

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

CARLY MICHELLE KURTH, also known as NGUYEN THI LAN, a minor who sues by and through her next friends and adoptive parents, RICHARD C. and MARGARET KURTH, 6428 Cranbrook NE, Albuquerque, New Mexico 87111; phone: (505) 821-2797; and by and through her guardian ad litem, CHARLES R. WORK and McDERMOTT, WILL & EMERY, Suite 500, 1850 K Street, N.W., Washington, D.C. 20006; phone: (202) 887-8030

New
Civil Action No.

80-3223

Plaintiff

Old
Civil Action No.

76-0544-44

LOCKHEED AIRCRAFT CORPORATION

Defendant and
Third Party Plaintiff

v.

THE UNITED STATES OF AMERICA

Third Party Defendant

Deposition of:

ELWOOD THOMAS DRIVER

Wednesday, July 27, 1983

Washington, D. C.

ALBERT J. GASDOR
General Stenotype Reporting
(202) 546-6666 (301) 894-9157

Deposition of ELWOOD THOMAS DRIVER was taken, pursuant to notice, before, Albert J. Gasdor, a Notary Public in and for the District of Columbia, commencing at 10:07 a.m., Wednesday, July 27, 1983, in Conference Room 202, Safeway Building, United States Department of Justice, 521 12th Street, N.W., Washington, D. C.

APPEARANCES:

On behalf of the Plaintiff:

JOHN E. FRICKER, ESQ.
Lewis, Wilson, Lewis & Jones, Ltd.
2054 North 14th Street
Arlington, Virginia 22216
Phone: (703) 527-8800

On behalf of Defendant Lockheed:

THOMAS B. ALMY, ESQ.
Finley, Kumble, Wagner, Heine,
Underberg & Casey
11th Floor, Bender Building
1120 Connecticut Avenue, N.W.
Washington, D. C. 20036
Phone: (202) 857-4000

On behalf of the United States:

BRUCE N. BAGNI, ESQ.
Torts Division, Civil Branch
Department of Justice
11th Floor, Safeway Building
521 12th Street, N. W.
Washington, D. C. 20044
Phone: (202) 724-6829

ALBERT J. GASDOR
General Stenotype Reporting
(202) 546-6666 (301) 894-9157

I N D E X

Wednesday, July 27, 1983

Washington, D. C.

DEPONENT:

DIRECT

ELWOOD THOMAS DRIVER

Examination by Mr. Bagni 4, 41

Examination by Mr. Almy 40, 42

E X H I B I T S

NUMBER

TRANSCRIPT
FOR ID. REFERENCE

DD-2747 - Aircraft Accident Report
May 25, 1979

13 13

DD-2748 - Aircraft Accident Report
October 31, 1979

19 18, 19

DD-2749 - Aircraft Accident Report
December 28, 1978

22 22, 43

Plf. 10-C - Photo

52

DD-3510 - Photo

53

Plf. 1000-45, -46, -47 - Photos

53

DD-2750 - USAF Accident/Incident Report
4 April 1975

54 54

1 Whereupon,

2 ELWOOD THOMAS DRIVER

3 was called as a witness and, having been first duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BAGNI:

7 Q State your full name and address for the record,
8 please.

9 A My last name is D-r-i-v-e-r. My first name is
10 E-l-w-o-o-d, and my middle name is Thomas. I live at [REDACTED]

11 [REDACTED]
12 Q Pegasus is half bird and half horse, isn't it?

13 A Yes. It used to be the symbol for Mobil Oil.

14 Q Have you ever been deposed before?

15 A Yes, I have.

16 Q On how many occasions?

17 A Within the last six months, maybe four or five
18 times.

19 Q Were you ever deposed in your capacity as an NTSB
20 official?

21 A No, not in that capacity.

22 Q In what capacity have you been deposed in the past

1 six months?

2 A I have been a consultant, and I have been deposed
3 on accidents.

4 Q What kinds of accidents?

5 A Aircraft, truck, one boat accident.

6 Q I have your curriculum vitae or résumé in front
7 of me. I like the word résumé, but we will use CV. It indi-
8 cates that you were vice chairman and member of the National
9 Transportation Safety Board from 1978 to 1981. Could you
10 just very briefly describe for us what your functions were
11 as vice chairman and board member of the NTSB.

12 A Let me give it in the inverse order. I was one
13 of five board members whose duty it was to determine the
14 cause of all aircraft accidents that occurred, and also rail-
15 road, marine type and high type, and also pipeline.

16 Our duty was to review the accident data as
17 gathered by our technical staff, and, based on that determin-
18 ation, the proximate and secondary cause of those accidents
19 and come up with recommended corrective action to prevent
20 recurrence.

21 Q I also understand from your CV that you acted as
22 Director of On-Scene Investigations in a number of accidents.

1 A That is correct.

2 Q You have indicated a list of about six or seven
3 here. Is this just part of the group?

4 A Those are the accidents in which I was on scene
5 and in charge. There must be another 150 or 200 that I re-
6 viewed, desk audits.

7 Q Are these seven listed the only accidents in which
8 you were the on-scene investigator?

9 A During major accidents, that is correct.

10 Q When you say major accidents, you are distinguish-
11 ing a major accident from a minor accident?

12 A Yes.

13 Q How would you distinguish between the two?

14 A A major accident is considered to be of sufficient
15 importance to be investigated by the complete Board out of
16 Washington, D.C. The minor accidents were usually -- I am
17 speaking aircraft only now -- involving light twins, small
18 aircraft, and they were usually investigated by our field
19 organization.

20 Q So, you would not be an on-scene director of that
21 sort of accident?

22 A Except in an unusual case like Ted Stevens, the

1 senator's accident up in Alaska. That was only a light twin,
2 but due to the importance of the person concerned, I went
3 out on that one.

4 Q Was anybody killed in that accident?

5 A Yes, his wife, the pilot and another passenger.

6 Q You direct the on-scene investigation?

7 A That is correct.

8 Q Were there any autopsies done in that case, in
9 that investigation?

10 A Yes.

11 Q Was there an autopsy done of the pilot?

12 A I know the pilot. I think an autopsy was conducted
13 on all of them.

14 Q The passengers as well?

15 A I am quite sure.

16 Q These on-scene investigations and major accidents
17 would involve air carriers primarily?

18 MR. BAGNI: John, can you put the list in front
19 of him.

20 MR. FRICKER: Yes. Let the record reflect I am
21 giving Mr. Driver a copy of the CV that was attached to our
22 supplemental submission.

