

ORIGINAL

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

versus

CLAY L. SHAW

NO. 198-059  
1426(30)  
SECTION "C"

EXCERPT OF

PROCEEDINGS in Open Court on

February 13, 1969

B E F O R E :

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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WITNESS

DIRECT CROSS REDIRECT RECROSS

Abraham Zapruder

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Robert West

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E X H I B I T S

EXHIBIT NO.

OFFERED

IDENTIFIED

RECEIVED

S-34

16, 48

S-35

16

S-36

17, 49

S-37

84

94

1 AFTERNOON SESSION 2

2 THE COURT:

3 Is the State and the Defense ready?

4 MR. ALCOCK:

5 We are ready, Your Honor.

6 MR. DYMOND:

7 Defense is ready, Your Honor.

8 THE COURT:

9 You may proceed.

10 ...oOo...

11 ABRAHAM ZAPRUDER,

12 after first being duly sworn, was examined and  
13 testified on his oath as follows:

14 THE COURT:

15 The spelling of the witness' name is

16 Abraham Zapruder, Z-A-P-R-U-D-E-R,

17 is that correct?

18 THE WITNESS:

19 Z-A-P-R-U-D-E-R, correct.

20 THE COURT:

21 Very well, you may proceed.

22 DIRECT EXAMINATION

23 BY MR. OSER:

24 Q State your name for the record, please?

25 A Abraham Zapruder.

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Q Where do you live, Mr. Zapruder?

A 3909 Marquette, Dallas, Texas.

Q Mr. Zapruder, what is your occupation?

A I manufacture ladies' dresses.

THE COURT:

I can't hear you.

THE WITNESS:

I manufacture ladies' dresses.

MR. OSER:

I don't believe it is coming over that  
mike at all.

THE COURT:

I think the engineer is here. See if  
someone can fix this microphone.  
Say, "one, two, three, four," and  
see if the man in the back row can  
hear you.

THE WITNESS:

One, two, three, four.

THE COURT:

Can you speak a little louder?

THE WITNESS:

Yes, I can.

THE COURT:

Try one more time. Let's go.

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BY MR. OSER:

Q Mr. Zapruder, during November, 1963 what was your occupation?

A I can hardly hear you now.

Q During November of 1963, what was your occupation?

A The same.

Q Where is your business located in Dallas?

A 501 Elm Street.

Q Does the business location have a name to the building?

A Yes, it is the Daltex Building.

Q I direct your attention to the date of November 22, 1963, and ask you where you were at approximately 12:15 p.m. on that date?

A 12:15 p.m. I was looking for a place where to stand so I would be able to take pictures of the arrival of the President.

Q Was anybody with you at this time?

A Yes, one of my secretaries.

Q Did you find such a location?

A After three attempts, yes.

Q What location did you decide upon?

A There was a concrete abutment about 4 feet

1 tall and that's where I decided to stay.

2 MR. OSER:

3 What is the next exhibit number?

4 THE MINUTE CLERK:

5 Thirty-three.

6 BY MR. OSER:

7 Q Mr. Zapruder, I show you what the State has  
8 marked for the purpose of identification  
9 as S-33, and ask you if you have ever  
10 seen this exhibit before?

11 A You mean this picture?

12 Q Yes, sir.

13 A Yes.

14 Q Do you recognize what is depicted in that  
15 photograph, sir?

16 A Are you referring to my --

17 THE COURT:

18 You are not going to have a private  
19 conversation. Everything is  
20 supposed to go into the record, so  
21 speak into the microphone loud and  
22 clear.

23 THE WITNESS:

24 What is the question?

25 BY MR. OSER:

1 Q Do you recognize anything depicted in that  
2 photograph, sir?

3 A Yes.

4 Q What do you recognize?

5 A I recognize myself standing there with my  
6 secretary on the aforementioned 4 foot  
7 concrete abutment.

8 Q Would you circle for me the location with this  
9 pen on the photograph where you say you  
10 are depicted?

11 A Okay.

12 Q Mr. Zapruder, while you were standing on this  
13 concrete abutment did you do anything in  
14 particular in regard to what you were  
15 waiting to see and hear?

16 A Did I do anything?

17 Q Yes, sir, did you have anything with you and  
18 did you do anything?

19 A I had a camera with me.

20 Q What type of camera did you have?

21 A A Bell & Howell motion picture camera,  
22 8 millimeter, with a zoom lens.

23 Q Can you tell us what was the color?

24 A It was loaded with color film.

25 Q What was the color of the camera itself?

1       A    I believe it was black.

2       Q    Do you know what type of lens you had in this

3                camera?

4       A    I'm not sure, but I believe it was 2.8.

5       Q    Which I believe you said is commonly known as

6                a zoom lens?

7       A    Yes.

8       MR. DYMOND:

9                I object, he is leading the witness.

10       THE COURT:

11                Don't lead the witness.

12       MR. OSER:

13                He already testified to that.

14       THE COURT:

15                You can't lead him even though he has

16                said it.

17       MR. OSER:

18                At this time the State wishes to use one

19                of its other exhibits.

20       MR. DYMOND:

21                We object to it being submitted to the

22                Jury until it is submitted in

23                evidence.

24       THE COURT:

25                Take the Jury into their room.



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(WHEREUPON, the Jury retired to  
the Jury Room.)

THE COURT:

Now, Mr. Oser, the photograph which you  
have numbered S-33 for identifica-  
tion purposes, I understand you are  
going to make an offer of that  
photograph to be received in  
evidence, and if it is received  
then you wish to present an  
enlargement, is that correct?

MR. OSER:

No, Your Honor, other exhibits.

THE COURT:

A separate exhibit?

MR. OSER:

Yes, Your Honor, separate from Exhibit  
S-33 for identification.

THE COURT:

You may show us the exhibit and we will  
see what it is.

MR. DYMOND:

If The Court please, at this time we  
object to all this testimony  
concerning Dealey Plaza on the

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ground of relevancy. Your Honor has ruled many, many times that there is no connection between the happenings at Dealey Plaza and this case. The only overt act alleged by the State in connection with happenings at Dallas at that time was the alleged taking by Lee Harvey Oswald of the gun from his home to the School Book Depository. I refer Your Honor to RS15:441, which gives a codal definition of relevant evidence and reads as follows:

"Relevant evidence is that tending to show the commission of the offense and the intent or tending to negative the commission of the offense and the intent. The facts necessary to be known to explain a relevant fact or which support an inference raised by such a fact are admissible."

It is our contention that none of this evidence comes within that codal definition of relevant

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evidence. It is on that basis that we object.

MR. ALCOCK:

I think, Your Honor, we have argued this at length on prior occasions, but I think the words Mr. Dymond noted towards the end of his argument are important, that is, "The facts necessary to be known to explain a relevant fact or which support an inference raised by such a fact are admissible."

We have in the record of this case an alleged discussion participated in by the Defendant, Lee Oswald and David Ferrie relative to the assassination of the President of the United States. We have a discussion of triangulation of crossfire, the use of rifles in the assassination attempt, or in the discussion itself, and certainly this evidence the State submits, will be connected up. The State also suggests it is highly

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corroborative of this conspiratorial meeting and for this reason the State submits it is relevant to the facts already stated in evidence --

MR. DYMOND:

Your Honor, all the things Mr. Alcock outlined were alleged and have been before The Court for approximately two years, and were the basis for all Your Honor's rulings up till now, that there was no connection between what happened, so the State argued, and now we have here a complete reversal of the position.

MR. ALCOCK:

The State has never reversed its position. The State's position was that it could, if it wanted to, overprove its case. The State admits, and this Court has acknowledged on numerous occasions, the State does not have to prove, as a matter of law, the President was killed as a result of this alleged conspiratorial meeting. However,

1 the State may call evidence which  
2 tends to confirm or corroborate that  
3 it was discussed. It would then be  
4 the duty of the Jury to decide  
5 whether or not to give any weight to  
6 the evidence adduced regarding the  
7 events in Dallas, Texas, relative  
8 to the actual assassination area.  
9 They can consider the President was  
10 shot on that occasion, and if the  
11 State can prove he was shot from  
12 more than one direction the State has  
13 in effect proven a conspiracy, or  
14 more than one person shooting at  
15 him, and these are things the Jury  
16 can infer from this evidence and  
17 they are simply and purely corrobor-  
18 ative of the testimony of  
19 Perry Russo, and in addition to that  
20 the testimony of Mr. Spiesel, who  
21 also mentioned the fact of shooting  
22 the President with rifles.

23 MR. DYMOND:

24 Your Honor, nothing Mr. Alcock says  
25 presents anything that has not been

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before this Court and used as a basis for Your Honor's previous rulings. It is Your Honor's job to decide what is relevant and what is not relevant.

THE COURT:

I'm aware of that.

MR. DYMOND:

It is not up to the Jury.

THE COURT:

You have made your arguments to me and I understand both arguments advanced. The evidence must be relevant to a material issue.

I am going to read again Article 441, which you read, and also read a little further.

"Relevant evidence is that tending to show . . . ."

(REPORTER'S NOTE: The quoted passage was not handed to the Reporter; the reader is referred to the source.)

There is no question about it, that the State can overprove its case if it so desires, and I feel

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the evidence that is now being offered as to what occurred in Dallas is relevant evidence and I will admit it and therefore I will overrule your objection.

MR. DYMOND:

To which ruling Counsel objects and reserves a bill of exception, making the entire testimony of this witness, the Defense's objection and The Court's ruling and the record up to this time part of the bill.

THE COURT:

Let us see this exhibit. What is that and who is that and who are you going to use to identify it?

MR. OSER:

Mr. Zapruder and Mr. Robert West, who is the County Surveyor for Dallas, Texas and has been since 1944.

THE COURT:

The County Surveyor would be the person who could say whether or not this is a true representation of that area on that date. What date was

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it taken?

MR. OSER:

I don't know the date it was taken,  
Your Honor, but this represents  
Dealey Plaza on November 22.

