

22ND DAY

Proceedings In Clay Shaw Trial

Court proceedings in the 22nd day of the conspiracy trial of Clay L. Shaw follow:

The morning session opened with a court attache passing out pictures to members of the jury. Judge Edward A. Haggerty Jr., in a light vein, told the court, "That's not an exhibit he is passing out, those are pictures of themselves (the jurors)."

The first witness was Buell Frazier, a co-worker with Lee Harvey Oswald at the Dallas School Book Depository building. Defense Counsel Dymond questioned Frazier on cross-examination.

Q—You testified that you went to work for the Texas School Book Depository in the middle of September.

A—As I remember, I went to work somewhere around the first of the month, between the first and the 15th.

DYMOND THEN ASKED

Frazier if there is one or more than one book depository in the city of Dallas. Frazier said there were two.

Q—Where is the other book depository located?

A—Two blocks away (from the building where Frazier and Oswald had worked).

Q—When you went to work there did you have a choice of which one you would have been assigned to?

A—No, sir, I didn't.

Q—About how long were you a co-worker of Lee Oswald?

A—Oh, I'd say — he went to work there in the middle of October. I worked with him until the day of the assassination.

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Q—DID YOU SEE Lee Oswald every working day?

A—Yes, I saw him on every working day.

Q—Did you ever see him wear a beard?

A—No, sir, I didn't.

Q—Would you say he was clean shaven, or did he let his beard grow several days?

Frazier answered by saying that Oswald had light hair and it was hard to tell whether he was clean shaven every day.

Q—Tell me whether you ever remember noticing whiskers on Lee Oswald.

A—No, not that I can recall.

Q—Did you ever see Lee Oswald come to work with dirty clothes on?

A—No, sir.

Q—WOULD YOU SAY he was generally a neat person?

Frazier answered that in the course of Oswald's work his hair might become mussed up.

Q—The way you put it, he was not a pretty boy, a primp? Did you ever see Lee

Oswald come to work looking anything but neat?

A—No, sir, not that I remember.

Q—Did you ever recall seeing Lee Oswald when he looked like a beatnik type?

A—No, I don't.

Q—When did you first learn that President Kennedy was to visit Dallas?

A—A couple of days before . . . Several newspapers announced it.

Q—DID YOU EVER, at any time, see Lee Oswald with a gun?

A—No, sir, I didn't.

Q—Had you ever met Mrs. Ruth Paine (the woman with whom Marina Oswald lived in Irving, Tex.)?

A—No, I never . . . had a personal acquaintance with her.

Q—Do you know if Marina Oswald was living with Ruth Paine?

A—Yes, she was living there. Some of the women would get together for coffee.

Q—Did Oswald have any children living in Irving?

A—He had one child.

Q—Did Lee Oswald ever tell you what was in that package that he carried into the Texas School Book Depository Building?

A—Well, when he got in the car I asked him what was in that package and he said "curtain rods." I said, "Oh yeah."

Frazier testified yesterday that on the morning of the assassination Oswald met him at his car in Irving, Tex., with a package which he said contained curtain rods.

The state then called Lyndal L. Shaneyfelt of Alexandria, Va., a Federal Bureau of Investigation docket examiner and photo specialist, who was assigned to examine the Zapruder film. He was accompanied by two U.S. attorneys who asked to hear his testimony.

He told the court he also assists in training photographers and was previously a newspaper photographer. He said he has 30 years' experience. He was accepted by both the state and the defense as an expert in photography.

BEFORE HE WAS questioned, a model and an aerial photograph of Dealey Plaza in Dallas were set up, as were a motion picture camera

and screen. Asst. DA Alvin V. Oser began the questioning.

Q—During the course of your employment with the FBI did you assist in the investigation of the assassination of President John F. Kennedy?

A—Yes.

Q—Are you familiar with Dealey Plaza in Dallas?

A—Yes.

Q—THIS IS A MOCKUP. Do you recognize it?

A—I recognize it as generally the mockup or area of Dealey Plaza not exactly, but generally.

He was then told to look at a plat and asked if he recognized that. He walked over and looked at it and said:

A—Yes I recognize the plat as a portion of Dealey Plaza.