1 THE DEPONENT: The reason I am checking, some of
2 these are category 135; some might be contract and some
3 might be lend-lease.

4 A couple were commuter type like Cascade which
5 was a commuter and Down East was a commuter.

6 BY MR. BAGNI:

7 Q I don't see Cascade. Is that over on the next page?

8 Yes, I see the carryover.

9 Is it fair to say then these accidents all involved
10 large numbers of passengers?

11 A No.

12 Q Did most of these accidents involve large numbers
13 of passengers?

14 A Yes.

15 Q These are mainly passenger aircraft; isn't that
16 correct? .

17 A These are, yes, sir.

18 Q Just a general question. When you directed these
19 on-scene investigations, what criteria guided you in determ-
20 ining what, if any, photographs would be taken?

21 A Standard operating procedure for accident investi-
22 gations.

1 Q What are the standard operating procedures for

2 accident investigations relative to photographs?

3 A It all arises out of the dire necessity to pre-

4 serve the evidence.

5 I don't want to get into a lecture on accident

6 investigations, but that is one of the prime requisites.

7 It is a basis for determining what actually caused the acci-

8 dent. If that is disturbed or if you don't have that data

9 preserved in some way, then your accident investigation

10 could go awry.

11 One of the principal means for preservation of

12 evidence and documentation is photographs.

13 Q Are there any criteria as to what parts of the

14 wreckage or what parts of the aircraft would be photographed?

15 A No.

16 Q Is that kind of a matter of discretion for the

17 investigator at the scene of the accident?

18 A No.

19 Q What are the criteria?

20 A You take pictures of everything, because you don't

21 know what actually happened. You take as many as possible

22 from all possible angles and viewpoints.

1 Q If you have strong reason to believe or have an
2 understanding or fairly strong belief as to the cause of
3 the accident, and let's just say, for example, the suspect-
4 ed cause centered, let's say, in the wing portion or the
5 pylon portion of the wing, would it be fair to say that you
6 would center or focus most of your investigation on that
7 part of the aircraft?

8 MR. FRICKER: I object to the form. It is argumenta-
9 tive and calling for speculation. You may answer.

10 THE DEPONENT: In a normal, full investigation,
11 accident investigation, there are separate teams who look
12 at separate parts of the accident sequence. In each case,
13 each separate team would go about its duties preserving the
14 evidence, gathering data, interviewing the personnel. Those
15 are the main things.

16 BY MR. BAGNI:

17 Q You say in a normal accident investigation. What
18 do you mean by normal accident investigation?

19 A The structured type examination, accident investi-
20 gation conducted by the Board or the FAA and, I suppose,
21 by the Air Force.

22 Q I would like to ask you some general questions

1 about some of these on-the-scene investigations that you
2 conducted.

3 Let's take first the American Airlines DC-10 in
4 Chicago on April 25, 1979. How soon after the accident did
5 you and the investigating team arrive on the scene?

6 A Our field team was there in about 20 minutes.

7 Q Where was the wreckage itself? Was it outside of
8 the airport area?

9 A Just outside.

10 Q Did the team at that time secure the area?

11 A Yes, they did with the assistance of the local
12 police.

13 Q By secure, you mean that the area was basically
14 roped off and guarded, protected?

15 A It was cordoned off; no ropes.

16 Q Cordoned off so that you could conduct your in-
17 vestigation without any interference from any outside persons?

18 A No. The principal purpose was to secure the wreck-
19 age and provide means for performing whatever rescue mission
20 could be performed. In this case, there wasn't much.

21 Q How long did the on-site investigation last?

22 A I was there three days, came back to go before

1 Congress on it, and I went back for another two days, but
2 my team stayed there longer.

3 Q During the course of the investigation, did the
4 accident area remain secured?

5 A Not during the entire investigation. Toward the
6 end when the team was about to wrap up things, it was sort
7 of opened up to clear the area and get the wreckage out of
8 there.

9 Q Do you know of any instances where parts of the
10 wreckage were carried off by unofficial, unauthorized indi-
11 viduals?

12 A Not unless they got through the cordon.

13 Q By the way, did you ever determine the probable
14 cause of this accident?

15 A We certainly did.

16 Q What was the probable cause?

17 A It was a combination of faults, inappropriate and
18 unauthorized procedures on the part of American Airlines.

19 Let me make sure I get the words right now:
20 "possible marginal design of the pylon support."

21 Q The pylon supports the engine or one of the engines?

22 A That is correct.

1 Q On the wing?

2 A That is correct.

3 Q Do you recall how many photographs were taken of
4 this particular accident?

5 A Stacks.

6 Q What parts of the aircraft were photographed?

7 A Everything.

8 Q Do you recall whether any autopsies were performed?

9 A Yes, they were.

10 Q They weren't performed on the passengers, were
11 they?

12 A Yes, I think they were.

13 Q Sir, I would like to show you what we will have
14 marked as an exhibit. This appears to be the aircraft acci-
15 dent report of this particular American Airlines accident
16 at O'Hare Airport on May 25, 1979.

17 The document has now been marked as Defendant's
18 Exhibit DD-2747.

19 [Aircraft Accident Report, May 25, 1979,

20 was marked DD-2747 for identification.]

21 BY MR. BAGNI:

22 Q I show you page 11 and specifically section 1.13,

1 Medical and Pathological Information, and I ask if there
2 is any indication whatsoever in that section that autopsies
3 were performed on the passengers?

4 First of all, do you recognize this document?

5 A Yes. I just want to make sure it is the blue book.

6 Q By the blue book, you mean what?

7 A It is the official report that is put out after
8 the Board has met and determined probable cause.

9 Q Is that, in fact, a copy of the blue book?

10 A I think it is. It has been a long time.

11 Q Take as much time as you would like to look at it.

12 A I am quite sure it is. I am just wondering why
13 the signature page is not here. Yes, it is here.

14 Q So that is, in fact, the blue book or the official
15 report of the NTSB?

16 A That is correct.

17 Q Would you direct your attention, please, to page
18 11. Under section 1.13 which is titled "Medical and Patho-
19 logical Information," would you just read for the record
20 what it says.

21 A "A review of the autopsies and toxicological exam-
22 inations of the flightcrew disclosed no evidence of preexisting

1 physiological problems which would have affected their per-
2 formance."

3 Q I have not had a chance to scour all of that docu-
4 ment, but, based on my review, that is the only part of that
5 report that in any way refers to autopsies. From that, I
6 infer that autopsies were performed and toxicological exam-
7 inations were only performed on crew members. If that your
8 recollection, or do you have a different recollection?

