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DATE: 11-14-2017

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Identification Form

Date: 4/14/201

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HAROLD WEISBERG

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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

DATE: **AUG 13 1970**

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

WDR:JFAxelrad:bd
145-12-1449

SUBJECT: Harold Weisberg v. Department of Justice
USDC D.C., Civil Action No. 2301-70

A copy of the complaint recently filed in this action is enclosed.

In order that we may defend this action, please send us not later than September 1, 1970, a report, in duplicate, setting forth the facts involved. Because many courts are reluctant to grant extensions of time to answer, we request that this report be given your preferred attention. If you cannot send us the necessary material within that time, please let us know promptly so we can inform the court of the reason for the delay.

It will be helpful if you will state specifically which allegations of the complaint should, in your opinion, be admitted and which should be denied, and make suggestions for any affirmative allegations to be made in the answer.

Please include a list of the names, official positions, and addresses of persons who have personal knowledge of the facts involved and a brief summary of the matters about which they can testify on behalf of the Government.

Your report should also include information (and copies of relevant documents, if any) as to any defense set-off or counterclaim which you believe may be available.

In addition, please transmit with your response to this memorandum originals and six copies of an affidavit establishing the basis for defense of this litigation. The affidavit could be prepared along the lines of the affidavit executed by Special Agent Roy H. Jevins for use in litigation entitled John Nichols v. United States, USDC D Kan., Civil No. T-4536. In addition to the statements made in that affidavit, we suggest you include in the affidavit in the present litigation, a statement of how your law enforcement purposes would be hindered were the materials sought subject to public disclosure.

United States Attorney
District of Columbia

Mr. Tolson	✓
Mr. Sullivan	✓
Mr. Mohr	
Mr. Bishop	
Mr. Brennan	CD
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	✓
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

EXP. PROC.**33 AUG 14 1970**

UNRECORDED COPY FILED IN

AUG 31 1970**SEP 2 1970**

ENCLOSURE ATTACHED

United States Attorney
District of Columbia

DE-15

DE-15

V-33

REC-72

EX-109

22 AUG 14 1970

DATE: 11-14-2017

United States District Court

FOR THE
District of Columbia

2301-70

CIVIL ACTION FILE NO. _____

HAROLD WEISBERG

Plaintiff

v.

U. S. DEPARTMENT OF JUSTICE

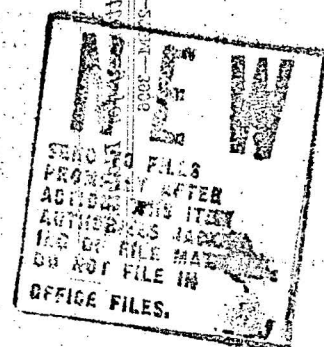
Defendant

SUMMONS IN CIVIL ACTION

Returnable not later than

after service.

SUMMONS



To the above named Defendant :

You are hereby summoned and required to serve upon

Note:—Answer required only if service is made by a person other than a United States Marshal or his deputy.

BERNARD FENSTERWALD, JR.

[SEAL]

as plaintiff's attorney, whose address

Subscribed and sworn to before me at

927 Fifteenth St., N.W.

Washington, D. C. 20005

201 AUG 11 1970

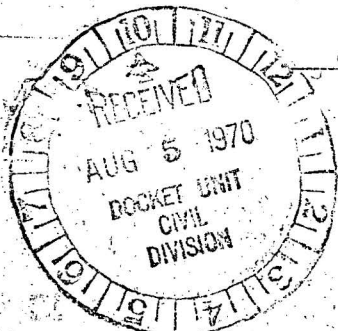
an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT M. STEARNS

Clerk of Court.

Deputy Clerk.

Date: August 3, 1970



[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

I received this summons and served it together with the complaint herein as follows:

I hereby certify and return that on the

day of

19

RETURN ON SERVICE OF MAIL

UNITED STATES DISTRICT COURT .

FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG
Route 8
Frederick, Maryland

Plaintiff

V.

U.S. DEPARTMENT OF JUSTICE
10th & Constitution Ave., N.W.:
Washington, D. C.

Defendant
.....

Civil Action No. _____

2301-70

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

Page 1

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

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

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

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

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

c) bullet fragment from beside front seat;

d) metal fragments from the President's head;

e) metal fragment from the arm of Governor Connally;

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

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

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

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

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

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

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

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

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

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

14. Plaintiff's request went unanswered.

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

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

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

"Spectographic analysis of bullet, fragments of bullet and other objects, including garments and part of vehicle and curbstone said to have been struck by bullet and/or fragments during assassination of President Kennedy and wounding of Governor Connally. See my letter of 5/16/60.
(See Exhibit D appended hereto.)

