

ORIGINAL

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

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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?

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Is that correct?

A Yes.

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

A Yes, I have.

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

A Yes, I have.

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

A Yes, I have.

MR. OSER:

At this time, the State requests permission to display the Zapruder film to Dr. Nichols.

MR. DYMOND:

We object, Your Honor, on the grounds that the film has been shown approximately six times already. We see no connection between the showing of this film and the Doctor's expertise, and we further contend that it is irrelevant 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 or 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

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

THE WITNESS:

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

THE COURT:

Let's make the offer.

MR. EDWARD WEGMANN:

The slides just came from New York this afternoon.

MR. OSER:

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

THE COURT:

Yes.

MR. OSER:

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

slides from Time, Inc.

MR. DYMOND:

We object to the introduction of these items, "53" and "54", first on the grounds that they are irrelevant to the issues, and secondly that the State, by introducing them, seeks to accentuate certain isolated portions of another exhibit in evidence.

THE COURT:

I overrule the objection.

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

MR. OSER:

Yes.

THE COURT:

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

Take the Jury upstairs, if you will, Sheriff.

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:

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

5 THE WITNESS:

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

8 MR. OSER:

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

11 THE COURT:

12 You might as well cover that point too.

13 BY MR. OSER:

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

16 MR. OSER:

17 Is that right, Your Honor?

18 THE COURT:

19 Yes.

20 BY MR. OSER:

21 Q This consists of 21 8 x 10 color photographs  
22 or prints, and I ask you to examine the  
23 photographs and inform the Court whether  
24 or not you have seen these photographs  
25 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

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

BY MR. OSER:

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

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

MR. DYMOND:

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

MR. OSER:

He said it was pain.

THE COURT:

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

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

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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.

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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

1                   having been delivered from the front.

2       BY MR. OSER:

3       Q     Now, Doctor, in speaking of the exhibits that  
4                   you identified before, and I am speaking  
5                   now of "State Exhibit 53-B" and "State  
6                   Exhibit 53-G," in using "State Exhibit  
7                   53-B," can you tell us again whether or  
8                   not President Kennedy is responding or  
9                   reacting to any stimuli?

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

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

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

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

21      A     President Kennedy is reacting more intensely  
22                   to a stimuli.

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

25      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-

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quent photographs.

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

MR. DYMOND:

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

THE COURT:

I overrule the objection.

MR. DYMOND:

To which ruling Counsel reserves a bill of exception, making the entire testimony up until this point, the objection, the ruling of the Court, the reasons for the objection, the witness's testimony, parts of the bill.

THE COURT:

The Doctor has examined all of the photographs, he can use any one of them to give his opinion on. You may proceed.

THE WITNESS:

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

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.

60

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

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

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

A Yes.

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

A Yes.

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

A I think I shook hands with him, sir.

Q How about Governor Connally?

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

Q Governor Connally rejected you, you say?

A Yes, he did not answer my letters.

Q Now, Dr. Nichols, have you ever heard of differences in thresholds of pain, that is, some people being able to stand or endure pain better than others can?

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

Q You have? Did you feel that that was a considerable

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 pathologic-
- 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



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