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CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

.....

STATE OF LOUISIANA	.	198-059
VS.	.	14:26 (30)
CLAY L. SHAW	.	Section "C"

.....

PROCEEDINGS IN OPEN COURT OF
FRIDAY, FEBRUARY 28, 1969

ALVIN V. OSER'S CLOSING ARGUMENT

BEFORE:

THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Reference copy, JFK Collection: HSCA (RG 233)

Dietrich & Pickett, Inc.

Stenotypists

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

1 THE COURT:

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

3 MR. OSER:

4 Gentlemen of the Jury, I hope you will
5 bear with me. I do not intend to
6 speak too long to you on what the
7 State's position is as to what
8 happened in Dealey Plaza November
9 22, 1963, as a result of the con-
10 spiracy agreement and the meeting
11 of the minds that took place in
12 New Orleans involving the defend-
13 ant Clay Shaw.

14 I would merely like to point out to you
15 gentlemen a few of the facts and
16 a few of the points that came from
17 this witness stand, which resulted
18 in the death of our late President,
19 John F. Kennedy, in Dealey Plaza
20 on November 22, 1963.

21 If I may, gentlemen, the question before
22 you gentlemen as jurors is that on
23 November 22, 1963, was there one
24 person and one gun used at that
25 time?

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(Delineating on blackboard.)

Now, in order to get at the answer,
let's look and see what the
evidence reveals.

We know from the witnesses and from the
evidence presented, that the
results of what happened in Dealey
Plaza was that the President was
shot in the back and/or the neck
area; that the Governor of the
State of Texas was shot in the
back; and that the President was
shot in the head.

Now let's look and see when, in order
that we may correlate ourselves,
when the three results occurred.
What do we have from the witness
stand to ascertain when was the
President of the United States
struck in the back, or the back
of the neck? We have the testi-
mony of Abraham Zapruder, the
gentleman that was on the concrete
pagoda taking the particular pic-
tures which are now known as the

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Zapruder film. Besides Mr. Zapruder, we have that of Mr. Phil Willis, the gentleman that took certain slide photographs at that particular time.

We also have the testimony of Mr. and Mrs. Newman, and you will recall that Mr. and Mrs. Newman were in this particular area (indicating) in front of the Stemmons Freeway which, as you recall from the pictures, blocked the Zapruder camera from taking from frame 207 to frame 224 as to what happened.

What did Mr. and Mrs. Newman tell us? They told us that at the time they heard the first shot that the President reacted in such a way that his hands went up towards his throat area.

We also have the testimony of Mr. Simmons, You recall Mr. Simmons was on the triple overpass, or underpass as it's called, who had a panoramic view of what was

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transpiring on Elm Street as the motorcade approached him. Mr. Simmons said at the time he heard the first shot he saw the President react with his hands going up.

Looking at the Zapruder film, we also have the testimony of Agent Frazier, who said in the reconstruction -- as a result of the reconstruction, that the earliest possible time that the President could have been hit is at frame 207.

We have the testimony of Dr. Nichols, the expert qualified by the State in the field of Pathology, who told you that at frame 224 in the Zapruder film that the President of the United States was reacting to some stimuli in the fact of raising his hands towards his throat area.

We also have Agent Shaneyfelt, who I believe testified that the President could not have been hit before frame 207.

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So as to when the first result occurred, that of the neck and back injury of the President of the United States, we have it occurring not before 207 and we have testimony that the President was reacting to said shot at frame 224, which is this photograph (indicating).

Now, in going over, gentlemen, to the large board, -- and again I ask you to bear with me, because the majority of my argument to you -- I will try to make it brief, but the greater part of it will be moving from one exhibit to another and trying to explain the State's position as to what happened.

In going over to this particular chart, you recall the measurements that were placed on this chart, and the various frames were indicated on the particular chart. We have testimony that the President of the United States is reacting at

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approximately frame 224 to a head
shot in the back of the neck or
in the back.

In regards to the second result of what
happened in Dealey Plaza, we have
that of the injuries received by
the Governor of the State of Texas.
Again we have the testimony of Mr.
and Mrs. Newman, who told you at
the time they heard the second
shot they saw the governor's eyes
bulging with his arm down in this
particular position that I am now
(demonstrating).

We also again have Mr. Simmons, amongst
other witnesses, but more specific-
ally Mr. Simmons because he had
again the panoramic view of what
was going on as that motorcade
came down Elm Street. At this
particular time, as I recall the
testimony, Mr. Simmons stated that
at the time he heard the second
shot, the Governor of the State of
Texas, Governor Connally, reacted

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toward his chest area.

We also have the testimony of Agent Shaneyfelt of the Federal Bureau of Investigation, who says that in his opinion the Governor was reacting to a shot at frame 232.

But more importantly so, we have the statement of the pathologist, Dr. Nichols, who stated to you that in his opinion the Governor of the State of Texas was reacting to a shot, or to a stimulus, at frame 238 and that the reason Dr. Nichols states, in his opinion, that the Governor is reacting at frame 238 is because of the dip in the right shoulder of the Governor, the puffing of his cheek at this particular time.

If you compare this photograph to say, frame 230, you will note that the Governor is looking straight forward; his shoulders appear to be squared; and I submit to you gentlemen, very, very near and

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1 very, very close to the door of
2 that presidential limousine, be-
3 cause if you will look close, you
4 will see at this particular time in
5 frame 230, the Governor is holding
6 his hat, which appears to be a gray
7 hat and he appears to be almost, but
8 not exactly, next to the door area.

9 So, we now have as a result, and using
10 the Zapruder film, the Governor's
11 back wound occurring or reacting
12 at frame 238.

