

K - from sample test

1 about Special Agent Vincent Drain, is that it?

2 A. Yes.

3 Q. Who would he have gotten the information from?

4 A. That's a question that would be perfectly
5 directed to Vincent E. Drain.

6 Q. Doesn't it say that he got it from the F.B.I.
7 Laboratory?

8 A. No.

9 Q. He says -- he says that the specimen was exam-
10 ined by the F.B.I. Laboratory.

11 A. Yes.

12 MR. SLICKS: Do you have an extra copy of this?

13 MR. LESAR: Sure.

14 MR. SLICKS: Is it alright if I keep this one?

15 MR. LESAR: You may have it.

16 MR. SLICKS: You know. I'll look into this.

17 Q. What -- Mr. Kilty, you're aware that the Court
18 of Appeals remanded this case for a second time and to probe
19 the thoroughness of the search. Has any further search been
20 made by the -- by the F.B.I. subsequent to the Court of Appeals
21 remand?

22 A. Yes.

23 Q. Could you describe that search?

24 A. I've searched all the places where spectrographic
25 plates or data concerning spectrographic plates could be kept
26 and of items that you do not have, namely, the curbstone
27 plate. That was the main item. And I have looked for every-
28 thing again and I found what I've given you and I can't find

*into in
plate*

1 anything that I haven't given you.

2 Q. You say you looked for everything, including
3 the spectrographic plates...

4 A. Yes.

5 Q. The spectrographic notes.

6 A. Yes.

7 Q. What about the -- are you aware that Agent
8 Frazier testified in this case back in 1977 that he had in-
9 structed Agent Stombaugh to make a -- conduct an examination
10 to determine whether or not the holes in the shirt collar
11 overlapped when the collar was buttoned together? Are you
12 aware of that?

13 A. Yes.

14 Q. Did you conduct any search for that -- for any
15 report or any notes on any such examination?

16 A. Indeed, I did.

17 Q. What did you find?

18 A. I found the report that contained the informa-
19 tion about that.

20 Q. Do you have that with you?

21 MR. COLE: This?

22 A. Do I have it or who has it here? Maybe I've
23 got it. Wait a minute! Is it a two (2) page report? Do
24 I have that or...

25 MR. COLE: For the record, this is an item that is
26 not in the Stombaugh report. It is the report which Mr.
27 Weisberg has previously received.

28 MR. LESAR: Could you put an Exhibit number on that?

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3 the spectrographic plates...

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8 Frazier testified in this case back in 1977 that he had in-
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24 I have that or...

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26 not in the Stombaugh report. It is the report which Mr.
27 Weisberg has previously received.

28 MR. LESAR: Could you put an Exhibit number on that?

1 MR. COLE: What is the number?
2 Q. Who is the author of this report?
3 A. Mr. Frazier.
4 Q. And where did you find in it that it indicates
5 that an examination was made to see whether or not the slits
6 in the shirt collar would coincide if it was buttoned together?
7 A. The fourth paragraph from the bottom on page
8 two (2) addresses that.
9 Q. Well, it doesn't say that, does it?
10 A. This hole is through the bottom -- or through
11 the button and buttonhole portions of the shirt due to the
12 overlap. This hole has the characteristics of an exit hole
13 for...
14 Q. That doesn't state that the shirt was buttoned
15 together and that any examination was made to see whether or
16 not the slits coincided, does it?
17 MR. COLE: Objection. Mr. Lesar, the statement
18 speaks for itself. Whatever it says, it says.
19 Q. This is all you located in searching for that.
20 You say that you made a further search. Did you contact
21 Agent Stombaugh?
22 A. No.
23 Q. Why not?
24 A. He didn't produce this.
25 Q. Well, but you were supposed to conduct a search
26 to determine...
27 A. I found no notes produced by Stombaugh involved
28 with the examination of President Kennedy's shirt.

