

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

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

PROCEEDINGS IN OPEN COURT,
FEBRUARY 17, 1969

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

Dietrich & Pickett, Inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-572-3111

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	59	64

E X H I B I T S

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

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 265 are missing.
21 This is a check by Mr. Alcock and by
22 self.

23 THE COURT:

24 Where is the witness? You should have

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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 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 could have one of the Assistant District Attorneys call Mr. Sessions and ask him about this and maybe it can be rectified while we are proceeding.

MR. OSER:

Mr. Sessions is not in his office.

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

1 in the field of pathology and in the 5
2 field of forensic pathology.

3 THE COURT:

4 Proceed.

5 BY MR. OSER:

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

8 MR. DYMOND:

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

12 THE COURT:

13 Objection overruled.

14 MR. DYMOND:

15 To which ruling Counsel reserves a bill of
16 exception, making the question
17 propounded to Dr. Nichols and the
18 answer given, the Defense objection, the
19 reasons for the objection, the Court's
20 ruling, and the entire record, in-
21 cluding all testimony up to this
22 point, parts of the bill.

23 THE WITNESS:

24 West Virginia University

25 BY MR. OSER:

1 Q And in what year was that?

2 A 1943.

3 Q Doctor, do you hold a PH degree?

4 A Yes, I do.

5 Q In what, sir?

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

8 Q And do you hold any other degrees, Doctor?

9 A Well, I hold a degree of Bachelor of Medicine
10 and Bachelor of Surgery from the Universi-
11 ty of Liverpool --

12 THE COURT:

13 Would you speak a little louder, Doctor.

14 THE WITNESS:

15 An MD degree from the University of
16 Liverpool, Bachelor of Medicine --

17 I have been ill in bed with a terri-
18 ble cold.

19 BY MR. OSER:

20 Q Continue, Doctor.

21 A My medical degree is from the University of
22 Liverpool in England, Bachelor of Medicine
23 and Bachelor of Surgery, Licentiate of the
24 College of Physicians and Licentiate of the
25 College of Surgeons.

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 were
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.

1 THE COURT:

2 How many?

3 THE WITNESS:

4 Approximately 1,000, and I have

5 vised the doing of approximately

6 another 1,000, and I have examined

7 and participated, I suppose, in 100

8 these figures of course are approxi-

9 mate.

10 THE COURT:

11 Q Have you done any work, Doctor, with

12 types of surgical specimens?

13 autopsies?

14 A Well, the surgical specimens that are

15 from living patients on whom

16 wants to know whether he is dealing with

17 a cancer or not, yes, I suppose I have

18 examined 35 or 40 thousand specimens

19 mens.

20 Q Doctor, have you ever been qualified to

21 part in the field of pathology

22 courts of the land?

23 A I testify somewhat regularly in

24 courts of Kansas.

25 THE COURT:

1 I tender the doctor on his qualifications

2 as an expert.

3 THE COURT:

4 In Pathology and also Forensic Pathology?

5 MR. OSER:

6 Yes.

7 THE COURT:

8 Would you like to traverse the witness?

9 MR. DYMOND:

10 We have no questions on that, Judge.

11 THE COURT:

12 Is the matter submitted?

13 MR. OSER:

14 Yes, Your Honor.

15 THE COURT:

16 It is submitted by the State. I will rule
17 that Dr. Nichols by his experience
18 and training and studies is qualified
19 as an expert in and can render his
20 opinions in the field of pathology
21 and also in the field of forensic
22 pathology.

23 BY MR. OSER:

24 Doctor, would you define forensic
25 as the field of pathology?

2 it, consists mainly of making microscopic
3 diagnoses on patients, tissue removed
4 from human patients in order that the
5 surgeon may tell the patient he has
6 cancer and treat him appropriately or tell
7 him he has a benign disease and treat that
8 appropriately. I suppose that pathology
9 is really divided into some subsections
10 too, that would be forensic pathology,
11 which deals with the acquiring of evidence
12 with which to determine whether or not a
13 crime has been committed and if a crime
14 has been committed, then to assist in
15 apprehending, convicting, the guilty,
16 and acquitting the innocent, although
17 there is another branch which I am relative-
18 ly ignorant, this is clinical pathology
19 and this consists mainly of running the
20 blood bank and chemical tests on the
21 blood and urine and things as that in the
22 hospital, and I profess no degree of
23 proficiency in that.

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

1 Is that correct?

2 A Yes.

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

6 A Yes, I have.

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

9 A Yes, I have.

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

13 A Yes, I have.

14 MR. OSER:

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

18 MR. DYMOND:

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

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

3 THE COURT:

4 I will overrule the objection.

5 MR. DYMOND:

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

14 THE COURT:

15 I would like to make a statement. We are
16 going to have a mass exodus in about
17 30 seconds. Mr. Oser stated to me
18 in the chambers that he wishes to go
19 up to the screen and he wants the
20 witness possibly to go to the screen,
21 and he is being blocked by spectators
22 being up around the edge of the chair
23 there. The persons who want to get
24 against the wall, they can do it now,
25 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:

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At this time the State requests permis-
sion to display to Dr. Nichols
various 35MM slides of the Sapruder
film.

