition are often represented in the single box of ammunition. Our Laboratory and other laboratories have demonstrated that several different compositions of lead are often represented in a single box of cartridges. The two methods of elemental analysis which were used in the Kennedy Assassination case were emission spectroscopy and neutron activation analysis (NAA).

1. (b) There are no tests available which will specifically associate

a bullet or bullet fragment to the exclusion of other bullets or bullet fragments with a particular hole in a person or object. There are tests available which will determine if a hole in a person or object, or a dent in an object could have been caused by being struck by a bullet. In this case, emission spectroscopy was used to determine the composition at the edges of holes in certain garments and to compare this composition with cloth used as control taken from areas distant from these holes, and also to determine the composition of metal scrapings from an automobile windshield and curbstone.

2. Making the assumption that positive answers to interrogatories 1(a) and 1(b) are possible, there are no additional tests which could have been used to help make these determinations in the Kennedy Assassination case.

3. Emission spectroscopy and/or NAA were performed on items pertaining to interrogatory 1(a) and emission spectroscopy was performed on articles of clothing or other objects relative to interrogatory 1(b).



NW 54999 DocId:32989522 Page 450

4. Yes

5.

| SPECIMEN # | IDENTIFICATION |
|---|---|
| Q1 | Bullet from stretcher |
| Q2 | Bullet fragment from front seat cushion |
| Q3 | Bullet fragment from beside front seat on right side |
| Q4 | Metal fragment from the President's head |
| Q5 | " |
| Q6 | 6.5 mm Mannlicher - Carcano cartridge case from buildin |
| Q7 | " |
| Q8 | 6.5 mm Mannlicher - Carcano cartridge from rifle |
| Q9 | Metal fragment from arm of Governor John Connally |
| Q14 | Three metal fragments recovered from rear floor board carpet |
| Q15 | Scraping from inside surfac of windshield |



NW 54999 DocId:32989522 Page 451

| SPECIMEN # | IDENTIFICATION |
|---|---|
| **Clothing of President Kennedy** | |
| Q21 | Trousers |
| Q22 | Coat |
| Q24 | Necktie |
| Q25 | Shirt |
| Q48 | 6.5 mm Mannlicher - Carcano cartridge case from Depository |
| Q558 | Windshield from President's limousine |
| Q566 | Black suit worn by Governor John Connally |
| Q567 | Black suit trousers worn by Governor John Connally |
| Q568 | White dress shirt worn by Governor John Connally |
| Q569 | Tie |
| Q609 | Piece of Curbing |
| K1 | 6.5 mm Mannlicher - Carcano rifle with telescope sight, serial No. C2766 |



NW 54999 DocId:32989522 Page 452

5. (a) Firearms Identification Examinations

Q1, Q2 Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q48, K1

Elemental Analysis Examinations

Q1, Q2, Q3, Q4 and Q5, Q9, Q14, Q15, Q22, Q24, Q25, Q566, Q567, Q568, Q609

Microscopic Analysis (Fibers)

K1

Glass Fracture Examination

Q558

Microscopic Examination

Q609

No records were identified which concern examinations, if any, performed on Q21, and Q569.

5. (b) With few exceptions the date(s) on which each item of evidence was examined is not recorded. Therefore, the date of receipt of the evidence and the date(s) of a communication containing results are listed below.



NW 54999 DocId:32989522 Page 453

5(b)

Specimens received in the FBI Laboratory on November 22 and/or 23, 1963 and examined therein:

Q1, Q2, Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q15, K1

Results of ~~the~~ examinations on these specimens are included in a Nov 23, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on Nov 23, 1963, and examined therein:

Q22, Q24, Q25

Results of examinations on these items are included in a December 5, 1963,



NW 54999 DocId:32989522 Page 454

Laboratory report.

Specimens received in the FBI Laboratory on Nov 27, 1963, and examined therein:

Q48, K1

Results of examinations on these items are included in a Nov 29, 1963 Laboratory report.

Specimen received in the FBI Laboratory on Mar 20, 1964, and examined therein:

Q558

Results of ~~the~~ examinations ~~of~~ on this

items are included in a March 26, 1964

Laboratory report.

Specimens received in the FBI

Laboratory on Apr 9, 1964, and

~~[illegible]~~ examined therein:

Q566, Q567, Q568

~~The results of~~

Results of examinations on these

items were reported to the President's

Commission by letter dated Apr 16,

1964.

Specimen received in the FBI

Laboratory on Aug 6, 1964 and

examined therein:

Q 609

~~The~~

Results of examinations on this item were reported to the President's Commission by letter dated August 12, 1964.

Specimens Q1, Q2, Q4 and Q5, Q9 and Q14 were examined by neutron activation analysis at the Oak Ridge National Laboratory. Records indicate that these items were irradiated May 15, 1964,



NW 54999 DocId:32989522 Page 457

May 15, 1964, and

and counted on May 26, 1964.

The results of these examinations

were reported to the President's

Commission by letter dated

July 9, 1964.

5. (c) Firearms Identification Examinations

Special Agents Robert A. Frazier, Courtlandt Cunningham and Charles L. Killion

Elemental Analysis Examinations

Special Agents John F. Gallagher, Henry B. Heiberger and William R. Heilman. J. F. Emery and Frank F. Dyer

Microscopic Analysis (Fibers)

Special Agent Paul M. Stombaugh

5. (d) All individuals listed in 5(c) were acting in their official capacity.

5. (e) Courtlandt Cunningham, FBI Headquarter, Washington, DC

Paul M. Stombaugh, FBI Headquarters, Washington, DC

Robert A. Frazier, Retired

Charles L. Killion, Retired

John F. Gallagher, Retired

Henry B. Heiberger, Retired

William R. Heilman, Retired



NW 54999 DocId:32989522 Page 459

Our records do not indicate the present address and employment of retired employees. Our records do not indicate the present address and employment of J. F. Emery and F. F. Dyer. However, in 1963 and 1964 they were chemists for Union Carbide Corporation, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

6. Our records indicate that the examinations listed in interrogatory 5 were referred to in letters from J. Lee Rankin, General Counsel, the President's Commission, to J. Edgar Hoover, Director, FBI, bearing the following dates:

JAN 7, ~~June 1~~, 1964

Feb 4, 1964

Feb 12, 1964

Mar 6, 1964

Mar 18, 1964

Mar 18, 1964

April 9, 1964

May 12, 1964

July 7, 1964



NW 54999 DocId:32989522 Page 460

Records indicate that the examinations listed in interrogatory 5 were referred to in letters to J. Lee Rankin, General Counsel, the President's Commission, from J. Edgar Hoover, Director, FBI bearing the following dates:

Jan 10, 1964

Feb 7, 1964

Feb 18, 1964

Mar 11, 1964

Mar 23, 1964

Mar 24, 1964

April 16, 1964

Jun 2, 1964

July 8, 1964

Aug 12, 1964

Aug 19, 1964

Records indicate that the examinations listed in interrogatory 5 were referred to in FBI Reports of Special Agent Robert P. Gemberling, Dallas, bearing the following dates:

Nov 30, 1963

Dec 12, 1963

April 15, 1964

May 28, 1964

July 2, 1964

7. No correspondence between the Atomic Energy Commission (AEC) and the FBI was located in FBI records.

8. CE 399 (Q1) was examined for its elemental composition. An examination of records shows that the lead portion contained bismuth, copper, magnesium, silicon, iron, silver and antimony. The jacket portion contained tin, lead, copper, zinc, silicon, iron and silver.

9. I am not able to answer this question inasmuch as I do not understand plaintiff's question. See my answers to interrogatory #8 for a listing of the elements in CE 399 (Q1).

10. NAA is a method of chemical analysis based on the detection and measurement of characteristic radionuclides produced in a nuclear reactor. The procedures for conducting such an

analysis are many and varied depending on the material to be examined and the chemical elements under investigation. Three texts which are publically available and may be of assistance to plaintiff are Principles of Activation Analysis by Paul Kruger, Applied Gamma Ray Spectrometry by Adams and Dams and Neutron Activation Analysis by De Soete, Gijbels and Hoste. "Normal standards" as it is used in interrogatory 10 and applied to NAA in general is not understood by me.

11. It is assumed that this interrogatory refers to NAA. The procedures used to examine the items of evidence by NAA were ones that would have been employed by other practioners given the same kinds of materials with which to work.

12. Assuming that evidence is submitted to the FBI Laboratory, the contributer usually requests that certain items be examined to show relationships to one another and to somehow associate items with a crime. Based on their experience and expertise, examiners in the FBI laboratory will usually determine the kinds of examinations to perform on items of evidence.



NW 54999 DocId:32989522 Page 463

13. Our records do not reveal who decided "what was tested" in the Kennedy assassination case.

14. It is "normal" to make a "tabulation" of the results when subjecting specimens to NAA. By "results" I mean the numerical quantitative amount of a chemical element measured in the material examined. The use of the "full and complete" characterization of the "tabulation" is not understood by me. A "tabulation" was made of the results obtained in the NAA of metal fragments in this case. This was given to plaintiff and to the best of my knowledge is complete.

15. The conclusion one makes regarding whether or not specimens are "identical or different in chemical composition" is based on the data available from whatever technique or techniques were employed in the examination. In some cases, due to the limited size of the material and/or its state of contamination and/or the character of its composition it is not possible to reach an "identical or different" conclusion. Additionally, the terms used to described the conclusion reached are the



NW 54999 DocId:32989522 Page 464

choice of the person making the conclusion and may not necessarily be stated as "identical" or "different".

16. Consistent with my answer to interrogatory #15 the answer is yes.

17. In interrogatory 14 I defined "results" as the numerical quantitative amount of a chemical element measured in the material examined. This definition applied to NAA examinations. An extension of this definition for spectrographic "results" would be the relative concentration of a chemical element in the material examined. Using these definitions, the "results of the spectrographic and neutron activation tests" were not given to the Warren Commission. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.

18. If by "full and complete stated conclusions as to what the tests showed" the plaintiff means our expert opinion as to what the results of the spectrographic examinations and NAA



NW 54999 DocId:32989522 Page 465

showed, the answer is yes. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.

19. No.

20. No answer necessary.

21. (a) Records do not show or indicate why CE 141 (Q8) was not examined by NAA.

21. (b) Based on my experience and expertise, the reason the clothes of President Kennedy and Governor Connally were not examined by NAA in the areas where a bullet allegedly passed is because NAA is not the method of choice for the determination of bullet holes. In 1963, emission spectroscopy was the method of choice for elemental analysis of the borders of holes in garments.

21. (c) Based on my experience and expertise and an examination of the notes made regarding the spectrographic analysis of the lead smear on the curbstone, it is clear that the minimal amount of lead smear present on the curbstone was not adequate to conduct an examination by NAA.



NW 54999 DocId:32989522 Page 466

21. (d) Records indicate that Q3 is a section of bullet jacket devoid of its lead core. Bullet jacket material made of copper, zinc and/or iron is generally unsuitable for examination by NAA unless chemical separations are conducted. The chemical separations would necessarily destroy markings on the items of evidence. Emission spectrographic analysis was the method of choice for analysis of bullet jacket material in 1963.

22. An examiner often consults with another examiner concerning his findings in a specific case, but in all liklihood there would be no reason to commit this consultation to record. An examination of records does not indicate that more than one person recorded or verified the results of the individual spectrographic or NAA examinations.

23. (a) No. Referring to my answer to interrogatory 1(b), a "full and complete comparison" between the composition of a bullet and the minute traces of metal left at the edges of a hole will not permit the conclusion that the hole was made by a specific bullet.



NW 54999 DocId:32989522 Page 467

23. (b) There were no metallic traces on Governor Connally's clothing.

23. (c) Our records indicate that only one fragment of lead was removed from Governor Connally's body. The answer to this portion of the interrogatory is yes.

24. (a) Yes, to the extent that the specimens were of adequate size and condition for compositional analysis.

24. (b) Records indicate that the metal fragments recovered from President Kennedy's head were lead and that the five fragments found in the car consisted of a portion of a jacketed bullet (core and jacket), a bullet jacket and three lead fragments. It is apparent from these records that a compositional comparison was made where appropriate.

25. (a) No.

25. (b) No. Although comparisons were made, CE 399 (Q1) was not compared with <u>all</u> other bullet fragments.



NW 54999 DocId:32989522 Page 468

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-0226

UNITED STATES DEPARTMENT OF JUSTICE, and

U. S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,

Defendants

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE

Under Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to defendant United States Department of Justice:

1. What are the kinds of tests or examinations, physical, chemical, microscopic or otherwise, which would normally be conducted to determine: (a) whether or not bullets or bullet fragments have a common origin, or (b) which bullets or bullet fragments struck which persons or objects?

2. Are there any additional tests which could have been used in the investigation into the assassination of President Kennedy to help make these determinations? If so, what are they?

3. Which of the tests listed in response to the above interrogations were performed on the evidence pertaining to the assassination of President Kennedy?

4. Were the tests conducted on the items of evidence pertaining to the assassination of President Kennedy as complete

NW 54999 DocId:32989522 Page 469

they could have been?

5. List all items of evidence having to do with the shooting of President Kennedy or any weapon used or allegedly used in the shooting, including any and all bullets or bullet fragments and any objects struck or allegedly struck by bullet or bullet fragments. Give the following information with respect to those items of evidence:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons listed in response to interrogatory 5(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 5(c).

6. List all correspondence with respect to such tests which was exchanged between the FBI and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

7. List all correspondence with respect to such tests which was exchanged between the FBI and the AEC.

8. What are all the chemical components of the bullet [CE399] allegedly used in the murder of President Kennedy?

9. Were all of these chemical components tested in each of the tests made? If not, why not?

NW 54999 DocId:32989522 Page 470

10. What are the normal standards and procedures for conducting neutron activation analysis?

11. Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

records don't show who made decided

12. Under normal circumstances, who decides what is tested?

13. With respect to the assassination of President Kennedy, who decided what was tested?

14. In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

15. In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

16. Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

17. Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

18. Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

19. Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE 840 (Q14)--mentioned in the April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

20. If the answer to interrogatory number 19 is affirmative, what are the other items of evidence which were subjected to

NW 54999 DocId:32989522 Page 471

neutron activation testing?

21. If the answer to interrogatory number 12 is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory Number Q3?

22. Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

23. Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of the metallic traces on President Kennedy's clothing, (b) the composition of the metallic traces on Governor Connally's clothing, and (c) the composition of all fragments removed from Governor Connally's body?

24. Was a full and complete comparison made between the chemical composition of the bullet fragments recovered from President Kennedy's (Q4, Q5) head and (a) the composition of the sweepings from the windshield (Q2, Q3, Q14), and (b) all five fragments found in the car during two different searches?

NW 54999 DocId:32989522 Page 472

25. Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of CE 141, the bullet found in the Mannlicher-Carcano rifle, and (b) all other bullet fragments?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing has been made upon the defendant United States Department of Justice by delivering a copy thereof to its attorney, Assistant United States Attorney Michael J. Ryan, on this 2nd day of May, 1975.

JAMES HIRAM LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

v.

Civil Action No. 75-0226

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

John W. Kilty, Special Agent, Federal Bureau of Investigation (hereinafter FBI), being duly sworn, pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby answers the following Interrogatories. These answers are based on information available to a party within the meaning of Rule 33.

Interrogatory No. 1: What are the kinds of tests or examinations, physical, chemical, microscopic or otherwise, which would normally be conducted to determine: (a) whether or not bullets or bullet fragments have a common origin, or (b) which bullets or bullet fragments struck which persons or objects?

Answer No. 1: (a) Elemental analysis is used to determine the composition of bullets and bullet fragments. If, say, bullet A has the same composition as bullet B, our report would say that bullet A came from the same source (origin) of lead as bullet B or another source of lead with the same composition as bullet B. This does not associate bullet A with bullet B to the exclusion of all other bullets. If bullet A is different in composition from bullet B, we point out this fact and say that bullet B



NW 54999 DocId:32989522 Page 474

could not have come from the same source (origin) of lead as bullet A; however, we point out that bullets of more than one composition are often represented in a single box of ammunition. Our Laboratory and other laboratories have demonstrated that several different compositions of lead are often represented in a single box of cartridges. The two methods of elemental analysis which were used in the Kennedy Assassination case were emission spectroscopy and neutron activation analysis (NAA).

(b) There are no tests available which will specifically associate a bullet or bullet fragment to the exclusion of other bullets or bullet fragments with a particular hole in a person or object. There are tests available which will determine if a hole in a person or object, or a dent in an object, could have been caused by being struck by a bullet. In this case, emission spectroscopy was used to determine the composition at the edges of holes in certain garments and to compare this composition with cloth used as control taken from areas distant from these holes, and also to determine the composition of metal scrapings from an automobile windshield and curbstone.

Interrogatory No. 2: Are there any additional tests which could have been used in the investigation into the assassination of President Kennedy to help make these determinations? If so, what are they?

Answer No. 2: Making the assumption that positive answers to interrogatories 1(a) and 1(b) are possible, there are no additional tests which could have been used to help make these determinations in the Kennedy Assassination case.

Interrogatory No. 3: Which of the tests listed in response to the above interrogatories were performed on the evidence pertaining to the assassination of President Kennedy?



NW 54999 DocId:32989522 Page 475

Answer No. 3: Emission spectroscopy and/or NAA were performed on items pertaining to interrogatory 1(a) and emission spectroscopy was performed on articles of clothing or other objects relative to interrogatory 1(b).

