insert on ____ on lies

JUL 21 1975

Why anyone connected with the official investigation of the assassination of a President would lie - from the Director of the FBI to any agent under him - is a question that perplexes only the uninformed or those unwilling to believe what is beyong question. It is and has been the practise. In this suit there was no single communication, written or verbal, that was not controlled by lies. There was no single paper filed in court, no verbal representation made to the judge, that was not tainted by falsehood. Some of it was perjurious.

The FBI has to be really uptight about the JFK assassination and these scientific tests in particular to run the risks perjury entails. It has tom expect every judge on every level will be tolerant of a felony that undermines the courts. It has to assume that the major media will continue to ignore or suppress what would normally be newsworthy and the subject of further, independent journalistic inquiry.

If Director Kelley did not know his personal integrity and that of the FBI was at stake in what he wrote us ~~and~~ then those who drafted the letters for his signature had to be willing to run considerable personal risk. Who would expect the Director of the FBI to be tolerant of any who made a liar of him, defmaed the agency he heads.

On the other hand, who would expect the head of the FBI to know so little about the FBI business that he would be unaware that those he told us were all the NAA tests made were not entirely inadequate and did not include those absolutely essential in any serious investigation, whether of the assassination of a President or the killing of an unknown and unclaimed vagrant?

Here is what Kelley wrote us of the tests he said were made, what he described as providing us with all the FBI's information on all the tests:

Facsimile of 4/10/75 list here.

What does this not include that was necessary?

~~Some of the~~ Tests and comparisons ~~are~~ of the bullet unfired and found chambered in the rifle (without any clip, magically enough), Exhibit 147. The AEC knew that

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everything had to be compared with it, particularly Exhibit 399. (The AEC also urged comparing the Walker bullet with it but the FBI knew better than dare that!)

Copper alloy comparisons between all the objects bearing any trace of copper. But with FBI specimen Q3 being the part of the copper jacket of the bullet that allegedly exploded in JFK's head that, allegedly, was omitted.

When there was no ballistics proof that any one of the five fragemtns recovered from the car was part of a bullet of which any one had been part the FBI did not compared Q2, which had both copper and lead, with Q3. But - unless both could be proven to have come from the same bullet, even assuming all the fragments were of bullets used in the crime - then the evidence necessary for any dependable conclusions was missing and the FBI saw to it that it was missing.

The alleged first impact of Bullet 399 was on the back of the President's clothing. The bullet was copper-alloy jacketed. It had to have left traces on the clothing. From the spectrographic analysis we know that there was copper on the jacket. But there was no NAA testing of any of the clothing. According to Kelley, that is. Can it be that Hoover and the FBI did not know the essentiality of comparing these traces with all others of all evidence in which capper appeared?

The alleged bullet or which allegedley Q2 and Q3 were part allegedly struck the windshield. Scrapings from the windshield are specimen Q15. According to Kelley there was no NAA tests on Q15.

2b

His tabulation also excludes the curbstone. This is even more suspect because sensible no copper was found on it and there is no explanation of how a bullet from that alleged sniper's nest could have shed its jacket in thin air and left only lead-alloy traces on that curbstone.

This is not all that is missing but is it not more than enough?

And is it not too much that the FBI contradicted this under oath and then contradicted its contradiction also under oath? Too much also that it did and could do this with immunity?

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Unless Q2 and Q3 were from a single bullet then on this basis alone there was another shooter, there was ~~axxassassination~~ conspiracy and an unsolved crime.

According to the newest Director ~~xkx~~ of the FBI this testing, this evidence, was avoided. One is not easily persuaded that there was no ~~testxofx~~ neutron activation analysis of Q3 because the FBI expected it to be identical with Q2. It is much easier to believe the FBI expected the opposite to be true and that it and Hoover knew the case already faked could bear no more disproof.

2b

Again, ~~thexessentialityxof~~ identical analylitical results from the tested substances is indispensible to the official solution and to a single assassin-no conspiracy case. The copper from Q2, Q3 and Q15 are required to have come from a single bullet or the official solution on this separate basis is again proven to be a deliberate FBI fraud. More, were Q2 and Q3 from a single bullet, of which there is no NAA evidence thanks to the FBI, if Q15 is from another bullet, there still has to have been another assassin to have fired that bullet. If all three are of different origin, then the situation is even worse and nobody can begin to know how many assassins there were. Proper testing could have eliminated these questions and established the FBI's case. It is the FBI that saw to it there was no sych proper testing.

