

SHAW FOUND NOT GUILTY OF PLOTTING TO KILL JFK



—Photo by The Times-Picayune.
CLAY SHAW, acquitted in the assassination conspiracy trial, stands at a locked door of the Orleans Parish Prison as he and his attorneys arrived for Friday's session. This entrance leads to the Criminal Courts Building. It was opened shortly after the photo was taken. Behind Shaw are F. Irvin Dymond (left) and Edward F. Wegmann, attorneys.

Jury Takes Less Than One Hour Before Reaching Verdict

An all male jury took less than an hour early Saturday to find Clay L. Shaw not guilty of conspiring to murder President John F. Kennedy.

The jury returned at approximately 1:04 a.m. When the verdict was read a loud burst of applause and cheering broke out in the crowded Criminal District Courtroom.

Shaw shook hands with the jury members as they were paraded out of the courtroom and Judge Edward A. Haggerty announced he was excusing the Shaw jurors from jury duty for the rest of their lives.

The state did not request that the jury be polled.

The jury began deliberating at 12:06 a.m. It was two years to the day since Shaw's arrest in the case. Judge Haggerty took nearly 40 minutes to read his charge to the jury. The courtroom was locked while the judge read the 18-page type-written charge and other special charges.

District Attorney Jim Garrison made the final rebuttal statement for the prosecution. He termed the Warren Commission Report "the greatest fraud in the history of our country" and told jurors that while Shaw was present in the courtroom and there might be a tendency to feel sorry for him, "You also are not free to forget the victim . . ."

The state's rebuttal began at 10 p.m. and continued until 11:15 p.m. when the judge began reading his charge to the jury at 11:28 p.m.

The two alternate jurors were excused as the 12-man jury left the courtroom to deliberate.

F. Irvin Dymond, chief counsel for the defense, began his final statement shortly after the trial resumed at 7:30 p.m.

The state, which called its last rebuttal witness Friday morning, ended its formal closing statement to the jury shortly before 6 p.m.

Dymond Attacks Credibility of Russo

Chief defense counsel Dymond centered the defense's summation on attacking the credibility of Perry Raymond Russo, the state's star witness to the alleged conspiratorial meeting be-

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tween David L. Ferrie, Shaw and Lee Harvey Oswald.

Dymond also constantly reminded the jurors that the Warren Commission and its report are not on trial—that it is the defendant, Shaw, who is. "Sometimes, the defendant was the forgotten man," said Dymond. "For days on end, we would go by in the courtroom without hearing his name."

Dymond also pitched scorn on the so-called Sciambra memorandum, written by Assistant District Attorney Andrew J. Sciambra about his interview with Russo in Baton Rouge Feb. 25, 1967. Dymond asked the jurors that if they doubted there was nothing about the conspiracy, Shaw, Clem or Clay Bertrand in that memo, he would read it over to them again. None of the jurors took up the defense attorney on the offer.

Sciambra claimed that he wrote the memo "seven to 10 days after the interview." But Dymond said free lance writer James Phelan testified Jim Garrison gave him a copy of it in Las Vegas, Nev., either March 4, 5 or 6. He wondered how it could have been processed that quickly.

Dymond warned the jury that the state would show them the Zapruder film again. "I was shocked at it too," he said, "but don't let it cause you to convict an innocent man."

"The whole world will be waiting to see if 12 men can convict a person on this Alice in Wonderland story," challenged Dymond.

Dymond consumed exactly two hours in his summation. He quipped to the jury at the outset that the state would rebut him, and he wouldn't say anything but it wouldn't be because he didn't have things to say. "It's just the law," said Dymond.

Assistant district attorneys James L. Alcock and Alvin V. Oser Jr., who presented much of the state's case against the 55-year-old Shaw, shared in the presentation of the argument.

Alcock, his voice at times seeming to crack in emotion, spoke for nearly 90 minutes, concerning his argument on the New Orleans aspects of the alleged conspiracy to murder President John F. Kennedy in-



—Photo by The Times-Picayune.
JUDGE EDWARD A. HAGGERTY JR. waves from his car window as he arrived Friday for the Clay Shaw trial.

volving Shaw, Lee Harvey Oswald, and David W. Ferrie.