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

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

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

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

BERNARD FENSTERWALD, JR.
927 Fifteenth St., N.W.
Washington, D.C. 20005
Tel. 347-3919
Attorney for Plaintiff

Dated: _____

DATE: 11-14-2017



Office of the Attorney General

Washington, D. C. 20530

JUN 8 1970

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:


This is in response to your letter of April 6, 1970, requesting my review of the denial by the Deputy Attorney General of your request under the Freedom of Information Act, 5 U.S.C. § 552, for access to records thought by you to be in the files of the Department of Justice. Specifically, you have requested access to "the raw materials" including "notes, rough drafts, final panel drafts, individual reports by any of the panel members or advisors and relevant correspondence and memoranda, etc." relating to the medical reports made by the autopsy surgeons and the advisory panel to the Attorney General in connection with the assassination of President John F. Kennedy. The Deputy Attorney General denied your request on the ground that the "materials described in your letter do not exist in the files of this Department."

I have made an attempt to ascertain whether the materials you seek are in the files of this Department. It is my conclusion, after a full examination of the matter, that documents of the kind you describe do not exist anywhere in the Department. Accordingly, I must deny your request.

In your letter of April 6, you state that you wish to renew your request for the "spectrographic analyses of the bullet, fragments of bullet and other items said to have been

struck by this bullet and fragments" You point out that the "bullet in question is Warren Commission Exhibit No. 399." The Department of Justice has received requests for these documents in the past, and we have taken the position that they are part of an "investigatory file compiled for law enforcement purposes" and are therefore exempt from the Freedom of Information Act's compulsory disclosure requirements. 5 U.S.C. § 552(b)(7). At present, this issue is being litigated in the federal courts. If the plaintiff in that case is successful, the documents in question would of course be made available to you also.

Sincerely,


Attorney General

DATE: 11-14-2017

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 Harold Weisberg		ADDRESS (street, city, state and zip code) Rt. 8, Frederick, Md. 21701	
DATE 5/16/70			
DO YOU WISH TO RECEIVE COPIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 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)

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 5/16/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
FILL IN IF IN PENDING LITIGATION →	COURT (check one) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE	DISTRICT	NAME OF CASE	DOCKET NUMBER

There is no prospective litigation if request is complied with

FOR USE BY DEPARTMENT OF JUSTICE ONLY		SIGNATURE	
THIS REQUEST IS:		A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)	
<input type="checkbox"/> GRANTED		FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00 _____	
<input type="checkbox"/> DENIED		FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00 _____	
<input type="checkbox"/> REFERRED		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

FBI Exhibit 60 is available at the National Archives and 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 undignified 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 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 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 undignified 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

DATE: 11-14-2017

Because the record does not encourage belief you will provide what I seek with 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. These words are from the executive order of the Attorney General of October 31, 1966. Moreover, it was, to all practical 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 of 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 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 guidelines 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 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 80, 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 unignified 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).

[Exhibit D]

5/15/70

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 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 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 censure, I suggest that should begin at home.

Herewith I enclose three completed NJ-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 Connolly 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 the late William Ferris of New Orleans was made under the previous administration, and my most recent, still unanswered, was addressed to your office two months ago.

[Exhibit C]

April 6, 1970

Hon. John Mitchell
Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Mitchell,

Under date of April 2, 1970, Mr. E. Richards Rolapp informed me I have the right to appeal the adverse decision of the Deputy Attorney General denying me certain identifiable and identified directly to you.

This letter is intended as such an appeal. The material sought, generally described as the "raw material" of the reports of panels of experts convoked by your Department said to authenticate the autopsy of the late President Kennedy and to make an historical record, is completely described in earlier correspondence with your Department.

I want to take this occasion to renew my request for the spectrographic analyses of the bullet, fragments of bullet and other items said to have been struck by this bullet and fragments, my earlier requests having been ignored by your Department. The bullet in question is Warren Commission Exhibit No. 399. Samples for analysis were taken from the limousine, a curbstone, items of clothing, etc. The results have been published in summary form by the federal government and the Dallas police.

While I hope you will neither ignore nor deny this renewed request, the earliest one dating back to May of 1966, for I believe it would be improper to do either, I do anticipate the possibility. In this event, I ask that the proper forms be sent me so I can apply under the so-called "Freedom of Information" law. If there are other administrative possibilities or prerequisites, I would like to be informed of them.

Sincerely,

Harold Weisberg

law. It is my intention to invoke the provisions of this law, if necessary. May I call to your attention that I have, in the past, asked the Government for the means of utilizing this law without ever having been so equipped? I do not think this was the intent of Congress in enacting the law.

