

1 A. Yes, they are.

2 Q. And they're different, therefore, than the photo-

3 graphs or the photoplates that you were talking about earlier?

4 Are there two (2) different types of spectrographic plates?

5 A. Well, there are many, many, many types of spec-

6 trographic plates.

7 Q. Alright, the ones made in this case. Are they

8 glass or some other...

9 A. They are glass.

10 Q. Alright. And they're kept in a drawer where?

11 A. After they're used -- or, I mean, after they're

12 exposed?

13 Q. After the test is made, yes. After the test is

14 made.

15 MR. COLE: Are you talking about plates in this

16 case or plates, generally?

17 MR. LESAR: In this case.

18 MR. COLE: Alright.

19 A. Well, the plates in this case...

20 Q. Let's talk about -- okay, do it, generally, first

21 and then we'll take this case. Generally, where are the plates

22 stored?

23 A. In a plate drawer.

24 Q. Okay. Where is the plate drawer located?

25 A. It's in the room where they do the emission

26 spectrography in the F.B.I. Laboratory.

27 Q. Okay. In this case, what happened to them?

28 A. Plates were put in one of the drawers that I

1 searched to find materials in this matter -- in the box.

2 Q. Okay. This is different than the two (2) file
3 cabinets you were talking about earlier.

4 A. No, it's not.

5 Q. They were in that file cabinet?

6 A. Yes. Yes.

7 Q. All of the spectroplates in this case were in
8 those file cabinets that you testified earlier that you
9 searched?

10 A. All the plates that I found in this case were
11 in that file cabinet.

12 Q. Allright. Now, did you consider it unusual that
13 you did not find a plate for the curbstone, "Q609"?

14 A. I had no feeling whether unusual. I wanted to
15 find one because it was, obviously, the sample was burned,
16 so I know that there should have been a plate created.

17 Q. What did Agent Heilman suggest to you? Did he
18 make any other suggestion as to where it might be?

19 A. Any other suggestion than what?

20 Q. Than -- I think you testified that he said it
21 might be in the spectro drawer.

22 A. I don't remember him suggesting that. I thought
23 he suggested that it was thrown away. That was the only
24 suggestion he gave me. That if it wasn't with all the Kennedy
25 Assassination plates, that it would have been destroyed.

26 Q. Did you believe that explanation?

27 A. Of course, I did.

28 Q. You didn't consider it unusual that just one

1 (1) plate would be thrown away?

2 A. Well, this was done completely at a different
3 time and by a different examiner that did all the other work
4 in this case and he may not have attached his plate to where
5 the other plates were.

6 Q. Well, what would he have done with it.

7 A. Put it in the plate drawer with all the other
8 cases.

9 Q. Aren't you -- aren't they -- aren't -- isn't the
10 F.B.I. required to keep plates for a certain amount of time?

11 A. Yes.

12 Q. How long is that?

13 A. Whatever the memorandum of destruction says,
14 which, I think...

15 Q. Would you say five (5) years?

16 A. No, I don't know what it says.

17 Q. And if the plate were removed from that file
18 drawer, would there be a record of that?

19 A. What do you mean removed from the file drawer?

20 Q. Well, if somebody takes the plate, I assume
21 that somebody just can't go in and take it home with him or
22 something without making a record.

23 MR. COLE: Mr. Lesar, are you talking about within
24 the period before the destruction mandated by the F.B.I.
25 memorandum?

26 MR. LESAR: At any time.

27 A. There is no record maintained as to when a plate
28 is removed from the plate drawer.

1 Q. Okay. Is there any record that must be main-
2 tained as to the destruction of a plate?
3 A. No.
4 Q. You can destroy the plate without making any
5 record of it?
6 A. Record is made of the plates that were created
7 prior to a certain date are destroyed.
8 Q. Okay. Now, do you destroy plates in an open
9 case?
10 A. I don't destroy plates.
11 Q. Does anyone at the F.B.I.?
12 A. We don't destroy any records any more.
13 Q. Okay. Would you have destroyed them at any
14 time since the Assassination of President Kennedy?
15 A. Any plates -- the plates in the Kennedy case,
16 you're talking about?
17 Q. Yes.
18 MR. COLE: When you say, would you have, are you
19 speaking of Mr. Kilty or the F.B.I.?
20 MR. LESAR: Would the F.B.I.?
21 A. Well, again, are you assuming the Kennedy case
22 is an open case?
23 Q. Well, to the best of my recollection, the
24 Director of the F.B.I. declared that it would always remain
25 an open case and I know of no one who has declared that it was
26 a closed case.
27 A. Well...
28 Q. As a matter of fact, the F.B.I. just recently

1 incited exemption...

2 MR. COLE: Rather than having testimony on this
3 subject, why don't we have a question to the witness.

4 Q. Mr. Weisberg's -- alright, did you ask Agent
5 Heilman if he destroyed it?

6 A. No, I didn't.

7 Q. Did you ask him who might have destroyed it if
8 he didn't?

9 A. No.

10 Q. Did you make any investigation to determine who
11 might have destroyed it?

12 A. Yes.

13 Q. What did you find?

14 A. I just -- my investigation involved determining
15 what the time limit was on destruction of spectrographic
16 plates, thinking that could have been one of the possibilities
17 as to what happened to the plate.

18 Q. Well, now, what would have happened -- at the
19 time the plate was created, it would have been filed some-
20 where, is that correct?

21 A. Yes.

22 Q. Alright. It would have been filed with the
23 other spectrographic plates, would it not?

24 A. I wish it had been. Obviously, it wasn't.

25 Q: Well, how do you know that?

26 A. Well, it's true, I don't know that of my own
27 mind whether that was done at the same time as the other
28 plates.

