

IN 25TH DAY

Conspiracy Trial Court Proceedings

Court proceedings in the trial of Clay L. Shaw follow:

Testimony opened with the continued questioning of Dr. John M. Nichols, of a Kansas City suburb, who has been qualified by the prosecution as an expert in the field of pathology and forensic medicine.

Assistant District Attorney Alvin Oser questioned Dr. Nichols.

Q—If, doctor, using (state

25th day of the conspiracy

exhibit) 53-B, if President Kennedy is reacting to stimuli, how fast in your opinion, doctor, would Gov. (John) Connally have reacted to the same stimuli?

A—In answer to the question, I would say that the governor would have reacted sev-

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en one-thousands of a second later.

Q—Doctor, would you state for the court what is your opinion as to body movement?

A—I CANNOT TELL any body movements from a single photo. I would have to refer to the preceding photographs.

(The reference here was to earlier frames blown up from the Zapruder film showing the president assassinated.)

Defense attorney F. Irvin Dymond objected at this point on grounds that the question was beyond the scope of the examination.

Nichols then answered the question.

A—Comparing S-53-I and S-

53-M, it is apparent that the president's head and shoulders would have moved to the rear in S-53-M.

Q—Having viewed the three pictures and having seen the Zapruder film, I ask you what is your opinion, if the stimulus had been applied to the rear of the president at S-53-I. What would be the reaction?

A—If the stimulus had been applied to the rear with the same magnitude as . . . from the front, his head would have moved to the front.

Under cross-examination, Dymond sought to weaken Dr. Nichols as an expert. He first established that Nichols was not in Dallas on the day of the assassination. He then asked the doctor for a detailed rundown on how he would conduct an autopsy.

A—I would start by X-raying the body completely. After these pictures were developed . . . and at the same time I would be taking photographs with black and white and color cameras . . . I would be making measurements of possible lesions. Then I would study the photographs . . . make detailed drawings. After all this had been put together, it would be probably a month before I could issue a diagnosis.

DYMOND THEN ASKED if a month was a reasonable length of time for an autopsy.

A—It is reasonable to presume it would be done within a month.

Q—How would you deter-

mine the points of entry and exit (of the bullets)?

A—It depends on the gunshot wound. If motion pictures were taken of the subject during the assassination, I would study these first. I would get eyewitness testimony. Every situation is different. . .

Q—Is it your testimony that you would not examine the remains of the person?

A—Oh, no, I didn't say that. I said I would do a complete, total autopsy. This includes fixing the tissue in formaldehyde until it became hard. Nichols said he would then make microscopic slides, then examine them. He testified that in the case of brain tissue, it requires two weeks for the tissue to become hard.

Q—Did you examine the X-rays of President Kennedy?

A—I requested to do so by telegram and letter.

Q—BUT YOU HAVE never examined the X-rays?

A—No, sir.

Q—Have you ever performed an autopsy without examining the body?

A—I have given opinions.

Q—But you have never performed an autopsy unless you have examined the body?

A—You can't perform an autopsy by remote control.

Q—When did you first see the Zapruder film?

Dymond asked Nichols if he had not expressed the same material about the assassination in a scientific journal that he had testified to in the Shaw trial. Nichols said this was not true.

Q—Do you claim to be an expert on ballistics?

A—I proclaim a degree of knowledge of ballistics.

Q—What is your formal training in the field of ballistics?

A—A ONE-HOUR lecture in medical school. I have recovered bullets. I have testified in court. I have conducted my own experiments.

Pressed by Dymond as to his expertise, Nichols said:

A—I have created my own, on the basis of experiments.

Nichols testified that he had conducted ballistics experiments in which he fired bullets into human wrists and through ribs.

A—Bullets shot into a mattress are not mutilated. I have copyrighted the results

of my work.

Nichols turned to the judge and said that he could show the results of his work to the defense attorney if he wanted to see them. He looked into some personal records and brought out two punch cards and said that what he wanted to show Dymond was in his briefcase in the district attorney's office.

Dymond said he was not interested in seeing Nichols' copyrighted work. "Anybody can copyright anything," Dymond said.