THE COURT:

The materiality depends upon it portraying  
the conditions that existed at 12:15  
on November 22, 1963. If it does  
then it is relevant, if it does not,  
it is not.

MR. OSER:

Mr. West can identify it as to the  
topographical arrangements and the  
buildings and streets and other  
things being the same in this picture  
as they were on November 22, 1963.

THE COURT:

What about the trees, are the trees the  
same?

MR. OSER:

I think the gentleman could also testify  
to that, Your Honor.

THE COURT:

What is your next one? Let us give them



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a number. That one will be --

MR. OSER:

This is S-34.

THE COURT:

The other one will be what?

MR. OSER:

S-35, Your Honor.

THE COURT:

Tell us what that is supposed to be.

MR. OSER:

It is the survey plat made by  
Mr. Robert West, drawn by him for  
the FBI, for the Federal Government,  
on May 31, 1964.

THE COURT:

What year?

MR. OSER:

May 31, 1964 it is certified to, and I  
think Mr. West will testify in his  
opinion it actually represents what  
the land and topographical area was  
on November 22, 1963.

THE COURT:

What is your next exhibit?

MR. OSER:

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A scale model, which the State marks as S-36 for the purpose of identification, purporting to be representative of the area known as Dealey Plaza.

MR. DYMOND:

I thought we were told that was not a scale model.

MR. OSER:

You are right, not a scale model, a markup. The State is not alleging it is to scale.

THE COURT:

Who prepared it?

MR. OSER:

It was prepared by CBS.

THE COURT:

Who is going to identify it as being a true picture of the scene on November 22, 1963?

MR. OSER:

Mr. West can identify it, and Mr. Zapruder can testify this represents the streets and the buildings and area known as Dealey Plaza.

1 MR. DYMOND:

2 Unless it is to scale we are going to  
3 object because it can very easily  
4 present a distorted picture.

5 THE COURT:

6 They don't offer it as a scale model. ♦  
7 They offer it to portray the scene  
8 but not a scale model.

9 How are you going to have  
10 Mr. Zapruder testify as to Exhibits  
11 34, 35 and 36, unless you get them  
12 in evidence?

13 MR. OSER:

14 I would ask then that we call Mr. West  
15 at this time.

16 THE COURT:

17 That's what I would suggest. You may  
18 step down, Mr. Zapruder.

19 MR. DYMOND:

20 We object to these exhibits being seen  
21 by the Jury until they are received.

22 (WITNESS EXCUSED.)

23 THE COURT:

24 I would suggest we call Mr. West and put  
25 him under oath out of the presence

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of the Jury and go through his  
testimony. If you have no objection  
you can do it all over again in the  
presence of the Jury.

...oOo...

ROBERT WEST,

after first being duly sworn, was examined and  
testified on his oath as follows:

THE COURT:

Would you be kind enough to spell your  
name?

THE WITNESS:

Robert H. West, W-E-S-T.

THE COURT:

You may proceed.

DIRECT EXAMINATION

BY MR. SCIAMBRA:

Q What is your occupation, sir?

A I am a land surveyor, the County Surveyor for  
Dallas County.

Q Would you briefly tell The Court the nature  
of your duties as surveyor for Dallas  
County, Dallas, Texas?

A Basically keeping the survey records, the  
land survey records of the County, making

1                   them available to the public and so  
2                   forth.

3       Q     Do your duties include any on-the-scene survey  
4                   work?

5       A     In my official capacity as County Surveyor  
6                   very, very rarely. The County Surveyor's  
7                   Office is mainly in the surveying of  
8                   public bond domain, of which there is  
9                   very little left in Dallas County.

10      Q     Relative to other aspects of your occupation,  
11                   do you do on-the-scene survey work?

12      A     Yes, sir.

13      MR. SCIAMBRA:

14                   At this time the State would attempt to  
15                   qualify this witness as an expert  
16                   surveyor and therefore qualified to  
17                   give his expert opinion relative to  
18                   the topographical aspects of Dealey  
19                   Plaza in Dallas, Texas.

20      THE COURT:

21                   Does the Defense wish to traverse  
22                   Mr. West on the proposition of him  
23                   being an expert?

24      MR. DYMOND:

25                   Just a few questions.

1 BY MR. DYMOND:

2 Q Mr. West, what is --

3 MR. SCIAMBRA:

4 I haven't questioned him yet. I haven't  
5 brought out his qualifications yet.

6 THE COURT:

7 You may proceed to do so.

8 BY MR. SCIAMBRA:

9 Q How long have you been County Surveyor for  
10 the County of Dallas, Texas?

11 A Since 1944.

12 Q What training have you had, whether in some  
13 institution or whether in an apprentice  
14 type of situation?

15 A The basic training was with my father who was  
16 County Surveyor from 1904 until 1944, at  
17 which time I assisted him. I also,  
18 during that period, attended A & M  
19 College and Southern Methodist University  
20 taking civil engineering.

21 Q At what age did you begin to receive your  
22 training under the tutorship of your  
23 father?

24 A When I was 12, 13 years old he started taking  
25 me to the field to help him make these

1 land surveys.

2 Q Have you ever been qualified as an expert  
3 surveyor in any courts?

4 A Yes, sir.

5 Q Approximately how many courts have you been  
6 qualified as an expert in?

7 A All the courts in Dallas County. The County  
8 Courts, the District Courts and the  
9 Federal Courts.

10 THE COURT:

11 Mr. Alcock, I would suggest you tender  
12 Mr. West for traverse by the  
13 Defense.

14 MR. ALCOCK:

15 The State will tender him.

16 BY MR. DYMOND:

17 Q Mr. West, is there such a thing as a  
18 topographical surveyor?

19 A One who does nothing but topographical work?

20 Q Topographical work, yes.

21 A There are, but I don't know of any personally.

22 Q Do all surveyors do topographical work?

23 A All the land surveyors should be able to do  
24 topographical work.

25 Q Do you do topographical work, sir?

1 A Yes, sir.

2 Q Did you graduate in civil engineering?

3 A No, sir.

4 MR. DYMOND:

5 That is all, sir.

6 THE COURT:

7 Mr. Dymond, does the Defense wish to put  
8 any witness on in traverse as to the  
9 expertise of the witness Mr. West  
10 being an expert in this field?

11 MR. DYMOND:

12 No, we don't wish to do that.

13 THE COURT:

14 Is the matter submitted?

15 MR. SCIAMBRA:

16 It is submitted by the State.

17 THE COURT:

18 I will rule that Mr. West by training,  
19 experience and study is an expert  
20 in this field and can give his  
21 opinion as to the landmarks in  
22 Dallas County, Dallas, Texas on  
23 November 22, 1963.

24 BY MR. SCIAMBRA:

25 Q Did you have occasion during the course of



1                    your duties to survey and draw a survey  
2                    plat for the Federal Bureau of  
3                    Investigation relative to Dealey Plaza?

4            A        Yes, sir.

5            Q        Do you see that survey or reproduction of it  
6                    in court today?

7            A        I think it is on the easel over there on the  
8                    left.

9            Q        Is this survey drawn to scale, and if so, what  
10                   scale?

11           A        Yes, sir. The scale is noted on the plat.  
12                   The large portion of the map is drawn to  
13                   the scale of one inch equal to twenty  
14                   feet. The other portion, which has to do  
15                   with vertical control --

16           Q        Let me ask you this, Mr. West: Is this a  
17                   complete survey of Dealey Plaza?

18           A        No, sir.

19           Q        In what respects is it incomplete?

20           A        It is not complete, it does not show all of  
21                   the topographical features within this  
22                   particular quadrant of Dealey Plaza.

23           Q        Is there any particular reason why it does  
24                   not show this?

25           A        This is what was requested by an FBI agent.

1 This is what he instructed me to survey  
2 and to plat.

3 Q Particularly relative to the location of the  
4 street and what is referred to as a  
5 wooden stockade, and the location of the  
6 other landmarks which are on this plat,  
7 are they in the same location as they  
8 were in on November 23, 1963?

9 A I cannot testify to the location of the sign  
10 as being in the exact position.

11 Q Are these signs clearly marked on the plat?

12 A Yes, sir.

13 Q Relative to the other aspects of this plat,  
14 can you testify to them?

15 A All of the aspects on the plat to the best of  
16 my knowledge are the same.

17 Q As they were on the 22nd of November?

18 A Right.

19 Q When was this plat made, if you know?

20 A I can't see the date. It is on the map there.

21 Q Is there a date on the plat?

22 A Yes, sir.

23 Q Would you please step down and walk over to  
24 the plat?

25 A April 31, 1964.

1 Q Is your name on the plat?

2 A My name is printed on the map and also my  
3 signature is on the map.

4 Q Are there any seals on the plat?

5 A There is a seal of the Public Surveyor's  
6 Office.

7 Q Was this seal placed on the plat by you?

8 A Yes, sir.

9 Q Mr. West, I direct your attention to what the  
10 State has previously marked as S-34, which  
11 purports to be an aerial photograph, and  
12 I ask you whether or not you can tell  
13 The Court of what this is a photograph?  
14 If you cannot see it plainly you can step  
15 over here.

16 A I believe I can see it. It is a photograph of  
17 part of Dealey Plaza at the intersection  
18 of Houston, Elm, Main and Commerce in  
19 Dallas.

20 Q I request you get up from your witness chair  
21 and inspect this photograph very carefully,  
22 please. Would you come over here and  
23 inspect it?

24 A All right.

25 Q You may return to your seat. Mr. West, you

1           have inspected what purports to be an  
2           aerial photograph of Dealey Plaza, is  
3           that correct, sir?

4       A     Yes.

5       Q     To the best of your knowledge are the  
6           buildings, streets and various landmarks,  
7           including the trees that are depicted in  
8           this photograph, in the same location and  
9           position as they were in on November 22,  
10          1963?