13 In speaking of the third result in
14 Dealey Plaza, that of the head
15 shot to the President or the last
16 shot as depicted in frame 313,
17 again we have the testimony of Mr.
18 Zapruder, who stated that the last
19 shot he heard, -- you must recall
20 that he only heard two shots --
21 the last shot that he heard, he
22 saw the President's head open up,
23 and from the witness stand he said
24 -- remember, Mr. Zapruder is
25 taking these pictures with a

1 telescopic sight or a zoom lens,
 2 in essence, gentlemen, he is look-
 3 ing through a pair of field binoc-
 4 ulars as to what is about to
 5 happen to the President of the
 6 United States, and he sees, as was
 7 the testimony of Mr. Zapruder, that
 8 he was hit right here on the right
 9 side of the head, as he testified
 10 (indicating photograph).

11 Mrs. Willis also testified that the
 12 third shot that she heard was the
 13 one at which time the President's
 14 head exploded.

15 In referring to frame 313, I'm sure you
 16 will agree with me there is no
 17 doubt that this particular frame
 18 is the frame in which the President
 19 received his head shot and the
 20 fatal shot.

21 I am now marking on the board the result
 22 of the head shot at frame 313.

23 What we do have, gentlemen, in regard to
 24 the Zapruder film is that the
 25 Zapruder film is a clock in this

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1 case, or a ruler in this case. We
2 know from the testimony of the FBI
3 Agent, Shaneyfelt, who tested the
4 Zapruder camer, that the Zapruder
5 camera runs at 18.3 frames per
6 second.

7 All right. But we also know, gentlemen,
8 from the testimony, of FBI Agent,
9 Frazier, that the rifle that he
10 tested shot on an average of
11 approximately two shots, rather
12 on an average of approximately 2.8
13 seconds, or, as he said, approxi-
14 mately three seconds.

15 Let's take all the times that Agent
16 Frazier shot this rifle. At the
17 outdoor range, at 300 feet away,
18 the best time that he did was that
19 of 5.6 seconds. This, gentlemen,
20 however, you recall was not taking
21 into consideration the time it
22 took him to aim that first shot.
23 He said, on examination from the
24 witness stand, that it took him
25 approximately three seconds to get

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1 off the first two shots, not con-
 2 sidering how long it took him or
 3 may have taken him to aim that
 4 first shot. So giving them the
 5 best estimate, the expert Frazier,
 6 that of 2.8 seconds, plus the time
 7 it would take him to sight-in the
 8 target the first time.

9 All right. Now, from using the
 10 Zapruder film, if two shots are got
 11 off in 2.8 seconds, then the two
 12 shots would have been gotten off
 13 -- it would take the Zapruder film
 14 to run 51.2 frames. At the time
 15 Frazier was doing these tests,
 16 when they were in the indoor range
 17 shooting at 75 feet, the best time
 18 was attained by Frazier, and that
 19 time was I believe 4.6 seconds.
 20 That's the fastest he ever shot
 21 the gun. So considering 4.6
 22 seconds and the time that it would
 23 take to get off the first two
 24 shots, which would be 2.3, plus the
 25 time it would take him to sight-in,

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1 -- now, two shots at 2.3 seconds,
2 using the Zapruder film as a clock
3 or as the ruler, we would then get
4 the passing of 42 frames of the
5 Zapruder film.

6 Now, between, gentlemen, frames 207,
7 which is the first time that the
8 President could have been hit, and
9 frame 238, when Governor Connally
10 is reacting, we have the passing
11 of 31 frames. Thirty-one frames
12 calculated with the Zapruder film
13 running at 18.3 frames per second
14 gives us 1.6 seconds. Let's take
15 the FBI estimate. Let's say that
16 the Governor was reacting at 232,
17 as Shaneyfelt said. The differ-
18 ence between 207 and 232 would be
19 25 frames, or 1.4 seconds.

20 At no time, gentlemen, in any of this
21 testimony mathematically and
22 scientifically, if it takes 1.6
23 seconds and 1.4 seconds, the FBI
24 experts say that they cannot poss-
25 ibly get two shots off before 2.3

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1 and 2.8, which makes it impossible
2 for that gun that he examined in
3 the sixth floor of the Texas School
4 Book Depository to get off two
5 shots, because the best time in the
6 world would be 2.3 seconds, not
7 considering the sighting, and if
8 we use the Zapruder film and the
9 Zapruder camera as the clock, the
10 passage of time between 207 and
11 238 or 207 and 232, or 1.4 seconds
12 and 1.6 seconds, it just doesn't
13 match up mathematically.

14 So if the gun couldn't have fired that
15 fast, what do we look at next? We
16 look at the possibility of whether
17 or not one bullet hit both the
18 President and the Governor.

19 Now, in regards to whether one bullet
20 hit the President and the Governor,
21 we know that the President is re-
22 acting at 224. We know that the
23 Governor is reacting at 238. The
24 difference between 224 and 238 is
25 14 frames, and there again, using

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1 the Zapruder film running at 18.3
2 frames per second, we have approxi-
3 mately the passing of three-
4 quarters of a second, which is a
5 very, very short time, gentlemen.

6 I want to call to your attention that
7 in dealing with the frames of the
8 Zapruder film and the Zapruder
9 camera, we are not talking about
10 five minutes or any long length
11 of time. In other words, gentle-
12 men, every picture you see here
13 was taken in 18.3 of a second and
14 that's fast. So when I speak of
15 14 frames passing in three-fourths
16 of a second, the time is really
17 moving.

18 Now, you heard the testimony of Dr.
19 Nichols, the pathologist, who ran
20 tests with a 6.5 Mannlicher-
21 Carcano rifle, and you heard the
22 testimony of Agent Frazier, who
23 told you that the rifle he examined
24 was traveling, or the pellet rather
25 was traveling at an average of

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1 2,175 feet per second. It packed
2 a muzzle energy of 1,676 foot
3 pounds.

