

ORIGINAL

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....

STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

PROCEEDINGS IN OPEN COURT,
FEBRUARY 17, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JOHN NICHOLS, M.D.	4, 51	54	82	84

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
STATE EXHIBIT 54	--	21	21

1 AFTER THE LUNCHEON RECESS: 2

2 THE COURT:

3 I trust you gentlemen enjoyed your lunch
4 today.

5 Is the State and Defense ready to proceed?

6 MR. ALCOCK:

7 We are ready.

8 MR. DYMOND:

9 Ready, Your Honor.

10 THE COURT:

11 Call your next witness.

12 MR. OSER:

13 The State would like to note for the
14 record that in light of Time, Inc.,
15 on the return of the subpoena, the
16 subpoena called for 35 millimeter
17 slides of Frames 200 to 320, and
18 after checking the return made by
19 Time, Inc., the State learns that
20 Frames 234 through 244 are missing.
21 This is a check by Mr. Alford and my-
22 self.

23 THE COURT:

24 Where is the witness? You excused him?

25 MR. OSER:

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Time has these things copyrighted and I
wanted to note for the record that
we did not receive those particular
frames.

THE COURT:

You requested that you have them?

MR. OSER:

Yes, Your Honor.

THE COURT:

Why didn't you question the witness while
he was here?

MR. OSER:

We did not go down and go through 120
35MM slides, we assumed they were all
here. I just want it noted for the
record.

THE COURT:

If the gentleman is still in the City and
he hasn't left, possibly you can have
one of the Assistant District Attor-
neys call Mr. Sessions and tell him
about this and maybe it can be recti-
fied while we are proceeding.

MR. OSER:

Mr. Sessions is not in his office, Your

1 Honor.

2 THE COURT:

3 Let's proceed with what you do have.

4 JOHN NICHOLS, M.D.,

5 having been first duly sworn by the Minute Clerk,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. OSER:

9 Q Would you state your name for the record,
10 Doctor, please.

11 A My full name is John Marshall Nichols.

12 Q Where do you live, Doctor?

13 THE COURT:

14 How do you spell that?

15 THE WITNESS:

16 N-i-c-h-o-l-s.

17 BY MR. OSER:

18 Q Where do you live, Doctor?

19 A I live at 8008 Reed Road in Prairie Village,
20 Kansas, that is a suburb of Kansas City.

21 Q What is your profession, Doctor?

22 A I am a physician.

23 MR. OSER:

24 At this time the State is going to attempt
25 to qualify Dr. Nichols as an expert

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in the field of pathology and in the
field of forensic pathology.

THE COURT:

Proceed.

BY MR. OSER:

Q Doctor, from what university did you receive
your undergraduate degree?

MR. DYMOND:

At this time we object to Dr. Nichols'
testimony on the ground that it is
irrelevant to the issues in this case.

THE COURT:

Objection overruled.

MR. DYMOND:

To which ruling Counsel reserves a bill of
exception, making the questions pro-
pounded to Dr. Nichols and answers
given, the Defense objection, the
reason for the objection, the Court's
ruling, and the entire record, in-
cluding all testimony up to this
point, parts of the bill.

THE WITNESS:

West Virginia University.

BY MR. OSER:

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Q And in what year was that?

A 1943.

Q Doctor, do you hold a PH degree?

A Yes, I do.

Q In what, sir?

A Well, that is from the University of North Carolina, Chapel Hill.

Q And do you hold any other degrees, Doctor?

A Well, I hold a degree of Bachelor of Medicine and Bachelor of Surgery from the University of Liverpool --

THE COURT:

Would you speak a little louder, Doctor.

THE WITNESS:

An MD Degree from the University of Liverpool, Bachelor of Medicine -- I have been ill in bed with a terrible cold.

BY MR. OSER:

Q Continue, Doctor.

A My medical degree is from the University of Liverpool in England, Bachelor of Medicine and Bachelor of Surgery and Doctor of Medicine, licentiate of the Royal College of Physicians and licentiate of Royal

1 College of Surgeons, and these two
2 licentiates are equivalent to the American
3 MD Degree.

4 Q Doctor, did you undergo any internship in the
5 field of Pathology?

6 A Yes, I did, Yale University at New Haven,
7 Connecticut.

8 Q How long was that internship in Pathology?

9 A Well, a year for the internship.

10 Q Did you do any residency in Pathology?

11 A Yes, at the Medical College of Virginia in
12 Richmond.

13 Q Have you had any teaching assignments since
14 becoming a doctor or do you --

15 A Well, at the present time I am Associate
16 Professor of Pathology at the University
17 of Kansas.

18 Q And prior to that?

19 A Well, prior to that I was Assistant Professor
20 of Pathology and prior to that I was
21 Instructor in Pathology at the Medical
22 College in Virginia during my last year.

23 Q Can you tell us whether or not you are
24 accredited by the American Board of
25 Pathology?

1 A I passed every examination and I am so certi-
2 fied.

3 Q Are you a consultant, Doctor, with any hos-
4 pitals?

5 A Well, I am a consultant to the Veterans Hos-
6 pital in Kansas City, officially, and
7 there are pathologists in several other
8 hospitals who ask my opinions from time
9 to time, yes.

10 Q During your medical career, Doctor, have you
11 had occasion to write any articles or
12 pamphlets concerning the area of pathology?

13 A Well, I think I published approximately 50
14 articles in various medical and scientific
15 journals and I have written three chapters
16 in three textbooks on pathology.

17 Q Have any of these articles appeared in the
18 Journal of the American Medical Associa-
19 tion?

20 A Yes, that is true, several.

21 Q During your career in the field of Pathology,
22 can you tell us approximately how many
23 autopsies you have done?

24 A I have personally done approximately 1,000
25 autopsies.

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THE COURT:

How many?

THE WITNESS:

Approximately 1,000, and I have supervised the doing of approximately another 1,000, and I have assisted and participated, I suppose, in 250, these figures of course are approximate.

BY MR. OSER:

Q Have you done any work, Doctor, with various types of surgical specimens removed from autopsies?

A Well, the surgical specimens that are removed from living patients on which the surgeon wants to know whether he is dealing with a cancer or not, yes, I suppose I have examined 35 or 40 thousand surgical specimens.

Q Doctor, have you ever been qualified as an expert in the field of Pathology in any courts of the land?

A I testify somewhat regularly in the trial courts of Kansas.

MR. OSER:

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I tender the Doctor on his qualifications
as an expert.

THE COURT:

In Pathology and also Forensic Pathology?

MR. OSER:

Yes.

THE COURT:

Would you like to traverse the witness?

MR. DYMOND:

We have no questions on that, Judge.

THE COURT:

Is the matter submitted?

MR. OSER:

Yes, Your Honor.

THE COURT:

It is submitted by the State. I will rule
that Dr. Nichols by his experience
and training and studies is qualified
as an expert in and can render his
opinions in the field of Pathology
and also in the field of Forensic
Pathology.

BY MR. OSER:

Q Doctor, would you define for us what is known
as the field of Pathology.

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A Well, the field of Pathology, as I interpret it, consists mainly of making microscopic diagnoses on patients, tissue removed from human patients in order that the surgeon may tell the patient he has a cancer and treat him appropriately or tell him he has a benign disease and treat that appropriately. I suppose that pathology is really divided into some subsections too, that would be forensic pathology, which deals with the acquiring of evidence with which to determine whether or not a crime has been committed and if a crime has been committed, then to assist in apprehending, convicting, the guilty, and acquitting the innocent, although there is another branch which I am relatively ignorant, this is clinical pathology and this consists mainly of running the blood bank and chemical tests on the blood and urine and things as that in the hospital, and I profess no degree of proficiency in that.

Q Now, Doctor, am I correct in stating that you deal with the area of forensic pathology?

1 Is that correct?

2 A Yes.

3 Q Now, Doctor, have you had occasion to examine
4 what is commonly known as the Zapruder
5 film?

6 A Yes, I have.

7 Q Have you also had occasion, Doctor, to examine
8 various 35MM slides of the Zapruder film?

9 A Yes, I have.

10 Q Likewise, Doctor, have you had occasion to
11 examine various 8 x 10 color prints of
12 the certain frames of the Zapruder film?

