

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

vs.

U. S. DEPARTMENT OF JUSTICE,

and

U. S. ENERGY RESEARCH AND DEVELOPMENT
ADMINISTRATION,

Defendants.

CA # 75-226

Deposition of ROBERT A FRAZIER

Pages 1 thru 81

Washington, D.C.
February 24, 1977

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CA #75-226

Thursday,

February 24, 1977

Deposition of ROBERT A. FRAZIER, a witness
herein, called for examination by Counsel for Plaintiff in
the above-entitled action, pursuant to Notice of Taking
Deposition, and having first been duly sworn by JANET MOORE,
a Notary Public in and for the District of Columbia, commenc-
ing at 1:15 PM on Thursday, February 24, 1977, in the offices
of BEN LE SAR, 910 16th Street, Northwest, Washington, D. C.,
the testimony being taken down by Stenomask by WILLIAM H.
DILLINGHAM III and thereafter transcribed by him.

APPEARANCES:**On behalf of Plaintiff:**

JAMES H. LE SAR, Esq.
 910 16th Street, N. W.
 Washington, D. C. 20006

On behalf of Defendants:

MICHAEL J. RYAN, Esq.
 Assistant U. S. Attorney
 United States Courthouse
 Washington, D. C.

ALSO PRESENT:

MARION M. JOHNSON
 National Archives And Records Service
 National Archives
 Washington, D. C.

EMIL MOSCHELLA, Esq.
 Legal Counsel
 Federal Bureau of Investigation
 Washington, D. C.

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C O N T E N T S**WITNESS**

ROBERT A. FRAZIER

DIRECT EXAMINATION

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E X H I B I T S**PLAINTIFF'S****IDENTIFIED**

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P R O C E E D I N G S

Whereupon,

ROBERT A FRAZIER

was called as a witness and, the Notary Public having been delayed, was examined by agreement of Counsel, and testified as follows:

DIRECT EXAMINATION

BY MR. LE SAR:

Q Would you state your name, please?

A Robert A. Frazier.

Q And in 1963, when President Kennedy was assassinated, what was your position?

A Special Agent, Federal Bureau of Investigation, assigned to the FBI Laboratory in Washington, D. C.

Q Which section of the FBI Laboratory?

A Firearms and Toolmarks Section.

Q And what areas are you qualified as an expert in?

A Firearms examination, toolmarks examination, gunpowder, glass fractures examinations, wood identification, possibly some others; I don't know whether they have a separate expertise name or not.

Q Does this include spectrographic and neutron-activation analysis?

A No, sir, it does not.

MR. LE SAR: Excuse me; I believe the Notary Public has arrived, and will swear Mr. Frazier in now, and swear him as to the testimony which he has just given, which consists of little more than his name.

Whereupon,

ROBERT A. FRAZIER

was duly sworn, as to the veracity of the testimony given by him preceding the administering of this oath, and as to all testimony hereafter, by JANET MOORE, a Notary Public in and for the District of Columbia, whereupon his examination and testimony were resumed, as follows:

BY MR. LE SAR: (Resuming)

Q I understand that you are no longer employed by the FBI. Is that correct?

A Yes, sir.

Q As of what date did you resign?

A April 15, 1975.

Q I would like to begin by having you describe the kind of tests that you would normally perform in a case involving death by a gunshot wound.

A There are a great variety of tests that you could make.

Q could you specify some of them?

A Tests to determine the distance between the muzzle of the weapon and the victim, either by shot pattern tests or gunpower tests.

Examination of any projectiles that might be involved, as to identity and type of ammunition used and whether or not they had been fired from any particular weapon.

Q That includes physical examination of the bullet and anything alleged to have been struck by the bullet?

A No, sir, it does not.

We don't generally examine bodies, for instance.

Q Clothing, for example? Would you ordinarily make physical examination of clothing?

A Not unless it's requested.

Q Who ordinarily would request that you perform an examination?

A The investigative agency.

Q In the case of President Kennedy, that would be --?

A Either the Police Department in Dallas, the Secret Service, or in connection with our own investigation; at that time it would be an FBI investigation.

Q Who in the FBI would initiate requests for tests of -- or examinations?

Q Yes.

A Assistant Director Conrad was the Director of the Laboratory. He had several assistants in different sections of the Laboratory.

The Documents Section, I think it was William Griffith, in the Physics and Chemistry Section it was Marion E. Williams -- no, it was Roy Jevons at that time. He's since left, and several others have had that position.

Q So the correspondence would be sent from the Field Office, or from someone else who initiated a request, or from someone else -- either the FBI Agent who found the specimen, or who recovered the evidence.

He would send a request to Mr. Jevons or Mr. Conrad?

A No, he would send it to the FBI.

Q The FBI?

A He would send it to Mr. Hoover, at that time, and Mr. Hoover noticed it was for the Laboratory and sent it to the Laboratory.

Q Now, the communication would request certain tests, ordinarily?

A I didn't say it would.

Q Well, was that correct? What would the communication

tion consist of?

A Whatever was in it.

Q It would have a piece of evidence, I assume?

A It would probably list some evidence.

Q And then would it request that particular types of tests be conducted on that?

A Not necessarily.

It may -- usually it would say:

"We want to determine certain things from this piece of evidence."

The types of tests could be very well decided in the Laboratory.

Q By the Supervisor in consultation with the Laboratory Examiners?

A Possibly, yes.

Q Possibly? Was -- by a conference procedure?

A Not necessarily.

Q Not necessarily?

By exchange of memorandums or written communications?

A No, sir.

Q Verbal communications?

A Typically, the case would be assigned to an

Examiner, the letter would go to the Examiner, he would look at it and say:

"Well, I need help on this by somebody else," and he would go to have that other person assigned to the case.

Q Now, if tests are conducted and the examining Agent feels that further tests might be required, would he recommend that they be conducted?

A Yes. He would ask the other Examiner if he would make the examination.

Q Well, would he communicate this to his Supervisor?

A Usually. His Supervisor had to approve it, but not necessarily.

The Examiner is in charge of the case; not the Supervisor.

Q All right. Now, by "Examiner," you mean the person who actually conducts the test or the examination?

A Whoever was declared originally the principal Examiner.

Q Now, that doesn't actually mean, though, there might be someone else who would assist or who would independently carry out the tests or examination?

A I don't understand.

Q Well, suppose you have -- Agent Gallagher is made the principal Examiner. Would he then have someone under his direction carry out the test, or would he himself carry out the test?

A Could be both. Could be both.

He may not prepare all the instruments for the examination, but he would make the examination; it would be done under his immediate supervision, if he did not do it himself, and he would analyze the results and prepare the report.

Q Would there be any memorandums or communications on how the tests were to be conducted?

A No, sir, not that I -- the Examiner is in charge; he does the examination the way he sees fit, according to what needs to be done, and it's not necessary to remind himself how to do it or what -- if he needs help, to tell somebody in written form what he needs.

Q When he conducts the test, does he customarily make notes on the test?

A I would say yes; he should.

Q And are copies of those notes made?

A No, not necessarily. Usually the originals are placed in the file, where they're available. Normally they

don't make copies unless they're requested.

Q So therefore there would be no distribution of the notes to other personnel, normally?

A That's right.

Q Now, when the test has been concluded, what kinds of records are made of the tests?

A The Examiner's work notes are saved and from that he would dictate what we call a "Laboratory report," or a paragraph for a Laboratory report, to be included in some master report.

Q This would be dictated into a Dictabelt or to a stenographer, or -- what was the procedure at that time?

A They follow any procedure. Normally, we used Dictabelt recorders; in some cases they'd call a stenographer.

Q Now, when these -- what's the terminology that you use to describe this? You'd call it a report, the Lab Report?

A Lab Report; yes, sir.

Q Lab Report. What was the distribution of copies of those reports?

A Whoever needed them. The original contributor normally would get a copy, and we would keep a copy in the FBI, and where the other copies go, I don't know.

I wouldn't know; it would depend on the case. Each case would be different.