4 Now in regards to the three-quarters of
5 a second, Dr. Nichols, in his ex-
6 pert opinion, said that if
7 Governor Connally had been struck
8 by the same bullet that the
9 President is reacting to in 224,
10 that the Governor's reaction would
11 have been instantaneous because
12 of the force and the velocity of
13 a 6.5 Mannlicher-Carcano shell.
14 In fact, if I remember the testi-
15 mony correctly, Dr. Nichols said
16 that he would have had to react in
17 7/5,760ths of a second. Seven
18 over 5,760th of a second.

19 We also must turn our attention to deal-
20 ing with the proposition of whether
21 or not one bullet did the damage
22 to the President and the Governor;
23 if we have the passing of 14
24 frames and it took three-quarters
25 of a second for the President and

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1 the Governor to react when the
2 reaction should have been instan-
3 taneous, we should also turn our
4 attention to that of 399,
5 Commission Exhibit 399.

6 Now, in discussing 399 as to whether or
7 not that particular pellet did the
8 damage to the President and the
9 Governor, I direct your attention
10 to the testimony of Dr. Finck, who
11 testified in court and told the
12 Warren Commission that, in his
13 opinion, it was impossible for
14 Commission Exhibit 399 to do all
15 the damage to the President of the
16 United States, going through his
17 neck, and doing the damage to the
18 Governor, because why, gentlemen?
19 There were too many metal frag-
20 ments in the wrist of the Governor.
21 You heard testimony about the
22 weight of this particular bullet.
23 You heard testimony from Agent
24 Frazier that the jacket of this
25 particular bullet was intact, and

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1 that the jacket is a copper-jacket
2 bullet containing lead on the in-
3 side, and as I said, basically in-
4 tact. He did say a part of the
5 jacket was removed when he sub-
6 mitted it to spectrographic
7 analysis.

8 We also have testimony in the case from
9 the witness stand that in the
10 throat area, of the track through
11 the throat of the President, there
12 was metallic substances.

13 We also have, gentlemen, in regard to
14 this a very important point. We
15 know as was set up with the pic-
16 tures, according to the Zapruder
17 film, that the President had re-
18 acted at frame 224. We know in
19 the pictures and from the expert
20 testimony that the Governor is re-
21 acting at approximately 238, and
22 of course we know by merely view-
23 ing the film and viewing the photo-
24 graph of frame 313 that the Presi-
25 dent was hit the final time at

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1 frame 313.

2 Now, you might recall a lot of testi-
3 mony and a lot of questions, on my
4 part, about lateral angles; about
5 whether or not the experts during
6 their reconstruction not only cal-
7 culated the angles from the sixth
8 floor down or the horizontal angle
9 -- or the vertical angle rather,
10 but what was the lateral angle,
11 the right-to-left angle which was
12 not calculated by any of the ex-
13 perts during the reconstruction?

14 Let's take, gentlemen, in regard to
15 frame 224 for a moment, and this
16 Agent Frazier couldn't see or
17 understand what I was driving at,
18 but I want to show it to you.

19 If you take a line, draw it through
20 frame 224, (demonstrating with
21 green paper over red dots) my point
22 was, in asking Frazier what was the
23 lateral angle, right-to-left from
24 here to here (measuring with
25 string), this angle, gentlemen,

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1 that is created between this green
2 line and this piece of string.
3 Gentlemen, if you recall the testi-
4 mony of Dr. Nichols, who told you
5 -- and the hypothetical question
6 by Mr. Alford, in describing the
7 wounds of the throat area of the
8 President as stated by Dr. Finck,
9 one of the "pathologists" at the
10 autopsy, that the trajectory
11 through -- and that there were no
12 bones broken in the throat area of
13 the President.

14 Dr. Nichols told you in order for a
15 projectile to pass through the area
16 of the human body at this particu-
17 lar location and not hit bone,
18 that the minimum angle would have
19 to be, right-to-left, that of 28
20 degrees.

21 Now referring to frame 224, let me take
22 a protractor and place it in the
23 area of 224 through the perpendic-
24 ular line and view the angle of 28
25 degrees. As I read the protractor,

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1 the angle of 28 degrees from frame
2 224 places it here. That's the
3 spot, not the sixth floor of the
4 Texas School Book Depository Build-
5 ing, because you remember they
6 didn't even attempt to ascertain
7 what the lateral angle is or was.
8 The spot on the protractor -- on
9 the basis of Dr. Nichols' testi-
10 mony, it had to be at least 28
11 degrees, otherwise it wouldn't
12 have gotten through the neck with-
13 out breaking a bone -- puts the
14 shot at 224, not from the Texas
15 School Book Depository sixth floor
16 but somewhere in this vicinity of
17 the Texas School Book Depository
18 Building, which is not the sixth
19 floor window. Which window? I
20 don't know, but you recall Mrs.
21 Carolyn Walther's testimony, who
22 was standing in this vicinity here
23 (indicating) at the time the
24 parade was coming. She looked up
25 to the Texas School Book

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1 Depository and saw two men in a
2 window, one with a gun. Two men
3 in a window, one with a gun.

4 Now, considering the fact, gentlemen,
5 that in speaking of the 18.3 frames
6 per second and whether or not a
7 single bullet could have done all
8 the damage, we have shown to you
9 that between frames 224 and 238,
10 there must be the passing of three-
11 quarters of a second. We have
12 shown you testimony of the expert
13 that if Connally was hit with the
14 same bullet, it had to happen in
15 7/5,760ths of a second, and,
16 furthermore, that according to the
17 expert testimony, that the bullet
18 could not have possibly gone
19 through the human body in a mini-
20 mum angle other than 28 degrees,
21 and if they had calculated the
22 lateral angle that I was talking
23 about, but that they didn't seem
24 to understand what I meant, this
25 is where the 28 degrees falls

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1 (indicating), because, if you re-
2 call, Dr. Finck, the "pathologist"
3 at the autopsy, said that there
4 were no bones broken in the Presi-
5 dent's throat.