1 Q. Okay. Now, if it were filed with the other
2 plates, it would be most unusual if that plate, alone, were
3 destroyed, would it not?

4 MR. COLE: You're assuming the hypothetical, Mr.
5 Lesar?

6 MR. LESAR: Yes.

7 A. I agree that it would be unusual to have one (1)
8 plate destroyed.

9 Q. Almost sinister.

10 MR. COLE: Objection, Mr. Lesar.

11 Q. Mr. Weisberg made a request for spectrographic
12 reports back in 1966. Would that have prevented destruction
13 of such a plate?

14 A. I have no idea what was going on with Mr. Weis-
15 berg's request in 1966 -- what that caused or anything about
16 it.

17 Q. Wasn't it -- isn't it true that the F.B.I. had
18 a regulation that materials that had been requested under the
19 Freedom of Information Act could not be destroyed?

20 A. I don't know.

21 Q. You've never been made aware of any such regu-
22 lation?

23 A. No.

24 Q. Did you call it -- did you ask Agent Heilman --
25 he was former Agent at this time -- did you ask him about
26 spectrographic notes for "Q15" -- or, excuse me, for "Q609",
27 the curbstone?

28 A. I don't know. You have a copy of the memorandum.

1 Why don't you look at that and I think you can get...

2 Q. You don't recall whether or not you did?

3 A. My recollections are put down on that memorandum

4 which was made contemporaneously with the phone call.

5 Q. Alright, could you give this an Exhibit number?

6 MR. COLE: This is Exhibit 15?

7 Q. Okay. I direct your attention to a sentence

8 which says that an exhaustive search of pertinent files and

9 storage locations has not turned up the spectrographic plates

10 nor the notes made therefrom -- refers to the plates and notes

11 of the examination of the curbstone, spectrographically. Did

12 you ask Mr. Heilman about his notes?

13 A. I don't recollect if I did or not.

14 Q. Would this memorandum indicate that you did?

15 MR. COLE: Objection. I think the memorandum

16 speaks for itself.

17 Q. Well, you prepared this memorandum, didn't you?

18 A. Yes, I did.

19 Q. Yes. And you indicate that -- in here -- that

20 there had been a search for the notes as well as for the plate.

21 A. Yes.

22 Q. And that you had not turned them up.

23 A. That's right.

24 Q. Okay. What is usually done with the Agent's

25 notes? Where are they stored and kept?

26 A. In this case or in any case?

27 Q. Well, let's take this case. Where were they?

28 A. Some were sent to central records files in the

1 main file and others were in part of the two (2) drawers --
2 or two (2) file cabinets in the F.B.I. Laboratory.

3 Q. Allright. Now, were the ones that were in the
4 two (2) drawers in the F.B.I. Laboratory duplicative of the
5 ones sent to central records or were they different?

6 A. Both.

7 Q. Both. So that central records did not contain
8 all of the notes on the spectrographic examinations.

9 A. That plus a lot of other things it didn't con-
10 tain.

11 Q. Okay. This refers to an exhaustive search of
12 pertinent files. What pertinent files did you search?

13 A. I don't remember.

14 Q. What files could you have searched?

15 A. Ones that I thought were pertinent.

16 Q. Well, what files could be pertinent? You're
17 looking for spectroplates and for notes. Let's just take
18 spectroplates. What files could be pertinent?

19 A. I think you're probably using the term, file,
20 there in -- no, I used storage locations, too, so, the Kennedy
21 file, the Oswald file, parts thereof. They would be the two
22 (2) logical files to search.

23 Q. Allright. Did you look in all Sections of the
24 F.B.I. Laboratory and all the Units of the F.B.I. Laboratory?

25 A. No.

26 Q. Did you consult all of the examiners who have
27 performed spectrographic plates about where they might be?

28 A. Heiberger, Heilman and Gallagher were consulted

1 regarding the location of all the spectrographic plates in
2 this case.

3 Q. Marion Williams?

4 A. He did not conduct any spectrographic examina-
5 tions.

6 Q. He had made a prior search in this case. That's
7 why I made...

8 MR. COLE: Is that a question to the witness, Mr.
9 Lesar?

10 MR. LESAR: Yes.

11 A. What is the question?

12 Q. No. The question was did you consult with Mr.
13 Marion Williams?

14 A. No.

15 Q. Or Mr. Jevons?

16 A. No.

17 Q. Alright. What did they tell you?

18 A. I didn't...

19 MR. COLE: I'm sorry, Mr. Lesar, you just got the
20 answer that he didn't consult with them. Why do you then say
21 what did they tell you?

22 MR. LESAR: The examiners who you did confer with.

23 MR. COLE: Oh, alright.

24 MR. LESAR: That you've named. What did they tell
25 you about it?

26 A. Well, I don't recollect what they told me.

27 Q. Did you tell them that the curbstome spectro-
28 plate was missing?

1 A. Yes.

2 Q. What was their reaction?

3 A. I don't remember.

4 Q. Were they disturbed by it?

5 MR. COLE: The question has already been asked. He
6 answered that he did not remember.

7 MR. LESAR: I'm trying to refresh his recollection.

8 A. Well, I have no recollection at all of the re-
9 sponse I got when I asked the question, where's the curbstome
10 plate.

11 Q. Did they suggest -- the other examiners other
12 than Heilman -- suggest any place you might look?

13 A. I'm not -- I don't recollect whether if they
14 did or not. I mean they were helpful. I certainly didn't
15 get any go find it yourself attitude from them or anything
16 like that.

