

6/3/75

Dear Tom,        Susman

The calendar hearing prior to which we were to have had responses from ERDA was two weeks ago. We have heard nothing and we did raise the question in court 5/21/75. We caught them lying, proved it, so we both believe they are worried about committing perjury for the FBI or telling the truth.

In fact, in the affidavit filed this morning<sup>and</sup> referred to in the enclosed letter to Earl Silbert we supplied still more proof. Clarence Kelley also lied in his 4/10/75 letter in which he did not say there was NAA testing of the clothing. There was. Now that we have made this part of the record, perhaps <sup>ERDA</sup> will respond.

Jim moved to dismiss the Kilty affidavit filed by the government in court the minute before the judge was to walk into the courtroom. My affidavit was attached. It addresses federal good faith and the attempt to shift the burden of proof again, it alleges perjury and the knowing withholding at this late date. As soon as he can Jim will file a motion to compel answers to the interrogatories.

We will make xeroxes of the affidavit as soon as we can.

I'm told the Boston Globe had a story claiming these NAA confirm the Warren Report. Until there is something that can be called full NAA such a report is not worthy of credence and it is impossible anyway.

The Globe has not responded to the message left on this the weekend of 5/3-4. They did not get their information from me and they have never been in touch with me.

In the past I've always attached proofs to the affidavits I've filed. In this case I elected not to. It is not because these proofs do not exist in documentary form.

The 1/22/64 executive session transcript is in the Congressional Record, pp. E 2442 ff.

Sincerely,

Harold Weisberg