There also remains, given the deliberateness with which the FBI saw to it that these necessary comparixsons were not made, that it knew this evidence had been planted. Remember, it did fail to test any of the recovered bullet material for human residues. The record shows it did not dare try and prove as it would have been required to prove in court that any of the recovered bullets or parts of bullets have struck either victim.

Kelley's

) Insert on ______ on files

It has become the standrad government device to have the wrong person swear to an affidavit in which he does not claim first-person knowledge. This is hearsay and ordinarily is not admissable in evidence. The courts are tolerant of the government, however, and permit this. Hearsay evidence, whether or not false, is all the government gave both courts in both of my suits for this still-suppressed evidence.

In the first case Marion W. Williams claimed no more than that he is a Special Agent, like all other Special Agents, and that he worked in the lab. He also claimed no more than that "I have reviewed the FBI laboratory examinations referred to." (WWIV, pp187-8)

The most obvious of the many evidentiary and factual deficiencies here is that without first-person knowledge he has no way of knowing whether he "reviewed" all the work. There is, in fact, reason to believe that the major file was outside the lab (5H67).

(There was also a cute diversion here. I did not ask for the "examinations." All I have ever sought is the final reports or the results.)

Whether or not Williams was still around the government was not about to use him again and have him and it confront the completely imaginary catalogue of horrors to which he swore. Instead it sued John W. Kilty, who claimed no more than to be a Special Agent in a supervisory role in the lab. He also was present at the conference the FBI contrived with Jim Lesar and me to be able to lie about what the suit asked for. So also was one of the men with first-person knowledge, Robert Frazier. However, there was no affidavit offered by Frazier and we couldn't get it or any answer to any question from him and under oath. Yet he is the one witness who testified to these matters before the Warren Commission and in the New Orleans trail of Clay Shaw.

He did have first-person knowledge. He is the one who had to answer qiestions Kilty could not answer at that conference. He knew what Kilty did not. This is why the FBI and the Department of Justice did not dare provide a first-person affidavit from Frazier and did provide a hearsay affidavit from Kilty: If Frazier swore to what Kilty did it would be perjury. With Kilty there was no way of knowing what he saw in what unidentified files. Frazier, however, had personal knowledge and had

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ho escape from false swearing based on anyone else's lack of knowledge of whatever he may or may not have seen in these completely unidentified files Kilty allegedly examined.

Remembering that for false swearing has to be material to the issues for it to be perjury and that whether or not the FBI was in compliance with what the Complaint calls for and what he swore was all the tests, is what was at issue, the reader will not have to be a lawyer to decide whether or not Kilty actually did commit perjury.

Pick up with chron. excerpting of his affidavirs in facsimile and paraphrases of our allegations. Footnote to my affidavits in appendix if they are to be there.

5 Liew insert on ________

When what the FBI did give us was so clealrly less than we knew they had to have and when it was a poor substitute for what we asked for, the final reports, in order to discover the truth for ourselves and the court and to eliminate the likelihood of firther deception we filed "interrogatories" that we asked be responded to under oath. (If transcript in appendix, refer to that pg 1st hearing.)

~~Atxhmtxmstxhafamxthax~~ At the first "calendar call," to determine the status of the case, the judge held these questions could be responded to in an affidavit rather than as direct answers to the questions asked. Properly the affidavit should have been delivered to us prior the second calendar call two weeks later, on Wednesday, May 21.

~~Then~~ On that day, just as the judge entrered the court room, Assistabt United States Attorney Michael Ryan handed both of us a single copy of the first ilty affidavit. It had been swoin to eight days earlier, so there had been no problem doing the proper thing, sending us a copy.

What was accomplished by delaying thisand avoiding the proper was to make it impossible for us to participate in the proceeding then transpiring and reading and responding to the affidavit. No other purpose was or could have been served.