17 Q. Did you search any divisions of the F.B.I. other
18 than the Laboratory division?

19 A. Well, I searched material furnished by other
20 divisions -- another division, the files division. I don't
21 consider myself searching a division when I search files that
22 are stored by someone else.

23 Q. How about the General Investigative Division?

24 A. Spectrographic plates in the General Investiga-
25 tive Division?

26 Q. You are certain they would not be there.

27 A. I am certain spectrographic plates would not be
28 in the General Investigative Division.

1 Q. How about notes and other information pertaining
2 to the spectrographic plates?

3 A. What about it?

4 Q. Would they be in the General Investigative
5 Division -- could they be?

6 A. Only if the serials or the file sections that
7 any of that material was in happened, at that time, to be in
8 the General Investigative Section for some other matters or
9 whatever.

10 Q. You mean materials would not ever be sent to
11 the General Investigative Division?

12 A. If they call a section of a file and it happens
13 to have some laboratory material in it, they've got it. So,
14 you know, I don't know.

15 Q. General Investigative Division does have its
16 own files, doesn't it?

17 A. I don't know what they have.

18 Q. Never been there?

19 A. I've been in General Investigative Division.
20 They've got file drawers. I don't know what's in those
21 drawers. I never looked in them.

22 Q. Did you provide every pertinent record relating
23 to the curbstone testing?

24 A. I've provided all the records pertinent or
25 impertinent regarding the curbstone testing.

26 Q. Let me ask this. The -- are you aware that Mr.
27 Weisberg has charged that the curbstone was patched before it
28 was tested by the F.B.I.?

1 A. No, I'm not aware of that.

2 Q. Assuming that to be the case, is it possible to
3 conduct tests on that specimen, today, to determine what the
4 material is?

5 A. What material where?

6 Q. There is a mark or it was alleged that there
7 was a mark on the curbstone and the F.B.I. tested this spectro-
8 graphically. This is what we're looking for. It was not sub-
9 jected, apparently, to neutron activation analysis. The House
10 Select Committee attempted to do so but Dr. Gwynn concluded
11 that he could not because there was no -- insufficient metal
12 present to determine whether or not the bullet had struck it.
13 He said, in fact, that it had been scraped off. Now, what
14 I'm asking is is it possible to conduct a test by neutron
15 activation analysis to determine what the material is that is
16 in that location on the curbstone?

17 MR. COLE: You mean if it has been scraped off, Mr.
18 Lesar?

19 MR. LESAR: No. What Mr. Weisberg says is that
20 there was a chip where a bullet allegedly struck and that that
21 chip was patched prior to the time the F.B.I. examined it
22 spectrographically.

23 A. Okay.

24 Q. Now, my question is whether or not it's possible
25 to determine through neutron activation analysis to subject
26 that to testing or spectrographically?

27 A. What to test -- the patch?

28 Q. The patch -- the alleged patch and to determine

1 what material that is?

2 A. Neutron activation would not be the method of
3 choice for doing that. There are many other analytical
4 methods that you would use to do that.

5 Q. What would they be?

6 A. Probably, X-Ray fluorescence techniques. What
7 you want to do is have a building -- material scientist look
8 at that. Different kinds of concrete that are used. They
9 can tell the difference between a patching material and a
10 permanent material. It's not a very difficult thing but you
11 wouldn't use activation analysis to show it is different.

12 Q. I'd like to ask you to take a look at Exhibit 3
13 again.

14 MR. COLE: Is Exhibit 3 the Interrogatories?

15 MR. LESAR: Yes, it is.

16 A. No.

17 MR. LESAR: No, excuse me, no, Exhibit 3 is, yes,
18 it's the Answers to Interrogatories.

19 MR. COLE: That's what I thought.

20 Q. There are dates given on -- first of all, it
21 appears that each of these...

22 MR. COLE: Which page are you referring to, Mr.
23 Lesar?

24 MR. LESAR: Let's just take the first page that has
25 a Xerox of a plate which is identified on my copy as PC78243.

26 Q. There appear to be, in affect, two (2) plates
27 here, is that correct, on each page?

28 A. No. It's two (2) pieces of glass - one spectro-

1 graphic plate.

2 Q. One spectrographic plate. Okay. Why are there --
3 why are there two (2)?

4 A. Well, one piece of glass is simply too long and
5 chance of it fracturing very easy. So, you put one piece in
6 and then right next to it another piece slides in.

7 Q. I see. I notice that the dates on these start
8 out with November 23, 1963, and then there is, apparently,
9 a testing on March 24, 1964. Do you see that?

10 A. What page? How far along is that?

11 Q. I think that it's the third page.

12 A. The third page?

13 Q. I think it's the third page.

14 A. Okay. Looks that way, doesn't it?

15 Q. Yes. And then below, I guess it's... Is that
16 the same date below or a different date on that same page?

17 A. That would be the same letters.

18 Q. Have to be the same...

19 A. The other half of the plate.

20 Q. So, it would have to be the same date?

21 A. Yes.

22 Q. Okay. And then, the next plate is 11/25/63 and
23 another 11/25/63. I find no date on the next plate.

24 A. Well, I won't comment about that. There may
25 well be a date on there that we can't read.

26 Q. It's not visible. Next one, 12/4/63; the next
27 one has two (2) dates - 12/2/63 and 3/20/64. Why would they
28 be different dates if that's the same spectrographic plate?

1 A. I don't know.

2 Q. It should be the same date, shouldn't it?

3 A. I don't know. I mean, I don't why I would
4 label -- put two (2) dates on a spectrographic plate. Maybe
5 there was some reason he had. The man is still living who
6 did the work.

7 Q. But that should be one (1) spectrographic plate
8 and all the examinations on it should have been at the same
9 time.