Q Okay.

First, with respect to the assassination of President Kennedy, in particular, who was the original contributor?

A Chief of Police of Dallas.

Q So that he would have received, and did receive, copies of the FBI Lab reports?

A No, I wouldn't say "reports" plural, because very shortly after the original request, the President asked the FBI to investigate; then our reports would go to our Dallas Field Office, and not necessarily to the Police Department in Dallas.

Q I see.

Now, with -- when you would send the reports to the Dallas Field Office, would you send the Examiner's notes, that he made when conducting the test?

A No.

Q Just the reports, or --

Did you receive some of the evidence in this case from FBI Agents Siebert and O'Neill?

A The names are familiar; I don't remember whether

it was Frank or Eugene, or what their first names were, but I think it's Seibert.

Q Seibert?

A Seibert and O'Neill. I think it's Francis -- I'm not sure of the first name, but they did deliver some material to the Laboratory.

Q When Seibert and O'Neill transmitted evidence, did they request that any tests be performed?

A I don't remember what they did. I think they just brought it into the Laboratory. I don't believe they submitted any papers.

Q Do you recall that they were present at the autopsy which was conducted at the Bethesda Naval Hospital?

A I don't know that.

Q Do you recall making any reports to them on any tests or examinations?

A Not as I recall. I made no reports to them.

Q Now, was the Warren Commission itself the originator of any requests?

A I am sure they were. I wouldn't recall what they were at the moment.

Q And so, if tests were conducted at their request, would reports have been made, and been made available to the

Warren Commission?

A Oh, yes; the report would go directly, as I recall, to the Warren Commission, and possibly then a copy made to be sent to our Dallas Office, and a copy retained in the Bureau.

Q What would be the distribution of these reports? What files would you normally expect to find memorandums or reports on the laboratory examinations and tests?

A What files?

Q What files?

If you wanted to look and find the reports that were made on the spectrographic analyses and neutron-activation analyses, or on the ballistics tests, what files would you look in?

A As of 1963-4?

Q Yes.

A But not now; I don't know where it is now.

Q Give me that now, and then if you know --

A It was in a drawer in my office.

Q And --

A As far as my examinations went.

The spectrographic analyses were kept by Mr. Gallagher or whoever it was that made that examination; Shaneyfelt and others who were involved kept their own labora-

tory worksheets there for reference as they needed them.

Q Each Agent kept his own laboratory worksheets?

A As far as I know, yes.

Q Now, how about the reports or memorandums on what they found as a result of their --

A Normally, you would keep your notes and a copy of the report.

Q Now, would there be internal distribution within the FBI Laboratory of an Agent's reports?

A I don't think so. I think the distribution would be the report going through various places, but I don't think they were held there. I don't know for sure whether they kept any copies.

I would say that they kept a file copy downstairs, we kept a copy in the Laboratory and sent a copy to the contributor.

Now, as to who might also have had a copy of that report, I don't know.

Q You say "a file copy downstairs." What do you mean by "downstairs"?

A In the Bureau's records, the records of -- in the Communications Division.

Q And then there would be a laboratory file copy?

A In some instances; not necessarily.

Q And there would be a copy in the Field Office where the crime was committed?

A There would be a copy sent to the contributor of the material, whether that was where the crime was committed or not.

It would be -- for instance, if it came in from Dallas, the report would go to Dallas. If it came in from San Antonio, it would go to San Antonio.

Q You say "if it came in..." You mean the evidence?

A The material, the subject of the Laboratory report, came in; it would go back to the contributor.

Q All right.

So that you -- the bullets, the President's clothing, Connally's clothing -- all the evidence that was retrieved from Dallas, the reports of examinations conducted on those items would be sent to the Dallas Field Office?

A I don't remember whether they were or not. I don't remember where they all came from.

Q Normally they would -- it would have been if that's where it came from?

A If that's where it came from. I don't know where it all came from, off-hand.

Q How soon after you received an item of evidence are the tests conducted?

A There's no way to know. Whenever you get to it.

Q In a case -- in the case of the assassination of a President?

A There's no way to know; it's whenever you get to it.

Q Well, do you recall, as a matter of fact, whether or not the tests were done immediately, or after some delay?

A I can only -- what do you mean "delay"?

Q Well, did you do, for example, a ballistics -- the ballistics examinations, were they done within a day or two after receipt of the evidence, or two or three weeks?

A They were done off and on over a period of months.

Q They were done off and on?

A Over a period of months.

We received 800-900 things for ballistics examination, and we made the examination as soon as we could get to it after we received it.

As far as the original bullets went, the examination was done as soon as we could get to it. We received a bullet, we would make an examination just as soon as we were not doing something else more important.

For instance, we went out to examine the limousine. We were not in the Laboratory; we had to delay the examination of some things until we got back, but it was in a matter of hours.

Q Now, when you say it was within a matter of hours, you are speaking with reference to ballistics examination?

A Speaking with reference to the original material we had received. That is, certain bullets, bullet fragments, things of that nature.

Q Now, there were a variety of tests and examinations performed on this evidence.

Do you recall how soon the spectrographic examinations were conducted?

A No, I don't. I have no idea. I can't remember that at this time.

Q Do you recall how long it was before the neutron-activation analyses were conducted on the bullet and bullet fragments?

A No. That was done by another Examiner. I don't know when he did it or how long it took him.

Q Did the Examiners who conducted these tests make their reports available to you?

A Not necessarily.

Q At that time, what was your position?

A Special Agent, Examiner.

Q And were you Head, or Supervisor, in any supervisory capacity?

A I don't recall. About that -- along in that period of 1963-64, I was appointed Chief of the Firearms Unit, but I don't remember the date of that appointment, whether it was before the assassination or afterwards.

I was more or less a senior Examiner, but I don't recall whether it was Bureau-devised position or not.

Q Would it be -- would you customarily make any memorandums or other written communications stating what you hoped to show by the tests that you carry out?

A That would be extremely unusual if we ever did that. I don't recall doing something like that.

Q Now, were copies of all the Laboratory reports made available to the Warren Commission?

A Copies of all the Laboratory reports?

Q Yes.

A I have no way of knowing. I assume that they got all of them.

The mechanics were: we would send the Laboratory report to Dallas, Dallas was instructed to incorporate that in

the investigative report and send it to the Warren Commission.

Now, they were supposed to do that. I didn't check up on that.

Q I see.

Who served as liaison between the FBI Lab and the Warren Commission?

A Oh, there were several people.

Q Could you recall them?

A I don't remember their names.

Q You don't remember the names of any of them?

A Well, I don't know what you mean by "liaison."

Q Well, simply someone who coordinates the delivery of communications and evidence back and forth.

A Oh, we handled our own evidence. Court Cunningham, who was here this morning -- Cortlandt Cunningham, who was here this morning, and myself, and other Agents, carried evidence back and forth to the Warren Commission, but there were other people whose job it was as liaison with the Warren Commission, but I did not have anything to do with it nor the Laboratory, that I know of.

Q All right.

Now, is it possible to detect human residues on a projectile which is removed from a body?

A I would think so; it's been done for years. Yes.

Q Was it done in the case of President Kennedy?

A I don't recall.

Q Would you perform any tests on the human residues?

A I wouldn't know. If it were done it would be done by some other Examiner.

Q What sort of tests might be performed on it?

A To determine if there were blood or other body tissues present.

Q Was that done in the case of President Kennedy's assassination?

A I don't recall whether it was or not.

Q How durable would those residues be?

A I don't know. You'd have to ask a blood chemist.

Q Were there in fact -- are -- you're familiar with Commission Exhibit 399, I believe?

A No, I'm not. Not by number.

MR. LE SAR: Mr. Johnson?

(Archivist hands object to witness; witness examines object.)

BY MR. LE SAR: (Resuming)

Q I show you Commission Exhibit 399, which is the bullet alleged to have struck President Kennedy in the neck and

then to have wounded Governor Connally.

Do you recall examining that bullet?

A Is it all right to pick it up and look at it?

