

EXHIBIT 9H

CBS NEWS - 60 MINUTES WEEKNIGHT

"BUSH GUARD"

INTERVIEW WITH: MARCEL MATLEY

CORRESPONDENT: DAN RATHER

PRODUCER: MAPES

TAPE #1

01:37:02:02 (OFF-MIC CONVERSATION)

DAN RATHER:

01:00:45:18 First of all, thank you for doing this.

MARCEL MATLEY:

01:00:46:23 You're most welcome.

DAN RATHER:

01:00:47:24 What is your specialty?

MARCEL MATLEY:

01:00:49:12 Pardon?

DAN RATHER:

01:00:49:26 What is your specialty?

MARCEL MATLEY:

01:00:50:24 Oh, I'm a examiner of documents and
handwriting.

DAN RATHER:

01:00:53:13

And how long have you done this?

MARCEL MATLEY:

01:00:55:09

Since 1985.

DAN RATHER:

01:00:57:15

Do you often testify in court about handwriting?

MARCEL MATLEY:

01:01:01:18

Over the last-- since '85, about 65 times in court. Most cases don't go to court.

DAN RATHER:

01:01:08:22

Right. Well, when looking at handwriting, what are you looking for to determine whether it has integrity or not?

MARCEL MATLEY:

01:01:16:07

Okay. We look-- basically what's called significant or insignificant features to determine whether it's the same person or not. And-- a significant feature would be those that are inconspicuous, hard to observe or difficult to imitate or change. And the insignificant features would be the

most conspicuous or the things that are easy to do.

DAN RATHER:

01:01:38:29

Well, with this group of signatures, what were you looking for specifically? And point out the highlights for us.

MARCEL MATLEY:

01:01:44:20

Okay. Well I-- I-- made a thesis for myself-- rather a question. Where the-- these were the first ones given to me. Were they written by one or more persons? So-- we have four that have all the significant features the same.

01:02:07:23

See, I have no problem identifying them. And we're also going-- since we have poor material, it's the available handwriting evidence that's reliable is what we're going on.

DAN RATHER:

01:02:17:08

Right.

MARCEL MATLEY:

01:02:17:16

That's what we have to base it on. The initial, we can't do anything with because we don't have-- other initials to compare it to. This signature, which is the 24 June 1973 letter, is different from the other four.

01:02:34:07

But it's different in the significant features, like the way the J is formed, the way this K is made. And there's a trimmer here. But the insignificant features-- the proportions, the tapering, the configuration, the relative-- positioning of things-- they're the same.

DAN RATHER:

01:02:54:01

Alright, granted the quality-- varies from paper to paper--

MARCEL MATLEY:

01:02:58:07

Correct.

DAN RATHER:

01:02:58:13

--in some-- in some places, the quality is

not good--

MARCEL MATLEY:

01:03:00:27

Right.

DAN RATHER:

01:03:01:02

--but, is it your professional conclusion or not that all of these were written by the same person?

MARCEL MATLEY:

01:03:07:09

On-- I have to state a hypothesis to explain the difference.

DAN RATHER:

01:03:11:21

Right.

MARCEL MATLEY:

01:03:11:28

And the hypothesis-- I stated was that if this is written under stress-- the person is under tension, pressure or something-- it'd-- that would explain the differences. Why the insignifi-- the-- not-- the inconspicuous things are the same, but this-- conspicuous things are different, he'd be under stress. And that would explain why the pen goes wrong. It would-- the tension-

- and there's research that tells us what stress and pressure does to handwriting.

DAN RATHER:

01:03:47:29

Right. So the hypothesis is that this might have been written in more-- under more stress--

MARCEL MATLEY:

01:03:53:25

Correct.

DAN RATHER:

01:03:54:12

--than some of the others--

MARCEL MATLEY:

01:03:55:24

Yes.

DAN RATHER:

01:03:55:25

--over here. But you said you do sometimes testify in court.

MARCEL MATLEY:

01:04:00:14

Yes, sir.

DAN RATHER:

01:04:01:00

If you-- we're not judges. We're not--

MARCEL MATLEY:

01:04:04:14

Okay. (LAUGHTER)

DAN RATHER:

01:04:04:22

--juries. We have no power of-- of subpoena nor pain of perjury to put on anyone. But if you were testifying in court and asked, "In your professional opinion, do you believe these were all written by the same person," what would you answer?

MARCEL MATLEY:

01:04:20:08

I would say based on our available handwriting evidence, yes. This is the same person. Because specifically the content of this letter and the mim-- and the com-- documents closest in date to it show the guy was under a lot of pressure.

01:04:37:23

The-- insinuates political pressure. He's worried about what he's going to do. Give me guidance. How do I handle this? And some of the documents express a lot of-- of worry about that. So that would support the hypothesis that we have, that he was under a lot of pressure when he wrote this

signature.

DAN RATHER:

01:04:54:05

Interesting. Because the documents-- the early documents don't indicate under your hypothesis--

MARCEL MATLEY:

01:05:02:06

Right.

DAN RATHER:

01:05:02:18

--stress and strain.

MARCEL MATLEY:

01:05:03:29

Right.

