Kilty's responses to first interrogatories after remand 11/8/76

He begins with indirect claim of no first-person knowledge. I believe we asked for the names of those who had an association with these tests. If one remains in DJ employ, ought we not insist, persuant to the appeals mandate, on first-person responses?

1a He entirely ignored what is easier to make definitive conslusions about, the copper-alloy jackets

He limits his response even further by ignore those parts of the question relating to all other tests, i.e.,microscopic, ballistics comparison, etc. No response. Propaganda.

1b He does not respond to this question,"the kinds of tests...to determine...which bullets or bullet fragments struck which persons or objects." He restricts himself to "holes," which eliminates the "oersons" part of the question. Well-known tests are used to associate a fragment with its source and there were recovered fragments. He also evades in saying "in this case emission spectroscopy was used" without saying whether any other test could have been used, i.e. NAA. He also does not say whether NAA, even at that state of development, was a finer, more dependable test. I'm sure it was and that its use was indicated with the garments, windshield, curbstone, etc.

2 As I read this his qualification, "Making the assumption that positive answers to Interrogatories 1(a) and (b) are possible..." he does not answer the questions at all. Possibleanswer include suchs other tests as microscopic, ballistics comparisons, test firings, etc. He still evades on those allegedly not made by NAA

3. Has the same omissions. He has not listed all the tests known to have been made, i.e. miscroscopic, ballistics, etc.

4. When he says these JFK tests were "as complete as they could have been," even forgetting these omissions his answer is false because there were, allegedly, no NAAs on some of the objects and items of evidence. There was no testing such as AEC's Aebersold wrote was important and possibly definitive. The answer is obvious: risk of proving the recovered fragments could not have had that source.

5 His answer is not complete. Example is that he lists no microscopic examination of the markings on 399 compared with fragments recovered and they were made, unless he includes this under "forearms identifications." Unless the trim is included in Q558, "windshield from Preisdent's limousine," that is not included.

When he gets to saying when the tests were performed, I can8t believe they have almost no recorded dates. I also believe it is not accurate, even reasonable, to describe such meaninglessness as is contained in the 11/23/63 "report" as the "results of examinations." It may be opinions but it is hardly more.

He does not give the dates of test firings, although they may have been by 11/23.

The twelve-eight-day delay in reporting about JFK's clothing may be significant.

I believe that there was a date on the curbstone examination. He gives no dates for the performance of these tests yet he begins by saying they have some, not all.

He does not list the NAAs or any other testing of the paraffin casts.

Under c he does not state who made the microscopic examination of the curbstone. He also failes to give the names of other present, asked.

It simply can't be true that the FBI records do not give the address of the retired agents. They refer people to them. They are paid their retirements. This questions was not addressed to Kilty personally so it was not restricted to whatever lab records he consulted. However, I am positive that lab knows how to get in touch with each.

We should check the dates of correspondence to be sure we have all. He has what we may not from this response. He limits this by limiting it to Interrogatory 5 tests. There were other tests he has omitted, like paraffin casts.

9 He does understand the question and refuses to answer it because they failed to make some tests, one of the more glaring ones being NAA on items like the front-seat jacket fragment, windshield glass and curbstone. So all possible tests, to his knowledge, were not made. This can be extended to all clothing. If he limits this to 399, then he surely can respond.

10ff He claims not to understand "normals standard and precudures" relating to NAAs. I think it is not possible that a "normal standard and procedure" is not the reaching of state conclusions meaningful and comprehensible to others, like lawyers and a jury, and these are missing, as he dare not say. We did not ask him about texts, into which he slides,

11 Is not limited as he limits it to how others would have done the tests. The tests alone have no meaning and we have no compiled results or interpretations in the form of final reports containing conclusions. He knows this. What he gave us means nothing to others outside the lab if indeed in it.

13 False. Their records that I have show that the Commission did make some such requests. That he lies must be because there are in these files what he has to hide, such as the non-testing asked. Yes, of course, the Aebersold recommendation. They have this request from Rankin forwarding Aebersold's letter as received from Miller. They provided it in response to our motion to produce. I therefore believe this is perjury. We also have the request on the paraffin casts.