13 A Yes, I have.

14 MR. OSER:

15 At this time, the State requests permis-
16 sion to display the Zapruder film
17 to Dr. Nichols.

18 MR. DYMOND:

19 We object, Your Honor, on the grounds that
20 the film has been shown approximately
21 six times already. We see no connec-
22 tion between the showing of this film
23 and the Doctor's expertise, and we
24 further contend that it is irrelevant
25 to the issues in this case. The

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Doctor has further testified that
he has seen the Zapruder film.

THE COURT:

I will overrule the objection.

MR. DYMOND:

To which ruling Counsel reserves a bill of
exception, making the testimony of
this witness, the questions propound-
ed by the State, the Defense objec-
tion, together with the reasons
therefor, State Exhibit 37, and all
of the record and testimony in this
case up until now parts of the bill.

THE COURT:

I would like to make a statement. We are
going to have a mass exodus in about
30 seconds. Mr. Oser stated to me
in the chambers that he wishes to go
up to the screen and he wants the
witness possibly to go to the screen,
and he is being blocked by spectators
being up around the edge of the chair
there. The persons who want to get
against the wall, they can do it now,
but nobody is going to be permitted

1 to go right up to the front. We
2 are trying to run this case proper-
3 ly and I would request that they do
4 not talk to one another or comment
5 in any way about what is going on in
6 court.

7 You are going to put it in slow motion?

8 MR. OSER:

9 In slow motion, Your Honor.

10 I will ask the Doctor to step down, please.

11 (Whereupon, the Zapruder film
12 was shown.)

13 THE COURT:

14 Put the lights on, Sheriff.

15 Let the people get back to their seats.

16 BY MR. OSER:

17 Q Doctor, are you familiar with what you have
18 just viewed on the screen as having seen
19 this before?

20 A Yes, my memory is refreshed.

21 Q Doctor, I think you said before you viewed cer-
22 tain frames, slides of certain frames of
23 the Zapruder film. Is that correct?

24 A Yes, I have.

25 MR. OSER:

1 At this time the State requests permis-
2 sion to display to Dr. Nichols
3 various 35MM slides of the Zapruder
4 film.

5 MR. DYMOND:

6 These have not been offered into evidence,
7 to the best of my knowledge.

8 THE COURT:

9 They have not as of this moment. They
10 were marked for identification, as
11 I recall, the prints were marked as
12 "S-53," the slides were marked "S-54,"
13 and before you can show them to the
14 Doctor, they will have to be received
15 into evidence.

16 MR. ALCOCK:

17 How can the State lay the proper founda-
18 tion for introduction unless they
19 show them to the Doctor for identi-
20 fication? The purport was to enter
21 them in globo and show them to the
22 Doctor in the presence of the Jury.

23 THE COURT:

24 As you well know, if you make the offer,
25 it is going to be shown to the Jury,

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it should be seen by the witness before it is shown to the Jury. Now, if you wish, have you examined the slides yourself, Doctor?

THE WITNESS:

I think perhaps I have picked up one of two of them in my hands and looked at it against the light, and I have seen them thrown on the screen by his projector.

MR. ALFORD:

All of the slides were identified this morning as having been made from the original film.

THE COURT:

I am aware of that. I just want to know if the Doctor has been given an opportunity to look at these slides since they were in the possession of Mr. Orth, to see if the slides are the slides that he used for whatever test he made. He said he only looked at one or two --

MR. OSER:

Up to the light, Your Honor. I think the

1 Doctor also said he saw all of the
2 slides projected on the screen, is
3 that right, Doctor?

4 THE WITNESS:

5 Yes, I saw a rather large number, I did
6 not count them all. I think I have
7 seen them all, I did not make a count
8 of them, though, or I did not initial
9 them or identify each slide with a
10 notation.

11 THE COURT:

12 Let's make the offer.

13 MR. EDWARD WEGMANN:

14 The slides just came from New York this
15 afternoon.

16 MR. OSER:

17 Is the number "53"? I think "54" is the
18 slides.

19 THE COURT:

20 Yes.

21 MR. OSER:

22 The State wishes to offer, introduce and
23 file into evidence that which was
24 previously marked for the purposes
25 of identification "S-54," the 35MM

1 slides from Time, Inc.

2 MR. DYMOND:

3 We object to the introduction of these
4 items, "53" and "54", first on the
5 grounds that they are irrelevant to
6 the issues, and secondly that the
7 State, by introducing them, seeks
8 to accentuate certain isolated por-
9 tions of another exhibit in evidence.

10 THE COURT:

11 I overrule the objection.

12 Before I rule on Dr. Nichols testifying
13 to the slides, I think it should be
14 made evident,, and I am afraid it
15 will have to be done out of the
16 presence of the Jury, that the
17 Doctor is referring to the slides
18 that you have in your possession.

19 MR. OSER:

20 Yes.

21 THE COURT:

22 That is what we did with Mr. Zapruder,
23 if you remember.

24 Take the Jury upstairs, if you will, Sheriff.

25 MR. DYMOND:

1 Before the Jury leaves, Your Honor, I
2 would like to reserve my bill of ex-
3 ception to the last ruling of the
4 Court, making the exhibits --

5 THE COURT:

6 I haven't accepted them into evidence yet.

7 MR. DYMOND:

8 Very well.

9 (Whereupon, the Jury was removed.)

10 MR. OSER:

11 I have two of these carrousel. I want
12 to show one first and half of another.

13 (Whereupon, the slides were shown
14 to the witness.)

15 MR. OSER:

16 This is the place that is missing, Your
17 Honor.

18 BY MR. OSER:

19 Q Doctor, having viewed the slides you just
20 viewed, can you tell the Court whether or
21 not you had seen these slides prior to
22 this time?

23 A Yes, I have seen the slides earlier this morn-
24 ing.

25 THE COURT:

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Can you identify these slides as being
the slides you used for whatever
tests you made, whatever examination
you made?

THE WITNESS:

Well, I can't identify the particular
slides, the images are all the same.

MR. OSER:

I can show the Doctor the 8 x 10's while
the Jury is not here.

THE COURT:

You might as well cover that point too.

BY MR. OSER:

Q I show you what the State marked for purposes
of identification "S-53," --

MR. OSER:

Is that right, Your Honor?

THE COURT:

Yes.

BY MR. OSER:

Q This consists of 21 8 x 10 color photographs
or prints, and I ask you to examine the
photographs and inform the Court whether
or not you have seen these photographs
before.

1 A Yes, I have seen these photographs earlier
2 this morning and I examined them.

3 MR. OSER:

4 All right.

5 THE COURT:

6 Bring the Jury in.

7 (Whereupon, the Jury was brought in.)

8 THE COURT:

9 You may proceed, Mr. Oser.

10 MR. OSER:

11 The State makes its offer as to "S-54,"
12 the 35MM slides consisting of Frames
13 200 to 320, missing is 235 through
14 244.

15 MR. DYMOND:

16 To which we object for the reasons pre-
17 viously stated, and also making a
18 part of our bill the parts which
19 were originally set forth.

20 THE COURT:

21 I overrule the objection and permit the
22 exhibit to be received into evidence.

23 MR. DYMOND:

24 Your Honor, I would merely like at this
25 time to request that the Court in-

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quire of this witness as to his seeing these slides and film early this morning, when we were waiting here right before lunch for Mr. Orth to get off the airplane with these things. We are somewhat at a loss.

MR. ALCOCK:

What significance does that have, Your Honor?

THE COURT:

The main thing, whether he saw them one second before he got on the stand or four hours, he has testified that he recognized them, that is the controlling factor.

MR. DYMOND:

He said he saw them earlier this morning, when did you see the film?

THE WITNESS:

Perhaps I used that wrong, perhaps I should have said I saw them earlier today.

THE COURT:

You reserve your bill on "54." Now, what about -- did you make an offer on "53" as yet?

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MR. OSER:

The State wishes to offer, introduce,
and file into evidence that which
has been previously marked for
purposes of identification "S-53,"
8 x 10 color prints of certain
frames of the Zapruder film. The
said prints total 21.