Q Surely.

A Because I can't tell, otherwise.

(Witness examines object.)

Yes, I do; it has my initials on it.

Q Did you make an examination to determine whether or not that had any human residues?

A I don't recall whether we did or not.

Q If there had been human residues on it, could they have been significant?

A No, I don't think so. I would think it would have very little value as far as investigating whether or not a bullet had blood on it.

Q Well, assuming that the bullet had blood on it, couldn't the type of blood on it tell you something about what person or persons it had struck?

A Might have; I don't know -- I don't know whether it would have or not.

Q But you --

A It would depend on the amount of residue present.

Q You would want to test for that, in any event, to

find out whether or not you could make that determination?

A I don't -- I don't think it was important in this case. I don't -- if I recall, we didn't make any tests on this bullet for blood.

It seems to me I recall some testimony that the bullet was reasonably clean when we received it, and I didn't even recall whether we had had to further clean it in order to make a ballistics examination.

But other than that, I -- it's too hazy to go back and pick it out now.

Q Was any investigation made into the fact that the bullet had been wiped clean before it reached you?

A I have no idea.

Q Would you not consider it important to make that -- make that investigation?

A I can't answer that. I'm not a Field Investigator.

Q Who ordinarily would have the responsibility of making that determination?

A I don't know.

Q Could the determination of whether or not there were human residues -- whether or not there was tissue or blood on that bullet, also be important in determining whether or not it had in fact struck a human body?

A It may have; yes.

Q Now, I want to ask you if you are familiar with the history of this bullet -- and by that I mean the history that was attributed to it by the Warren Commission, that:

1. It transited President Kennedy's neck without striking a bone;

2. That it smashed four inches of Governor Connally's fifth rib, and

3. Smashed Governor Connally's wrists, and

4. Penetrated Governor Connally's left thigh for several inches, and did not damage the tibia, but lodged a fragment in it.

MR. RYAN: At this time I interpose my objection on relevance. I don't think that the question is leading to the discovery of evidence as to whether or not there are additional FBI reports, but over that objection, the Witness may give whatever answer seems appropriate to him.

THE WITNESS: What you've said -- it was my general impression that I don't -- I didn't have this -- all the information you've stated about the amount of damage to this and that.

BY MR. LE SAR: (Resuming)

Q You didn't have all the information at the time you conducted your tests, or you're unaware of that now?

A It was my impression that it had only penetrated his leg for a matter of -- less than several inches. I don't know how much it was; I have no separate recollection.

Q But as to the other facts --

A I knew that it had broken a rib, and -- or let's say alleged to have broken a rib, fractured some bones in the wrist, and passed through the President's neck.

But those other things -- the extent of your other descriptions, I'm not independently aware that I knew of all that.

Q All right.

Given what you do know, which is that it transited President Kennedy's neck, and that it smashed Governor Connally's rib, and his wrist-b one, and lodged in his thigh, could you, on examination of that bullet -- would you in your expert opinion, think that it was probable that a bullet would have done all that damage and emerged in the condition in which it is now in?

MR. RYAN: Same objection.

THE WITNESS: Now, there's a double answer to your question.

In the first place, your question said: since I do know that it did all this. I don't know that it did all

this --

BY MR. LE SAR: (Resuming)

Q Assuming that it did.

A Well, if you assume that it did -- just assume that it did all this, then I would say yes, you could do it very reasonably.

Q Would it be probable?

A Yes, it would be probable.

Q Would -- ordinarily, when a bullet strikes bone, would it be more mutilated and deformed than that bullet is?

A Not under those circumstances, where it had already been slowed down by a certain path in the air, passing through another body, passing into a second body, and each time losing velocity, and the less velocity -- the less velocity it has, the more -- the less velocity, the less mutilation that would be expected. And as it got to that point it would be moving rather slowly, as compared to its initial velocity. Since --

Q It had enough velocity to break Governor Connally's ribs and his wrist?

A Right.

Q And in your opinion, it could do that without any mutilation or deformity?

A No, I wouldn't necessarily say without any. The

bullet is considerably mutilated, in my opinion. The side is flattened, there has been a considerable amount of lead squeezed out the back end of the bullet. It's no longer round, and it struck sideways against -- it appears to have struck sideways against something that mutilated the jacket quite severely, as far as that goes, --

Q The --

A -- even though the nose is not mutilated.

Q Well --

The nose is not mutilated. To what can you attribute the slight flattening of the base of the bullet?

A I would say that it hit something traveling slightly sideways.

Q Uh-huh? What basis do you have for reaching that opinion?

A Because the bullet is flattened on the side, instead of on the nose.

Q Do you recall your testimony to the effects the striking of coarse cloth or clothing could have on a bullet, your testimony before the Warren Commission?

A No, I don't recall that off-hand.

Q I believe you testified that such impact of a bullet on coarse clothing -- coarse cloth or clothing, could

mark the bullet in -- or leather, could leave scratches upon the bullet.

A I don't recall that.

Q Is -- as a general proposition, would that be true?

A Well, you're getting into -- you're getting into scientific matters now, and since I'm a firearms consultant, if you expect expert testimony, then I'd expect you to pay expert witness fees.

Q Well, I am attempting to simply determine whether or not this would have led you to have performed certain tests or to have made certain observations which would be reflected in reports which are -- which were made, and which have not been provided my client.

A I -- would you say --

Q Let me -- let me --

A -- that over again, please?

Q -- rephrase --

A You're confusing me now.

Q Let me rephrase the question for you.

Did you personally make an examination of this bullet?

A Yes, I did.

Q Did you make an examination under a microscope?

A Yes, sir.

Q Did you observe any scratches or marks on it that could be attributed to the bullet having struck clothing or bone?

A I don't recall.

Q If you had noted any such marks, would you have made notes on it, and would you have put your observation in a report?

A Not necessarily.

Q Why not?

A I may not have deemed it important at the time.

Q Suppose that there had been a trial and the attorney cross-examining you had asked?

A I would have given him the same answer.

Q What would you -- would the -- the Government attorney would have been totally unprepared for this, because there was no report on it?

A I can't say -- I can't say what the Government attorney might think or say or do.

Q Are you familiar with the autopsy panel report which was made at the direction of Attorney -- then-Attorney General Ramsey Clark in 1967?

A No, sir, I'm not.

Q Were you consulted with respect to that report?

A I'm not familiar with it. I don't know whether I was or not.

Q You could have been consulted?

A I have no way of knowing; I don't know what the -- what report you're referring to.

Q Well, there was a report -- there was a panel of medical experts appointed by Attorney General Ramsey Clark to review the autopsy photographs and the X-rays, and in 1967 they released a report.

MR. JOHNSON: 1968. Excuse me.

MR. LE SAR: The examination was made in 1967, but the report was made in 1968. I stand corrected.

BY MR. LE SAR: (Resuming)

Q Do you recall that?

A I don't recall any of the details of it, no. It seems to me that I heard there was such a thing, but I don't recall anything about it.

Q But you don't recall any contacts having been made with you?

A No, sir, I do not.

Q Did you yourself ever see the X-rays and autopsy photographs?

A X-rays?

Q Yes. The autopsy X-rays.

A I may have seen some X-rays, but I don't remember seeing autopsy photographs.

I don't recall; I just don't remember ever seeing the autopsy photographs.

Q Did you confer with anyone about what those X-rays showed?

A I may have, but I don't recall.

Q Was any report made to you about what they showed?

A I don't know. Our system was: each Examiner would do his part; he would gather up dictation from other Examiners, put it in one report, and then it would go out, but I can't recall all the details of what those other Examiners' results were.

Q What I'm driving at is: would it have been helpful to you to have known, for example, that the X-rays showed, according to the Clark Autopsy Panel report, that there's a fragment in President Kennedy's neck, and that there are fragments in Governor Connally's chest, fragments in his wrist?

A I knew there were very small fragments, but I didn't -- as far as this special autopsy report, I don't -- they didn't ask me anything about it, as far as I can recall.