Oser centered his final attack on the Warren Commission report of what happened in Dallas. He reviewed the testimony of witnesses from Dallas and elsewhere, including special agents of the Federal Bureau of Investigation, and told the jury that there were three gunmen in Dealey Plaza firing on the presidential motorcade on Nov. 22, 1963.

The trial, which was in its 39th day Friday, started Jan. 21 with jury selection.

The courtroom was packed with newsmen and spectators throughout the day and night and curious spectators formed groups in the marble-lined hall outside the courtroom.

Shaw and his attorneys paid close attention to the arguments presented by the state and during Oser's presentation they peered intently at the projection screen as the assistant DA showed slides of the assassination made from the movie film taken by Abraham Zapruder.

Judge Haggerty, at the start of the afternoon session, denied a defense motion for a directed verdict of not guilty, the second time since the trial started that he has denied such a motion. The defense filed its earlier motion immediately after the state rested its case.

Both motions were filed and

denied outside the presence of the jury.

Rebuttal Witnesses Called by State

Three more rebuttal witnesses were called by the state Friday morning before it announced it had concluded its case.

They were Dr. John M. Nichols, a University of Kansas pathologist, Peter Schuster, a photographer for the Orleans Parish coroner's office, and Mrs. Elizabeth McCarthy, an examiner of questioned documents.

Dr. Nichols, who also testified earlier in the trial, was called to rebut testimony by the defense that President Kennedy was shot from the back. He testified that the bullet which struck 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 photographs taken in Dealey Plaza which he studied and produced blow-ups of enlargements of sections of the photographs which he testified as an expert showed a man holding something. Alcock said they

were intended to rebut testimony that Kennedy was shot from behind.

Mrs. McCarthy, a handwriting expert for 32 years, contradicted a similar expert called by the defense. She was questioned by DA Jim Garrison and said Clay Shaw probably did sign the name Clay Bertrand in the guest register at the Eastern Airlines VIP Room at New Orleans International Airport. Shaw has denied this and a handwriting expert for the defense said his study indicated that Shaw did not sign the book.

In all, the state called seven rebuttal witnesses. Four of them were called Thursday afternoon.

Following the luncheon recess, court resumed at 2:20 p. m.

Judge Denies Motion for Directed Verdict

A motion by Dymond asking

again for a directed verdict from Judge Haggerty was quickly denied.

In requesting a verdict of acquittal, Dymond maintained that undisputed testimony by attorney Dean Andrews Jr. showed that Clay Bertrand was a non-existent person. It was the second time in the trial that Judge Haggerty refused to give a directed verdict.

Alcock began his opening arguments for the state at 2:24 p. m. and did not finish until 3:50 p. m., a time period of 1 hour and 26 minutes.

"Let me begin," said Alcock to the jurors, "by thanking you for serving on this jury. It has been a long trial and I realize it has been a personal sacrifice on your part and on the part of your employers to have you here for so long.

"It's been a long, tedious trial. Sometimes the testimony has been tedious and difficult to understand and I appreciate your attention. I will attempt to piece together all of the testimony and the evidence as it was unfolded by the witnesses.

"We have the parts of a puzzle and we shall try to bring the puzzle together. I will bring together things that will be most favorable to the state as Mr. Dymond will bring together things most favorable to the defense when he makes his arguments.

"The state carries the heavy burden. It must show proof beyond a reasonable doubt. At the outset of this trial, we made an opening statement in which we outlined what the state intended to prove during the course of the trial.

"The defense counsel also made an opening statement in which they made a promise . . . a promise to show that Clay Shaw not only did not conspire with David Ferrie or Lee Harvey Oswald, but that he never knew David Ferrie or Lee Harvey Oswald or ever laid his eyes on David Ferrie or Lee Harvey Oswald. That promise was broken. It was shattered in the dust of Clinton. That man (Shaw) was proven a liar and unworthy of your belief. If he lies on one material issue, you can disregard all of his testimony.

Testimony of Clinton Witnesses Cited

"We heard six or seven wit-

nesses from Clinton. They had nothing to gain by coming to New Orleans. They were not seeking publicity or notoriety. By their testimony, the state proved certain crucial elements.

"Edwin McGehee, a barber from Jackson, testified that Lee Harvey Oswald received a haircut in his shop in September, 1963. There is nothing of significance about this. But Oswald showed interest in gaining employment at the East Louisiana State Hospital. He was then directed to the home of Reeves Morgan, the state representative from East Feliciana Parish.