11      A     Yes; sir.

12      Q     Are the objects which are depicted in this  
13           map, in this photograph, in the same  
14           location as the objects which are  
15           depicted in your plat, as far as it  
16           goes?

17      A     The same relative location of streets,  
18           buildings and so forth.

19      Q     Mr. West, I would ask you to please step down  
20           and inspect what has been previously  
21           marked as S-36.

22      A     All right.

23      Q     Please return to your seat. Mr. West, you  
24           have inspected what has been marked as  
25           S-36, is that correct, sir?

1 A Yes, sir.

2 Q Do you recognize this as being any particular  
3 location?

4 A Well, it is basically the same area as covered  
5 in the photograph. Commerce, Main, Elm  
6 and Houston Streets, showing the court-  
7 house and the jail and so forth.

8 Q As a result of your inspection were you able to  
9 determine any errors which might be  
10 represented here as opposed to the actual  
11 scene in Dallas, Texas?

12 A That covers such a multitude of things I don't  
13 know that I could answer that question.

14 Q Are there any major errors?

15 A I don't see any major errors.

16 Q Are there any buildings on here which are not  
17 in Dealey Plaza, Dallas, Texas?

18 A No.

19 Q Are there any streets on here which are not  
20 in Dealey Plaza in Dallas, Texas?

21 A No, sir.

22 Q Where is your office located in Dallas,  
23 Mr. West?

24 A At the date of this survey it was located on  
25 the first floor of the northwest corner

1 of the old courthouse at the corner of  
2 Main and Houston.

3 Q Is the old courthouse depicted in this aerial  
4 photograph?

5 A Yes, sir, it is in the lower right-hand corner.

6 Q Were you present in Dealey Plaza at approxi-  
7 mately noon on November 22, 1963?

8 A Yes, sir.

9 Q Therefore in your expert opinion the two  
10 exhibits, S-30 and S-36, do they fairly  
11 represent the area as it was on that date,  
12 is that right?

13 A Right.

14 Q More specifically, the markup which the State  
15 does allege is not to scale, and you have  
16 noticed there are some minor mistakes, is  
17 that right?

18 A Right.

19 Q But there are no buildings, streets or major  
20 obstacles which are located out of  
21 position, is that right?

22 A Right.

23 THE COURT:

24 Mr. Dymond, Mr. Wegmann and Mr. Wegmann,  
25 do you wish to traverse on these

exhibits?

MR. DYMOND:

Yes, I do.

THE COURT:

You may do it.

BY MR. DYMOND:

Q Mr. West, I have particular reference to what has been termed a markup, that is this model here before me. You stated on Direct Examination there are some minor mistakes on it. Would you mind coming down here and pointing them out to us, these minor mistakes?

A Basically what I intended to say was that the markup covers such a large area that it would be impossible for me to check out every minute detail as to scale, location of trees, location of traffic strips, et cetera, that are on this model. I couldn't say whether they are in the correct position or not.

Q Mr. West, the markup doesn't purport to be a scale markup, so errors as to scale would not be relevant here. Can you point out other errors, other than scale errors,

1                   that might exist?

2       A       I would have to examine it again to pick out  
3                   any big errors such as that.

4       Q       You are free to examine it if you wish to,  
5                   Mr. West.

6       A       Basically the model doesn't indicate the  
7                   concrete wall or fence along the west  
8                   side of the area that leads across  
9                   Houston Street from the Criminal Court and  
10                  jail building between the lagoon and Elm  
11                  Street.

12       THE COURT:

13                  The Court Reporter has to get this down,  
14                  so will you speak louder, please.

15       THE WITNESS:

16                  (Continuing) There is a concrete wall  
17                  that runs along the west side of the  
18                  lagoon, west of Houston Street.  
19                  It is terribly difficult here to say  
20                  what is missing in a model of this  
21                  type. For example, the storm sewer  
22                  inlets are not shown on Elm, Main or  
23                  Commerce.

24       THE COURT:

25                  I cannot hear you.



THE WITNESS:

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(Continuing) The storm sewers are not shown on Main, Elm or Commerce. The highway sign shown here, I couldn't say it is in the correct position. Basically that's about all.

BY MR. DYMOND:

Q You may return to the stand. Mr. West, would you be able to testify as to whether this markup contains the same number of trees in the same locations and of approximately the same relative size as those that were in Dealey Plaza on November 22, 1963?

A No, sir.

Q You could not?

A No, sir.

Q Mr. West, I refer to a building here, and ask you what building this represents?

A This is the Criminal Courts Building.

Q Where would the Records Building be in relation to this Criminal Courts Building?

A Immediately behind it or east of it.

Q Back this way?

A Right.

Q When was the Records Building built?

1 A To the best of my knowledge along in the 1920's.

2 Q When was the new Criminal Courts Building built?

3 A The late '40's.

4 Q Is it not a fact that facing this markup over  
5 in this left area are the railroad tracks,  
6 that there is a railroad observation  
7 tower with a big plateglass window in the  
8 front of it permitting open view into what  
9 has been termed the grassy knoll area?

10 A There is a tower and it has, I am sure, a view  
11 of the railroad. I have never been up  
12 there so I couldn't say what the view is.

13 THE COURT:

14 Could you find in the aerial photograph  
15 that of which you are speaking?

16 MR. DYMOND:

17 In order to enlighten you as to what I  
18 am speaking of, Mr. West, I am  
19 pointing my finger to the building  
20 to which I have reference on  
21 State-34.

22 THE COURT:

23 Why don't you step down, sir. I have a  
24 magnifying glass here if you want  
25 it.

1 MR. DYMOND:

2 I don't believe so, Your Honor.

3 THE WITNESS:

4 Yes, I can see it.

5 BY MR. DYMOND:

6 Q Such a building does exist and did exist on,  
7 November 22, 1963?

8 A Yes.

9 Q Is that building represented on this markup at  
10 all?

11 A I don't believe so.

12 Q Now, with respect to the large exhibit over  
13 here, Mr. West, which has been marked for  
14 identification as State-35, is such a  
15 building represented on this survey?

16 A No, sir.

17 Q Is there anything on this survey which would  
18 indicate the number and the size and the  
19 location of trees in this area?

20 A There are several trees shown. The size, no.

21 You mean the diameter of the trunk of  
22 the tree?

23 Q And the height of the trunk of the tree.

24 A We didn't attempt to show the diameter or  
25 height of any trees.

- 1 Q Would you call this, sir, a topographical  
2 survey or not?
- 3 A Within its limits.
- 4 Q Within what limits?
- 5 A Within the limits that were indicated to me by  
6 the FBI, that this was the information  
7 that they wanted to be shown on this map.  
8 Within those limits it is a topographical  
9 map.
- 10 Q Do those limits coincide with your definition  
11 of a topographical survey?
- 12 A Within those limits, yes, sir.
- 13 Q I am talking about your general definition and  
14 knowledge of the term 'topographical  
15 survey'.
- 16 A For example, the information shown at Houston  
17 Street beginning at Main and running  
18 northerly along Elm Street and beginning  
19 at Houston and running westerly to the  
20 triple underpass, that in my opinion is a  
21 true topographical map showing all the  
22 physical features of those particular  
23 streets.
- 24 Q Do you know when the photograph was taken,  
25 Mr. West?

1 A No, sir.

2 Q Do you know whether or not that photograph  
3 reflects the same number of trees in the  
4 same location and the same height as  
5 existed in that location on November 22,  
6 1963?

7 A No, sir.

8 MR. DYMOND:

9 That's all, sir.

10 THE COURT:

11 For the record, Mr. Sciambra, can we have  
12 the date when this was taken? Does  
13 it appear on the reverse thereof  
14 when it was taken?

15 MR. SCIAMBRA:

16 No, Your Honor.

17 THE COURT:

18 To the best you know, from your experience  
19 living in Dallas, Texas, having helped  
20 your father since you were 12 years  
21 old and being familiar with the area,  
22 as an expert would you say the aerial  
23 photograph fairly and accurately  
24 represents the scene as it existed  
25 on November 22, 1963?

1 THE WITNESS:

2 As best as can be shown by a photograph,  
3 yes, sir.

4 THE COURT:

5 The answer is "yes"?

6 THE WITNESS:

7 Yes.

8 THE COURT:

9 You prepared a plat of the survey?

10 THE WITNESS:

11 Yes.

12 THE COURT:

13 Let us get to the markup. Does it fairly  
14 represent the scene, not to scale  
15 but the general appearance,  
16 particularly of the streets and the  
17 Texas Schoolbook Depository Building;  
18 does it fairly show the scene as it  
19 existed on November 22, 1963, to the  
20 best of your knowledge?

21 THE WITNESS:

22 I think it does.

23 THE COURT:

24 I am going to admit these three exhibits  
25 into evidence.

1 MR. DYMOND:

2 Will we have an opportunity to object?

3 THE COURT:

4 You will have an opportunity to object.

5 Let us bring the Jury in and leave the  
6 exhibits where they are and go  
7 through it all over again in  
8 front of the Jury.

9 (WHEREUPON, the Jury returned to the  
10 courtroom.)

11 THE COURT:

12 You may start from the beginning.

13 ...oOo...

14 ROBERT WEST,

15 having been previously sworn, testified further on  
16 his oath as follows:

17 MR. DYMOND:

18 If the Court please, now that the Jury  
19 has returned, we would like to  
20 object and reserve our bill, to the  
21 testimony of Mr. Abraham Zapruder  
22 on the grounds of relevancy of the  
23 issues in this case, and making his  
24 entire testimony, the objection, the  
25 ruling of the Court and all other

1 testimony up to this time part of  
2 the bill.