10 A. The burn was done at the same time if I can see
11 it looks like four (4) burns on there, yet I'd have to look
12 at the plate. This is kind of poor to Xerox them.

13 Q. I notice on these, they have carbon and iron at
14 the top of most of them.

15 A. Yes.

16 Q. What does that indicate?

17 A. Well, to determine where the lines are for the
18 various elements. The wave lengths of the various elements
19 are known and you have to -- it's on a reader on your...

20 Q. As you're going from left to right, would there
21 be different elements or where does it...

22 A. Well, there might be. I mean, it depends on
23 where the lines are. Some elements have many lines. Some are
24 long wave length; some are short wave length. So, you skip
25 all around. You usually get several lines to prove that an
26 element is present and you need to have is make sure that the
27 densitometer that you have calibrates, exactly, with the plate
28 you have in it so that you don't misread the wave length of

1 any lines.

2 Q. Then, on the next page, I see no dates and,
3 apparently, one of these was mounted upside down and backwards.

4 A. Might have been when they were put together to
5 be photographed if that is...

6 Q. Does this, in this area over here, is that an
7 indication of a glass fracture?

8 A. Yes. Yes.

9 Q. Okay. Now, there was a test made, apparently,
10 on PC78378, dated March 20, 1964, on "Q189" and "Q2".

11 MR. COLE: Is this the first of the pages, Mr. Lesar,
12 or is this someplace else?

13 MR. LESAR: It's 78378. I'll have to locate it.
14 You found it?

15 A. Yes, "Q188" and I don't know what the other
16 number is.

17 Q. Yes. March 20, 1964. Now...

18 A. Wait a minute, now! Okay, there it is.

19 Q. On the bottom part. Now, did you locate any
20 report on that examination?

21 A. I don't remember.

22 Q. Could you check the -- you've brought the
23 materials that you've located with you. Could you check and
24 see whether there was any that would be relevant to that date?

25 A. I'm sure there's no reports in that -- any of
26 that material that we brought that I have here. There is no
27 reports.

28 Q. Would there be a report on this test?

1 A. I -- well, I don't know but I would think there
2 would be someplace.

3 Q. So, if we have not been provided it, you could
4 locate it somewhere.

5 A. I'd just go to the Warren Commission. They have
6 it all. They have those reports?

7 Q. Are you sure that they have all of them?

8 A. Well, on this testing, laboratory testing,
9 they've got everything.

10 Q. How do you know they have all?

11 A. Well, I don't know from my own knowledge because
12 I haven't searched for things that they have.

13 Q. How would you make a search to determine to get
14 that report -- a report on that test?

15 A. I don't know right now how I'd do it.

16 Q. Sometimes, documents have numbers at the top --
17 they have a PC number. What does that indicate?

18 A. That's the Physics and Chemistry laboratory
19 number.

20 Q. Okay. Is there any index made that correlates
21 to that number?

22 A. Yes.

23 Q. What do the index cards on that show?

24 A. There are no index cards any more.

25 Q. What do you refer to them as if they're not
26 cards?

27 A. Well, we have it computerized, now, the system.

28 Q. You have it computerized. So, if you punch the

1 PC number, what does the computer spew out? What information
2 does it give you?

3 A. I don't think there's any PC numbers stored
4 anymore. I'd have to go back. I think about 1976, they
5 started a new numbering system. There's no PC numbers stored,
6 I don't think, anymore.

7 Q. What about in 1963, 1964?

8 A. They had file cards.

9 Q. They did have file cards.

10 A. Yes.

11 Q. And are those still maintained?

12 A. No. Oh, no.

13 Q. Have they been destroyed?

14 A. Certainly.

15 Q. For Kennedy Assassination records or for all
16 records?

17 A. There's no -- well, for all records -- those old
18 cards. I don't know what the destruction was on that but it
19 was every few years. I don't think we kept those over four
20 (4) or five (5) years.

21 Q. There are some other numbers that sometimes
22 appear on the laboratory documents. On Exhibit 8, for example,
23 there is a...

24 MR. COLE: Excuse me, Mr. Lesar, don't you have your
25 own copy of this?

26 MR. LESAR: I do but I have misplaced it, Mr. Cole.

27 MR. COLE: Okay. We'd just like to be able to look
28 at it while you are.

1 Q. Could you explain what those numbers represent?
2 MR. COLE: Which numbers do you mean?
3 MR. LESAR: The -- is there a number that says lab
4 number?
5 A. Yes.
6 Q. What does that represent?
7 A. That's a document number.
8 Q. Is there an index for that?
9 A. There was, yes.
10 Q. There was.
11 A. Yes.
12 Q. It no longer exists?
13 A. No.
14 Q. Is it on computer?
15 A. No. All the -- that lab files doesn't -- all
16 those are gone. As I say, I think about 1975 or 6 is probably
17 the last ones that we have. Now, it's on computer and we
18 can't destroy anything, so...
19 Q. And did you place the -- the ones that were
20 destroyed, did you place that information on the computer?
21 A. I didn't place anything on computer?
22 Q. Did the F.B.I.?
23 A. I have no idea.
24 Q. So the information still may be available through
25 computer.
26 A. No. No, it isn't. The cards are destroyed.
27 The laboratory...
28 Q. How about the information on the cards -- was

1 that placed into a computer?

2 A. Well, the information on it is just the fact
3 that we have a -- it has this lab number on it and it's a
4 "Q" listing and where it came from. I think that's the only
5 things that are on that card.

6 Q. Alright. Now, would there be -- if you wanted
7 to find what specimens that were examined in connection with
8 a certain case, could you go -- how would you -- how would
9 you do that?

