

Dear Jim,

7/6/81

I've just finished reading the Kilty deposition and it tires me. Well, that and days that are now too long for me and the promise still too fast. (Oddly, or to me oddly, the doctor didn't kick the dosage of coumadin up last week when it was as much too fast. And he didn't today. Instead he told me to take an extra 5mg today only and then to continue at the lower level I've been on since it sailed into the stratosphere. Of course I do as he says.) I think that part, perhaps such, is emotional, for I can't not realize as that those kinds of guys could be as happy in the KGB or a Gestapo.

Anyway, I regard this deposition transcript as one of the more important historical records. Those people didn't know how much they dropped. And even the nasty Cole, with his lily-gliding, was very helpful. He eliminates any question of scope of the request by describing it as all-inclusive, toward the end if you ever have to look it up.

You asked me today, before I'd read this, what we want to ask in our motion when you file it. After reading this, on top of the other work I've been doing, with records provided and not provided and the previous depositions and affidavits, I want you to give serious thought to asking for a perjury charge, after I am deposed or testify, whichever it is. Against Kilty.

I am without any doubt that his intention was perjury. I have no reasonable doubt that he did perjure himself, as I understand the definition. And while I do not believe that Pratt or any other judge will look with favor on such a charge, I believe it must be made.

The thing that surprises me about both Kilty and Cole, if not the others involved being the scenes with them, is that they didn't stop to think that I had the complete files Kilty said he searched. So I not only have the files he searched, I have the pertinent records his search should have produced. And he was not really evasive in what he swore he searched and what he provided as a result of the search. So, I have testing of throughs other than he accounted for by providing any pertinent records at all, when the suit is for the results of all testing, assumed to include all raw material. I have the pages they withheld when they finally provided the curbst one worksheets. It not only turns out that there are two different handwritten versions, the one in the main file not being the same as the one they mailed to you after we leaned on them before - they also withheld two handwritten pages of Ramler's notes. And rather than the spectrographic test reflecting proof of a bullet score or bullet hitting that spot, he said it could have been an automobile wheelweight. Now it and bullet cores do not have the same lead composition, so if it could have been a wheelweight it could not have been a bullet lead.

I'll be putting a case together as a by-product of the preparation for deposition or affidavit and you can evaluate it better than, but meanwhile think about it.

Ask yourself why they should lie at all. Especially in this case, given its history; and with me, given their history with me and my known willingness to label false swearing as false swearing.

I think the reason is the harm that comes from the truth being established. We have an important admission from Kilty on that, by the way: they could have made a quantitative spectro on all the bullet materials and didn't with the JFK shooting while they did with the Tippett bullets. Kilty forgot and was willing to show off, so he told us that as done it was impossible to get any quantitative reading. And that is the only one that makes any difference. When you have bullet metal and you subject it to spectrographic analysis, you don't do that to establish that the substance is bullet metal, because you know that to begin with. Qualitative testing does not enable establishing common origin. You may remember that throughout I've been saying that when they say similar origin they really mean not common origin. Unless they say what in no single case they did say, quantitatively similar.

Or, they knew in advance that the story was a phoney and they did what they had to to make it appear that they had solved the crime. Verifiable!

Kilty was also atypically helpful in his willingness to talk about tests that could still be made. I think that probably he was trying to get off the central subject, but whatever explains it is not as important as the fact, that making a test of that spot on the carbstone today is simple, and he even gave us the choice of tests. So, I think this is one thing we want to ask Platt. We've got enough of a case of phoneying with regard to that and the incredible tale of destroying that single plate only and with their initial failure to provide any record of testing and then providing an incomplete one and swearing it is complete. I'm as certain as one can be that any test will reflect the fact that the concrete mix of the patch is easily distinguished. What a story that will be today! And what it and the rest of this approach can't do for FOIA today!

And all of this after still another appeals court remand. His flippancy with regard to them we much have in the case record, for clearly this will go there yet again.

Anyway, I regard my judgment, that this is the case in potential significance, as more than merely vindicated.

The report they produced and tried to palm off as including the overlap testing of the shirt is Exhibit 19. The court reporter forgot to copy the second page. She's mailing it. Their problem is that they don't dare produce any such testing or those results because they knew the holes were not of ballistic origin after the testing. I proved it by other means, but the pictures leave no possibility of doubt, the holes do not coincide or overlap. That is why Frasier had a hair-and-fibres expert make the test when Frasier was the ballistics expert...I won't ask Bill to make me working copies until it cools off. Meanwhile, I'll continue putting what I'd already copied together, by subject. Hastily,