3 THE COURT:

4 You may proceed.

5 DIRECT EXAMINATION

6 BY MR. SCIAMBRA:

7 Q Would you please state your full name?

8 A Robert H. West.

9 Q Where do you reside?

10 A 9209 Pennywool (?) Street, Dallas, Texas.

11 Q What is your occupation?

12 A I'm a land surveyor.

13 Q Do you have any particular title?

14 A I am County Surveyor of Dallas County, Texas.

15 Q How long have you held that office?

16 A Since 1944.

17 Q Would you in a couple of sentences please  
18 explain to the Gentlemen of the Jury very  
19 briefly the nature of your work as  
20 County Surveyor and also the nature of  
21 your work as a surveyor?

22 A The nature of my work as a County Surveyor is  
23 the maintenance and preservation of  
24 original survey records of Dallas County,  
25 making them available to the public and



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so forth. My duties as a land surveyor have to do with the surveying of land, subdivisions, topographical maps, maps of collisions for insurance companies. That about covers it.

MR. SCIAMBRA:

May it please The Court, at this time the State will attempt to qualify Mr. West as an expert surveyor and further qualified to give his opinion as to the topographical aspects of Dealey Plaza, Dallas, Texas.

MR. DYMOND:

We would like to object to the testimony of Mr. West on the ground of relevancy for the same reasons as heretofore stated.

THE COURT:

The ruling as I ruled with regard to Mr. Zaprunder will apply to Mr. West.

MR. DYMOND:

Same bill.

THE COURT:

Proceed.

BY MR. SCIAMBRA:

1 Q Have you had any particular training in the  
2 field of surveying?

3 A I received my basic surveying training from my  
4 father who was County Surveyor from 1904  
5 until 1944. Other than that I received  
6 my schooling at A & M College and Southern  
7 Methodist University.

8 Q Have you had any education and experience of  
9 civil engineering?

10 A Not much, except what I run into in the  
11 practice of land surveying.

12 Q How old were you when you began to receive your  
13 training from your father?

14 A Approximately 12 to 14. Well, since I got big  
15 enough.

16 Q Was that training continuous until your father  
17 left office in 1944?

18 A Except for time out for schooling.

19 Q Mr. West, have you ever been qualified as an  
20 expert surveyor in any courts?

21 A Yes, sir.

22 Q Have you ever been qualified in Federal Courts?

23 A Yes, sir.

24 Q Do you know on how many occasions in Federal  
25 Courts?

1 A I would say approximately a half a dozen times.

2 Q Have you ever been qualified by any District  
3 or Municipal Courts?

4 A The County Court and District Courts, yes, sir.

5 Q On approximately how many occasions, if you  
6 know?

7 A Thirty to forty.

8 Q How long have you been County Surveyor for  
9 Dallas County, Dallas, Texas?

10 A Since 1944.

11 THE COURT:

12 Do you wish to tender the witness for  
13 traverse?

14 MR. SCIAMBRA:

15 The State tenders the witness.

16 BY MR. DYMOND:

17 Q Are you a graduate civil engineer, Mr. West?

18 A No, sir.

19 THE COURT:

20 Does the Defense wish to present any  
21 evidence by witnesses or otherwise  
22 on traverse of the qualifications  
23 of Mr. West?

24 MR. DYMOND:

25 We don't, Your Honor.

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THE COURT:

Is the matter submitted?

MR. SCIAMBRA:

Submitted by the State, Your Honor.

THE COURT:

Considering the training, experience and education of the witness, The Court rules he is qualified as an expert in this particular field and can give his opinion not only as a land surveyor but also as an official of Dallas County of the physical aspects of Dallas on November 22, 1963. You may proceed.

BY MR. SCIAMBRA:

Q I direct your attention to what has been previously marked for identification as State Exhibit 35, which purports to be a plat, and ask you whether or not you recognize this?

A Yes, sir.

Q For what purpose was this plat originally drawn?

A This was made at the request of the FBI agent for the Warren Commission.

- 1 Q Did you personally draw this?
- 2 A It was personally drawn -- Well, it was drawn  
3 under my personal supervision.
- 4 Q Did you personally supervise the surveying of  
5 everything that led up to the drawing of  
6 this plat?
- 7 A Yes, sir, I was present at all times during the  
8 office work and field work.
- 9 Q In connection with the drawing of this plat  
10 were any photographs taken to aid you?
- 11 A Yes, sir.
- 12 Q Mr. West, is this plat a complete representa-  
13 tion of Dealey Plaza?
- 14 A No, sir.
- 15 Q In what respects is it not complete?
- 16 A It doesn't show all of the topographical  
17 features of that particular part of  
18 Dealey Plaza that lies northwest of Main  
19 Street.
- 20 Q Does it show all of the curves and contours  
21 in Dealey Plaza?
- 22 A Not of the ground, but all the streets, it  
23 shows all of the curves and contours.
- 24 Q Directing your attention specifically to the  
25 wooden stockade, does this plan indicate

1 the elevation of this stockade?

2 A No, sir.

3 Q Are there any reasons why this plat is an  
4 incomplete drawing?

5 A This is what the FBI agent instructed me to  
6 show on this plat, these features.

7 Q Mr. West, I direct your attention -- no, I will  
8 ask you something prior to that. Would you  
9 please step down from the witness stand and  
10 come over here?

11 A Yes.

12 MR. SCIAMBRA:

13 Your Honor, for the sake of convenience,  
14 provided I speak in a loud voice and  
15 provided Mr. West speaks in a loud  
16 voice, can I ask him questions from  
17 here?

18 THE COURT:

19 Yes, but speak up.

20 BY MR. SCIAMBRA:

21 Q I notice in the center lane of that which you  
22 have depicted as Elm Street there are  
23 numerals close to small dots. Can you  
24 please tell the Gentlemen of the Jury what  
25 those numbers represent and what the dots

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represent?

A The number represents the frame number of the Zapruder film. The dot represents the location of President Kennedy in the limousine when the particular frame was shot.

MR. DYMOND:

We object to that unless this gentleman can testify to that of his own knowledge, Your Honor. Unless he measured where the President was each time it would be based purely on hearsay.

MR. SCIAMBRA:

I am asking the question.

BY MR. SCIAMBRA:

Q Why did you place the dot in the frame number in a particular location which is shown on this plat?

A On the instructions of the FBI agent.

MR. DYMOND:

We object to it and ask the Jury be instructed to disregard it.

THE COURT:

I so instruct the Jury. Disregard the

1 last remark.

2 May I ask the witness one  
3 question? Does your signature appear  
4 on this scale model?

5 THE WITNESS:

6 Yes, sir, over in the lower left-hand  
7 corner.

8 BY MR. SCIAMBRA:

9 Q Is there also a seal upon this drawing?

10 A Yes, sir, the Registered Public Surveyor's  
11 seal.

12 Q Is this your seal?

13 A Yes, sir.

14 Q Did you place this seal there?

15 A Yes, sir.

16 Q Is this plat drawn to scale, Mr. West?

17 A Yes, sir.

18 Q What is the scale of this plat?

19 A One inch equal to ten feet on the large portion  
20 and the right-hand part of the map  
21 horizontal control part, the upper  
22 left-hand part of this vertical control,  
23 is one inch to twenty feet. They are  
24 noted on the plat.

25 Q Mr. West, were you present in Dealey Plaza on



1 a date whenever a reconstruction of the  
2 assassination of President Kennedy was  
3 conducted?

4 A Yes, sir.

5 Q Were any Federal agents present at this time?

6 A Yes, sir.

7 Q Do you know from what bureau or agency these  
8 men were?

9 MR. DYMOND:

10 We object on the grounds that this is  
11 completely irrelevant. A reconstruc-  
12 tion of what supposedly went on has  
13 no place in this case.

14 THE COURT:

15 I sustain that objection.

16 BY MR. SCIAMBRA:

17 Q I direct your attention to what has been  
18 previously marked by the State as S-34,  
19 and I ask you whether or not you  
20 recognize the scene depicted in this  
21 photograph?

22 A Yes, sir. That is a portion of Dealey Plaza  
23 at Houston, Main, Elm and Commerce Streets  
24 in Dallas.

25 Q In this photograph there is a building which

1 is marked "Texas School Book Depository."

2 Is this in fact the Texas School Book  
3 Depository?

4 A Yes, sir.

5 Q There is also a building marked the Daltex  
6 Building. Is this the Daltex Building?

7 A Yes.

8 Q There is also a building marked the Records  
9 Building. Is this in fact the Records  
10 Building?

11 A I can't see from here which is marked as the  
12 Records Building.

13 Q Well, step down and come over to the photograph.

14 A This part as shown as the Records Building is  
15 the back of the Criminal Courts Building,  
16 but they are all hooked together with  
17 hallways that run from one to the other.

18 Q I direct your attention to what has been  
19 previously marked for identification by  
20 the State as S-36, which purports to be a  
21 markup of Dealey Plaza, and ask you  
22 whether or not you recognize this?

23 A Yes, sir.

24 MR. SCIAMBRA:

25 Your Honor, I would make a statement to

1 The Court and the jury that at this  
2 time this does not purport to be  
3 drawn to scale, or built to scale.

4 BY MR. SCIAMBRA:

5 Q Have you inspected, or would you please at  
6 this time step forward and inspect this  
7 markup. Please speak very loudly so  
8 everyone can hear you. Is this an accurate  
9 model or markup of Dealey Plaza or are  
10 there things which are not contained in  
11 this markup?

12 A There are things that are not contained in this  
13 markup. All of the physical features are  
14 not shown.

15 Q Will you please point out those features which  
16 are not shown?

17 A One, for example, is the concrete fence which  
18 runs along the west side of the lagoon  
19 west of Houston Street between Main and  
20 Elm.

21 Q Relative to the buildings and the locations of  
22 the streets, are they fairly accurately  
23 represented by this markup?

24 A I think they are fairly accurate, yes, sir.

25 Q Are there any buildings in Dealey Plaza in the

1 area depicted here which are not located  
2 in this markup?

3 A Not to my knowledge.

4 Q You may return to the witness chair. Now,  
5 Mr. West, were you present in Dealey  
6 Plaza on November 22, 1963, sir?