Interrogatory No. 4: Were the tests conducted on the items of evidence pertaining to the assassination of President Kennedy as complete as they could have been?

Answer No. 4: Yes.

Interrogatory No. 5: List all items of evidence having to do with the shooting of President Kennedy or any weapon used or allegedly used in the shooting, including any and all bullets or bullet fragments and any objects struck or allegedly struck by bullet or bullet fragments. Give the following information with respect to those items of evidence:

(a) the type of tests performed on each such item of evidence;

(b) the date or dates on which each such item of evidence was tested and the name of the laboratory in which the testing was done;

(c) the name of the person or persons conducting each such test and the names of any other persons present during the testing;

(d) the capacity, official or otherwise, in which the persons listed in response to interrogatory 5(c) were present at such testing; and

(e) the current address and employment of each person named in response to interrogatory 5(c).

Answer No. 5:

| SPECIMEN # | IDENTIFICATION |
|---|---|
| Q1 | Bullet from stretcher |
| Q2 | Bullet fragment from front seat cushion |
| Q3 | Bullet fragment from beside front seat on right side |



NW 54999 DocId:32989522 Page 476

| SPECIMEN # | IDENTIFICATION |
|---|---|
| Q4 | Metal fragment from the President's head |
| Q5 | Metal fragment from the President's head |
| Q6 | 6.5 mm Mannlicher - Carcano cartridge case from building |
| Q7 | 6.5 mm Mannlicher - Carcano cartridge case from building |
| Q8 | 6.5 mm Mannlicher - Carcano cartridge from rifle |
| Q9 | Metal fragment from arm of Governor John Connally |
| Q14 | Three metal fragments recovered from rear floor board carpet |
| Q15 | Scraping from inside surface of windshield |
| Q21 | Trousers worn by President Kennedy |
| Q22 | Coat worn by President Kennedy |
| Q24 | Necktie worn by President Kennedy |
| Q25 | Shirt worn by President Kennedy |
| Q48 | 6.5 mm Mannlicher - Carcano cartridge case from Depository |
| Q558 | Windshield from President's limousine |
| Q566 | Coat worn by Governor Connally |
| Q567 | Trousers worn by Governor Connally |
| Q568 | Shirt worn by Governor Connally |
| Q569 | Necktie worn by Governor Connally |
| Q609 | Piece of Curbing |
| K1 | 6.5 mm Mannlicher - Carcano rifle with telescope sight, serial No. C2766 |

(a) Firearms Identification Examinations

Q1, Q2, Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q48, K1

Elemental Analysis Examinations

Q1, Q2, Q3, Q4 and Q5, Q9, Q14, Q15, Q22, Q24, Q25, Q556, Q567, Q568, Q609

Microscopic Analysis (Fibers)

K1



NW 54999 DocId:32989522 Page 477

Glass Fracture Examination

Q558

Microscopic Examination

Q609

No records were identified which concern examinations, if any, performed on Q21 and Q569.

(b) With few exceptions the date(s) on which each item of evidence was examined is not recorded. However in order to be as responsive as possible, the date of receipt of the evidence and the date of the communication containing results are listed below; the date upon which the item was examined would of necessity fall between the former and latter date.

Specimens received in the FBI Laboratory on November 22, and/or 23, 1963, and examined therein:

Q1, Q2, Q3, Q4 and Q5, Q6, Q7, Q8, Q9, Q14, Q15, K1

Results of examinations on these specimens are included in a November 23, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on November 23, 1963, and examined therein:

Q22, Q24, Q25

Results of examinations on these items are included in a December 5, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on November 27, 1963, and examined therein:

Q48, K1

Results of examinations on these items are included in a November 29, 1963, Laboratory Report.

Specimens received in the FBI Laboratory on March 20, 1964, and examined therein:

Q558

Results of examinations on this item are included in a March 26, 1964, Laboratory Report.



NW 54999 DocId:32989522 Page 478

Specimens received in the FBI Laboratory on April 9, 1964, and examined therein:

Q556, Q567, Q568

Results of examinations on these items were reported to the President's Commission by letter dated April 16, 1964.

Specimens received in the FBI Laboratory on August 6, 1964, and examined therein:

Q609

Results of examinations on this item were reported to the President's Commission by letter dated August 12, 1964.

Specimens Q1, Q2, Q4 and Q5, Q9, and Q14 were examined by neutron activation analysis at the Oak Ridge National Laboratory. Records indicate that these items were irradiated May 15, 1964, and counted on May 15, 1964, and May 26, 1964. The results of these examinations were reported to the President's Commission by letter dated July 8, 1964.

(c) Firearms Identification Examinations

Special Agents Robert A. Frazier, Courtlandt Cunningham, and Charles L. Killion

Elemental Analysis Examinations

Special Agents John F. Gallagher, Henry B. Heiberger, and William R. Heilman. J. F. Emery and Frank F. Dyer

Microscopic Analysis (Fibers)

Special Agent Paul M. Stombaugh

(d) All individuals listed in 5(c) were acting in their official capacity.

(e) Coutlandt Cunningham, FBI Headquarters, Washington, D. C.
Paul M. Stombaugh, FBI Headquarters, Washington, D. C.
Robert A. Frazier, Retired
Charles L. Killion, Retired



NW 54999 DocId:32989522 Page 479

John F. Gallagher, Retired

Henry B. Heiberger, Retired

William R. Heilman, Retired

Our records do not indicate the current address and employment of retired employees. Our records do not indicate the current address and employment of J. F. Emery and Frank F. Dyer. However, in 1963 and 1964 they were chemists for Union Carbide Corporation, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Interrogatory No. 6: List all correspondence with respect to such tests which was exchanged between the FBI and the Warren Commission, including the Commission's Chairman, Earl Warren, its General Counsel, J. Lee Rankin, or any member of the Commission's staff.

Answer No. 6: Our records indicate that the examinations listed in interrogatory 5 were referred to in letters from J. Lee Rankin, General Counsel, the President's Commission, to J. Edgar Hoover, Director, FBI, bearing the following dates:

January 7, 1964

February 4, 1964

February 12, 1964

March 6, 1964

March 18, 1964

March 18, 1964

April 9, 1964

May 12, 1964

July 7, 1964

Our records indicate that the examinations listed in interrogatory 5 were referred to in letters to J. Lee Rankin, General Counsel, the President's Commission, from J. Edgar Hoover, Director, FBI, bearing the following dates:

January 10, 1964

February 7, 1964



NW 54999 DocId:32989522 Page 480

February 18, 1964

March 11, 1964

March 23, 1964

March 24, 1964

April 16, 1964

June 2, 1964

July 8, 1964

August 12, 1964

August 19, 1964

Our records indicate that the examinations listed in interrogatory 5 were referred to in FBI Reports of Special Agent Robert P. Gemberling, Dallas, bearing the following dates:

November 30, 1963

December 12, 1963

April 15, 1964

May 28, 1964

July 2, 1964

Interrogatory No. 7: List all correspondence with respect to such tests which was exchanged between the FBI and the AEC.

Answer No. 7: No correspondence between the Atomic Energy Commission (AEC) and the FBI was located in FBI records.

Interrogatory No. 8: What are all the chemical components of the bullet (CE399) allegedly used in the murder of President Kennedy?

Answer No. 8: CE 399 (Q1) was examined for its elemental composition. An examination of records shows that the lead portion contained bismuth, copper, magnesium, silicon, iron, silver and antimony. The jacket portion contained tin, lead, copper, zinc, silicon, iron and silver.

Interrogatory No. 9: Were all of these chemical components tested in each of the tests made? If not, why not?



NW 54999 DocId:32989522 Page 481

Answer No. 9: I am not able to answer this question inasmuch as I do not understand plaintiff's question. See my answer to interrogatory 8 for a listing of the elements in CE 399 (Q1).

Interrogatory No. 10: What are the normal standards and procedures for conducting neutron activation analysis?

Answer No. 10: NAA is a method of chemical analysis based on the detection and measurement of characteristic radionuclides produced in a nuclear reactor. The procedures for conducting such an analysis are many and varied depending on the material to be examined and the chemical elements under investigation. Three texts which are publically available and may be of assistance to plaintiff are Principles of Activation Analysis by Paul Kruger, Applied Gamma Ray Spectrometry by Adams and Dams and Neutron Activation Analysis by De Soete, Gijbels and Hoste. "Normal standards" as this term is used in interrogatory 10 and applied to NAA in general is not understood by me.

Interrogatory No. 11: Were the normal standards and procedures followed with respect to the testing and analysis of items of evidence pertaining to the assassination of President Kennedy?

Answer No. 11: It is assumed that this interrogatory refers to NAA. The procedures used to examine the items of evidence by NAA were ones that would have been employed by other practicioners given the same kinds of materials with which to work.

Interrogatory No. 12: Under normal circumstances, who decides what is tested?

Answer No. 12: Assuming that evidence is submitted to the FBI Laboratory, the contributor usually requests that certain items be examined to show relationships to one another and to somehow associate items with a



NW 54999 DocId:32989522 Page 482

crime. Based on their experience and expertise, examiners in the FBI Laboratory will usually determine the kinds of examinations to perform on items of evidence.

Interrogatory No. 13: With respect to the assassination of President Kennedy, who decided what was tested?

Answer No. 13: Our records do not reveal "who decided what was tested" in the Kennedy assassination case.

Interrogatory No. 14: In subjecting evidentiary specimens to neutron activation testing, is it normal to make a full and complete tabulation of the results? In this case, was any such tabulation made? If so, was it complete?

Answer No. 14: It is "normal" to make a "tabulation" of the results when subjecting specimens to NAA. By "results" I mean the numerical quantitative amount of a chemical element measured in the material examined. The use of the "full and complete" characterization of the "tabulation" is not understood by me. A "tabulation" was made of the results obtained in the NAA of metal fragments in this case. This was given to plaintiff and to the best of my knowledge is complete.

Interrogatory No. 15: In making a neutron activation analysis, is it normal to reach stated conclusions as to whether the various evidentiary specimens are identical or different in chemical composition?

Answer No. 15: The conclusion one makes regarding whether or not specimens are "identical or different in chemical composition" is based on the data available from whatever technique or techniques were employed in the examination. In some cases, due to the limited size of the material and/or its state of contamination and/or the character of its composition, it is not possible to reach an "identical or different" conclusion. Additionally, the terms used to



NW 54999 DocId:32989522 Page 483

describe the conclusion reached are the choice of the person making the conclusion and may not necessarily be stated as "identical" or "different." See my answer to interrogatory 1(a) for a further discussion regarding the conclusions reached concerning elemental analysis of bullet fragments.

Interrogatory No. 16: Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

Answer No. 16: Consistent with my answer to interrogatory 15 the answer is yes.

Interrogatory No. 17: Were full and complete results of the spectrographic and neutron activation tests given to the Warren Commission? Did the Warren Commission ask for them?

Answer No. 17: In interrogatory 14 I defined "results" as the numerical quantitative amount of a chemical element measured in the material examined. This definition applied to NAA examinations. An extension of this definition for spectrographic "results" would be the relative concentration of a chemical element in the material examined. Using these definitions, the "results of the spectrographic and neutron activation tests" were not given to the Warren Commission. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.

Interrogatory No. 18: Were full and complete stated conclusions as to what the tests showed given to the Warren Commission? Did the Warren Commission ask for them?

Answer No. 18: If by "full and complete stated conclusions as to what the tests showed" the plaintiff means our expert opinion as to what the results of the spectrographic examinations and NAA indicated, the answer is yes. Based on my review of the records, I am unable to determine if the Warren Commission asked for them.



NW 54999 .DocId:32989522 Page 484

Interrogatory No. 19: Was the neutron activation testing done on any items of evidence in the Kennedy assassination other than the paraffin casts and the five Commission Exhibits--CE 399 (Q1), CE 567 (Q2), CE 843 (Q4, Q5), CE 842 (Q9), and CE (Q14)--mentioned in the April 10, 1975, letter from FBI Director Clarence Kelley to Mr. James H. Lesar?

Answer No. 19: No.

Interrogatory No. 20: If the answer to interrogatory number 12 is affirmative, what are the other items of evidence which were subjected to neutron activation testing?

Answer No. 20: Assuming plaintiff means to refer to "interrogatory 19," no answer is necessary.

Interrogatory No. 21: If the answer to interrogatory number 12 (sic) is negative, why were the following items of evidence not subjected to neutron activation testing:

(a) CE 141, the live round found in the Mannlicher-Carcano rifle which allegedly belonged to Lee Harvey Oswald and fired the shots which killed President Kennedy?

(b) the clothing of President Kennedy and Governor Connally struck by or alleged to have been struck by bullets?

(c) the curbstone on the south side of S. Main Street east of the Triple Underpass which was struck by bullet?

(d) the bullet fragment which is FBI Laboratory Number Q3?

Answer No. 21:

(a) Our records do not indicate why CE 141 (Q8) was not examined by NAA.

(b) Based on my experience and expertise, the reason the clothing of President Kennedy and Governor Connally was not examined by NAA in the areas where a bullet allegedly passed is because NAA is not the method of choice for the determination



NW 54999 DocId:32989522 Page 485

of bullet holes. In 1963, emission spectroscopy was the method of choice for elemental analysis of the borders of holes in garments.

(c) Based on my experience and expertise and an examination of the notes made regarding the spectrographic analysis of the lead smear on the curbstone, it is clear that the minimal amount of lead smear present on the curbstone was not adequate to conduct an examination by NAA.

(d) Records indicate that Q3 is a section of bullet jacket devoid of its lead core. Bullet jacket material made of copper, zinc and/or iron is generally unsuitable for examination by NAA unless chemical separations are conducted. The chemical separations would necessarily destroy markings on the item of evidence. Emission spectrographic analysis was the method of choice for analysis of bullet jacket material in 1963.

Interrogatory No. 22: Under normal procedures would the results of the spectrographic or neutron activation analyses be recorded and verified by someone other than the person conducting the tests? Was such a procedure followed with respect to the items of evidence tested by these techniques in connection with the investigation into President Kennedy's assassination?

Answer No. 22: An examiner often consults with another examiner concerning his findings in a specific case, but in all likelihood there would be no reason to commit this consultation to record. An examination of records does not indicate that more than one person recorded or verified the results of the individual spectrographic or NAA examinations.

Interrogatory No. 23: Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of the metallic traces on President Kennedy's clothing, (b) the composition of the metallic traces on Governor Connally's clothing, and (c) the composition of all fragments removed from Governor Conally's body?



NW 54999 DocId:32989522 Page 486

Answer No. 23:

(a) No. Referring to my answer to interrogatory 1(b), a "full and complete comparison" between the composition of a bullet and the minute traces of metal left at the edges of a hole will not permit the conclusion that the hole was made by a specific bullet.

(b) There were no metallic traces on Governor Connally's clothing.

(c) Our records indicate that only one fragment of lead was removed from Governor Connally's body. The answer to this portion of the interrogatory is yes.

Interrogatory No. 24: Was a full and complete comparison made between the chemical composition of the bullet fragments recovered from President Kennedy's head and (a) the composition of the sweepings from the windshield, and (b) all five fragments found in the car during two different searches?

Answer No. 24:

(a) Yes, to the extent that the specimens were of adequate size and condition for compositional analysis.

(b) Our records indicate that the metal fragments recovered from President Kennedy's head were lead and that the five fragments found in the car consisted of a portion of a jacketed bullet (core and jacket), a bullet jacket and three lead fragments. It is apparent from these records that a compositional comparison was made where appropriate.

Interrogatory No. 25: Was a full and complete comparison made between the chemical composition of CE 399, the bullet which allegedly wounded both President Kennedy and Governor Connally and (a) the composition of CE 141, the bullet found in the Mannlicher-Carcano rifle, and (b) all other bullet fragments?

Answer No. 25:

(a) No.



NW 54999 DocId:32989522 Page 487

(b) No. Although comparisons were made, CE 399 (Q1) was not compared with all other bullet fragments.

John W Kilty

JOHN W. KILTY
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 20th day of October, 1976.

Anna Lee Balassa
Notary Public

My commission expires 4-30-78.