"We showed that Lee Oswald arrived in Jackson in an old battered automobile

accompanied by a young woman. The state does not claim it identified that woman. We are not saying that woman was Marina Oswald. We wish we could have identified her.

"Lee Oswald went to the home of Reeves Morgan and Morgan has testified that Lee Oswald told him his name was Lee Oswald and that he was from New Orleans. Reeves Morgan said Oswald mentioned the possibility of working at the hospital and was told he might have a better chance of getting the job if he registered to vote.

"With these two witnesses (McGehee and Morgan), we proved that Lee Harvey Oswald was in the Jackson area in August or September of 1963.

Critical Times Says Alcock

"In Clinton, the situation was not normal that summer. Everyone was suspicious. There was a voter registration drive going on, and the lines had been drawn. We are not talking about a normal time. It was a critical time and, by nature, everyone there became more observant of things around them.

"Then a black Cadillac pulled up to the Clinton courthouse. There were many people present. One of them was John Manchester, the town marshal of Clinton and the only law enforcement officer around. He was keenly aware of the explosive situation in Clinton at that time. By his nature, he was observant of any and all strangers who

came to town and of all strange automobiles which came to town.

"He went up to the black Cadillac car for a specific reason—to get some identification. He inquired of the man behind the wheel . . . (and was told) 'We are from the International Trade Mart in the city of New Orleans.'

"How many people in Clinton knew about the International Trade Mart at that time? Mr. Manchester said it was the first time he had ever heard of the International Trade Mart. And yet he identified that man (pointing to Shaw) as the one behind the wheel who identified himself as being from the International Trade Mart. And, in the summer of 1963, the defendant was connected with the International Trade Mart.

"The state is not wedded, indeed it is not bound, to the proposition that the black Cadillac belonged to Jeff Biddison, a friend of the defendant's . . . but it is known that Biddison had a Cadillac. We're not saying necessarily that it was Jeff Biddison's automobile. No one got the license number of the car to let us say positively."

Voter Registrar's

Testimony Discussed

Alcock then progressed into testimony by Henry E. Palmer, East Feliciana registrar of voters who was present during the voter registration drive in the summer of 1963.

"Mr. Palmer told of seeing Lee Harvey Oswald in the voter registration line," Alcock declared. "There were two white boys in the line. One in the line was Lee Harvey Oswald. Mr. Palmer also told a law enforcement officer to get a 1028 or identification of a black Cadillac parked at the courthouse.

"He was assured that the two men in the car were not troublemakers . . . that they were from the International Trade Mart. He also saw the black Cadillac and said the defendant fitted the same general characteristics as the man behind the wheel. He also saw a photograph of David Ferrie and said he looked similar to the other man in the car. He did not positively identify Clay Shaw or David Ferrie but said they had similar characteristics."

Alcock then pointed out Palmer's testimony that Oswald had identified himself to the registrar as Lee Harvey Oswald and how Oswald had been

turned down from registering because he did not meet the residency requirements.

"There can be no doubt at all that Lee Harvey Oswald was in Edwin McGehee's barber shop, that he was at Reeves Morgan's house or in the voter registration line," Alcock told the jury.

Testimony Links Shaw, Oswald, Ferrie

The assistant district attorney then went on to the testimony of Corri C. Collins, a former civil rights worker, who testified he saw Shaw, Oswald and Ferrie together in Clinton.

Said Alcock: "He (Collins) saw the black Cadillac pull up with three people inside. Two in the front and one in the back. He said the man in the back got out of the car and went in the voter registration line. That individual was positively identified as Lee Harvey Oswald, the man named as a co-conspirator with the defendant.

"But Corri Collins went even further. Under oath in a strange courtroom and in a strange city, he unequivocally and unhesitatingly identified the defendant as the man behind the wheel and David Ferrie as the passenger.

"He positively identified the defendant before the bar as the driver of the automobile — the same automobile Lee Harvey Oswald left to get in the voter registration line.

"As further corroboration Mrs. Maxine Kemp confirms the fact that Lee Harvey Oswald did go to the East Louisiana State Hospital to apply for a job. (Mrs. Kemp is secretary to the personnel director of the hospital.)

"Mrs. Kemp saw his application in the files of the hospital. And it is a curious point to note that the file card read Harvey Lee Oswald. There is only one person in this courtroom who called Oswald by that name. And that's the defendant who called him that in an interview he made the night he was arrested.

