

FATAL SHOT IS DISCUSSED

Fired from Front, Says Pathology Expert

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An expert in the field of forensic pathology, called as a state witness in the conspiracy trial of Clay L. Shaw, testified Monday that he believes the shot that killed President John F. Kennedy was fired from the front.

The expert, Dr. John Nichols, associate professor of pathology at the University of Kansas, said he was basing his opinion on numerous viewings of the Zapruder film of the assassination, slides made from the film and photographs.

The Warren Commission, which investigated the assassination of President Kennedy, said that he was struck by two shots fired from behind the motorcade. The commission report said Lee Harvey Oswald, acting alone, fired the shots from the Texas School Book Depository.

Shaw is charged with having participated in a conspiracy with Oswald and David L. Ferrie to murder the President.

Dr. Nichols was still undergoing direct examination by Assistant District Attorney Alvin V. Oser Jr. at 3:30 p.m. when at the request of a jury member Judge Edward A. Haggerty Jr. called a five-minute recess and then an hour later recessed the trial until 9 a.m. Wednesday.

Judge Haggerty said two members of the jury had become ill. Both illnesses were described as "mild," but Judge Haggerty said that rather than resume the questioning of Dr. Nichols for about 45 minutes, he preferred to adjourn until Wednesday morning.

Arrangements Made for Parade Viewing

The judge also announced that

he had made arrangements for the jury members to view the Rex parade and the truck parade of the Elks Krewe of Orleans from the balcony of a private residence on St. Charles ave. He did not disclose the name of the person who was making the balcony available.

Dr. Nichols' testimony brought

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constant objections from the defense with each new question Oser asked.

Defense attorney F. Irvin Dymond, who reserved a bill of exception each time Judge Haggerty overruled his objection, maintained that Dr. Nichols had not been qualified as a photographic expert and that he was basing his opinions on the study of photographic evidence.

District Attorney Jim Garrison Monday morning participated in the questioning of a state witness for the first time since the trial started.

Outside of delivering the prosecution's opening statement to the jury and a few brief appearances in the courtroom, Garrison has left the presentation of the state's case to his assistants.

Garrison questioned the first state witness of the day, William E. Newman Jr., of Dallas, Texas, an eye-witness to the assassination. Newman said he was standing on the sidewalk in front of the grassy knoll and about 10 to 15 feet away from the President when he was hit in the head by a gunshot.

Newman said he thought the gunman was firing from directly behind where he was standing.

Also called by the state Monday were Regis L. Kennedy, a retired agent of the Federal Bureau of Investigation, who testified that he was participating in an investigation of the



—Photo by The Times-Picayune.
REGIS L. KENNEDY
Testifies in court.

assassination in New Orleans. Part of the overall investigation, he said, was an attempt to locate Clay Bertrand. Garrison claims this is an alias used by Shaw.

Kennedy's Answers Are Delayed

Kennedy's answers to two questions were delayed for nearly an hour-and-a-half during the morning session when a U.S. attorney said it would be necessary to get authorization from the attorney general of the United States for Kennedy to answer the state's questions.

After the authorization was received, Kennedy admitted that between Nov. 22 and Nov. 25, 1963, he was involved in New Orleans in investigating the assassination, and that part of the overall investigation eventually involved an attempt to locate Clay Bertrand.

The only other witness to appear was the supervisor of the Life magazine photo lab who delivered to the court some photographs and slides made from the Zapruder film.

In addition to Garrison and Oser, assistant DAs James L. Alcock and William Alford took part in the presentation of the state's case.

Newman and Kennedy were

questioned during the morning and Herbert Orth, the photo lab supervisor, presented the slides and photographs as the morning session ended.

As the afternoon session opened, Oser told Judge Haggerty that after he (Oser) and Alcock had checked the slides submitted by Times-Life officials, they found that Slides Nos. 234 through 244 were missing. Oser said he was relating this only as a point of information.

Pathologist Called as Next Witness

Oser immediately called Dr. John Nichols as the state's next witness.

Dr. Nichols, dressed in a conservative grey business suit, white shirt and greyish tie, came forward. Oser told the court that the State would qualify Dr. Nichols as an expert in pathology and forensic pathology. After giving his academic background that included the University of North Carolina, where he received his doctorate, and the University of Liverpool, Dr. Nichols

was questioned about his background in pathology.