NW 54999 DocId:32989522 Page 488

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
(Rev. 8/25/76) INTERNAL ROUTING/ACTION SLIP

| TO | BLDG. | ROOM | NAME/TITLE/ORGANIZATION | TO | BLDG. | ROOM | NAME/TITLE/ORGANIZATION |
|---|---|---|---|---|---|---|---|
| | JEH | 7162 | Director | | JEH | 7427 | Mr. Farrington |
| | JEH | 7142 | Associate Director | | JEH | 3658 | Mr. Hotis |
| | JEH | 7110 | Assistant to the Director - Adm. | | JEH | 3658 | Mr. Daly |
| | JEH | 7110 | Assistant to the Director - Inv. | | JEH | 7326 | Mr. Donahue |
| | JEH | 11255 | Identification Division | | JEH | 3646 | Mr. Mogen |
| | Quantico | | Training Division | | JEH | 7326 | Mr. Olmert |
| | JEH | 6012 | Finance and Personnel Division | | Quantico | | Mr. Donelan |
| | JEH | 5829 | Records Management Division | | | | |
| | JEH | 4026 | Intelligence Division | | JEH | 7427 | Miss Ross |
| | JEH | 5012 | General Investigative Division | | JEH | 7427 | Miss Murphy |
| | JEH | 3090 | Laboratory Division | | | | |
| | JEH | 7159 | External Affairs Division | | JEH | | Mr. |
| | JEH | 3012 | Special Investigative Division | | JEH | | Ms. |
| | JEH | 6212 | Inspection Division | | JEH | 1B327 | Mail Room |
| | JEH | 7427 | Legal Counsel Division | | JEH | 6658 | Corres. Review |
| | JEH | 7222 | Administrative Services Division | | JEH | 6247 | Teletype Room |
| | JEH | 7125 | Office of Planning and Evaluation | | JEH | 4336C | Records |
| | | | | | | | |
| | JEH | 1535B | Mr. Brownfield | | | | |
| | JEH | 7162 | Miss Devine | | | | |
| | JEH | 7825 | Mr. Malmfeldt | | | | |
| | JEH | 5431 | Mr. Powers | | | | |
| | | | | | | | |
| 3342 | | | John Kelly | | | | |

☐ RECOMMENDATION/COMMENT ☐ LOG ☐ NECESSARY ACTION
☑ SEE REMARKS ON REVERSE ☐ FILE ☐ COORDINATE
☐ MAKE COPIES (NO. ) ☐ SEE ME ☐ PER INQUIRY
☐ RETURN (BY ) ☐ CALL ME ☐ INFORMATION

| FROM | BLDG. | ROOM |
|---|---|---|
| Tom Blanchard<br>LEGAL COUNSEL | JEH | |
| | PHONE | DATE<br>1976 |

FORM DOJ-359A
8-1-74 NOT

NW 54999 DocId:32989522 Page 489

John -

This is what Jim suggesting Mike Ryan use as his answer to Craig Harold's request for the SA's home addresses.

After you've completed my Sudoku scratchings, please let me know if its OK by you.

Thx -

Tom

Dear Mr. Lesar,

I have been requested by the FBI, as their legal representative in this matter under litigation, to respond to your letter of November 4, 1976, which requested the current addresses of all retired Special Agents who conducted any scientific ~~tests~~ testing on items of evidence in the ~~assassination~~ shooting of President John F. Kennedy.

In the interest of brevity & fairness to all parties concerned, I believe several points concerning your letter require clarification.

First of all, the first sentence of your letter, ~~states~~ incorrectly implies that ~~the subject matter of~~ this Mr. Weisberg's request which is the subject matter of this litigation encompasses "other scientific testing" in addition to the spectrographic & neutron activation analyses. As I am confident that this misunderstanding can be clarified, I am sure you

NW 54999 DocId:32989522 Page 491

would agree that it would be misleading to leave that implication unconnected.

Secondly, as you are aware, the FBI recently answered your client's ~~~~ interrogatories to the fullest extent possible, in order to bring this litigation to its logical conclusion. In the interest of complete disclosure + responsiveness, all questions were answered completely, including those which ~~~~ were irrelevant to ~~~~, the subject matter of this litigation + could have been objected to. Included in the answers were complete data regarding all items of evidence tested in connection with the shooting of the President, rather than only those which were subjected to spectrographic + neutron activation analysis. Your letter now asks for the current addresses of all the Special Agents the FBI ~~~~ identified for your client in the answers, rather than those who conducted the examinations your client limited FOIA his request to.

NW 54999 DocId:32989522 Page 492

Also, of course, as you have been previously advised (most recently in the answers to the ~~subinterrogatories~~), the FBI ~~does not possess~~ records do not indicate the current addresses of retired employees. Therefore, as you are aware, Attorney Kelley is unable to comply with your request.

Finally, the FBI is, as you are also aware, very reluctant to make public the ~~addresses~~ home addresses + other identifying data concerning its present + former employees. I am sure you can understand the reasons for this. In the course of ~~their~~ his or her careers, every FBI Agent, almost without exception, is responsible for the prosecution + subsequent incarceration of ~~those~~ countless individuals who have broken the law. Many of these individuals bear a grudge for the rest of their lives against the Agents responsible for the deprivation of their liberty, + ~~the retired persons~~ ~~among them~~ would welcome the opportunity to exact retribution through harassment or even

NW 54999 DocId:32989522 Page 493

infliction of physical harm upon, the Agents and/or his family. Indeed, some lawbreakers, even if they do not know the names of specific Agents whose investigative work sent them to prison, would attempt to "get even" with any representative of the FBI. Obviously, publicizing the home addresses of Agents would assist them in their efforts.

However, in the spirit of compliance with the Court's suggestion, and in order to bring this litigation to its logical conclusion, defendants propose to review FBI records and locate the last known home addresses (as of date of retirement) for the three Agents who conducted the tests your client asked for in his FOIA request, namely John F. Gallagher, Henry B. Heiberger and William K. Beltman. Additionally, the FBI will do the same regarding Special Agent Robert A. Frazier, since he prepared the reports concerning said tests.

NW 54999 DocId:32989522 Page 494

this address will be ~~furnished~~ given to Mr. Weinberg through you, if you will agree to ~~stipulate that~~ a stipulation that they be furnished under protective order.

This proposal would seem the most fair method, through mutual cooperation, of protecting the interests of all parties concerned. You will have ~~[illegible]~~ all information in possession of the FBI ~~[illegible]~~ to assist you in pursuing your discovery, & the FBI will be able to offer a degree of protection to its agents without hindering the course of this litigation.

~~Please let me know~~ If our proposal is acceptable to you & your client, please let me know, & I will take the steps necessary for implementation as soon as possible.

cc Scott
Mike

Ryan

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| (Kennedy) | |
| HAROLD WEISBERG, Plaintiff, | |
| v. | Civil Action No. 75-226 |
| UNITED STATES DEPARTMENT OF JUSTICE, and | |
| U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Defendants | |

REQUEST FOR PRODUCTION OF DOCUMENTS BY
DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiff requests that within 30 days the defendant United States Department of Justice produce and permit plaintiff to make copies of the following documents:

1. All correspondence, notes, memos, routing slips, or any other form of record pertaining to any communications, whether written, telephonic, or oral, exchanged in regard to spectrographic or neutron activation anlayses (or any other scientific tests performed on items of evidence) in the assassination of President Kennedy. This should include all such correspondence or communications exchanged with respect to any such tests which were discussed or contemplated but not actually carried out.

2. All correspondence, notes, memos, routing slips, or any other form of record pertaining to plaintiff's 1966, 1970, and 1974 requests for the results of the spectrographic and/or neutron acti-

vation analyses conducted on items of evidence in the assassination of President Kennedy, including any such records which reflect the defendant's efforts to ascertain what records it has which come within the scope of plaintiff's request and any efforts it made to determine what tests were actually conducted.

3. Any rules, regulations, procedures, or guidelines which pertain to or govern spectrographic and neutron activation testing.

4. Any instructions, directives, or memorandums issued with respect to the testing of items of evidence in the assassination of President Kennedy by spectrographic or neutron activation analysis or other scientific means.

James H. Lesar

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of August, 1976, mailed a copy of the foregoing Request for Production of Documents by Defendant United States Department of Justice to Assistant United States Attorney Michael Ryan, Room 3421, United States Courthouse, Washington, D. C. 20001.

James H. Lesar

JAMES HIRAM LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )
)
Plaintiff, )
)
v. ) Civil Action No. 75-226
)
U. S. DEPARTMENT OF JUSTICE )
et al., )
)
Defendants. )

FILED

OCT - 5 1977

JAMES F. DAVEY, Clerk

ORDER

This matter having come before the Court on defendants' motion for summary judgment, and plaintiff's opposition thereto, and it appearing that no genuine issue of material fact exists, Fed. R. Civ. P. 56(c), it is, by the Court this 4th day of October, 1977,

ORDERED, that the plaintiff's motion for leave to file opposition out of time is granted; and it is further

ORDERED, that the defendants' motion for summary judgment be, and hereby is, granted.

J. H. Pratt

John H. Pratt
United States District Judge

NW 54999 DocId:32989522 Page 498

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )
)
Plaintiff, )
)
v. ) Civil Action No. 75-226
)
U. S. DEPARTMENT OF JUSTICE )
et al., )
)
Defendants. )

FILED

OCT - 5 1977

JAMES F. DAVEY, Clerk

MEMORANDUM OPINION

This matter is before the Court on defendants' motion for summary judgment. Plaintiff has brought suit under the Freedom of Information Act ("FOIA") to obtain materials relating to scientific and ballistics tests alleged to have been performed on items of evidence in the assassination of President John F. Kennedy. 5 U.S.C. § 552(b)(7) (Supp. V 1975). The defendants are the United States Department of Justice, to which plaintiff has directed his requests for laboratory records of the Federal Bureau of Investigation, and the United States Energy Research and Development Administration ("ERDA"), to which plaintiff has directed requests for records of the Atomic Energy Commission ("AEC"), ERDA's predecessor agency. 1/

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1/ ERDA's responses to plaintiff's interrogatories indicate that the AEC's role in the investigation of the assassination of President Kennedy was limited to making its reactor facilities at Oak Ridge, Tennessee, available for FBI tests on assassination evidence. See generally Defendant ERDA's Responses to Plaintiff's First Set of Interrogatories. Plaintiff apparently does not dispute this point; the only respect in which either ERDA or AEC figure in his recent submissions relates to the FBI's alleged failure to follow up on an AEC official's recommendations that certain tests be conducted. See Affidavit of Harold Weisberg, at 16; Letter from Dr. Paul C. Aebersold, Director, Division of Isotopes Development, United States Atomic Energy Commission, to Herbert J. Miller, Assistant Attorney General, Criminal Division, United States Department of Justice (December 11, 1963). The AEC recommendations were conveyed to the FBI by counsel for the President's Commission on the Assassination of President Kennedy (Warren Commission). Letter from J. Lee Rankin, General Counsel, President's Commission on the Assassination of President Kennedy, to J. Edgar Hoover, Director, Federal Bureau of Investigation, (January 7, 1964). In its reply, the FBI pointed out that it was already "well-acquainted" with the techniques propounded by the AEC, and that arrangements for such testing already were under way. Letter from J. Edgar Hoover to J. Lee Rankin (January 10, 1964). There is no indication that the FBI followed the AEC recommendations to the letter; indeed, the FBI special agent who conducted the type of testing in question appears to have resented the AEC recommendation as interfering in the FBI's investigation. See Deposition of John F. Gallagher, at 67 [illegible].

NW 54999 DocId:32989522 Page 449

Although the Government's submissions to the plaintiff have been voluminous, plaintiff maintains that much of what he has received was unsought, and that much of what he has sought has not been tendered to him. The Government's position, on the other hand, remains, first, that it has complied fully with plaintiff's requests as to materials extant, and second, that it cannot possibly comply with the remaining requests because the materials sought do not exist.

In moving for summary judgment, the Government bears the burden of demonstrating that no genuine issue of material fact impedes its right to judgment as a matter of law. Fed. R. Civ. P. 56(c); Bloomgarden v. Coyer, 156 U.S. App. D.C. 109, 479 F.2d 201, 208 (D.C. Cir. 1973). Although mere assertions in the pleadings will not suffice to defeat a motion for summary judgment, Dewey v. Clark, 86 U.S. App. D.C. 137, 180 F.2d 766, 770 (D.C. Cir. 1950), matters of fact are to be viewed in the light most favorable to the party opposing the motion. Nyhus v. Travel Management Corp., 151 U.S. App. D.C. 269, 466 F.2d 440, 442 (D.C. Cir. 1972); Semaan v. Mumford, 118 U.S. App. D.C. 282, 335 F.2d 704, 705 n.2 (D.C. Cir. 1964).

I. BACKGROUND OF THE ACTION.

Plaintiff's initial quest for scientific investigatory data related to the assassination of President Kennedy was frustrated in the courts on the ground that the data sought lay within the purview of FOIA exemption seven, covering investigative matter. Weisberg v. United States Department of Justice, 160 U.S. App. D.C. 71, 489 F.2d 1195 (D.C. Cir. 1973) (en banc), cert. denied, 416 U.S. 993 (1974); see Act of June 5, 1967, Pub. L. No. 90-23, § 1, 81 Stat. 54 (current version at 5 U.S.C. § 552(b)(7) (Supp. V 1975)). Congress subsequently narrowed the scope of exemption seven, and plaintiff renewed his requests. Act of Nov. 21, 1974, Pub. L. No. 93-502, § 2, 88 Stat. 1563, amending 5 U.S.C. § 552(b)(7) (1970). On July 15, 1975, this Court dismissed the action as moot, and plaintiff took an appeal. A panel of the United States Court of Appeals for the District of Columbia

NW 54999 DocId:32989522 Page 500

Circuit reversed, and remanded for further proceedings. Weisberg v. United States Department of Justice, 177 U.S. App. D.C. 161, 543 F.2d 308 (D.C. Cir. 1976). The Court of Appeals identified five categories of investigative tests as to which plaintiff had made demands "which raise material factual questions still in dispute." Id. at 163, 543 F.2d at 310. As the Court of Appeals noted, however, there remain other categories of tests, such as the microscopic examinations performed on certain items of evidence, as to which plaintiff asserts his requests have not evoked satisfactory response. Id. at 164, 543 F.2d at 311. These categories, as well as the five enumerated in the Court of Appeals opinion, must figure in consideration of the motion for summary judgment. In addition to identifying several of the factual areas to be explored on remand, the Court of Appeals specified an exploratory technique, namely the taking of the testimony, by deposition or otherwise, with an opportunity for cross-examination in any case, of the individuals who actually conducted the tests, the results of which plaintiff has requested. Id. at 163, 164, 543 F.2d at 310, 311.

In February and March, 1977, plaintiff took the depositions of four former and present employees of the Federal Bureau of Investigation laboratory, all of whom worked directly with evidence associated with the assassination. The four are Robert A. Frazier, employed as a special agent in the laboratory's firearms and toolmarks unit during the investigation of the assassination, and retired from the FBI as of April 1975; John F. Gallagher, assigned to the laboratory's spectrographic unit during the investigation, and retired as of January 1975; Lyndal L. Shaneyfelt, assigned as a documents examiner and photographic specialist for the laboratory between 1955 and 1975, when he retired from the Bureau; and Cortlandt Cunningham, formerly a special agent supervisor in the firearms and toolmarks unit during the investigation, and presently chief of the unit. Frazier and Cunningham were deposed February 24, 1977, and Gallagher and Shaneyfelt were deposed March 28, 1977. At each deposition save that of former Special Agent Gallagher, examination was by plaintiff's counsel

NW 54999 DocId:32989522 Page 501

only, with occasionally interposed objections from counsel for the defendants. At a hearing March 30, 1977, counsel for plaintiff indicated that no further depositions of FBI employees who had participated in the Bureau's investigation were planned.[2/] Weisberg v. United States Department of Justice, No. 75-226, Tr. at 4 (D.D.C. March 30, 1977). These representations controvert the suggestion in an affidavit of the plaintiff that "[t]his Court refused me the depositions my counsel and I consider necessary to meet what I regard as the mandate of the court of appeals. . ." Affidavit of Harold Weisberg ¶ 165, at 34 (July 28, 1977) [hereinafter "Weisberg Affidavit"]. Read broadly, the mandate of the Court of Appeals was to resolve whether the data sought exist on "the basis of the best available evidence, i.e., the witnesses who had personal knowledge of events at the time the investigation was made." 177 U.S. App. D.C. at 164, 543 F.2d at 311. Plaintiff has not sought to depose any such witness other than the four whose depositions were taken. To borrow the metaphor employed by the Court of Appeals in its opinion above, the legal engine of cross-examination has done its work on plaintiff's behalf with respect to witnesses with direct knowledge of the FBI investigation into the President's assassination. 177 U.S. App. D.C. at 164, 543 F.2d at 311. The issue devolves to what the evidence adduced in the four depositions establishes, and thence to whether there now remains a genuine issue as to whether the Government has complied with the strictures of the FOIA.

## II. THE EVIDENCE ADDUCED.

The testimony of a . four deponents related not only to specific pieces of assassination evidence and the tests performed, or not performed, upon them, but also to the procedures, and occasionally lack of procedures, employed in those sections of the FBI laboratory with which the deponents

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2/ Counsel had previously indicated he planned to depose plaintiff, an employee of the National Archives, which has custody of the evidence involved, and an FBI special agent who had not participated in the investigation but whose affidavit had constituted part of the Government's response to plaintiff's request.

NW 54999 DocId:32989522 Page 502

were familiar. These laboratory procedures bear significantly on the question whether much of the material plaintiff seeks exists.