Bundy's Testimony Covered Next

Alcock then concentrated on testimony given by Vernon William Bundy Jr.

"I do not apologize for Ver-

non Bundy or any other witness," Alcock said. "You take your witnesses as you find them. It would be nice to have all bank presidents as witnesses. But that is not possible.

"Vernon Bundy told how he had been shooting narcotics for a long, long time. He said he had gone to the seawall on the lakefront for that purpose. A black car pulled up behind him. His attention was riveted on the automobile and the occupant of the car who walked along the seawall.

"He saw another man meet him. He positively identified the defendant as the man who got out of the black Cadillac and approached another man who he positively identified as Lee Harvey Oswald.

"He said the defendant appeared to give him (Oswald) a roll of money. The state is not attempting to say positively it was a roll of money. But when Oswald put the money in his pocket, it dislodged some leaflets."

Alcock explained how Bundy later used these leaflets to wrap up his narcotics, leaflets reportedly bearing the name "Fair Play for Cuba Committee." These, Alcock said, were leaflets similar to ones Oswald was distributing along Canal st. in June of 1963.

"Let us remember Vernon Bundy was seated on the top step of the seawall, looking down on the two men. Let us remember the strange limp of the man he identified as Clay Shaw . . . and how he graphically identified the peculiar gait of the defendant. The defendant himself admitted he had that gait in 1963. This is further corroboration of Vernon Bundy's testimony. Thus, he (Shaw) is proven a liar when he says he did not know Lee Harvey Oswald.

Spiesel's Account of Party Discussed

"Again, the state does not apologize for its witnesses . . . including Charles Spiesel," Alcock then went on to relate the New York accountant's testimony that he attended a party with Ferrie in the French Quarter, during which he met Clay Shaw.

Alcock pointed out how Spiesel had testified that the conversation at the party turned to President Kennedy.

"The sentiment was hotsite,"

Alcock continued. "A suggestion was made that he ought to be killed. Spiesel didn't take the conversation seriously, but he later became alarmed. The possibility of using a high-powered rifle to kill the President was talked about . . . also the possibility of flying the assassin to safety."

Alcock labeled Spiesel's

testimony on these points "curious" because they coincided with points in Perry Russo's testimony.

"Why did Spiesel remember the defendant?" continued Alcock. "Because he's not the type of person you can forget. . . . his physical stature, his hair, his general appearance. Clay Shaw is not easily forgotten once you've seen him."

Another reason Spiesel remembered Shaw, according to Alcock, was because the New Yorker once tried unsuccessfully to contact him about the possibility of relocating his business in New Orleans.

Alcock also pointed out how Spiesel, in an attempt to find for the court the apartment in the French Quarter where the party allegedly took place, picked out a building at 906 Esplanade—next door to 908 Esplanade, a building of similar design which was owned by Shaw.

"The probabilities of that happening again are almost incalculable," said Alcock, adding:

"Who is Charles Spiesel? I know Mr. Dymond will spend much time on Mr. Spiesel. But just remember he has never been convicted in his life. He has a responsible job in New York and his employer permitted him to leave his work to plead his case before this court."

Alcock then turned to Russo's testimony, and how Russo had known Ferrie for some time.

"Dave Ferrie had become obsessed with the assassination of President Kennedy," stated Alcock. "Perry Russo went to Ferrie's apartment and remembered seeing a stranger sitting in the dark on the front porch. He was introduced to this man as Leon Oswald and Russo later identified him as Lee Harvey Oswald."

When Russo encountered Os-

wald, Alcock said, Oswald was doing something he was in the habit of doing—sitting in the dark cleaning his rifle. "His wife saw him do this many times," said Alcock.

The assistant district attorney told of how Oswald was considered an introvert who wanted to be alone, who wanted to sit and read. He told of how Russo did not get along with Oswald, and how Russo attended a party at Ferrie's apartment where Ferrie "paced back and forth" with a newspaper clipping about President Kennedy and "ranting and raving" about the chief executive.

Shaw Introduced as Bertrand—Alcock

Alcock said Shaw was introduced to Russo at the party as "Clem Bertrand." Conversation at this party turned to the question of how to assassinate President Kennedy, Alcock said, adding:

"Triangulation of crossfire was discussed. Also the necessity of using three people or at least two in shooting the President. Of how one would be the patsy . . . a sacrifice so the others could get away. The defendant spoke up again about the availability of exits and the possibility of the man (doing the) shooting getting killed. The means of escape was discussed.

