

Twenty-Eighth Day

Conspiracy Trial Proceeds

Court proceedings in the 28th day of the conspiracy trial of Clay L. Shaw follow:

Judge Edward A. Haggerty Jr. took the bench shortly before 9:15 a. m. He directed Deputy sheriff Sal Brocato to call Robert A. Frazier.

THE JURY filed in at 9:17 a. m. The witness was still under oath from yesterday.

Judge Haggerty, addressing the defense, asked, "the witness is still under direct (examination)?" F. Irvin Dymond replied in the affirmative

and Judge Haggerty said, "You may proceed!"

Q. Mr. Frazier, was a live round of ammunition turned over to you at the time the rifle was turned over to you?

A. YES, SIR.

Q. You have testified . . . Dymond began to ask the question when Assist. Dist. Atty. James L. Alcock objected on grounds that Dymond could not repeat testimony by Frazier.

Dymond argued that he merely wanted to correlate

the testimony and Judge Haggerty allowed the question.

Dymond then, reviewing testimony made by Frazier yesterday regarding bullet fragments obtained from President Kennedy's limousine, asked if there was any similarity in the metallic composition of the three.

A—YES, SIR. They contained the same metallic composition. As far as the lead portion of these objects were concerned.

Q—What did this indicate to you?

A—It would indicate only that the fragments came from the same original source, that it could have originated from the same or a similar source.

DYMOND THEN asked the witness if he had occasion to examine the clothing worn by President Kennedy that day. Frazier responded affirmatively, explaining that he had examined all clothing submitted to him.

He said the clothing consisted of a suit coat, tie, shirt, underwear, socks, shoes, and a back support.

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Dymond asked Frazier what he learned from his examination of the coat. The witness replied that the examination showed only one hole in the garment, one quarter inch in diameter, and located five and three eighths inches below the top of the coat collar.

He also placed the hole in the coat one and three-quarter inches to the right of the jacket's midline.

Dymond then requested Frazier to step down and using his co-counsel, William Wegmann as a model, requested the witness to point out for the jury the exact spot on Wegmann's back to match the point where the bullet entered the President's back.

JUDGE HAGGERTY then directed Dymond to place Wegmann so that the most people in the courtroom could see the position.

Frazier picked up a ruler and, measuring from Wegmann's coat collar downward and from the midline across, picked out the spot and then, dramatically, pointing his finger to the spot.

He then pressed his finger into Wegmann's back and, stepping to the side, said, "This is the location."

DYMOND'S NEXT line of

questioning concerned examination by the witness of fibers from the coat's material.

Asked what the examination of these fibers showed, the witness explained that the cloth had been torn in short radial strips. He testified that the size of the bullet hole was a quarter inch in diameter.

He further testified that the fibers were pushed inward, that the fibers were smooth on the outside and standing out on the inside as if pushed through by an object.

"**AS AN EXPERT**, what did this indicate to you," Dymond asked.

The witness answered, "This was the entrance hole of the bullet."

Responding to further direct examination by Dymond, Frazier described his examination of the shirt worn by the late President.

HE DESCRIBED a hole in the shirt as being five and three-quarters inches below the top of the collar and one and one-eighth inches to the right of the midline.

He further testified regarding the fibers in the cloth of the shirt, saying the fibers showed that they were pressed inward. He said the hole was one-quarter inch in diameter. He said there were very slight radial tears on the margin of the hole.

FRAZIER SUMMED up his

testimony concerning the shirt by saying that this had all the appearances of a "bullet entrance hole."

At this point the witness' voice appeared to be hoarse. There was a short pause while he drank some water.

In connection with the examination, Dymond asked if there was anything unusual in relation to the front of the shirt.

ANSWERING AFFIRMATIVELY, Frazier replied that there was a short slit a half inch in length located on the button line, just below the collar button.

Frazier said his examination of this particular area led him to believe it was an exit split, from pressure from inside.

"With regard to the holes in the back of the coat and the shirt, did these two holes connect," Dymond asked.

"**YES, THEY DID**," was the reply.

Asked if there were any actual differences in the alignment, the witness replied, there was a slight difference, explaining that the hole in the coat was about three-eighths of an inch higher than the hole in the shirt. He further explained that he considered this to be normal in as much as the collar of the shirt normally stands above the coat.

Questioning then centered on Frazier's examination of President Kennedy's necktie.

"Had the neck band been

cut?" asked Dymond.

Asst. Dist. Atty. Alvin V. Oser offered a quick objection on the grounds that the witness could not answer this unless the witness himself had cut it.

THE JUDGE said, "I'm going to rule that it had been cut" when it got to Frazier.

Frazier described a point where the slit in the President's shirt front near the collar button lined up with a

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slight nick in the knot of the necktie.

DYMONI ASKED if, as an expert, Frazier could establish that the same projectile made a hole in the coat, the shirt, and damaged the necktie.

Frazier responded that he could say that it might have been caused by the passage of a single projectile, would not be able to substantiate this.

Dymond next asked which direction the bullet took. Frazier said the bullet came from the rear, but added that actual direction would depend on the position of the President's body.