9 MR. FRICKER: I object to the form of the question.
10 I think it is inappropriate and, in effect, testifying to
11 what your review of the document says. You have asked him
12 before and he has given you an answer.

13 BY MR. BAGNI:

14 Q I am attempting to refresh your recollection. Does
15 that refresh your recollection as to whether other autopsies
16 were performed on non-crew members?

17 A I am confident that autopsies were performed.

18 Did you say only crew members?

19 Q On persons other than crew members.

20 A I am quite sure they were, but for accident de-
21 termination purposes of this document, that was not very
22 relevant.

1 MR. FRICKER: Why don't you ask him that question.

2 BY MR. BAGNI:

3 Q Mr. Driver, in your review of the index or table
4 of contents of this particular report, do you find any other
5 indications that there were other autopsies performed on
6 non-crew members?

7 MR. FRICKER: Your question is not whether they
8 were performed. The question is whether that report refers
9 to others being performed.

10 MR. BAGNI: The man has already said he was quite
11 sure they were performed, but he also stated it was not rele-
12 vant to the underlying part of the accident, and I guess
13 we are just trying to confirm whether it is in the report.

14 THE DEPONENT: I don't see any evidence in this
15 report of a reference to autopsies being performed on the
16 passengers.

17 BY MR. BAGNI:

18 Q Take as much time as you want to look at it. I
19 am through with questioning you on that.

20 A The document speaks for itself.

21 Q You are talking like a lawyer.

22 A No way.

1 Q I would like to refer you to another accident that
2 is listed here, and this is the Western Airlines DC-10 crash
3 in Mexico City on October 31, 1979. I take it from your
4 résumé that you directed the on-scene investigation of that
5 particular accident as well?

6 A I was the U. S. rep. The Mexican Department of
7 Transportation conducted the investigation since it was in
8 their territory.

9 Q What was your function as the United States repre-
10 sentative?

11 A Official observer, and we had members of our team
12 there to assist the Government of Mexico.

13 Q Did you ultimately generate a report on this par-
14 ticular accident?

15 A The Mexicans generated a report.

16 Q Let me show you---

17 A I am sorry. The Mexicans conducted the investiga-
18 tions.

19 Q But then the NTSB generated a report?

20 A I think we did.

21 Q I would like to show you now what has been marked
22 Defendant's Exhibit DD-2748 which appears to be a National

1 Transportation Safety Board translation and reprint of the
2 Director General of Civil Aviation, United States of Mexico,
3 Aircraft Accident Report.

4 [Aircraft Accident Report, October 31, 1979,

5 was marked DD-2748 for identification.]

6 BY MR. BAGNI:

7 Q Have you seen this document before?

8 A Yes, I have.

9 Q Would you keep it before you for a moment, please.

10 Do you recall what the probable cause of this acci-
11 dent was?

12 A There was some conflict. We didn't determine prob-
13 able cause. I know there was a truck on the runway which
14 they hit, and there were some problems about offset landing
15 procedures. I would have to refresh my memory by reading
16 this.

17 Q There is no point in getting into great detail,
18 but was it generally determined to be pilot error?

19 A That was part of it.

20 Q Were there fatalities in this particular accident?

21 A Quite a few.

22 Q Were autopsies performed on the crew members?

1 A I would have to check the report for that. The

2 reason I say that is the Mexicans are very, very touchy
3 about what Americans do with respect to investigations.

4 During part of the investigation, we were not privy to some
5 of the things they did.

6 Q Did the NTSB have the authority in this particular
7 accident investigation to order that autopsies be performed?

8 A No.

9 Q Does the NTSB generally have authority in a domes-
10 tic accident to order autopsies of crew members and non-crew
11 members be performed?

12 A I think we can request. I don't think we can order
13 them.

14 Q Who would they be requested of?

15 A The local coroner.

16 Q But there is no requirement that the NTSB has to
17 go first to the next of kin?

18 A You are getting into an area I am not sure about.
19 I know we attempt to get autopsies as often as we can to
20 correlate the damage to the body and the damage to the air-
21 craft.

22 Q I scanned through this document and with respect

1 Q So, the autopsies of the dead passengers would
2 not be relevant to the investigation as to the cause of the
3 accident?

4 A Not as to direct cause.

5 Q Thus, there is no indication in this document re-
6 garding the autopsies on the passengers?

7 MR. FRICKER: I am going to object unless you want
8 to give the man sufficient time to review this cover to
9 cover.

10 MR. BAGNI: Please, by all means, look at it, sir.

11 MR. FRICKER: I think that is an absolute total
12 waste of everyone's time. The document will speak for itself,
13 but to ask him to independently recall and state categoric-
14 ally whether there is any place else in here that refers
15 to that is not the legitimate purpose of the deposition,
16 Mr. Bagni.

17 MR. BAGNI: My point is this: there is a section
18 that refers to pathological studies or tests. Now, it seems
19 to me that Mr. Driver, from his experience, can probably
20 know from looking at that portion and based on his experi-
21 ence in putting these reports together know whether or not
22 there would be another section.

1 to this report, I don't find any indication whatsoever of
2 any autopsies being performed on anyone. Do you recall
3 whether there were autopsies performed on anyone?

4 A As I say, that was conducted by the Mexicans, so

5 I don't know.

6 Q So, you have no recollection as to whether they
7 were ever performed; is that correct?

8 A No, I do not.

9 Q Would you thumb through that --it is not a very
10 long report -- and see if there are any indications that
11 autopsies were performed.

12 MR. FRICKER: Do you have copies of these last two
13 exhibits?

14 MR. BAGNI: I am sorry, I don't.

15 MR. FRICKER: You will furnish us copies of these
16 DD exhibits?

17 MR. BAGNI: Yes.

18 THE DEPONENT: This report makes no references to
19 autopsies.

20 BY MR. BAGNI:

21 Q I would like to refer you to one more of the acci-
22 dents in which you were the on-scene investigator. This is

1 the December 28, 1978 crash in Portland, Oregon.

2 First of all, do you recall what the probable
3 cause of this accident was?

4 A Ran out of gas.

5 Q Once again, I have looked through this report,
6 and on page 13 I found reference to medical and pathological
7 information.

8 First of all, may I ask you whether or not you
9 have ever seen this particular document, which we will mark
10 as DD-2749?

11 A Yes.

12 [Aircraft Accident Report, Dec. 28, 1978
13 was marked DD-2749 for identification.]