Q Could you look at the bullet, which is Exhibit 399, again, and tell me where on that bullet such fragments might have come from?

A They would have come out of the base of the bullet, because the lead has been squeezed out of the base; it was squeezed out considerably, even more than it appears now, because some metal has been removed for examination, but the side of the bullet is flattened, and considerable lead could have been squeezed out of the base.

Q How much -- did you weigh that bullet originally?

A Yes, I did.

Q Do you recall how much it weighed?

A No, I don't.

Q How much weight might have been removed from that in firing?

A If you want expert testimony, you're going to have to pay expert fees. Otherwise, I'll answer anything concerning these papers, but before I testify to any interpretation of any scientific matter, analysis of any results, or consultations or depositions, I expect you to pay extra witness fees, and I have a standard fee established for it.

Q Did you -- you have testified that you weighed the bullet; am I correct?

A Yes, sir, I weighed it. In fact, furnished all this material.

Q And you furnished it to whom?

A To Mr. Weisberg.

Q The reports on the weighing? Did you --

And you weighed it before any tests or examination were conducted on it?

A I believe so; yes. That's the usual procedure.

Q Did you weigh it again later?

A No, I didn't, not as far as I know. I don't recall weighing it again.

Q Now, I believe you indicated that there had been a sample removed from the bullet, from the base of the bullet?

A I think there was some spectrographic analyses by other Examiners, and they used part of the lead in the base of the bullet.

Q Someone other than yourself removed --

A Yes, sir.

Q -- the material from the base of the bullet?

A Yes.

Q And was there any other material removed from that bullet for purposes of scientific examination?

A Well, there may have been some copper; I don't know.

I did not make the exam.

Q Could you take a look at the bullet again?

A (Witness examines exhibit.)

Q Does it appear as though there might have been a sample removed from the nose of the bullet?

A There either is an area there that was not there when I first received it -- this appears to be an area that was not there when I first received it.

Q Didn't you in fact testify before the Warren Commission that you removed that sample?

A No, sir, I did not, because I did not remove it.

Q Did you testify that a sample had been removed?

A Yes, sir.

Q Did you also inform the Warren Commission that a sample had been removed from the base of the bullet?

A I believe so. I don't recall what my testimony was, but if they had asked about it I would have said yes.

Q And if they had not asked it, would you have volunteered?

A No. You don't volunteer questions when you're being asked.

Q Did you weigh the bullet again after the samples had been removed from it?

A As I said just a while ago, I did not, as far as I know.

Q If you had weighed it again, you would have made a report on what that weight would have been?

A Not necessarily.

Q How could you have testified to the weight lost in the course of the firing of the bullet if you did not make such records?

A What records are you referring to now?

Q Records of the weighing of the bullet.

A I testified that I did weigh the bullet when I received it. That's the only weight that's pertinent.

Q Well, is not the weight of the bullet, minus the samples, also relevant to the question of how much the bullet actually weighed before it was fired?

A No.

Q Is it not relevant to the question of the amount of metal that it lost in the course of the flight attributed to it?

A Is "what" not relevant? I don't understand your question.

Q The amount of material, the weight of material removed from the bullet for purposes of scientific examination?

A I would say it would have nothing to do with it whatsoever.

Q Well, if there is metal attributable to that bullet which remains in President Kennedy and Governor Connally, which can not be accounted for, it would be relevant, would it not?

A I would think not. The amount removed for spectrographic examination had nothing whatsoever to do with that. It would only -- the amount removed for spectrographic examination would only have to do with the amount needed for spectrographic examination, not for how much the bullet might have lost before it was examined.

Q How much would that weigh, possibly, the amount removed?

A I have no idea.

Q Is it not possible that the amount removed from the bullet in the course of the examination, together with the present weight of the bullet, means that there was nothing -- or virtually nothing, lost from that bullet?

MR. RYAN: I will raise my relevancy objection again at this time.

THE WITNESS: I can't see that it has any bearing on the situation at all. The bullet was weighed at the time it

was received. It could be a third this size now and have nothing to do with the weight it lost during the flight.

BY MR. LE SAR: (Resuming)

Q We know -- we know --

Do you not know the approximate weight of a bullet of this type?

A I used to, but I don't recall what it is now.

Q And you would know within probably a grain or two of what the weight would be?

A I would expect it to vary more than a grain or two, just in standard ammunition.

Q How much?

A That type of ammunition wouldn't come out to an exact weight every time they put it in a cartridge.

Q I understand that, but how much would the variation be, perhaps?

A I don't recall. I may have testified to it, and I don't intend to testify to any scientific matters like that unless you pay expert witness fees, and I am not going to answer any more questions of that nature without an agreement from you that if I do answer them, you will pay me a standard expert witness fee, just as if I were in District Court.

Q Did you not in fact testify to the Warren Commission

as to the weight of the bullet before the samples were removed from it?

A Yes, sir, I did.

Q And did you testify as to the weight of the bullet after the samples had been --

A I don't recall it.

Q Can -- from a visual examination of the bullet, can you state any place on the bullet that the fragments in Governor Connally's wrist or in his leg or chest and the fragments in President Kennedy's neck could have come from?

MR. RYAN: I think the witness has already answered that question.

MR. LE SAR: I don't think so. I haven't asked it.

THE WITNESS: I did answer it. You asked me where the bullet -- where it could have come from and I said from the lead extruded from the base of the bullet -- be due to its mutilation.

BY MR. LE SAR: (Resuming)

Q The size of the -- according to the X-rays, there is a three and a half millimeter fragment in Governor Connally's thigh. Where on that bullet could that fragment have come from?

A That's assuming facts not in evidence, I think, and

I don't think I could answer a question like that --

Q Well, assuming -- assuming that to be -- assuming that it is true?

A Well, I don't assume things like that. I wouldn't answer a question, a hypothetical question, unless I had some more facts than that.

Q Did you testify before the Warren Commission that the fragment could have come from that bullet?

A I believe so. I don't recall.

Q Is it possible that a fragment of that length could have come from the base of that bullet?

A Possible, yes. Possible. Could have extruded several pieces of lead from that, and if they had struck something that -- for instance, if the bullet had been turned over in traveling backwards and they struck the bone, and elongated it to three millimeters, it'd be very logical, for that to have happened; yes.

However, an X-ray does not show the size of a particle; it only shows an image on an X-ray.

Q I understand that.

You testified before the Warren Commission that you -- you were asked by Mr. Specter, who was the Warren Commission's Counsel examining you:

"Was a comparison made of the lead residues on the inside of the windshield with any of the bullet fragments recovered, about which you have heretofore testified?"

You replied:

"Yes. They were compared with the bullet fragment found on the front seat, which in turn was compared with Commission 399.

The lead was found to be similar in composition. However, that examination in detail was made by a Spectrographer, Special Agent John F. Gallagher.

Mr. Specter: Was that examination made in the regular course of examining procedures by the FBI?

Mr. Frazier: Yes, sir.

Mr. Specter: And was that information made available to you through the normal conference procedures among FBI Examiners?

Mr. Frazier: Yes, sir. He submitted his report to me, and I prepared the formal report of the entire examination.

Mr. Specter. Are his report and your formal report a part of the permanent record of the FBI, then?

Mr. Frazier. Yes, sir."

Now, what report were you referring to when you said that you made a formal report of the entire examination?

A At that time, as I recall, this was a report to Chief of Police Currie, in Dallas. I can't be sure of that, but I'm almost certain that that was in the first report that we sent in this case.

Q That was the one dated November 23rd?

A I don't recall the date.

Q Could that be it?

A When was the assassination? The 22nd?

Q The 22nd.

A Then that would be the first report.

Q Now, Mr. Gallagher submitted a report to you?

A As far as I can recall. I don't recall independently whether --

Q You state here in your testimony that:

"...he submitted his report to me..."

A What I meant was, I don't recall whether his report was in the first one or whether it may have been in the second report that I prepared. I prepared many --

Q Did you prepare a second report?

A -- many reports.