10 A. I would call the file.

11 Q. Meaning central records?

12 A. Yes.

13 Q. And you would say I want all of the specimens
14 on...

15 A. No, I would say I want file such and such. Send
16 me that file.

17 Q. Okay. Now, how would you locate the file -- how
18 would you know what file to give them -- what file number?

19 A. Because the man when he calls in and asks me
20 what specimens were examined on something, he gives me the
21 file number.

22 Q. Suppose he doesn't have a file number?

23 A. Then we would search the name.

24 Q. You have a name index in F.B.I. lab?

25 A. Yes.

26 Q. Is it a subject or a name of a victim or what?

27 A. Whatever the title that the police department
28 or the F.B.I. puts on the case goes in the computer just like

1 was on the little card.

2 Q. Okay. Allright. And that would tell you --
3 give you file numbers.

4 A. It would give me the file number, yes.

5 Q. Now, would it correlate specific items of evi-
6 dence or specific reports with particular serials or sections
7 in that file?

8 A. No.

9 Q. If all these file numbers were destroyed -- file
10 cards were destroyed, what was the point in obliterating that
11 in the records that we were given?

12 A. That's out of my bailiwick. That's a lawyer's
13 type work there. I don't know what the lawyers have to say
14 about that.

15 Q. Could you tell me what you mean by chemical
16 separation?

17 A. Well, I bet you're saying that in context with
18 neutron activation analysis.

19 Q. Yes -- no, not necessarily. The question arose,
20 I believe, we asked you an interrogatory as to "Q3", I think,
21 and you used the term and I wondered what it meant.

22 A. Okay.

23 MR. COLE: Mr. Lesar, could we see the interrogatory
24 first so we'll know what context this was used in?

25 Q. Directing your attention to your answer to
26 interrogatory number twenty-one (21).

27 MR. COLE: Which Interrogatories are these, Mr.
28 Lesar?

1 MR. LESAR: These...

2 MR. COLE: What date?

3 MR. LESAR: October 28, 1976. It's actually Mr.
4 Kilty swore to it on October 20, 1976.

5 MR. COLE: Is this something that is introduced
6 into evidence or...

7 MR. LESAR: Yes, I will.

8 MR. COLE: Did we miss it.

9 MR. LESAR: Has it been given an Exhibit number yet?
10 I gave you a copy at lunch. I think it was marked as an
11 Exhibit but maybe not. Let's mark it as an Exhibit.

12 MR. COLE: I don't see it there. Now, you are
13 asking, Mr. Lesar, about Interrogatory number twenty (20)?

14 MR. LESAR: Twenty-one (21).

15 MR. COLE: Twenty-one (21).

16 MR. LESAR: And in part "d".

17 A. "D" as in dog?

18 Q. Yes.

19 A. Yes?

20 Q. Now, what do you mean by the term, chemical
21 separation, as you used it there?

22 A. Well, the only reason you would examine bullet
23 jacket material is to help characterize it by its trace ele-
24 ments and in this bullet jacket material contains a tremendous
25 amount of zinc, the balance being copper. And you produce so
26 much activity by irradiating a sample like that that, in order
27 to find these trace elements, we have to separate out the
28 copper and zinc from everything else and then examine the

1 residue or the material left over after removing as much
2 copper and zinc as you can. That is a chemical separation
3 done after irradiation.

4 Q. It has to be done after the radiation. Okay.

5 A. No, not necessarily. You can do it pre to ir-
6 radiation separations are usually not too good to do.

7 Q. Allright. Now, could you do such chemical sep-
8 aration on only a sample from "Q3"? Do you take a small por-
9 tion of it...

10 A. Of the jacket?

11 Q. Yes.

12 A. I guess someone could do it, yes, but providing
13 there was nothing that -- you have to be able to destroy the
14 material in order to do it. So, if you don't want to destroy
15 something, it's a technique you don't choose.

16 Q. Understood. But how much of a sample would you
17 need in order to examine it that way - to do that?

18 A. For jacket material, in my experience, I'd like
19 to have a sample at least fifty (50) milligrams. If they
20 had more than that, I'd want it.

21 Q. Now, could that have been in 1963, 1964?

22 A. What?

23 Q. Could "Q3" have been -- a part of "Q3" have been
24 subjected to chemical separation and then examined by means
25 of NAA?

26 A. I don't know. I don't think anyone was really --
27 thought much about trace element characterization of jacket
28 material in 1963.

1 Q. Do they now?

2 A. Yes. We've thought a lot about it.

3 Q. Your department has carried on -- or had carried

4 on some studies of it, have they not?

5 A. We've done it because I've done it personally.

6 Q. Then -- so, now, in the answer to this, you've

7 indicated that -- you seem to indicate that the reason that

8 it wasn't done in '63 was because it might destroy the mark-

9 ings on the items of evidence, is that correct?

10 A. That's what I said here, yes.

11 Q. What markings are you talking about?

12 A. As I recollect, item "Q3" had some firearms

13 identification element to it. Those are the markings I'm

14 talking about.

15 Q. And that would have precluded performing these

16 other tests on it?

17 A. If it involved removing those markings, it cer-

18 tainly would have.

19 Q. Why?

20 A. Well, the markings associated with the firearm

21 from which it was fired and to destroy those is just simply

22 not done. The value of this test is nothing compared to the

23 value of identifying the item with a gun. This, certainly,

24 this is...

25 Q. What was the value at that point? Oswald was

26 dead, was he not?