1 Q. Where did you look?
2 A. All where the laboratory materials that are
3 kept in this case.
4 Q. Did you -- you were aware, were you not, that
5 Agent Frazier testified that he ordered Stombaugh to make the
6 examination.
7 A. I'm not -- the characterization of him ordering,
8 I'm not familiar with.
9 Q. Well, he, would you agree, have directed or
10 told?
11 A. He might have consulted with him. I would think
12 if Stombaugh made this determination -- well, if he made this
13 determination, he would have contributed to this report.
14 Q. Did you ask Frazier if this is the report?
15 MR. COLE: Are you speaking of in the course of
16 this latest search, whether or not Mr. Kilty did that?
17 MR. LESAR: Yes.
18 A. No, I did not.
19 Q. You did not ask him whether or not...
20 A. No.
21 Q. This is what he was talking about when he
22 testified that he -- that...
23 A. I had no idea what he testified to. All I read
24 is a statement in a Court of Appeals thing which may have
25 been taken out of context. I don't know anything about it.
26 I've not seen Frazier's transcript of his testimony.
27 Q. Is there anything in this report that indicates
28 that Stombaugh had anything to do with it at all?

1 A. Nothing.

2 Q. Now, you did not -- you did not ask Frazier and
3 you did not ask Stombaugh.

4 A. Right.

5 Q. What was your reason for not asking Stombaugh?

6 A. I don't know. I never thought about asking
7 Stombaugh. If the record exists, the record exists; whether
8 Stombaugh remembers or doesn't remember or anything else has
9 nothing to do with it.

10 Q. Well, if Frazier testified that he had Stombaugh
11 make the examination...

12 A. I don't know that Frazier testified to that.
13 I've never seen that Frazier testified that he asked. That
14 doesn't necessarily mean it was done or that he produced any
15 notes regarding it.

16 Q. Well, assuming that Frazier did make -- did
17 testify to that...

18 MR. COLE: I object to this line of questioning.
19 The witness can tell you who he asked and who he didn't ask
20 and what he searched for and if you want to make something of
21 that, you can, but I don't think that it is proper to ask him
22 why he didn't talk to someone or under certain hypothetical
23 situations, why he should not have or should have.

24 Q. Well, you've... How do you know that this is
25 the document that Mr. Weisberg is seeking?

26 A. I am not aware of any document Mr. Weisberg
27 seeks.

28 Q. Well, the Court of Appeals adverted to his quest

1 for a report on an examination of whether or not the slits
2 coincided, is that correct?

3 MR. COLE: I object to any questions that regard
4 the Court of Appeals opinion asked of this witness. What is
5 in that decision, is certainly known to you, Mr. Lesar. You
6 can ask this witness what he did in the course of the search.

7 Q. What was the basis of your search, if it was
8 not the Court of Appeals opinion?

9 MR. COLE: Objection. What do you mean basis? You
10 mean what was the reason for his search or what was the scope
11 of his search?

12 MR. LESAR: How did he determine what he was looking
13 for?

14 A. I was looking for anything that was produced by
15 Stombaugh that would be related to an overlap situation...

16 Q. How did you make that search?

17 A. By looking through all the documents produced
18 by Stombaugh.

19 Q. All of the documents produced by Stombaugh?

20 A. Yes.

21 Q. How did you locate all the documents produced
22 by Stombaugh?

23 A. In the files in here.

24 Q. You mean you went through the entire headquart-
25 ers files again?

26 A. No. No, I went through the files where the
27 laboratory materials are located.

28 Q. And that's all you did?

1 A. What do you mean that's all I did. That's one
2 heck of a job. I did -- searched hundreds of pieces --
3 thousands of pieces of paper. Good heavens!

4 Q. You searched hundreds of thousands of pieces of
5 paper?

6 A. No. Thousands of pieces of paper.

7 Q. Thousands of pieces of paper. Okay. All of
8 them headquarters records.

9 A. Yes, headquarters.

10 Q. How about -- were they all lab records?

11 A. Stombaugh was assigned to the F.B.I. Laboratory.

12 Q. His reports might make their way into other
13 locations, might they not?

14 A. Well...

15 Q. They would go to Dallas, wouldn't they?

16 A. Okay. I'm interested in what the man -- you're
17 looking for something that he did. He couldn't have produced
18 a report without having a work sheet, without having some
19 kind of information that goes to make up a report.