"Do you have a residency in pathology?" questioned Oser.

"Yes," Dr. Nichols replied.

"Have you had any teaching assignments in pathology?" continued Oser.

"I am an assistant professor in pathology at the University of Kansas," he answered.

"Are you an accredited member of the American Board of Pathologists?" asked Oser.

"Yes," said Dr. Nichols.

Dr. Nichols, in response to questions by Oser, said he had done 50 articles on pathology in scientific and medical journals, performed approximately 1,000 autopsies personally, supervised another 1,000 and assisted in 250 others, and done 35,000 to 40,000 surgical specimens. "I testify somewhat regularly in pathology in Kansas trials," he added.

Judge Haggerty asked the defense if it wanted to traverse—or challenge the qualifications of Dr. Nichols. Dymond and the Wegmann brothers, William and Edward, put their heads together for a moment and said they would accept Dr. Nichols with-

out question.

With that, Judge Haggerty approved Dr. Nichols as an expert in pathology and forensic pathology.

Dr. Nichols, responding to questions, said he had earlier examined the Zapruder film, the slides delivered earlier in the morning by Time-Life, Inc., and the 21 eight by 10 color pictures, also produced by Time-Life, Inc.

Permission Sought to Show Film

Oser then asked for permission to show the Zapruder film to Dr. Nichols. This brought an immediate objection from Dymond, who said another showing of the film would be irrelevant and that the doctor had already testified he had seen the film.

But Judge Haggerty overruled the objection and Dymond objected to the judge's decision.

As the assistant district attorneys were setting up the projector and screen in the middle of the courtroom spectators made an exodus with Judge Haggerty's permission from one side of the courtroom to the other. Many had not seen the film before, as it is making its "first-run" to the public during the Shaw trial.

Spectators lined the left side of the courtroom's wall. One nun sat on an armrest of a spectators' bench. Some spectators kneeled in the aisle, craning to see the film. As the film ran its course, there was a short wait for spectators to regain their benches.

"Are you familiar with the film?" asked Oser.

"My memory is refreshed," rejoined Dr. Nichols.

"Your honor, the state now requests permission to show the 35MM slides," said Oser.

There was a hassle at this point as the defense objected to the showing of the slides—especially since the state sought to offer them as evidence. "They are irrelevant and they accentuate certain elements of what is already in evidence, the Zapruder film," contended Dymond. But Judge Haggerty overruled the defense.

Jury Removed from Courtroom

Judge Haggerty asked that the jury be taken out of the courtroom.

Again the courtroom came to life as spectators attempted to quietly move from one side of the courtroom to the other to see the 100-plus slides of the fatal impact on President Kennedy.

With the jury out, Dr. Nichols, the state's witness, and Shaw, the defendant, sat side by side in jury box chairs.

Dr. Nichols agreed that these indeed were the slides and color pictures he had viewed earlier in the day. Judge Haggerty ordered the jury back into the courtroom.

"The state remakes its offer that these slides and pic-

tures be submitted as evidence," said Oser.

"To that we object," interjected Dymond.

But Judge Haggerty said he would accept the slides and pictures as evidence. Dymond protested that "this seventh showing of the Zapruder film" is prejudicial to his client.

Judge Haggerty granted permission to the state to rerun the slides with the jury present and for the third time in the afternoon, spectators moved over to get a better view of the slides. Dr. Nichols stepped down from the witness stand and took a chair beside the state's table.

Spectators moved into vacant seats of court attaches under Judge Haggerty, but other spectators, their views blocked out, sat in their seats as the 11-minute slide presentation unfurled. Judge Haggerty, with the close of the slide presentation, recessed court for 40 minutes while the jury retired upstairs to view 21 color pictures presented as evidence and have their afternoon coffee.

Witness Is Asked About Three Photos

When court resumed, Oser gave Dr. Nichols three photos which he said he would label S 53-A, S 53-B, S 53-C. "I show you these," said Oser. "Do you recognize them?"

"Yes, I do," replied Dr. Nichols.

"Using these three pictures," said Oser, "Dr. Ni-

chols, can you tell us whether you see any body movement?"

"Yes, of the late President and Gov. Connally," said Dr. Nichols.

"In your expert opinion, what are these body reactions?" asked Oser.