27 A. Well, I'm talking, generally, the value of fire-

28 arms identification markings. Its application in this case,

1 I don't know, but I know that nobody destroys markings on a
2 bullet whether Oswald was dead or not.

3 Q. Why not take a portion of "Q3", which had no
4 markings, and subject it to chemical separation and test it?

5 A. I'm not aware that there was a portion that did
6 not contain markings.

7 Q. What about the inside of the bullet. That's
8 not normally marked, is it -- the jacket?

9 A. Well, there are some problems with getting
10 samples from the inside of a jacket...

11 Q. Well, you can make a scraping, couldn't you?

12 A. Scrapings are not good. Nobody likes to take...
13 Those are really very poor materials to examine for anything.

14 Q. Or you can shave off the edge.

15 A. Shavings...

16 MR. COLE: I object to any further questions along
17 this line. I mean the witness has already told you what he
18 thinks. To go into his mental processes as he makes his
19 decisions as a scientist, I think, just is pursuing a dead
20 horse.-- beating a dead horse.

21 Q. If you have several samples and they don't all
22 have markings, how can you tell that they don't all have a
23 common source?

24 A. I don't know that you can.

25 Q. Let me ask this. Is it possible... There were
26 samples taken from the President's clothing for spectrographic
27 analysis. Is it possible to subject those to neutron activa-
28 tion analysis?

1 A. You can subject anything to the core of a nu-
2 clear reactor and try to make it radioactive. Whether you
3 can make an analysis of it or not is another story. Now, if
4 you're talking about -- we can put some clothing in the core
5 of the reactor. We take some fibres off and do it. Now,
6 what are we trying to do?

7 Q. Well, I suppose that one thing you might want
8 to do would be to determine whether or not copper was present
9 at certain points in the cloth and then the second thing
10 would be to determine, possibly, the presence of other ele-
11 ments in whatever struck the cloth. Could you do that?

12 A. Yes, you could.

13 Q. Is there any reason why it could not be done,
14 today, to the clothing of President Kennedy?

15 A. By activation analysis?

16 Q. Yes.

17 A. I would never... It would be a waste.

18 Q. Why?

19 A. Because it's not the best -- the best technique
20 available is not...

21 Q. What's the best technique available?

22 A. Well, in my view, it's scan electron microscopy
23 with X-ray fluorescence is the best way now.

24 Q. Does that give you quantitative results?

25 A. No. Nothing will give you quantitative results
26 has any value in determining whether a piece of clothing
27 touched something.

28 Q. Or whether something touched a piece of clothing.

1 A. Yes.

2 Q. Like a bullet.

3 A. Yes.

4 Q. Why not?

5 A. Well, you are trying to demonstrate whether you
6 have some smears around a hole. What difference does it make
7 whether you have one (1) microgram of smears or two (2) micro-
8 grams of smears or one point five (1.5) micrograms of smears?
9 What you're trying to demonstrate there are some foreign
10 metal deposits around the periphery of this hole.

11 Q. Suppose you want to demonstrate whether or not
12 the missile that struck the clothing can be identified or
13 distinguished from other missiles associated with the crime?

14 A. In my view, you would have to have a good size
15 sample of material to do that and a good size sample, I mean,
16 at least one (1) miligram of lead and something probably a
17 little less than that of copper.

18 Q. And you would not expect to find that on the
19 clothing?

20 A. No, unless the projectile broke up in the cloth-
21 ing and was sticking someplace around it.

22 MR. LESAR: Do you want to take a short break while
23 I go over some things here?

24 MR. COLE: Do you need a break here?

25 MR. LESAR: Yes, I think it would be helpful to
26 have a short break.

27 MR. COLE: Allright.

28 (A brief recess was taken.)

1 MR. LESAR: I'd like to have this marked as an
2 Exhibit.

3 MR. COLE: Mr. Lesar, are we getting the final
4 Exhibits now of the deposition?

5 MR. LESAR: Oh, there will probably be a couple more.

6 A. What number is this?

7 Q. This is Number 17. And I'd like to have this
8 marked as 18. Mr. Kilty, have you had a chance to look at
9 Exhibits 17 and 18?

10 A. Just since you gave them to me. I have not read
11 them totally through.

12 Q. Are they a report on the same test?

13 A. I'd have to sit here and read it first.

14 Q. Okay, then take the time. If you're having any
15 trouble reading it, I could give you this reprint of it that
16 would make it somewhat easier to read.

17 A. Alright, I'm finished reading it. I see what
18 you're worried about. What's the question?

19 Q. Did you note -- are these two (2) documents,
20 reports on the same test?

21 A. I don't know anything about these. I've never
22 seen these documents before. They're FD302's made up by
23 Agents in Dallas. I don't know what they are.

24 Q. Do they describe results of a test that was
25 made in the F.B.I. Laboratory?

26 MR. COLE: I think the documents speak for them-
27 selves. The witness says he doesn't know anything more than
28 is contained in the document itself.

1 Q. Is that correct...

2 A. I do not know anything more about this matter
3 than is contained in these documents.

4 Q. Well, do you disagree with the statement that
5 they reflect that they are reports on the same laboratory
6 test of the same item?

7 MR. COLE: I object. This witness isn't required to
8 make his own opinions about a document that you've just hand-
9 ed him if he doesn't know anything independent about them.
10 And he does assure me that these are not reports from the
11 F.B.I. Laboratory.

12 Q. Mr. Kilty, correct me if I'm wrong, but didn't
13 you testify earlier that the information from the F.B.I. Lab-
14 oratory got to the Warren Commission in the form of reports
15 from Dallas field office?

