

Page 1

Page

CHARLES A. CRENSHAW, M.D.,
AND GARY SHAW,
PLAINTIFFS,
VERSUS
LAWRENCE SUTHERLAND, ET AL.,
DEFENDANTS.

NO. 73-93
IN THE DISTRICT COURT OF
JOHNSON COUNTY, TEXAS
18TH JUDICIAL DISTRICT

VIDEOTAPED
ORAL DEPOSITION
OF
ROBERT A. LIVINGSTON, M.D.

ANSWERS AND ORAL DEPOSITION OF ROBERT S. LIVINGSTON,
M.D., a witness produced at the instance of the Plaintiffs,
taken in the above styled and numbered cause on the 19th
day of November, 1993, at 12:00 o'clock p.m., before SUSAN
S. SOUDIN, a Certified Shorthand Reporter in and for the
State of Texas, at the offices of Strasburger & Price,
located at 901 Main Street, NationsBank Plaza Building, in
the City of Dallas, County of Dallas, State of Texas, by
Notice hereto attached, and in accordance with the Texas
Rules of Civil Procedure and the stipulations hereinafter
set forth.

INDEX
WITNESS: ROBERT S. LIVINGSTON, M.D.

Direct Examination By Mr. Kizzia Page 9
Cross Examination By Mr. Watler Page 38
Cross Examination By Mr. McGraw Page 155
Cross Examination By Mr. Riddle Page 238
Recross Examination By Mr. Watler Page 241

EXHIBIT NO. MARKED

Deposition Exhibit 1 Page 8
Deposition Exhibit 2 Page 249
Deposition Exhibit 3 Page 249
Deposition Exhibit 4 Page 249
Deposition Exhibit 5 Page 249
Deposition Exhibit 6 Page 249
Deposition Exhibit 7 Page 66
Deposition Exhibit 8 Page 103
Deposition Exhibit 9 Page 124
Deposition Exhibit 10 (Not marked or attached)
Deposition Exhibit 11 Page 212

Page 2

Page 5

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INDEX
(Continued)

Witness's Signature Page 250
Jurat Page 250
Corrigendum Page 251
Reporter's Certificate Page 252

Page 3

Page 6

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MR. GARY SHAW
MS. LAUREL WILSON, VIDEOGRAPHER

AGREEMENTS

AS PER RULE 11, the following agreements were agreed
to by and between the parties hereto, through their
respective attorneys appearing herein:

IT IS HEREBY agreed by and between the parties hereto,
through their attorneys appearing herein, that any and all
objections to any question, except as to form, or answer,
except as to responsiveness, contained herein may be made
upon the offering of this deposition in evidence upon the
trial of this cause with the same force and effect as
though the witness were present in person and testifying
from the witness stand.

IT IS FURTHER agreed by and between the parties
hereto, through their attorneys appearing herein, that this
deposition may be signed before any Notary Public and
thereafter returned into Court and used upon the trial of
this cause with the same force and effect as though all
requirements of the Rules and Statutes with reference to
signature and return had been fully complied with.

IT IS FURTHER agreed by and between the parties
hereto, through their attorneys appearing herein, that if
the deposition is not signed and filed prior to any hearing
in this cause, that said deposition or a certified copy
thereof may be used on the trial of this cause with the

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Page 7

1 same force and effect as though the same had been read and
2 signed by said witness.

Page 7

Page 10

1 THE WITNESS: Bullet and shrapnel
2 wounds. Then I came out of the service and taught
3 Neurophysiology at Yale University School of Medicine. I
4 taught Psychiatry at Harvard Medical School. I taught
5 Anatomy and Physiology of the nervous system at UCLA when
6 that medical school was starting.

7 And then for several years I was
8 Scientific Director in the U. S. Public Health Service for
9 two of the National Institutes of Health, the National
10 Institute for Mental Health and the National Institute for
11 Neurological Diseases and Blindness. And then I was
12 recruited to be the first professor in the medical school
13 at UCSD when that school started, and I established the
14 Neurosciences Department, as I mentioned.

15 BY MR. KIZZIA:

16 Q. Let me show you what I've had marked for
17 identification purposes as Deposition Exhibit 1. Could you
18 identify that for us, please.

19 A. Yes.

20 Q. What is it?

21 A. It's a short Curriculum Vitae of myself, dated
22 this year.

23 Q. When you say a short Curriculum Vitae, what do
24 you mean?

25 A. Well, my Curriculum Vitae as a whole is about a

Page 8

Page 11

PROCEEDINGS

2 VIDEOGRAPHER: We're on the record.

3 ROBERT B. LIVINGSTON, M.D.,

4 the witness hereinbefore named, being first duly cautioned
5 and sworn to testify the truth, the whole truth and nothing
6 but the truth, testified on his oath as follows:

7 (Deposition Exhibit 1 was marked.)

8 DIRECT EXAMINATION

9 BY MR. KIZZIA:

10 Q. Would you please introduce yourself to the court
11 and jury.

12 A. My name is Robert B. Livingston. I'm a medical
13 doctor.

14 Q. Do you understand that you're testifying under
15 oath today just as if you were before the court and jury
16 and that your deposition may be presented in court in this
17 case?

18 A. I do.

19 Q. Dr. Livingston, my name is Brad Kizzia, and I
20 represent Dr. Charles Crenshaw and Gary Shaw in this case.
21 You and I have never met before?

22 A. No.

23 Q. Just a few moments ago before the deposition; is
24 that right?

25 A. Yes, correct.

Page 9

Page 12

1 Q. And we've never even spoken before; isn't that
2 right?

3 A. Correct.

4 Q. Please tell us where you live and work and what
5 you do.

6 A. I live in San Diego, California. I am a retired
7 Professor of Neurosciences at the University of California,
8 San Diego, Professor of Neurosciences Emeritus. I was the
9 founder of that Department of Neurosciences, the first in
10 the world -- and there are now about fifty of them -- at
11 the start of the medical school.

12 Q. And what medical school is that?

13 A. University of California, San Diego, UCSD.

14 Q. Could you please describe your educational
15 background.

16 A. Yes. I was educated as an undergraduate at
17 Stanford University, and I went to medical school at
18 Stanford. I had a residency in internal medicine at
19 Stanford. Then I was in World War II, which was very
20 educational. I was fortunately assigned to create a
21 hospital for wounded Okinawans and wounded Japanese
22 prisoners of war during the Battle for Okinawa. So from
23 Love Day through to the end, I was there and had a lot of
24 experience with bullet and shrapnel wounds.

25 MR. MCGRAW: I'm sorry?

1 Academy and the National Research Council were asked to
2 help in the formation of the Atomic Energy Commission, the
3 National Science Foundation, President's Science Advisory
4 Office, Office of Science Advisor to the Department of
5 State and many other organizations at that time, so I had a
6 chance to sit in on all the committees and help write some
7 of the documents that relate to how the government and
8 science interfold.

9 Q. Are there any particular awards or achievements
10 that you have received or obtained that you haven't
11 mentioned?

12 A. Oh, well, this is a little bit funny. In
13 Okinawa, I used out-of-date blood that would have had to be
14 destroyed or poured in the ground for wounded women and
15 children if it could be cross-matched and if it wasn't too
16 hemolyzed. And one day a group of doctors came to my
17 hospital, and I assigned them duties as I did when visitors
18 came, and they came around later to tell me that they had
19 come at the request of General Christ to give me a
20 court-martial. And I asked what this was about, and they
21 said it was for giving American blood to Gooks. And I
22 said, well, you can see that I'm giving blood to wounded
23 Okinawans and just women and children, and it's very
24 necessary for life-saving purposes, but it's blood that
25 cannot be used for Americans because it's out-of-date, too

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old.

2 And they went back to General Christ after
3 working for me again in the afternoon. We were always
4 short of medical help, so I put them to work again. And
5 they put in for a Metal of Merit in place of a
6 court-martial, and the compromise was a bronze star from
7 the Secretary of the Navy. But it was an interesting
8 experience, and it relates to my knowledge about wounding,
9 and it's pertinent to the Kennedy assassination.

10 Q. Could you explain a little bit more just exactly
11 what neuroscience is?

12 A. Well, this is an interesting name that was
13 invented in about 1962 to offer a description of an
14 occupation, a profession, that was attempting to bring all
15 of the neurological disciplines and neuropsychological
16 disciplines together. I've always believed that brain and
17 mind were not a mind/body problem, but brain was
18 functioning, and mind was our subjective experience of that
19 functioning, and that they're so intimately tied together
20 that I'm sort of a monist in that sense.

21 Incidentally, I should mention that I am the
22 Science Advisor to the Dalai Lama. He had invited me to
23 some conferences between Western neuroscientists and
24 accomplished Buddhists, and I participated in three of
25 these conferences. We're going to have a fourth in April,

Page 13

1 I think, at Stanford University. At any rate, he asked me
2 if I would be his Science Advisor, and I'm very honored in
3 that respect. Neurosciences -- now, I didn't complete that
4 entirely. It's probably the fastest-growing subdiscipline
5 in medicine. It's very large. Now, there are -- there's a
6 Society of Neurosciences, which was begun about 1975, and
7 it's one of the largest annual meetings in professional
8 medical fields, in medical and basic sciences, and there
9 are now neurosciences departments, maybe fifty altogether
10 in the world, although ours was the first.

11 There are neurosciences societies in all parts of
12 the world, so it's caught on. I think the person who is
13 really most responsible for this is Professor Francis
14 Schmitt, who established the Neurosciences Research
15 Program, which I mentioned earlier, at MIT, and -- this
16 body of about thirty-five, thirty-four neuroscientists from
17 all over the world. It's an interesting profession because
18 nobody knows how the brain works, and so it's an easy way
19 to make a living.

20 Q. Dr. Livingston, did you personally know President
21 Kennedy?

22 A. Yes. I had met him several times and been
23 invited to the White House and invited to the British
24 Embassy. I remember my wife and I were dancing quite close
25 to Jackie and Jack, and I felt very happy and comfortable

Page 14

1 knowing a number of members of the cabinet and high
2 officials. I participated in some of Robert Kennedy's
3 Hickory Hill College meetings, and, in fact, on the night
4 of October 15th, I gave a talk to this group in Robert
5 McNamara's home. And that evening McNamara was awakened to
6 be told that there were photographs from U-2 over flights
7 of Cuba that there were missiles in Cuba. So that was the
8 beginning of the Cuban Missile Crisis.

9 Q. That was in 1962?

10 A. '62.

11 MR. MCGRAW: I'm going to object to the
12 response as nonresponsive, everything after the word yes.

13 MR. WATLER: Join.

14 BY MR. KIZZIA:

15 Q. Where were you employed on November 22nd, 1963?

16 A. I was in the Public Health Service employ and --

17 Q. What was your position?

18 A. I was a Scientific Director for two of the
19 National Institutes of Health -- I mentioned them -- and
20 later was First National Scholar in the National Library of
21 Medicine, which is on the same campus as the offices of the
22 Public Health Service of the National --

23 Q. As the Scientific Director for two of the
24 National Institutes of Health, where did you -- where were
25 you physically located?

Page 15

1 A. In building ten, but then I had laboratories and
2 offices scattered around. When I joined the Public Health
3 Service, there was the National Institute of Mental Health,
4 and Seymore Kety was my predecessor as Scientific Director.
5 And just at that time the National Institute of
6 Neurological Diseases and Blindness was being formed, and
7 one of my requests was that we be able to consolidate the
8 intramural research programs for both of those institutes.
9 So my location was in building ten, but we had for the two
10 institutes several scattered laboratories. There were, I
11 think, thirteen different laboratories.

12 Q. Was building ten in Washington, D. C.?

13 A. Washington, D. C. And then I had responsibility
14 also for the Lexington Hospital for narcotic drug addiction
15 problems and a group in Baltimore related to the same
16 thing, so my office required me to certify to the Bureau of
17 Narcotics what were addicting substances in the case of new
18 drugs that came out and so forth. And that was also my
19 responsibility to the United Nations for the international
20 identification of narcotic-addicting drugs.

21 Q. Where were you when you first learned that
22 President Kennedy had been shot on November 22nd, 1963, in
23 Dallas?

24 A. I was on a site visit at Harvard at the
25 Massachusetts General Hospital walking in a hallway, and

Page 16

1 somebody said the President had been shot. We retreated to
2 a room where we could have a radio.

3 Q. Okay.

4 A. And --

5 Q. Let me just ask you, what did you do when you
6 heard someone report that President Kennedy had been shot
7 in Dallas?

8 A. Well, I attended the radio right away, and then I
9 made plans to leave as soon as possible to take the shuttle
10 back to Washington, D. C. And I got the taxi driver to
11 turn his radio onto news so I could hear it on the way to
12 the airport. And similarly, when I left Washington
13 National Airport to go home in Bethesda, I listened to the
14 radio, and I listened to the radio intently at home that
15 whole afternoon.

16 Q. Where was your home at that time?

17 A. On Burning Tree Road in Bethesda, about two miles
18 from the NIH campus.

19 Q. Bethesda, Maryland, is right outside of
20 Washington, D. C.?

21 A. Right. And just across the street from the --
22 the Bethesda Naval Hospital is just across the street from
23 the NIH.

24 Q. During the time that you were listening to and
25 paying attention to news reports concerning the

Page 17

1 assassination of President Kennedy, did you learn of
2 reports concerning a throat wound?

3 A. Yes. The throat wound was repeatedly mentioned,
4 and it was said to be a small wound in his neck to the
5 right of his trachea and a little bit below the larynx.

6 Q. Did you at that time have knowledge and
7 experience with gunshot wounds?

8 A. I mentioned the Okinawa experience deliberately.
9 Also, I had studied the medical literature on ballistic
10 wounding, so I knew very well that a small wound in the
11 neck would need to be a wound of entrance. In soft tissue
12 like neck tissue, a wound of exit will make a cruciate or
13 star-shaped splitting of the skin and often protrusion of
14 subcutaneous tissue out the wound. And I had in Okinawa
15 experienced with literally hundreds, several hundreds, of
16 bullet and shrapnel wounds. In fact, I was operating in
17 that hospital when two doctors who were assisting me were
18 wounded by shrapnel from Kamikaze planes coming overhead,
19 and we couldn't leave the operating situation, and one of
20 them lost his left hand, the use of his left hand, and the
21 other one lost the use of his right shoulder, and I was
22 fortunate not to be hit.

23 Q. Based on --

24 A. I've seen --

25 MR. WATLER: Objection. Nonresponsive

Page 18

Page 19

1 to the question.
 2 MR. MCGRAW: I'll join in that
 3 objection.
 4 THE WITNESS: I have seen wounds close
 5 at hand as they occurred and -- very fresh wounds, and I've
 6 sewn up lots of them, and I can tell an entry from an exit
 7 wound --
 8 MR. MCGRAW: Objection. Nonresponsive.
 9 THE WITNESS: -- expertly.
 10 MR. WATLER: And I'll join that.
 11 Could I ask the court reporter to mark
 12 this passage in her notes, because I'm going to come to
 13 back it.
 14 THE WITNESS: Well, I object to this
 15 being nonresponsive. I think that the question is relative
 16 to -- pertinent to the issue of the neck wound.
 17 BY MR. KIZZIA:
 18 Q. Dr. Livingston, I'll ask you questions and give
 19 you an opportunity to fully explain that. You were
 20 describing your experience with gunshot wounds. Was the
 21 information in the reports that you listened to and
 22 received about the throat wound descriptive of an entrance
 23 wound?
 24 A. Yes. And, in fact, several doctors were quoted,
 25 including Dr. Perry and Dr. Crenshaw and Dr. Clark, as

Page 20

1 indicating it was a wound of entry in their opinion, and
 2 they had a lot of experience at Parkland Hospital with
 3 gunshot wounds.
 4 MR. MCGRAW: I'll object on the ground
 5 that the answer was nonresponsive to the question.
 6 MR. WATLER: I join that.
 7 BY MR. KIZZIA:
 8 Q. Based upon the information that you received
 9 about the throat wound at that time, and based upon your
 10 knowledge of and experience with gunshot wounds, did you
 11 form an opinion at that time on November 22nd, 1963, as to
 12 whether or not that throat wound probably was an entrance
 13 wound?
 14 A. Yes, I assumed it was an entrance wound, and that
 15 was in agreement with the testimony, both descriptive and
 16 categorical, from Parkland Hospital.
 17 MR. WATLER: Objection. Nonresponsive.
 18 MR. MCGRAW: I'll join that.
 19 BY MR. KIZZIA:
 20 Q. That's all right. They're objecting because my
 21 question asks for you to state whether or not you had an
 22 opinion, you said yes, then you went ahead to state your
 23 opinion. So just to deal with their objections, let me ask
 24 you, what was your opinion at that time as to whether or
 25 not the wound in President Kennedy's throat was a wound of

Page 21

1 entrance or a wound of exit?
 2 A. My opinion was that it was a wound of entrance.
 3 Q. And do you feel like, based upon your knowledge
 4 and experience, you can tell the difference between an
 5 entrance wound and an exit wound?
 6 A. Absolutely.
 7 Q. Why do you think that the throat wound that
 8 President Kennedy received was a wound of entrance?
 9 A. Well, unless their description of it as a small
 10 wound just a few millimeters long in soft tissue -- unless
 11 their description of it was incorrect, it had to be a wound
 12 of entrance.
 13 Q. And that's based upon your knowledge and
 14 experience?
 15 A. Correct.
 16 Q. And that is the opinion that you formed based
 17 upon the information you received and your knowledge and
 18 experience on November 22nd, 1963?
 19 A. Correct.
 20 Q. Based upon your knowledge and experience, do you
 21 still to this day think that the throat wound was an
 22 entrance wound?
 23 A. Yes.
 24 Q. Dr. Crenshaw has said in his book, JFK:
 25 Conspiracy of Silence, that the wound in President

Page 22

1 Kennedy's throat that he saw at Parkland Hospital on
 2 November 22nd, 1963, appeared to be a wound of entrance.
 3 Do you think that Dr. Crenshaw was right?
 4 MR. WATLER: Objection.
 5 Mischaracterizes the book if that's what you're attempting
 6 to characterize by your question.
 7 BY MR. KIZZIA:
 8 Q. Go ahead. You can answer my question. Do you
 9 think that Dr. Crenshaw was right, based upon your
 10 knowledge and experience and the information that you
 11 received?
 12 A. Yes.
 13 Q. What is the significance of the wound in
 14 president Kennedy's throat being a wound of entrance as
 15 opposed to a wound of exit?
 16 A. Well --
 17 MR. WATLER: Objection. Calls for
 18 speculation.
 19 BY MR. KIZZIA:
 20 Q. Go ahead. You can answer.
 21 A. It would require a gunman to have assaulted the
 22 President from in front.
 23 Q. Going back to November 22nd, 1963, did you learn
 24 that the autopsy on President Kennedy's body was going to
 25 take place at Bethesda Naval Hospital?

Page 23

1 A. Yes, that was announced in the news.
 2 Q. Did you take any action in your capacity as
 3 Science Director for the National Institute of Health after
 4 you learned about the throat wound and that the autopsy was
 5 to occur at Bethesda Naval Hospital?
 6 A. Yes, I did.
 7 Q. What action did you take?
 8 A. I telephoned over to talk with the person who
 9 would be doing the autopsy.
 10 Q. You called Bethesda Naval Hospital?
 11 A. Yes, sir.
 12 Q. When was that?
 13 A. I can't tell you the exact time, but it was well
 14 before the body came up from Dallas, from Dallas to -- from
 15 Love Field to Andrews Air Force Base. It was, I would
 16 guess, around 4:00 or something like that, 3:30 or 4:00.
 17 Q. Who did you talk to at Bethesda Naval Hospital?
 18 A. Well, I talked to the operator first, and then
 19 she put me through to the Officer of the Day, whose name I
 20 don't recollect, and he put me through right away to
 21 Commander James Humes.
 22 Q. Did you talk to Commander Humes before President
 23 Kennedy's body arrived at Bethesda Naval Hospital?
 24 A. Correct.
 25 MR. WATLER: Objection. Calls for

Page 24

1 speculation.
 2 MR. RIDDLE: Join in that objection.
 3 THE WITNESS: Well, I'm sorry, that's
 4 not speculation.
 5 BY MR. KIZZIA:
 6 Q. Well, let me ask you, do you know for a fact that
 7 when you spoke with Commander Humes that President
 8 Kennedy's body had not arrived?
 9 A. Yes.
 10 Q. How do you know that?
 11 A. Because I looked at the television when my friend
 12 Robert McNamara was greeting the arrival of the plane, and
 13 the lowering of the casket and the greeting of Jackie and
 14 Robert Kennedy and so forth.
 15 Q. And that was after you had already spoken with
 16 Commander Humes?
 17 A. Oh, yeah, quite awhile after. I would guess
 18 maybe a couple of hours, something like that.
 19 Q. What did you tell Commander Humes?
 20 A. I introduced myself as I had to the Officer of
 21 the Day, and I said I was very concerned about the autopsy,
 22 and I wondered if he had heard news from Parkland Hospital
 23 about the neck wound. He said he had heard very little
 24 news because he had been concentrating on preparing for the
 25 autopsy. And I told him that it had been reported --

000200

Page 25

1 repeatedly by the doctors directly and by indirect news
2 media that the President had a small wound in his neck when
3 he was brought into the Parkland Hospital. I told him that
4 in my experience that would be a wound of entry, and I told
5 him it would be very important for the nature of the
6 autopsy to dissect that wound, to follow it accurately and
7 completely and to find any bullet or fragments of bullets
8 that -- of a bullet that made that wound of entry.

9 Q. Did Commander Humes say anything during that
10 conversation to suggest in any way that he didn't
11 understand what you were telling him?

12 A. He seemed --

13 MR. MCGRAW: Objection. Leading.

14 THE WITNESS: He seemed very
15 comfortable and responsive, and we had actually a cordial
16 conversation, and he seemed receptive and interested. I
17 went on to elaborate that I thought -- the reason impelling
18 my call was that this wound of entry would imply an attack
19 by a gunman from in front of the President, and I thought
20 that that was of substantial importance in relation to the
21 autopsy.

22 About that time he went off the phone
23 for a little while, and when he came back on the telephone
24 again, he said, I'm sorry, Dr. Livingston, I can't continue
25 the conversation, and, in fact, the FBI, he said, won't let

Page 26

1 me. And then I wished him well and we hung up. It was the
2 end of a cordial conversation. I didn't attach much
3 importance to the FBI which might have had other things for
4 him to do, but with the turn of events as they proceeded,
5 it made me realize that it was already in nonmedical
6 control of the autopsy at that time.

7 MR. WATLER: I object to the answer as
8 nonresponsive to the question. I also object that it's
9 speculation.

10 BY MR. KIZZIA:

11 Q. Based upon your conversation with Commander
12 Humes, Dr. Livingston, do you have any doubt that before
13 the autopsy he knew about the existence of the wound in
14 President Kennedy's throat?

15 A. Well, I told him quite plainly, and I know he
16 understood that.

17 Q. Do you have any doubt that Commander Humes
18 understood the importance of dissecting that throat wound
19 and tracking the bullet's path and trajectory?

20 MR. WATLER: Objection. Calls for --

21 MR. NELSON: Objection. Calls for
22 speculation on Dr. Humes' thoughts.

23 MR. WATLER: And I would object to the
24 previous question and answer on the same basis.

25 MR. RIDDLE: I'll join that.

Page 27

1 MR. NELSON: Join the objection.

2 MR. MCGRAW: I'll join them all.

3 BY MR. KIZZIA:

4 Q. Go ahead.

5 A. I felt no awkwardness at all between myself and
6 Commander Humes when we were talking, and he seemed to be
7 open-minded and interested and concerned, and it's just
8 that he interrupted the conversation shortly after that.

9 Q. Dr. Livingston, Dr. Crenshaw and other doctors
10 who were on the trauma team at Parkland Hospital November
11 22nd, 1963, have said and/or indicated in reports or
12 testimony that cerebellar tissue was extruding from
13 President Kennedy's head wound. Have you seen information
14 like that?

15 A. Yes.

16 Q. Okay.

17 A. When I was listening to --

18 MR. WATLER: Objection. I mean,
19 there's no predicate laid for the witness to give any kind
20 of answer based on personal knowledge. I mean --

21 MR. KIZZIA: I haven't asked the
22 question yet. I just asked him if he had received such
23 information, and he said yes.

24 MR. WATLER: Well --

25

Page 28

1 BY MR. KIZZIA:

2 Q. Assuming that to be correct, what area of the
3 head would that involve?

4 A. Well, the cerebellum is in the posterior facet,
5 the hindmost part of the brain. It's called the hind
6 brain. And it and the brain stem are encased in this part
7 of the skull that lies below it, what is called the
8 tentorium. It's a very dense, dural covering of the
9 cerebellum, and it surrounds the -- it covers the
10 cerebellum completely and surrounds the brain stem
11 connecting the posterior facet from the main hemisphere and
12 chamber of the cranium.

13 MR. NELSON: I want to object, and
14 maybe I need a little bit of clarification. I think the
15 doctor was talking about cerebellum, and Brad was talking
16 about cerebella. And if that's the case, if you're talking
17 about two different things, then I want to object as
18 nonresponsive.

19 MR. KIZZIA: Well, let's just make the
20 record real clear.

21 BY MR. KIZZIA:

22 Q. Dr. Livingston --

23 A. It's cerebellum.

24 Q. Right. Where is the cerebellum on the head?

25 A. It's in the posterior facet. It's the hindmost

Page 29

1 part of the brain. It embraces the brain stem with six --
2 three on each side -- strong peduncular attachments.

3 Q. What do you call the brain tissue that makes up
4 the cerebellum? What type of tissue is that?

5 A. Well, it's brain tissue, and it's very
6 characteristic. It has stripes that run across both sides
7 of the hemispheres of the cerebellum, and it is very
8 distinctive because of the folia that represent these -- or
9 constitute these stripes.

10 Q. What is a neurosurgeon?

11 A. A neurosurgeon is a gentleman who practices
12 operations on the nervous system from the peripheral nerves
13 or spinal cord to the brain and, most characteristically by
14 tradition, brain surgery.

15 Q. Based upon your knowledge and experience in the
16 medical profession, do you think that a neurosurgeon or
17 physician experienced with treating head wounds is likely
18 to confuse cerebellar tissue with other brain tissue?

19 MR. MCGRAW: Objection. Calls for
20 speculation. No foundation.

21 MR. RIDDLE: I join that.

22 MR. MCGRAW: Same objection.

23 MR. NELSON: Join.

24 THE WITNESS: Well, let me say I'm a
25 courtesy member of the Harvey Cushing Society, which is the

Page 30

1 oldest American Society of Neurological Surgeons since
2 1957, and I just got back from Mexico in Acapulco, where
3 there was a world congress of neurosurgeons. I gave a
4 plenary lecture there and some workshops. I'm well known
5 to the neurosurgical community. My brother was a
6 neurosurgeon who trained at Harvard and practiced in Boston
7 with the Lahey Clinic, and my father was a neurosurgeon. I
8 have many intimate friends and have lots of experience in
9 the operating room, as well as in doing research on
10 clinical investigations of persons with exposed brain
11 operations, implantation of electrodes and so on.

12 MR. WATLER: Objection. Nonresponsive.

13 MR. RIDDLE: Objection.

14 MR. MCGRAW: Same objection.

15 MR. NELSON: Join.

16 BY MR. KIZZIA:

17 Q. Based upon your knowledge and experience, do you
18 think that cerebellar tissue is distinctive from other
19 brain tissue?

20 A. It's very distinctive.

21 Q. Could you explain that?

22 A. Unless it were --

23 MR. WATLER: Let me object to -- excuse
24 me. Dr. Livingston, from time to time it's necessary for
25 the attorneys to make objections for --

909262

Page 31

1 THE WITNESS: Sure.
 2 MR. WATLER: - the record, if you
 3 would permit us. You will get a chance to make -- give
 4 your answer if you just permit us to give our objections on
 5 the record.
 6 THE WITNESS: Yeah. I'm a neophyte
 7 and --
 8 MR. WATLER: Okay. Well, it's just a
 9 procedure that the lawyers follow --
 10 THE WITNESS: Sure.
 11 MR. WATLER: - and from time to time
 12 we may object to the question, we may object to the answer,
 13 and if you just -- in cases where we're objecting to an
 14 answer, if you will just hold your -- or excuse me,
 15 objecting to the question, if you will just hold your
 16 answer --
 17 THE WITNESS: Okay.
 18 MR. WATLER: - until we've had a
 19 chance to state our objection, then you can proceed to give
 20 your answer.
 21 THE WITNESS: Sure.
 22 MR. WATLER: It will all be on the
 23 record that way.
 24 THE WITNESS: Sure. Well --
 25 MR. WATLER: But -- and let me make my

Page 32

1 objection now, and then you can proceed to give your
 2 answer. But I object to the question as calling for
 3 speculation and lacking any foundation.
 4 MR. MCGRAW: I'll join in the
 5 objection.
 6 MR. NELSON: I'll join.
 7 MR. RIDDLE: Unanimous.
 8 BY MR. KIZZIA:
 9 Q. Dr. Livingston, are you speculating when you say
 10 that cerebellar tissue is distinctive?
 11 A. I'm not speculating at all.
 12 Q. Explain why you were not --
 13 A. I've taught Neuroanatomy for forty years, and I'm
 14 familiar with the cerebellum and the differences between it
 15 and cerebral tissue, and I don't think there's any
 16 difficulty in distinguishing these. The first time it was
 17 reported from Parkland Hospital, it was attributed to an
 18 orderly and then another -- from a nurse, and I discounted
 19 that testimony because I thought they might be not
 20 sufficiently familiar to be confident that cerebellum was
 21 sticking out of the wound.
 22 But even during the real time while the President
 23 was in Parkland, physicians attested that cerebellum was
 24 sticking out of the wound, and then I think all six of the
 25 doctors who were in Parkland have testified to that quite

Page 33

confidently. In fact, Dr. Crenshaw is quoted as having
 said that a large part of the cerebellum was hanging out by
 a small thread or a thin thread of tissue. Now, Dr. Kemp
 Clark, who is a neurosurgeon known to me, very creditable
 person, he would not be mistaken by identifying cerebellum
 sticking out of the tissue.

MR. RIDDLE: Objection to the last half
 of the question from the reports from Parkland on as being
 nonresponsive.

MR. WATLER: I object to all the
 question -- or all the answer.

MR. MCGRAW: I'll add objections based
 on speculation and lack of foundation.

MR. WATLER: And I would also add at
 this point, I think -- I'm sitting here again, once again,
 in a deposition in this case trying to figure out how this
 relates to a libel lawsuit against the Dallas Morning News,
 the American Medical Association and others. We're not
 here to retread the Warren Commission, we're not here to
 investigate the death of President Kennedy, we're not here
 to establish or determine whether there was a cover-up.
 How does this relate to your libel lawsuit?

MR. KIZZIA: Well, of course, I
 disagree with you, but I'm glad you're of that view,
 because I guess that means you're not going to be asking

Page 34

1 this witness any questions.
 2 MR. WATLER: Oh, I intend to
 3 cross-examine him. If you're going to offer him and put
 4 all this stuff --
 5 MR. KIZZIA: Well, I think that
 6 belies --
 7 MR. WATLER: - in the record, I'll
 8 examine him.
 9 MR. KIZZIA: That belies what you just
 10 stated then.
 11 MR. NELSON: I would like to join that
 12 whole round of objections that Paul got his conversation in
 13 the way of.
 14 BY MR. KIZZIA:
 15 Q. Doctor --
 16 MR. MCGRAW: And I would like to state
 17 for the record so that's it clear that any questions that
 18 are asked on cross-examination as a result of the questions
 19 that are on -- asked on direct examination should not be
 20 considered any kind of waiver of our view of what is
 21 relevant and what is not relevant in this lawsuit.
 22 MR. RIDDLE: And I agree with that
 23 statement.
 24 MR. MCGRAW: I think the law puts us in
 25 the --

Page 35

1 MR. NELSON: That stands for us.
 2 MR. MCGRAW: - superior position of
 3 letting you put anything you want to on the record, and
 4 then if we -- we object to it being irrelevant where it
 5 constitutes some sort of waiver if we go forward and
 6 cross-examine your witness or the testimony that you have
 7 offered.
 8 THE WITNESS: Well, I'm --
 9 MR. NELSON: All the attorneys agree on
 10 that.
 11 THE WITNESS: I want to say something
 12 here. I'm a truth seeker, and I've been all my life trying
 13 to work on this subject matter. And I can tell you
 14 microscopically and macroscopically distinctive differences
 15 between the cerebellar tissue and the rest of the brain.
 16 BY MR. KIZZIA:
 17 Q. Dr. Livingston, because of these objections that
 18 have been made by lawyers, I just want to give you another
 19 opportunity. Would you please explain to the court and
 20 jury why you think that cerebellar tissue, tissue from the
 21 cerebellum, is distinctive from other brain tissue.
 22 MR. WATLER: Object to the doctor's
 23 previous statement as being nonresponsive to any question.
 24 BY MR. KIZZIA:
 25 Q. Go ahead.

Page 36

1 A. The cerebellum has a completely different
 2 organization from the cerebral hemispheres. The cerebral
 3 hemispheres have large gyri and sulci and so forth and
 4 organization which I'm familiar with in terms of its
 5 embryogenesis on. And similarly the cerebellum has its
 6 own characteristics, including these horizontal markings
 7 and regularity of both macroscopic and microscopic
 8 structure that are so distinctive that it doesn't take a
 9 beginning medical student any length of time at all to
 10 understand the differences and recognize them.
 11 Q. Based upon your knowledge and experience, do you
 12 think it is likely that Dr. Kemp Clark, the neurosurgeon
 13 that you referred to earlier, is likely to have made a
 14 mistake in describing tissue from the cerebellum protruding
 15 from the wound?
 16 MR. WATLER: Objection.
 17 MR. RIDDLE: Objection. Calls for
 18 speculation.
 19 MR. MCGRAW: Also lacks foundation.
 20 BY MR. KIZZIA:
 21 Q. Go ahead and answer.
 22 A. No question in my mind about that.
 23 Q. Dr. Livingston, if you assume that the head wound
 24 that President Kennedy had was as described by Dr. Kemp
 25 Clark, Dr. Crenshaw and other physicians at Parkland, would

000263

Page 37

1 that be indicative, in your opinion, based upon your
2 knowledge and experience, of a shot having been fired from
3 the front or from the rear?
4 MR. WATLER: Objection. Speculation.
5 MR. McGRAW: Also lacks foundation.
6 MR. NELSON: Lacks foundation.
7 MR. RIDDLE: Join both objections.
8 BY MR. KIZZIA:
9 Q. Go ahead. You can answer.
10 A. Well, the wound in the occipitoparietal region,
11 the right side of the President's head, was a very large
12 wound. There's no question about that. And that's born
13 out by the testimony from Parkland and also from the
14 autopsy report and X rays and everything else. That could
15 be a wound of entrance, or it could be a wound of exit. It
16 is more characteristic of a wound of exit than it is a
17 wound of entrance, but it's quite possible that it could be
18 both.
19 MR. KIZZIA: Thank you, sir. I'll pass
20 the witness.
21 MR. RIDDLE: I can go now, or do you
22 want to take him?
23 MR. WATLER: Sure.
24 VIDEOGRAPHER: Can we take just a quick
25 break?

Page 38

1 (A recess was taken.)
2 VIDEOGRAPHER: We're back on the
3 record.
4 CROSS EXAMINATION
5 BY MR. WATLER:
6 Q. Dr. Livingston, my name is Paul Watler. I'm an
7 attorney, and I represent the Dallas Morning News, which is
8 one of the Defendants in this lawsuit. Do you understand
9 that, sir?
10 A. Yes, I hear you.
11 Q. Do you understand what I said?
12 A. Yes, I think so.
13 Q. Okay. What is your understanding of the nature
14 of this lawsuit?
15 A. Oh, I have no knowledge about it, really.
16 Q. You don't have any idea at all what this lawsuit
17 is about?
18 A. Well, I've heard Gary Aguilar and Jim Fetzer and
19 others talk about it, but I haven't read the JAMA articles,
20 and I haven't read the opposition arguments. I haven't
21 looked at the evidence relating to this suit. I don't
22 belong to the American Medical Association. I admire
23 George Lundgren (sic). I think he's been, by and large, a
24 very fine editor and a very astute man, but I can feel for
25 him. If most of the evidence out in the public domain is

Page 39

1 in one direction, it would be natural enough that reporting
2 by the Journal would reflect that.
3 Q. Well, let me ask you, you mentioned some names
4 there for me, Gary Aguilar and Jim McNamara, I believe you
5 said you had talked to about this lawsuit?
6 A. No, I haven't. They told me there is a lawsuit,
7 but I don't know more about it than that.
8 Q. And what did they tell you exactly?
9 A. Well, they have told me that there were a series
10 of articles in the JAMA, and they thought that they had a
11 number of errors and so forth, and they were trying to set
12 the record straight, but I don't know more than that.
13 Q. You said who was trying to set the record
14 straight? You said "they" were trying to set the record
15 straight. You're saying Gary Aguilar and Jim Fetzer were
16 trying to set the record straight?
17 A. Yes, I think so.
18 Q. Okay.
19 A. That's my impression.
20 Q. Okay. What action or what steps had Gary Aguilar
21 and Jim Fetzer supposedly taken?
22 A. I don't know.
23 Q. -- to set the record straight?
24 A. I don't know.
25 Q. Did they tell you that they --

Page 40

1 A. I have seen but not --
2 Q. -- encouraged --
3 A. -- read documents, no.
4 Q. Dr. Livingston, if you would -- somewhat similar
5 to what I was telling you earlier, that you need to wait
6 until we make objections, now I get the chance to ask the
7 questions. I'm not making --
8 A. Sure.
9 Q. -- objections. So if you will wait until I
10 finish my answer before you begin your --
11 A. Sure.
12 Q. But let me rephrase that. Let me -- wait until I
13 finish my question before --
14 A. Okay.
15 Q. -- you give me an --
16 A. Sure.
17 Q. -- answer, and I assure you, I'll give you a full
18 opportunity --
19 A. Thank you very much, Mr. Watler.
20 Q. -- to finish your answer. It's particularly
21 difficult in this setting because when we're both talking
22 at the same time, the court reporter has a very, very
23 difficult job.
24 A. Of course. I apologize.
25 Q. It's virtually impossible for her to take down

Page 41

1 two people talking at once, but that's what supposedly
2 she's doing when we both talk at once. So I will -- I
3 promise you I will do my best to wait until you finish
4 your answer before I give you my next question. If you
5 would --
6 A. I'll try to do my best.
7 Q. Thank you very much. I was asking you, I
8 believe, what -- if Gary Aguilar or Jim Fetzer had told you
9 that they had done anything to encourage this lawsuit.
10 MR. KIZZIA: No.
11 THE WITNESS: I don't know. I don't
12 know that.
13 BY MR. WATLER:
14 Q. You don't know that?
15 A. No.
16 Q. Who is Gary Aguilar?
17 A. Well, I've only met him recently this fall. He's
18 an ophthalmologist in San Francisco and has a creditable
19 reputation, but --
20 Q. Well, did you know him by reputation before you
21 met him?
22 A. No.
23 Q. So since you have met him you formed an opinion
24 as to what his credibility is?
25 A. Well, there are two ways. I have talked with

Page 42

1 people who know him better than I do and who knew his
2 record and so forth. For instance, I have a very close
3 friend who is an ophthalmologist in Los Angeles, and he
4 knows Gary Aguilar as a creditable --
5 Q. All I'm trying to establish is that it's since
6 you have met Mr. Aguilar that you formed an opinion as to
7 his credibility --
8 A. Yes.
9 Q. -- is that right?
10 A. Well, we've had some discussions that are
11 revealing to his intelligence and knowledge base.
12 Q. Okay. But that's been since you met him?
13 A. That's correct.
14 Q. Okay. When did you first meet Mr. -- or Dr.
15 Aguilar? And let me include with that any -- you may have
16 had telephone conversations with him or perhaps exchanged
17 correspondence with him. Let me rephrase my question to
18 include; when is the first time you had any direct contact,
19 whether or not it was a face-to-face meeting, with Dr.
20 Aguilar?
21 A. Well, Jim Fetzer told me that he wanted me to
22 document what I had already written in letters to a few
23 people on tape, and then he wanted a videotape. And then
24 he wanted me to be interviewed by both Dr. Aguilar and
25 David Mantik, and it was in the occasion of making that

000264

Page 43

1 videotape that I met Dr. Aguilar.
 2 Q. Okay. Well, I guess that leads me to ask, when
 3 did you first meet Jim Fetzer?
 4 A. I met him just yesterday for the first time.
 5 Q. Okay. I take it you had --
 6 A. We had talked on the phone.
 7 Q. You talked on the phone?
 8 A. And we had correspondence and exchange of faxes
 9 and so on.
 10 Q. And when did you first have any direct contact
 11 with Jim Fetzer?
 12 A. My guess would be middle September or something
 13 like that. I'm very uncertain about that.
 14 Q. And Mr. Fetzer is a -- or is or was a professor
 15 at the University of Minnesota at Duluth in Philosophy?
 16 A. He is a Professor of Philosophy. That is
 17 correct.
 18 Q. Okay. And what year was it, I'm sorry, did you
 19 say --
 20 A. This year.
 21 Q. Middle of February of this year?
 22 A. No, no September.
 23 Q. Okay.
 24 A. Did I say February?
 25 Q. I may have misunderstood you. I'm sorry.

Page 44

1 A. I meant to say September.
 2 Q. Okay. So in other words, about two months ago
 3 from today?
 4 A. Yeah.
 5 Q. And he -- did he contact you?
 6 A. Yes.
 7 Q. Okay. And he contacted you -- what did he say to
 8 you when he first contacted you?
 9 A. Well, he contacted me in relation to some
 10 correspondence that I had had, and I'm not sure -- I had
 11 written letters to Peter Dale Scott, to David Lifton and to
 12 Harrison Edward Livingstone, no relative. And that
 13 correspondence had attracted Fetzer's attention, and he
 14 sought me out on that basis.
 15 Q. And your correspondence to these persons that you
 16 have mentioned in writing all had to do with the JFK
 17 assassination; is --
 18 A. Correct.
 19 Q. -- that right? And am I correct that that
 20 correspondence was essentially similar to the testimony you
 21 gave when Mr. Kizzia was questioning you about the phone
 22 conversation you say you had with Dr. Humes and those
 23 events?
 24 A. Part of that, yes.
 25 Q. Okay. What else did the correspondence, these

Page 45

1 letters, have to do with? You say that was part of it.
 2 What else was in these letters?
 3 A. Well, the two main stories relating to the
 4 Kennedy assassination were the neck wound and the
 5 cerebellar tissue.
 6 Q. Okay.
 7 A. Fetzer told me that that was important
 8 information and that I should document it with the
 9 videotape that I mentioned. I sat at a talking face with a
 10 clock running so it could be identified as a nonedited
 11 film, made about a forty-five-minute exposition describing
 12 this correspondence and my personal experience and so on.
 13 Q. Do you have a copy of that videotape?
 14 A. Yes.
 15 Q. Would you be agreeable to providing us a copy of
 16 it?
 17 A. I would be glad to.
 18 Q. We would be happy to reimburse you for whatever
 19 expenses you have and --
 20 A. I have a copy here, and I can loan it to you.
 21 You can make a copy yourself.
 22 Q. That would be fine if that's -- what I would
 23 suggest is we mark it as an exhibit to your deposition, and
 24 we'll arrange to have it copied and returned to you.
 25 A. Yeah. And there is -- there are two videotapes.

age 43 - Page 48

Page 46

1 One is my own talking-head business, and the other is a
 2 dialogue with Gary Aguilar and David Mantik.
 3 Q. Do you have those with you today?
 4 A. Yeah. Now, the latter is not edited. It was
 5 cropped some when it was being taken to avoid duplication,
 6 but it is not a finished product. But it's a clear
 7 exposition.
 8 Q. Okay. What I would like to do is put exhibit
 9 labels on both of those tapes --
 10 A. Sure.
 11 Q. -- if you could -- right now if you could produce
 12 them, and we can put a label on them.
 13 A. Well, I don't have them with me. They're at the
 14 hotel, but you're welcome to borrow them and make copies if
 15 you would like.
 16 Q. All right. Now, there's two videotapes; is that
 17 right?
 18 A. Correct.
 19 Q. One is just of you, talking head, I think is how
 20 you described it?
 21 A. Yes.
 22 Q. The other one is you in a dialogue with Gary
 23 Aguilar and some other persons?
 24 A. David Mantik.
 25 Q. David Mantik?

Page 47

1 A. He's a famous radiologist.
 2 Q. And if it's okay with Counsel, what I intend to
 3 do is just label the tapes he gives me as Exhibit 1. We'll
 4 talk -- we'll label as Exhibit 1 the tape of your talking
 5 head, and we'll label as Exhibit 2 the other tape, which, I
 6 guess, includes three persons, including yourself,
 7 speaking.
 8 A. Correct.
 9 MR. MCGRAW: They probably ought to be
 10 2 and 3. The CV is Number 1.
 11 MR. WATLER: That's right. Is that
 12 agreeable with Counsel?
 13 MR. KIZZIA: Sure. Exhibit 2 will be a
 14 true and correct copy of the video of you talking and
 15 describing the information that you --
 16 THE WITNESS: My personal experience.
 17 And it relates to that correspondence.
 18 MR. KIZZIA: All right. And then
 19 Exhibit 3 will be a true and correct copy of -- a video of
 20 conversations between yourself, Dr. Aguilar and Dr. Mantik?
 21 THE WITNESS: Correct.
 22 BY MR. WATLER:
 23 Q. And, Dr. Livingston, since you don't have it with
 24 you, I wonder, would it be agreeable with you perhaps if
 25 you could forward it over to Mr. Kizzia's office?

Page 48

1 A. Sure.
 2 Q. And then he can take care of it?
 3 A. I would be very happy to do that.
 4 MR. KIZZIA: No problem.
 5 MR. WATLER: Is that agreeable with
 6 you, Brad?
 7 MR. KIZZIA: Sure.
 8 MR. WATLER: Okay.
 9 BY MR. WATLER:
 10 Q. Now, these videotapes, when were they made?
 11 A. The date is on them, so you can count on that
 12 better than my recollection, but it would have been, I
 13 think -- well, I'm not sure, as a matter of fact. I've
 14 been traveling a lot lately, and I better just leave it at
 15 that, that you can tell from the date that's marked on it.
 16 These were done at the University of California, San Diego,
 17 and they were done by the -- Chuck Cox, who is the head of
 18 the motion picture and television for the
 19 university medical school, and they were immediately
 20 labeled and taped -- dated, so that I would look at that.
 21 Q. Okay. Now, you mentioned having written letters
 22 to Peter Dale Scott, David Lifton and Harrison Livingstone.
 23 I recognize the names David Lifton and Harrison Livingstone
 24 as persons who have written books concerning the JFK
 25 assassination and alleging various conspiracies and so

000265

Page 49

1 forth. I must say I'm not familiar with Peter Dale Scott.
 2 A. Peter Dale Scott is a former Canadian diplomat
 3 who became a Professor of English at the University of
 4 California at Berkeley. He has been writing on the
 5 assassination problem since the early 1970s, or maybe
 6 earlier than that, and he has a couple of books on the
 7 subject, the most recent of which was published, I think,
 8 in October by the University of California Press. It's
 9 called Dense Politics and the Death of JFK.
 10 Q. Now, when did you write the --
 11 A. He's credited in some of the literature as being
 12 one of the most creditable authorities on the whole
 13 subject.
 14 Q. When did you write the first of these letters?
 15 A. I think it was in May of 1992.
 16 Q. Okay. And what prompted you to write these
 17 letters at that time?
 18 A. Well, let's see. I've been very concerned about
 19 the fact that this issue has been ambiguous for as long as
 20 it has. And I think I wrote first to David Lifton after
 21 having read his book, and then I wrote to Peter Dale Scott,
 22 and I had met him. And then I wrote to Harrison
 23 Livingstone, and Harrison Livingstone published my letter
 24 in this most recent book he has, called Killing the Truth.
 25 Q. Do you have copies --

Page 50

1 A. But they were mostly in May or thereabouts of
 2 1992.
 3 Q. Do you have copies of these letters?
 4 A. Yes, I do.
 5 Q. And do you have them with you also?
 6 A. I have them at the hotel.
 7 Q. And could you provide those --
 8 A. Sure. I would be glad to.
 9 Q. -- sometime, and we'll --
 10 A. Sure.
 11 Q. -- just have those marked? The letter to Peter
 12 Dale Scott we'll mark as Exhibit 4, and the letter to Mr.
 13 Lifton we'll mark as Exhibit 5, and the letter to Mr.
 14 Livingstone as Exhibit 6, if that's agreeable with Counsel.
 15 MR. KIZZIA: We --
 16 THE WITNESS: These overlap each other
 17 because they cover the same subject area.
 18 MR. WATLER: I understand.
 19 MR. KIZZIA: Which were Exhibits 5
 20 and 6?
 21 MR. WATLER: I believe we said 5 would
 22 be the letter to David Lifton, and 6 would be the letter to
 23 Harrison Livingstone by Dr. Livingston.
 24 BY MR. WATLER:
 25 Q. Now, is this the first time when you wrote these

Page 51

1 letters in April or May of '92 that you had written down
 2 this information about the JFK assassination?
 3 A. No; I had talked with many people. For instance,
 4 I had a lengthy dialogue with Richard Dudman, who was a
 5 reporter of the St. Louis Post-Dispatch who was with the
 6 President's party, and he wrote not only several pieces for
 7 the St. Louis Post-Dispatch, but a piece for the New
 8 Republic about the time of the assassination. He is a
 9 classmate of mine from Stanford. I know him very well.
 10 I've known him for fifty-some years. And within about a
 11 week or ten days of the assassination, well, he called me
 12 either that afternoon or the next day and told me about the
 13 hole in the windshield of the President's limousine. And
 14 then he and his wife and my wife and I had dinner together
 15 in Cleveland Park in Washington, D. C. -- that was within
 16 about a week of the assassination -- with a long discussion
 17 of this issue, and I have told my family and many others
 18 repeatedly about this.
 19 Q. Now, let me just stop you there. Did Mr. Deadman
 20 (sic) report this to the press?
 21 A. Dudman, D-u-d-m-a-n.
 22 Q. D-u-d --
 23 A. Correct.
 24 Q. -- m-a-n?
 25 A. Correct. He lives in Maine now, and I've been in

Page 5

1 correspondence with him.
 2 Q. Did Mr. Deadman report this information in the
 3 news media back in 1963?
 4 A. He reported the hole in the windshield.
 5 Q. Well, if I'm understanding you correct, you're
 6 saying that you told Mr. Deadman in 1963 about the phone
 7 call you had had with Dr. Humes --
 8 A. Yes.
 9 Q. -- much as you have told us here today?
 10 A. Yes, correct.
 11 Q. And Mr. Deadman --
 12 A. Dudman, D-u-d.
 13 Q. D-u-d, Dudman?
 14 A. Yes.
 15 Q. Okay. I'm sorry.
 16 A. That's all right.
 17 Q. D-u-d-m-a-n. Did -- but Mr. Dudman did not
 18 report that in any news reports that you're familiar with?
 19 A. Well, it was already in the public domain that
 20 the doctors at Parkland Hospital thought this was a wound
 21 of entry.
 22 Q. Okay.
 23 A. I don't think there was any ambiguity about that.
 24 And it wouldn't have been newsworthy for somebody who
 25 suddenly listened to the radio and watched television to

Page 53

1 repeat that.
 2 Q. Well, within seven or ten days of the
 3 assassination, the autopsy results had been released, had
 4 they not?
 5 A. I don't know when they were released.
 6 Q. You don't know?
 7 A. I don't remember.
 8 Q. Okay. Well, you believe you have important
 9 information about -- that relates to the autopsy of
 10 President Kennedy, do you not?
 11 A. Yeah. There are two issues. One is the issue
 12 that I had told Commander Humes before the autopsy about
 13 the --
 14 Q. And that's what relates --
 15 A. -- neck wound.
 16 Q. -- to the autopsy?
 17 A. That --
 18 Q. But the --
 19 MR. KIZZIA: You said you were going to
 20 let him --
 21 THE WITNESS: -- but also --
 22 MR. KIZZIA: You said you were going to
 23 let him finish his answer. Let him finish his answer.
 24 MR. WATLER: I said I was going to do
 25 my best.

Page 54

1 MR. KIZZIA: Go ahead.
 2 THE WITNESS: And also that the
 3 cerebellum was in large quantities extruded from the wounds
 4 in the back of the President's head.
 5 BY MR. WATLER:
 6 Q. In other words, the cerebellum issue is separate
 7 from the autopsy, is that right, that it --
 8 A. No.
 9 Q. -- that it doesn't directly relate to the
 10 autopsy. Correct?
 11 A. It does directly relate to the autopsy.
 12 Q. Okay. Well, let me for my purposes --
 13 A. So does the neck wound.
 14 Q. For my purposes, let's just talk about the
 15 information about your phone call to Dr. Humes. Okay? And
 16 you believe that that information is important information?
 17 A. Exactly.
 18 Q. Okay. Important to resolving the truth about the
 19 assassination of President Kennedy, is --
 20 A. Yes.
 21 Q. -- that right?
 22 A. Yes.
 23 Q. Okay. And prior to the last year, year and a
 24 half, to your knowledge, had the information that you had
 25 about that ever been reported publicly?

Page 55

1 A. No, I don't think so.
 2 Q. Okay. And you are aware that that --
 3 A. A lot of people knew about it, but it wasn't a
 4 matter of public --
 5 Q. Okay. It hadn't been the subject of any news
 6 reports, any books --
 7 A. No.
 8 Q. -- any television shows, any kind of mass media
 9 presentation?
 10 A. No.
 11 Q. Hadn't -- I take it you hadn't reported your
 12 information to the Warren Commission?
 13 A. No. I hadn't been invited or --
 14 Q. You hadn't reported your information to the House
 15 Select Committee on Assassinations?
 16 A. No.
 17 Q. You hadn't reported the information to Attorney
 18 General Ramsey Clark at the time in, I believe, 1967 or
 19 '68, when he convened a panel to make an inquiry into the
 20 autopsy of --
 21 A. No.
 22 Q. -- President Kennedy?
 23 A. No.
 24 Q. All right. And when you did take steps to see
 25 that the information was publicly reported, you did so by

Page 56

1 writing letters to at least two of whom I know are authors
 2 known for writing about conspiracy theories involving the
 3 assassination of John F. Kennedy?
 4 A. Yes.
 5 Q. Okay. And you didn't take steps to report it to
 6 any kind of neutral fact finder, such as an official
 7 government agency or members of the news media or so forth?
 8 MR. KIZZIA: I object to that question
 9 because it assumes facts not in evidence and implies and
 10 assumes that authors of books concerning the conspiracy
 11 behind the murder of President Kennedy are not objective,
 12 and it also assumes that the government and/or the press or
 13 media are objective.
 14 THE WITNESS: Well, I think that both
 15 for the neck wound and the cerebellar extrusion, that
 16 they're very pertinent here, and my knowledge was not
 17 special.
 18 BY MR. WATLER:
 19 Q. Well --
 20 A. That was knowledge that was on the -- documented
 21 knowledge in the public domain all these years.
 22 Q. Okay. But your revelation of having a phone call
 23 with Dr. Humes is something that was special, was it not?
 24 A. I think so, and I think more so now than I did at
 25 the time that I made the phone call.

Page 57

1 Q. And would you agree that your revealing that
 2 information about Dr. Humes tends to make him a liar as far
 3 as what he reported about the autopsy of President Kennedy?
 4 MR. KIZZIA: Well, I'm going to object
 5 to your trying to get this witness to characterize
 6 something that Mr. -- Commander Humes may have said,
 7 especially without referring him to any specific statement
 8 or testimony of Commander Humes.
 9 THE WITNESS: I would be very happy to
 10 meet him and talk about it.
 11 BY MR. WATLER:
 12 Q. Well, I take it you haven't met Dr. Humes?
 13 A. I have not met Dr. Humes.
 14 Q. But you would agree with me that coming forward
 15 with information that -- well, would you agree with me that
 16 your information tends to indicate that Commander Humes
 17 fabricated the information about the JFK autopsy that he
 18 performed?
 19 MR. KIZZIA: What information? I
 20 object to the question. It's unfair, it's vague and
 21 ambiguous.
 22 THE WITNESS: Well, let me see if I can
 23 pinpoint for you what has occurred in my mind, and this is
 24 that when I talked with Dr. Humes, it turned out he hadn't
 25 heard that information about the small wound in the neck,

Page 58

1 or he said he hadn't been paying much attention to the news
 2 coming from Dallas. And when I told him about the wound in
 3 the neck and stressed its importance because of it being a
 4 wound of entrance, he seemed interested and open-minded
 5 about that. But then when the FBI cut off the
 6 conversation, I began to realize that that -- well, I
 7 didn't think of it so seriously then as I did since then --
 8 that the FBI was already trying to control the autopsy with
 9 nonmedical organization of the autopsy.
 10 Now, that makes my testimony to -- my
 11 telephone conversation to Humes more interesting. But when
 12 Humes testified to the Warren Commission, when asked why he
 13 didn't dissect the neck wound, he said he didn't know about
 14 it until he had talked with Dr. Perry at Parkland Hospital
 15 by telephone the next day.
 16 MR. WATLER: Dr. Livingston, I have to
 17 object to your answer as nonresponsive to my question.
 18 BY MR. WATLER:
 19 Q. My question was, do you agree that the
 20 information that you have revealed about having a
 21 conversation with Dr. Humes tends to indicate that he
 22 fabricated or lied about what he did in the autopsy of John
 23 F. Kennedy?
 24 MR. KIZZIA: I object to the question.
 25 THE WITNESS: Well, he's a commander in

Page 59

1 the navy, and if the FBI told him he couldn't dissect a
 2 wound in the neck, that's something beyond his power or
 3 mine.
 4 BY MR. WATLER:
 5 Q. So you're speculating that Commander Humes lied
 6 or fabricated information at the insistence of the FBI?
 7 MR. KIZZIA: No. I object to the
 8 question. You're still -- you're -- it's enough of your
 9 question.
 10 THE WITNESS: You're asking me to
 11 speculate, and I don't feel free to do that. I would be
 12 delighted to talk with him.
 13 BY MR. WATLER:
 14 Q. Is the conclusion that one necessarily draws from
 15 your coming forward with this information, is, for whatever
 16 reasons or motives, Commander Humes lied or fabricated
 17 about the results of the JFK autopsy?
 18 MR. KIZZIA: Okay. Again, I object to
 19 that question because it's an improper question, unfair
 20 question trying to get this witness to characterize alleged
 21 testimony or information from another person, which
 22 testimony or information you have not presented to Dr.
 23 Livingston, and it's not for Dr. Livingston to draw
 24 conclusions or speculate about Commander Humes, whether or
 25 not he lied or didn't lie. That's something that the

Page 60

1 finder of fact can determine in this case.
 2 BY MR. WATLER:
 3 Q. Can you answer my question?
 4 MR. NELSON: Can I jump in after that.
 5 Paul? I don't want to get crossways with you. But I'm
 6 going to object to the last responses to Paul's questions,
 7 because despite the fact that the deponent says he does not
 8 want to speculate, I believe he's already speculated in his
 9 answer that the FBI cut Dr. Humes' autopsy short in some
 10 regard.
 11 THE WITNESS: Well, that's what Dr.
 12 Humes told me.
 13 BY MR. WATLER:
 14 Q. Dr. Livingston --
 15 A. Now, I can understand how a commander in the navy
 16 with a politically sensitive autopsy at a time when it was
 17 not certain whether we would have World War III on our
 18 hands overnight would be under some constraint as to what
 19 he could or could not do in conducting the autopsy.
 20 Q. To the point of intentionally misrepresenting
 21 what the results of the autopsy were?
 22 MR. KIZZIA: Well, objection. What
 23 results are you talking about? I still think --
 24 MR. WATLER: Brad --
 25 MR. KIZZIA: -- it's unfair, vague and

Page 61

3 ambiguous.
 4 MR. WATLER: -- make a legal objection.
 5 We don't need your speech and your overeffort to coach the
 6 witness on what he should say.
 7 MR. KIZZIA: I object to the
 8 characterization about coaching the witness. I've never
 9 met this gentleman before, and he --
 10 MR. WATLER: Well, we'll --
 11 MR. KIZZIA: -- certainly doesn't need
 12 my coaching. But we can go back and look through the
 13 depositions and see who is the person who has been giving
 14 all the speeches in the deposition, and it hadn't --
 15 MR. WATLER: You know the rule.
 16 MR. KIZZIA: -- been me. I object to
 17 the question because it's vague and ambiguous and seeks to
 18 have the witness speculate.
 19 THE WITNESS: I would be very glad to
 20 meet Commander Humes or anybody else connected with the
 21 autopsy and talk about these things, and I think it would
 22 be constructive because there are so many unresolved
 23 questions.
 24 BY MR. WATLER:
 25 Q. Okay. We're speaking to the point before you
 26 sent these letters making these accusations about the --
 27 A. I didn't make any direct --

Page 62

1 Q. Well, before you sent these letters about your
 2 conversation that you say that you had with Dr. Humes, you
 3 didn't speak to Dr. Humes, did you, I mean, to tell him
 4 that you're writing to these well-known JFK assassination
 5 conspiracy theorists to give them information that would
 6 tend to indicate he had lied or fabricated about the
 7 autopsy; is that right?
 8 MR. KIZZIA: Well, I object to the
 9 question to the extent that -- again, that you're trying to
 10 get this witness in an indirect way to characterize alleged
 11 statements or testimony by another person when you haven't
 12 even presented the witness with that particular
 13 information.
 14 MR. WATLER: Brad, make a legal
 15 objection. Don't make a speech, please.
 16 MR. KIZZIA: I'm going to say any
 17 objection I want to.
 18 MR. WATLER: We didn't do it to you,
 19 and I --
 20 MR. KIZZIA: Oh, right.
 21 MR. WATLER: -- object to you doing it
 22 to us.
 23 MR. KIZZIA: Right.
 24 MR. WATLER: Okay?
 25 MR. KIZZIA: The deposition is full of

Page 63

1 your --
 2 MR. WATLER: Thank you.
 3 MR. KIZZIA: -- speeches, all the
 4 depositions in this case so far.
 5 THE WITNESS: What I should say is that
 6 I assume Dr. Humes and Peter Dale Scott and Lifton and
 7 Livingstone or any of those people, and Perry and Crenshaw
 8 and Clark and so forth would all be able to come to some
 9 kind of understanding of experience and testimony if they
 10 could be brought together. I would hope that since this is
 11 at the thirtieth year of unsubstantiated -- I should say
 12 ambiguous problems, not unsubstantiated, but ambiguous
 13 problems, that we ought to make a serious effort to come to
 14 grips with this story.
 15 MR. WATLER: Okay. I object to your
 16 answer as nonresponsive.
 17 BY MR. WATLER:
 18 Q. My question is, you did not -- at the time you
 19 were sending your letters --
 20 A. No, I feel apologetic --
 21 Q. Again, excuse me. Let me get my question out so
 22 everyone will understand what I'm asking, and so you will
 23 understand it, most importantly. My question is, you did
 24 not call up Dr. Humes at or about the time you were sending
 25 these letters off to these three authors to say, here's

Page 64

1 what I'm writing to these gentlemen, here's what I'm
 2 saying, do you want to have your say, or should -- is there
 3 anything you want me to include in my letter to these
 4 gentlemen? You didn't do that; is that right?
 5 A. That's correct. Now --
 6 Q. Didn't feel like you were required to do that; is
 7 that right?
 8 A. Mr. Watler, I feel apologetic because I maybe
 9 should have done that. It seems now in retrospect that it
 10 was harmful to Humes, and I didn't intend it that way at
 11 all. I assumed that Humes was doing his duty and that he
 12 had some supervision by superior officers or agencies of
 13 the government, and I wasn't trying to find fault with
 14 him. I was trying to make an expression of personal
 15 experience that I thought was pertinent, and it had become
 16 more pertinent because the solution had not been found.
 17 MR. WATLER: Objection.
 18 Nonresponsive.
 19 BY MR. WATLER:
 20 Q. You do understand, whether or not you want to
 21 agree with the effect of your own statements, that others
 22 have read your statements that you have recited here today
 23 as indicating that Dr. Humes fabricated or lied about the
 24 JFK autopsy? Do you understand that?
 25 MR. KIZZIA: I object to your --

Page 65

1 seeking to have this witness testify about what other
 2 people supposedly speculated or concluded from his remarks.
 3 That calls for the witness to speculate, and I object to
 4 it.
 5 THE WITNESS: I have not assumed that
 6 Commander Humes lied in this instance. He very well may
 7 have forgotten that telephone conversation by the time he
 8 gave his testimony to the Warren Commission.
 9 BY MR. WATLER:
 10 Q. Now --
 11 A. He had officially gotten the information from Dr.
 12 Perry at Parkland Hospital the next day, so I don't know.
 13 Q. Well, you consider yourself a patriotic,
 14 law-biding citizen; isn't that correct?
 15 A. Yes.
 16 Q. You served your country in World War II and the
 17 military?
 18 A. Yes.
 19 Q. And you're proud of that?
 20 A. Yes.
 21 Q. Back in 1964 when the Warren Commission came out,
 22 did you read the Warren Commission report?
 23 A. No, I saw excerpts of it that were in the general
 24 press.
 25 Q. So did you see references to Commander Humes'

Page 66

1 testimony in the Warren Commission report in the general
 2 press?
 3 A. I didn't, no.
 4 Q. So in any event, from 1963 to 1992, you didn't
 5 come forward with this information; is that right?
 6 A. No, I didn't --
 7 MR. KIZZIA: What do you mean by
 8 come --
 9 THE WITNESS: -- think there was any
 10 need for it --
 11 MR. KIZZIA: What do you mean by come
 12 forward? I object to it as --
 13 MR. WATLER: Well, he's answered the
 14 question.
 15 MR. KIZZIA: -- being ambiguous and
 16 accusing.
 17 THE WITNESS: I didn't know there was
 18 any need for me to --
 19 MR. WATLER: Let me have marked as -- I
 20 guess this will be Exhibit 7 to your deposition, Dr.
 21 Livingston. If you will wait just a moment while she puts
 22 the sticker there, then you can pick it up.
 23 (Deposition Exhibit 7 was marked.)
 24 BY MR. WATLER:
 25 Q. Dr. Livingston, what I've marked as Exhibit 7

Page 67

1 are --
 2 THE REPORTER: Just a minute, just a
 3 minute.
 4 THE WITNESS: You have marked it
 5 Exhibit 2.
 6 BY MR. WATLER:
 7 Q. What I've marked as Exhibit 7, and you're
 8 certainly free to pick it up at this point and take
 9 whatever time you need to review it, are excerpts from the
 10 book, Killing the Truth: Deceit and Deception in the JFK
 11 Case, by Harrison Edward Livingstone, published in 1993 by
 12 Carroll & Graf Publishers of New York. And let me refer
 13 you -- one of the pages I've included in that excerpt for
 14 you is page eighty-five of Mr. Livingstone's book.
 15 A. Yes.
 16 Q. Okay. And you will see about, oh, two-thirds of
 17 the way or so down the page, three-fourths of the way down
 18 the page, there's a reference to you. Do --
 19 A. Yes.
 20 Q. -- you see that?
 21 A. Yes.
 22 Q. And let me just read it for the record. It says,
 23 "Dr. Robert Livingston" --
 24 That's you; is that right?
 25 A. That's correct.

Page 68

1 Q. -- "wrote me that he, in fact, told Humes as the
 2 body was being flown to Bethesda that Perry had said this.
 3 If this is true, then Humes knew. Dr. Burkley, who was in
 4 Dallas, should have told or possibly did tell Humes they
 5 saw a frontal wound in the throat. Burkley carried with
 6 him the death certificate from Dallas saying there was a
 7 wound in the throat."
 8 Do you see that paragraph there?
 9 A. Correct, yes.
 10 Q. And you will see that this page goes on to say,
 11 "The main conflict here is that the autopsy report claimed
 12 that there was a wound of exit in the throat when there was
 13 no observed evidence of that. Officially they did not know
 14 at autopsy that there was anything but a tracheostomy
 15 there, and did not scientifically study it. This lie or
 16 fabrication became the principal premise on which the
 17 Warren Commission" --
 18 And I apologize. I haven't included the next
 19 page, but I have the book, and I'll just read it to the
 20 record.
 21 -- "the Warren Commission's single-bullet theory
 22 hangs. That is, one bullet passed through Kennedy and
 23 struck Connally."
 24 And if you want to look at the continuation of
 25 that excerpt, feel free to do so in the book.

Page 69

1 A. Yeah.
 2 MR. KIZZIA: Why don't we have this
 3 book right here marked as an exhibit?
 4 MR. WATLER: I have no -- that's my
 5 copy, and I have no problem with it being marked. I have
 6 some other excerpts from it, but I don't particularly want
 7 to give up my own copy of that book, you know.
 8 BY MR. WATLER:
 9 Q. But anyway, to continue with my examination, you
 10 see that Mr. Livingstone apparently has read your
 11 information about Dr. Humes to conclude that Commander
 12 Humes lied or fabricated information about the JFK autopsy;
 13 is that right?
 14 MR. KIZZIA: Well, again, you're asking
 15 this witness to testify and to characterize what someone
 16 else has said, and I object to it.
 17 THE WITNESS: Well, I've met Mr.
 18 Livingstone just at this occasion up in New York en route
 19 here, so it's just the last few days, and I had read a
 20 couple of his books, High Treason and High Treason 2 and
 21 Killing the Truth. I haven't read it -- that completely.
 22 It's a pretty good size tome and just came out, but it was
 23 his imputation that it was a crucial lie.
 24 Q. Okay.
 25 A. And I can readily appreciate that Commander Humes

Page 70

1 may have good reason to have dismissed from his mind what I
 2 said even before he started the autopsy or -- I don't
 3 necessarily assume that he was constructing a big lie for
 4 the Warren Commission.
 5 Q. But, you see, others, at least Dr. -- or Mr.
 6 Livingstone, have reached that conclusion.
 7 A. That's what I see.
 8 Q. Okay. Did you consider it reasonably foreseeable
 9 from the information that you were conveying to Mr.
 10 Livingstone and knowing the nature of the works he had
 11 previously authored on the JFK assassination that he would
 12 make that conclusion?
 13 A. I --
 14 MR. KIZZIA: Again, you're asking for
 15 this witness to speculate, and I object to it.
 16 THE WITNESS: I think things emerge and
 17 change importance based on how history has treated this
 18 very crucial case. I think that the death of John F.
 19 Kennedy was a very historic event. I think it changed the
 20 history of the world conspicuously.
 21 BY MR. WATLER:
 22 Q. I'm sure we all agree with that.
 23 A. And the problem is that it gains greater
 24 importance as the momentum of argument about this or that
 25 side of the debates.

Page 71

1 Q. Well, nonetheless, Dr. Humes has been accused of
 2 being a liar or a fabricator based on information that you
 3 provided.
 4 A. I'm very sorry about that.
 5 Q. Okay. And --
 6 A. I wasn't asked permission about publishing my
 7 letter. I was glad to have Livingstone have the letter,
 8 and he publishes it elsewhere in that Killing the Truth,
 9 publishes part of it.
 10 Q. Well, do you feel like -- you don't feel like you
 11 did anything wrong in conveying information that led
 12 someone else to believe that a participant in the JFK
 13 assassination was a liar or a fabricator; is that right?
 14 MR. KIZZIA: I just think that that
 15 question is --
 16 THE WITNESS: Let me go ahead and try
 17 to answer that.
 18 MR. KIZZIA: Well, I think that the
 19 question is improper, and I think it's irrelevant to the
 20 matters that are at issue in this case.
 21 THE WITNESS: I think that Humes had a
 22 lot to do that day and a lot to think about. And --
 23 BY MR. WATLER:
 24 Q. Doctor, we're going to talk about that, but
 25 now --

Page 72

1 MR. KIZZIA: Excuse me, Paul. Let him
 2 finish his answer.
 3 MR. WATLER: Well, his answer is
 4 nonresponsive.
 5 MR. KIZZIA: Well, he hasn't even
 6 finished his answer. Let -- you said --
 7 BY MR. WATLER:
 8 Q. The question is this.
 9 MR. KIZZIA: -- that you would let him
 10 finish his answer.
 11 Go ahead, Doctor.
 12 BY MR. WATLER:
 13 Q. The question is this, Dr. Livingstone.
 14 MR. KIZZIA: No, no. I'm going --
 15 MR. WATLER: You --
 16 MR. KIZZIA: You're going to --
 17 MR. WATLER: I'm just going to repeat
 18 the same question I just answered -- asked him.
 19 MR. KIZZIA: Well, let him go ahead and
 20 answer it. If you ask a question, let him answer that
 21 question, and if you want to ask the same question again,
 22 you can. But he's entitled to answer the question that you
 23 asked.
 24 BY MR. WATLER:
 25 Q. Dr. Livingston --

000269

Page 73

1 A. Yeah.
2 Q. -- my question for you is, you did not feel like
3 you did anything wrong in reporting, conveying information
4 that led others to conclude that a participant in the
5 events of the assassination of John F. Kennedy was a liar
6 or a fabricator?
7 MR. KIZZIA: I object to the question
8 because it assumes facts not in evidence. You refer to
9 others without any evidence to support that, and just
10 because Harrison Livingstone's book states what it states
11 doesn't necessarily mean that he concluded that. So I
12 object to the question.
13 THE WITNESS: I want to be responsive.
14 I think it's possible for people to get caught in the
15 crossfire, and I think Humes is one who is caught in the
16 crossfire, and now I'm getting caught in the crossfire.
17 BY MR. WATLER:
18 Q. Again, I'm not asking you to tell me --
19 A. I mean, I feel apologetic, and I apologize
20 already about not communicating with Humes before I
21 distributed information about that telephone conversation,
22 and --
23 Q. But --
24 A. -- I'm very sorry about that.
25 Q. But the point that I'm trying to get to is, you

Page 74

1 don't feel like you did anything wrong in relating this
2 information, this knowledge that you had; is that right?
3 A. Well, let's go back. Now, I had a --
4 Q. Dr. Livingston --
5 A. -- serious responsibility to call Dr. Humes. I
6 felt that at the time. And when I talked with him, I told
7 him information that I thought was very pertinent to the
8 autopsy. Now, what happened after that, I haven't tried to
9 do something. I haven't had any official platform from
10 which to do it.
11 Q. Now, Dr. Livingston, if I'm -- I apologize if I'm
12 not making myself clear. Sometimes I don't ask the
13 clearest questions in the world. So bear with me, because
14 I don't think you're understanding my point, and I'm going
15 to try to repeat it to you again. I'm not asking about
16 your conversation with Dr. Humes back in 1963 on November
17 22nd. Okay? What I'm asking you about is twenty-nine
18 years later when you communicated with Harrison
19 Livingstone, okay --
20 A. Yes.
21 Q. -- and the act of providing that information to
22 Mr. Livingstone and two other authors who had written about
23 the JFK assassination.
24 A. Yes.
25 Q. Okay. That act, the act of providing that

Page 75

1 information, you didn't consider you were doing anything
2 wrong in coming forward with that information and sharing
3 it with these authors, did you?
4 A. I didn't think so, no.
5 Q. Okay. And --
6 A. I think that Humes and Livingstone and Peter Dale
7 Scott and David Lifton and I could all get in the same room
8 and find agreement about the history and seek the truth in
9 a positive, constructive way.
10 Q. And the reason you don't think you did anything
11 wrong is because you consider it your right as an American
12 to speak out about these events; is that right?
13 A. I think I had a responsibility to make a
14 telephone call to Humes in the first place, and I think it
15 is now increasingly imperative that I speak out about my
16 experiences at that time, both about the small wound in the
17 neck and the cerebellar tissue.
18 Q. And you consider that your right as an American
19 to speak out about these events; is that correct?
20 A. I think it's important.
21 MR. KIZZIA: Objection. Asked and
22 answered.
23 BY MR. WATLER:
24 Q. Okay. Well, what gives you that right? Is it
25 the Constitution that you fought for during World War II?

Page 7

1 Does that give you that right to speak about these matters?
2 MR. KIZZIA: I object --
3 THE WITNESS: Well, I'll tell you --
4 MR. KIZZIA: -- that it calls for a
5 legal conclusion.
6 THE WITNESS: I'll tell you very
7 frankly, I am very sad about the American situation at the
8 present time. I am afraid that the most important
9 historical event that has ever occurred in all of human
10 history is that in the last fifty years we have developed a
11 capacity to destroy the world, to destroy humankind. We
12 have overkill to get rid of all of humanity and destroy the
13 environment. Now, that is news, and yet people go on as if
14 it weren't the case. And I'm very deeply concerned that
15 the obfuscation of governmental process and truth achieving
16 is part of the problem.
17 BY MR. WATLER:
18 Q. The way we find truth is we allow people to speak
19 out as to what they believe the truth to be; is that right?
20 A. That's a very important element, yes.
21 Q. And it's -- whether you think we're in a sad
22 state currently or not, you would agree that we have a
23 basic law, a Constitution, that says all Americans have the
24 right to speak out as to their views?
25 A. Free speech.

Page 77

1 Q. That's right. And do you believe that that is a
2 fundamental and important right?
3 A. Oh, absolutely.
4 Q. Okay. And it's imperative to reaching the truth
5 about anything, particularly about something as serious and
6 monumental as the assassination of a president; is that
7 right?
8 A. I think Jefferson put it very well. I can't cite
9 it exactly, but he believed that a democracy could only
10 survive if the public were well educated --
11 Q. Okay.
12 A. -- and they had to be told the truth. And it
13 is --
14 Q. And we're --
15 A. -- not happening --
16 Q. And we're seeing that --
17 A. -- in this situation.
18 Q. -- when -- well, there are charges and
19 countercharges and countercharges to the countercharges and
20 lots of hyperbola and rhetoric about the Kennedy
21 assassination, much of which says one person is lying, one
22 person is fabricating information; isn't that correct?
23 Isn't that --
24 MR. KIZZIA: And I --
25

Page 78

1 BY MR. WATLER:
2 Q. -- the nature in large part of this debate?
3 MR. KIZZIA: I object to the question --
4 because it's vague and ambiguous without defining what you
5 mean by debate, but also because it's Counsel testifying
6 about facts not in evidence.
7 BY MR. WATLER:
8 Q. Do you agree with me, sir?
9 A. Well, I think that if the government were
10 forthcoming with the documents that have been kept away
11 from the public, if researchers could have access to this
12 information, that there would be more truth shed -- the
13 light of truth shed onto this very critical --
14 Q. Well --
15 A. -- event.
16 Q. -- let me ask you, do you believe the government
17 is lying to the people about the JFK assassination?
18 A. Well, they're certainly controlling the access of
19 researchers and the public to information that is
20 pertinent.
21 Q. Okay. You agree with me that there are many
22 people, people that you know, people perhaps that you have
23 mentioned in your testimony today, who believe the
24 government is lying to them about the JFK assassination?
25 A. Well, when you say "the government," that would

Page 79

Page 82

1 have to be pinned down to more specifically --
 2 Q. Well, all I'm asking you --
 3 A. -- agencies and so on. The government as a mass
 4 is not doing this, but there are parts of the government
 5 which are containing this information, and I think it's
 6 unfair to the public in the Jeffersonian sense that the
 7 public needs to know in order to be able to apply good
 8 judgment successfully for democratic process to prevail.
 9 Q. You have heard people in connection with the JFK
 10 debate many times accuse one person, one side, one agency,
 11 one group of lying about some of these events; is that
 12 right?
 13 MR. KIZZIA: Well, I object to the
 14 question as being --
 15 MR. WATLER: Well, I would ask the
 16 record to reflect --
 17 MR. KIZZIA: -- as totally irrelevant
 18 and not reasonably calculated to lead to any admissible
 19 evidence.
 20 BY MR. WATLER:
 21 Q. Dr. Livingston, can you answer my question?
 22 A. Well, my answer really relates to, how much do we
 23 know about what went on and how much do we know about what
 24 was controlled arbitrarily both by what took place in the
 25 autopsy room and by what has been revealed in the way of

Page 80

1 information.
 2 Q. Okay.
 3 A. For instance --
 4 Q. Dr. Livingston, let me just interrupt you
 5 because --
 6 MR. KIZZIA: Let him finish his answer.
 7 THE WITNESS: Let me make a --
 8 BY MR. WATLER:
 9 Q. Well --
 10 A. -- special --
 11 Q. -- I'm not asking you --
 12 A. -- comment here.
 13 Q. -- to confirm whether or not there has been
 14 lying. I'm just asking you whether or not, as someone
 15 familiar with the debate and the discussion about the JFK
 16 assassination, do you agree that that debate and discussion
 17 in large part involves charges and countercharges of
 18 persons lying and covering up about these events?
 19 MR. KIZZIA: I object to the question
 20 as it being irrelevant, not reasonably calculated to lead
 21 to admissible evidence, and I also object to Counsel
 22 continuing to refuse to allow the witness to finish his
 23 answer. I think you're entitled to say what you want.
 24 THE WITNESS: I think one of the things
 25 that has come to light quite recently just in this week is

Page 81

1 work that David Mantik has done to examine X rays that are
 2 in the archives that are purported to be X rays of the
 3 President's head, and he has evidence that these are
 4 composites, not single X rays. Further, the cerebellar
 5 documentation in the archives that relates to photographs
 6 of the President's brain cannot be credited because, for
 7 instance, the cerebellum extruded from the wound testified
 8 by the doctors whom I believe were giving direct testimony
 9 in Parkland, it cannot be true that the cerebellum was
 10 extruded out of the wound and at the same time a photograph
 11 of Kennedy's brain shows the cerebellum intact and a
 12 drawing as well as the photographs.
 13 MR. WATLER: Dr. Livingston, I have to
 14 object as nonresponsive. I'm --
 15 THE WITNESS: Well, that's perfectly
 16 responsive.
 17 BY MR. WATLER:
 18 Q. No, sir. But my only question --
 19 A. Do I have some rights here?
 20 Q. Well, you have absolute rights here, sir, but --
 21 A. Well, I would like to say that both the throat
 22 wound and the cerebellar story for which I have some
 23 creditable, professional experience and judgment are
 24 critical to the obfuscation and, I would think,
 25 improprieties in interpretations of the death of the

1 President Kennedy.
 2 Q. Okay. So you believe there has been
 3 obfuscation --
 4 A. Obfuscation.
 5 Q. Obfuscation. I can't pronounce that word very
 6 well. But you believe there has been obfuscation --
 7 A. You can probably spell it better than I can.
 8 Q. I know I can spell it. I've always had trouble
 9 pronouncing it. That's the reason I don't use it very
 10 much. I think more commonly people, when they use the word
 11 obfuscation, mean that there's lying going on. Would you
 12 agree that that's a synonym --
 13 A. Well --
 14 Q. -- for lying?
 15 A. -- I don't think finger-pointing at this juncture
 16 is very constructive. I think we have to get evidence on
 17 the table, and we have to get a more impartial body to take
 18 responsibility for looking at this evidence.
 19 Q. You're a professional man, you spent many years
 20 in academia as well; is that right?
 21 A. That's correct.
 22 Q. And you like to see a very dignified discussion
 23 and debate about issues?
 24 A. That's correct.
 25 Q. Okay. And you would agree with me that that

Page 83

1 discussion and debate doesn't always occur at a very
 2 dignified academic level; is that correct?
 3 A. That's right.
 4 Q. A lot of times the discussion is more
 5 characterized by the kind of conversations people have in
 6 everyday life outside of academia or outside of the
 7 professional world?
 8 A. Well, it's often caterwauling.
 9 Q. Caterwauling? Name calling?
 10 A. And that doesn't get us forward.
 11 Q. Okay. All right. But it goes on; is that right?
 12 A. Correct.
 13 Q. Okay. And especially goes on concerning the JFK
 14 assassination; is that right?
 15 A. Well, there's a lot of it there, yes.
 16 Q. All right. Now, I began asking you if you
 17 understood what the nature of this lawsuit was about. Do
 18 you understand this is a libel suit?
 19 A. Yes, that's what I understood.
 20 Q. Okay. How have you gained that understanding?
 21 A. I think it's been in the last twenty-four or
 22 forty-eight hours. I haven't known longer about it, and I
 23 certainly know no details, and I don't know what the
 24 charges or what the defense is thinking about or anything
 25 else.

Page 84

1 Q. Who told you that?
 2 A. Well, I heard about it when I was asked to make
 3 this deposition.
 4 Q. Who asked you to make this deposition?
 5 A. I guess their firm has invited me.
 6 Q. The firm of Strasburger & Price?
 7 A. I presume. I haven't received an official
 8 invitation. I just was told that I was to have a
 9 deposition at noon.
 10 Q. Well, who told you, because Mr. Kizzia made quite
 11 a point of emphasizing that he had never met you before
 12 today, and I was just wondering if you had communicated --
 13 A. I didn't hear from him, no. I heard from Jim
 14 Fetzer about --
 15 Q. Do you know --
 16 A. This was a schedule of what we were going to do
 17 when we were in Dallas.
 18 Q. So to the best of your understanding, Mr. Kizzia
 19 then communicated with Mr. Fetzer?
 20 MR. KIZZIA: Well, you're asking him to
 21 speculate.
 22 THE WITNESS: I don't know.
 23 MR. KIZZIA: I object to that.
 24 BY MR. WATLER:
 25 Q. Well, maybe he does know. Maybe Mr. Fetzer --

000271

Page 85

Page 88

1 A. I don't know, but, you know, I paid two thousand
2 dollars personally to make this trip to New York and Dallas
3 and back to San Diego, and I very nearly went back to San
4 Diego from New York, and I wouldn't have been here for this
5 deposition because Mr. Livingston as one, but some others
6 as well, said there was no sense in my going to Dallas, it
7 was just going to be a more or less controlled celebratory
8 performance, and that it was maybe even hazardous for me to
9 be in Dallas. And I must say driving past Dealey Plaza
10 brings me back to my feelings about how sad it was that
11 President Kennedy was assassinated and that we still don't
12 know thirty years later how it was done.
13 Q. Well, do you --
14 A. These are fatuous statements if you like --
15 Q. Well --
16 A. -- Mr. Watler, but they're very sincere.
17 Q. -- I'm trying to -- I want to approach some of
18 these statements of yours. Are you suggesting that you
19 have been threatened or somewhere --
20 A. Well, I've been told that one of the reasons for
21 my need to write letters is public protection, personal
22 protection.
23 Q. All right. You're not saying that anyone, any
24 lawyer here or any party to this lawsuit, has threatened
25 you in any way?

Page 86

Page 89

1 A. No, no, no, no, I wasn't --
2 Q. All right.
3 A. -- assuming that. But I wrote my letters on the
4 basis that there was reason to believe that having just
5 hearsay or word-of-mouth documentation of my experiences
6 was not as valuable as my making the statements myself in
7 letters and my making the statements myself in a
8 talking-face, talking-head video and in an interview with
9 Aguilar and Mantik.
10 Q. Who told you that?
11 A. Well, several people have.
12 Q. Are you in --
13 A. Jim Fetzer is one.
14 Q. -- fear of your life?
15 A. Pardon?
16 Q. Are you in fear of your life?
17 A. I'm not. I have a lot of confidence in the
18 United States, and I have a lot of hope that this kind of
19 thing is not possible. But there have been a lot of people
20 in the rank of -- what do they call them -- conspirator
21 adherents that have either unmysteriously or mysteriously
22 ended their lives. And I'm not personally at risk or
23 hazard here, I don't believe at all, but I've been told
24 that that's a possibility.
25 Q. Well, let me ask you something you mentioned

Page 87

Page 90

1 earlier.
2 A. I must say just as an aside here, after I had
3 been told this and after I made the documentation,
4 including the videotapes, I went to my usual gasoline
5 station and went to my usual pump, put in my card and took
6 the thing out, and I was sprayed with gasoline. It's
7 happened to me once before, but I was sprayed from head to
8 foot and all over the side of the car and so on, and I
9 thought, okay, this is maybe --
10 Q. Are you telling me --
11 A. -- this is maybe the strange event that people
12 propose might happen.
13 Q. So you think the CIA or whoever may have been
14 responsible for killing and covering up the killing of John
15 F. Kennedy caused you to be sprayed with gasoline?
16 A. I didn't -- I -- at the time I thought maybe
17 there's some truth to that.
18 Q. All right. Now, you mentioned earlier --
19 A. That's an unusual experience, but I didn't feel
20 comfortable, I can tell you that, and because I had been
21 told that my life might be under threat because of the
22 testimony I would have and because I was asked very
23 seriously to document it, I couldn't help but think of that
24 and ...
25 Q. All right. Let me move on to another topic. You

1 mentioned earlier the Dalai Lama.
2 A. Yes.
3 Q. Who is the Dalai Lama?
4 A. Dalai Lama is probably the highest ranking
5 Buddhist in the world. He's the Pope, if you like, of
6 Buddhism around the world.
7 Q. Okay. And he lives somewhere in the Far East?
8 A. He lives in India, in Dharmasala -- that's
9 Northwest India -- in the foothills of the Himalayas.
10 Q. And you have gotten to be close to the Dalai
11 Lama?
12 A. That's correct.
13 Q. And when did you first meet the Dalai Lama?
14 A. In 1987.
15 Q. And how did you come to meet him?
16 A. I was invited by Francisco Varela, who is a
17 professor at the Ecole Polytechnique in Paris, to
18 participate in the first of a mind and life dialogue series
19 between Western neurosciences and the Dalai Lama at the
20 Dalai Lama's request.
21 Q. So you have been participating in mind and life
22 dialogues with the Dalai Lama or his organization; is that
23 right?
24 A. Three such dialogues, one of which is published
25 in the public domain. It's called Gentle Bridges.

1 Q. Okay. And you have done that over the -- what,
2 in the past six years or so?
3 A. Yeah.
4 Q. Okay.
5 A. And I became very close to him because I had --
6 for instance, I gave testimony to him in these dialogues
7 which he thought was very crucial to basic Buddhist tenets
8 and teachings, and they revolutionized those teachings.
9 He abandoned a position that they had been teaching for
10 twenty-five hundred years on the basis of my testimony to
11 him.
12 Q. Have you received any --
13 A. And, in addition, I have been asked by him to, so
14 to speak, oversee the introduction of electrophysiological
15 experiments that would be done with the concurrence of high
16 Buddhist lamas --
17 Q. This is trying to --
18 A. -- to get a bridge between the state of
19 meditation and the electrophysiological state as recognized
20 by Western neurosciences.
21 Q. This is sort of like ESP or something,
22 extrasensory perception?
23 A. Well, we aren't working on ESP, although I have
24 had some contact with that with the Dalai Lama. It's
25 primarily to see what is the electrical state of the brain

1 as exhibited by electrophysiological recordings during high
2 meditation states, during deep meditation states.
3 Q. To see if living persons can communicate with
4 persons in the spiritual world?
5 A. No, no, no. In fact, we have said to him that we
6 don't believe in reincarnation, which is a very fundamental
7 thing, and that -- we have suggested some things that he
8 could do in order to prove reincarnation, make it more
9 substantial. They have some testimony that we tend to
10 discredit, and there are other things.
11 For instance, they have taught for twenty-five
12 hundred years that the orgasms associated by a couple
13 having intercourse at a time when conception occurs is the
14 entrance of the borrowed, old soul from a previous life
15 into that new conceptus. Well, I didn't know about that
16 teaching, so I did talk to him in the mind and life
17 dialogue about conception because my responsibility was to
18 tell about the emergence of consciousness in the
19 individual, and so I started out with fertilization.
20 And he went into a half-hour dialogue with a very
21 senior Buddhist right there at the time. And when he came
22 back, he said, we have been teaching for twenty-five
23 hundred years this idea of the borrowed, old soul entering
24 the conceptus at the moment of orgasm, and that that orgasm
25 is a biological celebration of the entrance of the new --

Page 91

1 well, I had pointed out that it would possibly -- the
2 fertilization would possibly take place in an open window
3 of about forty-eight hours. So he said, well, maybe we
4 should have a forty-eight-hour orgasm, smiling.

5 And I said, well, at the very least, you would
6 have to have a several-hour orgasm because it takes
7 twenty-five minutes for the sperm to get up into the
8 Fallopian tube, and it takes some time for the sperm to
9 dance around the ovum before penetration by one sperm
10 provides the conception, so it would have to be a
11 several-hour orgasm.

12 Anyway, what I'm trying to say is that I have had
13 an influence on his thinking, and that influence on his
14 thinking has affected Buddhist tenets. They have
15 discontinued that teaching. And, further, I have about
16 fourteen projects with him that I think are very important,
17 and they're generated by our dialogue. This is not a
18 trivial affiliation.

19 Q. So your experience and your knowledge as a man of
20 science and man of medicine has -- in sharing that
21 information with the Dalai Lama, has allowed him to correct
22 misconceptions that have gone on for twenty-five hundred
23 years, I believe you said; is that right?

24 A. Yes. Now, it's interesting -- I think it's
25 important here, Mr. Watler, to show that the Buddhists do

Page 92

not have received intelligence, and they do not preach in
the sense that this is the truth. What they do is put the
responsibility of truth finding on each individual. If you
consult a guru, and he advises something for your behavior
or your belief system, it's up to you whether to accept
that or not, and it's up to you to test that against truth
in your own experience. It's a very unusual religion in
that sense.

Q. Do you know if --

A. It's somewhat like science.

Q. Well, by interjecting yourself in the debate and
controversy about the JFK assassination, do you similarly
hope to clear up misconceptions?

A. I have no such ambition personally. I do think
as a patriot, as a truth seeker, as a physician, as a
teacher in a responsible position, I think it's important
for me to say, this should end. And it can end when the
government decides that they would like to have an
objective review, a thorough review, of all the evidence.
It's just not available to the public, and the public is
going to be irritated and agitated about this indefinitely
unless it's forthcoming.

Q. Well, let me return our attention to November --

A. Sure.

Q. -- 22nd, 1963.

Page 93

A. Sure. Thank you for the digression, Mr. Watler.

Q. You were not present in Dallas in Dealey Plaza
when John --

A. No.

Q. -- Kennedy was shot?

A. No, no.

Q. You were not present at Parkland Hospital when he
was brought there --

A. No.

Q. -- in his last minutes of his life?

A. No.

Q. Did not participate in any way in treating him?

A. No.

Q. Were not -- was not an eyewitness to treating
him?

A. No.

Q. You were not there when Dr. Humes and others
performed an autopsy on --

A. No.

Q. -- the body of President Kennedy?

A. No.

Q. You were not there when doctors at Parkland who
had been involved in participating in the treatment of
President Kennedy --

A. No.

e 91 - Page 96

Page 94

1 Q. -- made statements on November 22nd about what
2 that treatment had been?

3 A. No, I depend on news.

4 Q. Okay. You depend entirely on what other people
5 have told you --

6 A. Correct.

7 Q. -- about that --

8 A. Correct.

9 Q. -- is that right?

10 A. Correct.

11 Q. You had no firsthand information about that
12 whatsoever?

13 A. No.

14 Q. Had no firsthand information about the autopsy?

15 A. No.

16 Q. What you know and understand about the autopsy is
17 based on what others have told you?

18 A. True.

19 Q. But from the secondhand information you had, you
20 formed certain beliefs, is that right, about what happened,
21 what must have happened?

22 A. Well, you see, I didn't know that Commander Humes
23 hadn't dissected the neck until many weeks after, maybe
24 months after.

25 Q. And you learned that from reading the autopsy

Page 95

1 report or --

2 A. No, from reading --

3 Q. -- from reading the Warren Commission --

4 A. From reading news media in relation to this

5 that --

6 Q. From what others had told you?

7 A. That's correct.

8 Q. Okay. And so from what others had told you and
9 what you had read and what you had heard, you formed a
10 belief as to what had happened in connection with the
11 autopsy and the assassination of John F. Kennedy?

12 A. I still don't know what happened in the autopsy.

13 It's all secondhand.

14 Q. Well, you have a belief as to what happened; is
15 that right? Can you distinguish -- I guess what I'm
16 asking, can you distinguish between knowledge and a belief?

17 A. Well, I can, but in this case I'm dependent upon
18 rather direct, explicit experience in reading the
19 literature and --

20 Q. Okay. But because you don't have firsthand
21 experience, you don't have personal knowledge of these
22 matters, but you formed a belief about certain of these
23 matters; is that right?

24 A. I don't have a strong belief system in relation

25 to this. What concerns me deeply is that the United States

Page 96

1 is in an embarrassing position in the world, and we are in
2 an embarrassing position as citizens of the United States
3 for the reason that the government has withheld this
4 information for so long.

5 Q. Well, it seems to me either you don't know what
6 happened or --

7 A. Well, I certainly don't.

8 Q. All right. But nonetheless, you feel like you
9 have the right to come forward and share your information
10 about what you know; is that right?

11 A. That's correct. And that's, I think, a
12 responsibility of citizens if they have direct experience
13 that's pertinent. You see, the -- my assumptions here have
14 become pertinent. I mean, my experience has become
15 pertinent. It wasn't especially dramatic or celebratory at
16 the time. I just thought it was important in my office for
17 the Public Health Service to say something to the guy who
18 was going to do the autopsy and find out about his
19 dissecting that neck wound, and also I wanted to know about
20 the cerebellum.

21 Q. All right. Let me refer you, again, to

22 Exhibit 7 --

23 A. Sure.

24 Q. -- which are these excerpts of some pages from
25 the book, Killing the Truth, by Harrison Livingstone, and I

Page 97

1 I believe we're on page one fourteen. And -- or if we
2 weren't, I wanted to direct your attention to one fourteen.
3 A. Yes.
4 Q. Okay. And this is where at some length the
5 author, Harrison Livingstone --
6 A. Yes.
7 Q. -- sets out excerpts of a letter that you sent
8 him --
9 A. Correct.
10 Q. -- is that right?
11 A. Correct.
12 Q. I take it he does not -- I see there are some
13 ellipses in these -- within these quotation marks, so I
14 take it this is not a complete account of the letter that
15 you sent him.
16 A. No, it is not.
17 Q. Okay. Some material of your letter has been
18 omitted; is --
19 A. Yeah.
20 Q. -- that right?
21 A. Yeah.
22 Q. Okay. Now --
23 A. And also my permission was not invited when that
24 was published, but I don't have any objection, and I told
25 him I don't have any objection.

Page 98

1 Q. Take a moment and read to you, beginning on page
2 one -- read to yourself, beginning on page one fourteen
3 through, I believe, at the top part of page one fifteen,
4 the matter within the quotation mark that Harrison
5 Livingstone says he wrote to you. And my question for you
6 is going to be -- is --
7 A. You mean I wrote to him.
8 Q. That's right, that you wrote to him. And my
9 question for you is just to authenticate for us that Mr.
10 Livingstone has accurately accounted -- given an account of
11 your letter.
12 A. Well, I don't have my letter to him here to
13 compare it line by line and word by word, but --
14 Q. Well, understanding that --
15 A. -- it looks like it's consistent.
16 Q. All right. You don't see it to be inaccurate or
17 incorrect in any way --
18 A. I can't vouch for that in exquisite detail, but I
19 can say that this is the general tenor of my letter and
20 general assumptions that I made in the letter.
21 MR. KIZZIA: How much longer are you
22 going to be, Paul?
23 MR. WATLER: Oh, certainly more than an
24 hour.
25 MR. KIZZIA: Well, we need to take a

Page 99

1 break.
2 MR. WATLER: Okay. You want to take it
3 right now or --
4 MR. KIZZIA: Yeah.
5 (A recess was taken.)
6 MR. KIZZIA: Let me -- before you get
7 back into it, Paul, I just want to state on the record that
8 you objected to some of my questions on alleged grounds of
9 relevancy. I think that you spent a lot more time than I
10 did, and most of my -- the line of questioning that it
11 appears to me that you were pursuing were totally
12 irrelevant to the issues that are relevant to the case. I
13 just want the record to reflect that it appears that you
14 are wasting this witness's time and counsels' time with
15 irrelevant questions, and we object to it.
16 MR. WATLER: Well, Mr. Kizzia, I think
17 it's obvious that you and I have a profound difference of
18 opinion.
19 BY MR. WATLER:
20 Q. Dr. Livingston, before we were interrupted, I
21 was -- had directed your attention to Exhibit 7, which were
22 excerpts from the book, Killing the Truth, by Harrison
23 Livingstone, and had directed your attention to the
24 beginning of page one fourteen where there are lengthy
25 excerpts of the letter that you had sent to Dr. -- or,

Page 100

1 rather, to Mr. Livingstone.
2 A. Yes.
3 Q. And you wrote in this letter to Mr. Livingstone
4 about your call to Dr. Humes that you told him -- and I'm
5 reading about the middle of the page here if you want to
6 follow along with me. "I told him" -- Dr. Humes -- "that
7 the reason for my making such an importuning call was to
8 stress that the Parkland Hospital physicians' examination
9 of President Kennedy revealed what they reported to be a
10 small wound in the neck, closely adjacent to and to the
11 right of the trachea."
12 Do you see that?
13 A. Yes.
14 Q. And if I understood, your testimony earlier is
15 that you had gained this information by listening to radio
16 news reports on the afternoon of the assassination?
17 A. Correct.
18 Q. And you told us that this was information
19 reported in the news media attributed to Drs. Perry and
20 Clark, who had attended the President, and I believe you
21 also said Dr. Crenshaw.
22 A. Correct.
23 Q. You heard reports on November 22nd of information
24 attributed to Dr. Crenshaw?
25 A. I can't swear to that.

Page 101

1 Q. Okay. Well, can you swear that you heard news
2 reports on the afternoon of November 22nd of information
3 attributed to Dr. Perry or Dr. Clark?
4 A. I believe so, yes.
5 Q. Okay. And is it your understanding that Drs.
6 Perry and Clark appeared at a White House news conference
7 held at Parkland Hospital approximately 3:16 p.m. on the
8 afternoon of November 22nd, 1963, in Dallas?
9 A. I've seen a transcript of that just recently.
10 Q. Okay. I take it you hadn't seen the transcript
11 of this press conference by Drs. Perry --
12 A. The press conference --
13 Q. -- and Clark --
14 A. -- hadn't occurred at the time I phoned Humes.
15 Q. The press conference hadn't occurred? Okay. Of
16 course, there's a lag, or there's a difference in time
17 between Central Standard Time and Eastern Time of an hour;
18 is that right?
19 A. Yes.
20 Q. Okay. What time was it that you had phoned Dr.
21 Humes?
22 A. I thought it was 3:30 or 4:00.
23 Q. All right.
24 A. But that's a guess.
25 Q. Okay.

Page 102

1 A. It was well before anybody came up to Andrews
2 Air --
3 Q. Well, are you aware that -- of any other
4 statements that Drs. Perry and Clark made to the news media
5 other than this press conference at Parkland Hospital on
6 the afternoon of November 22nd?
7 A. I don't know about that press conference. I may
8 have -- may well have heard it, but what I had heard was
9 prior to that press conference.
10 Q. Okay. And you heard radio news reports; is that
11 right?
12 A. Yes, and I saw the television and so on. Yeah.
13 Q. All right. And you saw radio and television
14 reports?
15 A. I didn't see radio reports, but I heard radio
16 reports.
17 Q. Quite right. You heard radio reports and saw
18 television reports --
19 A. Correct.
20 Q. -- prior to phoning Dr. Humes; is that correct?
21 A. That's correct.
22 Q. And did you see -- on television did you see Dr.
23 Perry -- Drs. Perry and Clark speaking themselves, or did
24 you hear news reporters repeating or paraphrasing or
25 quoting, for that matter, Drs. Perry and Clark?

Page 103

1 A. I certainly don't remember seeing them, but I do
2 remember hearing reports. And I'm not sure to whom they
3 were attributed, but they were attributed to doctors at the
4 Parkland Hospital.

5 Q. Okay. And when you heard radio reports or when
6 you heard reports on television, do you recall actually
7 hearing the voices of Drs. Perry and Clark, or did you
8 simply hear what members of the news media were saying that
9 the doctors had said?

10 A. I was sticking to the information as it seemed to
11 be pertinent.

12 Q. Okay.

13 MR. WATLER: Let me have the court
14 reporter mark a -- as Exhibit 8 to your deposition a copy
15 of the transcript of the press conference held at Parkland
16 Hospital on the afternoon of November 22nd, 1963, that
17 included Drs. Perry and Clark. And for the record, this is
18 the same document that Mr. Kizzia introduced as Exhibit 20
19 to the deposition of Dennis Broo.

20 (Deposition Exhibit 8 was marked.)

21 MR. MCGRAW: I would like to just note
22 for the record that I don't know that this document has
23 ever been authenticated, and while I don't have any
24 objections to questions being asked from it, I don't want
25 the mere asking of those questions to be representative of

Page 104

1 the fact that this thing has somehow been authenticated and
2 is appropriately admissible into evidence.

3 MR. WATLER: The only thing I can say
4 about the authentication of this document is that it was
5 produced in discovery by Mr. Kizzia, and I know nothing
6 further about it than that.

7 BY MR. WATLER:

8 Q. Dr. Livingston, if I could direct your attention
9 of this document, and you may want to take some time to
10 review it, because what struck me is that, although you're
11 very detailed about the reports that you had heard
12 attributed to the Parkland physicians here in your letter
13 to Mr. Livingstone saying that they had said that there was
14 a small wound in the neck closely adjacent to and to the
15 right of the trachea, this transcript of the press
16 conference of Drs. Perry and Clark doesn't include any of
17 that detail.

18 There is no reference to a small wound in the
19 neck closely adjacent to and to the right of the trachea.
20 There is, of course, reference to an entry wound in the
21 throat, but neither doctor describes it as closely adjacent
22 to and to the right of the trachea. And I would ask you to
23 take whatever time you need to review this transcript to
24 confirm that for me.

25 MR. KIZZIA: That doesn't sound like a

Page 105

1 question, so I object to Counsel testifying.

2 THE WITNESS: In the second page of
3 this, Dr. Malcolm Perry is identified as saying, "I was
4 summoned to the Emergency Room shortly after the President
5 was brought in, on an emergency basis, immediately after
6 the President's arrival. Upon reaching his side, I noticed
7 he was in critical condition from a wound of the neck and
8 of the head."

9 BY MR. WATLER:

10 Q. Okay.

11 A. And then he goes after resuscitative measures,
12 and then they talk about the tracheostomy.

13 Q. You agree with me that to that point in the
14 transcript, there's nothing that refers to the wound being
15 closely adjacent to and to the right of the trachea?

16 A. Well, this is taking place after I had already
17 talked with Dr. Humes. If this is -- if I'm not mistaken,
18 this was around 6:00 in the evening -- or no, 3:16 p.m.
19 Central Standard Time, so that would have been 4:15
20 Washington time --

21 Q. Okay. Well, do you --

22 A. -- Bethesda time.

23 Q. Do you know if Drs. Perry and Clark made any
24 other statements to the news media on the afternoon of
25 November 22nd other than those in this press conference?

Page 106

1 A. Well, there were a lot of reporters who were
2 attributing to doctors at the hospital, perhaps by name --
3 I don't remember the names, but they were attributing
4 information including specifically this wound in the neck,
5 which was described as a small wound, and they had
6 characterized it even to the press as being wound of entry.

7 Q. Okay. Well, my point is, you don't have any --
8 certainly have no firsthand knowledge --

9 A. That's correct.

10 Q. -- that any such statements were made by any
11 doctor at Parkland Hospital on the afternoon of November
12 22nd, do you?

13 A. If I didn't put my finger through the wound,
14 maybe I don't have a right to say anything about it.

15 Q. That's not what I'm asking you, sir. My question
16 is, you have no personal knowledge that any doctor in
17 attendance of President Kennedy on November 22nd made any
18 statement at Parkland Hospital that day to the effect that
19 a wound was closely adjacent to and to the right of the
20 trachea?

21 A. Well, I'm just surveying this now for the first
22 time, but on page four, Dr. Clark is quoted as saying, "I
23 was busy with his head wound. I would like to ask the
24 people who took care of that part to describe this to you."

25 Dr. Perry then says, "The neck wound, as visible

Page 107

1 on the patient, revealed a bullet hole almost in the
2 midline."

3 And then the question, "What was that?"

4 "A bullet hole almost in the midline."

5 "Would you demonstrate?"

6 "In the lower portion of the neck, in front."

7 "Can you demonstrate, Doctor, on your own neck?"

8 Dr. Perry, "Approximately here (indicating)."

9 That doesn't tell me where it is.

10 "Below the Adam's apple?"

11 "Below the Adam's apple."

12 "You elected?"

13 "What, sir?"

14 "We pronounced him" --

15 This must be skipping a page or more.

16 MR. MCGRAW: It's reprinted twice.

17 MR. WATLER: Right.

18 THE WITNESS, I'm sorry. Okay.

19 "Where was the entrance wound?"

20 "There was an entrance wound in the

21 neck. As regards the one on the head, I cannot say."

22 "Which way was the bullet coming on the

23 neck wound?"

24 Dr. Perry, "It appeared to be coming at

25 him."

Page 108

1 "And the one behind?"

2 "The nature of the wound" -- and so on.

3 Dr. Clark, "The head wound" --

4 Let's see. But it is clear in the way

5 I read this that he had a wound in the neck to the right of

6 the trachea, near the midline of the neck, and it was a

7 small wound, and it had to come from the front.

8 BY MR. WATLER:

9 Q. Well, you agree with me --

10 A. That seems to be the essence of my letter.

11 Q. Well, you agree with me that you were very
12 precise in describing this wound in your letter to Mr.
13 Livingstone; is that right?

14 A. Well, let's get hold of the records of the radio
15 testimony because that was coming out --

16 Q. Okay.

17 A. -- during the real time of the President's care
18 in Parkland Hospital, and it was not necessarily directly
19 from the doctors, but from reporters who were relaying
20 information coming out of that location.

21 Q. Well, let's focus on what we have before us, Dr.
22 Livingston.

23 A. Well, that's incomplete because --

24 Q. Well --

25 A. -- you don't have the information that I was

Page 109

1 receiving, which was more explicit about the neck wound.
 2 Q. What would you consider more reliable, the
 3 transcript of an official White House press conference or
 4 second, thirdhand, fourthhand information being repeated by
 5 news reporters?
 6 MR. KIZZIA: I object to the
 7 question --
 8 THE WITNESS: This information --
 9 MR. KIZZIA: I object to the question
 10 because it assumes facts not in evidence such as second,
 11 third -- and especially third and fourthhand testimony.
 12 THE WITNESS: This evidence is
 13 sufficient for my knowledge. It says there's a small wound
 14 in the neck to the right of the trachea, near the midline,
 15 and that they considered it to be a wound of entry.
 16 BY MR. WATLER:
 17 Q. Show me where it says "to the right of the
 18 trachea." Show me anywhere in this transcript where it
 19 says these doctors told the assembled news media that this
 20 wound was to the right of the trachea.
 21 MR. KIZZIA: The document speaks for
 22 itself. I object to a question --
 23 MR. WATLER: I agree.
 24 MR. KIZZIA: -- like that because it's
 25 unfair, and also because he's already testified that he

Page 110

1 didn't have that transcript before him at the time that he
 2 talked to Dr. Humes.
 3 THE WITNESS: I don't even know I heard
 4 this broadcast, but I heard -- the broadcasts that I know
 5 were earlier in the day than that, which had come from --
 6 not from the eye witnesses themselves, but from newpeople
 7 who were talking on the radio, and they were quoting
 8 doctors in Parkland Hospital as saying that he had a wound
 9 in his neck. I believe it was to the right of the
 10 trachea -- it certainly is as exhibited in the later
 11 documents -- and that it was --
 12 BY MR. WATLER:
 13 Q. Well, let me interrupt you there. You say --
 14 A. -- a wound of entry.
 15 Q. -- "exhibited in the later documents." Are you
 16 saying that you --
 17 A. I'm not resorting to later documents at the time
 18 I was calling Humes. I'm --
 19 Q. Well, did you do that when you sent this letter
 20 to Mr. Livingston? Didn't you merge information that you
 21 have learned in the twenty-nine years --
 22 A. No, I was --
 23 Q. -- since the assassination with that which you
 24 claim to have known on the afternoon on November 22nd?
 25 Isn't that exactly what you --

Page 111

1 A. Mr. Watler, read my letter. I --
 2 Q. I am reading your letter, sir.
 3 A. -- testified to my personal, direct experience in
 4 Bethesda in relation to broadcasts that I heard during the
 5 afternoon and -- which I relayed to Commander Humes.
 6 Q. Do you know what time the assassination took
 7 place?
 8 A. Well, it was about 12:15 or 12:20, something like
 9 that.
 10 Q. Do you know what time the first reports of the
 11 assassination reached the public?
 12 A. Well, I don't know by clock time when I first
 13 heard it at the MGH hospital up in Boston at my Harvard
 14 site visit, but that must have been pretty early in the
 15 game.
 16 Q. Okay. Would you say it was probably 1:00 p.m.
 17 Central Time?
 18 MR. KIZZIA: Objection. You're asking
 19 for the witness to speculate. He said he didn't know clock
 20 time what time it was.
 21 BY MR. WATLER:
 22 Q. I believe it's a matter of record that the first
 23 news media report of the assassination was at 12:38 or
 24 12:37 p.m. on the afternoon of November 22nd, Central
 25 Standard Time.

Page 112

1 A. Well, you know more than I do about that.
 2 Q. And that would -- you would agree with me,
 3 assuming that I'm correct on that point, that would be
 4 approximately 1:37 or 1:38 p.m. Boston time; is that right?
 5 A. Yeah.
 6 Q. So the earliest you could have heard about it,
 7 assuming that you heard about it at the first instant that
 8 it was reported --
 9 A. Yeah.
 10 Q. -- would have been 1:37, 1:38 p.m. Eastern Time
 11 in Boston; is that correct?
 12 MR. KIZZIA: Well, I object to the
 13 question because it assumes and it's predicated upon
 14 information you provided that is not in evidence.
 15 BY MR. WATLER:
 16 Q. Now, if I remember your earlier testimony
 17 correctly, you said that you heard the information in
 18 Massachusetts General Hospital, that you huddled for a
 19 while in a room with some colleagues and listened to some
 20 radio news reports of the matter, and then after that, you
 21 left and went to the airport in Boston?
 22 A. As fast as I could.
 23 Q. Okay. And how far away is the -- oh, I guess
 24 that was Logan Airport in Boston?
 25 A. Uh-huh.

Page 113

1 Q. How far away is Logan Airport from Mass. General?
 2 A. About twelve minutes.
 3 Q. Twelve minutes. And so -- and then you hopped on
 4 a shuttle --
 5 A. Correct.
 6 Q. -- to go down to Washington, D. C.; is that
 7 right? Did you have reservations on the shuttle at that
 8 time?
 9 A. No, I didn't need them.
 10 Q. Did you have a ticket with you?
 11 A. Yes.
 12 Q. Airline ticket? And you took the shuttle to
 13 Washington, D. C. How long of a flight is that?
 14 A. It's less than an hour. It's about an hour.
 15 Q. Less than an hour. And that's the case in 1963,
 16 or is that the case in modern jets?
 17 A. No, that was the case. That was Eastern Shuttle,
 18 and it went directly --
 19 Q. Okay. What airport did it land in?
 20 A. Washington National.
 21 Q. Okay. How far away is that from your home at the
 22 time?
 23 A. About ten miles.
 24 Q. Okay. And how did you travel from the airport to
 25 your home?

Page 114

1 A. By taxi.
 2 Q. Okay.
 3 A. I went directly from the shuttle as fast as I
 4 could to get a taxi and went home.
 5 Q. And then --
 6 A. And as I told you, I had been listening to the
 7 radio in the taxi going to Logan Airport and in the taxi
 8 going home.
 9 Q. Okay. And you did all that in a matter of less
 10 than two hours; is that right?
 11 A. I don't know by clock time, but it would be in
 12 that neighborhood, yeah.
 13 Q. Well, if you --
 14 A. Probably less than two hours.
 15 Q. If you called Commander Humes at 3:30, then all
 16 this had to have transpired in less than two hours; is that
 17 right?
 18 A. That's correct.
 19 Q. Okay. And you're here to testify under oath that
 20 that's physically possible to do all that in less than two
 21 hours; is that right?
 22 MR. KIZZIA: Well, Paul, you're being
 23 unfair --
 24 THE WITNESS: well --
 25 MR. KIZZIA: -- to this witness because

Page 115

1 he said --
 2 MR. WATLER: I'm not being unfair to --
 3 MR. KIZZIA: Yes, you are. The record
 4 will speak for itself that he said --
 5 MR. WATLER: I've -- I --
 6 MR. KIZZIA: -- that he -- well, let me
 7 announce my objection, and then you can say whatever you
 8 want.
 9 MR. WATLER: Make a legal objection.
 10 MR. KIZZIA: I object to your question
 11 because it mischaracterizes what the witness has said, and
 12 it's an unfair question. The witness has testified that he
 13 did not recall exactly what time he called Commander Humes,
 14 but he knew that it was before JFK's body got to the
 15 Bethesda Naval Hospital. He guessed that it was somewhere
 16 between 3:30 and 4:00, but he wasn't certain about it.
 17 MR. WATLER: Brad, now, the record will
 18 speak for --
 19 THE WITNESS: The body didn't --
 20 MR. WATLER: -- itself. You know as
 21 well I do what is going on here. You're coaching this
 22 witness --
 23 MR. KIZZIA: I'm not coaching the
 24 witness.
 25 MR. WATLER: -- so that he will now

Page 116

1 repeat that, I was guessing at the time, and my best
 2 estimate was, and that was his testimony.
 3 MR. KIZZIA: Hey, I'll stand on what he
 4 said earlier. I'll stand on that. As a matter of fact,
 5 I'll bet you lunch right now --
 6 MR. WATLER: You're --
 7 THE WITNESS: Mr. Watler --
 8 MR. KIZZIA: I bet you lunch that he
 9 said that he was guessing at that and he wasn't certain.
 10 You take me up on it?
 11 MR. RIDDLE: Let's move along.
 12 THE WITNESS: Mr. Watler, the body came
 13 up, if I'm not mistaken, about 6:30 or so at Andrews Air
 14 Force Base, so that even if I called at 4:15 or 4:30, it
 15 still would be considerably before the body reached Andrews
 16 Air Force Base. And I told you in the beginning that I
 17 didn't know exactly what time.
 18 BY MR. WATLER:
 19 Q. Well -- oh, so now you're not sure exactly what
 20 time it was that you made this phone call?
 21 MR. KIZZIA: I object to the question.
 22 He --
 23 THE WITNESS: You pinned me down --
 24 MR. KIZZIA: He told you that earlier.
 25 THE WITNESS: You pinned me down to

Page 117

1 make a guess, and I told you I was making a guess.
 2 BY MR. WATLER:
 3 Q. No, you did not tell me you were making a guess.
 4 MR. KIZZIA: You're arguing with the
 5 witness.
 6 THE WITNESS: I said --
 7 MR. KIZZIA: I object to it.
 8 THE WITNESS: -- categorically that it
 9 was before the body arrived at Andrews Air Force Base, but
 10 I did not say categorically any specific time. I estimated
 11 that it was probably between 3:30 and 4:00.
 12 BY MR. WATLER:
 13 Q. The record will speak for itself.
 14 A. Sure. I'm comfortable with that.
 15 Q. Now, Mr. Kizzia pointed out that he had never met
 16 you before today. Can you explain to me how Mr. Kizzia had
 17 a copy of your Curriculum Vitae that he marked as an
 18 exhibit?
 19 A. I presume through Mr. Fetzer.
 20 Q. So apparently there's been communication about
 21 your deposition between Mr. Kizzia and Mr. Fetzer; is that
 22 right?
 23 A. In fact, I --
 24 MR. KIZZIA: I object to you --
 25 THE WITNESS: -- had been informed that

Page 118

1 I would be giving a deposition here.
 2 MR. KIZZIA: I object to you --
 3 THE WITNESS: Yeah, let's --
 4 MR. KIZZIA: I object to you trying to
 5 get this witness to speculate about conversation between
 6 other people.
 7 BY MR. WATLER:
 8 Q. Well, let me just get this straight. Did Mr.
 9 Fetzer tell you that he had given a copy of your Curriculum
 10 Vitae to Mr. Kizzia?
 11 MR. KIZZIA: I'll just state on
 12 the --
 13 THE WITNESS: It doesn't matter.
 14 MR. KIZZIA: -- record that Exhibit
 15 Number 1 was handed to me by Mr. Fetzer just moments before
 16 the deposition started, and I asked --
 17 MR. WATLER: Brad, someday you may get
 18 a chance --
 19 MR. KIZZIA: -- if I could use it as an
 20 exhibit, and we did.
 21 MR. WATLER: -- to give a deposition,
 22 but right now --
 23 MR. KIZZIA: well, you're asking the
 24 witness to speculate about something he doesn't know. I
 25 don't know if he saw Jim hand me that CV.

Page 119

1 MR. WATLER: Brad, you know how to
 2 conduct yourself in a deposition. You have been practicing
 3 law long enough to know that you're exceeding the
 4 permissible bounds here. I've tried to be patient. I'm
 5 trying to cross-examine this witness that you brought here
 6 without giving us any advance indication whatsoever of what
 7 the nature of his testimony is going to be. Now, having
 8 sat here and listened to his direct examination, I think
 9 I'm entitled to cross-examination the gentleman. And I
 10 would --
 11 MR. KIZZIA: Sure, but you have gone on
 12 for, you know, over two hours about a lot of irrelevant
 13 stuff.
 14 MR. WATLER: Most of which is being
 15 preceded by your --
 16 MR. KIZZIA: And secondly, I didn't
 17 bring this witness here. He came at his own expense, at
 18 his own expense, all the way from San Diego.
 19 MR. WATLER: If you will let me ask
 20 questions, maybe we'll find out some of those facts.
 21 MR. KIZZIA: Well, he's already
 22 testified to it. And besides that, you had plenty of
 23 advance notice of this deposition, and I notice that you
 24 have been well prepared for it. You have gone and found
 25 where -- a book where it quotes a letter that the doctor

Page 120

1 has provided, so it's ridiculous for you to insinuate that
 2 you were not prepared for this deposition.
 3 MR. WATLER: Well, you will admit that
 4 you didn't give us any kind of interrogatory answer of any
 5 kind that indicated as much as that this witness had
 6 knowledge of relevant facts --
 7 MR. KIZZIA: Well, you know --
 8 MR. WATLER: -- prior to this
 9 deposition today.
 10 MR. KIZZIA: Well, you know how to
 11 conduct yourself at a deposition, Paul. You have been
 12 doing this a long time. I'm not being deposed here. The
 13 witness is.
 14 MR. WATLER: Oh, well.
 15 MR. KIZZIA: So let's go on.
 16 MR. WATLER: But you're offering
 17 testimony here.
 18 MR. MCGRAW: I would like the record to
 19 be clear on one point, and that is that I personally asked
 20 Plaintiffs' Counsel what we could expect this witness to
 21 testify about, and I was told that he would rather not tell
 22 me and would rather wait until the deposition took place.
 23 Since the topic has been raised, I would like the record to
 24 be clear.
 25

Page 121

1 BY MR. WATLER:
2 Q. Dr. Livingston --
3 THE WITNESS: How could he know? We
4 didn't have any previous dialogue about what the contents
5 of the deposition would be.
6 BY MR. WATLER:
7 Q. Well, how is it that Mr. Kizzia knew enough to
8 ask you about what building you were in at the National
9 Institute of Health and seemed to have knowledge of exactly
10 where you were and what you had done that day?
11 MR. KIZZIA: I object to the question.
12 You're asking this witness to speculate about my knowledge.
13 MR. WATLER: I'm not asking him to
14 speculate. I'm asking him to tell me anything he knows
15 from his personal knowledge.
16 MR. KIZZIA: And I also object to the
17 question because it mischaracterizes my question. I asked
18 the question where he was on November 22nd, and he stated
19 building ten.
20 MR. WATLER: Oh, come on, Brad, let's
21 move on here.
22 MR. KIZZIA: I didn't ask him about
23 those -- I agree with you. Let's move on.
24 MR. WATLER: Quit making speeches.
25 MR. KIZZIA: Let's move on.

Page 122

1 MR. WATLER: Quit making speeches.
2 MR. KIZZIA: Let's move on. I agree
3 with you.
4 BY MR. WATLER:
5 Q. Can you answer my question Dr. Livingston?
6 A. Give me your question again, Mr. Watler.
7 Q. Well, tell me what communications you had ever
8 had with any member of the firm of Strasburger & Price, the
9 law firm that Mr. Kizzia is with.
10 A. This is the first time I've been in this building
11 and the first time I've met Mr. Kizzia.
12 Q. All right. Now, Gary Shaw, who is one of the
13 Plaintiffs to this lawsuit, is present here for this
14 deposition. Had you spoken to Mr. Shaw before today?
15 A. I just met him today --
16 Q. Okay.
17 A. -- just a few minutes before coming in here.
18 Q. And you had spoken to him during some of the
19 breaks in the deposition; is that right?
20 A. Just porch talk, you know. I was just eating a
21 lunch, and we didn't talk about the deposition.
22 Q. Did he give you any suggestions about your
23 testimony?
24 A. No.
25 Q. Hadn't discussed your testimony with Mr. Shaw?

Page 123

1 A. No.
2 Q. He didn't tell you about how to answer questions
3 or whether --
4 A. No.
5 Q. -- you should move on and not expound on your
6 answers?
7 A. No. I was told by a couple of people, and I
8 don't know which ones, but just to try to listen to the
9 question and answer the question.
10 Q. Okay. Now, you're here this weekend, I take it,
11 not just to give your deposition; is that right?
12 A. No, I'm going to be in one of the panels.
13 Q. Okay. And one of the panels that you're
14 referring to is an event called the Assassination Symposium
15 on Kennedy; is that right?
16 A. Correct.
17 Q. And that's being held here in Dallas in
18 conjunction with the thirtieth anniversary of the
19 assassination of President --
20 A. Correct.
21 Q. -- Kennedy; is that right?
22 A. Correct.
23 Q. And you're going to be a panelist on Sunday; is
24 that right?
25 A. I think it's Sunday.

Page 12

1 Q. Okay. And Mr. Kizzia is going to be a panelist
2 on Sunday; is that right?
3 A. I didn't know.
4 Q. Okay. Well, do you understand he's going to be a
5 panelist at the symposium?
6 A. I didn't know that.
7 Q. Okay. And Mr. Fetzer, is he going to be on the
8 program?
9 A. I don't think so.
10 Q. Okay.
11 A. I don't know for sure, but I don't think so.
12 Q. All right.
13 MR. WATLER: Let me mark as Exhibit --
14 whatever our next one is. Is that 9?
15 THE REPORTER: (Nods affirmatively.)
16 (Deposition Exhibit 9 was marked.)
17 THE WITNESS: I could do that.
18 BY MR. WATLER:
19 Q. I've marked -- I've had the court reporter mark
20 what now appears as Exhibit 9 to your deposition and ask
21 you just if you would confirm for me that this is a copy of
22 the program for the Assassination Symposium on Kennedy
23 being held here in Dallas this weekend.
24 A. It looks like it.
25 Q. Okay. You have seen that before?

Page 12

1 A. I just saw it maybe a couple of hours ago when I
2 arrived.
3 Q. All right.
4 A. I haven't read it.
5 Q. And you, of course, are listed on a program at
6 2:00 p.m. on Sunday under Eyewitnesses; is that right?
7 A. Yes, uh-huh, my name is there.
8 Q. All right. And, of course, you're -- although
9 you're listed under Eyewitnesses, you're not an eyewitness
10 to the assassination?
11 A. That's correct.
12 Q. To the treatment of Kennedy?
13 A. I had asked --
14 Q. To the autopsy, to those events?
15 A. I had asked to be on the New Leads & Revelations
16 by my preference, but they said that was getting filled up
17 or something, there was some space in Eyewitnesses, and so
18 they put me there. I didn't ask for that. I was an
19 earwitness --
20 Q. Who did you ask that --
21 A. -- if you like. Did you get that, Mr. Watler?
22 Q. Oh, yes, I did.
23 A. I was --
24 Q. Who did you --
25 A. -- an earwitness.

Page 12

1 Q. Earwitness. Who did you make that request of
2 what -- you said you had asked someone to be on a
3 particular program.
4 A. Yes, it's Ms. MacArthur. I think that's her
5 name.
6 Q. Okay. And --
7 A. I sent her a fax which I asked to be on New Leads
8 & Revelations and not on the Eyewitness, but she wasn't
9 able to arrange that apparently.
10 Q. And, to your --
11 A. I haven't met her yet.
12 Q. -- understanding, who is organizing this
13 assassination symposium?
14 A. I don't actually know much about it, frankly.
15 Q. Well, if you look at page one, there's a
16 reference to the JFK Assassination Information Center. Do
17 you see that?
18 A. Yes.
19 Q. Do you know that Mr. Shaw, one of the Plaintiffs
20 in this lawsuit, has an association with the Assassination
21 Information Center?
22 A. I didn't know that.
23 MR. KIZZIA: Well, I object --
24 THE WITNESS: I didn't know that.
25 MR. KIZZIA: -- to that question --

Page 127

1 THE WITNESS: I didn't know that.
2 MR. KIZZIA: -- because I think that as
3 facts currently stand, that that assumes facts not only not
4 in evidence, but it is an error.
5 MR. WATLER: Oh. Well, maybe I'm
6 incorrect.
7 BY MR. WATLER:
8 Q. Did you understand that Mr. Shaw formerly had an
9 association with the JFK Information Center?
10 A. I didn't know that, no.
11 Q. Okay. Let me direct your attention to page
12 fourteen of the program, and you will see there is a short
13 biographical listing, I guess you would say, of the
14 different speakers. And on the same page appears the name
15 of D. Bradley Kizzia, the Plaintiffs' attorney in this
16 lawsuit, and yourself, Robert B. Livingston, M. D. Do you
17 see that?
18 A. Yes.
19 Q. And although you have never met or communicated
20 with Mr. Kizzia before today, somehow or another it turns
21 out that you're going to be on a program with him this
22 weekend.
23 MR. KIZZIA: Well, wait just a second.
24 That's a --
25 THE WITNESS: Am I?

Page 128

1 MR. KIZZIA: -- misleading question.
2 We're not going to be on any program at the same time.
3 MR. WATLER: Well, Brad, are you giving
4 a deposition or not?
5 MR. KIZZIA: Well, I object to your
6 question because it's misleading.
7 MR. WATLER: All right. Well, then
8 object and don't give a speech. Okay?
9 MR. KIZZIA: Well, I'll state my
10 objections as I think --
11 MR. WATLER: Well --
12 MR. KIZZIA: -- that I want to state
13 them.
14 THE WITNESS: Well, there are a lot of
15 other people here with whom I'm now associated, but I
16 haven't met most of them, and I don't know what their
17 relationship is to the organization or to the program.
18 Peter Dale Scott is one I do know.
19 BY MR. WATLER:
20 Q. Let me direct your attention to page forty of the
21 program.
22 A. Yes.
23 Q. And tell me who the symposium is dedicated to.
24 A. Mary Ferrell and Gary Shaw.
25 Q. Okay. Now, do you subscribe to the Statements of

Page 129

1 Agreement on the Evidence in the assassination of JFK set
2 forth in this program?
3 A. I haven't read it.
4 Q. It's at -- you haven't read it?
5 A. No.
6 Q. It's at page eighteen -- begins at page eighteen,
7 page eighteen and nineteen.
8 A. Towards Agreement on the Evidence, is --
9 Q. Yes, sir.
10 A. -- that what you're talking about?
11 Q. Yes, sir.
12 A. Okay.
13 Q. It says along the left margin, Statements of
14 Agreement -- do you see that --
15 A. Yes.
16 Q. -- in a black border with white type?
17 A. Yes.
18 Q. And then at the top it says Towards Agreement on
19 the Evidence in the Assassination of JFK: A Work in
20 Progress --
21 A. Correct.
22 Q. Is that right?
23 A. That's what I read.
24 Q. All right. And you have not read that before?
25 A. No.

Page 130

1 Q. So you can't tell me whether you subscribe to the
2 views that are set forth here?
3 A. I have no idea.
4 Q. Okay. Well, do you agree that the case against
5 Oswald in the JFK murder is without merit, based on broken
6 chains of evidence, on altered documents, on --
7 A. I don't know.
8 MR. KIZZIA: And I object to the
9 question being totally irrelevant.
10 THE WITNESS: I don't know.
11 BY MR. WATLER:
12 Q. Well, I'm asking you now --
13 A. I can agree that I would like to work towards
14 Agreement on the Evidence in the Assassination of JFK: A
15 Work in Progress. That sounds reasonable to me.
16 Q. Well, I'm asking you if you agree with this
17 statement: "The case against Oswald in the JFK murder is
18 without merit, based on broken chains of evidence, on
19 altered" --
20 A. I do not have personal, direct knowledge about --
21 that.
22 Q. Well, even if you don't have personal, direct
23 knowledge, I take it you have not formed a belief as to
24 that?
25 A. I don't have --

Page 131

1 MR. KIZZIA: And I --
2 THE WITNESS: I don't even have an
3 attitude about it.
4 BY MR. WATLER:
5 Q. You don't have an attitude? Do you believe that
6 the death of John Kennedy was the result of a conspiracy?
7 A. Well, I can say that my direct experience leads
8 me to conclude that there must have been more than one
9 gunman in different locations.
10 Q. Okay. Do you know Dr. Charles Crenshaw, who is
11 one of the Plaintiffs in this lawsuit?
12 A. No, I don't.
13 Q. Ever met the man?
14 A. I don't believe so.
15 Q. Ever spoken to him on the telephone?
16 A. No.
17 Q. Ever corresponded or communicated with him?
18 A. No. I have quoted him in relation to the
19 cerebellar tissue. I just did in this record.
20 Q. In your letter to --
21 A. No, in my record here. I quoted him as saying
22 that a large portion of the cerebellum was extruded from
23 the wound and hung by a very narrow --
24 Q. And where did you get that information from?
25 A. From public information, public documents.

Page 132

1 Q. Can you tell me other persons you have
2 corresponded with concerning the assassination of John F.
3 Kennedy?
4 MR. KIZZIA: I think that that question
5 is overbroad, and --
6 THE WITNESS: Well, I can --
7 MR. KIZZIA: -- I object to it.
8 THE WITNESS: -- identify my family, I
9 can identify some colleagues, some of them from my NIH days
10 and some of them more recently, but I couldn't give you an
11 accurate, full list.
12 BY MR. WATLER:
13 Q. I understand, but tell me --
14 A. But it would be a large list.
15 Q. Okay. Tell me the names of persons you can
16 recall that you have corresponded with, setting aside
17 members of your family.
18 MR. KIZZIA: I still think that
19 question is --
20 THE WITNESS: Well, with --
21 MR. KIZZIA: -- overbroad, and I object
22 to it.
23 THE WITNESS: -- Harrison Livingstone
24 and with David Lifton and with Peter Dale Scott, those
25 letters are well documented, and I have had a lot of

000270

Page 133

1 correspondence and faxes with Fetzer. And I've had
 2 conversations and so on with both Mantik and Aguilar, and
 3 they participated in this second videotape that I
 4 mentioned, which will be in your possession shortly.
 5 BY MR. WATLER:
 6 Q. And as far as your academic and medical
 7 background, I take it you have never been a -- you are not
 8 a pathologist?
 9 A. No, I'm not, but I taught Neuropathology at
 10 Stanford University --
 11 Q. You're --
 12 A. -- so I have a little bit of credibility there.
 13 Q. Okay. And you are -- have you ever performed
 14 autopsies?
 15 A. Sure, many times.
 16 Q. Okay. When did you do those?
 17 A. Oh, beginning in medical school, I was an
 18 assistant in both surgical and autopsy activities, and I've
 19 conducted, rough estimate, maybe a hundred autopsies
 20 authoritatively. And I've certainly -- I estimated not
 21 long ago that I had attended the deaths of about two
 22 hundred people personally.
 23 Q. When was the last autopsy that you performed?
 24 A. About in 1952, something like that.
 25 Q. So forty-one years ago?

Page 134

1 A. Yeah.
 2 Q. And eleven years before the death of President
 3 Kennedy?
 4 A. Yeah.
 5 Q. Okay. And have you sold any rights to any of
 6 your story --
 7 A. No.
 8 Q. -- about the John Kennedy assassination?
 9 A. No, I'm not interested in that. I'm interested
 10 in truth finding.
 11 Q. Do you have a book contract?
 12 A. No.
 13 Q. Okay. You're interested in -- I'm sorry. Let me
 14 back up. I asked you if you had sold any of your story
 15 rights, and you said you're interested in truth finding; is
 16 that right?
 17 A. (Witness nods affirmatively.)
 18 Q. Are you suggesting that people who sell their
 19 stories or --
 20 A. No, I'm not suggesting that.
 21 Q. Okay.
 22 A. You impugn to me criticisms of Humes which I
 23 don't hold. He may have been doing his duty to the best of
 24 his ability in circumstances, where now you're trying to
 25 make out I was trying to maintain he was a liar, and I'm

Page 135

1 not trying to maintain that.
 2 Q. Okay.
 3 A. I would like to be in the same room with him and
 4 talk about this rather than be interrogated that I'm trying
 5 to lie to him -- or to call him a liar.
 6 MR. WATLER: I object to your answer as
 7 nonresponsive to any question.
 8 BY MR. WATLER:
 9 Q. Do you believe that persons such as yourself --
 10 well, strike that.
 11 You have not attempted to sell your story rights
 12 because you believe it enhances your credibility to not be
 13 seen as doing this --
 14 A. I don't have any such belief. I'm not trying
 15 to -- I'm not arguing about that.
 16 Q. Well, I'm asking you, sir.
 17 A. No, I'm not. I'm not trying to make money or
 18 lose money or do anything.
 19 Q. Well --
 20 A. I'm spending about two thousand dollars to come
 21 here to attend this meeting --
 22 Q. Okay.
 23 A. -- and to attend the press conference we had in
 24 New York and to suffer this deposition, but I'm not trying
 25 to buy into something or sell something.

Page 136

1 Q. Okay. Well, the reason you want the members of
 2 the jury to know that is so that they'll have -- be able to
 3 judge your credibility and your motivations, whether or not
 4 you're motivated by an interest in making money off of
 5 telling your story, is --
 6 A. I am not.
 7 Q. -- that right?
 8 A. I am not.
 9 Q. Okay.
 10 A. Correct.
 11 Q. But that's an important thing for someone to know
 12 about someone who is coming forward with information in the
 13 JFK assassination?
 14 A. I don't see its relevance there, frankly.
 15 Q. It's not relevant to anyone to concern themselves
 16 whether or not someone who comes forward after nearly three
 17 decades with what they say is startling information and
 18 important information --
 19 A. I didn't say it was startling.
 20 Q. Let me finish my question, sir.
 21 A. Sorry.
 22 MR. KIZZIA: And then I'm going to have
 23 an objection, so you might wait for a while.
 24 MR. WATLER: Okay.
 25

Page 137

1 BY MR. WATLER:
 2 Q. But do listen to my question because I want to
 3 keep it -- I want you to keep it in mind. My question is,
 4 is it something that you believe is reasonable for persons
 5 to want to know whether or not someone has a profit motive
 6 when they come forward with information after nearly three
 7 decades related to the JFK assassination?
 8 MR. KIZZIA: I object to the question
 9 because it's totally irrelevant as to what this witness's
 10 belief is on that issue, it's not reasonably calculated to
 11 lead to admissible evidence, it mischaracterizes the
 12 evidence in this case, assumes facts not in evidence and
 13 for all those reasons is objectionable.
 14 THE WITNESS: I not only, Mr. Watler,
 15 have no economic ambitions, aspirations in relation to
 16 this, but I'm told by several different people without
 17 their being in contact with each other that there may be
 18 some risk to my life for coming forth with such evidence.
 19 I don't think that's a very self-seeking gesture, and in
 20 spite of that, I wanted to participate in trying to reach
 21 truth by --
 22 BY MR. WATLER:
 23 Q. Well, others --
 24 A. -- by coming to this meeting.
 25 Q. Others may not be as altruistic as you; is that

Page 138

1 right?
 2 MR. KIZZIA: Objection. You're
 3 testifying now, and it's irrelevant and not reasonably --
 4 THE WITNESS: That's probably true.
 5 I'm --
 6 MR. KIZZIA: -- calculated to lead to
 7 admissible evidence.
 8 THE WITNESS: -- a relatively
 9 altruistic person, but I'm not trying to put other people
 10 down.
 11 BY MR. WATLER:
 12 Q. Okay. And I'm not suggesting that you are. I'm
 13 just trying to ask you some questions --
 14 A. Sure.
 15 Q. -- to understand your testimony, understand your
 16 role in these events.
 17 MR. KIZZIA: Well, those questions have
 18 nothing to do with this, so --
 19 MR. WATLER: Brad, put a sock --
 20 MR. KIZZIA: -- so I object to it being
 21 irrelevant.
 22 MR. WATLER: -- in it. Okay? Really,
 23 my patience has really been almost exhausted with this.
 24 MR. KIZZIA: You don't look exhausted.
 25 I wish you were exhausted. Maybe we would get through

Page 139

1 sooner.

2 MR. WATLER: I'm exhausted with your
3 obstreperous manner. I'm not exhausted in having the
4 opportunity to cross-examine this witness that you have
5 brought forth today.

6 MR. KIZZIA: Again, I object to the
7 characterization that I've brought forth this witness.
8 This witness came from San Diego at his own expense, and I
9 also object to your characterization of my manner.

10 MR. WATLER: I disagree with you.

11 Could you read back my last question,
12 please.

13 (The requested text was read.)

14 BY MR. WATLER:

15 Q. I believe you answered the question of whether or
16 not you were altruistic, and I believe you told me you do
17 consider yourself to be altruistically motivated here; is
18 that right?

19 A. Yes.

20 Q. Okay. And -- but other people may not share your
21 altruism; is that right?

22 MR. KIZZIA: That's -- I object to it.

23 That's totally irrelevant to his testimony. It's not
24 reasonably calculated to lead to admissible evidence. What
25 he thinks about --

Page 140

1 THE WITNESS: I'm not trying to --

2 MR. KIZZIA: -- whether other people
3 are altruistic or not is totally irrelevant.

4 THE WITNESS: I'm not trying to measure
5 people's altruism in this.

6 BY MR. WATLER:

7 Q. Well, as a person who comes from academia and the
8 world of science, is it reasonable to inquire as to a
9 person's motivations when they come forward with
10 information that they have not disclosed for almost thirty
11 years?

12 A. Well, this is a --

13 MR. KIZZIA: Paul, that's an --

14 THE WITNESS: This is a lawyer's ploy.
15 I'm not in that --

16 MR. KIZZIA: Yeah, that's an irrelevant
17 question for this witness.

18 THE WITNESS: I'm not in that

19 business.

20 MR. WATLER: Brad --

21 MR. KIZZIA: And I object to it.

22 THE WITNESS: I'm not in that business.

23 BY MR. WATLER:

24 Q. Can you answer my question?

25 MR. KIZZIA: Same objection.

Page 141

1 THE WITNESS: I think it's irrelevant.

2 BY MR. WATLER:

3 Q. Well, in the world of science, is it an
4 appropriate inquiry to know if a scientist who is putting
5 forth a theory or a finding, whether or not he's accepted
6 money for doing so?

7 MR. KIZZIA: I object to the question
8 as being totally irrelevant to this witness's testimony.

9 THE WITNESS: If you had time, I could
10 tell you a good deal about perception and judgment and
11 behavior and particularly perception as regards a person's
12 perceiving in accordance with his past experiences,
13 expectations and purposes. And I think that one of the
14 aspects of this case that is important is that people can
15 see the same event, but because of their past experiences,
16 expectations and purposes, they may actually have a
17 different perceptual experience.

18 Let me be more specific about this.
19 The nervous system develops a world view which gives a
20 person certain capacities for strategies of life and
21 reaction and so on. And in the perceptual process, our
22 nervous system has nerves that go out to the sense organs
23 that modify those sense organs before the sense data get
24 into the organ, get into the central nervous system and in
25 each relay going centralward. Now, this means that we

Page 142

1 don't see the outside world as it is out there, but we see
2 it through a filter system which is dynamic, which is going
3 on endlessly and inevitably and which is affected by our
4 past experiences, expectations and purposes.

5 Now, this means in a court of law when
6 you ask two witnesses to give testimony about the same
7 event, in law you ordinarily interpret if their testimony
8 is contradictory, that one or both is lying or, secondly,
9 that one or both is having a slippage between the percept
10 which should be equivalent and the testimony which is now
11 different.

12 There's a third possibility which my
13 research and other research in the last thirty years or so
14 has definitely shown to be operative, namely, that they
15 could experience different events on the same occasion.
16 Now, this means their testimony might be perfectly honest,
17 and there might be no slippage between the percept as
18 experienced and the testimony. It makes a completely
19 different category that law hasn't recognized.

20 I could give you some chapter and verse
21 on this, and it is pertinent to the kinds of questions
22 you're addressing. And I would say that I'm not in a
23 position to judge whether other people are more altruistic
24 or less altruistic. I'm not in a position to say whether
25 they're more honest or less honest. I'm in a position only

Page 143

1 to give testimony related to my own direct experience, and
2 my own direct experience implies strongly on the basis of
3 two things, the neck wound and cerebellar tissue extruding,
4 that there must have been a frontal assault on President
5 Kennedy. And that's something that has not been adequately
6 established on the record, and therefore my testimony is
7 forthcoming and appropriate and pertinent.

8 MR. WATLER: I object to your answer as
9 nonresponsive --

10 BY MR. WATLER:

11 Q. -- because my question was simply this: I'm not
12 asking you to judge whether or not someone else is
13 altruistic or not. I'm asking you whether you agree with
14 me that one of the factors that ordinary persons look to to
15 judge whether or not someone is altruistic is whether or
16 not they're motivated by a profit motive.

17 MR. KIZZIA: And, again --

18 BY MR. WATLER:

19 Q. Can you agree with that? Yes or no?

20 MR. KIZZIA: No, I object to the
21 question because whether this witness agrees with you on
22 that or not is totally irrelevant to this case, and what
23 ordinary people do and don't do is not something that this
24 witness should be forced to have to testify about when he's
25 already been here for -- going on three hours of

Page 144

1 deposition, most of which has been your questioning on
2 irrelevant matters, and we object to it.

3 BY MR. WATLER:

4 Q. Do you remember the question, Dr. Livingston?

5 A. Yes, why don't you repeat it again, Mr. Watler?

6 Q. Let me just ask the court reporter to read it
7 back.

8 A. Sure.

9 (The requested text was read.)

10 THE WITNESS: I'm confident that there
11 are people who are moved by the profit motive. There's no
12 question about that.

13 BY MR. WATLER:

14 Q. And that's an appropriate thing to want to be
15 informed about in judging whether or not someone is
16 altruistic?

17 MR. KIZZIA: Objection. It's asked and
18 answered and --

19 THE WITNESS: Well, it's also true that
20 a person can give testimony and participate in truth
21 seeking and get profit from it without their necessarily
22 biasing their effort or their testimony --

23 BY MR. WATLER:

24 Q. But --

25 A. -- because of the fact that they get money. Now,

000281

Page 145

1 I get nothing for this. I pay out of my own pocket. I'm
2 living on a limited income. It's a hardship for me. It's
3 a hardship --
4 Q. I don't dispute or question that, and I'm really
5 not speaking --
6 A. -- for my children.
7 MR. KIZZIA: Let him finish his answer.
8 THE WITNESS: It's a hardship for my
9 children, and I am uncomfortable by your implied assumption
10 that I have some stake in this, and I --
11 BY MR. WATLER:
12 Q. No, I'm not questioning you at all.
13 A. I'm truth seeking.
14 Q. I'm not questioning you at all.
15 A. Okay.
16 MR. KIZZIA: Well, you have been
17 questioning him for two hours, more than two hours.
18 BY MR. WATLER:
19 Q. Well, I'm not questioning your motives, your
20 motivation. I'm just asking you if you agree in trying to
21 determine -- I accept your testimony that you're not being
22 paid or you're not earning any profit about this, and I
23 don't quarrel with that or question that. But my question
24 is, is it appropriate for persons to ask the question of
25 whether or not someone is doing something out of a profit

Page 146

1 motive?
2 A. Sure, I think that if --
3 Q. Okay. Thank you. You have answered my question,
4 and I have nothing further to ask you about that, and I
5 only have a few more questions to ask.
6 A. A freshman student in Psychology 101 would answer
7 yes to that question.
8 Q. Thank you. What is your date of birth, sir?
9 A. October 9, 1918.
10 Q. Do you have a, I take it -- a -- what, a
11 California driver's license?
12 A. Yes.
13 Q. Do you know the driver's license number on your
14 driver's license?
15 A. No.
16 Q. Do you have it with you today?
17 A. Yes.
18 Q. Would you look at it and tell us your driver's
19 license number, sir. And if you don't know your Social
20 Security number and you have your Social Security card on
21 you --
22 A. I have a card here --
23 Q. -- could you get that also.
24 A. -- for that, too.
25 MR. KIZZIA: They want to check up on

Page 147

1 your driving record, Doctor.
2 THE WITNESS: Yeah. I donate body
3 parts. My driver's license is California, R0635032, and
4 it's marked here Class C. I don't know what that means.
5 My date of birth is as I gave it to you. My --
6 BY MR. WATLER:
7 Q. Which is October of 1918?
8 A. October 9, 1918.
9 Q. October 9, excuse me.
10 A. Yeah.
11 Q. Thank you.
12 A. And my Social Security number is 546-26-3437.
13 Q. And what is your home phone number?
14 A. Area Code (619) 455-0306.
15 Q. And your home address, sir?
16 A. I can give you a fax number there, too, which may
17 be helpful, 455-1874. My address is 7818 Camino,
18 C-a-m-i-n-o, Noguera, N-o-g-u-e-r-a. That should mean no
19 war, but it means walnut. San Diego, California
20 92122-2027.
21 Q. And do you currently maintain an office or
22 business address?
23 A. No. I have an office in my home, which is an
24 altruistic office if you like, self-supported, which is
25 trying to save the world.

Page 14

1 Q. Okay.
2 A. I gave plenary lectures just this October before
3 the International Physicians for the Prevention of Nuclear
4 War in Mexico City, entered the Nobel Prize winners of 1985
5 for giving information to the public about the dangers of
6 nuclear war, and I attended workshops and so on. I have
7 fourteen projects with the Dalai Lama. I was President of
8 Physicians for Social Responsibility 1992 and had an
9 important role in policies and actions there.
10 And I am working with a number of people who are
11 prominent in government for global cooperation, and this is
12 a very basic and, I think, comprehensive attempt to solve
13 critical problems that relate to security, to population,
14 to environment, to justice and peace in the world. And
15 these people include Robert McNamara, Elliott Richardson,
16 Cy Vance, Roger Fisher and a whole coterie of people who
17 are experts in communication, and the intent is to get
18 expert planners and strategy thinkers around the world to
19 try to get win-win situations for safeguarding survival.
20 Q. What else have you --
21 A. And I think that this experience here in Dallas
22 is pertinent to that because of the things I alluded to
23 earlier, namely, history was changed by the Kennedy
24 assassination, and the United States is in an embarrassing
25 position, vis-a-vis --

Page 149

1 Q. Uh-huh.
2 A. -- the fact that this has not been settled.
3 Q. So you view your giving deposition testimony in
4 this case as part of your effort to, as you said, save the
5 world; is that right?
6 A. That's right.
7 Q. Okay. What else have you --
8 A. I think that --
9 Q. -- done to save the world?
10 A. -- the most important thing that has happened in
11 human history happened in the last fifty years. It was the
12 possibility of overkill in terms of the world. We can
13 overkill, if you like, the human population by about
14 twenty-eight times, and in the process the environment
15 would be so harmed that it would be impossible for human
16 survival if there were some survivors. So I think that
17 this is something that should be uppermost in people's
18 minds, and when they think about the future and their own
19 economy or family, that they should be attempting to help
20 fend this. And it takes truth telling, and it takes
21 education, and it takes sacrifice, and it mustn't take too
22 much time because we don't have too much time.
23 Q. What else have you done to try to save the world?
24 A. Well, I was asked, for example --
25 MR. KIZZIA: I object to the question

Page 150

1 as totally irrelevant, and not --
2 THE WITNESS: I was asked, for example,
3 by --
4 MR. KIZZIA: -- reasonably calculated
5 to lead to admissible evidence.
6 THE WITNESS: -- Parliament of --
7 MR. WATLER: This witness has said he's
8 trying to save the world by testifying in this case, among
9 other things. I think it's completely relevant.
10 MR. KIZZIA: Well, I think --
11 THE WITNESS: I was asked by the --
12 MR. KIZZIA: -- it's ridiculous, and I
13 object to it.
14 THE WITNESS: -- Swedish Parliament to
15 participate a year ago in November in an international
16 group to consider the hazards of an accidental nuclear
17 war. There are a lot of other things I could mention,
18 but I'm --
19 BY MR. WATLER:
20 Q. Please do.
21 A. I'm busy day by day and week by week in matters
22 of this kind.
23 Q. Okay. How long did you continue as the, I
24 believe you said, the Science Director at the National
25 Institute of Health?

Page 151

1 A. Yeah, I rotated through some different positions
2 there. I wasn't -- I was there for about twelve years
3 altogether, but I rotated in positions. I wasn't
4 Scientific Director during that whole time, but I had a
5 laboratory and had good relations with all the people in
6 the program, and I had a sense of eminence grise, if you
7 like, and responsibility for --
8 Q. Okay.
9 A. -- how the whole thing performed.
10 Q. Just so I understand, in 1963 you were a member
11 of the U. S. Public Health Service. That was your --
12 A. Correct.
13 Q. -- employer; is that right?
14 A. Correct.
15 Q. So ultimately your employer was the Federal
16 government; is that right?
17 A. Correct.
18 Q. Okay. And you made some --
19 A. I was the first GS-15 in the government. They
20 made --
21 Q. Okay.
22 A. -- my job a justification for making that rank.
23 Q. I'm sorry. Are you finished with your answer?
24 A. Yes.
25 Q. Okay. And you mentioned -- you made reference

Page 152

1 earlier in your testimony to the Bureau of Narcotics, that
2 you had some intersection or dealings with the Bureau of
3 Narcotics in your position as a --
4 A. I had an official responsibility to the Bureau --
5 Q. Okay.
6 A. -- for identifying anything that they would ask
7 me about in relation to whether it did or did not have
8 addicting properties.
9 Q. Okay. And the Bureau of Narcotics, is that the
10 bureau that subsequently became what we know today as the
11 Drug Enforcement Administration? Do you know?
12 A. No, there's still a Bureau of Narcotics as far as
13 I know.
14 Q. Is that part of the Department of Justice?
15 A. Yes.
16 Q. Okay. Is that part of the FBI?
17 A. No.
18 Q. Okay. Did you ever know J. Edgar Hoover?
19 A. I've met him. He used to come out to La Jolla to
20 stay at the Del Charo Hotel -- or the Del Charo Motel --
21 Q. Uh-huh.
22 A. -- and go to the races, and so I knew him and
23 some of his colleagues.
24 Q. Did you ever speak to J. Edgar Hoover about the
25 assassination of John F. Kennedy?

Page 153

1 A. No.
2 Q. Did you ever --
3 A. I don't think I met him -- let me think about
4 this now. I don't know whether we've met since 1963, but
5 we met --
6 Q. Well, you knew him before 1963 then?
7 A. Oh, yes. I had gone down to La Jolla from my
8 period at the UCLA Medical School and, in fact, had served
9 as physician and chief diver for a two-ship expedition
10 around the Pacific. And we went out to see the first
11 hydrogen bomb detonation in the Pacific and then surveyed a
12 big territory in the Pacific. And so I knew Roger Revell
13 and lots of people of the Scripps Institution of
14 Oceanography and that campus in general, and it was during
15 that period that with Jacob Bronowski and with other people
16 I met J. Edgar Hoover.
17 Q. Okay. And --
18 A. But I did not ever discuss the assassination
19 because I don't think I saw him after that.
20 Q. Judging from your contacting Dr. Humes, I take it
21 you did not know Dr. Humes before November 22nd of --
22 A. No, I've never met him so far as I know.
23 Q. But you had -- in that case at least, you had no
24 reluctance of getting on the phone and talking to someone
25 to relay what you thought was important information?

Page 151 - Page 156

Page 154

1 A. Not only no reluctance, I felt I had a
2 responsibility.
3 Q. And --
4 A. That was -- I called it importuning because I
5 knew that it was perhaps interrupting him, but I
6 nevertheless felt that it was a very important
7 communication in case he hadn't heard that information.
8 Q. Right. You never importuned J. Edgar Hoover then
9 about the JFK assassination?
10 A. No.
11 Q. You never -- you mentioned that you knew Robert
12 Kennedy; is that right?
13 A. Yes.
14 Q. And Robert Kennedy at the time of his brother's
15 death, and I believe ten months or so thereafter, was the
16 Attorney General of the United States?
17 A. Correct.
18 Q. The Chief Law Enforcement Officer of the Federal
19 Government; is that right?
20 A. That's right.
21 Q. You never importuned Robert Kennedy about this
22 information you had related to the JFK assassination?
23 A. No, I did not.
24 MR. WATLER: Pass the witness.
25 MR. NELSON: Can we take --

Page 155

1 THE WITNESS: You know --
2 MR. NELSON: -- a break?
3 MR. KIZZIA: Sure.
4 THE WITNESS: You know, it's
5 interesting, because in relation to my telephone call to
6 Humes, I didn't know until very much later that he hadn't
7 dissected the neck wound, and after that prolonged time it
8 seemed to me that I didn't have any further influence or
9 action in relation to that issue.
10 MR. WATLER: I object to that as
11 nonresponsive to any question.
12 MR. KIZZIA: I think it's very
13 responsive.
14 VIDEOGRAPHER: We're off the record.
15 (A recess was taken.)
16 VIDEOGRAPHER: We're back on the
17 record.
18 CROSS EXAMINATION
19 BY MR. MCGRAW:
20 Q. Dr. Livingston, I'm Tom McGraw. We met earlier.
21 A. Yes.
22 Q. I represent David Belin, who is a Defendant in
23 this lawsuit.
24 A. Yeah. I don't know him.
25 Q. Do you know the name David Belin?

Page 156

1 A. No.
2 Q. You have never met Mr. Belin?
3 A. Never have.
4 Q. And you have never had any communication with
5 him?
6 A. No. I had to ask how it was spelled.
7 Q. Okay. Let me ask you first, there was a
8 reference to a press conference that was held in New York.
9 A. Yes.
10 Q. What was that press conference?
11 A. It was sponsored by Carroll & Graf, who are the
12 publishers of the most recent book by Harrison Edward
13 Livingstone. It's called Killing the Truth. And the
14 conference was based upon the experience and testimony of
15 four persons, Gary Aguilar, David Mantik, Jim Fetzer and
16 myself. It was held just yesterday. I noticed that CNN
17 had a commentary about one of Dr. Mantik's major points.
18 Q. Did you speak at the press conference?
19 A. Yes.
20 Q. And what was the substance of your comments?
21 A. It was about my direct, personal experience in
22 relation to the Kennedy assassination. It concerned my
23 telephoning Commander Humes and the cerebellar story. I
24 was able to actually exposit both of those more neatly than
25 I could here by direct testimony. And then thirdly, there

000283

Page 157

1 was a hole in the windshield story which I knew through my
 2 classmate, the reporter from the St. Louis Post-Dispatch,
 3 who was with the President's party, and he saw a hole in
 4 the windshield which couldn't have come from the book
 5 depository story. So if the President's windshield didn't
 6 have a hole before it turned from -- turned onto Elm
 7 Street, it must have acquired it from a shot from another
 8 direction than the book depository.
 9 Q. What did Dr. Mantik talk about?
 10 A. He talked about the X rays that were taken of
 11 President Kennedy's head.
 12 Q. What did he say about them?
 13 A. Well, he was able to show -- he's just
 14 experienced this in the last few weeks, been able to get in
 15 the archives and examine them with photic processes,
 16 densitometry, and he could show without peradventure of a
 17 doubt that these X rays are composites. You can't tell
 18 that just looking at them ordinarily. But they are made up
 19 of more than one layer of X-ray evidence which are
 20 superimposed, and they alter the interpretation that you
 21 would make of the X ray. Now, this is critical because
 22 most of the interpretation of the autopsy and most of the
 23 Warren Commission interpretations relating to the autopsy
 24 were based upon evidence like that X-ray evidence which had
 25 obviously been altered.

Page 158

1 Q. Do you know whether those X rays have ever been
 2 previously tested for authenticity?
 3 A. I don't -- well, they may have been tested in
 4 other ways, but I know that Mantik used his optical system
 5 of examination, and that would be quite recent.
 6 Q. And --
 7 A. It wasn't possible to do that in 1963 and
 8 also -- at the present time you could make such a
 9 composite, but without being able to detect it because you
 10 can use computers to alter the density of images,
 11 photographic or X-ray, by computer in such a way that you
 12 don't know that it's been bugged.
 13 Q. I want to make sure I understand this. Are you
 14 saying that the technology for being able to make these
 15 composite X rays has only recently --
 16 A. No, it's --
 17 Q. -- come into --
 18 A. No, no. I'm saying that now you can do it
 19 without being able to detect that it was done.
 20 Q. Okay.
 21 A. That's very important. In other words, you could
 22 make an autopsy today in 1993 and falsify the data and it
 23 wouldn't be detectable, whereas in 1963 you didn't have the
 24 capability of making it undetectable.
 25 Q. Did Dr. Mantik in his comments describe who did

Page 159

1 these composites?
 2 A. No.
 3 Q. Did he state when they were done?
 4 A. No.
 5 Q. Do you know whether there has been any
 6 independent verification of the hypothesis that Dr. Mantik
 7 offers?
 8 A. Well, in relation to part of this question, there
 9 have been lots of publications of those X rays,
 10 reproductions of those X rays, and you couldn't run that
 11 test on those reproductions. And those reproductions
 12 indicate that the X rays were already altered at the time
 13 that those reproductions were made. Now, whether somebody
 14 else has applied optical densitometry to these X rays, I
 15 don't know.
 16 Q. How would you --
 17 A. It could be done by anybody. In other words,
 18 it's a testable, reproducible kind of thing, like an
 19 experiment.
 20 Q. So if I understand, it would be possible for
 21 someone to make a composite X ray --
 22 A. Now.
 23 Q. No, let's say in 1963.
 24 A. Okay.
 25 Q. Okay.

Page 16

1 -- that you, Dr. Livingston, would look at and
 2 would not be able to tell was a composite; is that correct
 3 A. Yes.
 4 Q. How would they do that?
 5 A. Well, they make one X ray, and they make another
 6 X ray, and they make a composite of the two into a third
 7 X ray.
 8 Q. And what would be the process of doing that?
 9 A. You just take one skull image or a part of a
 10 skull image and reproduce that or take it from another head
 11 and then slip in, so that you make two X rays of
 12 different -- representing different evidence which you now
 13 are putting --
 14 Q. Are you saying that --
 15 A. -- you now make into a third X ray, which is the
 16 exhibited X ray.
 17 Q. Are you saying that you start with the image of
 18 one person's head --
 19 A. Yes.
 20 Q. -- the X ray?
 21 A. Uh-huh.
 22 Q. And then you take the image of a second person's
 23 head?
 24 A. That's possible. I don't know whether that was
 25 done in this case. But you can take even the image of the

Page 16

1 same head and then readjust, move, let's say -- I'm not
 2 interpreting an X ray here, but I'm saying that you could
 3 take a skull fragment, for example, and move it or have the
 4 same fragment extended by simply putting more of that same
 5 fragment in another X ray, into a third X ray.
 6 Q. Now, for someone to do that in a fashion that
 7 would be able to fool you --
 8 A. Well, that's too simple a question.
 9 Q. I think the jury has gotten a flavor for your
 10 expertise. What I'm trying to understand is how simple a
 11 process that is. It strikes me as not something that I
 12 would be able to do --
 13 A. Oh, no, you could do it.
 14 Q. -- in my basement with a chemistry set.
 15 A. In 1963 you could do it within minutes in the
 16 same situation. They were making X rays, and they could
 17 take X rays or parts of cutouts of X rays and superimpose
 18 them and make a composite. It would be simple.
 19 Q. But when you say "who," who are -- "they" could
 20 do it, who are you referring to?
 21 A. Well, anybody. It could be Mr. McGraw working in
 22 an X-ray lab, X-ray -- just in any hospital with X-ray
 23 facilities, you could do it.
 24 Q. I mean, you -- okay. You would have to have
 25 X-ray facilities?

Page 16

1 A. That's right.
 2 Q. Okay. And you would have to know something about
 3 how to operate the X-ray equipment, would you not? --
 4 A. Yeah. And you would have to have the motivation
 5 for what you wanted to alter in the way of information.
 6 Q. And you would have to -- whoever was doing it
 7 would have to have some explicit instructions from somebody
 8 else in terms of exactly what is to be done. Correct?
 9 A. Or equivalent motivation.
 10 Q. That they themselves would have the equivalent
 11 motivation?
 12 A. Yeah.
 13 Q. And then once it's completed, those X rays have
 14 to be substituted in place of what were to be the actual
 15 X rays. Correct?
 16 A. Well, they would be submitted as the actual
 17 X rays.
 18 Q. Okay.
 19 A. I'm not trying to reconstruct what actually
 20 happened, but I'm saying that Mantik identified that they
 21 were composites in the archives, which are attributed to
 22 the X rays that were taken of Kennedy's head.
 23 Q. And all I'm trying to say understand or basically
 24 get at is that, okay, somebody has to have the motivation
 25 to do it.

000200

Page 163

1 A. Right.
 2 Q. Okay? You would agree with that?
 3 A. Yes.
 4 Q. Someone then has to actually do it. Correct?
 5 A. Yes.
 6 Q. Okay. And then those X rays have to be
 7 substituted in place of the original X rays. Correct?
 8 MR. KIZZIA: Or originally submitted,
 9 as he said.
 10 BY MR. MCGRAW:
 11 Q. Or originally submitted?
 12 A. They could be submitted. Exactly.
 13 Q. And would the original images, I presume, either
 14 would be destroyed or would be somewhere?
 15 A. I suppose.
 16 Q. Okay. And then --
 17 A. Those are the two possibilities.
 18 Q. And then over the course of thirty years,
 19 presumably no one has ever identified any of the
 20 participants in any of this; is that correct? Are you
 21 aware of any of the people who participated in this
 22 process?
 23 A. Well, we know by name the people who were doing
 24 X-ray work, including technicians and X-ray specialists, at
 25 the time of the autopsy, but we don't know when these

Page 164

1 composites were made. They may have been made at that
 2 time, or they may have been made later.
 3 Q. But no one --
 4 A. They were with the evidence that was submitted to
 5 the Warren Commission.
 6 Q. Okay. So these composites somehow get in the
 7 hands of the Warren Commission, and they're accepted as
 8 authentic. Correct?
 9 A. Correct.
 10 Q. And over the course of thirty --
 11 A. At that time the Warren Commission could have no
 12 way of knowing that they were composites.
 13 Q. Okay. That's fair. But plainly what has
 14 happened is, Dr. Mantik now says these composites were
 15 created?
 16 A. Correct.
 17 Q. But are you aware of anyone who has ever come
 18 forward and said or identified anybody who is involved in
 19 the process?
 20 A. No.
 21 Q. That has remained a secret all of this time?
 22 MR. KIZZIA: Well, wait just a second.
 23 You're asking --
 24 THE WITNESS: You're asking me --
 25 MR. KIZZIA: You're asking him --

Page 165

1 THE WITNESS: -- if I know, and I don't
 2 know.
 3 MR. KIZZIA: -- two different
 4 questions. He said he doesn't know, but then to ask him --
 5 THE WITNESS: And I don't think --
 6 MR. KIZZIA: -- whether anybody knows
 7 is a --
 8 THE WITNESS: And I don't think --
 9 BY MR. MCGRAW:
 10 Q. Let me ask this question. Did Dr. Mantik
 11 identify who --
 12 A. No.
 13 Q. -- was involved in this --
 14 A. No. And I don't think anybody but the
 15 perpetrators or people close to them or people to whom they
 16 have confided could know.
 17 Q. And all of those people have kept that a
 18 well-kept secret as far as you know. Correct?
 19 MR. KIZZIA: Well, I object to the
 20 question to the extent it assumes --
 21 THE WITNESS: I don't know.
 22 MR. KIZZIA: -- that -- "all of those
 23 people," that assumes facts not in evidence. We don't know
 24 how many people were involved in the fabrication of the
 25 X rays.

re 163-- Page 168

Page 166

1 THE WITNESS: We know that the Warren
 2 Commission's examination of the X rays and the published
 3 versions of the X rays are false.
 4 BY MR. MCGRAW:
 5 Q. Are what?
 6 A. False.
 7 Q. You know that through Dr. Mantik?
 8 A. Yes.
 9 Q. Okay. Who was the -- has Dr. Mantik published
 10 his findings anywhere?
 11 A. No, he just did them about -- within the last
 12 couple of weeks or so and has just indicated his findings
 13 at this press conference in New York yesterday afternoon.
 14 Q. How would we contact --
 15 A. It's fresh.
 16 Q. And how would we contact Dr. Mantik?
 17 A. He's at the Hotel Hyatt Regency on Reunion
 18 Street. I don't know what room number.
 19 Q. No, I meant at a little more permanent place.
 20 Where does he live?
 21 A. Well, he's a very distinguished person who has a
 22 degree in physics as well as in medicine, and he's been in
 23 a longstanding leader in X-ray information and --
 24 Q. Do you know where he lives?
 25 A. -- frontiers and so on. He lives in Rancho

Page 167

1 Mirage in Palm Beach -- not Palm Beach, but what is it
 2 called?
 3 Q. Palm Springs?
 4 A. Palm Springs.
 5 Q. Okay.
 6 A. In California.
 7 Q. Can you spell his last name?
 8 A. It's associated with the Dwight D. Eisenhower
 9 Hospital there.
 10 Q. Could you spell his last name for the record?
 11 A. M-a-n-t-i-k.
 12 Q. And what is his first name?
 13 A. David.
 14 Q. And do you know approximately how old a gentleman
 15 he is?
 16 A. Oh, this is a guess. Fifty, aroundish.
 17 Q. Okay. Who was the third individual at the press
 18 conference?
 19 A. Gary Aguilar.
 20 Q. Okay. And what did Mr. -- Dr. Aguilar speak
 21 about?
 22 A. He spoke about the controversy particularly as it
 23 has been represented in the press in respect to the Kennedy
 24 assassination and the more recent efforts to sort of put a
 25 lid on the controversies by saying that the problems are

Page 168

1 now all solved.
 2 Q. And what was the -- can you amplify a bit what
 3 his comments were, what he actually said?
 4 A. Well, I couldn't be a good authority on that. He
 5 has a document, which was his intention, and he spoke
 6 rather freely above that, and I wouldn't like to quote him.
 7 But he did talk about the sort of cover-up, and he talked
 8 briefly about Gerald Posner's book, Case Closed?, and he
 9 talked about the JAMA articles. In fact, he's an authority
 10 on reading those articles and responding to the JAMA --
 11 responding to the AMA.
 12 Q. Was the thrust of his commentary that -- I take
 13 it that in his view the case is not closed? Was that the
 14 message he was delivering?
 15 A. That's the gist of it, yeah. I think everyone
 16 that I know has a high regard for George Lundgren (sic)
 17 personally.
 18 Q. Do you mean George Lundberg?
 19 A. Lundberg, I'm sorry.
 20 Q. Okay.
 21 A. I have a friend Lundberg -- Lundgren -- I have a
 22 friend Lundgren, and I transposed that. Sorry. The editor
 23 of JAMA.
 24 Q. You were saying that --
 25 A. I think that most people have a very high respect

000285

Page 169

1 for him, but he's in the unenviable position of looking at
2 the evidence sort of across the board, and where it is
3 publicly available is generally nonconspiratorial, and I
4 can understand how the JAMA could have come up with sort of
5 a medical resolution of the problem of the Kennedy
6 assassination and autopsy and so forth, but Aguilar, among
7 others, sees flaws in that evidence.

8 Q. I want to make sure I understand something you
9 just said. Do I understand correctly that you said that
10 the information that's publicly available in connection
11 with the assassination generally points to the fact that
12 there was no conspiracy?

13 A. Well, I would say that it's a little bit more
14 complicated than that, Mr. McGraw, because the public would
15 like to have this settled. The public would like to
16 believe that Kennedy was assassinated by a lone assassin
17 working alone, and so the temper of the country is to bury
18 into Posner's book. And the media have generally
19 celebrated Posner's book as representing the final
20 solution -- resolution of the problem of Oswald, the
21 solitary killer. But there are lots of errors in that book
22 and misinterpretations, and there are many outstanding
23 reasons to believe that -- in fact, my evidence, both as
24 regards to the throat wound and the cerebellar intrusion,
25 would indicate that some assault must have been made

Page 170

1 frontally.

2 MR. MCGRAW: I just need to make the
3 objection for the record, Doctor, that I object on the
4 grounds that the response was nonresponsive.

5 BY MR. MCGRAW:

6 Q. I wanted to get at the --

7 MR. WATLER: Join.

8 THE WITNESS: It's very pertinent.
9 It's deeply pertinent, if you don't mind.

10 BY MR. MCGRAW:

11 Q. Well, what I want to get -- what I don't
12 understand is the thrust of the meaning of what you just
13 said before, and that is -- I don't have the exact
14 language, but it was that the public information leans
15 toward a nonconspiracy finding or something to that effect.

16 A. Well --

17 MR. KIZZIA: I think he's talking about
18 the media reports.

19 THE WITNESS: -- the most --

20 MR. NELSON: I think this is important.

21 Can we get the court reporter to read back the statement he
22 made -- the deponent made with respect to the fact that the
23 majority of the information in the public --

24 THE WITNESS: Domain.

25 MR. NELSON: -- which is what Dr.

Page 171

1 Lundberg had to deal with --

2 THE WITNESS: Right.

3 MR. NELSON: -- indicates that the
4 events were nonconspiratorial? Can we just have her read
5 it, and that way we won't be --

6 MR. KIZZIA: Well, the record speaks
7 for itself.

8 MR. WATLER: That's why we like to go
9 back and --

10 MR. NELSON: But we also need to make
11 sure that both sides understand exactly what the language
12 is and what the deponent said.

13 (The requested text was read.)

14 (Off-the-record discussion.)

15 MR. MCGRAW: Let's go back on the
16 record.

17 MR. RIDDLE: Before he answers his
18 question, I want the record to reflect that while we were
19 off the record Mr. Kizzia asked the deponent in a leading
20 fashion a question that would imply what he was saying. In
21 other words, he was coaching the witness.

22 MR. KIZZIA: I object to that
23 characterization. I sat here right in front of you-all and
24 asked him a question. So what?

25

Page 172

1 BY MR. MCGRAW:

2 Q. Dr. Livingston --

3 THE WITNESS: A person might coach
4 somebody, but a person also has to be coached if he's going
5 to be affected by that.

6 MR. NELSON: Can we establish that the
7 tape was on the whole time during this whole interlude, and
8 if we really want to know what happened, that's where we
9 can go? And that may be the authority anyway since this is
10 a videotaped deposition.

11 THE WITNESS: Sure.

12 BY MR. MCGRAW:

13 Q. This may not be an exact quote, but what I wrote
14 down is that the substance of your statement was that where
15 the information is public -- the publicly available
16 information is generally nonconspiratorial. Do you
17 remember saying that?

18 A. Yes, I do.

19 Q. What did you mean by that?

20 A. Well, it's just amateurs looking at the media. I
21 believe that the recent issue of Newsweek, for example, has
22 tended to play it that way, and that the book reviews and
23 commentaries about Posner's book have tended to accept
24 that. It's been cheered and heralded a great deal,
25 although it has many errors.

Page 173

1 Q. Do you --

2 A. I think unless one commits himself to be a real
3 serious student of the assassination and all the
4 publications and so on concerned with it, that if one
5 depends largely on the media, that one would tend to think
6 that there wasn't more than one assassin. I think the
7 public is still generally convinced that there must be a
8 conspiracy back of this, but my friend Maynard Parker, who
9 is editor of Newsweek, I think is in a tough position,
10 because he gives people assignments to go out and find what
11 is available and publish it, but it ends up by being
12 nonconspiratorial, and I think that that's a fair measure
13 of what is out there in the public domain.

14 Q. Okay. You're saying that the media is a fair
15 barometer of the nature of the material that's in the
16 public domain? Is that what you're saying?

17 A. I'm not saying quite that, but I think that what
18 is going on in the media in the last year or so has been
19 essentially to put a damper on the conspiratorial complex
20 and account for the Kennedy assassination on the basis of a
21 single assassin.

22 Q. Do you -- why do you believe the media is saying
23 the things they're saying?

24 A. Well, as I said before, I think that the American
25 public is very anxious not to have Kennedy's assassination

Page 174

1 interpretation hanging fire so long. And it's more
2 comfortable to believe that a single assassin acting alone,
3 particularly kind of a strange individual, a kind of
4 psychopathic guy, might have done it, and not to burden
5 themselves with the haunting possibility of a number of
6 different agencies, maybe the Mafia, maybe the Cubans,
7 maybe the Soviets, maybe the oil barrens of Texas.

8 There are lots of different -- you can fill in
9 the blanks. There must be fifteen or sixteen varieties of
10 conspiratorial story that can be woven. And I think that
11 the public would like to believe, and I think the media
12 would like to have the public believe or help the public
13 believe or reinforce the public's belief, that things are
14 not as complicated or as bad as they would be under the
15 conspiratorial assumption.

16 Q. Is the --

17 A. Does that sound like an answer?

18 Q. Well, I just want to make sure I'm getting an
19 answer to my question. It seems to me there's one of two
20 possibilities. One is, the media is not accurately
21 reflecting the information that is in the public domain,
22 and they have some agenda towards --

23 A. Well --

24 Q. If I could finish.

25 A. Sure.

Page 175

1 Q. They have some agenda toward leading the public
2 in that direction, or they are reflecting accurately what
3 is in the public domain. And I guess my question to you
4 is, which is it that you are suggesting as --

5 A. I don't attribute the media as being involved in
6 the cover-up. There may be some media that are involved in
7 the cover-up, but I'm not making that accusation in a broad
8 way at all. I think the media, by and large, are trying to
9 reflect the evidence that's in the public domain, and the
10 evidence in the public domain has been partly analyzed and
11 partly not analyzed. And the sort of official governmental
12 position still rests with the Warren Commission. There
13 hasn't been anything since then except for the House
14 Committee on Assassinations' investigations that has
15 changed that very much.

16 Q. Would you agree with the proposition that one
17 would be ill-advised to accept as gospel truth information
18 which one obtains from the media?

19 A. Could you say that again? That's a very pregnant
20 question.

21 Q. Would you say that one would be ill-advised to
22 accept as the gospel truth information that they obtained
23 from the media?

24 A. Well, let me answer that carefully. Voltaire,
25 you know, said that history is accepted myth, and if you

Page 176

1 examine history very carefully, there's some truth to that.
2 And in the case of the Kennedy assassination, I think that
3 there is a generally accepted myth, at least on the
4 government side, that there was a lone assassin, namely,
5 Lee Harvey Oswald. And books like Posner's take a lot of
6 pains to describe and define Oswald's personality and
7 history and so forth to accommodate the view that he could
8 do this alone, including mistaken information about what
9 his rifle could do and that sort of thing.

10 Now, since the public would like to have this
11 settled, and the public doesn't like to have as complicated
12 a scenario as might be true, there's a strong tendency for
13 the media to stick with what is both plausible and
14 comfortable. Now, let me refer you to a book by Peter Dale
15 Scott which was recently published called Dense Politics
16 and the Death of JFK. It's like a medieval tapestry with
17 many threads, but it's one tapestry. And what it says in
18 effect, that politics are so dense and so complicated that
19 with a lot of different agencies and groups, some
20 independent and some interdependent, in covering their
21 traces for mistakes that they made in relation to this and
22 covering their traces for whatever involvement they may
23 have had in this, it makes the whole thing an almost
24 impenetrable jungle in terms of deciphering it.

25 I think Peter Dale Scott's book, as I read it,

Page 177

1 gives me a very unhappy, uncomfortable feeling about how
2 well democracy is proceeding in this country, and I think
3 that it's almost too uncomfortable for the public to put up
4 with. If it's true, we have a lot of house cleaning, and
5 we have a lot of exposition to accomplish, to achieve, in
6 order to get ourselves into a straightened-out position
7 that the Federal founders of this country believed an
8 educated public could lead the executive and legislative
9 branches to purposeful and constructive government.

10 MR. MCGRAW: Okay. With all due
11 respect and no offense intended, Doctor, I'm going to
12 object to your answer as nonresponsive.

13 BY MR. MCGRAW:

14 Q. Let me ask --

15 A. Well, you look at it when it comes out on the
16 record again, please.

17 Q. Okay. One of the problems we labor under is that
18 we're all working from memory. The tape is the ultimate --

19 A. Sure.

20 Q. -- arbiter of that.

21 A. Sure.

22 Q. Let me just -- let me take one more crack at it.

23 A. Sure.

24 Q. Does the publicly information available -- I'm
25 sorry. Does the information that's now publicly available,

Page 178

1 in your view, point to the conclusion that there was no
2 conspiracy?

3 A. I really couldn't make such an estimate. That's
4 above my head and my ability.

5 Q. Okay. What is the cover-up that you're referring
6 to?

7 A. Well, it's not just one cover-up, Mr. McGraw,
8 it's a whole lot of cover-ups.

9 Q. Are you referring to the fact that the government
10 has not released information in connection with the case?

11 A. Oh, that's underpinning the whole problem. There
12 are, as I alluded to earlier, hundreds of boxes of
13 documents pertinent to the Kennedy assassination which are
14 not to be made available to the public for seventy-five
15 years from 1963. That's a while to wait.

16 Q. I understand that. Is that the cover-up you're
17 referring to?

18 A. It's part of it.

19 Q. What is the rest of it?

20 A. Oh, there are many other aspects of cover-up.

21 There's cover-up -- for example, the FBI got information
22 from Oswald to a man named Hosty, who was head of the FBI
23 office in Dallas, that Kennedy would be assassinated on the
24 22nd of November, and that information was transmitted up
25 to Hoover, and Hoover said put it down the toilet.

Page 179

1 Q. How do you know that?

2 A. Well, I know that from documents that are in the
3 public domain.

4 Q. Is that documents that you have seen?

5 A. Yes.

6 Q. What documents were those?

7 A. Well, now, that's part of a cover-up. Now, there
8 are lots of other parts of cover-ups. There are cover-ups
9 that relate to the Secret Service --

10 Q. Well, let's --

11 A. -- to the FBI, to the CIA and to the Defense
12 Intelligence Agency and to many other groups. And it's not
13 just government, it's lots of people who are covering up.
14 It's people involved in the drug trade, people involved in
15 the Mafia, people involved in Labor.

16 Q. Do you subscribe -- are you of the view, Doctor,
17 that there was a conspiracy?

18 A. Well, I must say that there was more than one
19 gunman, according to my direct experience and knowledge.

20 Q. I'll get to that. But in terms of -- do you
21 believe that there was a conspiracy? Are you of the view
22 that there was a conspiracy?

23 A. Well, if you have two or three or even six gunmen
24 shooting at the President simultaneously in Dealey Plaza,
25 there has to be a conspiracy.

Page 180

1 Q. And do you believe that the cover-up is a part of
2 that conspiracy?

3 A. Well, Peter Dale Scott makes the case in Dense
4 Politics and the Death of JFK that everybody, if you will
5 excuse the expression, covering their ass, has been doing
6 so, and in the consequence, you have a layer of, almost a
7 shingling of, cover-ups that make a very dense obstruction
8 to public understanding and discovery of truth.

9 Q. I guess my question was, do you believe that at
10 least parts of that cover-up are just one piece of the
11 conspiracy to kill the President?

12 A. That parts of that cover-up are just one piece --

13 Q. Well, let me ask it a different way. Are you of
14 the view that persons who were involved in the conspiracy
15 to kill JFK were also guilty of covering up information
16 associated with that conspiracy?

17 A. It's likely.

18 Q. Describe for me, if you would, who you believe --
19 and perhaps you don't have names, but perhaps you have
20 government agencies, or you do -- perhaps you do have
21 names -- of those who you believe were part of that
22 conspiracy to kill the President.

23 A. Well, I'm not a good authority on this because
24 I'm not that close a student of the whole composite, but
25 there's no question in my mind that J. Edgar Hoover

Page 181

1 disliked the Kennedys, both of them, and was therefore
2 biased and disinclined to be as concerned as he might have
3 been about the integrity of the President's future. Now,
4 that doesn't mean that he was involved in a conspiracy, but
5 that by being a little bit less careful than he ought to
6 have been, some things could happen without his being in
7 control as he should have been.

8 Q. Okay. I would like you to tell me --

9 A. And the same thing can be said --

10 Q. -- those --

11 A. The same thing can be said --

12 MR. KIZZIA: He's not finished talking.

13 THE WITNESS: -- of Kellerman and other
14 people in the Secret Service who themselves were
15 antagonistic to Kennedy.

16 BY MR. MCGRAW:

17 Q. Okay.

18 A. And then there are a lot of people, and according
19 to John Newman's book on JFK and the Vietnam War, who were
20 in military industrial industry, who disliked the fact that
21 Kennedy had announced in September and October that he
22 wanted to withdraw a thousand advisors from Vietnam and
23 wanted to get all advisors out of Vietnam by 1965. So a
24 slowdown or a cessation of the Vietnam War at that time
25 would have been changing the economic future for many of

Page 182

1 those companies, and -- you know, helicopters and plane and
2 fighter and all kinds of companies.

3 There were people in the Mafia who disliked Bobby
4 Kennedy particularly, and I remember one of them saying
5 that you don't cut off a tail of the dog, you cut it off at
6 the head. Now, that kind of group and that kind of talk
7 are talking about wanting to have Bobby Kennedy stopped
8 from messing with the Mafia, and to do so, maybe you have
9 to get Kennedy, John F. Kennedy the President.

10 MR. WATLER: Objection. Nonresponsive.

11 BY MR. MCGRAW:

12 Q. Were there others --

13 THE WITNESS: Well, there are a lot of
14 others. He's asking --

15 BY MR. MCGRAW:

16 Q. Were there others involved?

17 THE WITNESS: -- me about conspiracies,
18 and I'm saying that there are a lot of different threads
19 that are pertinent to the answer, and they go from some
20 government officials and government agencies to
21 nongovernment groups.

22 BY MR. MCGRAW:

23 Q. Were others involved in the conspiracy that you
24 haven't mentioned?

25 A. Well, I think probably Ruby must have had some

Page 183

1 relationship with the conspiracy, either tangentially or
2 directly.

3 Q. How about Oswald?

4 A. Well, I think Oswald -- you know, I'm
5 conjecturing here. I'm not talking --

6 Q. I'm asking for your belief based on --

7 A. Yes.

8 Q. -- the information available.

9 A. Yes. Oswald said he was a patsy, and in many
10 respects that may be true. If he were set up, so to speak,
11 so that he could become the single assassin, he would fit
12 that profile pretty neatly.

13 Q. What about the Dallas Police Department?

14 A. Well, the Dallas Police Department for one thing
15 should not have let Ruby come in and murder Oswald.

16 Q. Does that suggest to you their complicity in the
17 conspiracy?

18 A. There were some other evidences for that, that
19 the Dallas police had overlooked some information that
20 required them to offer better protection to the President,
21 and certainly they should have offered better protection to
22 Oswald. Now, Ruby is a kind of dark character, as you
23 know, connected with the underworld and gambling and
24 prostitution and other things. And directly or indirectly,
25 the police department, either by virtue of the attraction

Page 184

1 of some of their members to Ruby's activities, or because
2 maybe some people higher up in the police department were
3 in cahoots with him, he had freedom of access which allowed
4 him to kill Oswald. And Oswald was, of course, the most
5 important witness that should have been preserved very
6 carefully. In fact, they were taking him to the county
7 jail instead of the city jail in order to give him better
8 protection, but they let Oswald -- Ruby come in and kill
9 him.

10 Q. Are there any other persons or entities whom you
11 believe, based on the public record, were involved in the
12 conspiracy?

13 A. I don't want to further conjecture because I
14 would -- if you asked me that for writing a thesis or
15 something, I would then sit down and do a much more careful
16 job than I have done looking at the literature. But in an
17 offhand way I can say there's plenty of credible evidence
18 in my view that a conspiracy may have existed. I've tried
19 to give you some sectors without much detail that could be
20 converging on this terrible tragedy.

21 Q. Who advised you that your life might be at risk?

22 MR. KIZZIA: Objection. Asked and
23 answered.

24 MR. MCGRAW: I don't think the doctor
25 ever told us exactly who told him that.

Page 185

1 THE WITNESS: I don't think it's
2 pertinent. I told you that there are about four people
3 independently who suggested this, and they asked me to send
4 documents to my children and to other persons whom I trust
5 so that if I had an accidental death for one reason or
6 another, the material would not be lost.

7 BY MR. MCGRAW:

8 Q. Why do you not think it's pertinent? Let me tell
9 you why I think it's pertinent. Okay? There are some, I
10 think, who believe that there are people among the
11 conspiracy group who feed and profit off of paranoia and
12 fear associated with conspiracy theories.

13 A. By conspiracy group, you don't mean the
14 conspirators, but the people who --

15 Q. I mean the people today who spend vast amounts of
16 time examining these issues and who make vast amount of
17 money from them. And as a result, I'm interested in
18 knowing who in that group of people has told you that your
19 life is in danger.

20 MR. KIZZIA: I'm going to object to the
21 question because --

22 THE WITNESS: I don't even know.

23 MR. KIZZIA: -- it assumes facts not in
24 evidence. It's probably incorrect. I doubt that --

25 THE WITNESS: I don't even know how

Page 186

1 they might be related or not related to the people who are
2 concerned about a conspiracy.

3 BY MR. MCGRAW:

4 Q. Do you know the identity of the people who told
5 told you that?

6 A. Oh, sure.

7 Q. Okay. And you don't want to reveal their names
8 here today?

9 A. I don't think I need to. I mean, it's --

10 Q. Do you feel like you --

11 A. The question you're asking is whether I am honest
12 or not, and I can say I'm being honest about this. Whether
13 I'm frank or not, I'm not being frank with you. But
14 there's no reason for me to identify people who have
15 advised me this way.

16 Q. No, I don't mean to suggest --

17 A. It frightens me that you ask the question.

18 Q. I don't mean to suggest in any way, shape or form
19 that you're not being honest here today. I'm interested in
20 determining who among this group of people is purveying
21 this notion of fear and panic.

22 MR. KIZZIA: What group of people are
23 you referring to?

24 MR. MCGRAW: I don't know. That's who
25 I'm asking.

Page 187

1 MR. KIZZIA: Well --
 2 BY MR. MCGRAW:
 3 Q. But let me say this: I will respect -- do you
 4 feel ill at ease answering the question?
 5 A. I feel kind of scared by the question.
 6 Q. Okay. I won't pursue it any further.
 7 MR. WATLER: Well, just --
 8 THE WITNESS: If I were to identify
 9 people who thought I was in danger, they might themselves
 10 be in danger.
 11 BY MR. MCGRAW:
 12 Q. I will withdraw the question. I don't want to
 13 make you at all feel uneasy.
 14 A. Well, I don't feel as if I were in danger because
 15 I have much more confidence in the sort of sensibility or
 16 rationality of humankind. I don't think it's worth
 17 anybody's while to bump me off for any reason. But having
 18 had people whom I trust say that I should be cautious about
 19 this put it in my mind, and then when I was sprayed with
 20 gasoline and was fearful of being burnt like the monk in
 21 the streets of Saigon, you melt pretty fast, I know that,
 22 and that gave me pause.
 23 Q. Let me just say I regret that you have found
 24 yourself in the state of concern that you're in, Doctor.
 25 I want to understand better -- and this is

Page 188

1 another area of examination that was sort of touched on but
 2 I don't think was ever fully explored. How did you get in
 3 contact with Mr. Kizzia?
 4 A. Just met him today.
 5 Q. No, no. I mean, what were the forces that
 6 brought you together? How did it happen? What was the
 7 dynamic?
 8 A. I was told before I left that there was a desire
 9 to have me give a deposition on my personal, direct
 10 experience in relation to the Kennedy assassination because
 11 it was pertinent to a problem that was involved here, and I
 12 understood that it was in relation to a suit -- and I don't
 13 know who brought the suit -- against the AMA -- JAMA. And
 14 what I expected was that I would give my direct personal
 15 experience in relation to the JFK assassination.
 16 Q. Who was it that told you that?
 17 A. Professor Fetzer.
 18 Q. Do you know how Professor Fetzer was aware of the
 19 desire that your deposition be taken?
 20 A. No, I don't know who thought it was pertinent or
 21 desirable.
 22 Q. Do you know how Professor Fetzer is connected to
 23 this litigation at all?
 24 A. Well, I take it that he's probably involved in
 25 it. I don't know.

Page 189

1 Q. Would it surprise you to learn that I have never
 2 heard the man's name before?
 3 A. Well, yes, yes.
 4 Q. Do you know that he's not a party to the
 5 litigation?
 6 A. I didn't know. I don't know one way or the
 7 other.
 8 Q. Who else have you had discussions with about this
 9 litigation?
 10 A. Nobody, really.
 11 Q. Mr. Fetzer? Did -- I think you might have
 12 testified -- I may be wrong, but I'm just trying to call
 13 back my memory. Did you talk about this litigation with
 14 Dr. Aguilar?
 15 A. No. I know that Aguilar gave me some material
 16 with the AMA material and his comments and so forth, and I
 17 haven't read that carefully.
 18 Q. Do you know -- are you aware that Dr. Crenshaw
 19 and Dr. Shaw are the Plaintiffs here?
 20 A. No.

MR. KIZZIA: Gary Crenshaw is not a
 doctor.

MR. MCGRAW: I'm sorry.

BY MR. MCGRAW:

Q. Dr. Crenshaw is a Plaintiff in this case. Are

Page 190

1 you aware of that?
 2 A. No.
 3 Q. Okay. Well, he is. And Gary Shaw is a Plaintiff
 4 in this case.
 5 A. Okay.
 6 Q. Okay? Are you aware of who the Defendants are?
 7 A. Well, I suppose it's George Lundberg.
 8 Q. George Lundberg is a Defendant?
 9 A. And the JAMA.
 10 Q. And the AMA is a Defendant. My client, Mr.
 11 Belin, is a Defendant.
 12 A. Okay.
 13 Q. And the Dallas Morning News is a Defendant.
 14 A. Okay.
 15 Q. And Mr. Sutherland is a Defendant.
 16 A. Okay.
 17 MR. NELSON: And Mr. Breo, the reporter
 18 for the Journal, is a Defendant.
 19 THE WITNESS: I don't know Mr.
 20 Sutherland.
 21 MR. MCGRAW: He's sitting right over
 22 there in the blue suit.
 23 THE WITNESS: Oh, okay.
 24 BY MR. MCGRAW:
 25 Q. Do you have any knowledge whatsoever, however

Page 191

1 acquired, about who is funding this litigation?
 2 A. I have no idea.
 3 MR. KIZZIA: Objection.
 4 THE WITNESS: I have no idea. I can be
 5 very frank, free and cordial about that. I just don't
 6 know. I didn't know about the litigation until -- I didn't
 7 know the deposition was even about that. I thought the
 8 deposition was about my direct, personal experiences in
 9 respect to the assassination of John F. Kennedy.
 10 BY MR. MCGRAW:
 11 Q. I recognize that you're probably thinking you
 12 have been here long enough.
 13 MR. KIZZIA: I think he probably thinks
 14 he was here long enough several hours ago.
 15 BY MR. MCGRAW:
 16 Q. Let me just say this.
 17 A. I'm getting acquainted with all you guys, and I
 18 would be glad to go to dinner with you.
 19 Q. Let me just say this, Dr. Livingston.
 20 A. Yeah.
 21 Q. I represent David Belin --
 22 A. I see.
 23 Q. -- who has been sued by Dr. Crenshaw and by Gary
 24 Shaw, and I have an obligation to ask questions of you to
 25 represent Mr. Belin. And Mr. Kizzia may not agree that the

Page 192

1 questions I have to ask need to be asked, but what I need
 2 to do on behalf of Mr. Belin is not driven by what Mr.
 3 Kizzia thinks, it's driven by the fact that my client has
 4 been sued by Mr. Kizzia's clients, and I've got to defend
 5 my client. And so I apologize for keeping you here, but in
 6 order to do my duty to my client, I've got to ask you these
 7 questions.
 8 A. I appreciate that.
 9 MR. KIZZIA: Well, I object to the
 10 speech. And I want the record to reflect that Dr.
 11 Livingston has been here during this deposition now for
 12 over four hours, probably seventy-five to eighty percent of
 13 which has been enduring this cross-examination. And I
 14 think that we've gone way far afield in terms of relevancy
 15 of examination during this cross-examination, and I think
 16 that it's getting to the point of -- if it hasn't already
 17 reached the point -- of unfairly and unnecessarily
 18 harassing and badgering this witness.
 19 THE WITNESS: I haven't felt harassed
 20 or badgered. I want to explain that I am deeply worried,
 21 as I said before, personally about the truth coming out in
 22 relation to a very historic and important event that
 23 affects much of the world, not just the United States. I
 24 am also personally committed from childhood to the present
 25 to trying to find the truth about issues that are

000289

Page 193

1 important. And I have no knowledge or stake about the
2 lawsuit that brings me here. I didn't even know about the
3 context or the people involved.

4 But I want to offer myself for any
5 amount of time or exposure if I can be helpful and
6 constructive, and I don't want to slander anybody. I feel
7 a great sympathy for George Lundberg because I think he's
8 been a generally good editor. But as I explained earlier,
9 if the general sweep of media treatment of this problem is
10 to defuse or cover the cover-up, they can hardly be faulted
11 for coming forth in their publications with information
12 that is consistent with what is out there. But that
13 doesn't mean that the truth is being arrived at.

14 BY MR. MCGRAW:

15 Q. Have you read the JAMA articles?

16 A. I have not.

17 MR. KIZZIA: No.

18 THE WITNESS: I have copies of them
19 here, and I was intending to study on the airplane and in
20 the hotel room, and I would have maybe spent some time this
21 afternoon looking at them, but I haven't.

22 BY MR. MCGRAW:

23 Q. Do I understand the purpose of the press
24 conference in New York to have been the promotion of this
25 book, Killing the Truth?

Page 194

1 A. I think that was the purpose behind it. My
2 purpose was more personal, and it concerned my making a
3 contribution to truth telling in reference to the
4 assassination.

5 Q. Okay. And you traveled to New York and to
6 Dallas, as I understand it, on your own --

7 A. Yes. This is costing me something more than two
8 thousand dollars to come here. And I live on a very
9 limited income. You would think a medical doctor and an
10 old professor would be pretty rich, but I live on a very
11 limited income, and I have checks bounce now and then, and
12 I am making a great effort to try to be helpful here. I
13 hope I'm being helpful --

14 Q. I --

15 A. -- not to one side but to both sides.

16 Q. I know that everybody here appreciates that. Are
17 you presently a licensed M. D.?

18 A. Yeah, but the thing is, I haven't kept current
19 with this for a long time because I've been teaching basic
20 medical sciences.

21 Q. When you say "kept current with this," what are
22 you referring to?

23 A. Well, I had a license in California beginning in
24 1943 and kept that license up, I think, through at least
25 1957 or thereabouts. When I went to work for the

Page 195

1 government, I let the license lapse. But I had one in
2 Connecticut. I had one part of the time in Maryland, but I
3 haven't renewed it. When I came back to California again,
4 I haven't had the need.

5 Q. Okay. I just want to make sure I've got the
6 picture here. Your California license expired around 1957;
7 is that correct?

8 A. It didn't expire, I just didn't renew it.

9 Q. Didn't renew it. Okay. Where else have you been
10 a licensed physician?

11 A. I think in Connecticut, Maryland and California.
12 I may have been licensed in Massachusetts for part of the
13 time, too. But I really haven't been practicing medicine
14 in the traditional sense of having a contract with patients
15 to take care of them. I've been trying to figure out how
16 the brain works, and, as I said, that's a knotty problem,
17 k-n-o-t-t-y.

18 Q. I understand. Well --

19 A. Even you guys don't know how it works.

20 Q. I couldn't agree with you more on that score.

21 When did your -- what I would like to know is, with respect
22 to each of the places in which you had medical licenses --

23 A. I'm not even confident for sure about those, but
24 the California was certainly --

25 Q. Okay.

Page 196

1 A. -- true for a long time.

2 Q. Okay. And what I'm trying to find out is when in
3 any of those other jurisdictions where you had licenses
4 those would have expired.

5 A. Well, the Connecticut one would have expired, I
6 guess, in 1952 or something like that when I moved out to
7 UCLA.

8 Q. Okay.

9 A. And the Maryland one, I'm not sure that I even
10 had one there, but if I had one, it would have expired
11 about 1963 or '64 or something like that.

12 Q. Okay.

13 A. But I've never used a medical license for any --
14 to any real extent.

15 Q. So just so I have the complete picture is, is the
16 last one to have expired probably been -- would it have
17 been around the early 1960s, '63, somewhere in there?

18 A. Yeah, yeah, at the most. I haven't needed to be
19 licensed. I was licensed and I have cared for patients and
20 so forth, but that's not my practice, really, and I haven't
21 taken responsibility for a patient for many years. I get
22 asked questions and I give advice and I get people in touch
23 with doctors, but it's not really practicing. And not
24 having a license is no disgrace. I don't think you have
25 medical licenses either.

Page 197

1 Q. No, I'm not trying to attach a value to it one
2 way or the other. I just was asking.

3 I want to talk for a moment about the
4 circumstances surrounding the Humes conversation.

5 VIDEOGRAPHER: Before you start, I have
6 three minutes left on this tape. Would you like me to --

7 MR. MCGRAW: That would be fine.

8 VIDEOGRAPHER: -- before you get
9 started?

10 MR. MCGRAW: That would be fine.

11 VIDEOGRAPHER: We're off the record.
(A recess was taken.)

12 VIDEOGRAPHER: We're on the record.

13 MR. KIZZIA: Just again, I want to

14 state for the record that this deposition started at
15 12:28 p.m. It's now 4:55 p.m. So we've been going on for
16 approximately four-and-a-half hours, and it's my
17 understanding that the direct examination took twenty to
18 thirty minutes. And this has gone beyond the point, in my
19 opinion, my humble opinion, of ridiculousness.

20 MR. MCGRAW: I find it -- and I cannot
21 resist saying this. I find it absolutely galling that
22 Plaintiffs' Counsel complains about the length of a
23 deposition where there have been three examiners thus far
24 that has not yet gone four or five hours, when Plaintiffs'

Page 198

1 Counsel himself took a deposition in excess of nine hours
2 of one witness.

3 MR. WATLER: I believe it was in excess
4 of fourteen hours if you're referring to Mr. Breo in this
5 case.

6 MR. MCGRAW: Having said that, let me
7 continue on with my questions.

8 MR. KIZZIA: Of course, this witness is
9 not a party to this case, again, coming all the way from
10 San Diego at his own expense.

11 THE WITNESS: Well, I didn't come for
12 just this, but I'm comfortable.

13 MR. NELSON: Thank you.

14 BY MR. MCGRAW:

15 Q. Doctor, when you called Commander Humes, did you
16 call him at the Bethesda Hospital?

17 A. Yes.

18 Q. Did you ask for him by name?

19 A. No, I didn't know his name.

20 Q. You did not know at that point who the --

21 A. No.

22 Q. -- autopsy team was?

23 A. No, I think nobody knew then, or nobody outside
24 the ...

25 Q. And did you identify yourself?

Page 199

1 A. Oh, yes, uh-huh.
 2 Q. And you had no problem, first of all, of getting
 3 a line into the hospital; is that correct?
 4 A. No, it was easy. I called the hospital, and then
 5 I called the Officer of the Day, and he knew me by
 6 reputation anyway.
 7 Q. And then you got in touch with Dr. -- Commander
 8 Humes?
 9 A. He put me directly in touch with Commander Humes.
 10 Q. What -- could you tell from Dr. Humes' tone of
 11 voice or manner of speech what his emotional state was?
 12 A. Well, I didn't think there was anything special
 13 about it. He seemed to be comfortable, at ease, and he was
 14 collegial in his interaction with me.
 15 Q. How long was your conversation?
 16 A. That's very hard to say. I would think between
 17 fifteen minutes and a half-hour, probably less than that,
 18 fifteen --
 19 Q. Less than what?
 20 A. Well, probably fifteen minutes, less than half an
 21 hour.
 22 Q. Did he tell you how long he had been at the
 23 hospital?
 24 A. No.
 25 Q. And we talked earlier about the time of the call.

Page 200

1 There was some discussion, 3:30 to 4:30. Would you --
 2 A. 3:30 to 4:00 is what I said originally, and it
 3 may have been somewhat later than that, but it was
 4 certainly well before the 6:30 date that the --
 5 Q. I'm trying to put it within boundaries on the
 6 outside. Was it -- and was 4:00 the latest that you think
 7 it would have been or --
 8 A. I don't know.
 9 Q. 3:30 to 4:00 is your best estimate?
 10 A. Yeah.
 11 Q. Why at that point in time -- or let me ask you
 12 this: You heard about the neck wound on the radio.
 13 Correct?
 14 A. Yes.
 15 Q. And so I -- that's information that probably was
 16 heard by millions of people, wouldn't you say?
 17 A. Correct.
 18 Q. Okay. Why did you feel like it was your specific
 19 duty to bring that information to the attention of Dr.
 20 Humes?
 21 A. Well, two things. One, I had some personal
 22 experience with wounding, and that made me quite sure at
 23 the outset that it was a wound of entry. And that was
 24 reinforced by the testimony of the doctors at the time from
 25 Parkland Hospital by radio again, and because I had

Page 201

responsibility as Scientific Director for two of the
 National Institutes of Health that were the most pertinent
 government agencies to be concerned about the
 interpretation of the -- and the consequences of the
 President's wounding as it affected the brain. It was
 known then that he had gotten shot in the head. And I had
 to be -- not only importuning to talk with Dr. Humes, but
 to try to be helpful.

Q. Do you know whether any other doctors similarly
 felt a responsibility and called Dr. Humes with that
 information?

A. Well, who was more pertinent?

Q. I'm sorry?

A. Who was more pertinent than I? Name somebody in
 the government who had more direct responsibility.

Q. Oh, I'm not suggesting that there was or there
 wasn't. I'm just saying, do you know whether there were
 any others who felt --

A. I don't have any idea.

Q. -- responsibility and called --

A. Ask Commander Humes. He doesn't remember my
 call, presumably, or forgot it before he did the autopsy
 maybe. I don't think that's the case.

Q. Why were you so -- if I understand the call, the
 piece of information that you wanted to impart to him was

e 199 - Page 204

Page 202

1 about the neck wound. Correct?
 2 A. And the -- well, I didn't want -- I didn't have
 3 the cerebellum then strongly in mind. That came later,
 4 because I said the testimony had been attributed to an
 5 orderly and to a nurse about the cerebellum, and I was not
 6 confident that they knew well enough to distinguish, but --
 7 Q. That who knew well enough?
 8 A. That the orderly and the nurse knew well enough
 9 to distinguish the cerebellum coming out of the wound.
 10 But, of course, doctors since then have verified this
 11 severally, and so then that became later an important
 12 issue. But the conversation with Humes was limited to the
 13 neck wound.
 14 Q. Did you have some concern that Dr. Humes would
 15 not be able to see the reported neck wound?
 16 A. No, I assumed that he had full information about
 17 it, but that's why it was pertinent that he said he hadn't
 18 been listening to the radio and --
 19 Q. Well, I'm talking about when he actually first
 20 stood over the President's body.
 21 A. Oh, I should think it would be clear. The
 22 trouble was that it was obscured in part by the
 23 tracheostomy.
 24 Q. Did you know that at the time?
 25 A. Oh, yes, sure. They put a tracheostomy tube in

Page 203

1 right away.
 2 Q. You knew when you called Dr. Humes that the
 3 bullet wound hole had been obscured by the tracheostomy?
 4 A. Well, I don't know that it had been obscured, but
 5 I knew the tracheostomy had been done right in that region
 6 and that it could obscure the neck wound.
 7 Q. And is that why you were calling, to make sure --
 8 A. No. No, I was calling to identify for sure that
 9 he knew there was a small wound in the neck, and if it were
 10 obscured by the tracheostomy, you nevertheless, doing a
 11 careful autopsy, would be able to trace the path of that
 12 wound and identify whether it was indeed a wound of entry.
 13 Q. But for some reason you felt compelled to call a
 14 doctor, which I presume you had no reason to believe -- to
 15 doubt his capability?
 16 A. No.
 17 Q. And let him know that there -- he was going to be
 18 receiving a body with a neck wound in it?
 19 A. Yes. And that that had to be a wound of
 20 entrance. That's the significant thing.
 21 Q. Okay. And -- but the information that you had
 22 which led you to conclude that it was a wound of entrance
 23 was information that came over the radio. Correct?
 24 A. Correct. It was --
 25 Q. Dr. Livingston, what --

Page 204

1 A. It was described as a wound, as a clean, neat,
 2 small wound, just a few millimeters long. It wasn't the
 3 blown-out wound of exit.
 4 Q. The reporter, whoever it was, was specific in
 5 describing the wound?
 6 A. Well, there were more than one report. Gee,
 7 there were lots of reports about that neck wound, and there
 8 were reports attributed to the doctors that it was not only
 9 a neck wound, but that it was a wound of entry.
 10 Q. Dr. Livingston, what is a pathologist?
 11 MR. KIZZIA: Objection. Asked and
 12 answered.
 13 THE WITNESS: I tried to explain
 14 neuroscientist earlier, and that was complicated enough. I
 15 don't think there's any question about who a pathologist
 16 is.
 17 BY MR. MCGRAW:
 18 Q. No, I'm ask -- I want you to explain to the jury
 19 what a pathologist does.
 20 A. Well, a pathologist is concerned about what might
 21 be called the negative side of physiology and anatomy, that
 22 is, the diseased and measurable deficits, and it goes all
 23 the way from molecular biology to whole body injury and
 24 manipulation and so on. And traditionally the pathologist
 25 has been the one to take a body after death and make a

000291

Page 205

1 dissection and make a definitive determination of the cause
2 of death.
3 Q. Cause of death? What is a forensic pathologist?
4 A. One who is concerned with issues of death that
5 have legal significance, a murder or a slaying or a drug
6 influence that might have been perpetrated. There are lots
7 of -- you know, lots of categories.
8 Q. Who would -- if someone wanted to choose another
9 person to determine whether a bullet wound was an entrance
10 wound or an exit wound, who would you choose to do that?
11 Who would be the expert to do that?
12 A. Well, at the surface of examining the patient in
13 the first place, it would be somebody who had lots of
14 experience with bullet and shrapnel wounding, and there are
15 a lot of people in inner cities and lots of people in
16 military medicine who have that kind of experience. In
17 relation to a postmortem examination, there are lots of
18 things that can be done, for example, to find the bullet
19 and trace the pathway that a bullet or fragments of a
20 bullet made.
21 As a bullet travels through air, it has a
22 supersonic wave, shockwave, traveling in front of it, and
23 it travels alongside the bullet as a kind of shroud
24 trailing behind, and then behind the bullet there's a
25 turbulence. And when the bullet penetrates flesh, it

Page 206

1 dimples the flesh and pushes through and enters this way
2 rather quietly, and then when it passes through the
3 tissues, it begins to affect the tissues by virtue of this
4 shroud of supersonic wave. For instance, it can fracture
5 bones without touching the bone in some cases if it's a
6 relatively fragile bone. And then it creates a tearing and
7 splitting tunnel of damage injury that follows the course
8 of the bullet.
9 And when it exits the wound, it tends to blow
10 out, as I said, to make a cruciate or a star, stellar kind
11 of configuration of tearing of the flesh and often
12 protrusion of material from tissues and so on out the
13 wound. You would look for the course of the bullet using
14 probes, using direct dissection. You would look for the
15 bullet or path of the bullet by seeing fragments of the
16 bullet or the bullet itself lodged in a certain place, and
17 you would establish what the course of the bullet had been.
18 If it were a knife wound or something else, you would look
19 at it that way.
20 Q. Okay. With respect to a bullet, you mentioned a
21 number of things that you would do.
22 A. Yeah.
23 Q. You would look for fragments. Is that one?
24 A. You would look -- you would examine the wound of
25 entrance, and if there's a wound of exit, you would examine

Page 207

1 that.
2 Q. Let me just --
3 A. Sure.
4 Q. If you were looking at a wound --
5 A. Yeah.
6 Q. -- if you're trying to determine whether it's a
7 wound of entrance or a wound of exit, what do you do?
8 A. It's very easy ordinarily. It's categorically
9 easy because the wound of entrance is this dimpling and
10 penetration without much surrounding damage. When it's an
11 exit, it's a stellar or a cruciate splitting of the skin
12 and surface with extrusion.
13 Q. Okay. And to be -- if -- in order to take the
14 analysis to a complete conclusion, even though you might
15 have looked at those first things that you're talking about
16 and reached a conclusion, are there other things that you
17 would do to do a complete analysis --
18 A. Well, as I mentioned --
19 Q. -- to ensure certainty in your analysis?
20 A. Well, as I mentioned, you can look for X-ray
21 evidence of where the bullet or fragments of the bullet may
22 lie. You can look for X-ray evidence of the path of the
23 bullet, which in some cases it will reveal. You can put
24 probes in, or you can actually dissect down to the trough
25 of the bullet path itself.

Page 208

1 Q. And is this work that a --
2 A. You can --
3 Q. -- forensic pathologist --
4 A. You can --
5 Q. -- is trained -- I'm sorry, I didn't mean to stop
6 you.
7 A. You can put a radiopaque solution in there, like
8 Pantopaque or something like that, that will show up on
9 X ray as a dense thing, an iodine-containing compound, for
10 example, that will show you what the path has been and the
11 spread of damage as a consequence of the bullet
12 penetration.
13 Q. And are these things that the forensic
14 pathologist is trained to do?
15 A. Oh, sure. Even an ordinary pathologist without
16 special forensic training knows how to do that.
17 Q. And in order to reach a -- the forensic
18 pathologist, to do that, would examine the body and do the
19 things that you're describing --
20 A. Yes.
21 Q. -- in the presence of the body?
22 A. Yes. You can't do it very well without being in
23 the presence of the body.
24 Q. If I understood your earlier testimony, the two
25 pieces of information that -- and I've -- we've gone over

Page 209

1 this, but I just want to lay the foundation for the
2 questions I'm going to ask you. The two pieces of
3 information that you feel you possess and which you have
4 felt compelled to bring forward relate to your conclusion
5 that the neck wound was a wound of entry. Is that one of
6 them?
7 A. Yes.
8 Q. Okay. And the second is the observation with
9 respect to the cerebellar tissue; is that correct?
10 A. Correct.
11 Q. And your conclusion based on -- your conclusion
12 is that those two factors indicate a wound of entry from
13 the shots from the front; is --
14 A. Yeah.
15 Q. -- that correct?
16 A. Yeah.
17 Q. Okay. Now --
18 A. What I could do would be to give you as a further
19 exhibit, if you like, the testimony that I read in New York
20 that relate to both those and to give a careful
21 explanation. It's briefer than you would get by asking me
22 a series of questions.
23 Q. I don't really intend to ask you a lot of
24 questions, but we would like to have that document --
25 A. I would be very glad --

Page 210

1 Q. -- attached to the record --
2 A. -- to provide that.
3 Q. -- as the next exhibit -- what number -- whatever
4 that would be.
5 MR. KIZZIA: That would be 10.
6 THE WITNESS: Number 10.
7 BY MR. MCGRAW:
8 Q. Now, I'm going to ask you a hypothetical
9 question. Assume with me for the moment, okay, that the
10 reports that you received from Dallas with respect to the
11 entrance wound were incorrect and that the reports you
12 received with respect to the cerebellar tissue were
13 incorrect. Would you agree with me that you would not be
14 able to reach the conclusions that you have reached?
15 A. Yes.
16 MR. KIZZIA: Sounds like a good place
17 to stop, huh, Tom?
18 MR. MCGRAW: Not quite.
19 BY MR. MCGRAW:
20 Q. Are you aware that the -- you said you have not
21 read the AMA articles. Correct?
22 A. No. I have them, and I intend to pursue them,
23 but I didn't know that the deposition was going to be on
24 this subject.
25 Q. Are you aware that in those AMA articles the

000292

Page 211

1 three autopsy doctors unanimously concluded that there were
2 two bullets that struck the President from the rear?
3 A. No.
4 Q. You're not aware of that?
5 A. No.
6 Q. Are you aware that in those articles, four of the
7 attending physicians at Parkland stated that they saw
8 nothing in the emergency room inconsistent with the
9 conclusions reached by the three autopsy doctors?
10 A. I did not know that.
11 Q. Is that -- would that information be of interest
12 to you in reaching a conclusion with respect to whether the
13 bullets that struck the President came from the front
14 versus the back?
15 A. Yes, I would like to look at the evidence
16 carefully. I would like to see their explanation. The
17 neck wound has been explained as a wound of exit, and I
18 think that's a preposterous proposal. I don't believe
19 that's possible to create in that way --
20 Q. Is that --
21 A. -- especially a bullet that still had lots of
22 energy to go elsewhere and do other things.
23 Q. Nonetheless, you would find interesting their
24 statements?
25 A. Oh, I would be very appreciative and respectful

Page 212

1 of their conclusions if they came up to contrary
2 conclusions.
3 Q. Where did you get the -- I take it in the course
4 of your contact with Mr. Livingstone --
5 A. I met him for the first time about three days ago
6 or two days ago.
7 Q. Okay. But what I want to know is, in connection
8 with your press conference and the contact that you have
9 had with the folks in the press conference, and in
10 connection with your contact with Mr. Kizzia, none of these
11 folks have revealed to you the contents of the AMA --
12 A. No.
13 Q. -- article. Correct?
14 A. No, nor the reason for the suit, nor the nature
15 of the challenges and so on.
16 MR. MCGRAW: Let's mark this whatever
17 is the next appropriate number.
18 (Deposition Exhibit 11 was marked.)
19 BY MR. MCGRAW:
20 Q. Would you take a quick look, thumb through, if
21 you would, Doctor, at the document that I've put in front
22 of you.
23 MR. WATLER: Is this Exhibit 11 now, I
24 guess?
25 THE WITNESS: It's 11.

Page 213

1 THE REPORTER: Can I change my disk
2 real quick?
3 MR. MCGRAW: Uh-huh.
4 MR. KIZZIA: Do you have any questions?
5 BY MR. MCGRAW:
6 Q. Well, I don't know if it's necessary for you to
7 read the whole thing, Doctor, but I would like you to take
8 whatever time you would like to scan the --
9 A. I'm just looking at the summary of the evidence.
10 MR. KIZZIA: Well, you know, after
11 going on now five hours of deposition, I don't think it's
12 fair to hand this witness, I don't know, a twenty,
13 thirty-page document and ask him to read it. If you want
14 to ask him --
15 MR. MCGRAW: I am not asking the
16 witness to read it. I said to the witness to take whatever
17 time he likes to scan it.
18 BY MR. MCGRAW:
19 Q. If I ask you questions about it, Dr. Livingston,
20 that you feel you cannot answer because of the --
21 A. I'll tell you.
22 Q. -- fact that you haven't read it, I have
23 confidence you will tell me.
24 A. Yeah.
25 MR. WATLER: I would also ask, Dr.

Page 214

1 Livingston, that at whatever point you feel like we are
2 imposing on your time or unnecessarily prolonging this
3 deposition or badgering you or harassing you, would you
4 speak up, sir?
5 THE WITNESS: Yeah, I feel comfortable.
6 You're good guys, and you have jobs to do and professional
7 talent that I admire. I just want to be available for the
8 extent of whatever you want to draw out of me, and I'll do
9 my best to be a responsible witness.
10 MR. WATLER: Okay. I think you have
11 been, and I for one believe that you have been. But for
12 whatever reason, Mr. Kizzia feels it necessary to suggest
13 that we're somehow taking advantage of your time, taking
14 advantage of your --
15 THE WITNESS: Well, I'm worried about
16 your time and about the overall expense represented by six
17 or seven lawyers in attendance concentrating on little Bob
18 Livingston.
19 MR. WATLER: And understand that Mr.
20 Kizzia sent out the invitations to this party --
21 THE WITNESS: I understand.
22 MR. MCGRAW: -- not any of us.
23 MR. KIZZIA: Well, I certainly didn't
24 intend to have the party last five hours.
25 THE WITNESS: well, quit worrying about

Page 215

1 me in this regard.
2 MR. KIZZIA: Thank you.
3 THE WITNESS: You have actually got two
4 reports here.
5 BY MR. MCGRAW:
6 Q. There are.
7 A. I'm reaching the second one now. In the first
8 one I read the summary, and the second one, I'm seeing that
9 this is concerned with the CIA activities.
10 MR. KIZZIA: My copy doesn't look like
11 either document is complete.
12 MR. MCGRAW: They're not.
13 MR. KIZZIA: Okay.
14 THE WITNESS: well, Mr. McGraw, I have
15 leafed through this casually and with an eye to pick up
16 highlights. If you want to ask me --
17 BY MR. MCGRAW:
18 Q. Let me ask you --
19 A. -- questions, you might let me look back again,
20 but this is a very brief --
21 Q. I understand. I will be directing your
22 attention --
23 A. -- quick study.
24 Q. -- to some portions of it. The front page of
25 that document indicates that it is -- or the title is

Page 216

1 Report of the Select Committee on Assassinations; U.S.
2 House of Representatives, Ninety-fifth Congress, Findings
3 and Recommendations, March 29, 1979. And what I will
4 represent to you, Dr. Livingston, is that the pages that
5 follow up to the next cover page are excerpts of that
6 report.
7 A. Yes.
8 Q. Okay? And then there's the cover page, June 1975
9 Report to the President by the Commission on CIA Activities
10 Within the United States, and I will represent to you that
11 what follows behind that cover page are portions of that
12 report.
13 A. Right.
14 Q. Okay?
15 A. Right.
16 Q. Would you turn to the second page of the
17 document.
18 A. The first document?
19 Q. Correct.
20 A. I'm there.
21 Q. At the bottom it says forty-one. Do you see
22 that? At the bottom of that second page, it says --
23 MR. NELSON: Has a page number.
24 BY MR. MCGRAW:
25 Q. -- page number forty-one.

000293

Page 217

1 A. Oh, okay. That's the first page of the document,
2 first page of the text of the document. Okay.
3 Q. I just want to make sure we're on the same page.
4 A. Yes.
5 Q. The first paragraph of the text says, "The
6 President's Committee on the Assassination of President
7 Kennedy (Warren Commission) concluded that President
8 Kennedy was struck by two bullets that were fired from
9 above and behind him."
10 Do you see that?
11 A. Correct.
12 Q. So are you aware that that is the -- one of the
13 conclusions reached by the Warren Commission?
14 A. Oh, yes. Yes, I know that.
15 Q. Okay. Now, if you turn to the next page, page
16 forty-two --
17 A. Yes.
18 Q. -- the first full paragraph that begins, "Since
19 the Warren Commission" --
20 A. Yes.
21 Q. -- says, "Since the Warren Commission completed
22 its investigation, two other Government panels have
23 subjected the X rays and photographs taken during the
24 autopsy on President Kennedy to examination by independent
25 medical experts. A team of forensic pathologists appointed

Page 218

1 by Attorney General Ramsey Clark in 1968 and a panel
2 retained by the Commission of the CIA Activities Within the
3 United States (Rockefeller Commission) in 1975 reached the
4 same basic conclusion: The President was struck by two
5 bullets from behind."
6 Do you see that?
7 A. Yes, I do.
8 Q. Were you aware that the two other commissions, if
9 you will, reached the same conclusion of that of the Warren
10 Commission, one in 1975 and one in 1968?
11 A. Yes.
12 Q. You were aware of that?
13 A. Yes.
14 Q. Okay.
15 A. I had read these documents a long time ago.
16 Q. Okay. Now, are you aware of the fact -- or were
17 you aware of the report of the Select Committee on
18 Assassinations, U. S. House of Representatives?
19 A. Yes.
20 Q. And are you familiar generally with that report?
21 A. Well, I don't want to confess to being
22 responsibly familiar, but I'm casually familiar.
23 Q. Are you aware that that House Select Committee
24 likewise reached a conclusion that President Kennedy was
25 struck by two bullets from behind?

Page 219

1 A. Yes.
2 Q. Are you familiar with the analysis that was
3 undertaken in connection with the House Select Committee?
4 A. Well, I know some of the analyses that were
5 performed, yeah. I know about them as a reader.
6 Q. If you will look on page forty-two and succeeding
7 pages, you will see that there is on page forty-two a
8 heading, "The medical evidence." Do you see that?
9 A. Yes, uh-huh.
10 Q. And then on page forty-four, "Reaction times and
11 alignment?"
12 A. Yes.
13 Q. Do you see that?
14 A. Yes.
15 Q. And then on page forty-five, "Neutron activation
16 analysis?"
17 A. Yes.
18 Q. And then at the bottom of page forty-five,
19 "Photographic evidence?"
20 A. Correct.
21 Q. And then at the bottom on page forty-six,
22 "Acoustical evidence and blur analysis?"
23 A. Right.
24 Q. And do you see on page forty-seven in the middle,
25 just above the subheading 2., it says, "Thus, from the

Page 22

1 results of the analyses by its experts in the fields of
2 forensic pathology, photography, acoustics, wound
3 ballistics and neutron activation analysis, the committee
4 concluded that President Kennedy was struck by two shots
5 fired from behind."
6 Do you see that?
7 A. Yes.
8 Q. As you sit here today, do you -- can you
9 enunciate any flaws in the analysis that was done by this
10 committee?
11 A. Yes. I can say that there are limitations to the
12 neutron activation analysis, and there are limitations to
13 the reaction times and alignment, and there are limitations
14 indeed to some of the issues relating to X rays and
15 photographs and so on. And as I mentioned earlier in my
16 deposition, the X rays have recently been revealed by Dr.
17 Mantik to have been composites, and since a lot of this
18 evidence -- medical evidence depends on those X rays,
19 that's a worry.
20 Q. Well, when you say -- was your word limitations
21 on these analyses?
22 A. Yeah.
23 Q. What I would like for you to do is to explain to
24 me what you understand to be the flaws in the analysis
25 undertaken by the House Committee, because the House

Page 22

1 Committee -- let me tell you why I ask that. The House
2 Committee reaches a conclusion very different from the
3 conclusion that you enunciated in response to the questions
4 elicited by Mr. Kizzia.
5 A. I'm aware.
6 MR. KIZZIA: Well, wait just a second.
7 The House Select Committee concluded that there was a
8 gunman on the grassy knoll and there probably was a
9 conspiracy behind or involved in the assassination of
10 President Kennedy. So your question, to that extent at
11 least, is mischaracterization of the evidence and not
12 accurate.
13 BY MR. MCGRAW:
14 Q. The conclusions that I'm referring to that you
15 offered to Mr. Kizzia were that there were bullets fired
16 from the front --
17 A. Right.
18 Q. -- that hit President Kennedy?
19 A. Right.
20 Q. Do you agree with me that the House Committee
21 reaches a different conclusion?
22 A. Yes.
23 Q. Okay.
24 A. This I've known for several years.
25 Q. Okay. Given that you have a different --

Page 222

1 enunciated a different conclusion than the House Committee,
2 I want to elicit from you what it is about the House
3 Committee's analysis that you find flawed.
4 MR. KIZZIA: Well, I think he's already
5 answered that question. I object to it as being asked and
6 answered.
7 BY MR. MCGRAW:
8 Q. Well, you said there were limitations on the
9 neutron activation analysis. What does that mean?
10 A. Well, for instance, when you try to identify
11 bullets on the basis of neutron analysis, you can be
12 mistaken about that, and you can even have bullets coming
13 from other directions which might be contributing to
14 patterns that would be correspondent. Now, this is out of
15 my field, so I can't give you a lot of --
16 MR. NELSON: Which reminds me of an
17 objection that should be made throughout your testimony,
18 and that is that the dependent has continued to give
19 opinions that probably require a predicate for his being an
20 expert in photography, X ray, and I don't know what others,
21 but --
22 THE WITNESS: I don't portend to --
23 MR. NELSON: But without those
24 predicates being layed, I object to --
25 MR. MCGRAW: Well --

Page 224

Page 225

Page 226

25 A. Well, I can remember descriptions of President

Page 227

Page 228

17 go in the same direction that for instance, the middle
18 information that we've discussed at some length here of
19 changes of the X rays, I can give you another commentary
20 that is pertinent. If cerebellum was extruded from the
21 posterior part of the President's head, there had to be an
22 explosive force underneath the tentorium to blow cerebellum
23 out the back side of the wound. It had to tear the
24 cerebellum, rend the cerebellum and pull the cerebellum out
25 by its roots in the brain stem and thrust that cerebellum

Page 229

1 out the posterior part of the wound. And it was seen by
2 not less than six doctors in Parkland Hospital. And Kemp
3 Clark, for example, is -- a man I have strong confidence
4 in, would recognize cerebellum sticking out there.
5 Now, you come to the archives, and in the
6 archives you have two photographs of the President's head,
7 one dorsal and one lateral. And both of them show the
8 cerebellum to be intact, and there's a drawing from one of
9 these that shows the cerebellum to be intact. That is not
10 possible, gentlemen. You can't have the cerebellum
11 sticking out of the wound posteriorly, particularly large
12 amounts of it, hung by a thread of tissue -- that can't be
13 possible -- and still have a photograph of the cerebellum
14 intact.

15 Now, that means that either those guys are
16 mistaken, and I don't think they were, or there has been a
17 substitution of another brain for Kennedy's brain when
18 those photographs were taken, and that's the interpretation
19 I would be inclined to believe. That is a very serious
20 thing, and since I know and trust the kind of knowledge and
21 observational capacity of the doctors at Parkland Hospital,
22 I think there's something fishy here.

23 MR. KIZZIA: Let's hold on --
24 MR. MCGRAW: Objection. Nonresponsive.
25 MR. WATLER: Same objection.

Page 230

1 MR. KIZZIA: -- for a second.
(Off-the-record discussion.)
3 THE WITNESS: Is that clear?

4 BY MR. MCGRAW:

5 Q. Yeah.

6 A. Now, you can't stick cerebellum out the back of
7 the head, I believe, with a shot from behind unless it's
8 underneath the occipital protuberance, and there have
9 been -- most of the presentations of the occipital wound
10 are well above that, and if it's above that, it presses
11 down on the tentorium, and it doesn't extrude cerebellum
12 posteriorly. I think either the neck wound or perhaps a
13 lateral frontal wound that has been conjectured could have
14 contributed to that, or possibly the posterior bullet hit
15 well below the occipital protuberance, in which case it
16 would have a very hard time making the furrow that it
17 purportedly did in the right hemisphere along the cingulate
18 gyrus and tearing off about the last third or so of the
19 corpus callosum.

20 MR. WATLER: Objection. Nonresponsive.

21 MR. MCGRAW: Yeah, same objection.

22 BY MR. MCGRAW:

23 Q. Did I understand you to say that you have
24 confidence in the capability and integrity of the doctors
25 who were at Parkland Hospital?

Page 231

1 A. Yes, sir.

2 Q. And if those doctors were to say that they
3 observed nothing there inconsistent with the conclusion
4 that the bullets were fired from the rear, would you accept
5 their statements?

6 MR. KIZZIA: Well, wait just a second.
7 Are you -- you're not talking -- you're talking about
8 statements allegedly attributed to them here twenty-nine or
9 thirty years after the fact that may be inconsistent with
10 reports and testimony they presented to the Warren
11 Commission? Which statements are you talking about?

12 MR. WATLER: Is that an objection?

13 MR. KIZZIA: Yeah, because it's a
14 confusing, misleading question.

15 MR. WATLER: Well, I think you
16 personally made it so because I --

17 BY MR. MCGRAW:

18 Q. Doctor, if --

19 THE WITNESS: I hope you guys have fun
20 with this interaction with each other. It's professional,
21 I know.

22 BY MR. MCGRAW:

23 Q. I'm getting very close to concluding.

24 A. The issue to me is if they saw cerebellum
25 sticking out of the wound and they're all unanimous at

Page 2

1 Parkland Hospital about that. And they're valid physicians
2 in whom I would have confidence.

3 Q. Would you agree that emergency room treatment of
4 a critically wounded president is not a setting in which
5 the doctors would likely be worrying about whether wounds
6 were entry or exit wounds?

7 A. Well, I must say they must have carried the kind
8 of burden that all of us who came to knowledge of the
9 President's being stricken, and they must have had that
10 very heavily imposed upon them by having the President's --
11 President there and the President's wife and the
12 Vice-President and other people. Knowing that this might
13 be the start of World War III or whatever, I can say that
14 these people must have been under extraordinary emotional
15 and professional exposure.

16 Now, I think that their observations with the
17 long medical training have been conscientious and
18 proportioned and careful, and if they interpreted later,
19 twenty or thirty years later, that maybe the cerebellar
20 business was done by a wound from the -- shot from behind,
21 I would say that is possible, as I indicated, that it might
22 have possibly been caused by a shot that entered the head
23 well below the occipital protuberance. But we don't have
24 evidence of that in the X rays or in the way that the
25 wounding has been described by the pathologist. Getting

Page 23

1 the cerebellum out back, even from a shot below the
2 occipital protuberance, is damn hard in a sense of obeying
3 the laws of physics.

4 Q. Let me ask you what I hope will just --

5 MR. WATLER: Objection. Nonresponsive.

6 MR. MCGRAW: Yeah, I join the same
7 objection.

8 BY MR. MCGRAW:

9 Q. -- what I hope will be one last question. Dr.

10 Livingston, if Drs. Carrico, Jenkins, Perry and Baxter, who
11 all were in the emergency room when John F. Kennedy was
12 brought into Parkland, stood before you and said, nothing
13 we observed contradicts the autopsy finding that the
14 bullets were fired from above and behind by a high velocity
15 rifle, would you find that compelling information?

16 A. I would be very respectful of it. I would think
17 that they had come to that conclusion, if that's correctly
18 quoted from them, with due proportioned professional
19 responsibility.

20 Q. What does that mean, with due proportioned to
21 professional responsibility?

22 A. Well, I don't think they're lying. I think
23 they're trying to get to the truth just as I am, and I
24 would like to ask them a number of direct and pertinent
25 questions that they might be able to answer now.

Page 23

1 Q. But you would find that a truthful statement from
2 those four doctors?

3 MR. KIZZIA: Well, wait.

4 THE WITNESS: Well, if they're making a
5 critical statement, that doesn't mean they're telling the
6 truth about the President's assassination and its
7 interpretation, it means that they are being honest, I
8 presume, in their response. This is twenty-nine years
9 after the fact.

10 BY MR. MCGRAW:

11 Q. What is troubling me is, I sense from your answer
12 that you're saying on the one hand that you would believe
13 they were being honest, but you probably still wouldn't
14 believe that the bullets came from the back.

15 A. Not all the bullets.

16 Q. The two that struck the President?

17 MR. KIZZIA: Object to the question.

18 It assumes that only two bullets struck the President.

19 BY MR. MCGRAW:

20 Q. I'm --

21 A. I don't think -- honestly, gentlemen, I don't
22 think that you solve the ambiguities of this problem by
23 arguing from text. I think you have to get the principals
24 involved and the evidence as explicit and concrete as it
25 can be assembled and put on the table and disinterested

Page 235

1 experts brought to bear on the thing conscientiously and
2 with due time and support in order to render a correct and
3 apportioned analysis. I don't think that a jury should
4 rest with the data that's been officially delivered.

5 Q. I'm not suggesting that they should or they
6 shouldn't. You have not read these articles; is that
7 correct?

8 A. I haven't.

9 MR. KIZZIA: Asked -- objection. Asked
10 and answered.

11 BY MR. MCGRAW:

12 Q. I'm sorry, I'm talking about the JAMA articles.

13 A. No, I have not. No.

14 Q. Okay. And the -- one of the opinions that you
15 have --

16 A. I'm sorry I haven't, you know. I work at
17 something else besides --

18 Q. I understand. But the opinion you have offered
19 here -- or one of them is that, in your view, the two
20 bullets that struck the President came from the front?

21 A. No, I'm not saying that. He may have been hit by
22 bullets from the rear. But I'm saying that some bullets
23 came from the front, and this means that there had to be
24 more than one gunman firing at the President
25 simultaneously, or nearly simultaneously, and this means

Page 236

1 that there had to be an understanding in advance of that
2 time as to when and where this would take place. This
3 means that somebody besides a, quote, lone assassin
4 contributed to the destruction of the President.

5 Q. But -- and what I'm -- I still do not
6 understand -- if looked directly in the eye by these four
7 doctors who say, nothing we observed contradicts the
8 autopsy finding that the bullets were fired from above and
9 behind by a high-velocity rifle, are you saying that you
10 would still believe that those bullets came from the front?

11 A. Not that those bullets came from the front, but
12 that he was also attacked, assaulted, from the front. Now,
13 that's a different answer.

14 Q. We're not connecting here.

15 A. Well, you're attributing everything to posterior
16 shots, and I'm saying that that's --

17 Q. And that's what --

18 A. -- a violation of my personal, direct experience.

19 Q. What I am suggesting to you is that these doctors
20 in this article say --

21 A. Yeah, yeah.

22 Q. -- that nothing they saw was inconsistent with
23 the finding that the only bullets that hit JFK came from
24 the rear. That's what you're going to find when you read
25 this article.

Page 237

1 MR. KIZZIA: I object to Counsel
2 testifying.

3 MR. MCGRAW: Do you disagree?

4 MR. KIZZIA: I'm not being deposed, and
5 he's already asked and answered your questions.

6 BY MR. MCGRAW:

7 Q. And my question --

8 MR. KIZZIA: And besides that, just for
9 the --

10 THE WITNESS: I can apologize for not
11 knowing more than I know, and I can apologize for not
12 having read everything that you would like me to have read,
13 and I will amend as much as I can my lack of knowledge, and
14 I will amend my lack of study and analysis. But to the
15 extent of my ability, on the basis of my knowledge, my
16 experience to date, I came to conclusions which I've been
17 very careful to lay before your judge and jury. I can do
18 nothing more than that at this time.

19 Now, I can assure you that I will study
20 these documents with renewed energy and concern, because
21 I'm not trying to fool myself or fool you or do anything,
22 and I haven't got any monetary or heroic ambitions or
23 aspirations in this. This is taking away time from my --
24 saving the world and taking away money from my children.

25 MR. MCGRAW: I appreciate that, Doctor.

Page 238

1 and I appreciate your patience and willingness to talk with
2 us all.

3 THE WITNESS: And I would be very glad
4 to meet with these doctors at any time at my expense and
5 talk it over if that would be helpful. In fact, I would
6 love to do that.

7 MR. MCGRAW: I'll pass the witness.

8 MR. RIDDLE: I've got just a few

9 questions. Guess I need a microphone.

10 (Off-the-record discussion.)

11 CROSS EXAMINATION

12 BY MR. RIDDLE:

13 Q. Dr. Livingston, I'm Russ Riddle. We --

14 A. Yes.

15 Q. -- met earlier, as you recall.

16 A. Yes.

17 Q. I represent Lawrence Sutherland, who is also a
18 Defendant in --

19 A. Yes.

20 Q. -- this case. You understand that?

21 A. Yes.

22 Q. All right. You testified a moment ago that you
23 have just met Gary Shaw; is that correct?

24 A. Correct.

25 Q. But you have known of him before, haven't you?

Page 239

1 A. No.

2 Q. You have never known of Gary Shaw before?

3 A. No.

4 Q. Never heard the name?

5 MR. KIZZIA: Objection. Asked and
6 answered.

7 BY MR. RIDDLE:

8 Q. During your testimony you have said on a number
9 of occasions that the public would like to have this
10 settled, referring to the John F. Kennedy assassination;
11 is --

12 A. Correct.

13 Q. -- that correct?

14 A. Correct, yeah.

15 Q. So you would agree with me, would you not, that
16 the issue of who shot or who did not shoot JFK is a public
17 controversy?

18 A. Yes.

19 Q. The resolution of which would have an impact on
20 the general public?

21 A. Correct. That's actually worldwide.

22 Q. How long have you known of Dr. Crenshaw?

23 A. Only as his name appeared in relation to this

24 case.

25 Q. And how long has that been?

Page 240

1 A. Well, his name came up in '63, so I have known of
2 his name for thirty years.

3 Q. Okay. Are you familiar with his book, JFK:
4 Conspiracy of Silence?

5 A. I am not.

6 Q. At all?

7 A. I do not know his book, no. I've read a lot of
8 books on this, but you could make a career out of reading
9 the books on this literature.

10 Q. I believe you said that you do not know Lawrence
11 Sutherland, my client?

12 A. I do not.

13 Q. Have you ever heard of him before?

14 A. I don't know where he is or what his relationship
15 is to this.

16 Q. Okay. So it would be safe to say that you have
17 not read the article which he wrote that is a subject of
18 this lawsuit?

19 A. No, I have not.

20 MR. RIDDLE: Most of the questions I
21 could have asked, I believe, have been asked, and I won't
22 take any more of your time. Thank you, Dr. Livingston.

23 THE WITNESS: Thank you.

24 MR. WATLER: I've got about three or
25 four minutes' worth of questions. May I just jump in and

Page 241

1 get those --
 2 MR. NELSON: Sure.
 3 MR. WATLER: -- out of the way before
 4 you --
 5 MR. NELSON: Sure.
 6 RECROSS EXAMINATION
 7 BY MR. WATLER:
 8 Q. Dr. Livingston, Mr. Riddle asked you if you had
 9 ever read any article by his client, Mr. Sutherland, and
 10 you said no. I take it then you have never read any
 11 articles published by the Dallas Morning News that concern
 12 Gary Shaw or Charles Crenshaw?
 13 A. No, I have not.
 14 Q. I also take it that it's true that you took no
 15 efforts to bring any of the information that you have
 16 related today to the attention of the Dallas Morning News
 17 at any time?
 18 A. No.
 19 Q. And I take it that --
 20 A. You're my first contact and only contact with the
 21 Dallas Daily News (sic).
 22 Q. All right. And I take it that likewise you took
 23 no efforts to bring any of the information that you have
 24 related today to the attention of Lawrence Sutherland?
 25 A. No.

Page 242

1 Q. And I likewise take it that previous to today,
 2 you have taken -- never taken any efforts to bring any of
 3 this information that you have testified to today to the
 4 attention of David Belin?
 5 A. No.
 6 Q. And finally, the same question regarding the
 7 American Medical Association or the Journal of the American
 8 Medical Association.
 9 A. Correct. The only thing I've done before today
 10 was done by the correspondence, which is available to you
 11 in your list of exhibits, and also the testimony that I
 12 gave in New York yesterday.
 13 Q. And that was yesterday, you say?
 14 A. Yeah, and that's available to you also, so that's
 15 all there. And then the testimony I gave in the
 16 talking-head videotape and the testimony I gave in the
 17 video that was done with Dr. Aguilar and Dr. Mantik, and
 18 those, again, are available to you, so --
 19 Q. Just so I'm clear on the timing of that, these
 20 videotapes that you're referring to were made in the last
 21 forty-five, sixty days; is that right?
 22 A. Yeah, something like that.
 23 Q. Okay. So my point is, none of that information
 24 could have been available to the Dallas Morning News when
 25 it published articles in May or June of 1992; is that

Page 243

1 right?
 2 MR. KIZZIA: Well, I'm --
 3 THE WITNESS: No.
 4 MR. KIZZIA: -- going to object to
 5 the --
 6 THE WITNESS: No.
 7 MR. KIZZIA: -- the question because I
 8 think it's misleading. Are you saying that -- when you use
 9 the word information, obviously the information --
 10 MR. WATLER: Brad, you have made an
 11 objection.
 12 MR. KIZZIA: Well, I'm going to make my
 13 objection.
 14 MR. WATLER: You said it's misleading.
 15 MR. KIZZIA: I want to say it --
 16 MR. WATLER: Now, that's a legal
 17 objection and --
 18 MR. KIZZIA: -- because I want the
 19 record to be clear why I'm saying that.
 20 MR. WATLER: All right. I don't
 21 want -- you don't have the right to make speeches. You
 22 don't have the right to inject thoughts and ideas into the
 23 witness's mind. You don't have to coach him on the record.
 24 MR. KIZZIA: I'm not coaching him,
 25 and --

Page 2

1 MR. WATLER: And you don't have --
 2 MR. KIZZIA: -- the record will --
 3 MR. WATLER: -- the right to prolong --
 4 MR. KIZZIA: -- speak for itself.
 5 MR. WATLER: -- the transcript. So --
 6 MR. KIZZIA: Hey --
 7 MR. WATLER: -- you made your
 8 objection. You said it's misleading, and your objection is
 9 noted.
 10 MR. KIZZIA: And it's misleading --
 11 MR. WATLER: Now --
 12 MR. KIZZIA: -- because you didn't say
 13 what information you're talking about. Are you talking
 14 about the videotapes, or are you talking about the
 15 information that Dr. Livingston --
 16 MR. WATLER: Thank you, Mr. Kizzia.
 17 MR. KIZZIA: -- relied upon? And I
 18 think the question is clearly misleading without any
 19 explanation of what you meant by information.
 20 MR. WATLER: Okay.
 21 BY MR. WATLER:
 22 Q. Dr. Livingston, when you were being examined by
 23 Mr. McGraw, you were referring to your desire that the
 24 truth come out, and that in order for the truth to come
 25 out, there has to be -- and I'm paraphrasing and probably

Page 2

1 not doing it very well -- but there has to be an organized
 2 professional effort to bring people together who have
 3 knowledge, and it has to be a collective process and so
 4 forth. And do I take it -- would you agree with me that
 5 this point, on the virtual eve of the thirtieth anniversary
 6 of the assassination of John F. Kennedy, you believe that
 7 the truth has not been brought out as to the assassination
 8 of John Kennedy?
 9 A. Well, when we talk about the truth, we're talking
 10 about a very complicated event, and there are some parts of
 11 the truth that have been brought out and some parts that
 12 have been obfuscated, if I may use that favorite of
 13 yours --
 14 Q. Well --
 15 A. -- and there are others that have been perhaps
 16 lost by being overlooked in the process.
 17 Q. Well, the whole truth has not come out.
 18 A. That's right.
 19 Q. All right. And the whole truth as to the facts
 20 and circumstances and the motivations and the actors and
 21 the players, in your opinion, has -- to this date, nearly
 22 thirty years after the assassination, has not been
 23 established?
 24 A. Still incomplete.
 25 Q. Okay.

Page 24

1 MR. WATLER: Thank you. That's all the
 2 questions I have.
 3 THE WITNESS: Yeah, and what I have
 4 given you in the way of exhibits is quite complete as far
 5 as my documentation of this is concerned, and the Dallas
 6 Evening News (sic) is very welcome to make use of it if
 7 they want to. I'm not promoting it. I'm just saying that
 8 I want it to be accessible.
 9 MR. KIZZIA: Can we adjourn for the
 10 day, gentlemen?
 11 MR. NELSON: No, I want to make sure
 12 I -- I want --
 13 MR. KIZZIA: Well, it's 6:00. He's
 14 been here for five-and-a-half hours. I think that that's
 15 much too long.
 16 THE WITNESS: I'm more concerned for
 17 the ladies who have been documenting this, but I'm game to
 18 do anything that would suit you, including coming back to
 19 Dallas if that seems desirable.
 20 MR. NELSON: We can be here at 2:00
 21 tomorrow if you would all like. Doesn't make any
 22 difference when we do it, but --
 23 THE WITNESS: Whatever you people want.
 24 I've never had anybody spend so much money on me.
 25 MR. KIZZIA: I propose that we adjourn