14 BY MR. BAGNI:

15 Q Is that the official NTSB report of this partic-
16 ular aircraft accident?

17 A Yes, it is.

18 Q And you were the on-scene director of the investi-
19 gation?

20 A Yes.

21 Q I would like to refer you to page 13 of the report.
22 That section, and correct me if I am wrong, refers to a re-

1 view of the medical records of the crew. It indicates that
2 10 of the persons who were killed died from impact trauma.
3 It indicates that the toxicological analyses indicated some-
4 thing about the toxicological analyses of the flight crew.

5 MR. FRICKER: I object. The three sentences speak
6 for themselves.

7 BY MR. BAGNI:

8 Q Would you read that portion, please, the entire
9 section 1.13.

10 A Yes. That is standard in all of our documents.

11 Q Section 1.13 would be the pathological and/or
12 toxicological section?

13 A Yes.

14 Section 1.13 of the NTSB-AAR-79-7, Aircraft Acci-
15 dent Report, December 28, 1978, is titled "Medical and Patho-
16 logical Information.

17 "A review of the flightcrew's medical records re-
18 vealed no evidence of medical problems that might have
19 affected their performance.

20 "The 10 persons who were killed in the crash died
21 from impact trauma. Toxicological analyses showed no acidic,
22 neutral, or basic drugs or ethanol in the blood taken from

1 Q I don't see any mention in that section about
2 autopsies being performed on passengers. Is there any refer-
3 ence in that section to autopsies performed on passengers?

4 A There is none.

5 Q Do you recall whether or not autopsies were per-
6 formed on the deceased passengers?

7 A As I recall, yes.

8 Q Could you look at the table of contents of the
9 official report and see whether or not there is any other
10 section in the report that might relate the results of any
11 such autopsies that might have been performed.

12 A If there was, it would be in 1.15, survival aspects.

13 Let me read this.

14 There is no reference to autopsies being performed
15 in paragraph 1.15 of the subject document.

16 Q Do you know of any other section in that report
17 where the autopsies might be mentioned?

18 A Not in this report, no.

19 Q Is there any particular reason why the autopsy
20 reports of the non-crew members would not be mentioned in
21 that report?

22 A Time and attention is given to the cause of the

1 accident and it pertains primarily to the crew.

2 Q Sir, I note from your résumé that you had a long
3 and distinguished career as an air pilot and, believe me,
4 I am not being facetious when I say excellent career, and
5 I know you were involved in various safety activites. My
6 question is this: can you tell us about how many Air Force
7 aircraft accident investigations you were personally in-
8 volved in?

9 A A gross estimate, 15 or 20, something like that.

10 Q I take it these were all during the time that you
11 were on active duty in the Air Force?

12 A That is correct.

13 Q When did you leave the Air Force? When did you
14 retire?

15 A 1962.

16 Q Can you tell us how many of the aircraft accident
17 investigations you were directly involved in involving civil-
18 ian deaths?

19 A None of those. They were all strictly military.

20 Q How many Air Force aircraft crash investigations
21 were you personally involved in in a combat zone?

22 A There was one. The Far East was called considered

1 a combat zone. I am thinking of the one at Iwo Jima which
2 was part of the 15th Air Force.

3 Q Was this during World War II?

4 A No; this was during the Korean war. One, I think.

5 Q Can you give me roughly the year of the last Air
6 Force accident investigation you performed?

7 MR. FRICKER: Performed or involved in?

8 MR. BAGNI: Directly involved in it.

9 THE DEPONENT: The last one I was on the collateral
10 board investigation, 1959, I think.

11 BY MR. BAGNI:

12 Q Are you familiar with the Air Force Regulations
13 that were in effect in 1975 regarding aircraft accident in-
14 vestigations?

15 A No, I am not.

16 Q Are you familiar with what the Air Force's author-
17 ity was in 1975 to perform autopsies on civilians?

18 A No, I am not.

19 Q I notice in your résumé that you have a number
20 of writings and you have given a number of speeches, and
21 what have you. Have you ever done any writing or given any
22 presentations on the taking of photographs at accident sites?

1 A It was probably in parts of a couple of presenta-
2 tions I gave on the way the Board functions in accident in-
3 vestigations.

4 Q Did you ever specifically focus on the criteria
5 that the Board might employ for the taking of photographs?

6 A In the preservation of evidence, yes.

7 Q But just in general, in terms of preserving evi-
8 dence but not in terms of what photos would be taken or what
9 parts of an aircraft?

10 A Not in these presentations.

11 Q Have you ever done any writings or made any pre-
12 sentations on the taking of autopsies in aircraft accidents?

13 A No, I have not.

14 Q As I understand, you have been retained by the
15 Lewis firm for purposes of testifying in the upcoming Kurth
16 trial; is that correct?

17 A That is correct.

18 Q When were you first retained by the Lewis firm?

19 A Let the record reflect I am checking my data cal-
20 endar book -- 11 o'clock, the 8th of July.

21 Q Was that your first contact with the Lewis firm?

22 A That is correct.

1 Q When you were retained on July 8th, what specific-
2 cally were you retained to do? In other words, what tasks
3 did you take on by accepting your employment?

4 MR. FRICKER: I am going to object. Before you
5 answer, indulge me a moment. I want to make sure that you
6 are not intending, and Mr. Driver is not inadvertently about
7 to respond in any way, that would be a breach of work-product
8 privilege or anything of that nature.

9 MR. BAGNI: We are certainly not interested in
10 that.

11 MR. FRICKER: You are looking for the general scope
12 of what his job is to be.

13 BY MR. BAGNI:

14 Q Yes. Why were you retained, without disclosing
15 any confidential discussions you may have had with the Lewis
16 firm?

17 A I can tell you what I did.

18 Q Well, was the first time you spoke to the Lewis
19 firm on July 8th?

20 A That is correct.

21 Q Did you do something before you were retained?
22 Did you do some work prior to your being retained?

1 A Negative.

2 Q So, you were retained to do something before you
3 performed certain tasks. Is that fair to say?

4 A Yes.

5 Q My question is what were you retained to do?

6 A I was asked to review a stack of photographs. It
7 must have been that high, in books, two films which looked
8 like they were 16 millimeter, and a tray full of color
9 which looked like they were Kodachrome 35 millimeter, and
10 I was given these documents, Air Force accident reports,
11 and several diagrams of the C5A.

12 Q You were asked to review these materials and you
13 were asked to review them with a view toward what? What was
14 the purpose of reviewing the materials?