Q How many -- on the spectrographic examinations?

A I didn't prepare any reports on the spectrographic examinations.

Q You -- what?

A I did not prepare any reports on the spectrographic examinations. Mr. Gallagher prepared that. He included his report in the report which I sent out, which included other things of mine.

Q I see --

A Otherwise, I would not have been preparing a -- that report.

Q How long would that report have been? How many pages?

A I don't have any idea. One or two pages, possibly.

Q But if -- if Mr. Gallagher's report -- if your report was made on November 23rd, and Mr. Gallagher's would have had to have been on that date or prior to it?

A Not necessarily. Mr. Gallagher may have had his work done by the time the first report went out, or he may have had it done later that same day, and it would be in the second report or the third report.

If you show me the report, I'll tell you whether it's in there or not.

Q Well, the language seems quite clear here. It says:

"He submitted his report to me, and I prepared the formal report of the entire examination."

A That's correct. There were several reports on the entire examination.

Q Well, which one are you referring to here?

A I don't have any idea which one you're referring to.

Q You are referring to it in your testimony.

All right. What --

A In fact, as I recall, I furnished you a copy of that report, and it would be probably the first report; if you look in it, it will be in there.

Q Is this a copy of it? (Indicating).

A (Witness examines document.)

No. This is a laboratory worksheet --

MR. WEISBERG: Is that the letter to Chief Currie?

THE WITNESS: That's the laboratory worksheet.

MR. WEISBERG: No, the one you're referring to; is that the one that went out to Chief Currie on the 23rd?

THE WITNESS: I don't know. That's what I'm saying; could have been the 23rd or the 24th.

MR. LE SAR: I think I'll be able to locate it later.

THE WITNESS: As I recall, Gallagher's information was in the first report, but I can't be sure of that.

BY MR. LE SAR: (Resuming)

Q All right, now -- but there were subsequent reports made? By Mr. Gallagher?

A Yes, sir -- I don't know who made them. They were made over a period of months.

Q On the spectrographic examinations?

A I don't recall whether any more spectrographic examination results or not --

Q Well, you did not receive all of the relevant evidence by the 25th of November, did you?

A No, we did not.

Q So there would have been spectrographic tests conducted on evidentiary materials received later?

A I don't remember the dates, but if we assume that clothing and other things came in later, then it would be in the other reports. I can't recall the dates at this time.

Q Do you recall the neutron-activation testing that was performed?

A No, I don't. I know it was done, but I don't recall it.

Q Was any report made on that testing?

A I don't know. It was done by other people in the neutron-activation analysis unit.

Q Who conducted those tests?

A I think Special Agent John Gallagher.

Q And he was the -- was he the only one?

A Wait just a minute. In association with other people in that unit; I don't know whether he was the only one that was involved or not.

Q And you don't recall receiving any report by Special Agent Gallagher on the neutron-activation analyses?

A No, I don't think I -- that was done sometime later and it would not necessarily have come through me at all.

Q Do you recall how much later?

A No, I don't. It took a considerable amount of time.

Q Why?

A -- length of time to make the examination.

Q The examinations?

A Several days, in other words. I don't recall it, but I wasn't involved in it.

Q I see. Okay.

It wouldn't ordinarily take much time to arrange for the examination, would it?

A I don't know.

Q Do you know whether or not there was any neutron-activation analysis made of the curbstone which was allegedly struck by a bullet?

A No, I have no idea. I don't recall; I have no independent recollection of that at all.

Q Do you know whether or not there was any neutron-activation analysis made of the smear on the windshield of the President's limousine?

A I would think so, yes. I don't know though; they examined those things that were pertinent, and that was one of them.

Q I want to show you a paper here --
I would like to have that marked as Plaintiff's Exhibit 3, I believe it is.

(The document referred to was
marked for identification as
Plaintiff's Exhibit No. 3.)

BY MR. LE SAR: (Resuming)

Q Are you familiar with that worksheet?

A No, I'm not; I don't recall ever seeing it before.

Q Is it a worksheet of neutron-activation analysis?

A I have no idea.

Q It states at the top of it: "Q15." Do you recall

what laboratory specimen "Q15" was?

A "Q15"? There are Q15's in hundreds of cases.

Q In the JFK assassination, do you recall?

A No, I don't.

Q Assuming that that relates to the assassination of President Kennedy, and neutron-activation analysis that was performed, what does the sheet indicate to you?

A Nothing to me; I'm not an expert in neutron-activation.

Q Did you have occasion to examine a curbstone allegedly struck by a bullet?

A Yes, I did.

Q What was the result of your examination?

A I don't recall, and I made a report on it.

Q You did make a report on that examination?

A Yes, sir.

Q Do you recall whether or not you concluded that the curbstone had been struck by a bullet?

A I recall stating that it had been struck by a bullet which was not a jacketed bullet in its original condition; it could have been a mutilated bullet or a lead bullet, something of that nature, but I don't recall all the details.

Q You did make the observation that it could have been

a not -- it could have been non-military ammunition?

A No, I said a mutilated bullet.

Q Or a lead bullet.

A Piece of lead; yes.

Q Could it have been a -- a bullet which was not the copper type -- the copper-jacket type of ammunition?

A I have no way of knowing which it might be. It could have been a wheel weight, as far as I was concerned.

It could also have been a fragment of the core of a jacketed bullet, or any other source; I did not examine the lead for composition.

Q I want to show you a photograph, which is labeled "Shaneyfelt Exhibit No. 29," and I would like to make it Plaintiff's Exhibit 4, please.

(The document referred to was marked for Identification as Plaintiff's Exhibit No. 4.)

(Witness examines document.)

BY MR. LE SAR: (Resuming)

Q Is that a picture of the place on the curbstone which was allegedly struck by the bullet?

A I'm sure I could not tell from that photograph.

Q Why not?

A It has no detail in it to orient it as to being the same curbstone, as far as I'm concerned. I wouldn't testify as to what was in the photograph.

Q Could you examine the curbstone that you were looking at a moment ago and see whether or not there is such a mark on that curbstone?

A This is the curbstone that I examined originally, and I couldn't tell now if that mark is there or isn't. I made a microscopic examination of it.

Q Could you not tell by visual examination whether or not that mark is there?

A No, sir, I don't think you could.

It was a rather faint mark to begin with, and it has been analyzed since. I don't think you can see it now.

Q You say it's been analyzed since? How?

A Well, I asked, as I recall, one of the Examiners to examine it to see if there was any lead on that, to see if there was any bullet metal, or something of that nature.

Q Could that have affected the character of that hole?

A There was no hole in it.

Q There was no hole?

A No.

Q How would you describe what was there?

A A light smear of what appeared to be metallic residues resembling lead.

Q And how long and how wide was that smear?

A I have no idea.

Q Could it have been an inch by an inch and three-quarters?

A I don't think so. That sounds wide to me. I don't know how long it is, now.

Q Could a bullet have made a smear that wide?

A I don't know.

MR. LE SAR: I want to take a short break and see if I can locate that report that you referred to, so I suggest maybe we take a 15-minute break, and come back here and then we will go until Mr. Ryan has to leave.

MR. RYAN: Do you think it will take you that long to find it? Do you have it in your materials there, or --

MR. LE SAR: I have a feeling it may be in my office, and I am not sure I have that volume here, but --

MR. RYAN: Do you remember which one, Mr. Frazier? It would save us all time.

THE WITNESS: It's in Volume 5, I believe.

(General discussion.)

(Whereupon a short recess was taken.)

BY MR. LE SAR: (Resuming)

Q You testified that you had conducted a microscopic examination of the curbstone?

A Yes, sir, I did.

Q And did you make a report on that?

A I think I did; I don't recall.

Q I want to show you this (indicating document), and see whether you recognize that.

A (Witness examines document.)

These four sheets, some of the language I remember reading before in the typed section, but this -- these are not my original notes on either of these two -- first two pages, but in here (indicating), there seems to be some familiar language. I may have dictated it; I don't --

Q These are not -- these are not your notes on this sheet, which is a Laboratory worksheet, and says:

"Recorded 8-7-64..."

small letters: "emj."