Laboratory Procedures. The laboratory's Scientific Analysis Section, was known at the time of the investigation as the Physics and Chemistry Section; then, as now, the section comprised several disparate units, including the firearms and toolmarks unit, and the spectrographic unit, which in 1963-64 was responsible for both emissions spectrography and neutron activation analysis. Cunningham Deposition, at 4-5. During the investigation of the Presidential assassination, investigating agencies in the field--the Dallas Police Department, the Secret Service, and the FBI--forwarded the evidence to the FBI laboratory, in some instances directly to the firearms and toolmarks unit. Frazier Deposition, at 5, 7-8; Cunningham Deposition, at 8. Ordinarily, the evidence would be accompanied by a statement of the matters sought to be ascertained through laboratory testing, as, for example, the presence of gunpowder on a piece of evidence. Frazier Deposition, at 6, 8. The decision as to the specific tests to be conducted, however, was made within the laboratory. Id. at 8-9; Cunningham Deposition, at 8-9; Gallagher Deposition, at 26-27. The decisionmaking process as to which tests would be appropriate apparently was highly informal: in some cases, Frazier, the laboratory examiner with direct responsibility for the Physics and Chemistry Section's efforts in the investigation, conferred with his superiors on the tests to be performed, Cunningham Deposition, at 8-9, and in others, he and the individual examiners who would conduct the tests conferred on which tests to perform. Frazier Deposition, at 8; Gallagher Deposition, at 27. In still other instances, if the individual examiner determined that tests outside his domain were called for, he and his supervisor (Frazier, in most cases) would approach examiners in the other units with jurisdiction over the requisite type of testing. Cunningham Deposition, at 10; Frazier Deposition, at 8-9; Shaneyfelt Deposition, at 14. Only rarely were these conferences on tests to be performed recorded in communications between the conferees,

NW 54999 Docld:32989522 Page 503

or in notes made by one of them. Cunningham Deposition, at 10; Frazier Deposition, at 8-9; Gallagher Deposition, at 27-28.

The tests determined to be appropriate for a given item of physical evidence typically were conducted by examiners working individually, or under the direct supervision of the individual examiner. Cunningham Deposition, at 10; Frazier Deposition, at 10. Three examiners in the firearms and toolmarks unit collaborated on the testing within that unit, all three having been present during all tests conducted by the unit on assassination evidence, save a velocity test. Cunningham Deposition, at 53. Several examiners tested items of evidence in the spectrography unit, although they appear to have worked separately. Gallagher Deposition, at 7, 35-37.

Just as there was no established procedure for deciding which tests were to be performed on a particular item of evidence, there was no requirement that test results be expressed in a particular format, or expressed at all if the results were insignificant. In most instances, the examiner performing a test took notes during the testing. Cunningham Deposition, at 11; Frazier Deposition, at 10; Gallagher Deposition, at 38. However, all deponents testified to not having made notes on results they deemed insignificant or insufficiently reliable. Cunningham, for example, testified to his practice of making notes on a weapon's operating condition only if the weapon was not in normal working order. Cunningham Deposition, at 21. Gallagher explained the absence of observation data in a neutron activation analysis folder by suggesting that he might have skipped the step of noting down the readings and done the tabulations in his head. Gallagher Deposition, at 61-62. He indicated later that he did not report a thirty percent variation in primer residue data between shells because he did not consider the variation significant. Id. at 114. Shaneyfelt testified that he had not submitted a report on the four frames allegedly spliced out of the Zapruder film of the assassination because the film print from which he had worked was complete. Shaneyfelt Deposition, at 21.

What an examiner did with test results likewise varied. In many instances, the examiner dictated a report on the tests conducted, either for use on its own or for incorporation in a more comprehensive report prepared by the examiner's superior. Frazier Deposition, at 11; Gallagher Deposition, at 38. Gallagher, however, indicated that he occasionally submitted data directly to Special Agent Frazier who transmuted the figures into prose. Gallagher Deposition, at 38. When the examiner himself prepared the report, he did not always include in it all the results obtained, as when the testing was done for "background purposes," Gallagher Deposition, at 57; when flaws in the testing itself cast the results in doubt, see id. at 71, or when the results would simply not be of value, in the examiner's judgment. Cunningham Deposition, at 47. In some instances, the examiner's failure to make a report is unexplained. See Cunningham Deposition, at 33, 53; Gallagher Deposition, at 73-74.

After the report was prepared, one copy went into FBI files, another went to the "original contributor" of the item of evidence on which the report was based (generally the FBI's Dallas field office), and a third went to the examiner or examiners responsible, for them to retain informally with their notes of the tests. Cunningham Deposition, at 11-12, 17; Frazier Deposition, at 12, 15; Gallagher Deposition, at 86-87. Whether the Warren Commission received the actual reports, and how the reports the Commission received were transmitted, varied widely. Former Special Agent Frazier recalled the "mechanics" of the process as being, first, that the laboratory forwarded the report to the Dallas field office; next, that the Dallas office incorporated the report into its report to the Commission, and finally, that the latter report was transmitted to the Commission. Frazier Deposition, at 19-20. In practice, however, there appears to have been substantial, continuing and direct contact between laboratory personnel and the Commission. Cunningham Deposition, at 49-50; Frazier Deposition, at 20-21; Shaneyfelt Deposition, at 8. Frazier indicated that several laboratory employees, whose identities he could not recall, served as

NW 54999 DocId:32989522 Page 505

liaison between the laboratory and the Commission. Frazier Deposition, at 20. Cunningham stated that he "generated some correspondence" with the Commission every day during the laboratory's participation in the investigation. Cunningham Deposition, at 51. Shaneyfelt indicated that his reports went to the Commission via his section chief, and that he testified to the Commission, either live or by deposition, on all examinations he conducted. Shaneyfelt Deposition, at 8-9. In his affidavit of May 13, 1965, John W. Kilty, special agent assigned to the FBI laboratory in a supervisory capacity, stated that plaintiff had been told that all final FBI laboratory reports in the pertinent categories of testing had been furnished to the Commission. However, there apparently was no monitoring system known to deponents to log the transfer of final reports to the Commission, and no custodian within the laboratory to collect final laboratory reports. Frazier Deposition, at 68. It is clear, on the other hand, that not all examiners' observation notes went to the Commission, the rule being that examiners retained their notes except when the supervisor prepared a report directly from the notes. Cunningham Deposition, at 47, 52-53; Frazier Deposition, at 15; see Gallagher Deposition, at 73, 107. One instance of the latter occurred when Frazier used Gallagher's worksheets to prepare a report on testing of a bullet fragment; both the worksheets and the report went to the Commission, though only Frazier appeared before the Commission. Frazier Deposition, at 42-44; Gallagher Deposition, at 82, 84. Finally, neither observation notes, worksheets, nor final reports were distributed among units within the laboratory, absent a specific reason. Cunningham Deposition, at 12-13; Frazier Deposition, at 15, 18. Former Special Agent Gallagher testified that even within the spectrographic unit one examiner's report on testing would not necessarily, or even customarily, have been circulated among the other examiners in the same unit. Gallagher Deposition, at 7-8. An examiner who performed tests on a particular item of evidence thus might be unaware whether other units within the laboratory had performed other tests on the same item. E.g. Cunningham Deposition, at 22-23; Gallagher Deposition, at 6-7, 26; Shaneyfelt Deposition, at 16.

NW 54999 DocId:32989522 Page 506

Tests Performed on Assassination Evidence. The Court of Appeals opinion remanding this case for further consideration and testimony adverts to five areas of continuing factual dispute [177 U.S. App. D.C. at 163-64, 543 F.2d at 310-11]:

(1) Final reports of spectrographic analyses;

(2) Reports on neutron activation analyses of bullet fragments;

(3) Raw data of spectrographic and neutron activation analysis tests;

(4) Neutron activation analysis of clothing; and

(5) Emissions spectroscopy data and reports. 3/

Plaintiff's opposition to the motion for summary judgment identifies nine specific areas of testing, encompassed within the five areas enumerated by the Court of Appeals, in which plaintiff asserts the evidence shows tests should have been, or were, conducted, yet concerning which plaintiff has received no materials. These areas are:

(1) Neutron activation analysis of clothing, Opp., at 7-8;

(2) Neutron activation analysis of windshield scrapings, Opp., at 8-9;

(3) Neutron activation analysis of Q3, a bullet fragment discovered beside the right front seat of the Presidential limousine, Opp., at 9;

(4) Print-outs for neutron activation analysis of Q3 and other specimens, Opp., at 9;

(5) Testing of the live round found chambered in the Mannlicher-Carcano rifle determined to have been the murder weapon, and comparison of said live round with shells found at the scene, Opp., at 9-10;

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3/ The distinction between spectroscopic analysis and spectrographic analysis was not observed in deposition testimony and the pleadings. Hence, discussion of spectrography herein should be deemed to encompass spectroscopy where appropriate.

NW 54999 Docld:32989522 Page 507

(6) Spectrographic testing of the curbstone supposed to have been struck by a bullet, a bullet fragment or fragments, or other airborne debris during the moments of the assassination, Opp., at 10;

(7) Testing of the bullet holes below the collar button of the shirt President Kennedy was wearing when he was shot, Opp., at 10;

(8) A "formal report" prepared by Frazier on the basis of Gallagher's comparison of windshield scrapings with other bullet matter, and alluded to in an exchange between Commission counsel and Frazier during Frazier's testimony before the Commission, Opp., at 10-11; and

(9) Report on neutron activation testing, Opp., at 11.[4/]

As these differently organized catalogs of potential factual issues indicate, there are numerous ways of approaching the factual aspects of this case for the purpose of determining whether they engender issues of sufficient magnitude to defeat the motion for summary judgment. What follows is an amalgam or combination of the Court of Appeals' and plaintiff's approaches, in that this discussion commences with general observations on firearms testing, spectrography, and neutron activation analysis, with particular emphasis on each technique's capabilities and limitations, and proceeds to consideration of testing on specific items of evidence. It should be stressed that the question throughout is not whether tests ought to have been made, or even whether tests that actually were made should have culminated in the preparation of reports, but simply whether there is any genuine issue as to the existence of the reports and other materials plaintiff Weisberg seeks.

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4/ Plaintiff does not indicate which item of evidence is the subject of the allegedly extant report; the reference will be construed hereafter as applying both to the windshield residues discussed in the preceding paragraph of the Opposition, and to the body of assassination evidence a a whole.

NW 54999 DocId:32989522 Page 508

Firearms Identification. Special Agent Cunningham's work with the firearms and toolmarks unit of the laboratory's Scientific Analysis Section has included the examination of firearms and bullets to determine the source of particular bullets. Cunningham testified that the process commences with the marking, weighing, and identification of the slug as to type and characteristics. Cunningham Deposition, at 18-19. The bullet is examined microscopically for rifling marks that might be useful for purposes of identifying the source of the bullet. Id. at 19-20. If a weapon believed to be the source of the bullet is on hand, as was the Mannlicher-Carcano rifle in the Presidential assassination, it, too, is examined. Id. at 20-22. The examiner then fires the weapon using ammunition as similar as possible to the bullet under analysis. Id. at 25. The "evidence bullet" and the test bullet then are viewed simultaneously under a comparison microscope. Id. Any of three conclusions is possible: identification, indicating that the bullet under study was fired from the weapon in question, and no other; non-identification, indicating that the general rifling characteristics of the two bullets vary to the degree sufficient to exclude the weapon as the source of the bullet under analysis; and "no conclusion," indicating that the general characteristics are similar, but that the individual markings are either different or lacking. Id. at 26-27.

Spectrography. Former Special Agent Gallagher was a specialist in both spectrographic examination and neutron activation analysis. In spectrographic analysis, samples are either sparked or burned; the results show up on spectrographic plates from which the examiner derives composition data. Gallagher Deposition, at 37-38. Spectrographic examination will elicit information on a range of elements, though specific readings in multiple tests of the same item of evidence may vary as a consequence of the technique's relative insensitivity, inherent testing error, and compositional differences between different portions of the object under analysis. Id. at 41-42, 54, 58-60. Although less sensitive than neutron

activation analysis, spectrographic testing appears to have been much more abundantly used in the examination of evidence, apparently because of the limitations inherent in neutron activation analysis.

Neutron Activation Analysis. In 1964, during the neutron activation analysis conducted in connection with the investigation into the assassination of President Kennedy, neutron activation analysis was relatively in an infant state, particularly so far as the equipment was concerned. Id. at 115. Even so, it was a far more sensitive technique for measuring the presence of certain elements in samples than spectrography: it was about twice as sensitive with respect to antimony, barium and other elements present in items of the assassination evidence, and up to a thousand times as sensitive with respect to other elements. Id. at 116. Its limitations, however, precluded its use on many items of assassination evidence, and vitiated the results of some tests that were performed on items. Id. at 50-51, 92. One such limitation was that only a handful of elements were discernible through neutron activation analysis. Id. at 42. Another was that certain elements, such as sodium and copper, showed up so prominently in neutron activation analysis results as to obscure others. Id. at 51, 74. Thus, items of evidence composed largely of copper, such as copper bullet jackets, were not subjected to neutron activation analysis. Id. at 74-75, 97, 98-99. By the same token, however, lead does not show up in neutron activation analysis. Id. at 109.

On behalf of the FBI laboratory, Gallagher conducted neutron activation analysis on items of assassination evidence at the reactor at Oak Ridge National Laboratory in Tennessee. Gallagher Deposition, at 64. The paraffin lifts taken from Lee Harvey Oswald were tested shortly after the assassination, but other items were not tested at Oak Ridge until May 1964. Id. at 63, 65. When plaintiff's counsel asked him to explain the delay with respect to other items, Gallagher pointed out that the FBI's access to the reactor was limited, and that the paraffin lifts were tested

NW 54999 DocId:32989522 Page 510

early because they were tested solely by neutron activitation analysis, whereas bullet samples could be tested by spectrography as well. Id. at 65.

Two additional observations on both spectrographic examination and neutron activation analysis should be made in response to points raised in plaintiff Weisberg's affidavit. First, plaintiff asserts that none of the reports he has been furnished alludes to microscopic examination, which both Cunningham and Gallagher testified they frequently conducted. Weisberg Affidavit, at 32; Cunningham Deposition, 18-19; Gallagher Deposition, at 31. Gallagher's explanation was that microscopic examination, at least within the FBI laboratory, is so widely accepted as a preliminary to spectrographic and other tests as not to be worth noting in a report. Gallagher Deposition, at 107. That, in plaintiff's words, "there is not a word in a single report" about microscopic examination is entirely consistent with Gallagher's statement that FBI laboratory practice was to omit reference to microscopic examination. The second point raised by plaintiff is that the FBI laboratory reports contain "no statement of positive proof in the comparisons" of different items of evidence; "[t]here is only the meaningless description of 'similar.'" Weisberg Affidavit, at 8. Here, too, the deposition testimony reveals the plaintiff to be under a misapprehension, stemming from ignorance not of FBI laboratory practice in this instance, b of the inherent limitations of FBI examination techniques. Even neutron activation analysis, a much more sophisticated technique than spectrography, frequently will not enable bullet fragments, for example, to be positively identified as having come from a particular bullet. Cunningham Deposition, at 45-48; Gallagher Deposition, at 97-98. Neither will it be possible in many instances to exclude a fragment as having come from a given bullet, as when compositional variances are not sufficiently great to indicate different sources rather than fluctuations in composition within the bullet. Gallagher Deposition, at 102-05.

NW 54999 DocId:32989522 Page 511

CE # 399: The "Pristine Bullet." The Warren Commission concluded that Commission Exhibit 399, one of the bullets fired at the Presidential motorcade that day, had passed through the President's neck, and struck successively Governor Connally's chest, wrist, and thigh, ending its journey without substantial visible damage to itself. Plaintiff's counsel directed numerous questions to both Cunningham and Frazier on how the slug could have inflicted so much damage without itself sustaining damage. Cunningham Deposition, at 34-37; Frazier Deposition, at 24-28, 31-33. Although plaintiff's line of questioning is, at best, doubtfully relevant to the question whether plaintiff has received all material on CE 399, plaintiff has devoted considerable discussion to the physical state of CE 399. Weisberg Affidavit, at 44-48. Cunningham was asked whether he would expect a bullet alleged to have inflicted the damage attributed to CE 399 to emerge as unscathed as CE 399. Cunningham Deposition, at 35. Cunningham pointed out that a relatively heavy bullet with a slow muzzle velocity normally is less likely to fragment upon impact than lighter, faster slugs, and that the damage imputed to CE 399 and its outwardly pristine condition were not inconsistent. Id. at 36-37. Frazier, who with Cunningham and one other had performed the ballistics tests on assassination evidence, observed that CE 399 had flattened slightly during its journey and might have extruded a significant amount of lead, in the form of fragments, from its base. Frazier Deposition, at 26-27, 32, 38-39.

The remainder of plaintiff's assertions regarding CE 399 concern tests he claims ought to have been performed, such as comparison of CE 399 with core fragments. Weisberg Affidavit, at 15, 16. Gallagher indicated that he indeed had made such comparisons, but that aside from the spectrographic worksheets which formed the basis of Frazier's November 23, 1963 report, he prepared no reports on the comparison under spectrography or neutron activation analysis. Gallagher Deposition, at 26, 73-74. Gallagher indicated also that a directive to preserve CE 399 "for posterity" precluded his testing different portions of the bullet for composition,

NW 54999 DocId:32989522 Page 512

id. at 57, though he ran multiple tests on the samples he was permitted to remove. Id. at 59-60. Apart from plaintiff's allegations, there is nothing to suggest that any comparative test reports, by spectrographic and neutron activation techniques, were prepared other than those furnished to plaintiff. That such tests should have been made is not relevant, even if true.