MR. DYMOND:

We have the same objection to that offer-
ing, making the exhibit, the objection,
the offering, the testimony of this
witness, the reasons for the objec-
tion, the ruling of the Court, to-
gether with all testimony and the en-
tire record up to this time parts of
the bill.

THE COURT:

I overrule the objection. I will permit
the prints to be received into evi-
dence.

MR. OSER:

At this time I would like to display the
slides to the Doctor.

THE COURT:

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We will have to set it up again, I agree with you, you will have to do it all over again. We are going to have this commotion again. Is it your purpose to play the slides now for the Doctor's benefit in front of the Jury, is that correct?

MR. OSER:

Yes.

THE COURT:

I will grant you permission to do so.

I just don't want to have all of this commotion every time. Sheriff Brocato, if the people wish to move over there, tell them to do it now with as least noise as possible.

MR. DYMOND:

We object to the seventh showing of this portion of the Zapruder film now on the slides on the grounds that it's prejudicial because of the number of times shown, because of the accentuation of particular portions of it, and further that it is irrelevant to the issues in this case.

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THE COURT:

I would like to state -- let's have a little order, please, otherwise we are going to work it so that nobody leaves their seats. I am overruling the objection for two reasons. It refreshes the memory of the witness and the witness has been qualified as an expert and he needs this evidence to advise the Jury how he came to an opinion, so for that further reason, I am permitting the re-showing of the slides.

MR. DYMOND:

To which ruling Counsel reserves the bill, making the entire testimony of this witness, the Zapruder film, which is "S-37," the prints from the film, which is Exhibit No. -- what is that, "51" or "52"?

THE COURT:

"53" and "54" are the prints and the slides.

MR. DYMOND:

"53," and the slides which would be "S-54," the reasons for the objection, and

1 the entire testimony and record up
2 until this point parts of the bill.

3 MR. OSER:

4 I ask the Doctor can he see the screen
5 from where he is.

6 THE WITNESS:

7 Well, I would prefer to have a better
8 position, but I don't want to ob-
9 struct the Jury.

10 THE COURT:

11 It would be better if you stepped down.
12 Are you ready, Mr. Oser?

13 MR. OSER:

14 Yes, Your Honor.

15 THE COURT:

16 Cut out the lights.

17 (Whereupon, the slides were shown.)

18 MR. OSER:

19 This is what is missing, Your Honor.

20 THE COURT:

21 You may proceed.

22 MR. OSER:

23 At this time, the State requests per-
24 mission to display the 8 x 10 photo-
25 graphs to the Jury.

1 THE COURT:

2 Any objection? They have already been
3 received in evidence, you can show
4 them to the Jury. Give half of them
5 from this end so they can look at it
6 here.

7 MR. OSER:

8 It breaks up the order of them.

9 THE COURT:

10 Oh, I see, it breaks up the sequence.

11 Well, I tell you, it is 21 photo-
12 graphs, 14 men, for them to look at
13 these photographs, that is going to
14 take some time. Is there any objec-
15 tion to -- is there any objection on
16 the part of the Defense or the State
17 to take a recess and let the Jurors
18 take the pictures up to the room up-
19 stairs?

20 Any objection?

21 MR. ALCOCK:

22 Not by the State.

23 MR. DYMOND:

24 Subject to my original objection on
25 relevancy.

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THE COURT:

We are going to take a recess and Jurors,
let the Sheriff know when you are
finished looking at the pictures and
come down. I will try to get coffee
to you as quick as possible.

(Whereupon, a recess was taken.)

AFTER THE RECESS:

THE COURT:

Sheriff, bring the Jury down, please.
You may proceed, Mr. Oser.

BY MR. OSER:

Q Doctor, I show you what the State has marked
as "State Exhibit -- what is the next two
numbers, Your Honor?

THE COURT:

You marked the photographs in globe, all
of the prints as "S-53." Now, if you
are going to --

MR. OSER:

I can use the alphabet.

THE COURT:

"S-53-A, B," whatever you have.

BY MR. OSER:

Q I show you a document which the State marks

1 "S-53-A" and "B," and I ask you if you
2 recognize those two particular photo-
3 graphs.

4 A Yes, I recognize these photographs.

5 Q I now show you what the State marks as
6 "S-53-C," and I ask you if you recognize
7 that photograph.

8 A Yes, I recognize this third photograph.

9 Q Doctor, using those three photographs, can you
10 tell the Court whether or not you have
11 examined those photographs as to anyone's
12 body movement or possible reaction on
13 these particular photographs?

14 A Yes, I have examined the body movements of the
15 late President and the body movements of
16 Governor Connally in these three photo-
17 graphs.

18 Q Doctor, as an expert in the field of Pathology
19 and Forensic Pathology, can you give your
20 opinion as to the body reactions as you
21 see them and the body movements of
22 President Kennedy as depicted on those
23 three photographs?

24 MR. DYMOND:

25 To which question we object. This is com-

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pletely out of the scope of this
Doctor's expertise, to look at a
photograph and interpret the reactions
of a body, that is not pathological
work.

THE COURT:

I understand not only did the witness
examine the photographs, but he saw
the movies, the Zapruder film. Is
that correct?

THE WITNESS:

Yes, it is.

MR. DYMOND:

That is not within the field of --

THE COURT:

I overrule the objection.

MR. DYMOND:

To which ruling Counsel reserves a bill of
exception making the entire line of
questioning, the qualifications of
Dr. John Nichols as an expert, the
purpose for which he was offered as
an expert, the exhibits "State 53-A,"
"B" and "C," the Defense objection,
the reason for the objection, the

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Court's ruling, and the entire record
of the testimony up until now parts
of the bill.

THE COURT:

Would you like to have the Court Reporter
read the question?

THE WITNESS:

No, I know the question.

A In Exhibit "S-53-A," I notice that Governor
Connally is sitting rather squarely in his
seat looking forward and to the right. I
notice that President Kennedy --

MR. DYMOND:

We object to this witness looking at the
photographs and telling us what the
photographs show. The photographs
speak for themselves.

THE COURT:

He has been qualified as an expert to give
his opinion. I overrule the objec-
tion.

MR. DYMOND:

He is not a photographic expert, that is
what he is trying to tell us here.

THE COURT:

1 You can reserve your bill.

2 MR. DYMOND:

3 We reserve a bill, making the parts
4 thereof the same as the bill which
5 I previously reserved on Dr. Nichols'
6 testimony.

7 THE WITNESS:

8 Continuing on, "Exhibit S-53-A," I notice
9 that the Presidential vehicle in
10 which President Kennedy is riding,
11 President Kennedy is emerging from
12 behind what appears to be a road
13 sign, he is reaching toward his throat
14 with his hand, and "Exhibit 53" --
15 "S-53-B," the automobile has proceed-
16 ed farther and has come further from
17 behind the sign and I notice that
18 Governor Connally still has the same
19 posture, the President is still reach-
20 ing for his throat with his right
21 hand, and Frame -- and "Exhibit 53,"
22 "S-53-C," the automobile has proceed-
23 ed further, he is almost completely
24 from behind the sign now, Governor
25 Connally is still squarely sitting in

1 his seat looking forward and clutch-
2 ing what appears to be a hat in his
3 right hand, President Kennedy is
4 reaching towards his throat with both
5 hands, and is leaning forward.

6 BY MR. OSER:

7 Q Doctor, having examined these photographs as
8 well as having viewed the Zapruder film
9 and the slides, do you have any expert
10 opinion as to the reaction of President
11 Kennedy as displayed in those three
12 exhibits?

13 A President Kennedy is showing a typical reaction
14 of pain in his throat.

15 MR. DYMOND:

16 We object on the grounds that the answer
17 is not responsive to the question.
18 He was asked if he had an opinion as
19 to his reaction, not as to the cause
20 of the reaction.

21 MR. OSER:

22 He said it was pain.

23 THE COURT:

24 I think being qualified as he has been,
25 the Doctor can give his opinion as

1 to the causation of it, I overrule
2 that.

34

3 MR. DYMOND:

4 He was asked what the reaction was.

5 THE COURT:

6 Rephrase your question.

7 BY MR. OSER:

8 Q Doctor, from having examined these three particu-
9 lar exhibits, as well as the Zapruder film
10 and the 35MM slides, do you have any
11 opinion as to the cause of the reaction of
12 President Kennedy as exemplified in those
13 three exhibits?