JUDGE HAGGERTY then directed Dymond to hear Dr. Nichols' testimony about his training and Dymond agreed. He resumed the questioning.

Q—Dr. Nichols, did you ever write an article on ballistics for a medical journal?

A—No. No such article exists. If you have one, show it to me.

Q—Dr. Nichols, tell us about your training in ballistics.

A—I have lectured for one hour. My training consists of this lecture, talking several times to officers in the ballistics department at Richmond, Va., and my own studies of results of firing 6.5 ammunition into human ribs and wrists.

Q—Then Dr. Nichols, you tell us your training consists of an hour lecture, speaking to ballistics experts and these experiments you conducted yourself. What else?

A—By discussing the matter. I'm self-taught through experiments over two years.

Q—Have you ever appeared as a ballistics expert in any court?

A—Yes. I have appeared in connection with autopsies I have performed where I identified missiles taken from bodies.

Q—Do you call that being an expert on ballistics, doctor?

A—YES, I DO.

Q—Have you qualified as a photo expert?

A—Yes.

Q—Tell us about your training in photography, doctor.

A—Well, it started when I was 10 years old. My sister gave me a camera. I have had many cameras since that time. I have three cameras at the present time. I have access to cameras at the University of Canada and use

them to identify the remains of human bodies. I take pictures myself of my autopsies.

Q—What is your formal training?

A—Not a minute's training, but my results speak for

themselves.

Q—DOCTOR, YOU saw the Zapruder film. Do you know at how many frames per second the film was moving?

A—I learned here in the courtroom—it was explained to me—it was 18.3 frames per second.

Q—Do you assume that's correct? Do you actually know the speed of the camera?

A—I don't know the speed. I'm not sure whether it was 18.3. It could be 18.4.

Q—Dr. Nichols, have you seen the clothing worn by John F. Kennedy the day of the assassination?

A—I am suing the federal government for that now.

Q—Have you seen the film of the autopsy?

A—No.

Q—Are you suing the federal government for that?

A—No.

Q—Do you know the speed of the vehicle anytime after the shot as shown in frame 313?

A—No.

Q—DO YOU KNOW the speed of the vehicle in frames 313, 314 and 315 and if the speed of the limousine was constant or practically constant. Do you know the speed of that auto at any time?

A—No, sir.

Q—Do you know if the limousine was traveling fast or slow at the time of the shooting?

The state objected on the grounds that Dymond did not explain what he meant by fast or slow. Dymond rephrased the question.

Q—Dr. Nichols do you know how fast the car was moving in frames 310, 311, 312 in the Zapruder film?

A—Nowhere do I know.

Q—Then nowhere in the film do you know how fast the vehicle was moving?

A—No.

Q—Do you know anywhere the relative speed between

given frames of the film?

A—No, sir.

Q—Would you say that the sudden acceleration of a vehicle would not cause the head to be thrown back?

A—The acceleration did not throw him back as shown by the Zapruder film.

Q—Do you know the speed or direction of the wind at the time? Did you take into your calculations the speed and direction of the wind?

A—THAT WOULD BE insignificant. I did not take this information into account. If you will tell them to me I will do so.

"That's up to you, sir," Dymond retorted. He then asked whether there would be a normal reaction or a delayed reaction in a body that had been struck by an assassin's bullet:

Q—Isn't it true that a man can be stabbed or shot and not know that it happened and without his showing any immediate reaction?

A—Not a normal person.

Q—Have you ever seen a person shot in an automobile?

A—No, sir. The president was normal. The doctors had approved his taking this trip and participating in the par-

ade. His doctors had said that he was fit and well.

Q—Would a well person's or a normal person's reaction to pain or trauma be normal?

A—Yes, sir.

Q—Is this the only consideration you made at arriving at your findings?

A—Yes, sir.

Q—Had you ever met President Kennedy before he went to Dallas?

A—Yes, sir. I think I met him one time.

Q—Did you ever meet Gov. Connally?

A—I have tried, but he rejects me. He doesn't answer my letters.