20 Q. Right. Okay. Now,...

21 A. If he doesn't have that, a report can't exist.

22 Q. What are the possible locations for the report
23 and the worksheets?

24 A. Possible locations are a number of file cabinets
25 at F.B.I. Headquarters where I've looked.

26 Q. How about in Dallas?

27 A. I did not look in Dallas. Not in the wildest,
28 wildest imagination could I ever think that notes produced by

1 an Agent in the F.B.I. Laboratory would be in Dallas.

2 Q. How about reports?

3 A. Reports -- some reports went to Dallas, no
4 doubt about it. They may have gotten all reports. I don't
5 know that. But Dallas got...

6 Q. Could Dallas have reports that Headquarters does
7 not have?

8 A. That would be something that would have to be
9 generated -- a request generated by somebody else. I don't
10 know. You can produce a report in Baltimore. It may go to
11 Dallas that Headquarters doesn't get a copy of it or something.
12 I don't know. Those possibilities exist.

13 Q. Suppose there are reports that are missing in
14 Headquarters, is it possible you would find them in Dallas?

15 A. I wouldn't even know they were missing.

16 Q. In that case, you would be required to search
17 Dallas as well, wouldn't you?

18 A. No, I'm not required to search Dallas.

19 Q. Well, unless you search Dallas, according to
20 what you've just testified to, you have no way of determining
21 whether or not something was missing from Headquarters.

22 A. It doesn't mean it's going to be in Dallas if
23 it's missing from Headquarters.

24 Q. But it might be.

25 MR. COLE: Well, I think this has gone on an awful
26 long time, Mr. Lesar. Do you have any more questions of
27 this witness?

28 Q. Did you make a good faith diligent search after

1 the recent remand of the Court of Appeals to find everything
2 that Mr. Weisberg is seeking in this case?

3 A. I don't know everything Mr. Weisberg is seeking
4 in this case.

5 Q. Okay.

6 A. I made a diligent good faith search for items
7 that basically, Agent Slicks and Attorney Cole told me about
8 to answer the request that Mr. Weisberg made in '74 or '75.
9 I'm not -- or other times. And I'm certainly not saying that
10 I've searched for everything that Mr. Weisberg's ever asked
11 for in this case.

12 Q. Did you make a search that, in your opinion, was
13 so thorough, that it would turn up any and all testing of
14 bullets or bullet fragments in connection with the Kennedy
15 Assassination?

16 A. Yes, I did.

17 Q. So, that there should be no other test that
18 we're aware of on any fragments or bullets in connection with
19 the Kennedy Assassination.

20 A. I've not located any records on any other materi-
21 als.

22 MR. LESAR: I think we're concluded.

23 MR. COLE: I may want to ask a few questions. Let
24 me retire for a moment with...

25 MR. LESAR: Okay.

26 CROSS EXAMINATION -

27 BY MR. COLE:

28 Q. Mr. Kilty, you have, today, presented Mr. Lesar,

Q by wife

1 A. It would be tough. I'd have to spend quite a
2 bit of time working on those.

3 Q. But on the face of them, do they make any sense
4 to a layman at all?

5 A. Well, not to someone who's not in the business
6 of activation analysis, certainly not.

7 Q. You have testified just a few minutes ago that
8 you did undertake a recent search for documents on behalf of
9 Mr. Weisberg. When did you make that recent search?

10 A. Over several days in the last month or six (6)
11 weeks.

12 Q. Can you tell us how many days you spent on this?

13 A. I spent ten (10) days, at least, on this -- parts
14 of ten (10) days, at least.

15 Q. And what were you looking for?

16 A. Anything that I could find that would respond
17 to that 1974 letter that he sent us.

18 Q. Was it something that you considered very re-
19 stricted request or was it a -- were you looking for anything
20 that was conceivably implied by that request?

