

Saved My doc - Pierce rather
Sept. 15

ESTHER KARTIGNER

Tape Title

Rather/Pierce

Tape Number

Story

Rather interview with James Pierce

EXHIBIT 9K

Location

CBS 47

Date Shot

9/14/04

Correspondent

Producer

Crew/Source

Logged by

Assignment Number

Abbi Gleeson

22:15:41 have been a document examiner both as a government examiner and a private examiner for 34 years. I received my training at the police academy in the Los Angeles crime laboratory and at the FBI academy in Cuanaco Virginia. Through the years I have been supervisor with the questioned documents section of the crime lab with the LAPD and experienced many variety document cases involving forgeries involving varies kinds of documents in crime and in civil fraud.

22:16:28 You testify in Trials?

22:16:26 Yes I have

22:16:30 And you're a former police officer yourself.

22:16:32 Yes I am. I am a retired sargent form the Los Angeles Police department.

22:16:39 Tell me what you think. Give me your professional opinion of the documents we sent you in terms of the font style.

22:16:50 Yes, uh, you submitted a total of 23 typewritten documents, some of which bear signature names, most in the name of Jerry B. Killion. My time recently has been spent examining typeface characters ont he documents and I have found that in doing research the typeface that we are interested in that compares favorably with the type written text is called a think courier type face. I am currently in the process of developing more samples. As it stands now, the few samples we have to compare the type written questioned material, gives us a comparable comparison. With collecting more samples of this particular typeface design, we will develop a stronger opinion as to the identification of the typeface. Of course the typeface design I am referring to is the courier, the thin courier type face, which was designed in 1955 by a man named George or excuse me Howard Kettler. And over a period of time, this particular typeface design became prominent in the late 60's.

So with that information established, against the questioned type material which is dated in the early 70's, it's an indication that these particular type face fonts have been around for some time.

22:19:01 I want to make clear, tell me again, what you researched so far has turned up in terms of the age of this font style, was it around in the late 60's early 70's or not?

22:19:16 Yes it was, I have sources that say they're familiar with the courier typeface during the late 60's and we're in the process of collecting more samples so that we can make a clear and strong opinion based on the evidence collected

22:19:41 But on the basis of your research so far, your opinion is, in terms of the font:

22:19:48 That's a strong similarity that it's the same font style that appears on the questioned documents.

22:19:59 And correct me if I'm wrong but you told one of my associates this morning, that on the basis of your professional experience that you believe that the documents are authentic. Is that correct?

22:20:09 Yes, that's correct.

22:20:09 I need you to say that now, directly. In your professional opinion, based on your research, do you believe these documents to be authentic?

22:20:20 Based on the evidence that has been accumulated for comparison purposes, there is a strong similarity between what known samples we have and the questioned material, that the documents are authentic.

22:20:40 You believe they are authentic?

22:20:44 Yes.

22:20:44 Do you think these documents could have been recreated on a computer?

-
- 22:20:50 Recreated in a computer
- 22:21:01 Well, let me rephrase that. Do you believe these documents could have been created in a computer?
- 22:21:03 I can't say with any high degree of certainly that that's true. You have to remember that we're dealing with a deteriorating quality of photocopy that's at least from the 5th or 9th generation copy. That imposes definite limitations such as distortion and missing identifying features in the material.
- 22:21:34 Perhaps I did not ask the question correctly and I'm going to ask it this way: Do you believe that these documents were created in a computer?
- 22:21:45 I cannot say that.
- 22:21:48 and are you inclined to think they were not?
- 22:21:53 I don't know until, dan i don't know until I perform some more tests. Like I say I'm in the process of collecting more representative samples of this particular typeface to compare against the questioned material and when I do that, I'm going to perform a test, a photocopy analysis test, to have a comparison in which, you have between a 5th and 9th generation copy, which I believe the questioned documents, with that same generation copy, for exemplar to compare against the question to make a final determination.
- 22:22:40 I am sorry you and I don't know each other better, but you, trust me when I say this with great respect for you and your work and what you do, but to me and to a lot of other people when you talk in that kind of knowing or professional detail in some ways you may as well be speaking swahili or hinorse, so I want to come back to the basic question about your opinion. You do or do not think these documents are authentic based on your research so far.
- 22:23:10 I'd say that they are similar, there is a strong similarity. I cannot identify make an identification that the thin courier type face is the same that occurs on the questioned documents at this time, I do believe, just from the scant evidence that I have that they are authentic.
- 22:23:36 Now, you use a number of additional sources to reach this conclusion. Who are they or could you characterize them if you can't identify them.
- 22:23:47 Well, a document examiner usually keeps files on a number of different subjects and document examinations such as type faces from different machines, whether they are manual typewriters or computer printers of other types of mechanical impressions and uh, I have that available to me and i also have available to me people that are very familiar with type face fonts and uh, combined with those two things and in the process of obtaining additional samples of this particular typeface font, will provide a more adequate comparison and stronger opinion as to the authenticity of theses documents.
- 22:24:42 Fair or unfair to say that you're consulting with other experts who have specialties.
- 22:24:48 Yes, I haven't, I just talked with on e other document examiner and he owns a laboratory that I use on occasion, but just very limited conversation regarding typeface.
- 22:25:10 And what did he tell you?
- 22:25:11 And based on his background and experience, he also believes that the type face name appearing on the questioned document, is a thin courier type face.
- 22:25:25 Now this may be a difficult question to answer but I need to ask it to you and I need to ask you directly. You've seen and or heard what some other people who describe themselves, and some of them are in fact, quote experts, what they're saying about the font style and about the documents. some of them say they are computer experts. and some of them say that's it's impossible that they could have been created in the early 70's. What do you say to that?
- 22:26:02 Well, if you're referring to the type written material on the documents, I certainly agree that the particular type face that I referred to has been around for sometime and if we can establish a stronger opinion in that regard than we can certainly say