Q—What about his reaction on the theory of being on the threshold of pain?

A—I considered that. I assumed the president to be in good health and not intoxicated.

Q—Are good health and intoxication the only elements to be considered when discussing the theory of thresh-

old of pain?

A—THE ONLY FACTORS.

Q—Are there any other factors?

A—No others I can think of at the present time.

Q—Earlier you said there are other elements?

A—I changed my mind. That's the only ones I can think of.

Q—Have you attempted to determine the direction of the shot?

A—Yes, sir.

Q—Can you tell us how you went about it?

A—This is very tricky. It could be misleading. With low-caliber bullet it can be done.

Q—HOW ABOUT with any shot?

A—Sometimes it's possible to arrive at the approximate angle at which the bullet entered the body.

Q—What is the best way to determine the direction?

A—See the defendant fire the shot.

Q—Assume you did not see the shot, what would be the best way to determine the direction?

A—THE SOFT TISSUE is smaller than the track the bullet would make. And the speed of the bullet would make a burn on the skin. When you study the bullet hole in the microscope you can see a little rim of burn.

Q—Do these same factors apply with a head wound?

A—I am suing the federal government for the right to look at the pictures of President Kennedy to see for myself the entrance of the bullet.

Q—Is it very important from a pathologist's standpoint to be given access to this film?

A—It is very important. There is a reasonable possibility that if I have a chance to see these photographs I may well add to the exactness of the autopsy.

Q—Which is the better tool in determining the point of entry and exit? The examination of the victim or a photo of the shooting?

A—IF THE victim is available, a total examination of the victim and an X-ray of a

part of the brain.

Q—Would you dispute the point of entrance and exit of bullets on the basis of a photo as opposed to an examination of the victim?

A—It depends upon who examined the body.

Q—If he was a man of honesty and ability and the qualifications that you possess, would you dispute on the basis of a photo examination?

A—That all depends. I do not know the details of the case you cite. Even if a man is highly experienced and qualified, he might make a mistake which I might catch.

Q—Isn't it a fact that you are curious to see these photos to determine if your opinion is correct?

A—All I want is the truth, the whole truth and nothing but the truth, but I would also like to confirm my opinion.

ON REDIRECT examination, Assistant District Attorney Alvin V. Oser showed the witness a rifle and asked him to examine it.

"I purchased the rifle in Kansas City on Oct. 10, 1968."

Q—What type of gun is it?

A—It's an Italian rifle, caliber 6.5.

Q—Did you use this particular rifle in your research?

A—Not this one, but six others like it.

Q—Can you identify the particular scope?

A—I purchased it in California at a cost of \$11 and had it mounted in Kansas City at a cost of \$9.

Dymond then asked: "Do you know if there are other caliber Army Italian rifles?"

A—Yes, sir, there's a 7.2 and a 7.5-caliber and a toy gun, which Mussolini had cut down for training that fire blanks.

Alcock then called Mrs. Jesse Parker to the stand. Mrs. Parker said she was an employe of the Rubenstein Bros. store and had been there for almost two years.

Q—IN DECEMBER, 1966

for whom were you employed?

A—By Eastern Airlines as a VIP Room hostess.

Q—What were your duties?

A—As the passengers arrived and were escorted into the room, it was my job to see that they were made comfortable and to see that they were served what they wanted.

Q—Do All Eastern passengers have access to the VIP Room?

A—No, they do not.

Q—On Dec. 14, 1966, were you on duty in the VIP Room?

A—Yes.

Q—During what hours?

A—Between 8 a. m. and 2 p. m.

Q—Were you there during your entire tour of duty that day?

A—Yes.

Q—Did a man enter the room when you were on duty?

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A—Yes.

Q—DO YOU SEE THAT man in the courtroom?

A—Yes. (And she pointed out Clay Shaw.)

Q—About what time did he arrive?

A—Approximately 10 or 12 o'clock in the morning, I'm not sure.

Q—Do you recall whether he was accompanied by anyone?

A—Yes, there was another gentleman with him.

Q—Beside yourself, was there anyone else in the room?

A—No.