Among these documents I have sought unsuccessfully is a memorandum of transfer of the President Kennedy autopsy material, as set forth and described in earlier correspondence in your files. Respectfully I call to your attention the fact that this document is one of the working papers of the special panel convened by your predecessor and by it was so inventoried. I believe this removes it from any executive authority to withhold it and herewith renew my request for it.

Under the previous administration, when I asked for access to the improperly-withheld David W. Perrie material, I was told by Mr. Vinson that a review was under way. I have since asked the results of this review and have had no response. I renew the question, renew the request for this material, and would like the necessary instructions and forms for application under the above-cited law should I again be denied. May I, in this connection, call to your attention the seeming impropriety and the inconsistency in the government claiming in court, to a litigant, that he has not exhausted his administrative remedies while the same government denies another access to his administrative remedies?

While I am unwilling to believe it, when I was informed that agents of the Federal Bureau of Investigation were defaming me, I did call this report to your attention, believing, as I do, that there should be at least a pro forma denial of it. Aside from Mr. Belcher's assurance "that such conduct would be in complete disregard of Departmental and Bureau policy" and his statement that a copy of my letter was sent "to the Director of the Bureau for his consideration" I have heard nothing. When that Bureau promises to send me a copy of its press release and doesn't, and when that Director fails to respond to a written request for a press release, perhaps I should not be surprised at the absence of a forthright denial. However, I would prefer to think the Attorney General of the United States would not be content for the matter to rest here.

I have often requested a copy of the spectrographic analysis of the bullet and fragments of bullets alleged to have been used in the murder of President John Kennedy. My written requests to the Director has never been answered. I hereby renew this request, asking, if I am denied, for a statement of the reasons or reasons and the instructions and forms for invocation of the Freedom of Information law. With regard to the Warren Commission file identified as CD4717, I make the same requests, as I do with CD1200.

Among these unanswered requests referred to above is the evidence presented in court in England. I would now like to broaden that to include that used in Memphis, directly and indirectly, in the case of James Earl Ray.

When I make requests of the National Archives, there now is a delay of not less than two months before there is any kind of response, when there is one. I believe this, in itself, clouds the purposes and integrity of the government. Your own Department does not respond at all. I do hope you will correct this, that you will agree that when a citizen and more, a writer, makes proper inquiry of the Government, response should be as prompt as possible.

Sincerely,
Harold Weisberg

June 8, 1969

Attorney General John Mitchell
Department of Justice
Washington, D.C.

Dear Mr. Mitchell,

After I twice wrote you beginning three months ago, I got a non-responsive reply, for you, in the name of your Assistant Attorney General in charge of the Criminal Division, from his Chief of the General Crime Section. Without my ever having gotten any kind of honest or meaningful answer to any inquiry of your Department, under any administration, this one began with the bald statement "that further exchange of correspondence between yourself and the Department of Justice on this matter will serve no useful purpose."

At this point, after five unanswered letters subsequent to my receipt of this accurate forecast that you would never respond, letters in which I asked for access to what I am entitled to under the law it is your obligation to enforce, it looks very much as if the Department of Justice is more afraid that correspondence would serve a useful purpose, a purpose of fear.

As I wrote earlier, I do understand that busy executives must delegate to those under them what they cannot attend personally, as they must also depend upon others for the information they have. This in no way diminishes the responsibility of those in charge. The Attorney General still runs the Department of Justice. It is, I believe, your responsibility to see that the laws are observed, by you and by your Department, as it is to see that citizens making proper inquiries get proper response within a reasonable time.

When a citizen asks his Department of Justice for access to court records and cannot get an answer, things have passed a deplorable state in a country such as ours. I have made this request; you have not responded. Practically, this means you have refused me. I believe you cannot.

After you or your office referred my first two letters to Mr. Belcher I thereafter wrote him. Because he has not once responded, in any way, I again address you. I have two purposes. To the degree I can, I want to be certain that you know the situation, for the responsibility is yours, and, if necessary, I want to invoke the laws that entitle me to that which I seek. I prefer not to have to resort to this, as I would hope you would, too.

I made specific requests for specific information in letters to your Department between March 30 and April 23. If I am refused this information, I respectfully request citation of the authority under which you refuse it. In each case I also ask that you provide me with the forms and instructions I will need to seek to obtain this information under the "Freedom of Information"

DATE: 11-14-2017

Mr. Clark - 2

should have been available to the Commission, should have been an important part of its deliberations, also should now be in the National Archives. It seems to be immune to proper withholding. I ask you for a copy.