6 So, I believe, gentlemen, the State has
7 proven to your satisfaction and
8 beyond any reasonable doubt that
9 not only could the gun that
10 Frazier tested/^{not}have fired in the
11 time span, using the Zapruder film
12 as the clock, to get off two shots,
13 likewise, the same bullet certainly
14 could not have hit the President
15 of the United States and Governor
16 Connally. And if that didn't
17 happen, what do we have now? Now
18 we have two people and two guns.

19 Now let's turn for a moment to the head
20 shot of the President. But before
21 we do, touching upon one point as
22 to whether or not the Governor and
23 the President could have been hit
24 by the same bullet, in order for
25 a bullet to go through the

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1 President's neck at 28 degrees,
2 which is the minimum angle poss-
3 ible if it didn't break any bones,
4 in order for that same bullet to
5 hit the Governor in the arm pit,
6 that bullet in its traveling of
7 that track of 28 degrees from this
8 area (indicating), which is not
9 the sixth floor window on this
10 particular corner of the Texas
11 School Book Depository Building,
12 that in the opinion of Dr. Nichols,
13 the Governor, after he viewed the
14 film and studied the photographs,
15 would have had to have been at
16 least 18 inches to the left of
17 where he was sitting. Nowhere in
18 any of these photographs, 224,
19 230, 238, is the Governor 18 inches
20 to his left, which would make it
21 possible for the same bullet then
22 to enter his particular back and
23 do the damage that it did.

24 Now, since we have a possible answer to
25 our question thus far, that of two

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1 people and two gunds, let's look
2 at the third result, that of the
3 wound in the President's head.

4 I believe you will recall, gentlemen,
5 from seeing the Zapruder film, the
6 reaction of the President in that
7 particular film of him going back-
8 wards and to his left as he sat in
9 the car around frame 313 and there-
10 after.

11 We also have the testimony of the eye
12 witnesses that were there. Mr.
13 Zapruder telling you of looking
14 through his telescope or his
15 zoom lens or his field binoculars,
16 that he was hit right here (indi-
17 cating).

18 We have the testimony of Mr. William
19 Newman that he was hit right above
20 the ear. We have the testimony of
21 Mrs. Newman that he was hit right
22 above the ear, and recall her
23 testimony, because, gentlemen, as
24 we told you on the voir dire when
25 you were being selected as jurors,

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that you cannot go beyond what you hear from the witness stand to convict anybody or to acquit anybody. Therefore, all I ask you to do is to recall what came from that witness stand and what Mrs. Newman said.

Mr. Dymond in cross-examination of Mrs. Newman started his cross by mentioning the bullet came back here, and she said, "Oh, no, I didn't say the bullet hit him back here, I said I saw the bullet hit him right here." And where was she standing? Ten feet from him. That's how close she was to him.

Mrs. Willis, who said at the time the third shot in the President's head exploded he went backwards and to the left of where he was sitting.

Again, we must turn to Mr. Simmons, who had, again, the panoramic view of what is happening in front of him, of the President's head exploding and him going -- falling back to

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1 the left.

2 You have the testimony of Officer
3 Martin, the motorcycle policeman
4 who was riding to the left rear,
5 as indicated in "Willis 5." He
6 testified that he was the further-
7 est one out; in fact, he put an
8 "X" over his position where he was
9 in the motorcade.

10 And recall now that Mr. Willis' testi-
11 mony was that when he took this
12 photograph, this was taken almost
13 at the time of the first shot, and
14 he heard it because he said the
15 first shot made him click the
16 camera or the shutter button on his
17 camera.

18 So we have Officer Martin riding well
19 to the left and well to the left
20 rear of the presidential limousine.
21 We could also see what appears to
22 be Officer Martin in the Moorman
23 photograph, his approximate loca-
24 tion to the left and to the rear
25 of the presidential limousine.

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1 What does Officer Martin tell us?

2 Officer Martin tells us, one, he
3 doesn't know where the shot came
4 from. He heard the shots and he
5 was looking around on his bike
6 trying to learn where they were
7 coming from; that he found matter
8 on his motorcycle, on his uniform,
9 on his helmet that he had cleaned,
10 if you recall, before they left
11 Love Field at Dallas, and he said
12 it had been raining. They had
13 their rain gear on; they took their
14 rain gear off and they wiped off
15 their boots and wiped off their
16 helmets to get ready for the
17 motorcade.

18 It was after the shooting of the Presi-
19 dent and when Officer Martin got
20 to Parkland Hospital and thereafter
21 that he found this matter -- I
22 think he said pink in color or
23 something to that effect -- on his
24 helmet, on his bike, on his motor,
25 and on his uniform. And where was

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1 he? He was to the left rear.

29

2 Remember what Agent Frazier said about
3 his examination of the presidential
4 car, the one they just happened not
5 to do the reconstruction with. I
6 believe he said it's being recon-
7 ditioned or something. But anyway,
8 in Frazier's examination of the
9 car, he said he found blood and
10 brain matter over the exterior of
11 the car, the windshield of the car,
12 the handrails of the car, and then
13 he concluded by saying they found
14 a large quantity of -- I believe
15 was his quote -- let me see. --
16 "considerable quantities of blood
17 and brain inside the car," which
18 you would expect, and on the trunk
19 lid area, which means, gentlemen,
20 from the testimony of Frazier and
21 all of the eye witnesses, the
22 majority of the brain matter and
23 the blood was coming back to the
24 left rear of the vehicle. Because
25 how could Martin get hit in his

1 position where he was if it didn't
2 spray back?