Q—During the investigation of the assassination of President John F. Kennedy did you have occasion to examine photographic matter taken from Dealey Plaza?

A—I did.

Q—At this point Oser handed Shaneyfelt a reel of motion picture film and asked if he recognized it. Dymond jumped to his feet and objected. He asked the judge to remove the jury, which Haggerty did.

DYMOND THEN SAID he was objecting to the reshewing of the Zapruder film, which he supposed the state was preparing to do. He said he felt Shaneyfelt was an expert and that he had worked with the film.

Dymond said that all the state should be allowed to ask

him was whether he had worked with the film. To reshew the movie in front of the jury would only create unnecessary prejudice, he argued.

Oser replied that the state had the right and needed to show the film to Shaneyfelt to prove that it was the original Zapruder film.

JUDGE HAGGERTY intervened, saying that it was opinion that Shaneyfelt would have to see the film in order to identify it. He said he could not tell the state how to prove its case and overruled Dymond.

Haggerty asked, however, that the film be projected speedily with the jury out, then more slowly when the

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Jury returned. Then Shaneyfelt would be allowed to make his remarks.

After the film was shown quickly, Oser asked Shaneyfelt:

Q—Having viewed the film, did it contain the same sequence you viewed in your original examination?

A—IT APPEARS TO be the same sequence.

Q—Are any frames missing?

A—I can't tell I would have to study the film more thoroughly to tell if any frames are missing.

At this point the judge ordered the jury brought back into the courtroom. The lights were turned off again and the film was run at a slower speed.

The Zapruder film was shown four times with the jury out of the courtroom. When the panel returned, Dymond raised an objection to what he called the repetitious showing of the state's exhibit.

He said he objected on the grounds it was now irrelevant, that the court had repeatedly ruled that this case has no connection with the film of events in Dealey Plaza, and that prospective jurors could not be questioned about events in Dealey Plaza.

THE JUDGE overruled Dymond's objection and Dymond reserved a bill of exception covering this showing of the film and all possible future showings.

Oser resumed questioning Shaneyfelt.

Q—Having viewed this film, did you view a film depicting these same events in your investigation?

A—Yes. It appears to be a film of the same sequence of events.

Q—Did a ballistics expert work with you?

A—Yes, Robert A. Frazier. Shaneyfelt testified they worked together, Frazier being in charge of the ballistic details and he himself handling the photographic details.

REFERRING TO THE Zapruder film, Oser asked the witness to tell what type of film it is.

A—Eight millimeter.

Q—What is meant by

frames?

Q—Motion picture film is made up of a sequence of still pictures taken in rapid succession. Each is considered as one frame. They are recorded by the camera in rapid sequence and when they are projected you see a moving subject.

At this point Oser showed Shaneyfelt state exhibit 33 and asked him if he used this in his investigation.

A—Yes, I recognize this photograph.

Q—Mr. Shaneyfelt, during your investigation, did you make reprints or prints from the film you recognized this morning?

A—Yes, a black and white set . . . a number of select frames.

SHANEYFELT DETAILED how he numbered the frames, beginning with the first one that showed any part of the presidential parade.

The witness said the first part of the film taken by Zapruder was of a personal nature and that he disregarded it.

After consulting his notes, but not finding what he wanted, Shaneyfelt said that he could estimate only that the Zapruder film he studied contains frames numbering in the "late 300s or early 400s."

Q—Is that a safe estimate?

A—Yes, sir.

Then Shaneyfelt told the court that he and Frazier went to Dealey Plaza on May 24, 1964, to reenact the scene they viewed on the Zapruder film.

Q—WHAT DID YOU do there . . . what was your purpose?

A—To reenact, using a car and individuals of the approximate size of the president and Gov. Connally, and to reposition the car to establish if

possible the direction and sequence of the shots. Our purpose was to aid the Warren Commission in reaching a conclusion in their investigation.

Q—From examination of the film and your work at Dealey Plaza, did you estimate the speed of the presidential limousine while it was on Elm st.?