16 A. And communications directly from the F.B.I.

17 Q. Okay. Now, would this be one such report?

18 A. No. No.

19 Q. Directing your attention to the document, do
20 you see a Commission document number on it?

21 A. Yes, number five (5).

22 Q. Number five (5). Allright. So that it was a
23 report that was transmitted to the Warren Commission.

24 A. Exhibit 18 is that..

25 Q. Is that.

26 A. Such document, yes.

27 Q. Okay. Now, is there a discrepancy between --
28 in the content of the two (2) documents?

1 A. Yes.

2 Q. One report says -- Exhibit 17 says that the
3 examination revealed that the bag was consistent and the
4 other says that it is not identical with the paper gun case
5 found at the scene of the shooting, is that correct?

6 A. These are not reports. I have to go back to
7 that again. These are not reports.

8 MR. COLE: Mr. Lesar, this witness has already said
9 he doesn't know anything about these two (2) documents and I
10 object to any questions that would attempt to make him state
11 something about an object that he has said he knows nothing
12 about.

13 MR. LESAR: My question is about F.B.I. Laboratory
14 procedures.

15 MR. COLE: And what is that question? We haven't
16 heard one thus far.

17 Q. The question is, how is it possible to have two
18 (2) different versions of the same test given...

19 MR. COLE: Mr. Lesar, that is not a question about
20 the laboratory procedures. It is a question about something,
21 I suppose, that might have gone on down in Dallas. If this
22 witness knows anything about it, I certainly think he should
23 tell you.

24 A. This is not a laboratory report. It is not a
25 insert to a F.B.I. Laboratory -- F.B.I. report which contains
26 the document that was produced by the F.B.I. Laboratory. This
27 is an interviewer report form - FD302.

28 Q. Now, how would the interviewer -- you're talking

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 allright 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

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?

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 could 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,

1 as counsel for Harold Weisberg, some strips -- some copies of
2 some strips of paper with numbers on them that you have
3 identified as computer tapes for "Q3" and "Q15". Why have
4 you not presented these prior to today?

5 A. I was not aware of a request from Mr. Weisberg
6 and my recollection is that Mr. Weisberg did not want these
7 items based on the meeting that I and a number of other people
8 had with him when they saw these items.

9 Q. What can you remember about that meeting?

10 A. With regard to the computer tapes and notebooks
11 with data in them, these were shown to him in a folder some-
12 thing like this red paper folder and he said something about
13 the fact that I can't make head nor tails out of those things;
14 I don't want those things.

15 Q. Subsequent to that time, did you learn from
16 anyone that these items -- that Mr. Weisberg had changed his
17 mind regarding these items?

18 A. Well, some of the notes that were in the note-
19 books, yes, he asked for those subsequent to this and he got
20 those.

21 Q. As to the computer...

22 A. Printouts?

23 Q. Printouts?

24 A. I have no knowledge that he's ever asked for
25 those.

26 Q. As far as the computer printouts go, are these
27 items that, with your scientific background, you can make
28 heads or tails out of looking at them now?

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 A. I'd have to look at my notes to make sure I get
2 the room numbers straight.

3 Q. That's fine.

4 A. I looked in file cabinets located in Room 2B456,
5 file cabinets located in Room 3342, plate drawers located in
6 two (2) parts of Room 3971.

7 Q. Why did you look in these rooms?

8 A. Because, based on my knowledge of where things
9 are stored in the F.B.I. Laboratory, based on my announcing
10 to my colleagues in the F.B.I. Laboratory that I was looking
11 for items responsive to this request, these were the places
12 that -- only places that these kinds of documents would be
13 stored.

14 Q. Did you request of your colleagues that they
15 also search or did they tell you whether they -- if they knew
16 of the location of any of these items?

17 A. I did, yes.

18 Q. When did you do this and in what manner?

19 A. At a Unit Chief meeting a few weeks ago, I
20 advised that I was involved in this matter and that if anyone
21 could give me any tips as to where we could locate anything
22 associated with the Kennedy Assassination case to please tell
23 me and I was specifically looking for a spectrographic plate,
24 the most difficult thing. And I was advised by the -- every-
25 one that they had nothing that would be responsive to this.

26 Q. When you speak of looking specifically for a
27 plate, was this the spectrographic plate of "Q609"?

28 A. Yes, the curbstone plate.

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

1 no dispute about what occurred?

2 A. I think I do, now that you bring that up. It
3 was refused.

4 Q. Why was it refused?

5 A. I don't know. Who refused it? I don't remember
6 who refused. -- Bresson.

7 Q. Did you ever have any subsequent conversation
8 with Mr. Weisberg and tell him that you had given us all the
9 records that you had found?

10 MR. COLE: Mr. Lesar, can you specify when this
11 conversation might have been?

12 Q. Withdraw the question. Withdraw the question.
13 Okay. Mr. Cole's referred to the 1974 request - the December,
14 1974, request that Mr. Weisberg made. That request was, in
15 effect, amended during our meeting in March, 1974, was it not?

16 MR. COLE: I object. I think that's a question
17 that is calling for a legal conclusion from the witness.

18 A. It's the wrong date anyway.

19 Q. March, 1975, yes.

20 A. Now your objection is valid.

21 MR. COLE: The objection still stands. There's no
22 requirement for you to repond to that.

23 Q. Did you, at that meeting in March, 1975, at
24 which Mr. Weisberg and I and Mr. Frazier were present, agree
25 to clarify what materials he was seeking in this case?

26 A. We thought we were. That's why we called the
27 meeting.

28 Q. Allright. And you showed him a number of

1 different types of materials at that meeting.

2 A. Yes.

3 Q. Including both spectrographic and neutron activa-
4 tion analysis?

5 A. I think I did, yes.

6 Q. Now, that included, not only reports but in-
7 cluded the raw data -- some of the raw data -- calculations,
8 work sheets, those types of materials?