3 Now the testimony of Dr. Nichols, who
4 gave his opinion that he was re-
5 acting -- the President was react-
6 ing rather to a frontal head shot
7 because of the backward movement
8 as indicated in the Zapruder film.

9 I want to call to your attention,
10 gentlemen, that Dr. Nichols was the
11 only expert in this case that gave
12 his opinion as to -- based on a
13 complete examination of the
14 Zapruder film, as to what it shows
15 as to whether or not the President
16 was moving forward and backward.
17 And also that Dr. Nichols told you
18 that if he had been hit in the
19 rear of the head that he would have
20 been driven forward from the blow
21 traveling at 2,175 feet per second,
22 packing a wallop of 1,676 foot
23 pounds, which is the equivalent --
24 you recall I asked Agent Frazier
25 if this is not the equivalent of

30

Reference copy, JFK Collection: HSCA (RG 233)

1 taking a 1,676-pound ball, iron
2 ball, and dropping it one foot.
3 That's a wallop! That's a wallop!
4 And that 1,676-pound ball is
5 traveling at 2,175 feet per second,
6 and what does the President do in
7 reacting to being hit by this?
8 Does he go forward as indicated in
9 the Zapruder film? Oh, no. He
10 goes back and to the left. He
11 goes back and to the left, not
12 forward. Not forward.

13 We have testimony in this case from
14 Dr. Finck, "pathologist," who tells
15 you in his report that the Presi-
16 dent fell forward, and I asked Dr.
17 Finck where did he learn this, why
18 did he put this in his report. Be-
19 cause Admiral Galloway told him
20 that. Admiral Galloway seemed to
21 tell him a lot of things about his
22 report. Admiral Galloway is the
23 one that told him to put, presum-
24 ably, wounds of exit. And speaking
25 of Dr. Finck, somebody told him not

Reference copy, JFK Collection: HSCA (RG 233)

1 to dissect the throat wound.

2 Gentlemen, can you really imagine the
3 President of the United States
4 being assassinated and these
5 pathologists not dissecting the
6 throat wound to ascertain whether
7 or not it was a through-and-through
8 gunshot wound? Because remember,
9 Dr. Finck told you that on the
10 night of November 22nd, he was
11 puzzled because he couldn't find
12 where this back wound was going.
13 He found no exit. He was puzzled,
14 but he didn't dissect the throat
15 area because, one, he was told not
16 to, and then on cross-examination
17 by Mr. Dymond, he tells Mr. Dymond
18 he didn't do it because he didn't
19 want to mutilate the body. They
20 can cut him open, take all the body
21 organs out, go all through his
22 brain, but they didn't want to
23 mutilate the body by dissecting
24 the track. Not one wound in the
25 President of the United States --

Reference copy, JFK Collection: HSCA (Rg 233)

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this is not you or I laying on
that autopsy table, this is the
President of the United States
who has been assassinated -- not
one wound did they go and take,
on the entrance or the exit, and I
am referring to the holes in the
body, a cross-section of that par-
ticular wound, dissect it and sub-
mit it to microscopic examination
at least to ascertain whether or
not there was any burned area. You
recall Dr. Nichols testifying in
the first part of this case, when
a bullet passes through, it singes
or sears the skin to a certain de-
gree. This is a foolproof way of
telling whether or not one is an
entrance wound or one is an exit
wound.

Why didn't they do this to the back
wound, or the back of the neck
wound as they say?

Let me touch a moment on the wounds.

Now, you recall Dr. Finck testifying

Reference copy, JFK Collection: HSCA (Rg 233)

1 that they found the wound in the
2 back, or the wound in the neck as
3 he calls it, approximately five
4 inches from the tip of the mastoid
5 process and approximately five
6 inches from the tip of the acromion,
7 which is the end bone in your
8 shoulder. In fact, it's recorded
9 right up here (indicating), it says
10 14 centimeters, and I believe the
11 doctor said 14 centimeters, approxi-
12 mately five inches, 14 centimeters
13 from the right acromion is 14
14 centimeters below the tip of the
15 right mastoid process.

16 Besides raising the question of how they
17 measured this, he couldn't tell you
18 what position the body was in on
19 the table when he measured it, but
20 I do submit to you and he did state
21 to you that if the body is either
22 on its stomach or on its back and
23 the head turned to the right or
24 turned to the left, it is going to
25 change the position of this mastoid

Reference copy, JFK Collection: HSCA (R9 233)

1 process for measuring purposes.
2 But what measurement, gentlemen,
3 on that diagram is not mentioned?
4 And what is not mentioned is what
5 Dr. Finck told you, was that it
6 was approximately two inches from
7 the mid-line, and the mid-line is
8 straight down the middle of the
9 body. Two inches from the mid-
10 line. You heard Dr. Nichols tell
11 you that if it was 14 centimeters
12 from the right acromion, 14 centi-
13 meters from the right mastoid pro-
14 cess, and approximately two inches
15 to the right of the mid-line, that
16 the bullet would have had to hit
17 a vertebra. Where was the wound --
18 in the back? Was it the neck? Was
19 it the shoulder? Where was it? I
20 don't really know where it was; I
21 don't think Dr. Finck knows where
22 it was either because if this
23 wound is placed on this diagram
24 (indicating) I submit to you either
25 at the time of the autopsy, or

Reference copy, JFK Collection: HSCA (RG 233)

1 shortly thereafter, while the body
2 was still there, and Dr. Finck
3 moved this up higher to the collar
4 than is depicted on here, saying
5 that this is wrong -- and you re-
6 call he marked on Mr. Billy
7 Wegmann over in this area of his
8 shoulder a spot (indicating), but
9 the interesting point about that
10 particular wound, gentlemen, is
11 that if it was two inches to the
12 right of the mid-line, it would
13 have had to hit the vertebra by
14 the makeup of the human anatomy,
15 just like if it had gone through
16 the neck area without hitting any
17 bone, it had to go through at a
18 minimum of 28 degrees from right-
19 to-left.