"We object that this is outside of the scope of the expertise of this witness," said Dymond. But the judge did not allow the objection, saying he had not only examined the slides but the film as well.

"In 53-A, I note Gov. Connally is squarely in his seat looking forward, straight ahead," said Dr. Nichols.

"I object," said Dymond, "to this witness telling us what these photos show. They speak for themselves." But Judge Haggerty overruled Dymond.

"I note the President is reaching for his throat with his hand," said Dr. Nichols.

"In S 53-B, the presidential auto has gone a little further. Gov. Connally has the same position. The President has his right hand at his throat.

"And in S 53-C, Gov. Connally is sitting squarely in his seat, looking forward. The President has both hands clutching at his throat. He is showing typical reaction to pain in his throat."

Witness Discusses Cause of Reaction

Dymond again objected, but Judge Haggerty overruled him.

"Having seen these slides and the Zapruder film, what is your opinion as to the cause of the President's reaction?" asked Oser.

"President Kennedy is probably reacting to a pain in the neck," said Dr. Nichols.

"What is your opinion of Gov. Connally?" continued Oser.

"Gov. Connally does not appear to be reacting to pain," said Dr. Nichols.

Oser showed Dr. Nichols what he labeled as State Exhibits S53-D, S53-E, S53-F, and S 53-G. He asked the doctor to examine them.

"In S 53-D, I detect the President still reacting to pain," said Dr. Nichols. "Gov. Connally also appears to be reacting to pain.

"And in S 53-E, there is a gushing of air and puffing of the

cheeks by Gov. Connally.

"In S 53-F, this is more pronounced in Gov. Connally and he is turning to the right. Then in S 53-G, this is still more pronounced."

"And what would be the cause of this reaction?" asked Oser.

"He very likely has sustained a gunshot wound," said Dr. Nichols.

"I object," said Dymond,

raising his voice. "This is so far out that he is telling us that it was a gunshot wound."

The judge agreed with Dymond's objection. "He can give his opinion as to the action but not the cause," explained Judge Haggerty. There was a resulting objection by the state, and Judge Haggerty said the state would have to rephrase the question. "If the question is rephrased I will permit it; otherwise, I will not," said Judge Haggerty.

"Using these four photos, the Zapruder film and the 35mm slides, doctor, could you give your expert opinion as to what could have caused Gov. Connally's reaction?" asked Oser.

Judge Overrules Defense Objection

"I object," said Dymond again. "Anything could have caused it." But Judge Haggerty overruled the objection.

"Very definitely, very con-

clusively, he was reacting to a stimulus, which caused pain," answered Dr. Nichols.

"This stimuli," said Oser, "could it have been a gunshot wound?"

"I object," said Dymond, "this calls for pure assumption, it is outside of the qualifications of the witness." And, once again, Judge Haggerty overruled the objection.

Dr. Nichols answered, "It could be the impact of a bullet striking the governor."

Oser showed Dr. Nichols more photos and asked for his opinion of them.

"In S 53-H, the presidential limousine has gone further. Gov. Connally is in pain. The President is clutching his throat, leaning forward and to the left, and is being attended to by Mrs. Kennedy.

"It is blurred a little in S 53-I, but it appears that half of the President's head has exploded.

"In S 53-J, essentially this is the same as the preceding photo. But the bloodiness and red effect about his head are much less in size.

"Now in S 53-K, it appears that the head and shoulders of the President have moved backwards. This seems to be apparent in S 53-L. Gov. Connally is in pain and leaning on his wife. The President's wife is attempting to hold him in an erect position.

"And in S 53-M, the Presi-



—Photo by The Times-Picayune.
WILLIAM E. NEWMAN JR.
Monday witness.



—Photo by The Times-Picayune.
HERBERT ORTH
Takes the stand.

dent's head and shoulders appear to be still further backwards. There seems to be a horrible flesh wound. The halo is no longer in evidence."

Witness Is Asked About Halo, Position

Oser said, "Doctor, could you state as an expert what is the cause of the red halo and what is the cause of the President's backward position?"

Dymond objected, but was overruled.

"It depicts the effect of a gunshot wound in the head," replied Dr. Nichols.

"And from what direction?" asked Oser.

Again Dymond protested. "I most strenuously object to this," he said. But he was overruled.