Q—What did the defendant do after entering the room?

A—He walked over to the table where the guests register and pens were located and passed a few words which I did not hear.

Q—If you know, what was the purpose of the guest register?

A—It was for VIPs to sign the book.

Q—What then did he do?

A—One picked up a pen and signed the book.

Q—HOW FAR WERE you from him when he signed the

book:

A—Two or three feet.

Q—Did he sign in your presence?

A—Yes.

Q—Did the other man sign the book.

A—He did not.

Q—How long after he signed the book did he leave?

A—Just a few minutes afterwards. They passed a few words and left.

Q—Did you look at the register?

A—Yes, I always did. It was customary.

Q—Did you see what he signed.

A—Yes, I did.

Alcock at this point showed the register book and asked if she recognized it.

A—Yes, I do.

Q—Do you see where he signed his name?

A—YES, ON THE last line.

Q—What was the date?

A—12-14-66. The name is Clay Bertrand.

Q—Did the other man sign in your presence?

A—No.

Q—Have you ever been convicted of a crime?

A—No. I have not.

Q—How long did you work at the VIP room?

A—Nov. 14, 1966, to April 21, 1967.

Q—After your employment, where did you work?

A—I've been at Rubenstein Bros. ever since.

Dymond then began his cross-examination.

Q—This job in the VIP Room, was it a full-time position?

A—Yes.

Q—Did you have any other duties other than the VIP Room?

A—No, I did not.

Q—HOW OFTEN was the room used?

A—It had not been open long when I went to work there, and there were not too many people coming in.

Q—How many would you estimate used it in a day?

A—Sometimes one or two. Sometimes nobody came in.

Q—Were there any other hostesses assigned to the VIP Room?

A—Lucille Bacon worked from 2 to 11 p. m.

Q—What was the largest number of VIPs in that room on any one day when you were there?

A—Maybe four or five. Al-

though, I can remember one day there was a party with 30 to 35 people there.

Q—Do you know how the man you identified, the defendant, got into the room?

A—No, I do not.

Q—How is entrance normally gained into the room?

A—EITHER THE GROUND hostess, the flight representative or some of the bosses have a key.

Q—Did you have a key?

A—Yes.

Q—Did you ever let anyone in?

A—I did not.

Q—Then it's necessary to see the ground hostess?

A—Yes, or one of the others.

Q—How many people had eyes to the VIP Room?

A—Maybe 12. They were all on duty at one time.

Q—Then you mean that about four people on each shift would have a key?

A—Yes, sir.

Q—Then the two men would have to see one of four men to enter.

A—That's right, but I do not know who they saw.

Q—How did they get in?

A—I WAS SITTING in the back of the room and I heard them enter. I got up and went forward to see who they were.

Q—Can you give me the

names of the four people on duty on Dec. 14, 1966, between 8 a. m. and 2 p. m. who would have had keys?

A—I could not. I don't remember who was on duty.

Q—Eastern Airlines would know that?

A—I think so.

Q—Did you give the district attorney's office the names of people who had keys.

A—Yes, sir. I did.

Q—When was that?

A—When I was first contacted in 1967, I don't remember the date exactly, but it was in the summertime.

Q—Mrs. Parker, you read the newspapers, listen to the radio and watch television. Were you aware their was a preliminary hearing in this case?

A—I read something about that, but it didn't interest me.

Q—Were you contacted by the district attorney before

or after that hearing?

A—I DON'T remember when the preliminary hearing was.

Q—For your information, it was in March of 1967. Was it before or after?

A—After.

Q—Can you describe the man you say did not sign the book?

A—He was tall and wore a business suit.

Q—How about the man who signed the book?

A—He was tall and had pretty gray hair. That was the thing that struck me.

Q—Then the hair was the primary point of your identification?

A—Yes. And the size of the man. That and the color of his hair were all that interested me at all.

Q—What was the color of the other man's hair?

A—I don't know. He didn't interest me.

Q—Did both men have on hats?

A—Neither wore hats.

Q—What was the color of their coat?

A—THEY DID NOT have on coats. Just business suits.

Q—What was the color of the suit?