One paragraph of is enough to illustrate the false swearing and the intent to accomplish illicit purposes. On the one hand the government alleged it had given me everything called for under the law. On the other hand this paragrpah describes what I had indeed asked for and what had not been given to me: No7 in facsimile.

This states, in an effort to dedeive a judge who did not need deceiving, that there had been NAAs on "the borders and edges of the holes in clothing and metallic smears present on a windshield and a curbstone."

In my affidavit in response * (at bottom of finished final page add page ref. to app) I swore that these had not been provided, we had been told by Kelley they had not been made and that we had been given everything made, and asked the judge for protection from perjury and an intent to defraud me.

In the Byzantine story of the "investigation" of the JFK assassination and in a long series of suits to end suppression and bring evidence to light there is nothing more bizarre than the government's response. To my charge of perjury and deliberate withholding of evidence It failed to even deny the perjury and rather than denying it was withholding evidence it swore that I know more about the subject than anybosy in the FBI and could continue to make these truthful charges: facs as marked.

(The "motion to strike" is a legal description of our effort to get the court to reject the false affidavit.)

Whether the FBI didn't give a damn or was careless or overly excited and whatever motivated the Department of Justice lawyers to pay no heed, the direct and material contradiction between this sworn statement and Kelley' could could not be greater.

The judge, consistent with his record, ignored the conflict that was a felony if Kilty was untruthful.

We filed another affidavit in which I noted this and cited relevant proofs.

That, too, went undenied. The FBI has no resentment at being called felons and no kidney for defending itself under oath. In stead the government moved to dismiss the case on the ground that it had fully complied with the request and the law. Full compliance meant token compliance and the dumping on us of some 300 pages of what it acknowledged is what I didn't ask for and said I didn't want to spend money on. In support of this there was another Kilty affidavit, dated June 23, 1975.

Once again there was delay in giving it to us, again with an obvious purpose.

It was hand-delivered to Jim Lesar's home after the end of the working day June 30, a week later. Immediately we started working on a response. We also had other matters requiring attention and we are separated by a distance that requires a trip of more than 100 miles. Jim had other cases in court, as most lawyers do.

7 insert on lies on ______

The long holiday weeked also intervened. They Jim was phoned by the judge's law clerk with the message that the judge wanted our complete response the next day rather than the time of the next hearing, five days later.

Thos meant that the legal section of our rejoinder ~~xx~~ and the revision of the affidavit I'd prepared both had to be done within 24 hours and filed with the court accross the State line.

It mean that the affidavit had to be incomete. Howeverx with a judge not anxious to rewrite the law and overlook official crimes, that affidavit, too, would have been more than enough.

Two of the new false swearings are here pertinent. (There were more).

Having sworn that the curbstone, clothing and windshield <u>had</u> been subjected to NAAs, Kilty blandly swore directly the opposite: Par. 8 in facs.

Because the curbstone was not ~~xxxxx~~ dug from the Dallas streets and taken to the FBI lab until months later we had noted no papers dated later than May 15, 1964. Here is how Kilty, the FBI and that battery of federal legal eagles tried to skirt that and by this judge were permitted to: Par 7 in facs.

This is still another deliberate liex and because of the materiality perjury.

We received proof from both the FBI and the ERDA (through Ryan's hand delivery to Jim after work that evening) that in fact the windshield scraping were submitted to NAA. The lab identification of the windshield is Q15.,Here is the stamped work-sheet beginning of the test, stamped irregularly on the line pages of the notebook used. ~~XXXXXXXXXX~~ This ERDA copy is clearer than the identical copy supplied earlier by the FBI on which all the flaws of the stamp and the stamping are faithfully duplicated: (facs. accross page. Allow 6" plus clearances top and bottom.)

~~xxxxxxxxxxxxxxxxxxxxxxx~~ Based on this ~~xxxx~~ newest of the endless perjuries the government asked dismissal on the ground of compliance. When we produced this sheet proving prejury again the judge chided us for being naughty enough to actually say that there was lying, his word. Gentlemen don,t do that, he said. He said nothigg about the proven lying and perjury, accepting that, and added a threat that we might be sued: facsimiles of 7/15 transcript when we get here