At this point Dymond objected, saying he did not want the witness to answer unless he, himself, ascertained this

speed.

Oser REPEATED the question, "Did you estimate the speed?"

A—Yes.

Q—How did you go about getting results?

A—Based on a determination of the speed of the Zapruder camera, the speed with which the sequence of films took place, and on the measurements made during the reenactment.

Shaneyfelt said he used frames No. 161 through 313 to determine the average speed of the limousine, which he found to be 11.2 miles per hour.

Q—What was the speed of the camera?

A—18.3 frames per second.

Q—How did you ascertain this?

A—I USED THE Zapruder camera, loaded it and photographed a clock with a sweep second hand. I examined this film under a microscope and determined the number of frames per minute and per second . . . on successive rolls of film I took an average. On almost all spring-mounted cameras, the film slows down at the end. I took this trailing off into account and it averaged out to 18.3.

Shaneyfelt said that during his reconstruction of the events in Dallas, a surveyor, Robert West, was present.

Q—Did he assist you as a surveyor?

A—Yes.

Q—At what frame did you start for the reconstruction?

A—We started before frame 161.

Q—DID YOU USE frame 168?

A—Yes.

Q—What type of examination or reconstruction did you make?

A—We marked frame 168 and knew the position of the limousine from the photograph. He placed Frazier in the sixth-floor window of the depository with the rifle that had been recovered. The limousine was on its route through the street established in the film. Frazier watched through the telescopic site as the car moved down Elm st.

When the president was

about to go out of sight under a tree, Frazier asked that the car be stopped. He said it was positioned exactly at the point where the president went under the tree. Then, using the Zapruder film, he took a position on the abutment where Zapruder took the film. He aligned objects in the background with individuals in the car and established that this was a representative spot of what was shown in frame 168.

Q—You stated that frame 168 represents President Kennedy in the limousine?

A—YES. THE LIMOUSINE we used was not the president's car. It was a stand-in actually 10 inches higher from the ground than the presidential car. So we moved the car to an approximate spot where the president was hit on the back and made the 10-inch adjustment.

At this point in the testimony, Dist. Atty. Jim Garrison entered the courtroom quietly, walked swiftly to the front and took a seat next to Asst. DA Andrew Sciambra at the state's table. He remained there for about 20 minutes, then walked out of the courtroom.

Oser asked Shaneyfelt which car was used to represent the presidential limousine.

A—It was the followup car in the parade, a Lincoln.

The questioning turned to frame 207 and 208, which Shaneyfelt identified as the pictures of the limousine emerging from behind the tree where Frazier, in the window, could get a clear shot of the presidential stand-in.

THEN SHANEYFELT went back in his review of the film and said that frames 185 and 186 showed the presidential limousine passing under an opening in the tree where there were no leaves and where a clear shot could be made. He discussed frames beginning with No. 222.

Q—What frames did you deal with next?

A—Frame 222 . . . It represents the first frame where Gov. Connally's face comes into view after the limousine

passed the sign board.

Shaneyfelt said that frame 225 was the first one showing the president emerging from behind the board. He said he also studied frames 231, 235, 241 and 255 specifically on the request of the Warren Commission.

SHANEYFELT SAID that frame 313 shows "quite obviously" where the shot hit the president in the head. "We can see the red halo."

Q—In your examination of the film, in frames 207 and 208, the president disappears behind the sign?

A—Yes.

Q—In frame 205 and 206, can you describe what the president is doing?

A—I'm not sure I can do that, based on recollection. My recollection is that as he disappeared, he is turned to the right. His arm is up and he is waving. This is the last we see of him as he goes behind the sign board.

Q—WHEN DOES HE come out from behind the board?

A—Frame 225.

Q—What were his actions?

A—In frames 225, 226, and 227, you get the impression of a reaction. He is no longer smiling. His face appears more tense and he seems to be reacting to something.

Q—Is he still waving?

A—No.

Q—What is he doing with his hand?

A—IN FRAME 225 only his face is visible. In frames 226, 227 and 228, his right hand moves more across his chest. His arms come up (Shaneyfelt drew up his elbows) and his hands come in toward his coat lapels towards the center of his body.