9 A. That was the kind of material that was there,
10 yes.

11 Q. And as a result of that meeting, you agreed that
12 you would provide him with those materials, did you not?

13 MR. COLE: Which are those materials?

14 MR. LESAR: Those materials would be the materials
15 that have been provided here in -- the long sheets...

16 A. The long sheets of paper, yes.

17 Q. The long sheets of paper.

18 A. Yes.

19 Q. You did.

20 A. Yes.

21 Q. You did. Okay. I just wanted to clarify it
22 because you referred to the December, 1974, request and that
23 was limited to final reports.

24 A. Yes.

25 Q. Okay. As a matter of fact, are there not a
26 number of F.B.I. memoranda which reflect an understanding that
27 Mr. Weisberg must have been seeking more than just final
28 reports?

1 A. There might be if you have copies of them, that's
2 how they got...

3 MR. COLE: Again, those documents, Mr. Lesar, will
4 speak for themselves. This witness has already stated that
5 he has looked for items within the broadest parameters.

6 Q. Okay. Just briefly, where did you -- in this
7 most recent search, where did you look that you didn't look
8 before?

9 A. Different building.

10 Q. Well, for the record, didn't the F.B.I. move its
11 offices in the interim?

12 A. Yes.

13 Q. Okay. Different files?

14 A. Yes, I expanded it to some more unreasonable
15 places.

16 Q. What were those?

17 A. The files in 2B456.

18 Q. What is in 245B6.

19 A. 2B456.

20 Q. 2B456?

21 A. There are some files containing old data gener-
22 ated by neutron activation analysis and spectrographic work.

23 Q. Is that just general or with respect to the
24 assassination?

25 A. Oh, no, this is general thing, but I thought
26 that a possibility existed that the plates could be in there
27 or that something like that. So, I looked there.

28 Q. Allright. In one of these memorandums, you say

1 that it -- before this most recent search, you said that an
2 exhaustive search had been made of all pertinent files and
3 storage locations. What do you mean by storage locations?

4 A. Where we keep plates - the spectrographic plates.
5 And we have two (2) places where they're kept.

6 Q. Those are?

7 A. There's a -- let me get the exact name of the
8 two (2) things. One is called a plate drawer and the other's
9 a plate locker. In the plate drawer, they keep the current
10 plates of currently open cases; in the plate locker, they
11 keep old cases and ones that are deemed to have some historical
12 significance that they do not throw away.

13 Q. And you checked both of them.

14 A. Yes, I did. I went through them. I went
15 through them with the Unit Chief in that Unit.

16 Q. And did that involve a plate-by-plate examina-
17 tion?

18 A. In certain areas, it did, yes.

19 Q. You say you have a file for spectroplates in
20 historical cases?

21 A. Yes.

22 Q. How is it determined that they go into that
23 file?

24 A. Well, a year or two (2) ago, the Chief of the
25 Elemental -- the Instrumental Analysis Unit where the spectro-
26 graphic work is done decided to maintain a record or a place
27 where you could store plates that -- of any case that -- you
28 know -- may have something like this. We've learned from this

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. Alright. 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 is possible.

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

1 of the examiners if they had ever taken any materials from
2 the Kennedy Assassination file home?

3 A. I didn't talk to any of the examiners who did
4 work in this case.

5 Q. You didn't talk to Heilman again?

6 A. No, I did not.

7 Q. The first time when you did -- back in '75,
8 when you did talk to Heilman...

9 A. Yes.

10 Q. Did you ask him, at that time, if there was any
11 chance he could have taken them home?

12 A. No, I didn't. I wouldn't get it back had he
13 taken it home. So, it wouldn't have done any good.

14 Q. You never know. Do you recall that there was
15 an item in the papers a couple of years ago that an F.B.I.
16 Agent had taken home a spectroscope...

17 MR. COLE: I'm going to object to this. It doesn't
18 sound terribly relevant, Mr. Lesar.

19 Q. Okay. I think I have no further questions.

20

21 CERTIFICATE OF STENOGRAPHIC REPORTER


22 I, PATRICIA E. CRUM, the Notary Public before whom
23 the foregoing deposition was taken, do hereby certify that
24 the witness, John W. Kilty, was, by me, duly sworn and that
25 said transcript is a true copy of the testimony given; and
26 said testimony was taken by me, stenographically and there-
27 after reduced to typewriting by me; that I am neither counsel
28 for, related to, nor employed by any of the parties to this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

case and have no interest, financial or otherwise, in its
outcome.

Signature was not waived in connection with this
deposition. An errata sheet has been forwarded to counsel
for Defendants in this case, together with a copy of this
deposition. This errata sheet will be signed by the deponent
and filed with this Court to become a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my Notarial Seal this 29th day of June, 1981.



Patricia E. Crum, Notary Public
My Commission Expires July 1, 1982

1 HAROLD WEISBERG : CIVIL ACTION NO. 75-0226
2 PLAINTIFF : IN THE UNITED STATES
3 VS. : DISTRICT COURT FOR THE
4 U. S. DEPARTMENT OF JUSTICE, : DISTRICT OF COLUMBIA
ET AL. :
5 DEFENDANTS :
6 * * * * *

7 I, JOHN W. KILTY, have read the deposition taken
8 of me on Friday, June 19, 1981, before Patricia E. Crum,
9 Notary Public of the County of Frederick, State of Maryland,
10 consisting of pages 1 through 139, and I hereby endorse it as
11 my testimony (with the following exceptions:
12
13
14
15
16
17
18
19
20
21
22
23
24

25 Dated this _____ day of _____, 1981.

26 WITNESS:

27 _____
John W. Kilty
28