21 A. Well, anything we had that had any connection
22 with it at all, I was interested in identifying.

23 Q. Were you also looking, specifically, for the
24 items that the Court of Appeals had mentioned in its recent
25 Order?

26 A. Yes, I looked, specifically, for those items.

27 Q. Where did you search for all of these items,
28 including the general search?

1 Q. Right. In the course of your search, what did
2 you find?

3 A. Well, I found a lot of the documents that I've
4 already released.

5 Q. Did you find anything that had not been turned
6 over to Mr. Weisberg through Mr. Lesar before?

7 A. Yes.

8 Q. What were those items?

9 A. Some computer printouts.

10 Q. And are those -- are the computer printouts
11 relating to "Q3" and "Q15" the ones that you turned over today?

12 A. Yes.

13 Q. And did you also find a lab report?

14 A. I found a lab report, yes. It pertained to
15 the examination of President Kennedy's shirt that addressed
16 the problem of some kind of overlapping situation.

17 Q. That was the lab report that I put on the record
18 a few minutes ago had been turned over to him on an earlier
19 occasion, is that right?

20 A. I don't know if that was turned over to him on
21 an earlier occasion but he had that report, however.

22 Q. I have no further questions.

23 RE-DIRECT EXAMINATION -

24 BY MR. LESAR:

25 Q. Do you recall that, in connection with the
26 meeting in March of 1975 at which you say Mr. Weisberg turned
27 down the computer printout data, that Mr. Weisberg requested
28 that that conference be tape recorded so that there would be

K-2 found with

1 case and lots of other cases that, simply, you can't put the
2 plates where you put all the other plates. You've got to
3 keep them separate.

4 Q. This did not exist prior to two (2) years ago?

5 A. Right.

6 Q. Then why did you search it at this time?

7 A. Well, to look what was in there because there
8 were some -- there are some old cases that we have five (5),
9 eight (8) years ago that people have kept, just like the
10 Kennedy case was kept, but they were kept in a separate file
11 drawer. Now, we know where to go to find -- if the Jones
12 case becomes -- I can't think of a case, offhand, that is
13 put there -- but there's a case...

14 Q. How about the King Assassination?

15 A. Well, I think that's too old, too.

16 Q. Allright. Did you, in your mind, exhaust all
17 reasonable locations for all of these materials?

18 A. Yes, sir, I did.

19 Q. You don't consider it reasonable that there
20 should also be a similar search in Dallas field office?

21 A. Not for laboratory materials. I just...

22 Q. How about laboratory reports?

23 A. Well, if laboratory report's addressed to the
24 Dallas field office, they would have the original laboratory
25 report there.

26 Q. Who would?

27 A. The files in Dallas.

28 Q. Yes.

1 A. The - a copy of that, the so-called yellow,
2 would be kept in the F.B.I. with the date as to when it was
3 mailed out and...

4 Q. Now, but suppose that's missing? Then you need
5 to go to Dallas, don't you? }

6 MR. COLE: I think we've gone through this before,
7 Mr. Lesar. I don't think...

8 MR. LESAR: Could I get an answer?

9 MR. COLE: You mean if something's missing, whether
10 it would not be there? I think that's pretty clear. If it
11 was sent somewhere else and that one were missing, then it
12 wouldn't be there.

13 MR. LESAR: I would appreciate if counsel didn't
14 testify. |

15 MR. COLE: This is not testifying. This is just
16 trying to understand the logic of your question, Mr. Lesar.

17 Q. Would you concede that it's possible that the
18 Dallas field office could have laboratory reports that you
19 were not able to find in F.B.I. Headquarters?

20 A. Well, I didn't look for every laboratory report
21 that exists. }

22 Q. Well, I hope you did, sir.

23 A. But...

24 Q. Those pertaining to the items of evidence that
25 Mr. Weisberg has requested.

26 A. Only under the caveat that anything is possible.
27 I mean that's the only thing I can say. Anything 's possible.

28 Q. Did you, in this most recent search, ask any