The first report disseminated by the FBI laboratory took the form of a letter dated November 23, 1963, to Dallas Police Chief Jesse Curry. Gallagher Exh. 5. Portions of this letter indicate that CE 399 [referred to in the letter as Q1] was fired from the Mannlicher-Carcano rifle, and that the windshield scrapings as well as certain bullet fragments were determined to be similar in composition to CE 399. Gallagher Exh. 5, at 2. In the course of his testimony before the Commission, Frazier was questioned about a "comparison made of the lead residues on the inside of the windshield with . . . the bullet fragments. . ." Frazier indicated he had prepared "the formal report of the entire examination" based on the report Gallagher had submitted. Plaintiff claims not to have received either the "formal report" or the "report" prepared by Gallagher. Opposition, at 11. The confusion as to the latter appears to have stemmed from differences in terminology: what Frazier called a report consisted of Gallagher's worksheets. Gallagher Deposition, at 84. As to the "formal report," plaintiff argues that the November 23 letter could not possibly cover "the entire examination" because much testing, particularly the neutron activation analysis, did not transpire until months after the letter was written. Opposition, at 11. Frazier and Gallagher, on the other hand, indicate that the November 23 letter was the "formal report" Frazier alluded to in his Commission testimony. Frazier Deposition, at 41; Gallagher Deposition, at 86. Here, too, the evidence is uniformly against plaintiff's assertion. Frazier's reference to "the formal report of the entire examination" plainly relates to the procedures about which he was just queried: the comparison

NW 54999 DocId:32989522 Page 513

of the windshield residues with CE 399 and bullet fragments. Plaintiff's assumption that the "formal report" covers the entire investigation rather than one of the numerous examinations which comprised the investigation is wholly unwarranted. There is no evidence to controvert Frazier's and Gallagher's statements that the November 23 letter was, in fact, the "formal report" described by Frazier before the Commission.

Plaintiff also contends that neither CE 399 nor any bullet fragment was tested for human residue. Weisberg Affidavit, at 14. Because this allegation does not concern the existence of unfurnished reports but rather the appropriateness of such tests, such contention need not be considered except to note that the depositions yield no indication that such testing ever occurred. Cunningham Deposition, at 22-23; Gallagher Deposition, at 39, 48.

Plaintiff asserts he received no report on "the analysis of the copper-jacket material." Weisberg Affidavit, at 15. Gallagher indicated that laboratory practice was not to test copper jackets spectrographically unless such testing would contribute to the investigation. Gallagher Deposition, at 13. Copper's tendency to overshadow other elements under neutron activation analysis precluded testing of that kind. Id. at 74-75. Nothing in the record indicates reports or other materials in this area have not been furnished.

Q8: The Live Round. Plaintiff claims repeatedly not to have received reports on Q8, the live round discovered in the chamber of the Mannlicher-Carcano rifle. Opposition, at 10; Weisberg Affidavit, at 16, 57. Gallagher was unaware whether the round had been tested, and indicated that it probably should have been tested. Gallagher Deposition, at 43-46. Defendant Department of Justice has indicated that Q8 was subjected to "Firearms Identification" testing only. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 4. Inexplicably, however, plaintiff directed questions about Q8 only to

NW 54999 DocId:32989522 Page 514

Gallagher, who was unfamiliar with testing in the firearms identification category, and not to Frazier or Cunningham, both of whom conducted firearms identification tests. Though what either of the latter might have said about Q8 is open to speculation, the November 23, 1963 report to Chief Curry describes Q8 only as being of the same manufacture as certain cartridges found on the scene in the school book depository building. The inference to be drawn, uncontroverted by any other evidence, is that Q8 was subjected to visual scrutiny only by one of the ballistics examiners, and thus that no reports or other material on Q8 remain to be furnished. It is worth noting parenthetically that the plaintiff does not indicate, and the Court does not discern, what purpose additional testing of Q8 would have served. In that respect, Gallagher's supposition--that no further testing of Q8 was necessary because it was sufficient that the live round was of the same manufacture as the cartridges--seems eminently reasonable. Gallagher Deposition, at 46-47, 68-69. There is no evidence to suggest that reports or other materials on Q8 have not been supplied.

Testing of Clothing. Taken together, the Weisberg affidavit and plaintiff's Opposition to the motion for summary judgment reveal only one point of dispute: whether a report exists comparing the two anterior holes in CE 394, the shirt worn by President Kennedy on November 22, 1963. Opposition, at 10; Weisberg Affidavit, at 24-25. As to the remaining tests performed on items of clothing (the President's, Governor Connally's, and Oswald's), the record indicates that spectrographic testing only was performed on these items, and that neutron activation analysis was not performed because laboratory personnel did not deem it an appropriate technique for those items. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 12-13; Gallagher Deposition, at 50-52. The worksheets reflecting examination of both the President's and Governor Connally's clothing have been provided to plaintiff, together with the FBI's reports, internal and external, on the examinations. E.g.,

NW 54999 DocId:32989522 Page 515

Letter from J. Edgar Hoover to J. Lee Rankin (March 23, 1964); Memorandum from R. H. Jevons to Mr. Conrad (April 15, 1964).

The sole basis for plaintiff's assertion that an extant report on the comparison of CE 394 holes remains to be furnished is that former Special Agent Frazier testified in the course of his deposition that he had asked another examiner to determine, by buttoning the shirt, whether the two anterior holes overlap. Frazier Deposition, at 60-62. Initially, Frazier could not recall whether he himself had conducted that aspect of the examination of the shirt, id. at 61, and he subsequently indicated that another examiner, whom he thought was Paul M. Stombaugh, had made the examination, and prepared a report on his conclusions. Id. at 62. Frazier assumed that the Commission had obtained a copy of the report in the course of taking Stombaugh's testimony. Id. There is no indication outside Frazier's deposition testimony that Stombaugh, or any examiner other than Frazier, prepared such a report. CE 394 was discussed only twice in the course of the Commission hearings, by Cmdr. James J. Humes, a pathologist at the Naval Medical Center who testified on the autopsy conducted on the body of the President,[5/] and by Frazier himself. Frazier stated first that he himself had conducted the examination of the President's shirt. V Hearings Before the President's Comm'n on the Assassination of President Kennedy 60 (1964). He stated that "on the front of the shirt, I found what amounts to one hole. Actually, it is a hole through both the button line of the shirt and the buttonhole line which overlap down the front of the shirt when it is buttoned." Id. Frazier's testimony before the Commission compels the conclusion that he was mistaken in attributing responsibility for the examination of the two anterior holes to another examiner. One

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5/ Commander Humes indicated that "with the shirt buttoned, the fly front of the shirt causes two layers of cloth to be present in this location, and that [sic] there is a defect in the inner layer of cloth and a corresponding defect in the outer layer of the cloth." II Hearings Before the President's Comm'n on the Assassination of President Kennedy 365 (1964). He said also that "the defects in 393 [the President's suitcoat] and 394 [the shirt] coincide virtually exactly with one another." Id. at 366.

NW 54999 DocId:32989522 Page 516

explanation for his error, aside from the lapse of more than thirteen years since the examination in question, is that Special Agent Stombaugh indeed examined the fibers of a shirt linked with the assassination, and testified before the Commission on the results of his examination; the shirt in question, however, was CE 150, that worn by Lee Harvey Oswald at the point he was captured by police. IV Hearings, supra, at 74-75. There being no genuine question as to the existence of the report alluded to by Frazier in his deposition, this point, too, must be resolved against the plaintiff.

Neutron Activation Testing of Fragments and Residue. Plaintiff claims not to have received extant reports on the neutron activation analysis of Q3, a fragment recovered from beside the right front seat of the Presidential limousine, and Q15, residues obtained by scraping the inside of the limousine's windshield. Opposition, at 8-9; Weisberg Affidavit, at 13. The Department of Justice answers to plaintiff's interrogatories indicated that neither Q3 nor Q15 was subjected to neutron activation analysis. Defendant United States Department of Justice's Answers to Plaintiff's First Set of Interrogatories, at 12, 13. When former Special Agent Gallagher was queried about Q3, he initially could not recall testing it, but later, on his own initiative, he remembered subjecting the item to neutron activation analysis and emerging with no significant result. Gallagher Deposition, at 74-75, 90-92. The lack of results for Q3, a fragment consisting chiefly of copper jacket, is consistent with Gallagher's previous statement that copper is normally not susceptible to neutron activation analysis. Id. at 74. As to Q15, the windshield scraping, Gallagher stated, after initial inability to recall, that neutron activation analysis had, just as with Q3, not resulted in any significant finding, chiefly because the Q15 sample was inadequate. Id. at 71. In each case, Gallagher had left his worksheets virtually blank, accounting for the Department's assumption in its answers to plaintiff's interrogatories that no neutron activation analysis on these items had been

NW 54999 DocId:32989522 Page 517

conducted. The record indicates conclusively that, despite its denial that such testing had occurred, the Government has unwittingly supplied the plaintiff with the very worksheets to indicate that such testing did occur, albeit unsuccessfully. As to the printouts from the testing, Gallagher indicated that the data on the printouts was duplicative of that on the worksheets, and hence that the printouts themselves might not have been kept. Gallagher Deposition, at 92, 117. The deposition testimony on the neutron activation analysis conducted on fragments does not indicate that tests were conducted for which materials have not been furnished.

Dealey Plaza Curbstone. Plaintiff claims that he was not supplied with materials relating to testing performed on a curbstone removed in 1964 from near the site of the assassination. Opposition, at 10; Weisberg Affidavit, at 10, 36-42.[6/] According to bystanders at the assassination, there were indications that a bullet or bullet fragment had struck the curbstone during the moments of firing at the Presidential limousine. On July 7, 1964, the Warren Commission requested an examination of the curbstone, and early in August Special Agent Lyndal Shaneyfelt was dispatched to Dallas to retrieve it. The result of his analysis of the "smear" he discovered on the curbstone was that the foreign substances thereon "could be bullet metal." Shaneyfelt Exh. 2. The tests conducted on the curbstone were microscopic and spectrographic only; no neutron activation analysis was conducted. Gallagher Deposition, at 69-70. The decision not to subject

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6/ It might be noted that plaintiff's allegations regarding the curbstone extend far beyond testing materials supposedly not furnished pursuant to his FOIA requests. His submissions include the affidavit of James T. Tague, a witness to the assassination apparently struck by unidentified debris associated, Tague contends, with the mark on the curbstone. Tague Affidavit, at 7. Much of the affidavits of both plaintiff Weisberg and Mr. Tague are directed toward establishing that the mark on the curbstone underwent drastic alteration, from a chip in 1963 to a smear in mid-1964, when the FBI recovered the curbstone. It is not clear from plaintiff's affidavit whether he is asserting that the FBI removed the wrong curbstone, or that the curbstone is the same, with only the mark different. Compare Weisberg Affidavit ¶ 185 with id. ¶ 194. In any case, none of the allegations on these points needs be considered in the context of plaintiff's FOIA requests, and the extent of Government compliance therewith.

NW 54999 DocId:32989522 Page 518

the mark to neutron activation analysis explains the disparity between the two elements isolated in the "smear" and the nine isolated from bullet core fragments, and accounts also for the laboratory's reluctance to attribute the mark to a bullet. See Weisberg Affidavit, ¶ 33, at 10; Frazier Deposition, at 48; Shaneyfelt Exh. 2. As to microscopic examination, Frazier testified on deposition that he had scrutinized the curbstone mark under a microscope, and Shaneyfelt indicated that he might have done so in the course of conducting other tests on the mark. Frazier Deposition, at 51; Shaneyfelt Deposition, at 14. Frazier incorporated the results of his microscopic examination of the curbstone into a draft of a letter eventually sent August 12, 1964, by J. Edgar Hoover to Commission counsel Rankin. The spectrographic examination of the curbstone was conducted by Special Agent William R. Heilman, now retired. Memorandum from M. J. Stack, Jr. to Mr. Cochran (June 20, 1975). The spectrographic plate which reflects the single run to which Heilman subjected the curbstone has not been furnished to the plaintiff; Heilman believes it was discarded in the course of one of the laboratory's periodic housecleanings. Id. Shaneyfelt testified to not having seen any other reports on the curbstone besides those shown to him in the course of his deposition. Shaneyfelt Deposition, at 15. Taken together, these aspects of the record indicate uniformly that all available material on testing of the curbstone has been furnished to plaintiff.

## CONCLUSION

The foregoing analysis of the record has disposed of every contention and claim the Court has been able to elicit from plaintiff's various submissions. In many instances, there is direct testimony that a particular test was not performed; in others, testimony as to particular laboratory practices compels the conclusion that the test was not performed. For all its detail, the preceding analysis does not pretend to treat such aspects of plaintiff's argument as the alleged destruction of assassination evidence and falsification of test results. Neither topic is pertinent. The analysis likewise has not dealt extensively with plaintiff's allegations

NW 54999 DocId:32989522 Page 519

and suggestions, sounding of conspiracy, that reports and materials have been stolen or deliberately mislaid, and that Government witnesses have lied under oath; apart from these allegations, there is not an iota of evidence to support either assertion.

A FOIA action demonstrably lacking in genuine issues of material fact is appropriately resolved by summary judgment. See Nolen v. Rumsfeld, 535 F.2d 890, 891 (5th Cir. 1976), cert. denied, 429 U.S. 1104 (1977). This action lacks such issues. Although plaintiff has impugned defendants' affidavits on the ground that they do not specify the files searched in compliance with plaintiff's request, Opposition, at 12, the Government's response to a FOIA request need not be as specific as plaintiff would require, it being sufficient that the affiant has personal knowledge that all files which might contain requested material have been searched. Exxon Corp. v. FTC, 384 F. Supp. 755, 759-61 (D.D.C. 1974), remanded without opinion, 527 F.2d 1386 (D.C. Cir. 1976).

As in Nolen, supra, "[t]he Government has, in candor and good faith before this Court, stated that all the records available have been made available to the plaintiff." 535 F.2d at 891. If plaintiff has any further recourse, it is not under FOIA. See id. Accordingly, defendants' motion for summary judgment must be granted.

An Order consistent with the foregoing has been entered this 4th day of October, 1977.

John H. Pratt
United States District Judge

Docld:32989522 Page 520

Form DJ-65
(Ed 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Mr. J. Edgar Hoover
Director, F.B.I.

DATE: May

FROM : Richard G. Kleindienst
Deputy Attorney General

SUBJECT: Harold Weisberg: Requests for Information under Freedom of Information Act

Mr. Tavel
Mr. Sayars
Tele. Room
Miss Holmes
Miss Gandy

Attached hereto are two letters dated May 16, 1970 from Mr. Harold Weisberg in which he explains his requests for certain information relating to the assassination of former President Kennedy. Also attached are five Forms DJ-118 which specifically identify the materials he is seeking in each case.

Would you please have these requests reviewed and advise me with respect to their disposition.

2 ENCLOSURE

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EX-PROC

33 MAY 22 1970

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JUN 12 1970

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Lil[illegible]n & Harold Weisberg
Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
Code 301/473-8186

5/10/70

Mr. Richard Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

Your Department has engaged in a systematic effort to vitiate the clear intent of Congress and the law on "Freedom of Information" to the point that inquiries properly made are ignored. Seeking of you what is my right and your obligation to respond to has been converted into a futility. Even so simple a request for forms you require for citizens to use the law is blatantly ignored. Moreover, when I asked for copies of your instructions two days ago at two different offices of your Department, not only was I not given any, but in the proper office they even declined to take my name and address so they could mail these instructions to me. I have, in the past, addressed a number of requests to the Attorney General. He has, on not one occasion, made response. I have asked of your office that when my requests were rejected, as I anticipated they would be, the record indicating this is automatic when not ignored, it be in the name of the Attorney General so that the organized mechanism for delaying me would not be put into play again. In every case, this has not been done. I have three times addressed appeals from decisions to the Attorney General only to have them also ignored. I regard this record as one in which your Department has effectively surrendered any rights to insist upon compliance with these rules you employ only to frustrate my proper requests and, in the event it becomes necessary, am prepared to test this in court.

I would prefer that this not become necessary, that you change your ways, start making response, eliminate the deception and falsehood from them-in short, recognize that Congress passes laws and Presidents sign them so that they will be obeyed, most of all by that Department in whose care the sanctity and integrity of the law is vested. Or, the Department from which we have been hearing so much about what it calls "law and order". Like charity, I suggest that should begin at home.

Herewith I enclose three completed DJ-118 forms, In each of these three cases my most recent requests have been made some time ago. In not one of them has there been response.

Two of them are conspicuously flagrant, and I single them out for explanation. My first request for the spectrographic analysis of the bullet, fragments of bullet and objects said to have been struck by either when the President was assassinated and Governor Connally injured is dated in May 1968. There has never been response to it or its subsequent repetition. I addressed a request for this same public, non-secret information to the Attorney General 40 days ago. My first request of your Department for those documents relating to [illegible] Ferrie of New Orleans was made under the previous administration,

NW 54999 DocId: 32989522 Page 522

Because the record does not encourage belief you will provide what I seek without recourse to the courts, I feel it would be unwise for me to disclose everything I can. But because I want voluntary compliance with the law and because despite your best contrary efforts, I do not want to have this result in embarrassment for you or the government, I do suggest some of them.