DAN RATHER:

01:05:04:07

But later ones--

MARCEL MATLEY:

01:05:05:02

Yeah.

DAN RATHER:

01:05:05:11

--when the stress seemed to be getting on him, the pressure was on--

MARCEL MATLEY:

01:05:09:12

Yeah.

DAN RATHER:

01:05:09:16

--on him--

MARCEL MATLEY:

01:05:10:05 Yeah. And--

DAN RATHER:

01:05:10:13 --then these signatures--

MARCEL MATLEY:

01:05:10:18 --other ones are routine--

DAN RATHER:

01:05:10:29 --show signs of that.

MARCEL MATLEY:

01:05:11:17 --documents. Uh-huh (AFFIRM). Routine--
admitted-- document. Then I-- I was shown
further documents. And the same thing.
They confirm what characterizes the man's
signature. And they confirm that yes, these
inconspicuous details are his habitual way
of writing.

DAN RATHER:

01:05:32:23 And--

MARCEL MATLEY:

01:05:32:23 So in these later documents, they show me--
confirm the-- the-- the opinion that under
the hypothesis, the man is under stress.

They-- that would explain why the difference, but why there's also this similarity.

DAN RATHER:

01:05:46:16

Wow. You know we're in the reporting business.

MARCEL MATLEY:

01:05:48:20

Yes, sir.

DAN RATHER:

01:05:49:02

And our concern is to be as accurate as we can. In your judgment, we have to deal in probabilities. Are we safe in saying these documents by-- were written by the person who's signature it purports to be?

MARCEL MATLEY:

01:06:06:04

Okay. If-- if you're a client of mine, and we're sitting down and we're going to go to court with this, I'd say, "Yes." And what I would say is, "Force the discovery of the best evidence the other side has. And if they don't come forth with it, that would confirm that yeah, we're on the right track.

Because they're afraid of the best evidence."

DAN RATHER:

01:06:27:07

So you would say, "If they have handwriting that would prove or indicate that this isn't, in this case Colonel Killian's (PH) signature--

MARCEL MATLEY:

01:06:36:14

Correct.

DAN RATHER:

01:06:36:28

--they'd come forward with it.

MARCEL MATLEY:

01:06:38:07

Right.

DAN RATHER:

01:06:40:00

Now if it were a trap-- if it were a trap--

MARCEL MATLEY:

01:06:42:16

Okay.

DAN RATHER:

01:06:42:23

--someone's trying to trap us into believing these documents are real, what do you think the probability of that is?

MARCEL MATLEY:

01:06:50:22

Well, I haven't done a lot of research. But I did do some research on the internet. And some of these documents are on websites that people have gotten in previous years through-- Freedom of Information (PH). That's what they represent.

DAN RATHER:

01:07:06:12

Right.

MARCEL MATLEY:

01:07:06:22

So would a false document before the issue came up have been manufactured before this challenge came up? I don't-- you know, that's improbable.

DAN RATHER:

01:07:18:08

Improbable.

MARCEL MATLEY:

01:07:18:25

Yeah.

DAN RATHER:

01:07:19:10

Well, (UNINTEL PHRASE) you've been very-- you came a long way and I appreciate it. And you've been very good with us here.

MARCEL MATLEY:

01:07:24:17

Okay.

DAN RATHER:

01:07:24:25

Ensome (PH), if I go on television-- when I go on television and tell people, "This is a memorandum written by Lieutenant Colonel Killian on these dates," in so far as it's humanely possible to determine so, you think I'm on safe ground?

MARCEL MATLEY:

01:07:40:26

Yes, sir.

DAN RATHER:

01:07:43:03

Thank you.

MARCEL MATLEY:

01:07:43:17

You're most welcome.

01:07:47:07

(OFF-MIC CONVERSATION)

DAN RATHER:

01:08:26:25

But how did you get interested in this?

MARCEL MATLEY:

01:08:29:00

Serendipity. (LAUGHTER)

DAN RATHER:

01:08:30:16

Well that's-- a lot of things are

serendipity.

MARCEL MATLEY:

01:08:33:10

Years, years ago in San Diego, some friends came over and said, "Oh Diane (PH) does handwriting."

DAN RATHER:

01:08:38:12

Right.

MARCEL MATLEY:

01:08:38:22

"She'll look at yours." She looked at mine. I said, "Okay, that's enough." I couldn't take any more. (LAUGHTER) So then I started studying it seriously.

DAN RATHER:

01:08:44:26

Right.

MARCEL MATLEY:

01:08:45:07

And then I had a friend who did document--

(BREAK IN TAPE)

DAN RATHER:

01:08:00:12

So I thought I knew some things about libraries, but I didn't.

01:08:02:10

(OFF-MIC CONVERSATION)

DAN RATHER:

01:08:05:03

So I was saying, this one might have been more stress than say these earlier ones.

MARCEL MATLEY:

01:08:11:21

Yeah.

01:08:12:21

(OFF-MIC CONVERSATION)

DAN RATHER:

01:08:15:14

So this one, June-- this one might have had more stress than these earlier ones.

01:08:24:23

(OFF-MIC CONVERSATION)

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