Do you recognize whose handwriting that is?

A No, I don't.

Ah -- this is the spectrographic worksheet which is circled here, spectrographic, and the "firearms" is crossed off,

meaning it was photographic, spectrographic and firearms examinations made. I probably did the firearms exam, possibly Cunningham and Killian may have also examined the curbstone, but I don't know for sure that they did.

Q There is also --

A This particular worksheet is the spectrographic worksheet, so it'd be one of the people in the spectrographic unit.

Q And it also had -- originally it had "microscopic."

A That's crossed out.

Q That's crossed out, so that -- this is not --

A Changed to "spectrographic."

Q Yes. So this is not -- but you did prepare a report on your microscopic examination?

A As I recall, I did, and it appears to be the last three paragraphs in this -- or two paragraphs, and we -- well, it's the last -- it'd be the last two paragraphs of the report.

The spectrographic analysis is the third from the last paragraph.

MR. LE SAR: I supposed we'd better have this marked before we get confused, as to what it is.

THE WITNESS: I'd like to amend that answer.

Actually, I don't have an independent recollection of

dictating that, but it sounds like something I would have said. That were -- there were several Examiners in this case, and I may not have actually dictated it, but I would have concurred in the results of the examination before I would have had them dictated.

(Discussion off the record)

MR. LE SAR: I believe that today we're finished with the curbstone and this Exhibit 399.

THE WITNESS: Check that to be sure it's still in there.

(Discussion off the record)

THE WITNESS: Are we still on the record? I guess we are.

MR. LE SAR: Mr. Johnson, Agent Gallagher is also going to be deposed at some point, and we will, unfortunately, we'll need the exhibits back. I think Mr. Ryan and I are going to arrange tomorrow to pick a date, and I think it will probably be two weeks from now.

So we'll let you know.

MR. JOHNSON: Okay.

BY MR. LE SAR: (Resuming)

Q Do you have any knowledge or information that any reports, memorandums, notes or any materials relating in any way

to the investigation of President Kennedy's assassination have ever been removed from the FBI?

A I would not think so.

Q Or any reason to believe that any materials or reports have been lost or misfiled?

A I don't have any knowledge of that. There weren't any of my worksheets lost, I know that, because they were all there. They were filed; they probably are still there. I don't know where they were kept for the last year and a half, but I know mine were all there.

Q What is the date when you first became aware that someone was requesting the results of the spectrographic examination?

A Date?

Q Yes. Do you know when?

A Several years ago.

Q Several years ago?

A I don't know what the date is. I couldn't even estimate whether it was 11, 12 --

Q It could have been '66 or '67?

A Oh, I would think it would have been before then.

Q How did you become aware of it?

A When the letter would come in, it would be sent to

the Laboratory. They would send it either to me or Gallagher, and either Gallagher or I or somebody else would prepare an answer for it.

Q Prepare an answer?

A Yes. To the request for spectrographic analysis results; I thought that was what we were talking about.

Q Yes. A Freedom of Information request?

A There was no Freedom of Information Act back then.

Q Starting in 1966.

A Well, this was before that.

Q Okay. Did you become aware that it had been requested under the Freedom of Information Act?

A I don't know. Usually, they were handled by the spectrographic unit, someone in that unit.

Q The Freedom of Information requests?

A No, the spectrographic information -- analysis requests.

Q But I am inquiring about when Mr. Weisberg's requests came in. Did someone consult you to see what was available?

A Mr. Weisberg has made several requests. Are you talking about his original requests? I don't know when his original request was; I don't know when his second or possibly

his third was. I know that when Mr. Weisberg requested something, it was given to him, and when he requested the worksheets, they were all given to him.

Beyond that, I --

Q Prior to that, prior to -- you're talking about 1974-75, after the law was amended. Before the Freedom of Information Act was amended, he made a request beginning back in 1966, and file suit in 1970.

Were you consulted in connection with his 1970 lawsuit?

A I don't recall. I can't pick these things out of the past like that, by dates.

Q I have here a letter from J. Edgar Hoover to Mr. J. Lee Rankin, which is dated March 18, 1964, and it responds to a request for some information by a staff Counsel of the Warren Commission, Mr. Eisenberg, and the request, Item 4 of Mr. Hoover's letter, recapitulates Mr. Eisenberg's -- as one of Mr. Eisenberg's requests, or a couple of them, and it asks would neutron-activation analysis show if a bullet passed through the hole in the front of the President's shirt, near the collar-button area, and also if a bullet passed through the material of his tie.

Would such a test -- would such tests do that?

A I couldn't answer that. I'm not a neutron-activation specialist.

Q Would spectrographic analysis do that?

A I don't know. You would have to have somebody with experience in spectrographic analysis of bullets and shirts in order to answer a question like that.

Q Didn't you in fact testify about this before the Warren Commission?

A I don't think I did. I may have. I testified about the spectrographic analysis, but I don't -- regarding this paragraph here, I don't recall whether I did or not.

Q Well, would --

A It would be just to relay the report of somebody else; it wouldn't have been my own opinions.

Q Mr. Hoover concludes that -- well, the -- Mr. Hoover states that:

"Neutron activation is a sensitive analytic technique to determine elements present in a substance. During the course of the spectrographic examinations previously conducted of the fabric surrounding the hole in the front of the shirt, including the tie, no copper was found in excess of that present elsewhere in undamaged areas of the shirt and tie. Therefore, no copper was

found which could be attributed to projectile fragments. It is not felt that the increased sensitivity of neutron-activation analyses would contribute substantially to the understanding of the origin of this hole and frayed area."

Now, first, how would Mr. Hoover have come by this information?

A Well, I don't know. You'd have to ask the person familiar with that letter. I don't know how he came by it.

Q But presumably someone in the FBI Laboratory provided him with this opinion?

A I would think so. Yes. It sounds like a neutron-activation analysis specialist.

Q And that would be -- that would have been -- Mr. Gallagher?

A One of three -- two, three or four who were there at the time. I don't know who it was; Mr. Gallagher was in charge, I believe.

Q I believe that you testified that there had -- there was no copper on the tie and the President's shirt collar. Is it possible neutron-activation analysis would have revealed something that spectrographic analysis would not have?

A I don't know. You'd have to ask a specialist in

that field.

In connection with that spectrographic analysis, I merely relayed the spectrographer's report; I didn't express it as my own opinion.

Q Now, what was the -- to you, the significance of the fact that there was no copper on that shirt -- shirt collar or tie?

A I would say it had very little significance. I don't know what the total experience of the men in that field is, but I don't think it would have any significance, whether it had detectable copper on it or not.

Q Did you conduct any examination of the shirt yourself?

A Yes, I did.

Q What did you observe?

A A hole in the back, and a hole in collar at the front.

Q And were you able to determine --

A This is President Kennedy's shirt we're talking about now?'

Q Yes. Were you able to determine what caused the hole in the President's shirt collar?

A No, sir. It looked like a bullet hole to me, but I

couldn't say. It looked -- if it was a bullet hole, it appeared to be a bullet exit hole, but I couldn't say what caused it.

Q And did you observe the tie?

A Yes, sir.

Q And was there a nick on the tie?

A Yes, sir, there was.

Q Did you reach any conclusion as to whether or not a bullet was responsible for that nick in the tie?

A No, sir, I did not.

Q Did you --

A It could have, but I couldn't say just from looking at the nick, what caused it.

Q The nick.

I'd like you to look at the photograph taken by the FBI Laboratory, which is a photograph of the President's shirt collar.

A (Witness examines document.)

Q Can you, by -- simply by looking at that photograph, determine whether or not the holes in that shirt collar overlap?

A I wouldn't know whether you could or not from looking at the photograph. This shirt was examined by another Examiner for that purpose.

Q Did you button the shirt yourself, to see whether or

not the holes overlapped?

A I don't recall whether I did or not.

Q If they do not overlap, it can not have been caused by a bullethole, could it?