20 Let me get back and touch upon the head
21 shot that we are speaking about
22 and get off belaboring the point
23 to you about the autopsy and about
24 the reconstruction, which has to
25 be the monumental flop investigation

Reference copy, JFK Collection: HSCA (Rg 233)

1 of reconstruction in the history
2 of the world. Here's the FBI, with
3 all types of equipment, techni-
4 cians, the power to get anything
5 they want in the form of evidence.
6 They got all the evidence up to
7 Washington, D.C., but by some
8 strange circumstance, they couldn't
9 get the same car back down to
10 Dallas for reconstruction.

11 What did they use in the place of that,
12 gentlemen? They used a Cadillac
13 limousine that Frazier can't even
14 tell you the measurements of. He
15 said he thinks so, but he couldn't
16 tell you. He didn't measure it.
17 He improvised. The expert of some
18 26 years with the FBI improvises.
19 One of the men doing the majority
20 of the work on this reconstruction,
21 in answer to one of my questions,
22 after being in this area for 26
23 years, says he investigated three
24 or four criminal scenes during his
25 career. This is one of the two

Reference copy, JFK Collection: HSCA (Rg 233)

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men doing most of the work. This is the expert.

What does he do? They get two stand-ins for the President and the Governor and they put the President's stand-in on blankets, and after they put him on blankets, when they are calculating their measurements, they've got to put a spot in his back and move it down ten inches before they can calculate anything. So this reconstruction is with the wrong car, the wrong measurements, as in regard to the Presidential limousine, a stand-in sitting on blankets and he's got to measure ten inches down because the Cadillac is ten inches higher than the Presidential limousine was.

But in the reconstruction, what did they use? They used the skin hole as I call it, of the President marked on the President's stand-in. Somebody, Agent Frazier told me from the witness stand, measured

Reference copy, JFK Collection: HSCA (RG 233)

Reference copy, JFK collection: HSCA (RG 233)

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on the stand-in five inches from
from the mastoid and five inches
in from the shoulder. Somebody,
I guess some other agent, measured
it, or another agent, and that they
didn't want to use the President's
clothing at the time, because you
recall the President's clothing --
the bullet hole in the back of the
coat, if I recall, was 5 and 3/8
inches down from the collar. They
didn't use this because of the fact
that the President's coat may have
been puckered up and this would be
all wrong, so they used the skin
hole.

Now, in regards to whether or not the
President's coat was puckered up,
I submit to you these two photo-
graphs, the Moorman photographs
showing the back, and the Willis
photograph in the close-up, because,
gentlemen, measuring from the collar
down 5 and 3/8 inches to the hole
in the back of the coat is a heck

1 of a lot different spot than if
2 you measured on me right now five
3 inches from the tip of my acromion
4 down. So if it had to be as the
5 agent says, his coat was puckered
6 up, it would have to be puckered
7 up to such an extent (demonstrat-
8 ing) that there would be a flap or
9 a fold-over in his particular
10 coat. And remember I specifically
11 asked the agent, were these single
12 bullet holes -- there was no
13 double bullet hole through the
14 coat as he found in Governor
15 Connally's French cuffs -- that
16 went through one side and then
17 through the other side. If you
18 take 5 and 3/8 inches down from
19 my collar and then measure five
20 inches from my mastoid process
21 down, you notice how far my coat
22 has got to pucker up (demonstrat-
23 ing), and if it does pucker that
24 far, you've got the double flap
25 and you've got double bullet holes

Reference copy, JFK Collection: HSCA (RG 233)

1 in the coat.

2 Anyway, right now wouldn't you say your
3 shirt was secured at least by your
4 belt and by your tie? Because then
5 under their theory, then his shirt
6 had to pucker up that much, too.

7 I think there was about an eighth
8 of an inch or a quarter of an inch
9 difference between the shirt hole
10 and the coat hole, but irrespective,
11 they say it was puckered up maybe,
12 so they didn't use it. But what
13 do they use with Connally? I think
14 it would be logical to assume that
15 they would use the skin hole in the
16 back of the Governor. They didn't
17 use that, they used his coat, they
18 used his laundered coat in their
19 reconstruction, and then Frazier
20 gets up here and says in answer to
21 one of Mr. Dymond's questions, is
22 it possible for a shot to be gotten
23 off from the sixth floor of the
24 Texas School Book Depository
25 through the two stand-ins as you

Reference copy, JFK Collection: HSCA (RG 233)

1 sighted. I submit to you gentle-
2 men, that quite possibly it wasn't.
3 They had the skin hole of the
4 President sitting on blankets and
5 they had the laundered coat hole
6 that Frazier said changed the
7 Exhibit so completely that he
8 couldn't even test it. But he
9 didn't calculate the lateral angle.
10 You couldn't get a lateral angle
11 answer out of any of them! Why?
12 Why, because at 28 degrees, it
13 doesn't put a gun in the sixth
14 floor of the Texas School Book
15 Depository Building, that's why.
16 That's by medical proof. Medical
17 proof, the human anatomy. That
18 bullet can't go through there un-
19 less it's a 28-degree minimum angle,
20 and not break a bone.

21 If you're wondering whether or not the
22 backward motion of the President at
23 the time he was hit in the head was
24 attributed to the speed of the car,
25 I submit to you, you recall what

Reference copy, JFK Collection: HSCA (RG 233)

1 you saw in the Zapruder film as
2 to whether or not Mrs. Jacqueline
3 Kennedy flew back or any other
4 occupants in the car flew back as
5 the President did, if there was a
6 sudden acceleration.