14 In order to avoid responding he confuses between "statistics and "results." The words of the question are "make a full and complete tabulatoon of the results." The "results" are not the "tabulation" alone. The tabulation, as Kilty once made a point of telling me, mean nothing to non-experts. This was not some kind of internal sport between members of the same gang. The testing had a purpose. That purpose had to be communicated to others in terms comprehensible for use as evidence. His definition of results is of a different word: "the numerical quantitative amount of a chemical element measured in the material examined." The purpose of the testing is comparison and evaluation of the results in the comparison. He claims only ot have given me such a "tabulation," hi quotes. As a matter of fact I'm not sure of this. I was given a number of "tabulatoons" but I recall no single one embodying all the items, elements and statistics. He is evading for the above-stated reason. The "results" have to be other than represented.

15 Here again he evades. He begins by his usual ignoring the purposes of the tests, evidence. The generalities that may apply in some cases are not even alleged to apply here. There is no such "contamination" attributed to any of the metal specimens. It is not responsive to claims what is "not necessarily" the alleged choice of the tester. When we asked normally we permitted exceptions. He has to evade because in this case there has to be other than the represented results of these tests.

16 Whe you ask is this was done in this case it is not a response to refer to a non-answer to the earlier interrogatory he choice not to address. "Stated conclusions" is outside the parameters of the general question when it is in terms of "in this case." They have provided no "stated conclusions," so even with his artificialities he lies.

17 Asks for whether "the full and complete results [were] given to the Warren Commission." he goes into his nonpdefinition of "'results' and the numerical quantitative amount of a chemical...." If there is one thing he knows in this case by now it is that such a ~~kmmkk~~ definition is impossible and is not what we are saying or asking. This case is about the results kept by Frazier, but calculations, as everybody knows. I think on this alone we should go back tothe judge.

But in ~~kvenk~~ this contraption the "results" of whatever description "were not given to the Warren Commission." Yet Frazier swore to having them all and Hoover to into perpetuity.

18 Here he redinines again into what the entire record in this case shows we do not mean.

21 He is evasive again. "e has qualified as an expert so what their records show is not a response to why these NAAs were not done when the FBI made the decisions. Under (b) what was "the method of choice," whose he does not say, is not responsivle. The question is could NAAs have disclosed what spectro did not and should they have been performed when spectro was unproductive.

Under (c) he may have given us something. The most minute quantities only are required for spectroscopy. The so-called smear was an inch by an inch and 3/4. Yet he says, again

indending evasion, "the minimal amounts of lead smear [sic] present on the curbstone was not adequate to conduct an examination by NAA." From a bullet impact? Or of a ffagment enough in quantity to make any kind of mark?

(d) is false and intended to deceive. There was examination by NAA of other jacket material and it has two sides, so a sample from the inside had nothing to do with any possible marking on the outside. The fact is that his employer paid for an exhaustive study on the fine suitability of NAAs for jacket-material testing. You have it in one of the xeroxes from the Journal of Forensic sciences.

22 More than one name appears on those lab reports we have where they did not mask.

23 He evades and again states the wrong formulatoon re 399 and JFK clothes. it is not "permit the conclusion that the hole was made by a specific conclusions" alone. The other is more likely, permit the conclusion that it was not made by "a specific bullet." (c) If the answer is "yes" to a "full and complete comparison,"we sure as hell want the results of the comparison of the examination of JFK's clothing.We do but I meant the Connally fragment

24 This deals with the head shot. His "where appropriate" is a wide-open door and he does not nate what we did not ask, what the comparison establishes.

25 They probably have an out but this gets back to the AEC's ignored recommendation, comparing the whole bullet from the rifle with 399 and the various ffagments.Why they should not have done it is not ~~xkxrx~~ clear except in terms of anticipating unwanted results. It is also worthwhile knowing that they managed not to compare 399 with all fragemtns recovered.

My impression is that they have again denied us the information we need for the taking of depositons or going to trial. My experience is that most judges will do nothing. From this I'm included to think that all we can do is perfect the record by going back and asking for what we did not get. My hunch is that at this point it is not worth the time.

I am also of the opinion that more than ever we'll need an expert. Otherwise these types, ~~xpx~~ experienced as they are in evasiveness and non-responses and as witnesses who have been trained not to respond to defense counsel, will be able to continue to evade and be non-responsive.

Best,