- that the dates in question are pretty much fabricated if we can establish that the typeface designs are before the date in question.
- 22:26:48 I don't quite understand that. That if the typeface designs were in existence before this was typed would that or would it not indicate that yes, this was available in the early 70 period.
- 22:27:09 Yes, that's correct.
- 22:27:09 It would indicate that's it's available then.
- 22:27:13 It's available, yes.
- 22:27:13 The reason I'm pressing on this point is that people say listen this couldn't happen because this kind of type face was not available in the late 60's early 1970s. and that this kind of script was not available and these kind of typewriters were not available during that period. Is or is not what you're telling me is that is not true. That they were available?
- 22:27:33 They were available. Yes. I think of the 23 questioned document submitted to me, Dan, six had this particular typeface design, called the thin courier typeface. The other documents involved were other types of machines, or other typewriters.
- 22:27:56 Now, let me move on to the issue about the subscript TH. And I'm going to my notes because the world of subscripts is not something about which I know anything. Was this particular subscript TH. I'm sorry, I've misspoken and my ignorance knows no bounds in this area. Let me rephrase the question. What about the issue of the superscript TH. Was that available during this period, late 1960s early 1970s.
- 22:28:29 Yes, in fact, I remember, I can't give you specific dates, certainly before the date in question on these questioned documents that I distinctly remember that the combination.
- 22:28:44 So it's your opinion that it was available at the time.
- 22:28:48 Yes sir.
- 22:28:49 Is the so called proportional spacing suspicious? As some have suggested, or not?
- 22:28:56 Uh, that's hard to determine, Dan, because of the photocopy generation of the questioned documents. As I said before, there's a great deal of distortion, there's missing features, in the characteristics of the typeface, and this is hard to determine.
- 22:29:17 I want to ask you another question which may be hard to answer, but give me your best opinion based on your long experience, Why is there so much confusion and so much difference of opinion about whether these documents are authentic or even can be authentic? There's been so much argument about this. Why is that?
- 22:29:41 Well I think as a document examiner and over the years you have to realize that some people are not properly trained and not properly certified in the field of forensic document examination.
- 22:29:54 you have people that are from various backgrounds that come into this field and are not under a program which is recognized. The American Academy of Forensic Science, Questioned Document Section, has very strict regulations about training and certification and is recognized by the US District courts as a certification board.
- When someone from this training center is qualified by training and experience they know what they're talking about. Some people are just not properly trained. they are not recognized by the courts they are not recognized by professional forensic organizations. And as a result we have a large number of unqualified people in the sometimes called charlatans, and they are in every professional field, Dan.
- 22:31:03 Well certainly not in journalism and I think you'll agree they are never in journalism. Come back to two things. For someone in the public saying "will someone please just tell me. Definitively, finally, with no ifs, ands or buts, is it, or is it ain't authentic?" Why can't that be done? You can do that with DNA, you can do that