The witness testified he figured one and one-ninth seconds elapsed between frames 205 and 225.

Then the questioning turned to Gov. Connally's actions in the film.

Q—What was Gov. Connally doing?

A—We first see him in 222. He is turned to the right, then his body turns more straight and slightly to the left.

Q—What does the governor

do then?

A—HE FALLS OVER into his wife's lap.

Then Shaneyfelt testified it is his impression the governor was hit sometime between frame 205 and 222 to 230. He said the governor was behind the signboard during most of this time, but by frame 231, he had been shot . . . "I feel it was about the same time the President was."

Q—Did you measure the area of Gov. Connally's shoulder in regard to twist or downward movement?

A—We did not measure it.

Q—DID YOU MEASURE facial area in the film to ascertain if there was a sudden puffing of the cheeks?

A—No, we did not measure that.

Q—Between frames 205 and 232, how much time elapsed?

A—That was 27 frames or 1.4 seconds.

At this point in the testimony, Garrison quietly and quickly left the courtroom.

The questioning resumed with Oser asking the vertical angle from the sixth floor of the book depository and the limousine.

The witness started to calculate the angle and review some of the exhibits and the judge called a recess.

A court reporter read back the last question asked by Assistant District Attorney Oser before the recess, this question being, "Q—Between frames 207 and 208 on the Zapruder film and between frames 223 and 225 on the plat, were you able to calculate the vertical angle from the sixth floor of the book depository building?"

A—Yes, I computed the average angle. Q—What was the average angle in frames 210 to 225? A—I computed that to be 17 degrees, 43 minutes and 40 seconds. Q—Speaking of from the sixth floor of the book depository building, to various spots were vertical angles, right? A—Yes, they were measured on a vertical axis. Q—When the car turned on Elm st., were there lateral angles made at any turn, sideways if I may make this description? Shaneyfelt appeared perplexed at the question and said he did not understand what Oser meant by lateral angles at that

point. Oser rephrased the question and asked the witness if he measured the lateral angle from the sixth floor to frame 313. The witness replied that there was no lateral angle there and said there was no lateral angle to be measured there, that that would be a straight line. Oser then got up and

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stood behind attorney Dymond.

Q—Can you tell us (patting Dymond on the shoulder) using Mr. Dymond to represent Gov. Connolly and using me to represent President Kennedy, would you calculate the lateral angle?

The witness explained that the position, as he described it, would put the book depository building to the rear right.

Oser asked him if using frame 313 containing Gov. Connolly and Kennedy, who are in a perpendicular line, if he developed an angle using a horizontal line to the spot where Zapruder was using his camera.

A—No, I did not.

Q—Am I correct in stating that you had live models for President Kennedy and Gov. Connolly in the follow-up car?

A—The basic setup in the reenactment was to select models the same height and build as the president and Gov. Connolly. Agents were selected to reenact President Kennedy and Gov. Connolly and the one who acted as Gov. Connolly wore the same coat Connolly wore when he was shot. We placed a mark on the back of the coat of President Kennedy's stand-in at the point of the wound in the back.

Q—Was that a skin wound?

A—I have no knowledge of that. All of the angles and calculations of distance were related to that spot. We used the bullet hole of the coat of the agent standing in for Gov. Connolly to compute the angles and the distances.

Q—AM I CORRECT in stating that you used the skin hole for Kennedy and the coat hole for Connolly?

A—Yes.

Q—Why didn't you use Kennedy's coat?

A—I don't know.

Oser tendered the witness

to Dymond for cross-examination which began at 11:05 a.m. Dymond began his cross-examination by asking the witness to describe the tactics used in the various computations. The witness then explained in detail the steps used by the agents in the reenactment drama.

A—We set up the reenactment on May 24. We started out early in the morning to avoid tying up traffic. The reenactments were based on instructions from the Warren commission. We worked as a team. The reenactment was based on evidence available to the commission and was executed for the commission. One of the first things asked for by the commission was to pinpoint the exact location of the car at which point a rifleman could see the back of the man standing in for the president.

Q—When did it begin?

A—Just as they rounded Houston into Elm.