7 I submit to you the testimony of Mrs.
8 Willis, the Newmans, Officer
9 Martin and Mr. Carr, who said in
10 fact the car slowed down. It did
11 accelerate, it accelerated when
12 that agent was getting on the back
13 of it, which was well after frame
14 313. And why was everyone running
15 to the grassy knoll? All of the
16 witnesses, bar none that I can re-
17 call, told you that the people, or
18 at least some of the people, were
19 running to the grassy knoll area.
20 Zapruder, Mr. West, the surveyor,
21 -- he heard four shots -- Phil
22 Willis, Mrs. Walther, Buell Wesley
23 Frazier, who was standing in the
24 doorway of the Texas School Book
25 Depository Building, Mrs. Moorman,

Reference copy, JFK Collection: HSCA (RG 233)

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who was standing approximately at this location (indicating) when she took this photograph, Mrs. Bond, who was standing in this area (indicating) when she took these two photographs.

Where is everybody running to in the photograph, gentlemen? And, more specifically, I submit to you this particular area of the grassy knoll -- this area on here, the policeman clearing a fence back here (indicating). Why do you think he ran there? Because all the shots were coming from the Texas School Book Depository Building? Why do you think that policeman was running across the neutral ground area towards the grassy knoll? Because all the shots came from the Texas School Book Depository Building?

Now, besides Mrs. Bond, we have Carr in a building back here (indicating) watching the whole view, seeing

Reference copy, JFK Collection: HSCA (RG 233)

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people run here. We have Roger
Craig, who is a deputy sheriff at
that particular time, who not only
ran through here but he jumped the
fence, and we have old Mr. Simmons
again -- he's always popping up.
You will recall the panoramic view
that Mr. Simmons must have had on
the triple overpass or the under-
pass, whichever you call it. What
does he do and what does he see?
At the time of the third shot he
sees a puff of smoke coming out
from the area of the trees in this
particular vicinity. Oh, Mr.
Dymond asked him on cross-examina-
tion, "Mr. Simmons, wasn't the
Texas School Book Depository in the
same general direction?" Of course
it was past the grassy knoll, but
he was in the same general direc-
tion, but I can recall Mr. Simmons
getting off the witness stand and
going to the blackboard or the
mock-up and putting his hand in

Reference copy, JFK Collection: HSCA (Rg 233)

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this area and saying, This was the area in which I saw the shots, heard the shots come from and saw the puff of smoke and ran behind there and saw the numerous foot-prints as though someone was pacing up and down behind there or in the fence area on the grassy knoll. What else did Mr. Simmons see? Mr Simmons said he saw something hit the curb. Something hit the curb, and we had the testimony of Agent Frazier that a piece of curbing was submitted to him for some sort of analysis -- I imagine a spectro-graphic analysis -- and it contained smears of lead, and on this diagram (indicating) it is noted a section of curb removed in this particular area down here (indicating), and Mr. Simmons was standing in this particular area here. Where did that come from? We heard Agent Frazier tell you that there was a crack or a shatter of

Reference copy, JFK Collection: HSCA (Rg 233)

1 the windshield on the inside and
2 that it had lost its force and
3 expended itself into fragments and
4 merely cracked the window, because
5 he told Mr. Dymond that he found
6 lead traces on the inside of the
7 windshield. But how does a frag-
8 ment that doesn't have enough
9 force, or pieces of fragments that
10 don't have enough force to crack
11 the windshield all the way through,
12 get from this area all the way over
13 to here (indicating)? From this
14 area all the way over to here (in-
15 dicating).

16 Then we have the testimony of Dr.

17 Nichols again in regards to what
18 was found by Colonel Finck at the
19 autopsy in regard to the head in-
20 jury. You heard Dr. Finck, or
21 Colonel Finck, tell you absolutely
22 every time you find that beveling
23 and cratering it is positively a
24 hole of entrance. You heard Dr.
25 Nichols tell you that this is not

Reference copy, JFK Collection: HSCA (RG 233)

1 always the case. In the case of
2 a 22-caliber he said he's even used
3 the same Exhibit that Mr. Dymond
4 had, the one that was drawn by
5 Colonel Finck, prepared by Colonel
6 Finck. And you heard Dr. Nichols
7 tell you in the area of 6.5 pro-
8 jectiles it doesn't always have to
9 be beveling or cratering. And in
10 answer to one of Mr. Alford's
11 questions, Dr. Nichols said that
12 the beveling or cratering effect
13 could be caused by secondary
14 missiles. By that they mean frag-
15 ments of bone flying through or
16 moving through this compressed area
17 that your head is in, or at least
18 a fragment coming out, because all
19 throughout the testimony of Dr.
20 Finck -- Colonel Finck, "patholo-
21 gist," there is left a great amount
22 to be desired, gentlemen, as to
23 what type of autopsy was performed
24 on the President of the United
25 States.

Reference copy, JFK Collection: HSCA (RG 233)

1 There was some three-quarters by one-
2 half inch rectangular object in
3 his brain. The left side of his
4 brain wasn't even examined. I
5 know Dr. Finck tells us that he
6 thinks maybe Commander Hughes did
7 that, but he doesn't know.

8 You know what else he told us? He told
9 us that the brain of the President
10 was removed through the hole in
11 the head. This is really preserv-
12 ing the brain for examination, tak-
13 ing it through a five-inch hole
14 in the head. This was some
15 autopsy! This was some autopsy!

16 Having spoken, gentlemen, about the
17 head of the President, I submit to
18 you that because of what you your-
19 self can see in the Zapruder film
20 -- and if you don't think -- take
21 one moment of your time -- the
22 President was in fact moving back-
23 wards -- may I have the screen put
24 up, Your Honor, please?