On a number of occasions, FBI agents, acting as the Commission's investigators and for it, showed numerous witnesses various photographs. Some of these are not in the National Archives, and usually it is impossible to relate the pictures with the investigative reports, so it is not possible to know which pictures were shown which witnesses. I ask that you have this defect remedied, that a complete file of pictures, each identified with the proper investigative reports, be sent to the National Archives and there made available in the usual manner.

I also ask that this include each and every one of the photographs obtained by the FBI and not given the Commission, not put in the Commission files, not reported to the Commission and in the full, unedited form similarly be added to the "intact" evidence in the National Archives. In this connection, I want to single out but three of the very large number of still and motion-picture photographs fitting this description and of which I desire copies. One is the first of two Polaroid pictures taken of Mrs. Mary Moerman, of Dallas, Texas. A second is the motion-picture taken by the minor son of J. Pat Doyle, of Portland, Oregon. Another motion picture is that taken by John Martin, of Minneapolis, Minnesota. The latter two are 8mm. movies. My own evidence convinces me each was edited. Neither was given the Warren Commission, whose files do not even reveal the existence of that taken by Mr. Martin. Both show, or in the form given to the FBI showed, Oswald's literature distribution in New Orleans leading to his arrest on August 9, 1963. This was the subject of an extensive FBI investigation. I ask that what is deposited in the National Archives include everything removed by the FBI before the film was returned to the owners, in the form of copies, if that does not exist in the originals, which were retained by the FBI.

I further ask that you cause to be deposited in the National Archives those pertinent reports of interviews with witnesses that were withheld from the Commission and/or are not in its files. I have the statements of witnesses so interviewed, where there is no report in the National Archives and where there is no record in the files of the Commission of the existence of the reports.

I am aware that the Attorney General, like any busy executive, can become the creature of those upon whom he depends for complete and dependable information. I believe I know what has not been communicated to you. Should you, while you are still Attorney General, want to rectify what I am confident history will record as a record with which you may not be content, I am willing to offer you any help I can. Should this information be made available by your successor or the coming administration, it will be a considerable reflection upon you personally, the administration of which you are part, and the Democratic Party.

There remains unanswered correspondence between us. I would appreciate responsive reply as soon as possible.

Sincerely,

Harold Weisberg

cc: Fred Vinson, Jr.

DATE: 11-14-2017

January 1, 1969

Honorable Ramsey Clark
The Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Clark:

While previous correspondence with you has been less than regarding end, when answered at all, has been answered non-responsively, there is this difference between my writing you and my writing J. Edgar Hoover: He never answers anything, responsively or otherwise, having refused to send me even a press release he himself issued falsely attacking me.

Because you are the Attorney General and because the matters of which I write are the responsibilities of the Democratic administration now about to leave office, I again address you about the improper withholding that amounts to suppression of the evidence in the murder of President Kennedy. One of the things I would like you to bear in mind is your own executive order of October 31, 1966. In it, you directed that "the entire body of evidence considered by" the Warren Commission "be preserved intact". This means that everything considered by the Commission must be in the National Archives.

Among those things not in the National Archives are records under your personal control. This includes such items of evidence considered by the Commission - in fact, basic to its conclusions - as the spectrographic analysis of the bullet and various fragments of bullet(s) said to have been used in the assassination. When, after promulgation of your order, I asked for this evidence at the National Archives, I was told it was not there. In my presence the Federal Bureau of Investigation was phoned and told the Archives it was, citing a file. I soon proved this file was not of and did not include the spectrographic analysis. The FBI has since failed to supply it. Mr. Hoover just refused to answer my letter on it. This most basic evidence is not covered by any of the guidelines, cannot properly be considered to be covered by the subsequently enacted "Freedom of Information Act", I believe I am entitled to it, and I ask you for it.

I ask you to recall that the FBI was the Commission's major investigative arm and the supplier of its technical and certain analytical services. What it "considered" in this work is "considered" for the Commission. Yet in supplying what was identified as Commission Document 1485, it failed to supply certain of the essential evidence. On the page numbered 11 of this file, the concluding sentence reads, "The Identification Division further advised that the two latent fingerprints developed are not identical with the fingerprints of LEE HARVEY OSWALD". The National Archives informs me they have no record of whose fingerprints these were. Astonishing as it is to a non-expert that a piece of paper preserved fingerprints for so long a period of time, it is no less astounding to me that when the FBI allegedly was looking so diligently for any Oswald accomplice, and it did have evidence of such an accomplice, it did not give the Commission the name or names of those whose fingerprints were found on the literature Oswald distributed in New Orleans. This information, which

[Exhibit 3]

March 12, 1967

Honorable Ramsey Clark
The Attorney General
Department of Justice
Washington, D. C.