A—One wore a grey suit. I don't know what the color of the other one was. Maybe brown or blue.

Q—What color shoes did the defendant wear?

A—I didn't notice. His feet didn't interest me.

Q—Did you know it was several months after the assassination of President Kennedy that the name Clay Bertrand came into the news.

A—Yes.

Q—How did you know that?

A—My son and I were watching television and when they flashed Bertrand's picture, I told him, I remember him from the Eastern's VIP Room.

Q—How long after the assassination was this?

A—I don't remember.

Q—Do you know whether it was more or less than six months after Nov. 22, 1963?

A—I DON'T KNOW, one way or the other.

Q—Was it less than a year?

A—I don't know.

Q—Are you certain it was not as much as two years?

A—I'm not certain.

Q—Do you deny that it was as much as four years?

A—I could not deny it. I really don't know.

Q—Then you could not say it was as much as six months or four years?

A—I really don't know.

Q—When did you see the picture on television and you knew the name was an important matter?

A—I do not know. It did not interest me.

Dymond questioned Mrs. Parker as to why she did not go to the FBI or other authorities after she learned of Clay Shaw.

A—It wasn't my business.

Q—Don't you think the assassination of our president is your business?

A—Yes, but why get involved.

Q—You didn't want to get involved?

At this point, the state objected to the line of questioning.

Q—Before the date of Dec. 14, 1966, had you ever seen Mr. Clay Shaw in your life?

A—NO.

Q—You never had? Do you know anybody who signed the VIP register on Dec. 1?

A—No.

Q—Do you know anyone who signed on Dec. 5?

A—No.

Q—On Dec. 6?

A—No.

Q—Can you describe anyone who signed the book in December, 1966?

A—MR. JOHN MECOM.

Dymond then tried to establish that the witness knew Mecom before he came into the VIP room to sign the book, but she denied this. She then

said she also knew David Dixon signed the book.

Q—Did you ever see a picture of Dave Dixon?

A—I think I have seen pictures.

Q—Can you tell us anyone other than well known public figures?

A—ONLY WELL KNOWN public figures were allowed in the VIP room.

Q—When was the next time you saw him (Clay Shaw) in person?

A—In this courtroom.

In answer to another question she testified that it was

on the first day of jury selection, Jan. 21.

Q—ISN'T IT a fact that when you looked at him in the courtroom, you said that is not the man?

A—I did not say that is not the man.

Q—Isn't it a fact that only when they threatened to give you a lie detector test, or a polygraph test, that you said yes, that's the man.

A—I WAS NOT threatened. I was asked.

At this point, Assistant District Attorney James Alcock asked for a subpoena for Capt. James Krubbe, a lie detector expert with the New Orleans police department, and for the lie detector test taken by Mrs. Parker.

Judge Haggerty immediately called a recess.

The jury returned to the courtroom at 10:50 a. m. following the recess.

Judge Haggerty had the court reporter read the last question. Dymond objected, saying that there were innumerable cases on record regarding the inadmissibility of lie detector tests.

Alcock argued the defense had "opened the door" when it asked the witness if she had been threatened with a lie detector test. Alcock took the position that both the witness and the district attorney's office had been "impugned" by the question. He added that the state had the right to show the circumstances under which the test was given and the results of the test.

Judge Haggerty, addressing his remark to the chief defense counsel, said, "You could have used the word 'threaten' without adding 'lie detector test.'"

THE JUDGE ASKED the court reporter to look through his notes and read back the question in which the words "threaten with a lie detector test" was used. The reporter did. Haggerty then ruled that the prosecution could question the witness about the lie detector test, and Dymond objected strenuously, on the grounds that lie detector testimony is not admissible nor are the results of such tests.

Alcock asked Mrs. Parker if she had taken a lie detec-

tor test.

A—Yes, I did.

Q—Were you ever threatened in connection with taking such a test?

A—No.

Q—Did anyone coerce you?

A—No.

Q—Were you shown some pictures?

A—Yes.

Q—Did you identify any of these pictures?

A—Yes.