"A direct flight to Cuba was discussed but this was considered not feasible, so a flight to Mexico was decided.

"It was decided that some of the participants in the conversation would not be at the scene of the shooting, but in other places to make their alibis more believable. The defendant was going to the West Coast. The defendant testified that he knew by mid-September (1963) that he was going to the West Coast.

"David Ferrie was going somewhere else to establish his alibi. He wound up in Houston, Tex. You heard the testimony of R. C. Rolland about the bizarre experience at his skating rink there . . . about how Ferrie kept making a point of his presence there. Would you go there and keep introducing yourself and making yourself obvious? Not unless you had a purpose.

Alcock's Voice Cracks with Emotion

"Lee Harvey Oswald did end

up in Dealey Plaza (Dallas) and in the Texas School Book Depository and he did take a gun with him," Alcock said, his voice cracking with emotion at this point.

"The state had to prove this circumstantially," he added tersely.

"Everything said in the conversation at the party was carried out by all the participants in that conversation," Alcock said, posing to the jury the question of how Russo could possibly know Shaw was going to the West Coast if he had not seen and heard him at the party.

"The bull session, which the defense has called the conversation, certainly turned out to be



—Photo by The Times-Picayune.

MRS. ELIZABETH
MC CARTHY
Final witness.

more than a bull session."

Alcock then emphasized how Russo had disclosed that Oswald was going to Houston from New Orleans, a statement verified by Mrs. Ruth Paine of Dallas, a friend of Mrs. Oswald, who said Oswald had planned to go to Houston to seek employment.

"Perry Russo," continued Alcock, "had seen the defendant

on the Nashville Street Wharf when President Kennedy spoke there in 1962. He recalled the defendant specifically because the defendant was not looking at all times at the President making his speech. This is where Perry Russo first saw him. The defendant took the stand and admitted he was at the Nashville Street Wharf."

"Mr. Dymond will say that this case will rise or fall on Perry Russo's testimony. Essentially, I agree.

"But where is Perry Russo's testimony corroborated? It's corroborated by the fact he was on the Nashville st. wharf."

Alcock said his testimony was also corroborated by the testimony of postman James Hardiman, who said he delivered mail addressed to Clem Bertrand at 1414 Chartres st., the address of Shaw's friend, Jeff Biddison.

Change of Address Record Is Cited

Alcock said Shaw could not deny an official change of address record which showed Shaw's mail being forwarded from 1313 Dauphine to 1414 Chartres. "He's trapped," Alcock asserted, recalling for the jury that Shaw once took up residence at Biddison's place for a few weeks—the weeks that Hardiman delivered mail addressed to Clem Bertrand.

"How common is the name Clem Bertrand?" asked Alcock. "Is this just another coincidence or does it give us a picture?"

Alcock told of the testimony by the hostess of the VIP lounge at New Orleans International Airport, Mrs. Jessie Parker, of how she remembered seeing Shaw sign a guest book "Clay Bertrand" on Dec. 14, 1966. Alcock questioned the motives of a handwriting expert brought in as a defense witness who said the handwriting was not Shaw's. Alcock said this witness arrived with a "fixed opinion" on the case, hence his testimony was questionable.

Alcock noted that two handwriting experts were brought to testify, one for the defense and one for the state, and both made conflicting statements.

"I submit that Jessie Parker was telling the truth about the defendant signing the VIP book," Alcock stated, leading into testimony by Mr. and Mrs.

Nicholas Tadin.

Alcock said he was "somewhat disappointed" that the Tadins did not disclose what they knew earlier. He emphasized, however, the importance of their testimony in which Ferrie and Shaw were seen together at the New Orleans Lakefront Airport.

"This man," Alcock said of Shaw, "was proved to be a liar again and again and unworthy of your belief."

Alcock said it was also curious about Ferrie's visit to Oswald's old New Orleans apartment shortly after the Kennedy assassination. "How did Dave Ferrie know where Lee Harvey Oswald lived in New Orleans?" Alcock asked, pointing out that Oswald's landlady, Mrs. Jesse Garner, had testified seeing Ferrie soon after Kennedy's death.