MR. DYMOND:

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

THE COURT:

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

MR. ALCOCK:

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

THE COURT:

As you well know, if you get into evidence,
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 the 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. [Name], so as to see if he could identify any of the slides that he had seen [Name] test he made. He said [Name] at one or two --

MR. GIBBY:

Up to the light, your Honor, I think that

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

4 THE WITNESS:

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

11 THE COURT:

12 Let's make the offer.

13 MR. EDWARD WEGMANN:

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

16 MR. OSER:

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

19 THE COURT:

20 Yes.

21 MR. OSER:

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

1 slides from Time, Inc.

2 MR. DYMOND:

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

10 THE COURT:

11 I overrule the objection.

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

19 MR. OSER:

20 Yes.

21 THE COURT:

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

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

25 MR. DYMOND:

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

THE COURT:

I haven't accepted them into evidence yet.

MR. DYMOND:

Very well.

(Whereupon, the Jury was removed.)

MR. OSER:

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

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

MR. OSER:

This is the place that is missing, Your
Honor.

BY MR. OSER:

Q Doctor, having viewed the slides you just
viewed, can you tell the court whether or
not you had seen these slides prior to
this time?

A Yes, I have seen the slides earlier this morn-
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THE COURT:

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

THE WITNESS:

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

MR. OSER:

~~I can show the photos to the jury while~~
the Jury is not here.

THE COURT:

You might as well cover that point too.

BY MR. OSER:

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

MR. OSER:

Is that right, Your Honor?

THE COURT:

Yes.

BY MR. OSER:

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

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

3 MR. OSER:

4 All right.

5 THE COURT:

6 Bring the Jury in.

7 (Whereupon, the Jury was brought in.)

8 THE COURT:

9 You may proceed, Mr. Oser.

10 MR. OSER:

11 The State makes its offer as to "G-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

1 quire of this witness as to his see- 27
2 ing these slides and film early this
3 morning, when we were waiting here
4 right before lunch for Mr. Orth to
5 get off the airplane with these
6 things. We are somewhat at a loss.

7 MR. ALCOCK:

8 What significance does that have, Your
9 Honor?

10 THE COURT:

11 The main thing, whether he saw them one
12 second before he got on the stand or
13 four hours, he has testified that he
14 recognized them, that is the con-
15 trolling factor.

16 MR. DYMOND:

17 He said he saw them earlier than now, ~~is that right?~~
18 when did you see the film?

19 THE WITNESS:

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

22 THE COURT:

23 You reserve your bill on "54." Now, what
24 about -- did you make an offer on
25 "53" as yet?

1 MR. OSER:

2 The State wishes to offer, introduce,
3 and file into evidence that which
4 has been previously marked for
5 purposes of identification "S-53,"
6 8 x 10 color prints of certain
7 frames of the Zapruder film. The
8 said prints total 21.

9 MR. DYMOND:

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

18 THE COURT:

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

22 MR. OSER:

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

25 THE COURT:

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

8 MR. OSER:

9 Yes.

10 THE COURT:

11 I will grant you permission to do so.
12 I just don't want to have all of this
13 commotion every time. Sheriff
14 Brocato, if the people wish to move
15 over there, tell them to do it but
16 with as least noise as possible.

17 MR. DYMOND:

18 We object to the seventh showing of this
19 portion of the Zapruder film now on
20 the slides on the ground that it is
21 prejudicial because of the number of
22 times shown, because of the accentua-
23 tion of particular portions of it,
24 and further that it is irrelevant to
25 the issues in this case.

1 THE COURT:

2 I would like to state -- let's have a
3 little order, please, otherwise we
4 are going to work it so that nobody
5 leaves their seats. I am overruling
6 the objection for two reasons. It
7 refreshes the memory of the witness
8 and the witness has been qualified
9 as an expert and he needs this evi-
10 dence to advise the jury how he came
11 to an opinion, so for that further
12 reason, I am permitting the re-
13 showing of the slides.

14 MR. DYMOND:

15 To which ruling Counsel reserves the bill,
16 making the entire testimony of this
17 witness, the Zapruder film, which is
18 "S-37," the prints from the film,
19 which is Exhibit No. -- what is that,
20 "51" or "52"?

21 THE COURT:

22 "53" and "54" are the prints and the slides.

23 MR. DYMOND:

24 "53," and the slides which would be "S-54,"
25 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.

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

7 (Whereupon, a recess was taken.)