7 A Yes, sir.

8 Q Where were you located? At approximately what  
9 time were you in Dealey Plaza?

10 A I don't remember the exact time of the day.  
11 It was approximately 15 minutes before  
12 the motorcade came down.

13 Q Mr. West, I'm going to give you a small flag  
14 which has your name on it, and which also  
15 has a pin in it, and I would ask you to  
16 please go to what you previously identi-  
17 fied as being your certified plat and  
18 stick this in the location where you were  
19 approximately 15 minutes before the  
20 motorcade passed on November 22, 1963.

21 A (The witness complies.)

22 Q Now, Mr. West, would you please explain to the  
23 Gentlemen of the Jury, and to The Court,  
24 verbally what location this is?

25 A That would be the southeast corner of the

1 intersection of Main and Houston Streets.

2 Q In relation to the aerial photograph, and in  
3 relation to where your office was at that  
4 time, or in relation to where you were,  
5 where was your office at that time?

6 A It was in the old courthouse approximately  
7 40 or 50 feet south of where I was  
8 standing.

9 Q Did you see the presidential motorcade on that  
10 day, sir?

11 A Yes, sir.

12 Q Before I proceed I'm going to also give you a  
13 small emblem which represents a man, and  
14 ask you to proceed to the markup and paste  
15 yourself on the markup in accordance with  
16 where you were on that date.

17 A (The witness complies.)

18 Q Mr. West, what was the location of the  
19 presidential limousine at the time you  
20 first saw it on November 22, sir?

21 A It was going west on Main Street at approxi-  
22 mately Record Street, which is the first  
23 street east of Houston.

24 Q Did you observe the presidential limousine  
25 as it approached Houston Street?

1 A Yes, sir.

2 Q In which direction did the presidential  
3 limousine proceed upon reaching Houston  
4 Street?

5 A It turned to the right, or to the north.

6 Q At what time did you lose sight of the  
7 presidential limousine, if in fact you  
8 ever lost sight of it?

9 A Shortly after it turned to the left, or back  
10 west on Elm Street.

11 Q When did you again regain visual observation  
12 of the presidential limousine?

13 A Before it went under the underpass.

14 Q Would you please step up and indicate the  
15 location of the underpass of which you are  
16 speaking on the aerial photograph and then  
17 also on the plat which you have drawn?

18 A (The witness complies.)

19 Q Now would you indicate this on the markup,  
20 sir?

21 A (The witness complies.)

22 Q Now, Mr. West, did you see or hear anything  
23 unusual as the presidential motorcade  
24 proceeded through Dealey Plaza on  
25 November 22?

1 A Some time after it turned on Elm Street I  
2 heard what sounded to me at that time as  
3 what I thought was backfiring, a motor-  
4 cycle.

5 Q How many of these backfires did you hear?

6 A Four.

7 Q Did you at any time during this period determine  
8 them to be anything other than backfires?

9 MR. DYMOND:

10 Object, unless of his own knowledge he did.

11 MR. SCIAMBRA:

12 That is what I asked him.

13 THE COURT:

14 From your own knowledge did you make any  
15 determination?

16 THE WITNESS:

17 I made no examination, no, sir.

18 BY MR. SCIAMBRA:

19 Q Did you recognize any of the noise which you  
20 have described as anything other than a  
21 backfire?

22 MR. WILLIAM WEGMANN:

23 Objection, he already testified it was  
24 backfire. Now he is trying to  
25 change his witness' testimony.

1 MR. SCIAMBRA:

2 I am asking him if he ever determined it  
3 to be anything else.

4 THE COURT:

5 Put the question differently, would you  
6 please?

7 BY MR. SCIAMBRA:

8 Q Mr. West, did you hear any unusual noise?

9 A Yes, sir.

10 Q On how many occasions did you hear this noise?

11 A Four.

12 Q Did it sound the same on each occasion?

13 A Yes, sir.

14 Q What did you think this noise was on the first  
15 occasion?

16 MR. WILLIAM WEGMANN:

17 Objection, he has already said it sounded  
18 the same on each occasion.

19 THE COURT:

20 I will permit the question. You may ask  
21 the question, sir.

22 BY MR. SCIAMBRA:

23 Q What did it sound like on the first occasion?

24 A A motorcycle backfired.

25 Q What did it sound like on the second occasion?



1 A A rifle fired.

2 Q It sounded to you like rifle fire --

3 THE COURT:

4 You needn't repeat his testimony.

5 BY MR. SCIAMBRA:

6 Q What did it sound like to you on the third  
7 occasion?

8 A It appeared to me it was rifle fire after the  
9 second. The first and the second my  
10 response was it was motorcycle backfire.

11 Q What was your response to the third sound that  
12 you heard?

13 A Rifle fire.

14 Q Were these loud sounds?

15 A Yes, sir.

16 Q Were you able to determine at any time during  
17 the course of these the location or the  
18 area from which these sounds were  
19 emanating?

20 MR. DYMOND:

21 Objection on the ground it calls for an  
22 opinion.

23 MR. SCIAMBRA:

24 This is within his knowledge.

25 THE COURT:

1           You don't have to argue. If you know of  
2           your own personal knowledge you can  
3           answer the question.

4           THE WITNESS:

5           The sound came from the northwest quadrant  
6           of Dealey Plaza.

7           BY MR. SCIAMBRA:

8           Q     Will you please step down from the witness  
9           chair and proceed to your plat and indicate  
10          to the Gentlemen of the Jury what the  
11          northwest quadrant of Dealey Plaza is.

12          A     This entire area north and west of Elm Street.

13          Q     Were you able, or can you at this time tell the  
14          Gentlemen of the Jury what interval of  
15          time there appeared to be between the first  
16          and the second reports which you heard?

17          A     No, sir.

18          Q     Can you tell us the interval between the second  
19          and the third?

20          A     No, sir.

21          Q     The third and fourth?

22          A     No, sir.

23          Q     Mr. West, you will notice on what has been  
24          previously marked as S-34, which is the  
25          aerial photograph, a line of dots. I will

1 ask you whether or not this is the route  
2 taken --

3 MR. WILLIAM WEGMANN:

4 Objection on the grounds it is leading.

5 THE COURT:

6 Rephrase your question, please.

7 BY MR. SCIAMBRA:

8 Q Would you indicate to the Gentlemen of the Jury  
9 by stepping to this aerial photograph the  
10 route taken by the presidential limousine?

11 A The limousine was going west on Elm, north  
12 on Houston and back west -- pardon me,  
13 west on main, north on Houston and back  
14 west on Elm.

15 Q Mr. West, is it possible for you to tell the  
16 Gentlemen of the Jury the approximate span  
17 of time that elapsed between the first  
18 report which you heard and the last report  
19 which you heard?

20 A No, sir.

21 Q Mr. West, when was the last time you observed  
22 the presidential limousine?

23 A Somewhere shortly before it went under the  
24 triple underpass.

25 Q Were there many persons in Dealey Plaza on

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November 22?

A Yes, sir.

Q As the presidential limousine proceeded out of sight what, if anything, did the persons in Dealey Plaza do?

A There seemed to be a commotion.

Q Was there any particular reaction --

MR. WILLIAM WEGMANN:

Objection, that is calling for an opinion.

THE COURT:

Allow him to tell what he saw without leading him. He can explain what he saw without leading.

THE WITNESS:

Are you referring to the individual persons?

BY MR. SCIAMBRA:

Q No, the crowd in general, sir. Let me rephrase the question.

MR. WILLIAM WEGMANN:

I suggest he be allowed to answer the question.

THE COURT:

Tell us in your own words what happened.

THE WITNESS:

1. There seemed to be a commotion.

2 BY MR. SCIAMBRA:

3 Q Did the crowd react in any particular direction  
4 that you saw?

5 MR. WILLIAM WEGMANN:

6 Objection, he's leading the witness again,  
7 Your Honor.

8 THE COURT:

9 Tell us what happened without any leading.

10 THE WITNESS:

11 When I left my position on the corner of  
12 Main and Houston and went across into  
13 Dealey Plaza area, there was quite a  
14 commotion. A police motorcycle and  
15 several men coming up, what is  
16 indicated on the aerial photograph as  
17 the grassy knoll. When I got over to  
18 the motorcycle there were several men  
19 up behind the wood stockade fence  
20 along the north edge of the grassy  
21 knoll.

22 BY MR. SCIAMBRA:

23 Q Would you just put the general area from where  
24 you stated you heard the shots come from?

25 MR. WILLIAM WEGMANN:

1                   Objection to leading.

2                   THE COURT:

3                   Rephrase your question.

4                   BY MR. SCIAMBRA:

5                   Q       In relation to the grassy knoll, from which  
6                                area did you hear the shots?

7                   A       The grassy knoll is in the same northwest  
8                                quadrant as I heard the shots.

9                   Q       Would you please step down and indicate to the  
10                               Gentlemen of the Jury where the grassy  
11                               knoll was located?

12                  A       On the aerial photograph it is located along  
13                               this area.

14                  Q       You stated you saw a motorcycle man get off of  
15                               his motorcycle.

16                  MR. WILLIAM WEGMANN:

17                               I object. There has been no such  
18                               testimony.

19                  THE COURT:

20                               Don't lead.

21                  BY MR. SCIAMBRA:

22                  Q       Standing next to the aerial photograph, would  
23                               you please point to the direction in which  
24                               you have testified you saw people running?

25                  A       The direction from where it is indicated

1 Elm Street on here to the direction of the  
2 top of the aerial photograph towards the  
3 grassy knoll.

4 Q Where did you go?

5 A I went to the area right below what is indicated  
6 here as the grassy knoll, on the sidewalk.

7 Q Is there a wooden fence located in that area,  
8 sir?

9 A There is a wooden stockade fence approximately  
10 6 feet high located along the top of the  
11 grassy knoll.

12 Q Did you observe anyone going around or over this  
13 fence?

14 A I observed several men going over the fence.

15 THE COURT:

16 I know you are going to have quite a bit  
17 more examination so I would think --

18 MR. SCIAMBRA:

19 I tender the witness, Your Honor.

20 THE COURT:

21 Then I am going to take a five-minute  
22 recess.

23 (WHEREUPON, a short recess was taken.)