- with fingerprints.
- 22:31:30 The real, Dan, the real disadvantages with this particular form of evidence is that document examiners always prefer the original. With the original, you get clear cut, identifying features to make final determinations and to form strong basis of opinion, usually to present in court. When you have this type of photo copy material, particularly with the 5th to the 9th generations, you have all this distortion, so you're imposed with definite limitations of distortion and loss of missing identifying detail necessary to perform and present and identification opinion, clear cut opinion.
- 22:32:32 Back to the core question. Is it a pure science? or something closer to an art that depends heavily on experience. Back to: is it anything like DNA or fingerprinting? Or something completely different?
- 22:32:47 Yes, you definitely need the proper certified training in the field of forensic document examination. You definitely need to apply that knowledge once you learn it in a variety of different cases in order to develop accuracy in giving the proper opinions, particularly court opinions.
- 22:33:11 True or untrue, that in many court cases, every month, if not every week, you have dueling expert on the stand. One expert testifying for the prosecution and another for the defense; or one for the plaintiff and another for the defendant?
- 22:33:26 Correct.
- 22:33:30 And why is that?
- 22:33:33 That's part of our legal system. You might call it a weak area of law that lends itself to people who are not qualified in their expert field. In this particular field, as in other professional fields in forensic science, the proof is in the exemplar. If you can provide representative, qualitative exemplar to prove your case against questioned physical evidence than that gives you a nice solid foundation on which to demonstrate the reasons for your opinion to the court or to some other body that judges your performance.
- 22:34:22 Understand. Once again, based on what you know now, based on the study, are these documents authentic?
- 22:34:33 As it stands right now, there's a strong similarity. There's a strong probability that these documents are authentic.
- 22:34:44 And tell me again why.
- 22:34:45 The typeface appearing on the type-written material on the questioned documents corresponds to the samples of typeface named thin courier typeface which was available going all the way back to 1955 and very prominent in the late 60's, prior to the date in question. For someone to say that, the questioned text appearing on the questioned document is a modern computer printer not available before the date in question is not quite right, in my opinion.
- 22:35:34 Not quite right. Is that to say that it is wrong?
- 22:35:38 Yes, sir.
- 22:35:38 That's not true.
- 22:35:39 In my opinion, no.
- 22:35:43 Then why would so many people go around saying so? and so many newspapers print it or broadcast it that these documents can't be true because this typeface was not available during that time?
- 22:35:59 Well, you certainly have to have proof and reasons to support your opinion. I don't what their reasons are or what the exemplar was to back up their opinions.
- 22:36:14 But it's your opinion that this was available sometime in the 50s and 60s and pretty generally available in the late 60/early 70s, is that correct?
- 22:36:26 Yes, that's what I have found thus far and I will continue to do more collecting of these samples to perform more tests with photocopy analysis.
- 22:36:38 You've been very patient with me and I appreciate it. If someone comes to you in the coffeshop, or on the street, and says "hey, you've looked at these LT Colonel Killian documents what do you think? Are they likely authentic or not?" What do you say.

-
- 22:37:02 I've been bounded by the rules of confidentiality, I certainly wouldn't be talking to anybody about this case unless you or the people that retained me in this matter would allow me to do so, but after it's done and over with and all the evidence is collected on which to based a good, solid, firm opinion, I wouldn't mind sharing that opinion if, of course, it was permissable.
- 22:37:28 Well, I probably didn't phrase the question right because I didn't think about the confidentiality, but I'm going to ask you again, do you think the documents are authentic?
- 22:37:41 At this point, they are stongly similar and yes I do, based on the information and the evidence, as exemplar, that's produced at this time. I am strongly inclined to think that they are authentic.
- 22:37:55 It may be an unfair question, but you know as a reporter, I subscribe to the idea, there are no bad questions, only bad answers. I'm a reporter, I want to find the truth that's what my professional being is about. I'm a reporter and I come to you with these documents and I say, "Help me." Given what you know now, should I say we don't think these documents are authentic. We don't think these documents are worth the paper they're written on? Give me some help. Give me some advice.
- 22:38:28 Dan, my advice would be to the reporter, was that I would have to investigate what I could produce as known exemplar and then perform varies tests to further analyze the evidence to see if I could some up with any valid opinion at all to assist the reporter.
- 22:38:48 On the basis of what you know so far having looked at these documents, if you were a reporter who had these documents and had reported them as to the best of available knowledge reported them authentic, should that reporter back off now or stick with it?
- 22:39:04 Oh, I think definitely that there is sufficient evidence at this time to say that the questioned documents are authentic. When we refer to the type written faces on the document and to not include the signatures.
- 22:39:29 And you say not to include the signatures because yours is document examination. Someone else handles signatures?
- 22:39:37 Well, I also examined the signatures and rendered an opinion about the signatures. I found that 4 of the Jerry B Killians signatures seemed to be consistant and in agreement with the writing elements, but there were three others variations of the Jerry B Killian's signatures that weren't entirely consistant with the other 4 that were.
- 22:40:02 And so if you had to testify in court about the signatures, you would testify what?
- 22:40:15 I would testify that in my best opinon that four of the fully written Jerry B Killian signatures were consistant and in agreement with each other and the other three that were presented had some different variations that created doubt.
- 22:40:32 Mr. Pierce I can't tell you how appreciative I am and I also appreciate your patience....Thank you.