He further explained that the bullet had a downward angle of from 20 to 30 degrees. Frazier explained that the position of the president's body would have a variant which would affect the angle to the ground.

AT THIS POINT Dymond began questioning the examination of the clothing of former Gov. John B. Connally was

wounded.

Describing Connally's coat, Frazier said he found two holes in the coat, one in the back near the seam, and near the right sleeve, and the other in the front of the coat in the right side of the coat.

HE FURTHER testified that the coat had been cleaned and pressed when he got it. This made it virtually impossible to examine the fibers.

Dymond asked Frazier if he found anything inconsistent about the theory that a single bullet struck both men.

Oser objected on grounds the answer to the question would be based on hearsay.

DYMOND ARGUED that the witness had seen everything and could therefore testify to what he had seen. Oser then argued further that the witness had already testified that he possessed no technical knowledge along this line.

Oser contended that the state did not know how much of the Zapruder film showing the assassination that Frazier had actually seen.

Dymond then rephrased his question. He asked if there

was anything inconsistent with the possibility that the same bullet hit both men.

"NO, SIR," was the reply.

In response to further questioning by Dymond Frazier described his examination of the limousine and the position of the persons in the limousine. He testified that Gov. Connally was nearer the center of the car than the president.

He said Kennedy was seated with an arm out on the rail of the car. Frazier described these positions to establish his reasons for saying that a bullet fired from above and to the right could have struck the president and also entered the governor's body.

The questioning then shifted to the examination by the witness of the shirt worn by Gov. Connally.

FRAZIER TESTIFIED that he found a slightly elongated hole in the back of the shirt. He further testified that this hole corresponded to a hole in the coat.

He described an irregular in the front of the shirt, saying he found an "H" shaped

hole, very irregular in nature.

ASKED IF THE shirt had been laundered before he examined it, Frazier replied that it had been. He said that this made it impossible to examine the fiber content.

Q—From your examination of the sleeve of Gov. Connally's coat, were you able to learn anything?

A—On the sleeve of the coat I found a hole, irregular in shape, on the right sleeve, near the inside edge and on the shirt a hole through the cuff, a French cuff, with all four layers cut. I could reach no conclusions whether the damage was by a bullet or other object, since both garments had been laundered.

Q—BASED ON YOUR viewing the Zapruder film, did you find anything inconsistent with the holes in the cuffs of Gov. Connally's shirt and coat as being made from the same projectile?

A—No, sir.

Q—Did you have occasion to examine his trousers?

A—YES, SIR.

Q—What were you able to determine?

A—I found in the trousers, near the left knee, a hole that was circular and about a quarter inch in diameter that was slightly elongated, possibly due to the cloth's tearing, but as to the particular characteristics, it was difficult to determine whether it was the passage of the bullet.

Q—HAD THIS garment been laundered?

A—Yes, sir.

Q—Based on your study, and with particular reference to the trousers of Gov. Connally, if this hole were inflicted by a gun fired in front of the car, would the bullet have had to penetrate the windshield?

A—It would have either had to penetrate the windshield, or the metal part of the car, or the front seat of the car.

Q—WAS THERE any evidence of this?

A—No, sir, there was none.

Q—With reference to the rifle and the live ammunition turned over to you, could you tell me the approximate speed of the projectile from that round of ammunition?

A—The velocity at the muzzle was in the neighborhood of 1,965 feet per second, but this could vary as much as 40 feet per second. However, ammunition similar to the one turned over to me and produced by the same manufacturer, the average velocity was 1,965 feet per second.

Q—To what extent would the speed of the projectile diminish?

A—As a rule of thumb, it would generally diminish 265 feet per second.

Q—Can you compare this with the speed of sound?

A—Actually it was faster than the speed of sound.

Q—Would a shot fired at a velocity faster than the speed of sound have any acoustical characteristics?

A—Yes, sir.

Oser objected that the acoustical characteristics would vary depending upon the area involved, but the judge permitted the question to stand.

A—YES SIR, from our studies a person standing in

front of a shot fired faster than the speed of sound, that person would hear the sound before he would hear the report, what I mean is he would hear the sonic boom from the shot itself before he would hear the report, that is, over the explosion of the gunpowder and the muzzle blast carried through in the air.

This sound would travel one second for every 1,100 feet, so a person standing 1,100 feet away would hear it one second later.

Q—COULD YOU LIKEN this to the sonic boom of a jet plane?

Oser objected on the grounds that the witness was not an aeronautical engineer, but the judge allowed the question.

A—It would be the same

principle.

Q—Would the sonic noise be easily distinguishable from the report of the gun itself?

A—It would be easily confused unless the person was anticipating it and unless he knew the difference in the sounds.

Q—FROM YOUR tests, you found damage to the interior of the windshield of the presidential limousine?

A—The damage was to the exterior of the windshield, but there was a lead smear on the interior of the windshield.

Q—How many bullet fragments did you find in the car?

A—There were three lead fragments.

Q—From your test on the fragments were you able to determine the gun from which it was fired?

A—No, sir, there were no barrel markings on the fragments.