Then he told the witness to look around the courtroom and see if she saw anyone in the courtroom whose picture she picked out.

Looking straight at the defendant, the witness pointed to Shaw and said, "That is the man."

Alcock, in a remark to the court reporter, "Let the record reflect that at this point the witness pointed to the defendant at the bar."

Q—Who was with you physically in the room when you took the test?

Dymond objected and Judge Haggerty at first sustained the objection. But Alcock argued that he had a right to ask her who was there and Judge Haggerty reversed his ruling and agreed with Alcock.

The witness answered: "Only one gentleman. I do not know the man."

ALCOCK ASKED the witness if "to her knowledge" it was a member of the district attorney's office, and she replied, "No."

Q—Were you threatened by this person?

A—No.

Q—Were you coerced in any way to make any statements?

A—No.

Q—In other words, you took the test voluntarily. Is that correct?

A—Yes. I was asked to take it and I did.

The witness was tendered to Dymond for re-cross-examination.

Q—Did you know this man who was in the room with

you when you took the test?

A—No.

Q—Had you ever seen him before?

A—No.

Dymond asked the witness: "Do you know a man by the name of Arthur Davis?"

A—No.

Q—Did you say the defend-

ant was there?

A—Yes.

Q—Did he ever drink?

A—No.

Q—In other words, he just came in, talked with this other man a few words, signed his name in the book and left?

She testified he didn't come in, but talked with the other man a while "and then Mr. Bertrand looked at me over his shoulder several times."

Dymond asked if she knew of any reason for the man to come in and sign the book.

A—I DON'T KNOW.

The next witness was Capt. Kreubbe. He was examined by Alcock.

Q—Would you give us your full name, please?

A—James W. Kruebbe.

Q—What is your rank?

A—I'm a captain on the New Orleans police department.

Q—What section or division on the department do you serve in?

A—The detective bureau.

Q—How long have you been assigned to the detective bureau?

A—Most of my time on the department, since about 1955. I worked several months in another division, but have been in the detectives since 1955.

Q—During the course of your duties, do you ever have occasion to administer lie detector tests?

A—Yes, I have.

Q—For how long a time have you been administering these tests?

A—Since 1961.

Setting the stage for qualifying the witness as an expert in his field, Alcock asked him the extent of his training.

A—I attended the Keeler Polygraph Institute in Chicago.

Q—How many tests have you administered on the police department?

A—Well over 1,000. About 1,500, I'm sure.

The witness was asked if he had ever been qualified as an expert in any of the courts.

A—Yes, I've testified . . .

Dymond objected, saying the witness did not answer the question.

Q—HAVE YOU DONE any

reading on the subject?

A—Yes, sir.

Q—How much?

A—Extensively. We subscribe to periodicals on the subject as well as to one put out by the national organization.

The witness then was cross-examined.

Dymond asked the witness how long the training at the school took.

A—It lasted six weeks. That was followed by a period of 150 examinations and this was followed by another two-week period at Keeler.

Q—In other words, you took a six-week course, then some correspondence courses . . .

The witness interrupted to correct him.

A—They were not correspondence courses, per se. It was verification work and was sent by mail to Chicago.

Q—And this was followed by another two-week period in Chicago, making a total of eight weeks altogether?

A—Yes, sir. That is correct.

Q—Since then you've also done some reading, I think you've testified?

A—Yes, and I attended some seminars and training sessions, too.

Dymond concluded and Alcock then asked the court for a ruling on Kruebbe as an expert.

Judge Haggerty said, "If I make a ruling, I'm going to tell you in advance, I won't let him go into any of the questions and answers at that test. I'll let him answer if that person took a test. I won't let you go into anything else."

Alcock told the judge the state has a right to know the results of the test, asserting that "this is not an attempt to bolster a witness. The state has not only the right, but the duty to find out the results of the test."

Judge Haggerty countered: "He can answer if he administered the test, but he can't go into details."

Q—Did you have occasion any time in the month of January to administer a polygraph test to Mrs. Jesse Parker?

Dymond objected to the questioning of this witness and was overruled. He filed a bill of exception.