With regard to the spectrographic analysis, if you are not aware of it, not then having been in your present position, I think you should know that if it does not agree in the most minute detail with the interpretation put upon it by the Warren Commission, their Report is a fiction. It was, in ways I do not explain, "considered by" that Commission. Those words are from the executive order of the Attorney General of October 31, 1966. Moreover, it was, to all practicely purposes, made public and published in different form, repeatedly, by the Commission. Most recently, this was done by former Dallas Chief of Police Jesse Curry, in a book bearing his name. When I asked for it at the National Archives, in person, the day this executive order was reported in the press, in my presence a representative of your Department told the National Archives it had been transferred there pursuant to this order. When we checked the file he cited, we found it was but a paraphrase. To the best of my knowledge, there was been no response to the report made to him that this was not the analysis itself. This analysis involves no secret processes, no informants whose identities need be hidden, no defamations of the innocent, and does not in any way fall under the right to withhold embodied in any of the guidlines for withholding.

Your Department, through Mr. Vinson, told me the various documents relating to David Ferrie were being reviewed with the intent of seeing whether they would be made available. I never heard further from him. The National Archives told me it had no knowledge of any such review. Obviously, it is impossible for me to provide you with an identification of each and every such suppressed document, but to the degree I can, it is already in your files. In fairness to you, for I do not seek scandal but I do seek information I believe is properly mine, I want you to know that I have some of what is said to be withheld and it cannot possibly be withheld properly. As I have already explained, what might tend to reflect upon the innocent was already been made public, rather extensively, by the men involved and by their attorney, in a book and its serialization. Ferrie himself is dead, was unmarried, and his sexual tastes are public knowledge in a variety of ways, including but not limited to public reporting of criminal charges against him for them and in his contesting of these charges and his subsequent loss of employment because of them.

With regard to the photograph identified as FBI Exhibit 60, requested in my letter of April 22, 1970, addressed to the Attorney General, I provide this information and request:

This is a picture of President Kennedy's shirt. The shirt itself is withheld from examination and study and any taking of pictures of it is prevented on the seemingly proper ground that neither the government nor his estate want any undignified or sensational use of it. I have explored this thoroughly with the National Archives and the representative of the estate, verbally and in extensive correspondence. However, there is no use to which the available pictures can be put that is of any other nature, for they show nothing but his blood. This is not what I want to study or, perhaps, to show (my chief purpose is study).

FBI Exhibit 60 is. [illegible] at the National Archives [illegible] it has been published by the Warren Commission and by others. However, someone in your Department has gone to some trouble to see to it that the photograph at the National Archives is entirely useless for any serious study or to assure that it can be used only for no other than unsignified or sensational purposes. Instead of a photographic print there is a photograph of the printed page. Now FBI Exhibit 60 is not lithographic but is photographic in nature. With the screen built-in for printing, any enlargement is effectively precluded. My interest is the only non-sensational one. It is restricted to the hole of the shirt through which a bullet is alleged to have passed. I do not, really, want the entire picture, and I would much prefer the largest clear enlargement you can have made of just this very small area of the shirt. My purpose is as simple as it is obvious. It is entirely restricted to a study of the damage to the shirt by the alleged bullet. I would much prefer any enlargement of this very small area of the shirt, which would eliminate all the gore, to a standard 8x10 glossy print of the exhibit itself. If you will not do this, as I hope you will, then I will accept the clearest possible photograph of the original negative of FBI Exhibit 60. However, because I am confident the Department would prefer no suggestion that it is withholding evidence relating to the murder of a President, I do hope you will provide me with the enlargement instead, showing only the damage. It will be obvious, I hope, that there is no unsignified use of such an enlargement of the original negative that is remotely possible, even if I were intending to publish it, which I am not.

The law, as you know better than I, imposes no burden upon me to make any explanation of what I seek under it. I hope you will understand that I have taken this time, gone to this trouble, in a sincere effort to put you in a position to understand that my purposes are serious,—scholarly, proper and entirely within the intent of Congress and covered by the law. If you will reflect but a moment, perhaps you will also understand that, at possible cost to myself, I have sought to put you in a position to save yourself and the Department embarrassment if you do as you have in the past.

On the other hand, I will no longer accept the standard Departmental whipping from pillar to post. One of these requests to which your Department has never responded is four years old. The request embodied in my Civil Action 718-70 was a year old at the time you acceded to the perfectly proper request but only after I filed the action and you could no longer delay trial. If I have not heard from you within two weeks that you will comply with these requests, or if I get a rejection in any name other than that of the Attorney General, I will proceed with further civil actions. I would much prefer to avoid this. Most sincerely, I hope you would also.

Sincerely,

Harold Weisberg

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PHONE 301 473-6250

No. 292

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FREDERICK, MD. [illegible] 19[illegible]

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FREDERICK, MARYLAND

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Form DJ-118
(Ed. 7-4-67)

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

# REQUEST FOR ACCESS TO OFFICIAL RECORD UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold Weisberg | Rt. 3, Frederick, Md. 21701 |
| DATE 5/13/70 | |

| DO YOU WISH TO RECEIVE COPIES? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED | OFFICE AND CITY WHERE RECORD IS LOCATED (if known) |
|---|---|---|
| | 1 each | Washington, D.C. |

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Spectrographic 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 5/10/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING → LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

| FOR USE BY DEPARTMENT OF JUSTICE ONLY<br>THIS REQUEST IS: | A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box) |
|---|---|
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Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

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m DJ-118

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WASHINGTON, D. C. 20530

REQUEST FOR ACCESS TO OFFICIAL RECORDS
UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street and number, city, state, and zip code) |
|---|---|
| Paul Hoch | Lt. G, Frederick, Md. 21701 |
| DATE 5/18/70 | |

| YOU WISH TO RECEIVE COPIES? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED<br>1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Documents relating to the late David W. Ferrie of New Orleans withheld from the Warren Commission and/or the National Archives, documents withheld by the National Archives by order of Department of Justice. See my letter of 5/16/70. A list of all such documents and reason(s) for withholding each is requested.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF PENDING → LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
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| | | | | |

There is no prospective litigation if request is complied with.

Paul Hoch
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

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GSA CHARGE _____

TOTAL CHARGE _____

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

Form DJ-118
(Ed. 7-4-67)

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

# REQUEST FOR ACCESS TO OFFICIAL RECORD UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold Weisberg | Rt.8, Frederick, Md. 21701 |
| DATE 5/10/70 | |

| DO YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED<br>1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Enlarged photograph of part of FBI Exhibit 60 (Warren Commission material) as described in my enclosed letter of 5/10/70) preferred, or, if this cannot be done and only if it cannot, one 8/10 glossy photographic print of FBI Exhibit, whichever is provided being made from original negative.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING → LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____

COPIES OF DOCUMENTS:
50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____

FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH _____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH _____

GSA CHARGE _____

TOTAL CHARGE _____

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This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

NW 54999 DocId:32989522 Page 528

Lil an & Harold Weisberg
Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
Code 301/473-8186

5/13/70

Mr. Richard Kleindienst
Deputy Attorney General
U.S.Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

I am separating this part of my today's letters to you for your convenience because it relates to two requests I have not earlier made of you. Although your regulations do not require the filing of a DJ-118 form with such requests or the inclusion of the $5.00 fee with each, I presume you would prefer to require it and prefer to confiscate the fees, so I enclose both for each request.

In the hope it will help you, because you did not at the time concerned with these requests have your present responsibilities, I make these explanations.

The two FBI agents present at the President's autopsy were given "a missle" removed from the corpse. While for four years the existence of this receipt has been denied, I now have a copy and for your convenience I enclose herewith a copy of that copy.

The National Archives says it is unable to identify this single, receipted "missle" in the records of the Warren Commission. There is an exhibit of multiple tiny fragments, which can hardly be described as "a missle", especially when the well-known FBI care with fact, detail and evidence is considered.

I request all records relating to this "missle" and as large as practicable a photograph of it, up to 8x10 inches, the size to be limited by considerations of clarity, including whatever measurements, weighings, tests, analyses, evaluations or any other scientific or medico-legal appraisals, opinions and/or facts there may be.

Secondly, there were certain autopsy photographs taken. These were delivered exposed but undeveloped to the Secret Service. If I can give you no chain of possession of them and I can assure you the National Archives has written me that to its knowledge there is no recorded chain of possession, I do presume the Department has it. The Secret Service has written me that it has no records of the processing, etc., of these photographs and no explanation for the fact that some are exposed but show no image. My request is for this information, the chain of possession, the records and other information about processing, the explanations and, if there were any, the investigations to determine why some showed no image upon processing, and anything relevent to the above.

ENCLOSURE 100-351738-19

In connection with these requests, I remind you of that of which you may not be aware, that there was a special relationship between the FBI and the Warren Commission under which the FBI was the Commission's investigative arm as

NW 54999 DocId: 32989522 Page 529

from your office do not accord in every respect with current regulations relating to prior to your holding the office, including but not restricted to the promptness of response, I hope someone in your office will familiarize himself with them. This need not in any way delay the promptness of the response unless a copy of these regulations is not available to the Deputy Attorney General as it was to me this week.

There are certain instances of which I informed you in my earlier letter today, enclosed herewith. They also apply to the requests in this letter. I believe the Department's failure to abide by its own regulations cannot be held against me and that its failure to abide by its regulations forfeits its rights, under the law, to insist that others comply with them, in these areas of Departmental non-compliance.

Together with the DJ-118 forms, I enclose herewith two checks, one in the amount of $9.00, the other in the amount of $6.00.

Sincerely,

Harold Weisberg

22 November 1963

From: Francis X. O'NEILL, Jr., Agent FBI
James W. SIBERT, Agent FBI

To: Captain J. H. STOVER, Jr., Commanding Officer, U. S. Naval Medical School, National Naval Medical Center, Bethesda, Maryland

1. We hereby acknowledge receipt of a missile removed by Commander James J. HUMES, MC, USN on this date.

Francis X. O'NEILL, Jr.

James W. SIBERT

NW 54999 DocId:32989522 Page 531

COOL FOR PEACE
ROUTE 8
FREDERICK, MD. 21701
PHONE 301-473-[illegible]

No. 2503

55-26
521

FREDERICK, MD. [illegible] 19 76

PAY TO THE ORDER OF [illegible] $ 50.00

[illegible] DOLLARS

FARMERS AND MECHANICS NATIONAL BANK
FREDERICK, MARYLAND

[illegible]

⑆0521⑈0026⑆

Form DJ-[illegible]
(Ed. 7-[illegible])

# U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

## REQUEST FOR ACCESS TO OFFICIAL RECORD
## UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| Harold [illegible]s | Rt. 6, Frederick, Md. 21701 |
| DATE 5/13/70 | |

| DO YOU WISH TO RECEIVE COPIES ? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED<br>1 copy | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Records relating to "missle" removed from corpse of President Kennedy as described in enclosed letter dated 5/13/70 and attached FBI receipt for "a missle", including photograph, also described in said letter.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING → LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold [illegible]
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 ____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 ____

COPIES OF DOCUMENTS:
50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE ____

FOR CERTIFICATION OF TRUE COPY $ 1.00 EACH ____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT $ 3.00 EACH ____

GSA CHARGE ____

TOTAL CHARGE ____

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U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

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See instructions for payment and delivery of this form at bottom of page

| NAME OF REQUESTER | ADDRESS (street, city, state and zip code) |
|---|---|
| [illegible] | Rt 8, Frederick, Md. 21701 |
| DATE 5/12/70 | |

| DO YOU WISH TO RECEIVE COPIES? ☒ YES ☐ NO<br>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished). | NUMBER OF COPIES REQUESTED<br>1 each | OFFICE AND CITY WHERE RECORD IS LOCATED (if known)<br>Washington, D.C. |
|---|---|---|

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

~~Records in prospective litigation if request is complied with.~~

Information relating to the autopsy pictures of President Kennedy, their processing, chain of ~~xxxxxx~~ possession, etc., as described in enclosed letter dated 5/18/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? ☐ YES ☐ NO

| FILL IN IF IN PENDING → LITIGATION | COURT (check one) ☐ FEDERAL ☐ STATE | DISTRICT | NAME OF CASE | DOCKET NUMBER |
|---|---|---|---|---|
| | | | | |

There is no prospective litigation if request is complied with.

Harold Weisberg
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

☐ GRANTED

☐ DENIED

☐ REFERRED

A MINIMUM FEE OF $3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD $ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL $ 1.00 _____

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# Memorandum

TO : [illegible] J. Edgar Hoover
Director, F.B.I.

DATE: June 22, 1970

FROM : Richard G. Kleindienst
Deputy Attorney General

SUBJECT: Freedom of Information Act: Harold Weisberg

Attached is a letter dated June 19, 1970 from Mr. Harold Weisberg in which he requests an additional photograph and argues concerning the content of my June 12 letter to him (copy also attached).

Would you please review this letter and give me your comments concerning his request and the arguments contained therein.

EX-116

REC 8 100-351932-18

JUN 24 1970

JUL 10 1970

Letter to the Deputy Atty Gen.
7-1-70
RHP:mgh

NW 54999 DocId:32989522 Page 535

Cod'O'Press ROUTE 8, FREDERICK, MD. 21701

6/22/72

J. G. Kleindienst, Esquire, Atty. General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

The 4x5 portion of FBI Exhibit 80, enclosed with your letter of 6/12/72, is welcome and I do thank you for it. I hope it is as obvious to you now as it always was to me that the government should never have denied this in any form. I also hope it is no less obvious that the improper denial has been costly to me and others and to the government and that it is the kind of thing that breeds distrust in the government.

This reminds me of the first (and, typically, unanswered) letter I wrote Mr. Mitchell after your administration took office. In it I suggested that if the basic errors were committed on the operating level, then he and his closest advisors would be getting the same misinformation from the same people. It may even be held that these people now have a deeper commitment to their error, more reason for adhering to it.

In the course of studying one of the forms in which FBI Exhibit 80 was available, with the photoengraving dots making magnification impossible, I think I have discovered something wrong, something that may in the future plague the government. This is what in the Archives is identified as CD 107. It is a four-part composite picture, with an inset enlargement of the back of the shirt added to a picture of the back, with the tie in the lower left-hand corner and a view of the collar similar to the one you sent me in the lower right. If you will send me a photograph made from the negative rather than a reproduced copy, I will be able to determine this with finality, I am confident, and will report to you, for your files and use, if so desired, what I believe is an adequate explanation of what is wrong with this picture. I have never been told how much you charge for an 8x10 photograph. The Archives charge is $1.25, so I enclose a check in that amount.

With regard to the spectrographic analysis, whoever informed you of what you wrote me is kidding you. The testimony referred to is simply that all specimens were of lead, no more. The witness, quite properly, made it a matter of record that he was not competent to give testimony on this and that it was not his work but hearsay with him. In telling you this little bit about the inadequacy and error in what you wrote me, my purpose is to make it possible for you to avoid embarrassment to yourself and to the government. I cannot and will not allow the matter to rest here.

I address your paragraphs relating to the late David William Ferrie in the same spirit, for I do not believe the thoughts originate with you. All of what is withheld on Ferrie, to my knowledge, cannot be so described. Nor are the exemptions without exceptions. There is no doubt in my mind that at the very least some of these documents can and should be made available and that the cited

"ENCLOSURE ATTACHED" ENCLOSURE 100-351938-18

[illegible]

[illegible] I assure you all the [illegible] information on Ferrie is not in the files of the Warren Commission. If you doubt this, check on the reports dealing with Carlos Marcello, especially in the content that is in this morning's papers, the efforts of your Department to deport him.

In previous correspondence I have addressed the other points to which you here refer. I ask that you reconsider this decision and, if you do not change it, that you promptly forward this letter as my appeal. It has been more than three years since I first began the effort to get what I believe may not properly be withheld on this matter. Such delay is not only costly, it is also not in accord with either the spirit or the letter of the law, as I understand them.

It is difficult to believe that the minute objects in Exhibit 843 can be described as "a missile". First of all, that exhibit shows a minimum of two objects, possibly a third, although Mr. Frazier's testimony is about two only. Two objects are not "a missle". These also do not seem to have the relationship to each other or the dimensions given by the agents in their report, 7x2mm and 5x1 mm. These are also described as coming from the late President's head, whereas the receipt is for a missle recovered from the body. The fourth page of their report goes into this, says a "proper receipt" was signed, marks, etc., made. Reference here is to a receipt for two described pieces of metal, not "a missle". Possibly other records can clarify this seeming discrepancy.

With regard to your comments on "Autopsy Photographs", this explanation would be acceptable if it were made to include copies or prints rather than the original negatives only. The wording should remove any technical interpretation of the words "possession or custody", for example, as if copies were loaned for study, opinion or as the basis of investigations of various kinds.

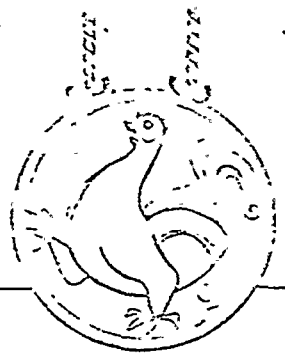
At this point, my batting average, on what has reached you, is two out of two, or in the two cases where my representation was challenged, the government not only was wrong but acknowledges it, belatedly. Because my objectives are proper research, access to what I should be able to have and study, not the embarrassment of the government or its officials, I do hope you will consider the possibility this is not an accidental record and do what you can to eliminate the endless delays, the enormous extra effort and cost and see to it that what is improperly withheld will be made available. Government, too, should conform to the law.