24 THE COURT:

25 Before you proceed, Mr. Dymond, I have

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two announcements to make. Number one, with respect to Article 9, I have been informed, and I believe it, because I noticed it myself, that certain reporters and spectators have seen fit to leave early this afternoon trying to scoop the evidence and I'm going to have to insist this rule be followed, so it will not create noise and confusion in this court. No one will be permitted to enter or leave the courtroom during the testimony of a witness or argument by Counsel. Entry and exit may only be made during official recesses.

This morning, when it was announced Mr. Zapruder was going to be permitted to introduce his film, when we get to it, someone rushed out of the courtroom. If that happens in the future that person's credentials will be taken away. You have co-operated with me for 23 days and I have enough problems of my own without worrying about the reporters



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and spectators, so I would appreciate co-operation in this matter.

One other matter; when court is adjourned for the evening at 5:30 and all the spectators have left, and the Jury has left, I will permit the various news media to photograph these three exhibits. As you know, we have pins placed in certain exhibits and if we start moving them from the courtroom to any other place we may knock the pins out. If the witness has already left town there may be a discussion as to where the pin belonged in the first place. It is very important these exhibits be not touched by anybody. If I make that concession to the press at 5:30 this afternoon or quarter to 6:00, if you will act like gentlemen and come in here I will permit you to photograph the three exhibits. No one will get near or touch them because if you do you may destroy them. If you want to get word to your photographers I

1 will permit you to come in this area  
2 over here and take pictures of the  
3 three exhibits.

4 Number one, please do not enter  
5 or leave during testimony.

6 Number two, you will be able to  
7 take photographs of these exhibits  
8 this afternoon.

9 Bring the Jury back, please.

10 (WHEREUPON, the Jury returned to the  
11 courtroom.)

12 THE COURT:

13 Is the State and Defense ready to proceed?

14 MR. DYMOND:

15 We are ready, Your Honor.

16 MR. ALCOCK:

17 We are ready, Your Honor.

18 THE COURT:

19 The status of Mr. West is that he has  
20 been tendered for cross-examination.

21 MR. ALCOCK:

22 That is correct.

23 CROSS-EXAMINATION

24 BY MR. DYMOND:

25 Q You have been working in the vicinity of

1 Dealey Plaza for many years, have you not,

2 sir?

3 A Yes, sir.

4 Q About how many years?

5 A Oh, since 1942.

6 Q Is it not a fact, Mr. West, that Elm Street,  
7 before it goes under the triple overpass,  
8 declines rather sharply?

9 A Considerably.

10 Q Is it not also a fact, Mr. West, there being  
11 many buildings around Dealey Plaza there,  
12 that you have the effect of a valley which  
13 is very susceptible to echoes and in which  
14 it is very difficult to determine the  
15 direction from which sound is coming?

16 A Number one, I don't remember ever having heard  
17 an echo, or what I knew was an echo. As  
18 to which way sound is coming from, I don't  
19 know I ever had any trouble.

20 Q You say you heard four noises, the first two of  
21 which you thought were motorcycle  
22 backfires and the last two of which you  
23 thought were shots, is that right?

24 A Right.

25 Q Mr. West, in your mind are you positive as to

1 the number of sounds you heard, or is that  
2 a matter of some conjecture?

3 A That was my response on that day.

4 Q You do admit, sir, the circumstances were very  
5 exciting and created a situation which was  
6 very possibly susceptible to error, do you  
7 not, sir?

8 A They were extremely exciting.

9 Q I take it you recognize the fact you could be  
10 mistaken as to the number of sounds, is  
11 that right, sir?

12 A It is possible.

13 Q Mr. West, do you remember approximately when  
14 the parade route, that is the route which  
15 the presidential motorcade would take, was  
16 made public in Dallas?

17 A No, sir, I do not.

18 Q Could you tell us approximately how long before  
19 the 22nd of November, 1963 --

20 MR. ALCOCK:

21 Objection, he has already answered the  
22 question.

23 THE COURT:

24 I will sustain the objection. If a  
25 person says he doesn't know how can

1 you get him to approximate it?

2 MR. DYMOND:

3 He may have learned it from what was  
4 published in the newspapers.

5 MR. ALCOCK:

6 It is hearsay what he read in the  
7 newspapers.

8 THE COURT:

9 Can you approximate the time? When was  
10 it made public?

11 THE WITNESS:

12 I don't know when it was made public.

13 All of the parades up to that time  
14 in Dallas were down Main Street.

15 They all came by the courthouse and  
16 therefore I felt, or knew, the  
17 parade would come down Main Street.

18 The route of the procession, as to  
19 when it was published, I couldn't  
20 say.

21 BY MR. DYMOND:

22 Q When did you first learn that President Kennedy  
23 was going to come to Dallas? About how  
24 long before November 22?

25 A Well, I knew at least a day before when he was

1 in Fort Worth that the plans were for him  
2 to come to Dallas.

3 Q Did you know as much as a week before  
4 November 22?

5 A I couldn't say.

6 Q Mr. West, would you mind stepping down to this  
7 plat here and pointing out the relative  
8 positions --

9 THE COURT:

10 Your back is turned to the Court Reporter,  
11 Mr. Dymond, so would you mind speaking  
12 loudly, please?

13 BY MR. DYMOND:

14 Q The exhibit is State-35. Would you point out  
15 the relative positions where you were  
16 standing and the spot where you saw the  
17 motorcade first on Elm Street? Would you  
18 put your finger on each one of them?

19 A I was standing at the point indicated by the  
20 pin here at the southeast corner of the  
21 intersection of Main and Houston. The  
22 first time I saw the motorcade at Elm  
23 Street was at this point here immediately  
24 after we had turned onto Elm Street.

25 Q Would you kindly place an X on the spot where

1                   you first saw the motorcade enter Elm  
2                   Street?

3   A    It is approximately at this spot I have marked  
4           with an X on my map.

5   Q    Where was the motorcade when you next saw it  
6           on Elm Street?

7   A    It was approximately where I have indicated by  
8           this X, the first X to the left here.

9   Q    Could you tell me approximately how many feet  
10          the motorcade was when you saw it at the  
11          second spot indicated at Elm Street?

12   A    How many feet between the two points do you  
13          mean?

14   Q    Between you and the spot where you next saw  
15          the parade on Elm Street.

16   A    I would have to have a scale. 360 feet  
17          approximately.

18   Q    All right, sir, you may take the stand again,  
19          thank you. I understand, Mr. West, it was  
20          your opinion that the noises which you  
21          heard came from northwest of you, is that  
22          correct?

23   A    Right.

24   Q    I would take it that you would not claim to be  
25          able to tell exactly what direction

1                   they came from, that is in degrees, would  
2                   you, sir?

3    A     No, sir.

4    Q     But you would say generally in a northwesterly  
5                   direction, is that right?

6    A     Right.

7    Q     I'm going to ask you whether it is not a fact  
8                   that the Texas School Book Depository was  
9                   slightly northwest of where you were  
10                  standing at that time?

11   A     Right.

12   Q     It was?

13   A     Yes, sir.

14   Q     I hate to impose upon you again, but would you  
15                  mind stepping back to the map and pointing  
16                  out where the Texas School Book Depository  
17                  is? I would ask you to place an X on it.

18   A     It is in the upper right-hand corner of the  
19                  map, indicated on the map by Texas School  
20                  Book Depository, 411 Elm Street.

21   Q     Would you also point it out on the aerial  
22                  photograph?

23   A     It is in the same relative position, the Texas  
24                  School Book Depository Building, lettered  
25                  on the front of the building.



1 Q Would it be possible on the aerial photograph  
2 to place an X on the spot you were  
3 standing?

4 A It would be close. I couldn't say whether I  
5 would be behind the part of the old  
6 courthouse shown or not.

7 Q Would you do your best and explain what error  
8 there may be in this?

9 A I would be on the sidewalk on the south side of  
10 Elm Street approximately to the left of  
11 the old courthouse building. I could have  
12 been 5 feet further to the right or behind  
13 the building.

14 Q You could possibly be further to the right of  
15 Main Street to an extent which would not  
16 be shown on this aerial photograph, is that  
17 right, sir?

18 A Right.

19 Q You may return to the stand, Mr. West.

20 Thank you, sir. Mr. West, you say Dealey  
21 Plaza in general was quite crowded on that  
22 day, was it not, sir?

23 A There were quite a few people in Dealey Plaza.  
24 As far as the open area being full of  
25 people, no, sir.

1 Q Is it not a fact, sir, some of the actual  
2 participants in that motorcade ran back  
3 towards the grassy knoll area after the  
4 shots were fired?

5 A I don't know who they were. I know the City  
6 policeman whose motorcycle was parked  
7 there at the curb was up on the grassy  
8 knoll.

9 Q I take it you don't know if they were trying  
10 to get away from the shots or why they were  
11 going over the fence?

12 A No, sir.

13 MR. DYMOND:

14 That's all, thank you, sir.

15 REDIRECT EXAMINATION

16 BY MR. SCIAMBRA:

17 Q Mr. West, you went in the direction of the  
18 grassy knoll --

19 MR. DYMOND:

20 Objection to leading the witness.

21 MR. SCIAMBRA:

22 He testified to it.

23 MR. DYMOND:

24 I object to repeating the witness' answer.

25 BY MR. SCIAMBRA:

1 Q In what direction did you go after the motor-  
2 cade disappeared under the underpass?

3 A Towards what is shown as the grassy knoll.

4 Q Why did you go in that direction?

5 A Because that is what appeared to me --

6 MR. DYMOND:

7 I object to what appeared to him to be.

8 THE COURT:

9 I will overrule the objection.

10 MR. DYMOND:

11 To which ruling Counsel reserves a bill,  
12 making the question, the answer and  
13 the entire testimony up to this point  
14 and the ruling of The Court as part  
15 of the bill.