Judge Haggerty cautioned the witness: "Do not go into

the questions posed or the results of this test. Just answer yes or no."

Q—When did you give the test to Mrs. Parker?

A—Monday, January 27.

Q—WAS THIS the first time you had seen Mrs. Parker?

A—Absolutely the first time.

Q—When was the test administered?

A—From 9:05 until 10:10 p. m.

Q—Was there anyone else in the room?

The defense objected and Haggerty asked Alcock to rephrase the question.

Q—Do you know how Mrs. Parker got there?

A—Yes. She was brought by Mr. Bertel (an assistant DA).

Q—Did Mrs. Parker indicate to you that she did not want to take the lie detector test?

"I object," Dymond hollered. "I overrule," Judge Haggerty shouted back. Kruebbe then answered:

A—No. She was very willing to take it. There was nothing but complete cooperation on the part of Mrs. Parker.

At this point Judge Haggerty cautioned Alcock: "I think that's about as far as you can go with this witness."

Alcock replied: "Your Honor, I appreciate the court's ruling and will abide by it. I will not ask about the test but I would like to ask a few more questions." He was allowed to.

Q—CAPT. KRUEBBE, in administering this test, did you threaten Mrs. Parker?

A—No, sir.

Q—Did you coerce her into making certain statements?

A—No.

Q—Since examining Mrs. Parker, have you had any other occasion to see her?

A—Not until today when I walked into this courtroom. I've had no conversation with her.

The witness was excused without cross-examination.

The next witness questioned by District Attorney Jim Garrison was Richard Randolph Carr of Dallas, Tex.

Because he was disabled in an accident, Carr was brought into the courtroom in a wheelchair and was permitted to answer questions without sit-

ting on the stand.

Q—WHERE WERE you on Nov. 22, 1963?

A—I was on the seventh floor of the new courthouse building on Houston and Commerce streets facing Dealey Plaza.

Q—What time was that?

A—I can't recall exactly, but it was the time the parade was coming into Dealey Plaza.

Q—Could you see the parade?

A—Yes, sir.

Q—Did you see anything unusual?

A—Yes, sir.

Q—What was that?

A—As the motorcade was moving toward the depository I saw a man on the fifth floor of the book depository in the third window wearing a hat.

Q—DID YOU SEE the man again?

A—I later saw him come down and rush in the direction of Houston and Commerce. Before that I heard a report like a pistol shot. After that I heard three rifle shots from a high-powered rifle.

At this point, Dymond objected. He said that he questioned whether Carr could tell whether a shot was fired from a high-powered rifle or from a pistol.

Garrison then proceeded to qualify Carr as able to tell the difference between rifle and pistol fire.

Q—Have you ever heard rifle fire before?

A—During World War II, I was in the Fifth Rangers. I qualified as an expert with a rifle and I hunted with various hunting rifles. I heard rifle fire in combat, landed at Casablanca, went through North Africa and landed at Anzio.

After a brief cross-examination by Dymond, Judge Haggerty qualified Carr as able to recognize rifle fire. Dymond dissented.

Q—TELL US AGAIN where you were standing?

A—A pipe-fitter and I were standing on the seventh floor and I thought the man I saw in the book depository was a Secret Service man or an FBI man.

Q—Can you describe the

man?

A—He was wearing a light hat, a felt hat, heavy-rimmed glasses, ear muffers over the glasses, a tie and a light shirt and a tan sport coat.

Q—What did you observe then?

A—At first I heard a small arms—a shot. There was a pause and immediately three shots in succession.

Q—Could you tell where the first shot came from?

A—No, sir, I couldn't tell where the first one came from.

Q—Could you tell where the other three shots came from?

A—They came from the general direction where I was standing at, toward the area behind the picket fence (near the grassy knoll). One shot hit the grass in the plaza. You could tell it from the way it came up that the shot came from here.

GARRISON ASKED Carr to show on a mockup and an aerial map where the shots came from there.

Pointing to the mockup, Carr said, "The shots came from this direction from behind the picket fence I do not see (on the mock up). There were a lot of spectators on its grassy slope. When those shots were fired all the the Secret Service and motorcycle police went in this direction. Many of the people fell to the ground as though the shots were close to them. . ."