14 A President Kennedy is probably reacting to pain
15 in his neck.

16 Q Doctor, in those three exhibits that you now
17 hold, do you have any opinion as to the
18 reaction of Governor Connally in regards
19 to pain?

20 A Governor Connally does not appear to be reacting
21 to pain.

22 Q I now show you, Doctor, what the State has
23 marked as "S-53-D," "E," "F," and "G,"
24 and I ask you to review those photographs.

25 A Yes, the car in these photographs that you have

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just cited has moved forward, a second car
is coming into view, and "Exhibit 353-D,"

THE COURT:

"S-53."

THE WITNESS:

I am sorry, "S-53-D" and "E," I detect
that President Kennedy is still re-
acting to the pain and Governor
Connally appears also to be reacting
to pain and probably in "Exhibit S-53-E,"
he is expelling a gush of air out of
his mouth and his cheeks are puffed
upward, this is -- this puffing of the
cheeks is more pronounced in "S-53-F,"
and the Governor appears to be turn-
ing to the side, to the right, and he
is turning very pronounced to the
right in the last exhibit, "S-53-G."

BY MR. OSER:

Q Doctor, can you tell the gentlemen of the Jury
and the Court your expert opinion as to
what would be the cause of Governor
Connally's reactions as you see in those
exhibits?

A I think it is very likely that he has sustained

1 a gunshot --

2 MR. DYMOND:

3 I object to this, Your Honor, that is
4 completely outside of the realm of
5 this witness's expertise, for this
6 witness to sit here and tell you as
7 to what probably caused the pain, in
8 my opinion, it is so far out of
9 bounds that it is just --

10 THE COURT:

11 Continue with your argument.

12 MR. DYMOND:

13 This witness purports to look at these
14 photographs and tell us what caused
15 the pain that he supposedly detects
16 in these photographs.

17 THE COURT:

18 I agree with your objection, he can tell
19 as an expert, he can give his opinion
20 as to what caused the pain, but he
21 cannot say unless he witnessed it
22 what caused the pain.

23 MR. OSER:

24 My question is not as to pain, it was as
25 to reaction, not pain.

1 THE COURT:

2 He can give his opinion as to the reaction,
3 but not the cause of it. We don't
4 know what could have caused it.

5 MR. DYMOND:

6 That is exactly the thrust of my objection.

7 MR. ALCOCK:

8 He being a forensic pathologist, wouldn't
9 it be consistent with his experience
10 in the field of forensic pathology,
11 this would be consistent with pain
12 produced by a gunshot? What is so
13 unusual about an expert giving an
14 opinion along those lines? No expert
15 or very few actually view what hap-
16 pened, they only see the effects of
17 what happened. Any expert can give
18 you his expert opinion as to what
19 that cause was, this cause being a
20 gunshot wound.

21 THE COURT:

22 The question could be rephrased as to what
23 could have caused that, not what did
24 cause it. When the coroner takes the
25 witness stand in most murder cases or

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expert doctors are qualified, they can tell you what could have caused the wound, but not what did cause it, so if the question is rephrased, what could have caused it, I will permit it, otherwise I will not.

MR. DYMOND:

If the court please, unless this witness is qualified to testify that he has some special training which enables him to detect the differences and the different causes of pain which I think is impossible, he would not be qualified to answer that.

THE COURT:

Rephrase your question and I will make a ruling on it, Mr. Dymond, and you can be heard. Will you rephrase your question.

BY MR. OSER:

Q Using the four photographs you now hold in your possession, as well as having viewed the Zapruder film and the 35MM slides, could you give your expert opinion as to what could have caused the reaction in

1 Governor Connally as displayed in those
2 four photographs you now hold in your
3 hand?

4 MR. DYMOND:

5 Objection, if the Court please. This
6 Court should not be interested in
7 what could have caused the pain, any-
8 thing in the world that would be pain-
9 ful could have caused pain, and that
10 is just pure speculation.

11 THE COURT:

12 I overrule your objection, he can testify
13 to that.

14 MR. DYMOND:

15 To which ruling Counsel reserves a bill of
16 exception, making the State's ques-
17 tion, the Defense objection, the rea-
18 sons for it, the entire testimony of
19 the witness, the exhibits "State 53,"
20 and all of the testimony up until
21 this time parts of the bill.

22 THE WITNESS:

23 I can very definitely and very conclusively
24 say that Governor Connally is reacting
25 to a stimulus, which stimulus probably

1 is pain.

40

2 BY MR. OSER:

3 Q Doctor, this stimuli that you speak of, that
4 you just testified about, could this
5 stimuli have been the gunshot wound?

6 MR. DYMOND:

7 I object to that, if the Court please.

8 THE COURT:

9 When one of you speak, wait until he
10 finishes so I can understand.

11 MR. DYMOND:

12 I object to that on the grounds it is
13 completely outside the scope of this
14 witness's qualifications and the ques-
15 tion calls for a pure assumption.

16 THE COURT:

17 I overrule the objection.

18 MR. DYMOND:

19 The same bill with the same parts as the
20 bill previously reserved.

21 THE WITNESS:

22 It would be the impact of the bullet
23 striking the Governor.

24 BY MR. OSER:

25 Q I show you what the State marks for identifica-

1 tion, "S-53-H" through "S-53-M," and I
2 ask you to take a look at those photo-
3 graphs, if you would, please.

4 A Yes, the automobile with the Governor and the
5 President has proceeded further on its
6 course, and in "S-53-H," Governor Connally
7 appears to be in more extreme pain, the
8 President is still clutching his throat,
9 he is leaning forward and to the left,
10 and he is being attended to by his wife.
11 Now, in "S-53-I," the photograph is of
12 a much poor quality than the previous
13 one, it is blurred, it appears that the
14 President's head, the first half of his
15 head is exploding, and the next picture,
16 "S-53-J," it shows essentially the same
17 thing, the bloodiness and the red
18 character of the explosion about his head
19 is much less in size, and in "S-53-K,"
20 it appears that the President's head and
21 his shoulders have moved backwards. This
22 still seems to be apparent in "S-53-L,"
23 and Governor Connally is still in his
24 apparent condition of pain, leaning on his
25 wife and the President's wife is attempting

1 to hold her husband in an erect posture,
2 and "S-53-M," it appears that the Presi-
3 dent has moved still further backwards,
4 his shoulders and his head, and the halo
5 of explosion about his head is no longer
6 apparent, but there appears to be a
7 rather horrible flesh wound, this is the
8 sum and substance of what I reviewed.

9 Q Doctor, from having viewed the photographs you
10 now hold as well as the Zapruder film and
11 the 35MM slides, could you state as an
12 expert, Doctor, as to what the cause of
13 the red halo or the red effect around
14 President Kennedy's head was caused by as
15 well as his backward movement as you have
16 described?

17 MR. DYMOND:

18 We again object on the grounds that this
19 is outside the field of this Doctor's
20 qualifications, and secondly it is
21 irrelevant to the issues in this case.

22 THE COURT:

23 I will overrule the objection.

24 MR. DYMOND:

25 The same bill with the same parts as the

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previous two bills.

THE WITNESS:

I think this depicts the effect of the
gunshot wound, a bullet striking the
President in the head.

BY MR. OSER:

Q From having viewed this data, Doctor, can you
give us an expert opinion as to the di-
rection from which the President's head
was struck?

MR. DYMOND:

We strenuously object to such a question
as this. This Doctor is not quali-
fied to answer such a question.

THE COURT:

I overrule your objection, Mr. Dymond.

MR. DYMOND:

To which ruling Counsel reserves a bill of
exception, the same parts as the bill
previously reserved.

THE WITNESS:

Having viewed the Zapruder film, the
individual 35MM frames and the particu-
lar exhibits here, I would say that
this is compatible with a gunshot

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having been delivered from the front.

BY MR. OSER:

Q Now, Doctor, in speaking of the exhibits that you identified before, and I am speaking now of "State Exhibit 53-B" and "State Exhibit 53-G," in using "State Exhibit 53-B," can you tell us again whether or not President Kennedy is responding or reacting to any stimuli?