15 A For photographic documentation and possibly what
16 could be missing.

17 Q When did you review the big stack of photographs,
18 the movie, and those documents that you brought with you
19 today?

20 A Again, referring to my book, Saturday, July 9th;
21 Sunday, July 10th at home. My records don't reflect it, but
22 I did some review on a flight to Baton Rouge in the next

1 week.

2 Q Were these photographs of the accident sequence
3 and of the various parts of the aircraft that had been pro-
4 duced during the course of this litigation, just in general
5 terms?

6 A I presume so.

7 Q In other words, you saw photographs of the acci-
8 dent site?

9 A That is correct.

10 Q And you saw photographs of specific portions of
11 the aircraft?

12 A Yes.

13 Q I take it you saw some photographs of the troop
14 compartment?

15 A A few.

16 Q How many photographs did you see of the troop com-
17 partment?

18 A Four or five, something like that. I think there
19 were five, and there were several outside the troop compart-
20 ment showing the blow-out blisters.

21 Q So, you saw four or five photographs of the in-
22 terior, and you also saw some exterior views of the troop

1 compartment?

2 A Yes. There were quite a few of those taken.

3 MR. BAGNI: Do you have the proffer of his testi-
4 mony, John? I want to refer to it.

5 THE DEPONENT: What is that?

6 MR. FRICKER: It is a copy of the pretrial brief.

7 BY MR. BAGNI:

8 Q Before I ask you specific questions, I take it
9 you have formed certain opinions about the photographic docu-
10 mentation in this particular accident; is that correct?

11 A Yes, I have.

12 Q I take it also you have formed certain opinions
13 about the taking or not taking of autopsies in this partic-
14 ular accident?

15 A Yes, I have.

16 Q Can you tell me as best you can when you first
17 formed these opinions?

18 A About the 18th or 19th of July.

19 Q I would like to refer you to the specific proffer.
20 It basically states your name and indicates the substance
21 of what your testimony will be.

22 On page 4 at the bottom, the statement is: "Based

1 on his review of the several motion pictures of the crash
2 and other data," I take it that is supposed to be a comma,
3 "Mr. Driver is expected to give his opinion concerning the
4 importance and probability of missing photographs of the
5 interior of the troop compartment."

6 It goes on to say, "It is the opinion of Mr. Driver
7 that such photographs were taken immediately after the crash
8 and that if these additional photographs had been made avail-
9 able, they would be extremely beneficial in showing the fire,
10 smoke and forces that existed in the troop compartment
11 during the crash sequence."

12 My first question to you is, what is the basis
13 for your opinion that there were additional photographs
14 taken of the interior of the troop compartment?

15 A Because there are so few here.

16 Q And you have seen four or five?

17 A I think it was five.

18 Q That is the sole basis of your opinion?

19 A No. It is just that under a normal sequence of
20 accident investigations, lots and lots of pictures are taken,
21 at least in accident investigations we have conducted. Lots
22 of pictures are taken of that which survives and not only

1 that which is destroyed.

2 Q Do you know when the Air Force investigating team
3 first got to the site of the accident?

4 A I will have to refresh my memory.

5 Q First of all, do you have an independent recollec-
6 tion?

7 A Other than what I have read in the accident report,
8 no. The accident report reflects something like 36 hours.
9 I think that is what it says.

10 Q After 36 hours, the accident investigating team
11 arrived?

12 MR. FRICKER: I object. He says that is what he
13 recalls.

14 BY MR. BAGNI:

15 Q Are you familiar with what the conditions were
16 at the time and within 36 hours of the accident in and
17 around the Saigon area?

18 MR. FRICKER: Objection; vague.

19 BY MR. BAGNI:

20 Q Do you know what the military conditions were in
21 and about Saigon as of the time of this accident?

22 A Just hearsay, news; that is all.

1 Q What do you recall? What is your understanding?

2 A They were in a state of withdrawal.

3 Q Do you know whether or not American troops were
4 present in Saigon at the time of this accident?

5 A Just from news reports.

6 Q What do you know from the news reports?

7 A The fact that they were there.

8 Q That American troops were there?

9 A In the area of the accident, yes.

10 Q Do you know what, if any, steps were taken by the
11 Air Force to secure the accident site?

12 A I have no idea.

13 Q Do you have any idea as to what the conditions
14 were under which the accident investigation team was oper-
15 ating?

16 MR. FRICKER: Objection. It is awfully broad.

17 MR. BAGNI: I think if the witness understands
18 the question, he can answer.

19 THE DEPONENT: No, I don't.

20 BY MR. BAGNI:

21 Q Do you have an understanding or any information
22 as to whether or not the area in which the Air Force

1 investigating team was operating was, in fact, secured?

2 A No, I don't.

3 Q By the way, do you know what the cause of this
4 accident was?

5 A No, I don't.

6 Q Do you know how many children, if any, died in
7 the troop compartment?

8 A I would have to refresh my memory.

9 Q You don't have any independent recollection of it?

10 A Eight or nine, something like that; less than 10.

11 Q Let me get back to your proffer for a moment. It
12 is indicated in the proffer that these additional photo-
13 graphs would be extremely beneficial in showing the fire,
14 smoke and forces that existed in the troop compartment
15 during the crash sequence. Is it your understanding that
16 there was fire and smoke in the troop compartment?

17 A No, but that is what the photographs were for.

18 Q But you don't have any understanding that there
19 was, in fact, fire and smoke?

20 A I have no idea.

21 Q It is also indicated, and I am not trying to put
22 words in your mouth because this is simply a proffer written

1 by lawyers, it indicated that Mr. Driver is further expected
2 to testify on the absence of autopsy reports of the children
3 who died in the troop compartment and to express the opinion
4 that such reports are extremely important to an accident
5 investigator in determining the effects of the accident and
6 the effects upon the surviving children.

7 First of all, do you know whether autopsies were
8 performed on any of the deceased passengers in the aircraft?

9 A I have no idea.

10 Q Let me ask you this: do you know or have any in-
11 formation as to the mechanism that caused or may have caused
12 the death of any children in the troop compartment?

13 A I have no idea.

14 Q You are not familiar with the Air Force Regula-
15 tions regarding autopsies of civilians? I think I asked you
16 that before.

17 A No, I do not.

18 Q Why, by the way, in aircraft accident investiga-
19 tions in general are autopsies regularly performed on crew
20 members?