Q—Let me give you a hypothetical question. If a bullet were fired from a 6.5 cal. rifle from a distance of 265 feet, would it ordinarily penetrate the automobile windshield?

A—YES, IT WOULD.

At this point Oser again objected to the hypothetical question because it involved facts which had not already been brought out in the trial. The judge overruled the objection.

A—Yes, it would.

Q—IF A BULLET hit the

windshield and did not penetrate it, what could be the explanation for this?

A—The velocity of the projectile would have had to have dropped drastically to the point that it would not break the glass, in other words it must have passed through some object or ricocheted from one object to the other.

Q—If it would have passed through a person's head would it have lost sufficient velocity?

A—Yes, I think so.

Q—Now you stood in the window of the sixth floor of the Dallas Book Depository when the presidential limousine was driven along the route during the reenactment of the shooting?

A—YES, I DID.

Q—As an expert, would you say that this would have been a difficult shot?

A—Using this particular rifle with the attached telescoping sight, it would not have been a difficult shot.

Q—From a distance of 265 feet what effects would the telescopic sight have had on the shot?

A—IT WOULD have cut the distance by three-quarters, that is to say that the effective target size would be the same as if he were shooting without a scope at one-quarter of the distance, that is to say 80 feet. In other words, it would be easier to line up the cross hairs of the scope on the target. It would only be necessary to pull the trig-

ger while the cross hairs are on the target.

In other words it would be a relatively easy shot, although slightly complicated if the target were moving.

Q—During your examination was there anything to indicate that it would be inconsistent that all of the shots were fired from the right rear and from the sixth floor of the book depository?

OSER OBJECTED, claiming that the witness was not qualified to answer such a question. The judge permitted the question.

A—There is nothing inconsistent about the shots being shot from above and behind.

The judge then said "ex-

cuse the interruption, but I would like to know if it would have been difficult to lead the target if the vehicle had been traveling at 12 miles an hour."

A—It would have required a lead of only about six inches over the target.

The judge then asked if 12 miles per hour would have required much of an adjustment.

A—It does not.

Q—From the sixth floor and the reenactment was this 12 miles per hour a lateral movement, or was it pretty much a case of the vehicle going away?

A—IT WAS LARGELY a question of the vehicle going away.

Q—Would this make it a more difficult shot?

A—It would make it considerably easier. It would mean cutting the lead from two feet to about six inches.

Q—From your expert examination were you able to find any evidence that the shots came from any place other than the Dallas Book Depository?

A—No, sir, no such evidence.

At this point the witness was tendered, and the judge called a five-minute recess.

Under cross-examination by Oser, Frazier said he had been an agent for 26 years. The state asked Frazier how the evidence pertaining to the assassination of the President was taken out of Texas, where the state said it belonged, and taken to Washington, D.C., where it did not belong.

FRAZIER SAID he did not know.

When he was asked by Oser what state officials authorized the evidence to be removed, Dymond immediately objected. There followed an exchange between state and defense counsel, with Dymond charging that if there was a violation of Texas law by the federal government in removing this information, the state (of Louisiana) should charge the federal government with fraud.

JUDGE HAGGERTY then told Oser to rephrase his question.

Frazier testified that to his knowledge, the first evidence obtained by the FBI arrived

in Washington at 1:40 a.m. on the day after the assassination. He said he did not know if the presidential limousine had been under guard from the time of the assassination until the FBI obtained its first evidence.

He admitted that at the time he made his ballistic examination he did not have all of the FBI evidence at hand, or the FBI information on what happened at Parkland Hospital regarding the evidence.

Frazier said he did not attempt to obtain results of reports of the FBI in Dallas.

THE FBI AGENT said he

did not examine a supplemental report of the FBI regarding a dent in the presidential limousine above the windshield.

In answer to a subsequent question, Frazier said he examined the presidential limousine. Asked if he noticed a dent above the windshield, Frazier said there was a dent.

Asked if the dent could have been caused by a fragmented bullet, Frazier said it could have.

FRAZIER said under cross-examination there were two other FBI men assisting him in the examination of the car. He identified the other agents as Courtlandt Cunningham and Charles Killion.

ASKED IF during this reconstruction examination he had available FBI reports of an interview with a Mr. and Mrs. William Newman, Frazier said he didn't remember any such reports.

Asked if at any time he had seen any statements of any witnesses in Dealey Plaza on Nov. 22, 1963, Frazier said he did not recall.

He testified that the substituted occupants of the reconstructed car were placed in their relative positions by the Warren Commission according to examination of the Zapruder film.

FRAZIER WAS ASKED if he wasn't in the window of the Texas School Book Depository during the reconstruction of the assassination. The witness said he was in the window, but had also been on the street for that phase of the examination.

The witness said he had seen the Zapruder film many times and had made three examinations of it. He had examined the film frame by frame and enlargements of certain frames.

Frazier said he had concentrated on special frames which had been selected by the President's commission.

Frazier said he could not recall having taken measurements of the jump seats as they related to the rear seat of the presidential car.

He also said that the presidential limousine was not used for reconstruction of the assassination and said he did not know why.