A In my opinion, he is reacting to a stimuli in his neck and that stimuli is probably pain.

Q Now, in "53-B," the one you now hold, can you tell us whether or not Governor Connally is reacting to any stimuli in "53-B"?

A In "53-B," Governor Connally is not reacting to stimuli.

Q Now, referring to "53-G," can you tell us whether or not President Kennedy is reacting to stimuli?

A President Kennedy is reacting more intensely to a stimuli.

Q Can you tell us whether or not Governor Connally is reacting to a stimuli?

A Governor Connally in my opinion is reacting to

1 a stimuli.

2 Q If, Doctor, using "53-B," if President Kennedy
3 was reacting to a stimuli at that particu-
4 lar time, and the same stimuli would have
5 caused Governor Connally to react, how
6 fast, in your opinion, Doctor, would
7 Governor Connally have reacted to the same
8 stimuli applied to President Kennedy?

9 MR. DYMOND:

10 I object, Your Honor, on the grounds that
11 the hypothet is going outside the
12 scope of the evidence.

13 THE COURT:

14 In which way?

15 MR. DYMOND:

16 If the Stenographer will read the question
17 back, I will point out in which way.

18 I assume the Court heard it.

19 THE COURT:

20 I overrule the objection.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill of
23 exception, making the question, the
24 reason for the objection, the Court's
25 ruling, the entire testimony and

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record up until this point, parts of
the bill.

A JUROR:

Could the Jury have five minutes?

THE COURT:

Take the Jury upstairs.

(Whereupon, a recess was taken.)

AFTER THE RECESS:

THE COURT:

Can I have a little order in the Court,
please.

Gentlemen, we are going to recess until
Wednesday morning, and Dr. Nichols
will be asked to return at 9:00 a.m.
Wednesday morning.

I want to make mention to the Jurors that
I was lucky enough, I have a place
for you all to see the Rex Parade
and the Krewe of Orleans, and after
that is finished, you will be brought
back. I made arrangements for you
all to be able to see the whole Rex
Parade and the Krewe of Orleans, so
that may break up the monotony that
I know you are suffering.

1 Where is the Sheriff in charge of the
2 Jury?

3 I have some notes I want to give to the
4 Sheriff.

5 It is about 22 minutes to 5:00, and they
6 are not here available to take the
7 Jury, you say?

8 Let everybody have a seat for a moment,
9 Sheriff.

10 Now, in connection with tomorrow, let me
11 mention one or two things. We are
12 going to have about seven or eight
13 Sheriffs with you, and please do not
14 let anyone try to make a mockery or
15 a joke because we are trying to
16 accommodate you, I don't want any
17 persons talking to you in any way.
18 If they want to throw doubloons or
19 things at you, you can catch them,
20 but I don't want to have a spectacle
21 made because we are letting you see
22 the parade, but you will be far enough
23 away from the street. You are going
24 to be on a balcony at a home, the lo-
25 cation of the home I don't want to

1 let out now because it will be found
2 out soon enough when it happens to-
3 morrow, but I think it will be nice.

4 The Sheriff will get sandwiches and
5 chairs and whatnot so you will have
6 food at the place.

7 You should be there from about 9:30 until
8 2:30 or 3:00, and you will be brought
9 back to the motel.

10 (Discussion off the record.)

11 THE COURT:

12 I have arranged for a doctor to come check
13 this evening around 6:00 o'clock.

14 All right. I suggest that you take the
15 Jury, and again I must admonish you,
16 as I have done so many times, do not
17 discuss the case amongst yourselves
18 or with anyone else until it is
19 finally submitted to you for your
20 verdict in the case.

21 Let everybody have a seat. Take charge
22 of the Jury and you, Mr. Shaw, you
23 are released under your same bond.
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CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

PROCEEDINGS IN OPEN COURT,
WEDNESDAY, FEBRUARY 19, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenotypists
333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

1 THE COURT:

2 I trust you Gentlemen had a nice Carnival.
3 Is the State and the Defense ready to
4 proceed?

5 MR. OSER:

6 We are, Your Honor.

7 MR. DYMOND:

8 Yes, Your Honor.

9 MR. OSER:

10 I think we left off with a question being
11 propounded to the Doctor.

12 JOHN NICHOLS, M.D.,

13 having been sworn and having testified previously,
14 resumed the stand for a continuation of the

15 DIRECT EXAMINATION.

16 BY MR. OSER:

17 Q I will ask the Reporter to read the question
18 where we left off the other day.
19 (Whereupon, the question was read
20 by the Reporter.)

21 THE WITNESS:

22 May I see the two exhibits again, please?

23 I would like to correct the word "stimuli,"
24 that is plural. I should have used
25 the word "stimulus."

1 THE COURT:

2 I think Mr. Oser was using it plural.

3 Originally you used the word

4 "stimulus."

5 THE WITNESS:

6 In answer to that question, I would say

7 Governor Connally would have re-

8 acted almost exactly 7/5,670 of one

9 second later than President Kennedy.

10 BY MR. OSER:

11 Q I show you what has been marked as "S-53-I,"

12 and I ask you if you would describe what

13 is depicted in that photograph, please.

14 MR. DYMOND:

15 The photograph speaks for itself.

16 THE COURT:

17 Would you rephrase your question.

18 BY MR. OSER:

19 Q Doctor, would you state for the Court as an

20 expert, what is your opinion as to the

21 body movements and reactions of President

22 Kennedy as depicted in that photograph.

23 A I cannot tell any body movements from this

24 single photograph, I would have to compare

25 it to the preceding photographs and subse-

1 quent photographs.

2 Q I show you, Doctor, what the State marked as
3 "S-53-H" and "S-53-M," and --

4 MR. DYMOND:

5 Excuse me, Doctor. If the Court please,
6 we object to this testimony on the
7 grounds that it is beyond the scope
8 of the expertise of this witness.

9 THE COURT:

10 I overrule the objection.

11 MR. DYMOND:

12 To which ruling Counsel reserves a bill of
13 exception, making the entire testi-
14 mony up until this point, the objec-
15 tion, the ruling of the Court, the
16 reasons for the objection, the wit-
17 ness's testimony, parts of the bill.

18 THE COURT:

19 The Doctor has examined all of the photo-
20 graphs, he can use any one of them to
21 give his opinion on. You may pro-
22 ceed.

23 THE WITNESS:

24 Comparing "S-53-I" and "S-53-M," it is
25 apparent that the President's head

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and shoulders have moved to the rear
in "S-53-M."

BY MR. OSER:

Q Now, Doctor, as an expert, and having viewed
those particular 8 x 10 enlargements and
35MM slides, Frames 200 through 320,
excluding those that are missing, 234
to 244, and having seen the Zapruder film,
I ask you, Doctor, as an expert, what is
your opinion if a stimulus was applied to
the rear of President Kennedy's head,
as to -- correct that, if a stimulus had
been applied to the rear of President
Kennedy's head at the time of "S-53-I,"
what in your opinion as an expert would
have been President Kennedy's reaction
to a stimulus applied to the rear?

A If the proposed stimulus applied to the rear
is the same magnitude as the stimulus
apparently delivered from the front, then
his head and body would have moved to the
front.

MR. OSER:

I tender the witness.

CROSS-EXAMINATION

1 BY MR. DYMOND:

2 Q Were you in Dallas, Texas, on November 22, 1963?

3 A No, I was in my research lab.

4 Q You did not witness the assassination. Is that
5 correct?

6 A That is correct.

7 Q Now, what is your usual procedure in conducting
8 an autopsy where it appears that the
9 death was caused as a result of a head
10 wound?

11 A In conducting the autopsy I would start by
12 X-raying the body completely in two planes,
13 anterior-posterior and lateral, and after
14 these were developed and after I studied
15 them, during this time of course I would
16 be taking those photographs with black
17 and white camera and with a color camera,
18 and I would be making measurements of
19 various points, I would be making measure-
20 ments of various lesions which might have
21 been involved, and having then studied the
22 X-rays, I would have proceeded along the
23 lines indicated, which would of course
24 include a full, complete and total examina-
25 tion. We would dissect the body and get

1 all of the disease or affected parts out,
2 and make microscopic slides of these,
3 make detailed drawings with measurements,
4 and after all was put together, it would
5 probably be a month before I would be able
6 to issue a final diagnosis; however, in
7 most gunshot wounds one is able to issue
8 a provisional diagnosis shortly after you
9 finish with the body, but to do the com-
10 plete autopsy, it requires considerable
11 time.