Q—CAN YOU IDENTIFY from Zapruder's film which frame this would be?

A—No, Zapruder's film did not include that. We had to mark these computations on the plat map.

The witness then got up from the witness box at the request of Dymond, walked over to the plat map, pointed out the letter A on the map as the apparent starting point.

Q—Before you go on, was there a man in the sixth-floor window with a rifle and a scope?

A—Yes, Frazier was there, with the rifle—the actual rifle which was recovered from the book depository building. The next portion they asked us to compute was the position in the Zapruder film in which a person could have shot the president. We took into account the tree, after which the president disappeared. I shouldn't use the word disappeared because actually you could see through the tree.

Dymond interrupted, "Was that around frame 185?"

A—No, sir, that would be between frames 161 and 168.

Q—IS THAT POINT represented on the plat map?

The witness replied affirmatively and stepped out of the witness box, went to the map,

and circled frames 168 to 171 and explained that he was not completely clear on this because it's "been some time ago, but it's in that general area."

Dymond kept him at the map, asking him to circle various frames, asking him to identify other frames. Shaneyfelt circled frames 185-186 as being a point just before the president emerged from behind the tree and you could see the president through a small opening.

Shaneyfelt said that the next frame showed the point where the president emerged completely from behind the tree and the gunman could get in his first clear shot. These were 207 to 208. He said the next frame, 222, was the

one where Gov. Connolly first came into view. The next frame was where President Kennedy's face first came into view. That was frame 225.

Dymond directed Shaneyfelt to stand by the topographical chart of Dealey Plaza.

Q—What do points 231, 238, 240 and 249 represent?

A—The positions of Gov. Connolly.

Q—Point 255?

A—The spot which was photographed by an Associated Press photographer.

Q—Point 313?

A—The spot where President Kennedy was killed. It shows the hit in the head.

Q—Would you explain briefly the mechanics of how you arrived at these points?

A—WE POSITIONED ourselves relative to the time elapsed on the Zapruder film. Frazier (an FBI ballistics agent), in the sixth lower window of the depository, positioned the car. I used the Zapruder photos, compared with the sets I had that most clearly conformed with it, and the spot was marked.

Q—Were there any known areas of error where no attempt was made to compensate? For example, you said the car used was 10 inches higher than the Presidential limousine and you made up for that.

A—There were certain estimates made. The exact location of the car in the street was estimated, we feel, ac-

curately, we used the photograph taken by the AP man. The placing of the rifle in the window was estimated, of course. There was no way of knowing what position the rifleman was in. He could have been standing on the left side or on the right.

Q—WAS ANY measurement taken of the approximate feet from where President Kennedy was sitting in the limousine to the window in the depository?

A—Yes. We estimated the distance at 265.3 feet.

Q—You did take into consideration other measurements?

A—That's right. We estimated the distance from the triple overpass to Kennedy.

Q—What was that?

A—260.6 feet.

Q—How much time was spent in the reenactment of the assassination?

A—We positioned ourselves on Elm st. May 24, 1964, at about 6 a. m. We finished about 1:30 p. m.

Q—How many people participated in the reenactment?

A—I would have to guess . . . around 20-25, including some members of the Warren Commission.

Shaneyfelt then described how he went to the sixth floor of the book depository and

mounted a 16-millimeter camera on the gun in such a way that he could view the simulated motorcade through the camera.

Q—You saw what a person could see through the gun-sight?

A—Yes.

Q—AFTER THESE FILMS were made, were they processed for the Warren Commission?

A—Yes, they were.

Q—Did you testify before the Warren Commission?

A—Yes, sir.

Q—Was the Zapruder film shown to the Warren Commission to your personal knowledge?

A—Yes. They saw a film containing the same material many times.

We, the staff members, saw the original and studied it many times. The copy of the film the FBI provided was shown to the commission members on many occasions.

Q—Were stills of the Zapruder film blown up?

A—Yes.

DYMOND THEN ASKED Shaneyfelt as a photographic expert if he had seen any evidence that President Kennedy was shot from any direction except the rear.

"I did not," replied Shaneyfelt.