Then Dr. Nichols delivered his answer. "Having viewed these slides and pictures and the Zapruder film," said Dr. Nichols, "I find it is compatible with the gunshot having been delivered from the front."

"Using S 53-B, can you tell us if President Kennedy is reacting?" asked Oser.

"He is reacting to a stimuli in the neck, probably pain," said Dr. Nichols.

"Now in S 53-B, is Gov. Connally reacting to a stimulus?" continued Oser.

"No," answered Dr. Nichols.

"Then in S 53-G, is the President reacting to a stimulus?" asked Oser.

"More intensely," said Dr. Nichols.

"Is Gov. Connally reacting to a stimulus?" asked Oser.

"Yes," replied Dr. Nichols.

"If the President and Gov. Connally were reacting to stimuli," began Oser, "how fast would it take for Gov. Connally to react to the same stimulus?"

Dr. Nichols never was able to answer the question. Dymond objected to it, and one of the jurors asked for a brief recess. Judge Haggerty later revealed that two jurors had become sick and he called a recess until Wednesday morning.

Orth, head of the photo lab for Life magazine, who, on a subpoena order, brought to the court 21 color photographs copied from various frames of the Zapruder film, and 121 color

slides, covering frames 200 to 320 of the Zapruder film.

Kennedy's testimony was marked by a recess of nearly 90 minutes while Assistant U.S. Attorney Harry Connick telephoned Attorney General John N. Mitchell seeking permission for the former FBI agent to an-

swer certain questions that were asked by Alcock.

Kennedy, who retired from the FBI in 1968 after 31 years with the federal agency, on direct questioning by Alcock said that on Nov. 25, 1963 — two days after the assassination — he interviewed Dean Andrews, a Jefferson Parish attorney, at Hotel Dieu. He said another agent was present during the interview.

The interview took place shortly after noon.

Kennedy attempted to explain that he had received a telephone call from Andrews, but Dymond objected to hearsay and his objection was sustained.

Alcock asked Kennedy if, as a result of the Andrews interview, he investigated and attempted to locate Clay Bertrand.

(Andrews has said previously that after the assassination he was contacted by Clay Bertrand who asked him to defend Oswald. Andrews also said Oswald had been to his law office, seeking information on how he might get his U.S. Marine Corps discharge changed. The state maintains that Shaw is Bertrand.)

Attempts to Locate Bertrand Described

Kennedy said that part of his attempts to locate Bertrand included a check of records, police records, credit bureau records, city directories, telephone listings, unlisted telephone numbers, and contact with "various people who should have been knowledgeable of people who habitate the French Quarter." He said his work also included "reviewing practically every piece of paper Dean Andrews had in his office."

Alcock asked if any other FBI agents were involved in the search and he said there were others, but he did not know how many.

He said he devoted about 20

hours "personally," but added the figure was "strictly a guess." Asked how much time other FBI agents devoted to the search, he answered: "I have no way of even guessing."

Alcock asked Kennedy if his search centered on any particular geographical locations. "Yes," Kennedy answered, and, in reply to another question asking for the location, he said: "The French Quarter."

"Did you personally go into the French Quarter?" asked Alcock.

"Yes."

Alcock then asked if he went there once, or more than once.

"I'd said it had to be more than once."

Alcock then asked Kennedy if, prior to his interview with Andrews, he was personally involved in the investigation of the assassination of President Kennedy.

Kennedy then told the court he thought the question was outside the purview of the authorization he received to testify in the Shaw trial.

Dymond then offered to "waive any privilege that might exist," but it was pointed out that this was not Dymond's place to issue a waiver.

Connick, who was in the courtroom listening to Kennedy's testimony, then conferred with the witness and it was decided that only the attorney general could grant the authority for Kennedy to answer Alcock's questions.

Brief Discussion Among Attorneys

The jury was excused and there was a brief discussion among the attorneys. Alcock said it was his recollection that at the Dean Andrews perjury trial Kennedy had answered the question. However, Alcock said he had not received a transcript of Kennedy's testimony as he had requested. Kennedy told Connick that he did not recollect answering such questions.

It was about 9:55 a.m. and Judge Haggerty called a five-minute recess so the attorney general could be called. The trial was resumed at 11:30 a.m. Alcock explained that he had two questions written

out which were cleared with the attorney general.