12 Q So ordinarily it would take a month or more
13 to perform an autopsy. Is that correct?

14 A Well, with a gunshot wound it is reasonable,
15 and if there are no complicating factors
16 otherwise, it is reasonable it could be
17 done within a month, yes.

18 Q How would you go about determining the point
19 of entrance and the point of exit of a
20 gunshot wound in the head?

21 A It depends an awful lot upon the nature of
22 the gunshot wound, if it is a small 22
23 it is relatively simple, if it is something
24 such as a 6.5 Manlicher Carcana, it is a
25 little more difficult, but you use every

1 bit of evidence that you have on hand.

2 Q Well, tell us some of the procedures which
3 you would ordinarily follow in doing that,
4 in conducting an autopsy.

5 A Oh, if motion pictures had been taken of the
6 subject during the assassination, I would
7 study those first, and I would have eye-
8 witness testimony, and then sometimes a
9 small caliber --

10 Q We are talking about a 6.5 --

11 A Every situation is different, and I have to go
12 with what we have at hand.

13 Q Ordinarily, now, Doctor, is it your testimony
14 you would not examine the remains of the
15 person shot in connection with determining
16 the point of entrance and exit?

17 A No, I didn't say that at all, I say we do a
18 complete total autopsy.

19 Q Now, what does this complete total autopsy
20 consist of which you would perform under
21 these conditions?

22 A It consists of first X-raying the body com-
23 pletely, anterior-posterior, front and
24 back, and then side pictures, from the
25 side, localized missiles, and then for

1 the sake of completeness it requires
2 taking gross photographs of the body for
3 identification, for the position of wound,
4 such things as that, and then it involves
5 a dissection, getting out all of the parts
6 involved, and it includes fixing the
7 tissues in formaldehyde to allow them to
8 become hard, and after they become hard
9 we dissect these very carefully using
10 sometimes a low-power microscope, and we
11 separate and submit the appropriate parts
12 to technicians to make slides, and after
13 the slides come back we study them under
14 a microscope. In the case of a brain, it
15 is necessary to fix the brain in formalde-
16 hyde for two weeks until it becomes hard,
17 to dissect, and if you try to dissect a
18 fresh brain it falls apart, putting the
19 whole thing together at the end.

20 Q Would you examine and take into consideration
21 the physical characteristics and condition
22 of the remaining parts of the skull of
23 someone?

24 A Yes.

25 Q Now, Doctor, did you examine any X-rays of the

1 remains of President Kennedy?

2 A I requested to do so, sir, but I have been
3 denied that privilege. I have requested
4 on many occasions to do so in telegrams
5 and registered letters.

6 Q But you have not examined these X-rays. Is
7 that correct?

8 A Not yet.

9 Q Doctor, have you ever before performed an
10 autopsy without having reviewed the re-
11 mains of the person upon whom the autopsy
12 was being performed?

13 A I have expressed opinions on such autopsies
14 to some lawyers who come to my office.

15 Q You have never actually performed one without
16 having examined the subject?

17 A You cannot perform an autopsy by remote con-
18 trol.

19 THE COURT:

20 Never mind, proceed.

21 BY MR. DYMOND:

22 Q Doctor, when was the first time that you saw
23 the Zapruder film in its entirety?

24 A I suppose it was about two weeks ago.

25 Q Two weeks ago, where did you see that?

- 1 A At the Townhouse Motel in Kansas City.
- 2 Q And you saw a complete --
- 3 A I beg your pardon, I saw it in the Pathology
4 Department in Kansas City, in the projec-
5 tion room.
- 6 Q You saw a complete running of the Zapruder film
7 at that time?
- 8 A Yes, the Zapruder film that I saw here was
9 complete as compared to the one I saw in
10 Kansas City, yes.
- 11 Q When was the first time that you examined blown-
12 up slides or prints of the Zapruder film?
- 13 A I suppose it was about 11:30 Monday morning.
14 Perhaps 12:00, I don't know exactly.
- 15 Q Now, Doctor, the opinions which you have ex-
16 pressed here in your testimony, is it not
17 a fact that you expressed the same opinions
18 in an article offered by you in the
19 Archives of Pathology back in 1967?
- 20 A Oh, no, not at all.
- 21 Q In what way does the opinion differ?
- 22 A May I see the article, please?
- 23 Q I don't have the article.
- 24 A It does not exist, sir.
- 25 Q You haven't written any article for the

1 Archives of Pathology?

2 A Yes, I have written --

3 Q None pertaining to the assassination of
4 President Kennedy?

5 A None, sir, I have never written an article
6 pertaining to the assassination of
7 President Kennedy anywhere.

8 Q You never have?

9 A No.

10 Q You have no published work --

11 A No published work on the assassination of
12 President Kennedy.

13 Q Doctor, do you hold yourself out as a ballistics
14 expert?

15 A In the case of the assassination of President
16 Kennedy, I have conducted experiments,
17 yes, this consisted of purchasing 6.5
18 Manlicher Carcana ammunition, I have fired
19 this into human wrists and into human ribs.
20 I have recovered the bullets, yes, I pro-
21 claim a degree of proficiency in ballistics
22 to this extent.

23 Q What formal training have you had in the field
24 of ballistics, Doctor?

25 A Well, this consisted of a one-hour lecture, I

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suppose it was a lecture in Medical School
and I have attended ballistics experts
examining other bullets at the College
of Virginia, I have talked with many po-
lice officers, I have identified bullets
and have testified to them on those
points, yes.

Q On the basis of that, you consider yourself
a ballistics expert?

A I consider myself an expert in the field of
ballistics as I have testified in this
Court.

Q What formal training in the field of ballistics
have you had on the ballistics points
in which you have testified in this Court?

A I have created my own, sir, my experience.
I chronographed the speed of a bullet
emerging at 1,890 feet, at a distance of
30 feet, then I would catch these bullets
and I would also shoot through human wrists
and ribs and catch the bullets and I would
compare them, sir. The bullets coming
through the wrists and through the rib,
injuries similar to Governor Connally's,
were mutilated whereas bullets otherwise --

1 bullets traversing a rib and a wrist
2 producing wounds similar to that sustained
3 by Governor Connally are mutilated bullets
4 whereas bullets that are merely shot into
5 a mattress in which I checked them, they
6 are pristine. I have, sir, copyrighted
7 results of my work here. May I show them
8 to you, please?

9 Mr. Oser, do you have the --

10 THE COURT:

11 Do you have them?

12 MR. OSER:

13 We can send for the Doctor's briefcase,
14 which is down in my office.

15 MR. DYMOND:

16 Actually, Your Honor, I am not interested
17 in these.

18 THE WITNESS:

19 I have them right here, though.

20 THE COURT:

21 I think he has a right to give an answer.

22 THE WITNESS:

23 Perhaps we can give a better answer to
24 the Jury if I could set up the slides
25 and project them onto the screen.

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MR. DYMOND:

If the State wants him to do that --

MR. ALCOCK:

This is in response to his question, Your Honor.

MR. DYMOND:

Anybody can copyright anything that is unique and original.

THE COURT:

I think the Doctor can give you a yes or no answer and tell you and show you what training he did have.

MR. DYMOND:

Training, yes.

THE COURT:

That is what he is trying to do.

MR. DYMOND:

I am willing to hear testimony about training, that is what I have asked for, but a man writing an article does not constitute training.

THE COURT:

Wouldn't the articles denote yes or no, whether he did have any training in the subject?

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MR. DYMOND:

I have never heard or seen of the articles.

THE COURT:

Tell of your training without going into the articles.

THE WITNESS:

No such article exists, it is a figment of somebody's imagination. My training, sir, in the field of ballistics consists of a one-hour lecture, conferences with ballistics experts in the office of the Chief Medical Examiner, Richmond, Virginia, it consists also, sir, of my own studies which is training, with a Manlicher Carcana Rifle, 6.5 ammunition, being fired into human wrists and ribs and collecting the bullets, this is training, sir, and this is the result of it, and with Your Honor's permission, I would like to show these to the Jury in detail.