21 A In determining probable cause of the accidents.

22 Q Is that because there is a probability that perhaps

1 a pilot might have a heart attack or stroke?

2 A That is part of it, yes.

3 Q Have you talked to Mr. Carroll at all?

4 A Yes.

5 Q Prior to your deposition concerning this accident?

6 A Jack used to work for me.

7 Q Have you talked to him specifically about this
8 accident?

9 A I read his deposition.

10 Q Have you read the proffer of his testimony in this
11 same document?

12 A I glanced through it. I think I did. I think his
13 is just before mine.

14 Q Yes, it is.

15 A Yes.

16 Q Do you know a gentleman by the name of Doug Dreyfus?

17 A Yes, he used to work for me.

18 Q Do you know whether Doug Dreyfus was involved in
19 any way in the investigation of this particular accident?

20 A I understand he was. I got to the Board in 1978
21 and, at that time, Doug was still connected with it somehow.
22 Even though he was investigating our accidents, he was still

1 connected with the C5A accident.

2 Q Do you know whether or not he investigated the
3 C5A in his capacity as an NTSB investigator?

4 A No, he did not investigate as an NTSB investigator.
5 He was an accredited representative of the NTSB to the in-
6 vestigation.

7 Q Did you consider Mr. Dreyfus to be a competent,
8 professional aircraft accident investigator?

9 A He was one of our best.

10 Q Have you ever had occasion to discuss in any way
11 the investigation of this accident with Mr. Dreyfus?

12 A Just in general terms.

13 Q Has Mr. Dreyfus ever indicated to you that he be-
14 lieved that the accident investigation conducted by the Air
15 Force was deficient in any manner?

16 A I did not talk to him about that, no.

17 Q He spoke to you about general things about the
18 investigation?

19 A Yes. He said, "You know, Woodie, I was down there
20 at the investigation." I said, "I thought I saw your pic-
21 ture in the reel."

22 Q But you did not talk about the substance of the

1 substance of the investigation at all?

2 A No.

3 Q Have you ever been involved in an accident inves-
4 tigation where you had a pretty clear preliminary indication
5 as to what the cause was before you actually undertook the
6 investigation?

7 A Each time, we were wrong.

8 Q So, every time that you ever had a preliminary
9 investigation, it was wrong?

10 A It was not complete. That is the reason we went
11 through a structured accident investigation so that we un-
12 covered all the facts.

13 Q In those instances where you had preliminary indi-
14 cations, would you focus attention on that particular area?

15 A For awhile until it was either factored in or
16 factored out.

17 Q By the way, did you ever have any accident inves-
18 tigation where you were a principal participant where pre-
19 liminary as to the cause of the accident came from the crew?

20 A If I understand you correctly -- is it okay if
21 I rephrase your question to make sure I understand?

22 Q Yes, certainly.

1 A You are asking me if at any time the crew of an
2 instant aircraft gave us anything as to the cause of the
3 accident?

4 Q Yes, sir.

5 A Yes.

6 Q Has that ever formed the basis for a preliminary
7 opinion or view as to what the probable cause of the acci-
8 dent may have been?

9 A Never the basis for a preliminary opinion as to
10 the cause but cause.

11 Q It focused you on a particular part of the air-
12 craft or system in the aircraft?

13 A System, yes.

14 MR. BAGNI: I have nothing further.

15 BY MR. ALMY:

16 Q I think early on you indicated that you testified
17 or had given a deposition concerning an aircraft accident?

18 A Yes.

19 Q I guess as part of your present occupation as a
20 consultant. Have those been in the last year?

21 A Within the last six months.

22 Q Can you tell me where and when you testified in

1 the last six months concerning aircraft accidents?

2 A The last one was over at NTSB, Conference Room

3 8-A. The subject was Piper 31, stalled on takeoff and landing,
4 and let me check to see if I have the date here.

5 Q I would appreciate it.

6 A I don't have the date in my datebook, but it was
7 after March and before the 4th of July. That is as close
8 as I can get to it now.

9 Q The case is referred to as Piper 31?

10 A It was a Piper 31 that crashed on takeoff.

11 Q Do you know where?

12 A Yes. It was down in Georgia, piloted by a priest.

13 Q Can you recall any other testimony during the last
14 six months?

15 A Yes, on May 6th at 1100 Connecticut Avenue, Suite
16 510.

17 Q What did that concern?

18 A A DC-10 -- 10 o'clock.

19 Q Was that a deposition concerning a DC-10?

20 A That is correct.

21 BY MR. BAGNI:

22 Q Was that the Chicago DC-10?

1 A Negative. It was the elevator case. I think you

2 are familiar with those.

3 Q Where was that accident?

4 MR. FRICKER: Mr. Bagni---

5 MR. BAGNI: I am just trying to clarify the record.

6 MR. FRICKER: I think I am being indulgent in
7 letting this go on, but you can ask Mr. Almy to ask the ques-
8 tions instead of going back and forth.

9 BY MR. ALMY:

10 Q Can you identify the case name in which that depo-
11 sition was taken?

12 A Price versus McDonnell.

13 Q Have you given other testimony or depositions
14 within the past six months?

15 A Yes, in a court down in Georgia on a truck case.

16 Q Concerning an aircraft accident?

17 A No, that wasn't aircraft.

18 Q Just the two times you have given testimony or
19 depositions on aircraft?

20 A I gave testimony about eight months ago on ELT.

21 Q What does that stand for?

22 A Emergency Locator Transmission.

1 Q What did that relate to?

2 A The aircraft crashed because the ELT did not work.

3 Q Have you ever given testimony or been deposed con-
4 cerning the photography that is taken during an accident
5 investigation?

6 A Negative.

7 Q In an NTSB Report, I gather that is various para-
8 graphs which are given numbers on a standard basis, for in-
9 stance, 1.13 which would always be the logical section con-
10 cerning the crew?

11 A That seems to be the way it comes out.

12 Q Is there a standard section that might relate to
13 photography of the aircraft accident?

14 A It would not be in that report. That is the Board's
15 final report. That accident report itself -- that is not
16 the accident report. That is in the docket. You can take
17 a look at that.

18 MR. FRICKER: For the record, when the witness said,
19 "That is not the report," the witness was referring to?

20 MR. ALMY: Exhibit DD-2749.

21 THE DEPONENT: Which is normally called the blue
22 cover report.

1 BY MR. ALMY:

2 Q In the blue cover report, as you refer to it,
3 there is not then a specific area where there would be refer-
4 ence to photography?