He also maintained that Mrs. Garner termed Oswald's apartment "filthy" after he had moved out and that Mrs. Marina Oswald had testified "there were days when her husband did not shave" and

hence, may have had a beard at one time.

Alcock also stated that Marina Oswald knew little about her husband's activities and, indeed, was kept in the dark about any of his friends.

Summing up, Alcock declared:

"I think the state has proven its case . . . that the defendant is an absolute liar . . . that he's absolutely guilty.

"In this case, I ask for a just verdict and I hope that verdict will be guilty as charged."

Dealey Plaza

Events Discussed

Oser began his argument to the jury at 4:35 p.m., announcing he would give the state's position as to what happened in Dealey Plaza on Nov. 22, 1963, "as a result of a conspiracy in New Orleans involving the defendant Clay Shaw."

"Was there one person and one gun used at that time?" he asked, standing directly in front of the jury box.

Moving to a blackboard, he said: "You know what the results were of what happened in Dealey Plaza—that President Kennedy was shot in the

back and-or neck; Gov. Connally was shot in the back, and President Kennedy was shot in the head.

"Let's look and see when the three results occurred."

Here Oser referred to testimony of Zapruder; of Phillip Willis and Mr. and Mrs. William E. Newman, "who told us that at the time they heard the first shot, the President raised his hands up to his throat area."

He referred to the testimony of James L. Simmons, who was standing on a railroad overpass crossing Elm. st., who Oser said "had a panoramic view of the area, and whose recollection of the President's reaction to the first shot was his hands going up."

He cited testimony regarding the Zapruder film that indicated that the earliest frame at which the President could have been shot was frame 207.

"Dr. Nichols testified that in frame 224 President Kennedy is reacting to some stimuli.

Moving to another exhibit, a survey plat of Dealey Plaza, Oser placed a red plastic toy car on the spot representing the location of the limousine in frame 224.

Testimony on Wounding of Connally Related

Regarding the second result, the wounding of former Gov. Connally, Oser quoted the Newmans as testifying that when they heard a second shot, Connally's eyes were bulging and his arms were down. Simmons, Oser said, testified he saw the governor reacting by reaching toward his chest.

He quoted FBI agent Lyndal Shaneyfelt as saying at frame 232, in his opinion, the governor was reacting. Dr. Nichols, Oser said, thinks Connally is beginning to react in frame 238. "The reason he states is because of dip in the governor's right shoulder, and the puffing of his cheeks.

He said examination of the position of Connally's shoulders in frame 230 shows he is sitting straight forward, "very, very near and very close to the door, and he is holding his hat, almost, if not next to the door area.

The third result, Oser said, was the head shot or last shot. Zapruder, he continued, said that on the last shot he saw the President's head open up. Oser said Zapruder had a telephoto

lens on his camera and he likened Zapruder's view as looking through binoculars.

"And he said the shot hit him here, on the right side of the head. And Mr. Willis testified that on the third shot the President's head exploded."

Oser then said that frame 313 is the instant that President Kennedy was hit in the head.

He likened the Zapruder film to being "a ruler in this case," because the FBI tested it and found it records 18.3 frames per second, or takes that many still shots in one second.

Oser Discusses

Firing of Rifle

"We also know from FBI Agent (Robert) Frazier's testimony that the rifle fired two shots on an average of 2.8 seconds."

Oser said that when Frazier tested the rifle on a 300-foot outdoor range his best time for getting off three shots was 5.6 seconds, not considering the time to aim the first shot.

He said this means it took approximately three seconds to fire the first two shots, "not considering how long it took to aim. "It would take 2.8 seconds plus the time to sight for the first shot if two shots were fired," he said. This, Oser continued, would use up 51.2 frames on the Zapruder film.

"On the 75-foot indoor range, Agent Frazier's best time for

three shots was 4.6 seconds, or 2.3 seconds for the first two shots "plus time to sight in."

He said 2.3 seconds represented the passing of 42 frames on the Zapruder film.

"Between frame 207—the first time it is possible the President was hit—to frame 238, when Gov. Connally is reacting there is the passage of 31 frames, which is calculated to 1.6 seconds."

Referring to the FBI estimate that Connally may have been hit in frame 232, Oser said the number of frames passed was 25 or 14 seconds.