THE COURT:

I think you have answered the question.

1 I say he has answered the question.

2 MR. DYMOND:

3 I think so.

4 BY MR. DYMOND:

5 Q In other words, Doctor, your training consists
6 of a one-hour lecture that you have
7 attended, having spoken to police officers
8 about ballistics and some experiments that
9 you yourself conducted. Is that right?

10 A That is partly.

11 Q What else is there to it?

12 A Well, discussing the matter and a rather ex-
13 tensive course of self-taught ballistics
14 in this particular matter extending over a
15 period of two years, sir.

16 Q Have you ever qualified as a ballistics expert
17 in any court in the country?

18 A To the extent that I would identify missiles
19 removed at autopsy.

20 Q What do you mean, identifying missiles which
21 have been removed from a body by you or
22 by someone under your direction?

23 A By myself, sir.

24 Q You call that being a ballistics expert?

25 A No, that is the extent I have qualified in

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court.

THE COURT:

It would depend on the Judge whether or not you would have been qualified, it is not what a person himself thinks he would be. It is what his qualifications are assessed in court by the court.

BY MR. DYMOND:

Q Do you hold yourself out as a photograph expert?

A Yes.

Q Would you tell us the extent of your training in photography.

A The extent of my training started, sir, I suppose, when I was about ten years old, I purchased or was given a camera and I had many cameras since then, I have access to a far range of cameras within the pathology department of the University of Kansas and they are used for the specific purpose of identifying wounds on human bodies, living persons or dead persons, and I teach this to medical students and residents and I take the pictures myself of

1 my own autopsies and on other autopsies
2 I supervise, the residents take their
3 pictures.

4 Q What formal training in photography have you
5 had?

6 A I have never had a minute of formal training
7 as far as anybody giving me lectures,
8 but the results speak for themselves.

9 Q Now, do you know how many frames per second
10 are run by the Zapruder film?

11 A I think it was described to me in the courtroom
12 as being 18 and 3/10ths, sir.

13 Q Was that the first time you knew the speed of
14 the Zapruder film?

15 A I don't know what the speed is yet, sir.

16 Q You don't, you don't know how many frames per
17 second?

18 A I am assuming that is correct.

19 Q When did you start assuming that, Doctor?

20 A Well, I really don't know, I suppose a couple
21 of years ago.

22 Q Didn't you say that you had learned here in this
23 courtroom it was 18.3 per second?

24 A I think it was confirmed to me, I am not sure
25 it is 18.3.

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Q Have you ever seen the clothing which was worn
by President Kennedy at the time he was
assassinated?

A I am suing the Federal Government to obtain
possession of that.

Q You are suing the Federal Government?

A Yes, I am.

Q Did you know he was wearing a back brace at
the time of the assassination?

A I am keenly aware of that, sir, that prevented
him from falling to the side, that was why
he stayed erect.

Q You are suing for that too or not?

A No, I am not suing for that.

Q Doctor, do you know whether or not at any time
after the shot depicted in Frame 313 of
the Zapruder film was fired, the Presi-
dential limousine accelerated sharply at
any time?

A I did not know the speed of the limousine, sir.

Q Was that ever taken into account by you in any
of your calculations?

A As far as Frames 313, 314 and 315, I have
assumed that the speed of the limousine
was practically constant, I did not know,

1 sir.

2 Q You said practically constant?

3 A Within those three frames, yes. I do not think
4 it had accelerated or any deceleration
5 in those three frames.

6 Q Do you know what the speed of the limousine,
7 was?

8 A No, sir.

9 Q Do you know whether it was going fast or slow
10 at the time of the assassination?

11 THE COURT:

12 I am not trying to assist the witness, but
13 can you tell us what you mean by
14 "fast," or what you mean by "slow"?

15 MR. DYMOND:

16 If the Court please, I am talking to an
17 expert here.

18 THE COURT:

19 But your question is confusing.

20 MR. DYMOND:

21 I am trying to find out whether he has
22 any idea as to the speed, Your Honor,
23 which apparently he does not.

24 THE COURT:

25 If the State objects, I will sustain the

1 objection that the question is not
2 properly before the witness. It is
3 not a proper question, was he going
4 fast or slow.

5 BY MR. DYMOND:

6 Q Do you know how fast the limousine was going?

7 A No.

8 Q Do you know how fast it was going in Frame 310?

9 A No, sir.

10 Q 311?

11 A No.

12 Q 312?

13 A Nowhere do I know how fast the limousine was
14 going.

15 Q Nowhere in the Zapruder do you know how fast the
16 limousine was going?

17 A No, sir.

18 Q Do you have any idea as to the relative speed
19 as between given frames of the Zapruder
20 film?

21 A No, sir.

22 Q Doctor, would you testify the sudden accelera-
23 tion of a vehicle would not throw an
24 occupant back?

25 A It did not throw the other occupants back, sir.

1 Q It did not?

2 A It did not.

3 Q You are sure about that?

4 A It is demonstrated with the Zapruder film it
5 did not, sir.

6 Q And you did not take into account any accelera-
7 tion or speed?

8 A I assume it did not because the other occupants
9 retained their relative positions.

10 Q Are there any other assumptions upon which your
11 testimony has been based?

12 A Not at the present time. You might drag out
13 some that I am not aware of.

14 Q Well, Doctor, it's your testimony, don't you
15 know whether it was based on assumptions?

16 A Well, the sun striking the object from the
17 camera, I don't know whether it was
18 Kodachrome film, I don't know the details
19 of the development, no, I don't know these
20 things.

21 Q What was the speed and direction of the wind
22 in Dallas at the time of the taking of
23 Frame 313?

24 MR. ALCOCK:

25 The man said he was not in Dallas.

1 MR. DYMOND:

2 I will change the form of the question.

3 BY MR. DYMOND:

4 Q Did your calculations take into account the
5 speed and direction of the wind in Dallas
6 at the time Frame 313 was taken?

7 A The speed and direction of the wind as related
8 to the traversing of the bullet path are
9 insignificant, sir.

10 Q Doctor, please answer the question, and if you
11 didn't understand it, I will have it read
12 back.

13 A No, I did not take those into account. If you
14 will tell them to me, I will take them in-
15 to account.

16 Q You have not taken them into account up until
17 now, right?

18 A No, but, if you will, I will do so.

19 Q That's up to you, sir. Now, Doctor, is there
20 such a thing as a delayed reaction to
21 pain?

22 A If a person is unconscious or under anesthesia,
23 yes.

24 Q Would you say that is the only condition under
25 which that could occur?

- 1 A It depends on your definition of "delayed,"
2 sir.
- 3 Q Have you ever heard of a person having been
4 stabbed or shot and not realizing that
5 anything happened to him?
- 6 A Not realizing it in the cerebral cortex of his
7 brain, that is correct.
- 8 Q Have you ever heard of a person stabbed or shot
9 and not showing any immediate reaction to
10 it?
- 11 A Not in a normal person riding in an automobile
12 with the attention of a crowd, waving to
13 the crowd, no, sir, I do not.
- 14 Q Have you ever seen a person waving in an auto-
15 mobile to a crowd shot?
- 16 A No, I haven't, sir.
- 17 Q Have you made any investigation into the
18 normalcy of the people shot on November 22,
19 1963, in Dallas?
- 20 A In relation to the President I have, sir, yes.
- 21 Q What?
- 22 A He was normal, sir.
- 23 Q In all --
- 24 A His doctor had examined him and approved him
25 taking this visit to the City of Dallas and

1 riding in the automobile, sir, his doctor
2 had taken this into account.

3 Q And from that you would conclude his reaction
4 to pain, trauma, would be normal. Is
5 that correct?

6 A Yes.

7 Q Was that the only information upon which that
8 assumption is based?

9 A Yes.

10 Q Prior to November 22, 1963, did you ever have
11 occasion to meet President John Kennedy?

12 A I think I shook hands with him, sir.

13 Q How about Governor Connally?

14 A Not Governor Connally, I tried several times
15 to get an appointment with Governor Connally
16 and he rejected me.

17 Q Governor Connally rejected you, you say?

18 A Yes, he did not answer my letters.

19 Q Now, Dr. Nichols, have you ever heard of dif-
20 ferences in thresholds of pain, that is,
21 some people being able to stand or endure
22 pain better than others can?