5 A That is correct.

6 Q Is there a reason why photography is not discussed
7 in those types of reports?

8 A This is a report of accident cause, not the acci-
9 dent investigation report.

10 Q Why is there a distinction between the accident
11 cause report and the accident investigation report?

12 A The blue book is a report of what happened, what
13 was the probable cause, and what are the corrective measures
14 to be taken. This is all based on the accident investigation
15 report.

16 The blue cover reflects the opinions of the Board
17 as to the accident causation. All the details supporting
18 that are in the accident report itself.

19 Q Is there some particular reason why photography
20 is not discussed in the blue book report?

21 MR. FRICKER: I object. I think he just answered
22 that question.

1 THE DEPONENT: I thought I did. It is not a func-
2 tion of the blue book to reflect exact documentation of that
3 type. It is to reflect cause and corrective actions.

4 BY MR. ALMY:

5 Q Let me see if I can make the question more precise.

6 I understand that this blue book will not discuss
7 specifically or list what photography was taken. However,
8 is there a particular reason why it does not discuss gener-
9 ally the results of the photography and what photography
10 was available in general?

11 A I don't know except that it is just not included.

12 Q You have indicated photographs were taken essen-
13 tially to preserve the evdience. Is that a fair statement?

14 A That is one of the most important reasons why we
15 take photographs.

16 Q Are there others?

17 A I guess it is all part of the same thing -- for
18 the preservation of the evidence.

19 Q You indicated that the photography that is done
20 at aircraft investigations, or at least done by the NTSB,
21 is done pursuant to standard operating procedures. Is that
22 a fair statement?

1 A Yes.

2 Q Are those procedures contained in your NTSB Manual?

3 A I think there is a part of it that refers to the
4 preservation of evidence. I know that cameras are issued
5 to our investigators, and I had a camera which I used quite
6 prolifically at the accident scene.

7 Q Of what would you normally take pictures?

8 A I would take pictures of everything. If there was
9 an area on which I wanted more pictures, I asked the photog-
10 rapher, although I actually depended on the official photog-
11 rapher.

12 Q Is there any written operating procedure for the
13 taking of photographs?

14 A No, just common practice of taking pictures from
15 all angles and taking as many as you can under different
16 lighting conditions and as fast as possible.

17 Q Why as fast as possible?

18 A To preserve the evidence.

19 Q When you say preserve the evidence, what do you
20 mean by that?

21 A During subsequent movement of the wreckage, criti-
22 cal elements could be moved out of location and distort or

1 even change color, change position. What particularly comes
2 first, of course, is the preservation of human lives. The
3 more pictures you take, the more you know about the condi-
4 tion of the vehicle immediately after the crash.

5 Q Did you then normally take most of your photographs
6 when you first arrived on an accident scene, you or the
7 other investigators?

8 A That is right. By the time I got there, normally
9 many pictures were taken, and I was not very far behind.

10 Q After the accident parts were moved around, did
11 you continue to take pictures?

12 A I didn't but the photographers did.

13 Q What was the purpose of that?

14 A To get better shots, different shots, different
15 angles.

16 Q If, in fact, the parts had been moved at that
17 point, isn't there a possibility that the later pictures,
18 in fact, would be misleading?

19 A No. That is why you take photographs so that you
20 can make comparisons.

21 Q You needed the earlier photographs to compare with
22 the later ones so you could understand the changes?

1 A To time-phase it, yes.

2 Q If you did not have the earlier shots, then the
3 later shots could well be misleading in what they represented?

4 A They could be, but it is still evidence.

5 Q I believe in the folder of materials that you
6 brought with you of things you reviewed, there is what you
7 refer to as a distribution chart; is that correct?

8 A Yes. We call it a record distribution chart in
9 the NTSB. I don't know what they call it in the Air Force.

10 Q How was that kind of chart produced?

11 A Now, we do it with lasers. Normally it is done
12 with overhead photography and triangulations, surveys, land
13 measurements from runway positions or landmarks on the ground.

14 Q Do you know how that chart was produced?

15 A I have no idea.

16 Q Do you know if that is the official chart of the
17 accident investigation?

18 A I would have no idea.

19 Q Did anyone tell you that that chart was prepared
20 by one of the plaintiff's experts?

21 A No.

22 Q I believe you indicated earlier that one of the

1 purposes of an autopsy is to correlate damage to the air-
2 craft and the injuries to the deceased.

3 A That is correct.

4 Q Could you explain what you mean by that?

5 A Of course. Structural deformation from evidence
6 of structural deformation -- seat displacement, impact marks
7 on the interior of the aircraft -- we can in many cases cal-
8 culate the G forces encountered and correlate that with the
9 way the vehicle was designed, if it did or did not meet the
10 G-force tolerances and check that with what happened to the
11 passengers, what type of damages they sustained, primarily
12 to determine if the crash was survivable.

13 Q Is that relevant to determining the cause of the
14 accident?

15 A It is very relevant to our determination as to
16 what corrective action should be taken once we determine
17 the case.

18 Q To take a simplified example, if the cause of the
19 accident was the fact that it ran out of gas and, as a re-
20 sult, did an emergency landing where people were injured
21 inside the cabin, would the analysis of the injuries or the
22 autopsy information relative to how people were injured in

1 the passenger compartment have any relevance to your finding
2 that the accident was caused by the running out of gas?

3 A It would have direct relevance to the corrective
4 action being recommended by the Board, and I think that
5 would be in paragraph 1.15 in terms of survivability aspects,
6 crash worthiness of the aircraft itself, appropriateness
7 or inappropriateness of use of life-saving devices.

8 Q Those are not necessarily secondary but in addi-
9 tion to the primary finding of the cause of the accident;
10 is that correct?

11 MR. FRICKER: I object. It is argumentative.

12 THE DEPONENT: I am sorry; I don't understand that
13 question.

14 BY MR. ALMY:

15 Q I will try to rephrase it for you, if I can.

16 One of the purposes of the accident investigation
17 in our hypothetical we are talking about to define the cause
18 of the accident, which we said at this point is it ran out
19 of gas---

20 A You are talking about the DC-8?

21 Q I am talking hypothetically, but you know the
22 initiating cause of the accident. That was one finding you

1 were interested in. You also talked about the finding of
2 whether there was injury-producing damage inside the passen-
3 ger compartment as a result of the emergency landing. Those
4 are separate issues, are they not?

5 A They are separate but interrelated. You identify
6 the cause of the accident and you identify the cause of the
7 fatalities or injuries.