8 AFTER THE RECESS:

9 THE COURT:

10 Sheriff, bring the Jury down, please.

11 You may proceed, Mr. Oser.

12 BY MR. OSER:

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

16 THE COURT:

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

20 MR. OSER:

21 I can use the alphabet.

22 THE COURT:

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

24 BY MR. OSER:

25 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 if you
21 see them and the body movements of
22 President Kennedy as depicted on these
23 three photographs?

24 MR. DYMOND:

25 To which question we object. This is con-

1 pletely out of the scope of this
2 Doctor's expertise, to look at a
3 photograph and interpret the reaction
4 of a body, that is not pathological
5 work.

6 THE COURT:

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

11 THE WITNESS:

12 Yes, it is.

13 MR. DYMOND:

14 That is not within the field of --

15 THE COURT:

16 I overrule the objection.

17 MR. DYMOND:

18 To which ruling Counsel reserves a bill of
19 exception making the entire line of
20 questioning, the qualifications of
21 Dr. John Nichols as an expert, the
22 purpose for which he was offered as
23 an expert, the expert's testimony
24 "B" and "C," the expert's testimony
25 the reason for the objection, the

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

4 THE COURT:

5 Would you like to have the court reporter
6 read the question?

7 THE WITNESS:

8 No, I know the question.

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

13 MR. DYMOND:

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

18 THE COURT:

19 He has been qualified as an expert to give
20 his opinion. I overrule the objec-
21 tions.

22 MR. DYMOND:

23 He is not a photograph's expert.
24 What he is trying to tell us is,

25 THE COURT:

You can reserve your bill.

MR. DYMOND:

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

THE WITNESS:

Continuing on, "Exhibit S-53-A," I notice that the Presidential vehicle in which President Kennedy is riding, President Kennedy is emerging from behind what appears to be a road sign. He is reaching toward his throat with his hand, and "Exhibit S-53-B," the automobile has proceeded farther and has come further from behind the sign and I notice that Governor Connally still has the same posture, the President is still reaching for his throat with his right hand, and frame -- and "Exhibit S-53-C," the automobile has proceeded further, he is slightly further from behind the sign now, Governor Connally is still squarely sitting in

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

6 BY MR. OSER:

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

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

15 MR. DEMOND:

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

21 MR. OSER:

22 He said it was pain.

23 THE COURT:

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

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

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 partic-
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

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

3 THE COURT:

4 "S-53."

5 THE WITNESS:

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

19 BY MR. OSER:

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

25 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

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

7 MR. DYMOND:

8 If the Court please, unless this witness
9 is qualified to testify that he has
10 some special training which enables
11 him to detect the differences and
12 the different causes of pain which I
13 think is impossible, he would not be
14 qualified to answer that.

15 THE COURT:

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

20 BY MR. OSER:

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

1 Governor Connolly as displayed in these
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 Connolly is reacting
25 to a stimulus, which stimulus probabl-

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 referred,

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 identification

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
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 the 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 backward, and
22 still seems to be apparent, and
23 and Governor Connally is still in the
24 apparent condition of pain, and
25 wife and the President's wife.

1 to hold her husband in an erect posture,
2 and "S-53-M," it appears that the Presi-
3 dent has moved still farther backward,
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 believe.

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
19 that the question is outside the field of the witness's
20 qualifications, and secondly, that the question 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 party.

1 previous two bills.

2 THE WITNESS:

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

6 BY MR. OSER:

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

11 MR. DYMOND:
12 We strenuously object to such a question
13 as this. This Doctor is not ob-
14 lied to answer such a question.

15 THE COURT:

16 I overrule your objection, Mr. Dymond.

17 MR. DYMOND:

18 To which ruling Counsel reserves the right
19 of exception, the same being
20 previously reserved.

21 THE WITNESS:

22 Having viewed the Zapruder film, the
23 individual 35104 frame
24 lar exhibits here, I
25 this is compatible with

having been delivered from the front.

BY MR. OSER:

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

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

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

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

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

A President Kennedy is reacting to a stimuli to a stimuli.

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

1 a stimuli.

2 Q If, Doctor, using "53-B," if President Kennedy
3 was reacting to a stimuli at a particular
4 lar time, and the same stimuli would have
5 caused Governor Connally to react in the
6 fast, in your opinion, would the same
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 beyond 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 the error.
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 right of
23 exception, and I will state the
24 reason for the objection, that, in your
25 ruling, the entire testimony

1 record up until this point, parts of
2 the bill.

3 A JUROR:

4 Could the Jury have five minutes?

5 THE COURT:

6 Take the Jury upstairs.

7 (Whereupon, a recess was taken.)

8 AFTER THE RECESS:

9 THE COURT:

10 Can I have a little order in the court,
11 please.

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

16 I want to make mention to the juror that
17 I was lucky enough to have a place
18 for you all to see the parade
19 and the Krewe of St. Louis, and
20 that is finished, and I want to
21 back. I made arrangements for you
22 all to be able to see the parade
23 parade and the Krewe of St. Louis
24 that may break up the parade
25 I know you are all interested

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 own bond.
24
25