Dymond objected to Carr's concluding as to why the people fell down, but was overruled by Judge Haggerty.

Garrison asked Carr to describe the sequence of the last three shots the witness said he heard.

Q—If you say 'boom' with your voice, show us how they sounded.

A—Boom-boom-boom. (Very close together, with hardly

any separation.)

Q—AFTER THE shots, did you notice any movement? What did you observe?

A—At this point (pointing to the depository), there was a light brown station wagon with a rack on the back parked on the wrong side of the street facing north toward the railroad track.

Q—What did you see then?

A—Immediately after the

shooting, three men emerged from behind the depository. One was a Latin. I can't say if he was Spanish—and two other men.

They got into the station wagon and drove north on Houston. The car was in motion before the rear door closed. One man was in front, he slid over behind the wheel. The Latin was in back.

The man I described to you in the window came across the street in a very big hurry and turned towards Houston and Commerce and began to walk, once in a while, looking back over his shoulder as if he were being followed.

Q—DID YOU GIVE this information to any law enforcement agencies?

A—Yes.

Q—Did anyone tell you not to tell anyone about this?

A—Yes, sir.

Dymond interrupted with an objection to the question. Garrison said he would rephrase his question.

Q—Mr. Carr, did you talk to any FBI agents about this? Did they tell you to forget about it?

Dymond objected to the question and Judge Haggerty sustained him.

Q—As a result of your conversation with the FBI, what did you do?

A—I did as I was instructed. I shut my mouth.

Q—Were you asked to testify before the Warren Commission?

A—No, sir.

DYMOND TOOK OVER the cross-examination.

Q—When did you first know President Kennedy was shot?

A—One hour and 15 minutes after it happened.

Q—Is it your testimony that you did not know anyone was shot?

A—Yes, sir.

Q—Did you not testify that you heard gunshots?

A—I didn't think they were gunshots—I knew they were.

Q—Did you detect any unusual movement in the motorcade?

A—I saw it gathering speed. I thought it was very unusual.

Q—When did you see the man running? Was it after the gunshots?

A—That has been five years ago and it seems like minutes, but it was only seconds.

Q—What commotion were

you referring to before?

A—The commotion I was referring to mostly was people running toward the area of the picket fence.

Q—That happened before or after you saw the car accelerate?

A—IT HAPPENED before.

Under continuing cross-examination, Carr said he could not tell if the four men had come from behind the depository or out of a side door.

He said that he riveted his attention more on the depository than on the motorcade and was not especially interested in what was happening with the motorcade because a crowd quickly gathered and cut off his view.

Q—Were you interested in seeing what had caused the commotion?

A—No, sir, I looked to see what had happened.

Q—At the same time you were looking to the Texas Book Depository to see what was happening there?

A—Yes, sir. I saw three men come out from behind it.

Q—And at the same time you saw the man from the fifth floor come out of the depository?

A—Yes, sir, I was watching that man because he looked as if someone was following him and I would know him again if I saw his hide hanging in a tannery.

Q—YOU TESTIFIED that you saw one of the shots hit in Dealey Plaza?

A—After hearing the three shots I saw one of them hit in Dealey Plaza.

Q—Did you try to recover the bullet?

A—No, sir, I did not.

Q—I take it you will deny there was one shot and then a pause followed by two shots?

A—I heard one shot and then I heard three shots.

Q—You will deny there were two rapid shots and then a third shot?

A—Yes, sir, I would deny that.

Dymond then turned the witness over to Garrison.

Q—Would you take your time and describe the direction from which the shot came that you saw hit in Dealey Plaza?

A—It came from somewhere (indicating the grassy knoll) over there toward the triple overpass.

Dymond then reexamined Carr.

Q—HOW DID YOU know from what direction that shot was fired?

A—I saw the grass go up.

Q—From that, you have determined what direction the shot came from?

A—Yes, sir.

That ended the cross-examination of Carr. Judge Haggerty recessed the court for lunch.