Sincerely,

Harold Weisberg

NW 54999 DocId:32989522 Page 537

WC-6-2054



HYATTSTOWN, MARYLAND 20734

PHEASANT-CHICKENS • ROCK-CORNISH GAME HENS • WA

May 25, 1966

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover,

Enclosed is a copy of my book, WHITEWASH - THE REPORT ON THE WARREN REPORT. In it you will find quotations from your testimony and that of FBI agents that I believe require immediate and unequivocal explanations and from the FBI's report to the Commission. Of the many things requiring explanation, I would like in particular to direct your attention to these three, in which it would seem no question of national security can be involved:

1) In your brief discussion of the assassination in the report to the Commission you say that three shots were fired, of which two hit the President and one the governor. This does not account for the bullet that hit the curbstone on Commerce Street, which you told the Commission you could not associate with the Presidential car or any of its occupants. In another part of this report, dealing with Oswald, you told the Commission that the bullet that did not kill the President struck him in the back - not the neck - and did not go through his body. Here you seem to fail to account for the well-known wound in the front of the President's neck. And thus, are there not at least five bullets, the three you accounted for and the two you did not account for? The Commission itself considered the curbstone strike a separate bullet, and the President most certainly was wounded in the front of the neck.

2) In his testimony before the Commission, FBI Agent Robert A. Frazier did not offer into evidence the spectrographic analysis of this bullet and that of the various bullet fragments. Neither did FBI Agent John F. Gallagher, the spectrographer. Agent Frazier's testimony is merely that the bullets were lead, which would seem to be considerable less information that spectrographic analysis could reveal. The custodian of this archive at the National Archives informs me this analysis is not included in his archive but is in the possession of the FBI. I call upon you to make it immediately available.

ORIGINAL FILE

100-35192-X 6 JUL 1 1966

NOT RECORDED
199 JUL 1 1966

3) In his testimony before the Commission, FBI Agent Frazier said that when the whole bullet was received by the FBI, it had been wiped clean. He does not reveal any FBI interest in this unusual destruction of evidence. He also testified that the cleansing of the bullet was not complete, that foreign matter remained in the grooves in the bullet. Yet his testimony does not show any FBI interest in learning what the nature of the residue was. Did the FBI make the appropriate tests? Could the residue be associated with either the President's body or the governor's? What effort, if any, was made to learn? And if no effort was made, why not?

54 JUL 7 1966

Sincerely yours,

NW 54999 • DocId: 32989522 Page 536

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

10 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Mr. J. B. Adams 11-25-74

Legal Counsel

H. R. 12471: AMENDMENTS TO THE FREEDOM OF INFORMATION ACT, TITLE 5, U. S. C., SECTION 552

The House overrode the President's veto of this legislation (copy attached) by a vote of 371 to 31 on 11-20-74, and the Senate by a vote of 65 to 27 on 11-21-74. It is to become effective 90 days after enactment or on February 19, 1975. Prior memoranda have been sent through at various stages of captioned legislation reporting results of conferences held between Bureau officials and representatives of the Department, Congressional staffs and White House officials. The purpose of this memorandum therefore, is to point out those provisions of these amendments which it is believed will have the greatest impact on the FBI. For the purpose of clarity, the areas have been broken down into the following categories: (1) processing of requests; (2) increase in number of files involved; (3) increase in number of people who can now request data; and (4) in-camera inspection of classified documents.

PROCESSING OF REQUESTS

By way of background, it will be recalled that "investigatory files compiled for law enforcement purposes" were exempt from disclosure under the provisions of the Freedom of Information Act (FOIA). Then in July of 1973, Departmental Order 528-73 was issued by then Attorney General Elliot L. Richardson. By this Order we were instructed to make available our investigative files over 15 years old to legitimate researchers when such files pertained to an individual or organization of historical significance. The new amendments will now do away with these restrictions.

Previously, when we ascertained that the information being sought was contained in an investigative file less than 15 years old, we would deny the request, and the Department would sustain such denials. Now we will be required to honor such requests, regardless of the age of the file, such as a request for access to our investigation of President Kennedy's assassination. It will be necessary for us, in our

Enclosure
1 - Mr. Callahan - Enclosure
1 - Mr. Jenkins - Enclosure
1 - Mr. Adams - Enclosure
① - Each Assistant Director - Enclosure
JCF:ms (18)

NW 54999 DocId:32989522 Page 540

processing endeavors, to look at each paragraph in an investigative file to determine if the information falls within one of the following six categories, thereby precluding its disclosure: (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

Our processing will be further complicated by the changing of the word "file" to "records" in the (b)(7) exemption. In the past, even though a record, such as an airtel or memorandum contained innocuous information, if it was located in an "investigatory file compiled for law enforcement purposes," we could preclude disclosure. However, because the new provisions order that, "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection," we will now be required to look at such a document and will have to disclose the contents if it does not fall within one of the above-enumerated categories. In essence, we will now be required to look at a greater number of files as well as a greater number of documents within these files in processing requests under these new amendments.

INCREASE IN NUMBER OF FILES INVOLVED

As noted above, since this law will supercede Departmental Order 528-73, all our files will now be covered by the FOIA, regardless of their age. From a review of the words used in this bill, a reading of the legislative history and in discussions with staff representatives of various Senators and Congressmen advocating this legislation, it is our understanding that a request can now be received for information from an on-going investigation and we would be required to process such a request to determine if there was any information contained therein that would not be protected under the new provisions of the FOIA. An example of this could be a request for our files on the Patricia Hearst case.

Memorandum to Mr. J. B. Adams
Re: H. R. 12471: AMENDMENTS TO THE FOIA, T5, USC, SECTION 552

INCREASE IN NUMBER OF PEOPLE WHO CAN NOW REQUEST DATA

It is our understanding that anyone can now request information from our files and such a request will have to be processed by us, even if it involves an elementary school student wanting data for a term paper. Since this new legislation will require the Government to absorb the cost of processing such requests, the only cost that could act as a deterrent to a young requester would be the time involved in our locating the particular records involved and the duplicating charge of ten cents per page. We are quite confident that the Professor of the University of Texas who had requested information concerning the Communist Party, which request involved close to two million pages to be reviewed, will now come back with the request which he had previously withdrawn when he was advised that the estimated cost of processing would amount to 300,000 dollars.

IN-CAMERA INSPECTION OF CLASSIFIED DOCUMENTS

Under the old provisions of this Act, we could decline to disclose classified documents, and, if subsequently challenged in court, merely submit an affidavit to the effect that these documents have been properly classified pursuant to the most recent Executive Order. The judge would go no further and would sustain our denial for access to such documents. Under the new legislation the judge may review such classified documents during an in-camera inspection to determine if he personally feels they were properly classified.

Implementation of these new provisions is to take place ninety days after enactment. In the interim, representatives of the FOIA Unit are available to explain in depth some of the problems contemplated under these amendments similar to the explanations furnished Congressional staff members and White House representatives on November 14th.

RECOMMENDATION:

For information.



NW 54999 DocId:32989522 Page 542

THE UNIVERSITY OF KANSAS MEDICAL CENTER
COLLEGE OF HEALTH SCIENCES AND HOSPITAL
RAINBOW BOULEVARD AT 39TH • KANSAS CITY, KANSAS 66103

SCHOOL OF MEDICINE
SCHOOL OF NURSING
SCHOOL OF ALLIED HEALTH
UNIVERSITY HOSPITAL

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY
(913) 831-7070

December 14, 1974

Clarence M. Kelley, Esq., Director
Federal Bureau of Investigation
Washington, D. C. 20535

Re: Records and artifacts of
the Warren Commission

Dear Mr. Kelley:

Am writing to ask the relative positions of the [ejector] marks and the follower spring marks on CE 141, 543, 544, 545 as they were described to Mr. Rankin in Mr. Hoover's letter of June 6, 1964, (CE 2968). More specifically their degree of rotation (45°, 90°, etc.) in relation to each other

Recalling my letter to you of December 3, 1973, when I asked for the results of the neutron activation studies done on the several metal fragments mentioned by Mr. Hoover in his letter of July 8, 1974, to Mr. Rankin, I should again now like to ask for these results.

Anticipating that my requests for these neutron activation results will be denied I should appreciate if you would provide me with instructions for the internal appeal as set out in the new amendments to 5 USC § 552.

Sincerely,

John Nichols, M. D.

NW 54999 DocId:32989522 Page 543

January 13, 1975

1 - Mr. B. White - Enc.
Atten: Mr. Frazier
1 - Mr. Mintz

Dr. John Nichols
College of Health Sciences
and Hospital
The University of Kansas
Medical Center
Rainbow Boulevard at 39th
Kansas City, Kansas 66103

Dear Dr. Nichols:

Your letter regarding records and artifacts of the Warren Commission was received in this Bureau on December 27th.

I wish to advise you the information you have requested regarding the neutron activation studies conducted in connection with the assassination of President Kennedy, previously denied to you under the current Freedom of Information Act, appears to be subject to disclosure under the recently amended provisions of the Act which become effective February 19, 1975. It should be noted the material you apparently seek to obtain is contained in Laboratory work sheets and papers, since the results of the testing are set forth in the letter of July 8, 1964, from Mr. Hoover to Mr. Rankin, a copy of which you have in your possession. Concerning your request relating to the relative positions of ejector marks, this material was not recorded, and is therefore unavailable in our files.

We are awaiting guidelines and instructions from the Department of Justice regarding the implementation of the Freedom of Information Act in its amended form, and regulations concerning the establishment of fees have not as yet been promulgated. In view of this, I am asking that you

1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

THB:law (8)

MAILED 7
JAN 13 1975
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐

Mr. John Nichols

resubmit your request subsequent to February 15th, in the event you feel the Laboratory work sheets and papers would be the material of interest to you in connection with your research. At that time, we will be in a position to advise you concerning the necessary fees required to process your request, and to provide you pertinent information regarding the amended Freedom of Information Act.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

NOTE: Reply coordinated with the Laboratory Division. We have had prior correspondence with Nichols in the past concerning his request for information regarding the assassination of President Kennedy. Laboratory Division is currently reviewing its material relating to neutron activation testing for the purpose of determining volume and other factors that will affect fees which we will be authorized to charge requesters for this type of information.



NW 54999 DocId:32989522 Page 545

1 - Mr. White
1 - Office, 7133
(1) - Mr. Cunningham

Mr. White

January 24, 1975

1 - Mr. Kilty
1 - Mr. Mintz

Mr. M. E. Williams

Attn: Mr. Bresson

FREEDOM OF INFORMATION ACT (FOIA) REQUEST
OF HAROLD WEISBERG

Reference is made to Legal Counsel to J. B. Adams' memorandum of December 17, 1974, wherein it was recommended that the Laboratory Division review Weisberg's request for information concerning the assassination of President Kennedy and identify pertinent material available which may satisfy his request.

Weisberg indicates in his letter that he is interested in "the report itself" or "the complete report only"; however, since these are available to him at National Archives, his request must extend beyond these documents.

The material available in this case falls into three categories. 1. All of the background information and data accumulated during the actual examinations of the evidence specimens. 2. The compositional analyses arrived at from calculations of the raw data. 3. The final reports.

Spectrographic analyses were conducted on bullets and/or fragments therefrom, lead fragments and several items of clothing. Examinations by neutron activation were conducted on the above-mentioned bullet and lead materials and on paraffin casts taken from the hands of Oswald. The results of all these examinations, with the exception of the neutron activation studies of the bullet and lead materials, have been included in the FBI Laboratory reports. The results of the neutron activation examinations of the bullet and lead materials are contained in a letter to J. Lee Rankin, General Counsel, The President's Commission, dated July 8, 1964. This letter and the FBI Laboratory reports are available in the National Archives.

The Laboratory has on hand spectrographic plates and neutron activation analysis data which were used to calculate answers and make judgments regarding the compositions of the materials examined. As with most scientific data, interpretations of these plates and neutron activation analyses data will not stand alone but must be accompanied by technical

JWK/rrk (6)

(CONTINUED - OVER)

NW 54999 DocId:32989522 Page 546

information which explains the parameters involved. Some of this explanatory information could be obtained by an inquirer from outside experts in emission spectroscopy and neutron activation analysis, but in the absence of detailed procedural data, the raw information is not subject to interpretation by non-technical individuals.

Notes were made at the time the examinations were conducted which contain the actual analyses including percentage of some elements present, relative concentrations of other elements and absence of detectable concentrations of elements. Some of these notes are physically in the Laboratory and others are assumed to be interspersed in the case file. The search for this material will be extensive and time-consuming. It is estimated that approximately 50 pages of technical notes may be involved. The costs of reproduction will vary according to the physical dimensions and nature of the material to be furnished.

If we are requested to produce copies of the actual spectrographic plates and neutron activation data, costs will be substantial because of the various formats involved. In the case of the spectrographic plates, the Special Photographic Unit of the Laboratory is investigating the possibility of accurately reproducing the plates so that the recorded information can accurately be assessed from the "duplication." Estimates of the costs involved in such reproduction; if they can be made, are not presently available. In the case of the neutron activation data, the total reproduction of this material will involve the equivalent of approximately 1,000 pages. Much more clerical time than that normally required to reproduce 1,000 pages will be involved due to the nature and size of the pages to be copied. It is not unreasonable to assume that the time involved would be approximately ten times greater than the time needed to reproduce 1,000 normal pages.

Accordingly, it will be necessary to evaluate each request in terms of the material to be furnished, and the overall costs will depend on what materials are to be reproduced in response to a specific request.

ACTION: None. For information only.



NW 54999 DocId:32989522 Page 547

Lillian & Harold Weisberg
Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
Code 301/473-8186

November 27, 1974

The Deputy Attorney General
The Department of Justice
Washington, D. C. 20000

Dear Sir:

After exhausting my administrative remedies, I filed C.A. 2301-70 in Federal district court in Washington. In it I sought the described spectrographic analyses made by the FBI for the Warren Commission which had been denied me.

The law has now been amended. I herewith request that you reinstitute this application for these analyses under the law as amended.

The Department saw fit in this previous case to make misrepresentations to the courts. I therefore want it to be clear that I sought and now seek only the final scientific reports on these tests. Not raw materials, not laboratory work, only the conclusions as embodied in the full report, or the report itself.

Herewith I expand that request to include similar neutron-activation testing, whether or not by the FBI, of those same objects and materials, namely the bullet allegedly used in the assassination, various fragments of bullet also allegedly so used, and the various objects said to have been in contact with any or all of these. Here also my request is for the complete report only.

Very truly yours,

Harold Weisberg

NW 54999 DocId:32989522 Page 548

December 19, 1974

1 - Mr. Adams
1 - Mr. White
Atten: Mr. Frazier
1 - Mr. Mintz

Mr. Harold Weisberg
Cog d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is to acknowledge your letter addressed to the Deputy Attorney General, Department of Justice, which was referred to this Bureau and received on December 6th.

For your information, we are presently awaiting guidelines and instructions from the Department of Justice regarding the implementation of the recently amended Freedom of Information Act, which becomes effective February 19, 1975. In the meantime, we are attempting to identify and locate the documents in which you have expressed an interest, and will communicate with you concerning this in the near future.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 20
DEC 19 1974
FBI

1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: See Legal Counsel to Mr. J. B. Adams memorandum dated 12-17-74, captioned, "Freedom of Information Act (FOIA) Request of Harold Weisberg."

THB:law (8)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

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NW 54999 DocId:32989522 Page 549
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**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

13 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: FOIA

[] The following number is to be used for reference regarding this page (these pages): 62-109060-8307X Bulky

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Citizens Commission of Inquiry
103 2nd Street, N.E.
Washington, D.C. 20002
(202) 546-7500

May 1, 1975

Mr. Clarence M. Kelley
Director, Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

Dear Mr. Kelley:

This is a request for information pursuant to the Freedom of Information Act as amended (5 U.S.C. Sec. 552).

I request access to the following files for purpose of inspection, and if I so choose copying:

1) Neutron activation analysis of the parafin casts of Lee Harvey Oswald's hands and face.

2) Spectrographic analysis of all bullet fragments recovered in the investigation of the assassination of John F. Kennedy.

As you know, the amended Act provides that if some parts of a file are exempt from release that "reasonably segregable" portions shall be provided. I therefore, request that if you determine that any portion of a requested document is exempt you provide me immediately with access to the remainder of the document. I, of course, specifically reserve my right to appeal any decision on your part which denies to me access to any document or to any portion of any document and an examination of a portion of a document may not be taken by you to be a waiver of my right to examine all portions of all of the requested documents.

If you determine that some of the documents or any portion of any document is exempt from release I request that you specifically advise me as to which exemption you believe to be applicable and the specific reasons therefor regarding any material you refuse to make available.

I believe that since it is likely that all of the requested material may have been collected and maintained by you in one location there should be no fee charge.

NW 54999 DocId:32989522 Page 551

If you determine that a fee might be involved since the Act permits you to reduce or waive the fees if that "is in the public interest because furnishing the information can be considered as primarily benefiting the public" and since it is apparent that this request is made in the public interest I request that you waive any such fee. Should there be any question about fees or in any other area, please telephone me at (202) 546-7500.

I expect to receive a reply to this request within ten working days as required by the amended Act.

Sincerely,

Mark Lane

Mark Lane

1 - Mc Dermott

LABORATORY ADDENDUM J. W. KILTY:jc 6/25/75 (Enclosures 9)

Request No. 1

Enclosed is one page of data listing the microgram quantities of antimony and barium detected on the hands and cheek of Lee Harvey Oswald. The Laboratory has on hand the so-called "raw data" which was used to calculate the quantities listed. This is not being furnished because it appears that the enclosed page of data is responsive to Lane's request. The evaluation of the concentrations of antimony and barium was furnished to the Warren Commission by letter from J. Edgar Hoover to J. Lee Rankin dated March 10, 1964. This letter is available to the public in the National Archives.