A That's an opinion.

Q Could both holes --

A You're asking for an opinion --

Q Yes.

A -- in a scientific matter, and you're prepared to pay expert witness fees, I'll answer -- any questions you like, but unless you do, I'm only going to testify as to what I know.

Q Did you in your official capacity as an Agent of the FBI, before the Warren Commission, do that?

A Do what?

Q Button the shirt and make a determination --

A I don't recall. I don't believe that I did. I had it examined by another Examiner for that purpose.

Q Did you make any -- you had another Examiner do that?

A Yes, sir.

Q Who was that?

A I think it was Special Agent Paul Stombaugh.

Q Did that Agent make a report?

A Yes, he did.

Q Mr. Stombaugh?

A I think it was Paul Stombaugh. I -- maybe another Examiner got involved, but I think it was Stombaugh.

Q Do you know whether or not this report has been provided us?

A I have no idea. I assume that it has, although as far as I know -- I can't recall all the reports that have been provided, what was asked for or what was furnished.

Q Do you recall what the report concluded?

A No, I don't.

Q Was that report, or the substance of it, provided to the Warren Commission?

A I think it was. I think he testified before the Warren Commission at some length.

Q Did you make any effort to determine whether or not the tie had been struck by a bullet -- the President's tie? The nick?

A As I said, I couldn't tell one way or the other.

Q If the bullet had passed through the center of the President's collar, could it possibly avoid going through the tie?

A What do you mean by "the center of the collar?"

Q Where the collar is buttoned.

A Well, certainly it could have. The tie could have been a little off -- been off to one side, or the bullet could have been passing at an angle from the left to right, or right to left (indicating), and missed the tie. It could have missed it completely without any problem at all.

Q Could it have struck it at such an angle, and also have hit Governor Connally where it's alleged to have?

MR. RYAN: I will object on the grounds that it calls for speculation on the part of the witness.

BY MR. LE SAR: (Resuming)

Q This is simply a review of Mr. Frazier's testimony, and I'm simply trying to find out whether or not these types of observations were made and put into any report.

A Well, is there a question -- do you want me to answer the previous -- I've --

Q The previous question --

A I've forgotten all the details of your previous question.

MR. LE SAR: Would the Reporter read the previous question back?

(The Reporter read back the pending question.)

THE WITNESS: I couldn't answer that question because I don't know what the position of the shirt was on the President's body at the time it occurred.

BY MR. LE SAR: (Resuming)

Q Did you make any effort to determine whether a nick in the tie and the damage to the shirt collar were caused by a scalpel?

A Did I make any determination?

Q Or did anyone at the FBI?

A I don't know. I would assume that they had, yes.

Q Would it be normal procedure -- a normal hospital procedures under the circumstances under which President Kennedy was brought into Parkland Memorial Hospital to cut the tie off with a scalpel?

A I don't know.

Q You would assume that some investigation was made of that possibility?

A The tie was cut, but I don't know whether it's normal procedure at the Hospital to cut it. It was cut off -- as I recall, it was cut off to the side.

Q Would you investigate it?

A I can't answer that either, what I might have done.

MR. LE SAR: I want to show you an exhibit -- I

would like this exhibit marked -- let me mark this one first (indicating), and I think we should have this one marked, too, since that one will be coming up.

(The documents referred to were marked for identification as Plaintiff's Exhibits No. 5, 6, 7 and 8, respectively.)

BY MR. LE SAR: (Resuming)

Q I want to show you Plaintiff's Exhibit 7. I know this is an FBI Exhibit No. 60, which is apparently a composite photograph of items of clothing worn by President Kennedy.

Can you tell me what the purpose of this photograph was?

A This is one of the record photographs, as I recall, that the FBI furnished at the request of the Commission, among all the evidence. There were other materials that were sent in.

This one is an overall and close-up of the back of the President's shirt, a moderate close-up of the collar, and a photograph of the nick in the tie.

Q Do you recall whether or not this was an attachment to CD-1, which was Mr. Hoover's first report to the Warren Commission on the assassination of President Kennedy?

A No, I don't have any recollection.

Q All right.

A I don't even know what CD-1 is.

Q Commission Document No. 1 of the Warren Commission documents. Document No. 1.

You notice the nick on the President's shirt there (indicating)?

A No, sir. I don't.

Q Excuse me; on the President's tie.

A Yes, there is a nick on the President's tie.

Q What is the position of that nick?

A As it is shown in the photograph.

Q As it's shown in the photograph, it appears to be in the center of the tie knot, doesn't it?

A I couldn't say whether it's in the center of the knot; it's on the side of the tie. I know that much.

Q Was there a nick on the underside of the tie?

A No, sir, just on the side.

Q In that case, how could a bullet exiting through President Kennedy's throat leave a nick on the front of the tie but not on the backside?

A It wouldn't leave a nick on the front of the tie; only on the side.

Q All right.

Let me show you Plaintiff's Exhibit No. 8, which is another photograph of the President's tie.

What is the location of the nick on the tie at that point?

A I will assume it's on the side of the tie.

Q And is it at the point where the tie is cut?

A No, it's below the point where the tie is cut.

Q It's near where the tie is cut?

A I don't know how far away it is, whether it's near or far.

Q Would you look at it and mark the point on it where the nick is?

A No, I will not.

Q You are refusing to do that?

A I am not going to make any examinations of any exhibits or any interpretations of any results unless you compensate me in the usual manner of paying expert witness fees.

Q Well, we're simply going over your testimony before the Warren Commission to ascertain whether or not reports were made on matters which it would appear there should have been reports made, and observations made, and I believe your testimony was that you received all the reports.

A No, sir. My testimony was not to that effect.

Q You were -- that was not correct? You were not the Custodian of FBI Laboratory reports?

A Not all of them.

You said all of them?

Q Yes.

A I did not receive all of them.

Q Was there an individual who was Custodian of all the reports?

A No, sir.

Q I would like to raise the question, Mr. Frazier -- I guess I'm somewhat troubled by the repeated demands that are being made that you be compensated as an expert witness.

A I'm not demanding that I be paid.

I am stating that if I am going to interpret anything now from scientific evidence, that was not done before, and that I have not testified to, that I expect such testimony would be just as if a doctor was testifying, and he is giving a professional opinion.

And as such, we are getting into new fields completely, that have nothing that I can see concerning my prior testimony or examinations, and therefore it's something new, and as a firearms consultant, I would expect to be -- such

testimony to fall into the expert witness classification.

MR. LE SAR: Well, the reason -- I suppose I raise the question -- as you know, there is great public concern over the investigation that was made of President Kennedy's assassination, a concern that has been raging throughout the country for the past 13 years.

There have been charges made, I think emanating from official quarters, including the FBI, that some of the persons critical of the investigation carried it out, are commercializing the event, and attempting to profit from it, and it would seem to me that in view of that, it does not come with particular good grace that in a case in which -- particularly in a case in which the Plaintiff is without funds, that you would be making this sort of demand.

THE WITNESS: I'm in -- I am a private firearms consultant, dealing in technical matters, and I make my living at it, and therefore, you are taking my time away from the -- my job as a firearms consultant, and in doing so, you can -- if you want to ask me anything you want about these exhibits, and what my reports were and what my testimony was, that's fine.

But if you're going to ask me to interpret something new, and give my opinion as to what might have been, in

technical matters, then that is --

MR. LE SAR: I don't -- I think that the questions I've been asking you relate to matters which you testified to before the Warren Commission; you acquired the knowledge while you were on the Government payroll, and in addition, I assume that you have some retirement benefits from the Government, so it seems to me to place you in a different category than that which you are trying to cast yourself in.

And the -- the focus of the questions has always been to determine whether or not tests were or should have been performed, so we have some way of gauging whether or not we have been provided all of the materials that should exist.

That's the purpose.

BY MR. LE SAR: (Resuming)

Q Let me go on and see if there are any more questions that I have.

Are you familiar at all with the spectrographic examination?

A Generally, yes; I know what the purpose is.