Alcock asked Kennedy again if prior to his interview with Andrews he was involved in an investigation of the assassination. "Yes, I was," answered Kennedy. Alcock's second question was if Kennedy was seeking Clay Bertrand in connection with the overall investigation. "I was," he answered.

Alcock tendered Kennedy to

the defense for cross-examination.

Dymond's only question was: "Mr. Kennedy, did you ever locate Clay Bertrand?"

"No, sir," he replied.

Newman had been the first witness called. His wife had testified for the state on Saturday.

He said that on Nov. 22, 1963, he and his wife and their two sons were in Dealey Plaza when Kennedy was assassinated.

He said they were standing "in Dealey Plaza half-way between Houston st. and the triple underpass on the north side of Elm st. They had arrived about 15 minutes before the motorcade passed, he said.

Location Marked on Survey Plat

Newman then marked his location on a survey plat and also placed a small figure representing himself on the mock-up of Dealey Plaza the state had been using.

Apparently Newman knocked over the small figure representing his wife, and Garrison quipped: "Pick up your wife."

He also identified himself in two photographs.

Garrison then asked if he saw anything unusual in Dealey Plaza.

"I saw the President of the United States shot and killed," Newman said.

Questioned further, Newman said he heard three shots, two in rapid succession and then the third, and he added he has often thought he may have heard a fourth shot, but he is certain of only three.

He told the court that from the sound he thought the shots were "coming directly behind from where I was standing." He was standing in front of the

grassy knoll area.

In explaining where he thought the shots came from, Newman added: "Apparently everybody did because they ran in that direction."

Dymond objected to hearsay and his objection was sustained.

Garrison asked for more detail and Newman said that as the presidential limousine approached he heard two shots and he indicated two shots in rapid succession.

He said he saw President Kennedy throw his hands up. He said Gov. Connally appeared to be turning in his seat, which was directly in front of Kennedy. As the car approached Newman, he said he saw blood on Connally's shirt. President Kennedy, he continued, was sitting upright, and he appeared as though he was looking in the crowd for someone or something. Newman indicated that his head was turned slightly to the right.

Heard Third Shot, Witness Testifies

When the President was directly in front of the Newman family, one car lane away, the witness said he heard a third shot and saw the President hit above the right ear. He said he saw the ear come off and observed a white mass above the head which changed to blood. He said the President became "stiff like a board and fell left to his wife's lap." Newman said he then told his wife to get on the ground and cover the children because he was certain the shots were coming from behind them. He said that once on the ground he looked up again and saw Mrs. Kennedy up on the back of the limousine.

He said he did not know if the President's head moved forward or backward, but he emphasized he saw the president's body move "real hard to the left into her (Mrs. Kennedy's) lap. He went away from me."

Newman said he gave a statement to the FBI and to the Dallas County sheriff's office, but, in answer to Garrison's question, added he was never called as a witness before the

Warren Commission.

Garrison tendered the witness.

Dymond asked Newman how far to the right the President had turned his head, and he answered that it was turned "slightly."

Dymond asked if it would be approximately accurate to say he had turned his head half-way to the right just as the third shot was fired.

Newman said this could be, "but I don't think so."

Dymond asked Newman if the President's head was turn-

ed to the right would it have been possible for a gunman in the grassy knoll area to have fired a shot, hitting the President where Newman described.

Alcock objected, saying the question was asking the witness to render an opinion.

Dymond rephrased the question, and Alcock again objected on the grounds that the question was too broad.

Dymond then said, "We'll take anyplace on the grassy knoll area," for Newman to speculate on whether a gunman could have hit Kennedy above the ear.

Newman asked to look at the mock-up, and said it was his opinion the President could have been shot from there, but pointed out the grassy knoll area is quite large. Dymond asked if in view of the angle of the President's head, he could have been shot from the Texas School

Book Depository, but Newman then said his recollection was that the President was looking "more straight ahead then at an angle when he was hit."

Dymond then reminded Newman he had said the President's head was turned slightly to the right.

Newman said he was trying to explain that it was his impression that the President's head was turned slightly to the right after the first two shots, as though he was looking for someone or something in the crowd, but that he thought his head was "more straight" when the third shot was fired.

Dymond then asked if it was not so that Newman did not recall enough to be precise about the point.

"I don't know the exact position," Newman replied.

Dymond said he had no further questions.