Sir:

You are seriously misinformed. In your today's appearance on "Face the Nation", you said it is the General Services Administration that is withholding evidence in the Kennedy assassination. It is your own Department of Justice in most cases. In no case of which I know is it the General Services Administration, which acts merely as custodian of the archive.

To make this simple and comprehensible to you, since May 23, 1966, I have been trying to see the spectrographic analysis of the bullet allegedly used in the assassination, the various fragments recovered from the bodies and the car, and of the windshield scrapings. Your Department of Justice, in my presence, misinformed the National Archives, insisting this document was public. When I established to the National Archives that this is not so, your Department became mute for more than four months.

The guidelines for withholding evidence are public. Not one of the restrictions apply in this case. No normal consideration of national security is involved, nor is there possibility of damage to innocent persons or risk of disclosure of confidential informants. This denial of access to what may not properly be restricted is in violation of your own order of October 31. It is being done by your own department in an exercise of raw power.

There are a number of similar cases I am prepared to document to you. It is past time for the telling of truth. If, as you say, this is all you want with regard to the assassination, I call upon you to enforce your own order at this late date, to require your own department to stop violating it, and to make available to those of us accredited to research in this archive what you have been suppressing.

Other items of evidence have been suppressed and then released in response to public pressure. I hope from now on, with your pledge of dedication to the truth alone, we may expect your department to obey your order, to act in consonance with your expressed wishes, and to release spontaneously what it has been suppressing.

Respectfully,

Harold Weisberg

DATE: 11-14-2017

XXXX
6-2034

XXXXXX

[Exhibit A]

20734

May 23, 1966

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover,

Enclosed is a copy of my book, HITCHCOCK - THE REPORT ON THE TAVEN REPORT. In it you will find quotations from my 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 those three, in which it would seem no question of national security can be involved:

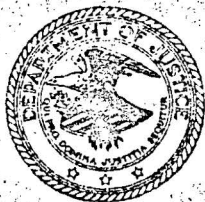
1) In your brief discussion of the assassination in the report to the Commission you say that three shots were fired, of which two hit the President and one the governor. This does not account for the bullet that hit the curbstone on Commerce Street, which you told the Commission you could not associate 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 than 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.

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.

Sincerely yours,

Harold G. ...



[Exhibit F]

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

June 12, 1970

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This will reply to your letters of May 16, 1970 enclosing five separate requests for information under the Public Information Section of the Administrative Procedure Act. The information and materials you request relate to the assassination of former President Kennedy.

This letter will respond to each request in the order they were explained in your letters of May 16.

(1) Spectrographic Analyses: You have asked for access to the spectrographic analyses conducted on certain bullet evidence involved in the assassination.

I regret that I am unable to grant your request in that the work notes and raw analytical data on which the results of the spectrographic tests are based are part of the investigative files of the FBI and are specifically exempted from public disclosure as investigatory files compiled for law enforcement purposes. 5 U.S.C. 552(b)(7). 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 found to be similar in composition.

- 2 -

(2) Documentation Relating to David William Ferrie:
You have described the documents you are seeking, relating to the late David William Ferrie of New Orleans, as those withheld from the Warren Commission and/or withheld from the National Archives, and those withheld by the National Archives by order of the Department of Justice.

This will advise you that no documents relating to David William Ferrie were withheld by the FBI from the Warren Commission. Also, 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.

With respect to those records now in the custody of the National Archives which have been withheld from public disclosure, I am unable to grant your request. These investigative reports are withheld pursuant to 5 U.S.C. 552(b)(7). The disclosure of these reports might be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question which contains rumor and hearsay and details of a personal nature having no significant connection with the assassination of the President.

(3) Exhibit 60 (Pictures of President Kennedy's Shirt and Tie): In accordance with your request, enclosed herewith is a photographic copy of a portion of Exhibit 60 showing the tabs of the President's shirt.

(4) Concerning Receipt of Material Obtained at Autopsy:
You have 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. Siberton November 22, 1963. This request appears to be based on your 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

DATE: 11-14-2017

- 3 -

Before the President's Commission on the Assassination of President Kennedy," Volume 17, page 841. Other information regarding this Exhibit appears elsewhere in the Commission's Hearings.

(5) Autopsy Photographs: The Department of Justice and the FBI have never had possession or custody of the autopsy photographs which you state were originally delivered to the Secret Service. It is our understanding they are now in the custody of the National Archives.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard G. Kleindienst", written in a cursive style.

Richard G. Kleindienst
Deputy Attorney General