16 THE WITNESS:

17 It appeared to me all the action, all the  
18 activity, was going on in that  
19 particular part.

20 BY MR. SCIAMBRA:

21 Q How many parades have you seen come down  
22 Main Street?

23 A One hundred I guess.

24 Q In order to go from Main Street in the most  
25 direct route to the Trade Mart, in what

1 direction would you go on reaching Houston?

2 A I would go to Elm Street.

3 Q Why is that, sir?

4 A To get on the Stemmons Freeway.

5 Q Why would you turn off of Main Street at that  
6 point?

7 A There is no access from Main Street to the  
8 Stemmons Freeway. The only access to it  
9 is from Elm Street.

10 Q Did you testify before the Warren Commission?

11 A No, sir.

12 Q Did any FBI agent ever interview you?

13 A Ever what?

14 Q Ever interview you relative to what you heard  
15 in Dealey Plaza?

16 A No, sir.

17 MR. SCIAMBRA:

18 I have no further questions.

19 RE-CROSS-EXAMINATION

20 BY MR. DYMOND:

21 Q Did you ever see Lee Harvey Oswald there?

22 A No.

23 Q Did you ever see this Defendant, Clay Shaw  
24 there?

25 A No, sir.

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MR. DYMOND:

That's all.

THE COURT:

You may step down.

(WITNESS EXCUSED.)

...oOo...

ABRAHAM ZAPRUDER,

recalled to the stand, having previously been sworn testified further on his oath as follows:

THE COURT:

Your previous oath is still binding,

Mr. Zapruder.

DIRECT EXAMINATION

(CONTINUED)

BY MR. OSER:

Q Mr. Zapruder, will you tell me again where your business is located?

A 501 Elm Street.

Q In what building is that?

A The Daltex Building.

Q On November 22, 1963, did you have an occasion to be in the area of Dallas, Texas, known as Dealey Plaza?

MR. WILLIAM WEGMANN:

This is repetitious.

1 MR. OSER:

2 I am getting back to where we were.

3 THE WITNESS:

4 I don't understand the question. Will  
5 you repeat it?

6 THE COURT:

7 I will allow the question.

8 BY MR. OSER:

9 Q On the date of November 22, 1963, did you have  
10 an occasion to be in that area of Dallas  
11 known as Dealey Plaza?

12 A I imagine you mean at the place where I was  
13 taking pictures.

14 Q Yes.

15 A Yes, I came down to take pictures of the  
16 President and whatever it was.

17 Q From what area or location did you view the  
18 motorcade? Where were you?

19 A I was on the abutment. Do you mean geographical-  
20 ly, whether it is east, west, north or  
21 south? Is that what you want to know?

22 Q Yes, sir. Where were you?

23 A I will have to figure it out.

24 Q Where were you standing?

25 A When I took the pictures?

1 Q Yes, sir.

2 A On a concrete abutment.

3 Q I ask you to step down in front of Exhibit S-34  
4 for the purpose of identification, and  
5 point out to The Court whether you can  
6 locate your position where you were  
7 standing when you took some movie films on  
8 November 22, 1963, if you would, please?

9 A Right here.

10 Q Would you put an X there please?

11 THE COURT:

12 May I make a suggestion; we are going to  
13 have too many X's. Would you put a  
14 Z for Zapruder.

15 BY MR. OSER:

16 Q I direct your attention to Exhibit S-36 for  
17 purpose of identification, which I am now  
18 pointing to --- I am sorry, S-35. Could  
19 you locate the position on this exhibit  
20 where you were on November 22, 1963, taking  
21 motion pictures?

22 A Over here.

23 Q Mr. Zapruder, would you please place this pin  
24 with your name thereon at the location?

25 A (The witness complies.)

1 Q Now, Mr. Zapruder, I direct your attention to  
2 State Exhibit S-36 for identification, and  
3 ask if you can locate on this markup the  
4 location you were on November 22, 1963?

5 A Is this the Daltex Building?

6 THE COURT:

7 Unless the Jury can hear you it is no good  
8 you giving evidence.

9 THE WITNESS:

10 I asked if this was the Daltex Building.

11 THE COURT:

12 I can't hear a word you are saying.

13 THE WITNESS:

14 I asked if this was the Daltex Building.

15 THE COURT:

16 If you don't know, who would know it?

17 THE WITNESS:

18 Give me some time.

19 THE COURT:

20 You can take all the time you need.

21 BY MR. OSER:

22 Q I give you a small emblem. Would you place  
23 that in the location where you were when  
24 you took the photographs?

25 A (The witness complied.)



1 Q Thank you. Have your seat back, please, on the  
2 stand. Mr. Zapruder, as you were standing  
3 in this location that you have pointed out  
4 taking your motion pictures what, if  
5 anything, did you see as you took this  
6 film? Would you please describe it for  
7 the Jury?

8 A I don't understand the question.

9 Q What did you see as you took your films in  
10 Dealey Plaza that day? Explain to the  
11 Jury.

12 A I saw the approaching motorcade of the  
13 President coming from Houston Street,  
14 turning left on Elm Street and coming  
15 down towards the underpass. As they were  
16 approaching where I was standing I heard  
17 a shot and noticed where the President  
18 leaned towards Jackie. Then I heard  
19 another shot which hit him right in the  
20 head, over here, and his head practically  
21 opened up and a lot of blood and many more  
22 things came out.

23 Q At the time, Mr. Zapruder, you heard the first  
24 shot were you able to see what reactions,  
25 if any, President Kennedy made at the

1                   time you heard this first shot? What  
2                   did he do, sir, as you saw it?

3           A       As I said, he grabbed himself with his hand  
4                   towards his chest or throat and leaned  
5                   towards Jackie.

6           Q       At the time you heard the second shot, would  
7                   you describe the reactions of  
8                   President Kennedy as you saw them?

9           A       He leaned about the same way in falling towards  
10                   Jacqueline, forward, down towards the  
11                   bottom of the car.

12          Q       What happened at the time of the second shot  
13                   in regard to President Kennedy?

14          A       What happened -- I don't understand.

15          Q       As you saw it, what happened at the time the  
16                   second shot went off in regard to  
17                   President Kennedy? What did you see?

18          A       I thought I just described what I saw. You  
19                   mean where it hit him?

20          Q       Yes.

21          A       I saw the head practically open up and blood  
22                   and many more things, whatever it was,  
23                   brains, just came out of his head.

24          Q       At the time when you heard these two shots,  
25                   who was standing with you, if anybody?

1 A One of my secretaries was right behind me.

2 Q After the car passed under the underpass, what  
3 did you do?

4 A I got off the abutment and walked towards my  
5 office. I was screaming "They shot him,  
6 they shot him." People asked me what  
7 happened, they probably didn't see what  
8 happened, they heard a shot but didn't  
9 see actually what happened. I kept saying,  
10 "They killed him, they killed him," and  
11 went to my office.

12 Q When you got to your office what, if anything,  
13 did you do with regard to your movie  
14 camera and films?

15 A I had my secretary call either the police or  
16 the FBI, I don't remember which. She  
17 called somebody. The Secret Service.

18 Q After this did you do anything in regard to  
19 your film? Did you go anywhere with your  
20 film?

21 A Yes, sir, a patrol car came and took me down  
22 to a station where they were trying to  
23 develop films, but they hadn't got the  
24 facilities to develop colored film. We  
25 called the Eastman Kodak people and made

1 arrangements for them to develop the  
2 film. We went to the Eastman people.

3 Q After going to the Eastman people did you go  
4 anywhere else with your film?

5 A Yes. They advised me not to cut the film.

6 This was 8 millimeter of the old type that  
7 was actually a 16 millimeter film, it was  
8 cut after it was developed, and they  
9 advised me to go to another -- I think it  
10 was Jameson film, or something like that,  
11 to have them developed there into a 16,  
12 and they were to somehow process it and  
13 split 8 millimeter, and that's what I did.

14 Q As a result of going with your film to these  
15 various locations, Mr. Zapruder, did you  
16 have in your possession a developed roll  
17 of film, and if so, how many of them?

18 A The first time the Jameson people developed  
19 the original 16 millimeter, then copies  
20 were made at Eastman. I had three copies  
21 plus the original.

22 Q What, if anything, did you do with the three  
23 copies and one original?

24 A One copy was given to the Dallas Secret  
25 Service, and one they asked me to bring

1 over to somewhere on Akard Street, I  
2 believe it was the FBI or Secret Service,  
3 to give them a copy to be sent to  
4 Washington. I think it was sent to  
5 Washington the same night by Army plane.  
6 One copy was given to Life Magazine.

7 Q During the time your film was being processed,  
8 were you present, sir?

9 A Yes, sir, I was.

10 Q On that particular day did you have occasion  
11 to view what your film showed?

12 A Yes, the same evening I saw this film.

13 Q Mr. Zapruder, do you have in your possession at  
14 this present time a copy of this film?

15 A Yes, I do.

16 Q May I have it, sir?

17 A Yes.

18 MR. OSER:

19 If The Court please, the State will mark  
20 the envelope containing a roll of  
21 film as S-37 for purposes of  
22 identification.

23 THE COURT:

24 And for purposes of identification only?

25 MR. OSER:

1 Yes, sir.

2 BY MR. OSER:

3 Q The contents of this package, the roll of  
4 film, have you had occasion to view the  
5 contents of this film?

6 A Yes, sir.

7 Q What is contained on this roll of film, is that  
8 the same as you saw it from the developed  
9 original on November 22, 1963?

10 A Yes, sir.

11 Q Mr. Zapruder, what is depicted on this exhibit  
12 I have marked as S-37, the roll of film,  
13 as you saw it?

14 MR. DYMOND:

15 I object. We object to his testifying as  
16 to what is depicted on it. If the  
17 film is admissible the film itself  
18 is best evidence.