Request No. 2

Enclosed are eight pages consisting of worksheets and notes containing the spectrographic analysis of bullet fragments recovered in the investigation of the assassination of President Kennedy. These pages have been approved for release.

NW 54999 DocId:32989522 Page 553

MR. MINTZ

3/21/75

J. B. ADAMS

FREEDOM OF INFORMATION
ACT (FOIA) REQUESTS

In order to expedite processing of FOIA requests received in the Legal Counsel Division requiring document review and/or comments by other FBIHQ divisions, the following procedures should be implemented under normal circumstances:

Legal Counsel should prepare memorandum to the Assistant Director of the FBIHQ division involved requesting review of material, necessary comments, or other required action relating to the FOIA request. The recipient FBIHQ division should handle the matter in accordance with Legal Counsel's request and respond directly to Legal Counsel by addendum to the memorandum or, if necessary, by memorandum. When all action is completed, the final package including the reply to the initiator of the FOIA request prepared by Legal Counsel would thereafter be sent to me for approval.

If, however, there is some specific reason to notify me of the receipt of the FOIA request as would be the case if the initiator was of particular interest to higher Bureau officials, or if good judgment would otherwise dictate, I should be aware of the request, Legal Counsel should, in those instances, prepare the memorandum to me.

ACTION:

For information.

PLM:ams
(16)

1 - Mr. Jenkins
1 - Each Assistant Director

NW 54999 DocId:32989522 Page 554

Kilty et al

March 21, 1975

FREEDOM OF INFORMATION
REQUESTS FOR RECORDS

The following informal guidelines have been received from Freedom of Information Unit, Office of Legal Counsel, for use when they request cost data concerning FOI record requests from outsiders.

1. FOI will calculate reproduction costs unless unusually difficult, such as photographic reproduction of spectrographic plates.

2. "Reproduction" time is not chargeable, but must be absorbed by FBI.

3. Reviewing time, to determine if material may be furnished under FOI Law, is not chargeable.

4. Searching time (separate clerical and agent) is chargeable at the rate of $4/hour for clerks and $8/hour for agent. Exact records must be kept to support affidavit by agent in case of legal contest.

NW 54999 DocId:32989522 Page 555

Mr. J. B. Adams 3/7/75

Legal Counsel

PUBLIC LAW 93-502, AMENDMENTS TO THE FREEDOM OF INFORMATION ACT (FOIA), TITLE 5, UNITED STATES CODE, SECTION 552

The purpose of this memorandum is to bring to the attention of all Bureau Officials and Supervisors information and pertinent guidelines, in addition to those contained in attached proposed letter to all SACs, resulting from the new amendments to the FOIA. Additional guidelines and observations will be submitted for consideration from time to time as experience gained under the provisions warrant. Also, representatives of the FOIA Unit will be available to address Division conferences regarding this Act.

As you have previously been advised, the Freedom of Information Act (FOIA) was recently amended and the amendments became effective February 19, 1975. Copies of the FOIA incorporating the recent amendments are now available and are attached for your information. As can be seen from the attached reprint, the primary effect of the new amendments is to increase the administrative burden of processing requests under the Act, which is being handled by the Legislative Matters Section, FOIA Unit of the Legal Counsel Division. Occasionally, however, the assistance of other Divisions will be necessary in resolving questions concerning a particular request.

The amended Act has altered the previous Act in three major areas of concern to the FBI.

1. Change in Exemption (b)(1). This exemption relates to classified national defense and foreign policy records. The major change in this area is that the amended Act expressly provides for in camera judicial inspection of any documents withheld under this exemption, with the purpose of ascertaining if they are "properly" classified. As a result of this provision, a review of all classified documents will be made prior to assertion of this exemption, to insure the classification is proper and current.

Enc.

1 - Mr. Adams - Enc.
1 - Each Assistant Director - Enc.
JRD:ms (17)

CONTINUED - OVER

NW 54999 DocId:32989522 Page 556

2. Change in Exemption (b)(7). The language of this exemption has been changed from "investigatory files" under the old Act to "investigatory records" under the present Act, and the bases for withholding records falling in this category have been narrowed to six specified situations.

The situations in which investigatory records may be withheld are specified in the amended Act and may be briefly described as follows: Where release of the record would... (1) interfere with enforcement proceedings (investigation or prosecution) (2) deprive a person of a fair trial (3) constitute an unwarranted invasion of personal privacy (4) disclose the identity of a confidential source (either a paid informant or any citizen furnishing information to us with an express or implied assurance of confidentiality) (5) disclose investigative techniques and procedures, or (6) endanger the life or safety of law enforcement personnel.

3. Processing of Requests. The amended Act has imposed a statutory requirement that an agency respond to an FOIA request by either denying or granting the request within ten working days, or in certain specified instances within 20 working days. As pointed out above, the amendments have also drastically revised the "investigatory files" exemption and now refers to "investigatory records." The effect of these two modifications is to greatly increase the administrative burden of processing FOIA requests. The change in the wording from "files" to "records" requires a document-by-document review of the files falling within the scope of the request. The exemption for investigatory records is now such that it also requires a page-by-page review to justify withholding of the information contained in these records. The Act also requires that any "reasonably segregable" portions of a record be made available to the requester after the portions which are exempt have been deleted. This means that any documents not exempt in their entirety must be read and deleted on a paragraph-by-paragraph basis. As mentioned above, the modification of the (b)(1) exemption now requires us to review the classification of documents before the (b)(1) exemption is asserted.

As can be seen from the above explanation, the bases for withholding information in a closed investigatory file are limited. The two most frequently relied-on exemptions when dealing with an inactive investigation are (b)(7)(C) (unwarranted invasion of personal privacy) and (b)(7)(D) (information furnished with an express or implied assurance of confidentiality).



NW 54999 DocId:32989522 Page 557

Assertion of these exemptions relies heavily on the assumption that an individual who cooperates with this Bureau in the course of an official investigation does not wish to have his identity or the information he furnished released to the subject of the investigation or to third parties, unless this is necessary in enforcement proceedings of a judicial nature. The Legal Counsel Division is giving consideration to suggesting adoption of certain procedures by the field in recording the results of our interviews in order to strengthen our position in asserting these exemptions. Before adoption of any such procedures, the views of other Divisions as to the effect these procedures might have on dissemination of information and related problems will be solicited.

Additionally, to enable the FOIA Unit to comply with the short statutory deadlines imposed by the Act, normally ten working days, it will be necessary for all other Divisions to cooperate expeditiously in the handling of these matters when called upon to do so. This will involve insuring that any misdirected FOIA requests received by other Divisions are transmitted to the Legislative Matters Section, Room 4503, Justice Building, Attention: FOIA Unit, by the most expeditious means available. The time limit for response to a request generally begins to run from the date the request is received in any Division of FBI HQ. As the applicability of some of the exemptions depend upon whether release of the information requested would interfere with an ongoing investigation or enforcement proceedings, it will on some occasions be necessary for the FOIA Unit to consult with other Divisions concerning their opinion as to the effect release of information would have on an ongoing case. In some situations, also, the Division handling the substantive violation may be consulted to provide background data, in order to ascertain if the continued classification of a particular document is justified.

RECOMMENDATION:

The attached letter to all SACs be sent, which explains the recent amendments to the FOIA and sets out procedures for handling FOIA requests or inquiries received by Field Offices.



NW 54999 DocId:32989522 Page 558

(Typed March 7, 1975)

PERSONAL ATTENTION

Memorandum to All Special Agents in Charge:

RE: PUBLIC LAW 93-502
AMENDMENTS TO THE FREEDOM OF INFORMATION
ACT (FOIA), TITLE 5, UNITED STATES CODE
SECTION 552

Congress recently amended the FOIA, Title 5, United States Code, Section 552 and these amendments became effective February 19, 1975. Attached are two copies of the FOIA which incorporate the recent amendments.

As you will recall, the FOIA requires Government agencies to furnish records and documents to the public upon request subject to several exceptions or exemptions which allow the withholding of records and documents in certain specified situations.

The primary effect of the recent amendments is to:

(1) Reduce the time available to an agency for responding to an FOIA request to ten working days, or in certain specified situations 20 working days.

(2) Provide for in camera court review of any classified documents withheld under exemption (b)(1) to ascertain if the classification is proper. This, of course, would occur only if a suit is filed by the requester appealing from a denial of documents withheld under this exemption.

(3) Narrow the exemption (b)(7), which previously provided for the withholding of investigatory files compiled for law enforcement purposes. The amended exemption (b)(7) now allows withholding of "investigatory records" in six specific instances or circumstances.

The Legal Counsel Division, Legislative Matters Section, FOIA Unit of FBI HQ is handling the implementation of this Act. Field offices should continue to follow procedures previously set forth for handling of FOIA requests, in Manual of Rules and Regulations, Part II, Section 8D, page 18C. That is, a brief letter acknowledging the receipt of a request should be sent to the requester and he should be advised the request is

1 - Each Assistant Director
1 - Mrs. Smith
JRD:ms (17)

being forwarded to FBI HQ for consideration. The request should then be transmitted by airtel to FBI HQ, Attention: Legal Counsel Division, Legislative Matters Section, on an expedite basis. The airtel transmitting the letter should provide a summary of any background data available on the subject matter of the request. In the event telephonic or personal inquiries are received concerning the procedures for making requests under the Act, the requester should be advised to direct a written request to the Director, FBI, Washington, D. C. 20530. The envelope and letter should be marked "Freedom of Information Act Request," or similar wording. The time period for response to an FOIA request will not begin to run until the request is received at FBI HQ.

The principal effect of the extensive amendment to the investigatory files exemption, Section 552 (b)(7), is to allow the withholding of records from our investigatory files only in six specified circumstances which are set out in the Act. We anticipate that in handling these requests we will rely heavily on subsection (b)(7)(D) which allows withholding of information furnished by an individual who is a "confidential source." The term "confidential source" has been interpreted in the legislative history of the Act and through analysis of the Act by the Department of Justice, as covering not only informants but any citizen who furnishes information to an agency with the express assurance of confidentiality or under circumstances where such an assurance could reasonably be inferred.

Efforts will be made during initial and follow-up in-service training of Field Office Legal Counsel, to cover in detail the provisions of the Act. Any inquiries concerning other problems arising under the Act should be directed to the Legislative Matters Section, Legal Counsel Division, FBI HQ. Additional guidelines and interpretations concerning the Act, resulting from expected court decisions and experience gained in applying its different provisions, will be furnished you from time to time where necessary.

Clarence M. Kelley
Director

Enclosures (2)



NW 54999 DocId:32989522 Page 560

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4) (A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such



NW 54999 DocId:32989522 Page 561

agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6) (A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names



NW 54999 DocId:32989522 Page 562

and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are—

(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a) (6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a) (4) (F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a) (4) (E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

The amendments made by this Act shall take effect on the ninetieth day beginning after the date of enactment of this Act.

Pub. L. 93-502, 88 Stat. 1561 Nov. 21, 1974.

**FEDERAL BUREAU OF INVESTIGATION**
**POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)**

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[X] Information pertained to a matter unrelated to the JFK Assassination investigation.

[X] For your information: FOIA

[X] The following number is to be used for reference regarding this page (these pages): 62-107060-8307X Bulky

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296-9750
Mickey Leary

1-Mr. Cochran
1-Office

Mr. Cochran

10/1/75

1-Mr. Kilty

M. J. Stack, Jr.

MICKEY LEVY
INFORMATION CONCERNING

On 9/26/75, a man who identified himself as Mickey Levy, a free lance journalist, appeared at FBIHQ and wanted to talk about neutron activation analysis. SA John W. Kilty was assigned to talk to Levy.

Levy stated that he was a pharmacist who got into writing about scientific subjects and he wanted to prepare an article about the forensic uses of NAA and then attempt to sell it to a newspaper or magazine. Without any "preliminary discussion" Levy asked how we analyzed lead and what our conclusions were concerning lead. Levy was told that we examine lead by NAA and emission spectroscopy and that our conclusions depend on the nature of the data we obtain. Levy asked to see data of a "typical lead analysis" and the conclusion that this data warranted. Kilty advised Levy that he would not show him any data. Levy then asked about the various elements detected in lead and what each element meant. He was answered generally concerning the elements present in lead. Levy asked a hypothetical question about a lead analysis conducted on bullets in the RFK assassination case. His hypothetical had so many variables and there were a number of terms such as "identical" which can be interpreted differently that Kilty told him such a question could not be answered. Kilty told Levy that elemental analysis of lead was not a "fingerprint" exam and that compositional analysis without other evidence certainly was inadequate from an investigative standpoint.

Levy asked if the FBI was going to examine the bullets in the RFK case. Kilty stated that one of our firearms examiners was a part of the panel of experts in this case and that he was not aware of any compositional analyses being performed.

(CONTINUED OVER)

Memorandum to Mr. Cochran
MICKEY LEVY
INFORMATION CONCERNING

Kilty ended the interview by stating that he had an appointment at the National Bureau of Standards.

Background information on Levy was difficult to obtain. He stated he was from Atlanta and had published an article on "energy" in the "Atlanta Gazzette", an underground newspaper. He said "Newsweek" did a following article in the June 24, 1975, edition. He stated he was living near Dupont Circle but couldn't remember the address.

Levy's questions concerning lead analysis were very specific and he showed great interest in what a lead analysis would show in the RFK case.

ACTION: None. For information only.

JWK/kmw (4)

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

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[] Subsection 5 (security or protective procedure, currently or expected to be utilized)

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[X] For your information: FOIA

[X] The following number is to be used for reference regarding this page (these pages): HQ 62-109060-8307X Bulky

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# *Memorandum*

Assoc. Dir. ____
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Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Cochran

DATE: 6/4/76

OUTSIDE SOURCE

FROM : W. J. Decker

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST OF EMORY L. BROWN CONCERNING THE JOHN F. KENNEDY ASSASSINATION

PURPOSE

This is to establish facts in order to respond to the inquiry of Mr. Brown, and to furnish any additional documents as requested in his attached letter.

DETAILS

Mr. Brown has made previous requests and has been furnished documents from the Laboratory through the Freedom of Information/Privacy Acts (FOI/PA) Section in connection with specific requests regarding the results of spectrographic and neutron activation analyses. He is now asking for any additional worksheets which are available that he may not have requested in the past. It is the understanding of the FOI/PA Section that neutron activation analysis examinations were done only on the paraffin casts, (Q53A through Q53G) and the bullet fragments, (Q1, Q2, Q4, Q5, Q9 and Q14), and that he has received these.

The file containing his previous requests is forwarded with this memo for the information of the Laboratory.

RECOMMENDATIONS

1. That the Laboratory advise in addendum that FOI/PA Section would be correct in telling Mr. Brown he has received all reports concerning neutron activation analysis.

REC-51 170-7151-2

ENCLOSURE

ST-124

OCT 12 1977

Enclosure

(see Laboratory addendum page 3)

CONTINUED OVER

1 - Mr. Cochran
1 - Attn: Mr. Kilty
mse:meb (4)

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5010-108

2. That the Laboratory advise FOI/PA Section if Mr. Brown has received all worksheets regarding the spectrographic analysis examinations; or, in the event that he has not, furnish any remaining copies that are available for release.

3. Return the results along with the file to FOI/PA Section, attention Marion Edgemon, for response to Mr. Brown. Please advise of Agent time spent on this request.



NW 54999 DocId:32989522 Page 570

JWK

LABORATORY ADDENDUM J. W. Kilty:rlc 7/14/76 (Enclosures 16)

1. A review of 62-113452 indicates that Mr. Brown has received the neutron activation analysis (NAA) data and results on specimens Q1, Q2, Q4, Q5, Q9 and Q14. These are the only metal fragments examined by NAA. Mr. Brown has never requested NAA data and results on the paraffin casts from Oswald's hands (Q53A through Q53G) and the file does not show that these data and results were ever furnished to him. It is noted, however, that he has never requested them.

Enclosed are four pages of information concerning the paraffin cast examination. These pages may be released to Mr. Brown. It is noted that the Laboratory has on hand the "raw data" upon which the calculations on one of the four pages are based. These "raw data" are not being released inasmuch as Mr. Brown may have no interest in the paraffin casts at all.

There were no NAA examinations conducted on the lead smear found on Q609 nor any of the clothing from President Kennedy or Governor Connally.

2. Mr. Brown has been furnished with notes concerning spectrographic examinations of specimens listed by him. According to his April 21, 1976, letter, Mr. Brown appears to ask for any spectrographic examination documents which are available. Enclosed are notes and worksheets containing spectrographic examinations conducted on the President's clothing (PC-78282), Governor Connally's clothing (PC-80185), a wrist watch and ring (PC-78339) and bullets from Officer Tippit (PC-79846). You should be aware that the last two documents listed refer mainly to the Tippit shooting and it may be difficult for Mr. Brown to figure out sample designations and the reason for giving him these documents. The Laboratory has no objection to the release of these documents. These documents have not been released to Mr. Brown previously because he has never asked for them.

3. Agent time spent on this request was four hours.