8 I don't like to give examples, but I will give
9 you one.

10 You have an airplane that runs out of gas and
11 people die as a result of toxic fumes because the inside
12 burns. They are both important.

13 Q In relation to the autopsy related to the people
14 in an airline crash, is it important to correlate their lo-
15 cation in the aircraft?

16 A By all means. That is the reason photographs are
17 taken and witness statements are taken.

18 Q When you say photographs are taken, was this of
19 the remains before they are moved?

20 A No, photographs of the interior of the aircraft,
21 and then via discussions with the survivors, where they were
22 sitting, what happened during the accident sequence.

1 Q About how many photographs did you review in this
2 case in preparing for this deposition?

3 A The stack is about that high.

4 MR. FRICKER: Let the record reflect in excess of
5 12 inches.

6 THE DEPONENT: As I recall, there were eight black
7 books. I don't like to estimate, but maybe 50 or 60 photo-
8 graphs per book, maybe more.

9 BY MR. ALMY:

10 Q About eight black books? That would give us 400
11 to 500.

12 MR. FRICKER: I will represent for the record that
13 every photograph, whether it be black and white or color
14 or slides that my firm has relevant to the crash, the scenes,
15 the ones that have all been identified and marked, was shown
16 to Mr. Driver in addition to which he viewed the two movies.

17 BY MR. ALMY:

18 Q Can you recall the photographs that you reviewed
19 of the interior of the troop compartment?

20 A I might.

21 Q I am going to show you five photographs that have
22 been previously marked as Plaintiff's Exhibits 10-C,

1 Defendant's Exhibit DD-3510, Plaintiff's Exhibit 1000-45,
2 1000-46 and 1000-47 and ask if you have ever seen those
3 before?

4 A Is that big number the Plaintiff's number?

5 Q No, it would be the one written in blue ink. You
6 have just showed me 1000-46.

7 A I have seen 1000-46. Plaintiff's 1000-45 I have
8 seen. Plaintiff's Exhibit 1000-47 I have seen.

9 Exhibit 3510 I have seen, and 10-C I have seen.

10 Q Do you recall seeing any other photographs of the
11 interior of the troop compartment?

12 A No, I think these are the five I mentioned.

13 Q You have also indicated you reviewed the C5A acci-
14 dent report. Is that the document that you are referring
15 to that you now have in your hand?

16 A Isn't this the one I just gave you?

17 Q I will represent to you that I just took that out
18 of your folder.

19 A Yes, it is.

20 Q Is that the complete accident report?

21 A Are you asking me?

22 Q Yes.

1 A This is the only one I have.

2 MR. FRICKER: Can we, for the record, now identify
3 this by marking or reading into the record what you are ask-
4 ing him about and what he says he has seen so we have clarity.

5 THE DEPONENT: The Air Force numbers just did not
6 take on the Xerox.

7 MR. FRICKER: It is a 15-page document captioned
8 "USAF ACCIDENT/INCIDENT REPORT, 4 April 1975," marked at
9 the bottom as Gregory Deposition Exhibit No. 4.

10 MR. ALMY: We will now mark that as DD-2750 for
11 identification.

12 [USAF Accident/Incident Report was marked
13 DD-2750 for identification.]

14 BY MR. ALMY:

15 Q When you refer to having reviewed the C5A report,
16 you are referring only to what has now been marked DD-2750;
17 is that correct?

18 A That is correct, that which is now marked DD-2750-
19 Driver, 7-27-83.

20 Q I take it you have reviewed this document, DD-2750?

21 MR. FRICKER: He just said that.

22 THE DEPONENT: I have read it.

1 BY MR. ALMY:

2 Q Have you been involved in any aircraft accident
3 investigation where there was hostile fire, and by that I
4 am referring to someone shooting at you during the course
5 of your investigation?

6 A Negative.

7 Q Have you ever been involved in any accident inves-
8 tigation where anyone not authorized to be at the accident
9 site was attempting to carrying away the accident parts?

10 A Not while I was there.

11 Q Have you ever been involved in an investigation
12 where you were unable to secure the accident site?

13 A Yes.

14 Q Where would that have been?

15 A 11,000-foot level at Mount Fuji.

16 Q In that case, was there any difficulty in maintain-
17 ing the integrity of the accident site?

18 A We couldn't get there.

19 Q I take it then, for the most post, other people
20 could get there?

21 A The airplane was stripped when we got there in
22 the spring.

1 Q What effect did that have on your accident inves-

2 tigation?

3 A We didn't have the flight instruments. Those were

4 all gone.

5 Q Was anything else missing?

6 A Everything of value to the indigenous personnel.

7 Q Were the seats still there?

8 A No; they took everything.

9 Q Was the wall paneling on the plane?

10 A It was a DC-3. That is the old C-14 and there is

11 very little paneling on there.

12 Q Were the light fixtures remaining?

13 A Everything was gone.

14 Q What impact did that have on your accident inves-

15 tigation?

16 A We didn't have very much left. We had the flight

17 service report, the radio reports, and that was about it.

18 Q How many photographs did you take of that?

19 A Lots of aerial photographs.

20 Q I take it when you say lots of aerial photographs,

21 those were taken relatively soon after the accident because

22 you could not reach the site?

1 A That is right.

2 Q After you reached the site, how many photographs
3 did you take?

4 A I didn't go up there.

5 Q Were photographs taken at the site?

6 A I can only presume so.

7 Q When was that accident, approximately?

8 A 1956, I think, somewhere around there; 1956.

9 Q What was the nature of your participation in that
10 accident investigation?

11 A I was a member of the Accident Investigation Board.

12 Q But you did not go to the site?

13 A No.

14 Q Did you review any of the photographs that were
15 taken at the crash site?

16 A The aerial photographs, yes.

17 Q But you didn't see any photographs taken at the
18 site?

19 A No, I did not.

20 Q Were they available to you?

21 A The next spring I was not a member of that board,
22 as I remember. I was on the initial investigative board.

1 The next one was a collateral investigation, and I was not
2 part of that one.

3 Q This was an Air Force accident?

4 A Yes, it was.

5 MR. ALMY: I guess I have no further questions.

6 Thank you.

7 MR. BAGNI: Nothing further.

8 MR. FRICKER: We would like to read it.

9 [The deposition was concluded at 11:38 a.m.]

I have read the foregoing 57 pages and attest to

the accurate transcription of my answers given to the questions propounded.

[Signature of Deponent]

Sworn and subscribed to before me this _____ day of
_____, 1983.

[Notary Public]

My Commission expires: