

ACQUITTAL DENIED; FINAL ARGUMENTS UNDER WAY

Nine Votes Needed for Shaw Ruling

Nine or more of the 12 jurors must agree on a verdict either to acquit or convict Clay L. Shaw of conspiring to kill President John F. Kennedy.

In other words, 9, 10, 11 or 12 jurors must vote either guilty or not guilty for a verdict to stand.

Any other combination of jurors under nine—either for acquittal or conviction—results in a mistrial.

That means, if eight jurors vote not guilty and four vote to convict, a mistrial would be declared.

Judge Edward A. Haggerty Jr. today denied a motion for a directed verdict of acquittal in the trial of Clay L. Shaw, and closing arguments by the state and defense got under way.

Court attaches said Judge Haggerty planned to charge the jury late this afternoon, immediately after the closing arguments. The 12 men then were scheduled to retire to consider their verdict.

Earlier, the judge told a defense attorney he would wait until 9 a. m. tomorrow to charge the jury.

SHAW, 55, IS on trial in Criminal District Court, on charges with conspiring to kill President John F. Kennedy, shot to death in Dallas Nov. 22, 1963.

Chief defense counsel F. Irvin Dymond made his motion for a directed verdict as court resumed this afternoon. Tes-

timony ended at noon.

It was the second time in the trial a directed verdict motion by Dymond was denied. Either motion would have ended the proceedings and set Shaw free. The earlier one was made when the state rested its case.

This morning, the state continued to put rebuttal witnesses on the stand.

The final witness of the trial was Mrs. Elizabeth McCarthy Bailey, of Boston, who was qualified as a handwriting ex-

pert.

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She said she examined samples of Shaw's handwriting and the "Clay Bertrand" signature on the guest register of the VIP Room at New Orleans International Airport.

A HANDWRITING EXPERT produced by the defense earlier testified that Shaw could not have made the Bertrand signature. E.B.T.

Mrs. Bailey, however, said, Turn to Page 7, Column 1

Continued from Front Page

"In my opinion it's highly probable that Clay Shaw signed the name Clay Bertrand."

She said she did the studies last night in her hotel room. She said it took her four or five hours.

Mrs. Bailey said she worked from copies of the signature, and saw the originals for the first time this morning.

Asked what equipment she used, she said "this binocular." She said she is being paid to testify.

The first and second rebuttal witnesses this morning were Dr. John M. Nichols, a University of Kansas pathologist, and Peter Schuster, a photographer for the Orleans Parish coroner's office.

DR. NICHOLS WAS called to rebut testimony introduced by the defense to show Kennedy was shot from the back. District Attorney Jim Garrison contends the president was caught in a crossfire.

He testified the bullet which hit Kennedy in the back of the neck could not have passed through his body without hitting bone unless the angle of fire was from the side.

Schuster testified about two mysterious photographs given him Jan. 20 by the DA's office. He said he examined them until Feb. 13.

THERE WAS NO testimony to indicate where or when the photos were taken, but chief prosecutor James L. Alcock said they were intended to rebut testimony that Kennedy was shot from behind. They were introduced over the strenuous objections of chief defense counsel F. Irvin Dymond.

Schuster was asked if he examined any particular area of one of the photos, and pointed to the right top corner. He said he copied and enlarged it, and produced a blowup.

Asked what he saw in it, Schuster said, "In my opinion, it's a man." He said the man appears to be holding something.

Under cross-examination,

he said he couldn't be sure what the man was holding, but he definitely identified him as a man.

THE PICTURES were distributed to the jurors for examination. Judge Haggerty admonished them not to discuss them with one another until the proper time.

The photos were not shown to newsmen. However, courtroom sources said the key picture shows the grassy knoll in Dealey Plaza from where Garrison contends shots were fired at Kennedy. In the upper right is a figure which the state contends is a man.

Schuster was excused and a recess was called.

The first witness as court opened today was Dr. Nichols. He was questioned by Assistant DA William R. Alford Jr.

Setting up an hypothetical situation corresponding to the Warren Commission's findings on the way Kennedy was shot, Alford asked the witness if there is anything inconsistent about the path of the bullet the commission said went through the president's body.

"THE PROPOSITION you have stated is impossible," Dr. Nichols said, because a bullet entering as stated "would absolutely be required to strike a cervical vertebra."

The expert was asked about the angle at which Kennedy was shot, but defense objec-

tions, sustained by Judge Haggerty, prevented him from answering several questions.

Finally, Alford was permitted to ask "if a seven-millimeter wound of entry and a five-millimeter wound of exit is consistent with your experience as a pathologist?"

"Generally speaking, the wound of exit is larger than the wound of entry," Dr. Nichols said. He said the only way to determine the path of such a bullet was by X-rays or by dissecting.

COL. PIERRE A. FINCK, the Army doctor who helped perform the Kennedy autopsy, said he did not dissect the neck area of the President's body, and had not viewed the X-rays of the body when he wrote his report.

Dr. Nichols attacked Col. Finck's method of determining the direction of the shot which hit Kennedy's head, saying with large-caliber bullets Col. Finck's evidence is not conclusive. The colonel supported the Warren Commission's conclusion that all the shots that hit Kennedy came from the back.

The witness said he determined from the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder that former Gov. John B. Connally was seated almost directly in front of the President when the shots were fired.

FOR A SHOT fired from the Texas School Book Depository at the angle specified by the Warren Commission to have hit both men, Gov. Connally would have had to be seated at least 18 inches to the President's left, Dr. Nichols said.

At this point, Dymond took the witness on cross-examination.

Dr. Nichols said he was not permitted to examine the presidential limousine. He said he never examined the remains of the President, and never saw X-rays of the body. Nor, he said, has he seen the autopsy photos.

"Dr. Nichols, is it a fact that you were a student of Dr. Finck?" Dymond asked.

"I ATTENDED THREE lectures which he gave and to that extent I am his protegee, but he has refused to talk to me about this matter. I went to Washington to see him, but he rejected me," the witness said.

Dymond tendered him back to the state for redirect examination, and Judge Haggerty took a five-minute recess.

The state had no further questions for Dr. Nichols. He was excused and Schuster was called to the stand. He was questioned by Assistant DA Alvin V. Oser. He qualified as an expert on taking photos and enlarging them.

Dymond objected to his being qualified further as an analyst of photos, but was overruled.