23 A I am quite well aware of that. I have conducted
24 experiments on that myself.

25 Q You have? Did you feel that that was a considera-

1 tion which should be taken into account
2 by you at arriving at your conclusion?

3 A Yes, and I did so, I took that into account
4 when I assumed the President was in good
5 health and Governor Connally was in a
6 state of good health, they were not in-
7 toxicated.

8 Q Is good health and intoxication, are those
9 the only two factors that would have any-
10 thing to do with the threshold of pain?

11 A They are the two most important things.

12 Q What other factors are there?

13 A Let me modify that and say they are the only
14 factors.

15 Q What other factors did you have in mind?

16 A I have changed --

17 Q What did you mean when you say they were the
18 two most important?

19 A I can't think of anything now.

20 Q You changed your mind, you say, Doctor?

21 A At the present time, sir, I can only think of
22 one thing, as a matter of fact, that
23 changes the threshold of pain, physical
24 health.

25 Q That is the only one, right?

- 1 A That is the only one, sir.
- 2 Q All right, I see. Now, Doctor, have you ever
3 attempted to determine the direction of
4 the shot from photographic evidence only
5 prior to this time?
- 6 A Yes, I have, sir.
- 7 Q Can you tell us about that, please.
- 8 A It is very tricky and very misleading. With
9 a low caliber bullet, it can be done, with
10 a low velocity bullet -- speaking of the
11 brain, sir, the head?
- 12 Q Any shot.
- 13 A Any shot?
- 14 Q Right.
- 15 A Certainly if you established the bullet enter-
16 ing in one part of the anatomy and emerging
17 in another part of the anatomy and you
18 assume the person is in an anatomical
19 position, I have written this on autopsy
20 articles, it is reasonable sometimes to
21 arrive at an approximate angle that a
22 bullet was fired, and this is very helpful
23 to the police.
- 24 Q What is the best way to determine a point of
25 entrance and point of exit of a bullet?

- 1 A To see the offender fire the shot.
- 2 Q You would not want to examine the body of the
3 victim?
- 4 A You asked me the best, sir.
- 5 Q The best is to see the shot fired?
- 6 A Yes.
- 7 Q Let's assume you do not see the shot fired,
8 what would then be the best way of de-
9 termining where the bullet entered or
10 exited?
- 11 A The bullet hole enters, sir, in soft tissue
12 of the human body, is a small affair, it
13 is smaller than the bullet is itself,
14 and as the bullet hits, enters, and the
15 speed of the bullet rubbing against the
16 skin produces a small burn, this appears
17 blackened, I am assuming we are at a dis-
18 tance of ten feet now, then on the other
19 side where it emerges the bullet hole is
20 larger, usually, not always, but usually,
21 and the edges are everted and when you
22 study the bullet hole entrance under a
23 microscope, you can see a little rim of
24 burned tissue that almost conclusively
25 pinpoints it, but you can never be cer-

- 1 tain.
- 2 Q Now, Doctor, wouldn't some of the same factors
- 3 apply to a head wound --
- 4 A I am suing --
- 5 Q -- with a high velocity rifle?
- 6 A I am suing the Federal Government for permission
- 7 to look at the X-rays and the pictures of
- 8 the head in order to find out more exactly
- 9 than I have at the present time.
- 10 Q Would I be correct in saying then that you
- 11 consider it very important from a patholog-
- 12 cal standpoint to be given access to the
- 13 photographs and films of President Kennedy
- 14 for the purpose --
- 15 A It is very important.
- 16 Q It is very important?
- 17 A Yes.
- 18 Q And you feel that you could add to the exact-
- 19 ness of your opinion were you able to
- 20 examine these things. Is that right?
- 21 A I feel there is a reasonable possibility that
- 22 I might.
- 23 Q Now, Doctor, from the standpoint of a
- 24 pathologist, which is the better tool
- 25 in determining the point of exit and the

1 point of entrance of a bullet, the ex-
2 amination of the victim or a photograph
3 of the shooting?

4 A If the victim is available, the examination of
5 the victim, a complete examination of
6 the victim, a total examination of the
7 victim, including X-rays and dissection
8 of the part.

9 Q X-rays and dissection of the brain, did you
10 say?

11 A Of the part involved.

12 Q Now, as an expert in the field of pathology,
13 Doctor, would you dispute the point of
14 exit and entrance of a bullet on the basis
15 of photographs as opposed to an opinion
16 as to the entrance and exit based upon
17 photographs plus an actual examination of
18 the body of the victim?

19 A It depends on who examines the body, sir. Yes,
20 I would, and many occasions I have.

21 Q When you say who examines the body, are you
22 speaking from the standpoint of honesty
23 or the standpoint of ability and qualifica-
24 tion?

25 A Ability and qualifications and previous ex-

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perience. Previous experience is very important.

Q I take it then, sir, that assuming that such a determination were made by a pathologist of your ability and with your experience, after having examined the remains of the victim, you would not dispute his findings on the basis of mere photographic evidence such as you have had. Is that correct?

A In which case, in which particular case are you speaking, sir?

Q In any case.

A I can't talk about any case.

Q Why not?

A I have to know all of the details of the case. Yes, I do not know whether I would or not, I would have to know the details, because this other fellow, although experienced and skilled and honest, he might overlook something. I might pick up something that he overlooked, yes.

Q Wouldn't it be fair to say that you are very curious to see these X-rays and the pathological reports in order to determine

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for yourself whether your opinion is correct?

A I want to know the truth, the whole truth, and nothing but the truth.

Q And you want to see whether your opinion is correct. Isn't that right, sir?

A I would like to confirm it.

MR. DYMOND:

That's all, sir.

REDIRECT EXAMINATION

BY MR. OSER:

Q Doctor, I show you what the State has marked as "S-18," and I ask you if you have ever seen this particular rifle before, sir.

A May I step down from the witness stand, sir?

THE COURT:

Yes.

THE WITNESS:

May I refer to my notes, sir?

THE COURT:

You can refresh your memory from your own notes, but you cannot read from your notes.

MR. OSER:

Do not read from your notes themselves.

1 THE WITNESS:

2 Yes, I purchased this rifle from
3 Smitty's Gun Shop in Kansas City
4 on October 10, 1968, sir, it is my
5 rifle, I own it.

6 BY MR. OSER:

7 Q And what type of gun is this, Doctor?

8 A This is an Italian Army rifle, it is more
9 commonly known as a Manlicher Carcana
10 Rifle, Caliber 6.5.

11 Q During your research and experiments, did you
12 have occasion to use this particular
13 rifle in your research?

14 A Not this particular rifle, sir, but I have
15 used six other rifles similar to this
16 in my research.

17 Q Will you identify the particular type of scope
18 that is on that rifle, Doctor?

19 A Yes, this scope, I purchased it from Mr.
20 Martin Redding in Culver City, California,
21 along about two months previously, I be-
22 lieve, at a price of \$11.00. The mount I
23 purchased at a price of \$1.00, it was
24 mounted for me at -- by a firm in Kansas
25 City at a cost of \$9.00, and the gun was

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blued for me at -- by another firm.

MR. OSER:

That's all.

RECROSS-EXAMINATION

BY MR. DYMOND:

Q Doctor, are all Manlicher Carcana Rifles 6.5 millimeters?

A No, sir, there are those that are 7.2 and 7.5, and there is a toy gun that Mussolini had cut down to train the 14-year-old children, also a Manlicher Carcana that shoots blanks.

MR. DYMOND:

No further questions.

THE COURT:

Is there any further need for Dr. Nichols under his subpoena?

MR. OSER:

No, sir.

(Witness excused.)

...oo...

C E R T I F I C A T E

I, the undersigned, a Deputy Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:961.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above-entitled and numbered cause (s).

I further certify that I am not of counsel, nor related to any of the parties to this cause or in anywise interested in the event thereof.

NEW ORLEANS, LOUISIANA, on the 21 day
of May 19 69

Paul W. Williams
DEPUTY OFFICIAL COURT REPORTER
STATE OF LOUISIANA