

Dear Jim, Gallagher-Kilty Depositions

4/23/77

I have gone over the Gallagher deposition with the questioning of Kilty in mind.

Now that I have a faster copier, with easier the questioning for you also in mind. There may be a problem to which I'll return.

I think you should go over what I have given you on the earlier depositions and take from them what can serve as a basis for questioning Kilty about
his search and its completeness;
his affidavits and answers to interrogatories;
the existence of records we have not been given;
reason to believe there may be other such records;
and if so, where they may be found.

First of all I forgot to cross-reference Gallagher's direct contradiction of himself on the capabilities of the NAAs and the results of the spectro on the curbstone. What he testified to beginning on page 99 he swore he did not say beginning on 106

When I got home last night I learned that the dealer had phoned and told us not to use the new machine, that they had learned that a part had been left out of this one. I phoned but there was only an answering service. I raised polite hell and said I needed a machine immediately, and if this one would not work to lend me another. Before long the wife of the salesman phoned me to say it would be safe to use this one until the copies get dirty, that all it would mean is that the machine would need a cleaning because the missing part served this purpose only. I then made a copy of the deposition. The machine seems to be okay.

I've marked on the copies those pages that relate to the notes I've made. This will be the next copying. If that goes well we'll go on to others. She started doing one of the new 1996 sections last night.

Now I think you will require this before I am in again Tuesday morning for the Kilty deposition. I will speak to you first and also see if anyone comes up from D.C. I think I must get it to you, if necessary by Greyhound. Maybe if you can pick it up tomorrow my doing it then will be best, not to wait for someone to come up.

Gallagher did testify to the existence of reports we do not have. He did indicate the existence of others we do not have. Kilty will probably try to palm off handwritten notes as "reports" but I think there will be no credibility.

I'll not be surprised if they do not show. Kilty is too vulnerable. He has already sworn falsely in this. On the other hand, they may regard the risk of stonewalling too great, as we discussed yesterday. Either way this preparation will not be wasted. We can use it with me.

In addition to his existing Q15 problem Kilty has a Q3 one from Gallagher's testimony. According to Gallagher the records Kilty provided show NAA on Q3 and Kilty swore there were none. How many innocent swore mistakes can an expert make without giving a Pratt a problem? Or a Ryan? With Kilty there is more of an FOIA problem; he is an expert on the subject-matter, a lab man.

The copies are all made. This with paperclips showing are to direct your attention.

Hastily,