19 THE COURT:

20 I sustain the objection.

21 MR. OSER:

22 At this time we offer into evidence that  
23 which we previously marked for  
24 identification as S-37, the film  
25 testified to by Mr. Zapruder.

1 MR. DYMOND:

2 At this time we would like to traverse on  
3 the offer.

4 THE COURT:

5 You may traverse.

6 BY MR. DYMOND:

7 Q You say you were present when the copies of  
8 your film were made?

9 A Yes, sir.

10 Q Were you actually present in the room in which  
11 these copies were being made?

12 A Yes, sir, I was in the processing room watching  
13 them actually process the film.

14 Q Is the copy you have here today identical to  
15 the original or are there any plates  
16 missing out of this copy?

17 A That would be hard for me to tell, sir.

18 THE COURT:

19 I cannot hear the witness. What is it?

20 THE WITNESS:

21 That would be hard for me to say. He  
22 asked me if there are any frames  
23 missing.

24 THE COURT:

25 What is your answer?

1 THE WITNESS:

2 I couldn't say.

3 BY MR. DYMOND:

4 Q So you don't know whether it is a complete copy  
5 of the film you took on the 22nd of  
6 November?

7 A Not if there are one or two frames missing, I  
8 couldn't tell you.

9 Q Mr. Zapruder, when these copies were made, do  
10 I understand you ended up with an original  
11 and two copies of the film?

12 A Yes, sir.

13 Q You gave one copy to the Dallas Police  
14 Intelligence Section, is that correct?

15 A Yes, sir.

16 Q One copy to the FBI?

17 A Correct.

18 Q And one copy to Life Magazine?

19 A Yes, sir.

20 Q Where did you get this copy you have produced  
21 here in court today, if you disposed of  
22 all the copies?

23 A I got them from Mr. Oser's office.

24 Q In other words, this film has not been in your  
25 possession up until now, is that correct?



1 A No. It was given to me in his office.

2 MR. DYMOND:

3 That is all we have on traverse, Your  
4 Honor, and we submit the proper  
5 foundation has not been laid for  
6 the introduction of this film in  
7 evidence.

8 THE COURT:

9 Take the Jury out, Sheriff.

10 (WHEREUPON, the Jury retired from  
11 the courtroom.)

12 THE COURT:

13 The objection is well taken for this  
14 reason: Mr. Zapruder did not bring  
15 this film with him, and I would  
16 suggest before I make a final ruling  
17 that you roll the film for the  
18 benefit of Mr. Zapruder only so that  
19 he can see what is depicted on that  
20 day. You could then renew your  
21 offer and I will rule on it.

22 MR. OSER:

23 All right, Your Honor.

24 THE COURT:

25 Is it necessary for us to black out and

I cut the lights out in the room?

2 MR. OSER:

3 I think so, Your Honor.

4 THE COURT:

5 Very well. Sheriff, will you throw those  
6 switches. Mr. Zapruder, when this,  
7 equipment is properly rigged up and  
8 they play this film, don't say  
9 anything while they are playing the  
10 film. You will be asked questions  
11 after the film is played.

12 (WHEREUPON, the film was shown.)

13 THE COURT:

14 Before we bring the Jury in, I think  
15 the State has to ask a question of  
16 this witness.

17 MR. DYMOND:

18 There is one question I would like to  
19 ask also, Judge.

20 THE COURT:

21 Let Mr. Oser ask his question first.

22 BY MR. OSER:

23 Q Mr. Zapruder, from having seen the film just  
24 projected on the screen, can you tell us  
25 whether or not this represents what you

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saw on November 22, 1963, after your original film was developed in Dallas, Texas?

A I would say they do.

THE COURT:

I didn't hear you again.

THE WITNESS:

I would say that they do. Yes, they do.

BY MR. DYMOND:

Q Mr. Zapruder, are you able to testify that this film that you have just seen run is a complete copy of the pictures taken by you on that day, no frames being missing?

A By complete, what do you mean? If there are any frames removed or so?

Q Any frames removed or damaged or for any reason not shown in this film?

A I couldn't tell you.

Q So you couldn't tell whether any part has been skipped, is that correct?

A I could not.

THE COURT:

Bring the Jury back.

(WHEREUPON, the Jury returned to the courtroom.)

1 THE COURT:

2 All right, Mr. Oser, you may proceed.

3 BY MR. OSER:

4 Q Mr. Zapruder, from having seen what was  
5 projected on this film, can you tell The  
6 Court whether or not it appears to be the  
7 same as you viewed your original film on  
8 November 22, 1963 in Dallas, Texas?

9 A Yes, it does.

10 MR. OSER:

11 I tender the witness on traverse.

12 BY MR. DYMOND:

13 Q This will sound repetitious, but it is because  
14 the Jury has now come in. Having viewed  
15 this film, sir, are you in a position to  
16 say whether the film you have just seen  
17 is a complete copy of what you took with-  
18 out any frames having been deleted or  
19 taken out or skipped?

20 A I couldn't tell if any frames were removed.

21 Seen as a whole it shows what I have seen.  
22 Seeing you have 18 frames a second you  
23 can take out one or two and I couldn't  
24 tell.

25 Q Weren't some frames damaged by the people at

1 Life Magazine to the point where copies  
2 couldn't be made of them?

3 MR. OSER:

4 Objection.

5 THE COURT:

6 I will permit the question on traverse.

7 THE WITNESS:

8 I don't know, I couldn't verify that.

9 THE COURT:

10 Is the matter submitted?

11 MR. OSER:

12 We submit it, Your Honor.

13 THE COURT:

14 I rule the film may be shown to the Jury.

15 MR. DYMOND:

16 To which ruling Counsel reserves a bill  
17 of exception firstly because the  
18 film is irrelevant, secondly it has  
19 not been established this is the  
20 complete film, and further, it has  
21 not been in the possession or under  
22 the control of this witness from the  
23 time of its inception until the  
24 present time, making all this  
25 witness' testimony, the film which

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has been marked for identification as State-37, and the entire record up to now part of the bill.

THE COURT:

The Court's ruling was made after the Jury had retired and the witness was given an opportunity to see the film, since it was not in his continuous possession. You may proceed.

MR. OSER:

At this time the State requests permission to play the film.

THE COURT:

Permission granted. Gentlemen of the Jury, please pay close attention to what you are about to see.

(WHEREUPON, the film was then shown again.)

THE COURT:

If it is requested by the Jury we will rerun the film.

MR. OSER:

If The Court please, I would like the record to reflect that I am now turning over the exhibit to the

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Clerk of the Court, that is S-37.

THE COURT:

You mean the Minute Clerk. I have already ruled on the fact it may be shown to the Jury. Is there any objection to its admission?

MR. DYMOND:

I have already objected earlier.

THE COURT:

It may be admitted.  
(Whereupon, the exhibit having been previously identified as "S-37" was received in evidence.)

THE COURT:

The witness may be excused.  
(Whereupon the witness was excused.)

THE COURT:

We will take a five-minute recess.  
(Whereupon a short recess was taken.)

THE COURT:

Gentlemen, before we proceed any further, I have been advised that the Jury would like to have the film replayed. I will order the Minute Clerk, who has possession of Exhibit S-37, to

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turn it back over to Mr. Oser.

Let that show in the record.

(Whereupon, the film was then shown again.)

THE COURT:

I have been advised that a reporter had the gall to ask if he could take a picture of this film while it was being shown in court. Don't they realize all rights are reserved on this picture?

MR. OSER:

That is why I turned it over to The Court.

THE COURT:

I don't want anybody surreptitiously trying to take pictures of this film.

Let the film be shown again frame by frame.

(Whereupon, the film was then shown again, frame by frame.)

A MEMBER OF THE JURY:

Begging your pardon, but I would appreciate it if we could see the last half of this film one more time at normal speed.

THE COURT:

Very well, rewind it.

(Whereupon, the last half of the film



1                   was then played again.)

2                   THE COURT:

3                   Was that the part you wanted?

4                   A MEMBER OF THE JURY:

5                   Yes, sir, thank you, sir.

6                   THE COURT:

7                   Gentlemen, I understand from the State  
8                   they have a witness who wants to be  
9                   heard this afternoon. It is 29  
10                  minutes after 5:00. Is your witness  
11                  planning to leave the state this evening?

12                  MR. ALCOCK:

13                  Yes, sir.

14                  THE COURT:

15                  How long will he be?

16                  MR. ALCOCK:

17                  Direct Examination will take no more than  
18                  10, 15 minutes.

19                  MR. OSER:

20                  May the record reflect I am returning  
21                  the film to the Minute Clerk.

22                                   ...oOo...

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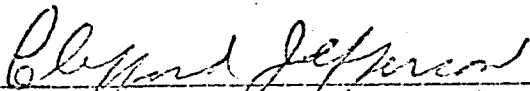
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C E R T I F I C A T E

1  
2 I, the undersigned, Clifford Jefferson, do  
3 hereby certify:

4 That the above and foregoing (96 pages of  
5 typewritten matter) is a true and correct transcription  
6 of the stenographic notes of the proceedings had herein,  
7 the same having been taken down by Clifford Jefferson and  
8 transcribed under his supervision, on the date and day  
9 hereinbefore noted, in the Criminal District Court for  
10 the Parish of Orleans, State of Louisiana, in the matter of  
11 the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30)  
12 Section "C" on the 13th day of February, 1969, before the  
13 Honorable Edward A. Haggerty, Jr., Judge, Section "C",  
14 being an excerpt of the testimony of certain witnesses  
15 as shown in the index hereof.

16 New Orleans, Louisiana, this 23rd day of May,  
17 1969.

18   
19 \_\_\_\_\_  
20 CLIFFORD JEFFERSON (ls)  
21 REPORTER  
22  
23  
24  
25