25 I'm going to show you a few slides,

Reference copy, JFK Collection: ESCA (RG 233)

1 gentlemen, of frames 312 through
2 317.

3 THE COURT:

4 I would assume that when you are ready
5 you will tell me and I will have
6 the lights doused. Is that right?

7 MR. OSER:

8 Yes, if Your Honor, please.

9 Now, gentlemen, this purports to be
10 frame 312 of the Zapruder film.
11 At this particular time, I call
12 your attention to the distance be-
13 tween the back of the President
14 and the seat of the limousine,
15 which Shaneyfelt did not measure.
16 He said it was his impression that
17 he was shot from the back, but the
18 photographic experts did not
19 measure the distance between the
20 Presidents' shoulder and the back
21 of the seat.

22 Now I call to your attention this white
23 area right here that I am pointing
24 to -- now you can see the white of
25 this area right here is beginning

Reference copy, JFK Collection: ESCA (Pg 233)

1 to be a little larger. Still
2 notice the area between the left
3 shoulder of the President and the
4 back seat of the automobile.

5 THE COURT:

6 Don't you mean the right shoulder?

7 MR. OSER:

8 No, sir, I mean the left shoulder right
9 now, Your Honor, closest to Jackie
10 Kennedy's arm as well as his right
11 shoulder. Of course, this is
12 frame 313.

13 Notice now, gentlemen, the white area
14 or the reflection on the leather
15 upholstery to the back of the
16 President, 1/18.3 of a second
17 after he's shot, and what happens
18 to that area.

19 Look at the position now that the Presi-
20 dent's shoulders are in, if he is
21 not being driven back and to the
22 left. His right shoulder is
23 further forward in this area.

24 He's now gone.

25 Look where the President's shoulder is

1 now burrowing back into the
2 leather upholstery where that re-
3 flection was seen in that photo-
4 graph. It's now gone. The next
5 slide indicates the President, be-
6 sides the movement of his shoulders,
7 -- after close examination of these
8 slides made from the original film
9 -- proved that he is moving back-
10 wards and to the left as indicated
11 in his position on the back of the
12 seat in this particular frame.

13 Look where his shoulders are now, gentle-
14 men. His right arm is now raised
15 in this position. His left
16 shoulder you cannot see, because
17 it's dug into the seat.

18 That's it. Lights, please.

19 I submit to you, gentlemen, besides the
20 viewing of the Zapruder film in
21 motion indicating the back and to
22 the left, I also submit to you what
23 you just saw on the slides in
24 reference to the motion of the
25 President's shoulders coming

Reference copy, JFK Collection: HSCA (RG 233)

1 around, his hand going up, his left
2 shoulder burrowing into the back of
3 the limousine or the leather
4 upholstery, and that shiny reflec-
5 tion from the sun disappearing when
6 his body covers it.

7 So, gentlemen, from what we have pre-
8 sented in regard to the head area,
9 the testimony of Dr. Nichols, the
10 testimony of the Zapruder film, the
11 testimony of the witnesses, what
12 do we have now? We now have three
13 people and we now have three guns.
14 From what you have heard from this
15 witness stand by the witnesses pre-
16 sented to you from Dealey Plaza, I
17 submit to you, you have, in answer
18 to that question, three people and
19 three guns, and in having three
20 people and three guns, you have,
21 gentlemen, a triangulation of fire,
22 a triangulation of fire that was
23 testified to from this witness
24 stand that is exhibited by all of
25 this evidence, all the photographs,

Reference copy, JFK Collection: HSCA (Rc 233)

1 the Zapruder film. We have the
2 triangulation of fire, because who
3 expressed it better than a person
4 who was there? A person, who, in
5 my opinion, was the most believ-
6 able witness in this entire case.
7 And of course, that was Mrs. Gail
8 Newman, who is a housewife with
9 two children. You can see them
10 in this particular picture pro-
11 tecting their children (indicating)
12 And what did she say from the wit-
13 ness stand, not in answer to a
14 question by the State, but in
15 answer to a question by the De-
16 fense?

17 "We were caught in a cross fire, we
18 were caught in a cross fire," and
19 that's exactly what they were
20 caught in. That's exactly the
21 results of three people with three
22 guns causing the three types of
23 wounds as I have described here,
24 because otherwise it is mathematic-
25 ally and scientifically impossible

1 for one person with one gun to do
2 the results that happened in Dealey
3 Plaza on November 22, 1963, by
4 what I showed you before as to
5 where the location of one gun had
6 to be. Mathematically and
7 scientifically, it was not the
8 sixth floor of the Texas School
9 Book Depository Building, it
10 couldn't be, and if this case was
11 reconstructed with all the evi-
12 dence that was available and the
13 lateral angles were found out, it
14 would be shown that one of the
15 guns was certainly not in the
16 sixth floor of the Texas School
17 Book Depository Building, and one
18 of the guns was certainly the
19 cause of a frontal shot. You saw
20 it in the Zapruder slides just now.

21 And we have, gentlemen, the triangula-
22 tion, the triangulation (demon-
23 strating), and where have you heard
24 the triangulation before? You have
25 heard the triangulation testified

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to in this particular trial prior to, before we got to the area of Dealey Plaza, a triangulation described when the Defendant, Clay Shaw, was present when it was being talked about.

Again, it seems a strange circumstance, as Mr. Alcock pointed out to you some odd happenings about what Perry Russo said, evolved from this witness stand. It seems strange, doesn't it, gentlemen, that a triangulation of fire was talked about, and I submit to you we have proven a triangulation of fire resulted from the conspiracy and the agreement that was hatched with the defendant Clay Shaw present.

Thank you.

Reference copy, JFK Collection: ESCA (RG 233)