Q And that --

A As to how they're conducted, or what the results are, or to interpret a spectrographic plate -- no, I could not do that.

Q Are you familiar with the procedures?

A No, sir, not completely.

Q Have you ever had any courses of training in spectrographic analysis?

A No, sir, I have not.

Q The -- all right.

Would you know, for example, in connection with carrying out spectrographic analysis, whether or not it is -- it is necessary to determine whether or not there is any variation within -- any variation of the chemical composition of a bullet, within that bullet, in order to evaluate the spectrographic results?

A I'm afraid I'm not qualified to answer that. I don't know the answer to it.

Q You wouldn't know --

A I don't really know; no.

Q -- whether or not a --

A I would assume that it might have some effect on it. But I don't know.

Q That a bullet might vary in chemical composition from one end to the other?

A That's why an interpretation of the results would be -- you'd have to be quite conservative in the interpretation,

I would think.

Q And in order -- in order, therefore, to properly evaluate the test, you would assume that you would have to sample other ammunition of a particular type in order to determine what the range or variation is within a batch of bullets, or -- and also to make, perhaps, several samples on a particular bullet to determine what the range of variation is on that bullet?

A I don't think I'm qualified to answer that question.

Q I believe you testified that you were with the FBI Laboratory until April 15th of 1975.

During that time, subsequent to the issuance of the Warren Report, which was issued in September of 1964 -- subsequent to the issuance of the Warren Report, were there any re-evaluations or further testing done by the FBI Laboratory on any items of evidence?

A I don't -- nothing to my -- nothing of mine that I know of.

Q Nothing of yours --

A Nothing in the firearms identification line.

Q To your knowledge --

A I don't remember anything on the others, either; I

don't recall any of it.

Q To your knowledge, there were none by any other units of the FBI?

A I said I didn't recall. There's a little difference from what I know and what I recall.

What I mean is, I don't remember that there ever was any, but I can't positively say that I don't know there was not any. There's a little distinction there; I hope you understand what I mean.

If there were, I don't recall that it was after that date.

Q Okay. All right.

A The date of the publication of the Warren Report? Is that -- that was the date we're talking --

Q September, 1964; yes. I'm asking whether you have any awareness of any tests which might have been performed after that, or any re-evaluations made after that date in which FBI Laboratory personnel were involved?

A I can't -- the date is just someplace in the past. I couldn't say one way or the other.

Q Would you -- are there any of a more recent date that you would be aware of? Say within the past two or three years?

A I don't know that there's been any.

MR. LE SAR: Okay. We may have reached the end;
let me see.

(Discussion off the record)

BY MR. LE SAR: (Resuming)

Q Yes. There's a phrase I wanted to get clear.

There's a reference in one of the reports to "Gerel
Ash" spectrographic analysis. Would you inform me as to what
that means?

A Gerel Ash? Yes, that was on one of the exhibits
you showed me, today.

Q Yes, of the curbstone.

A Gerel Ash is a company name for a company which
manufactures spectrographs on which metallic objects are
analyzed.

Q Now, are there other types of spectrographic
machines -- other companies?

A Other companies make spectrographs. Yes.

Q And the FBI has more than one kind of spectrograph?

A I don't know how many they have. They had two
when I was there, and they have moved to a new building. I
don't -- I have no idea how many they have now.

MR. LE SAR: May we have back that exhibit which

has that sketch of the curbstone?

MR. WEISBERG: Several pages stapled together.

THE WITNESS: I don't have that.

MR. WEISBERG: I think it's the only one with the pages stapled together.

(General discussion off the record)

BY MR. LE SAR: (Resuming)

Q Here it is. Here it is (indicating).

Can you orient the direction which that sketch shows the bullet to have been traveling from when it struck the curbstone?

A This sketch in Exhibit 5?

Q Yes.

A This was not my sketch, and I'd rather not say what the person that made it had in mind.

Q All right; fine.

In -- in your testimony before the Warren Commission, you testified that some of the fragments were similar in lead composition to bullet 399, the bullet which is alleged to have gone through both President Kennedy and Governor Connally.

Is that all the spectrographic tests revealed?

A I don't know of any other spectrographic tests that were made, and that is the results that were furnished to me,

as I recall, by one of the spectrographers. I don't remember which one it was at that time. There was three people involved in this matter.

It could have been Gallagher, or some one of his others, and they furnished me this -- these results, and I included it in my report, and instead of having Gallagher go up and testify to a very short period of time, I related what his report showed.

And I don't know anything more about it than that.

In other words, all I did was restate, or possibly I may have rephrased some of it, the results of his examination, as shown in the laboratory report.

Q And the -- let me understand. The reason he himself did not testify is -- what?

A To save time, as far as I know, or -- I don't know who it was, thought Harlan Specter was making the direct examination; his result was one small paragraph, and he asked me about it. You read it to me here this afternoon, a few minutes ago.

Since that's all there was, he just let me sort of read it into the record, you might say, and there was no objection by any Commission Members, and that's the way it turned out.

Q All right.

I have one final area, I think, before we cease. Actually, I want to return again to this question of the weight loss from the bullet.

I think you testified before the Warren Commission as to the maximum weight of that -- of that bullet, based on an average of what similar bullets weighed.

A I believe I did. Of course, that doesn't mean that that bullet actually weighed that amount. This is a way to approach something, not having the original.

Q I understand --

A You average other bullets, but they may not be typical. They could be a little more or a little less.

Q And I believe you also indicated in your testimony that the maximum weight loss was about two and a half grains.

A It's possible; I don't recall.

Q Now, how could you testify to that without knowing the weight of the matter removed from the bullet?

A The matter has nothing to do with it.

Q Well, suppose --

A I weighed the bullet before anything was removed from it.

Q Suppose the material removed from the bullet, mean-

ing the material removed for scientific examination -- the two spectrographic samples removed, and the loss of the -- from the weight of the bullet in firing, exceeded two and a half grains?

A Oh, I'm sure it did. I'm sure it did; they took more than -- they probably took that much, two and a half grains, out of the bullet in the spectrographic analysis.

Q Well, that --

A The point -- my point is, I weighed the bullet when I got it. That fixes its weight, period.

You can take half the bullet, and it has nothing whatsoever to do with the original weight of the bullet. You get the original weight of the bullet by going back to the gun, not the other direction.

The original weight of the bullet is an approximation based on taking other similar bullets, weighing them, averaging them, seeing what is the maximum weight, and you get an approximate figure for the maximum weight.

The weight when received -- I don't recall the exact figure, but you say two and a half or two and three-quarters grains less, would be the amount of weight the bullet is supposedly has lost from the time it was fired and the time it was recovered.

Now, what's taken after that for spectrographic analysis is immaterial.

MR. LE SAR: I think that concludes the examination.

THE WITNESS: Okay.

MR. RYAN: I have no questions.

MR. LE SAR: Mr. Ryan, I'll be back in touch with you tomorrow, and see if we can arrange these other depositions.

MR. RYAN: Okay. Gallagher and Shaneyfelt.

MR. LE SAR: Yes.

Mr. Frazier, thank you very much.

(Whereupon, at 3:45 PM, the taking of the instant deposition was concluded.)

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C E R T I F I C A T E

I hereby certify that I have read the foregoing 79 pages of testimony in this transcript and certify this transcript to be a true and accurate record of the testimony given by me.

ROBERT A FRAZIER

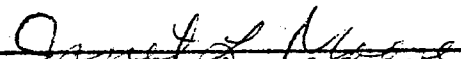
Subscribed and sworn to before me this _____ day of _____
1977.

My Commission expires:

Notary Public in and for the
District of Columbia

CERTIFICATE OF NOTARY PUBLIC

I, Janet L. Moore, do hereby certify that the witness whose deposition appears in the foregoing pages was duly sworn by me.


Notary Public in and for the
District of Columbia.

My commission expires August 31, 1981.

CERTIFICATE OF REPORTER

I, William H. Dillingham, III, the reporter, do hereby certify that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

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