"At no time was it mathematically or scientifically possible to fire the gun twice if you take 1.6 and 1.4 seconds. The FBI experts said it would take 2.3 or 2.8 seconds, and this makes it impossible for that gun to get off two shots, and this

is not including the sighting."

"It just doesn't match up. If one gun caused it, the possibility is that possibly one bullet hit both the President and the governor."

Reactions of President, Connally Noted

Oser said the President is known to be reacting in frame 224, and frame 238, when Connally is reacting, is a difference of 14 frames or three-quarters of a second. "This is a very short time. We are not talking about five minutes, but every picture (frame) represents 1-18.3 of a second."

He cited ballistics tests by Dr. Frazier and he cited Frazier's testimony that the Mannlicher-Carcano rifle, which the Warren Commission says Oswald used, fires a bullet at an average speed of 2,175 feet per second, and has the power of 1,676 foot pounds. He said this is equivalent to the power of dropping a 1,676-pound ball one foot.

"Dr. Nichols testified that if Gov. Connally was hit by the same bullet, the governor's reaction would have been instantaneous because of the force and velocity. He would have reacted in 7/5,760 of a second."

Regarding the single-bullet theory, Oser then exhibited Warren Commission Exhibit 399, pinning the blow-up of the nearly intact bullet to Judge Haggerty's bench.

Quoting Dr. Pierre A. Finck, an Army colonel and one of the three pathologists who performed the autopsy on President Kennedy, Oser said he told the Warren Commission in his opinion it would have been impossible for Exhibit 399 to have done the damage to the President and Connally, too, because there were too many metal fragments in the governor's wrist.

Agent Frazier, Oser said, testified to the weight of the bullet, and said its jacket (the copper covering) was intact. Yet, said Oser, metallic substances were found in the throat area of the President, along the track of the bullet.

Lateral Angles Are Discussed

Oser then turned his argu-

ment to the subject of lateral angles, reminding the jury he had asked Shaneyfelt if measurements of lateral angles had been taken or if they calculated only vertical. "But what was the lateral angle (the right to left angle) which wasn't calculated by any of the experts during the reconstruction of the assassination?"

Dr. Finck, Oser said, testified there were no bones broken in the President's neck and Dr. Nichols described what path a wound of this sort would need to take so as not to break any bones.

Oser said that, according to Dr. Nichols, for a projectile to pass through the throat and neck without striking bone, it would have to come from a right to left angle of 28 degrees.

Oser returned to the survey plat, and using a protractor, pointed out where a shot fired from a lateral angle of 28 degrees would have originated.

"It came from somewhere in this vicinity," he said, his voice rising dramatically, as he pointed to a section of the Texas School Book Depository other than the spot where the Warren Commission said Oswald positioned himself. "It was not the sixth floor!"

He then referred to the testimony of a witness from Dallas who said that prior to the motorcade she looked up at the book depository building and saw two men in a window, one with a gun.

Oser again referred to the significance of the 18.3 frames per second speed in reconstructing the time interval between the President's reaction, and said a bullet fired from behind the President from where the Warren Commission says Oswald was would not have been in the 28 degree lateral-angle plane required to pass through

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the President without touching bone.

Two Gunmen Firing, Says Oser

Oser said he thought the state had proven to the jury's satisfaction that a single gunman could not have fired two shots in the time period and that the same bullet did not hit both Kennedy and Connally. "Therefore," he said, "there were two people with guns in two places."

Again referring to testimony by Dr. Nichols, he said the pathologist had said that for Gov. Connally to have been hit by the same bullet he would have had to be 18 inches to the left of where he was sitting. Oser said that in none of the photographs taken during the assassination is Connally that far to the left.

Turning to the head wound, Oser said that viewing the Zapruder film shows that Kennedy's reaction is that he moves backwards and to his left.

Zapruder, Oser said, said he saw Kennedy hit on the right side of the head and Mr. and Mrs. Newman said he was hit on the right above the ear. Oser reminded the jury that on cross-examination Dymond had asked Mrs. Newman if Kennedy was hit in the back of the head and she said no, that he was hit on the right side.

"And how far was Mrs. Newman from the President? Ten feet."

He named another witness who said she saw the Presi-

dent's head move back and to the left. "And Simmons said he saw the President fall back and to the left."

Motorcycle Officer's Testimony Quoted

He then quoted the testimony of one of the motorcycle policemen who was in the motorcade and riding to the left and to the rear of the President's limousine.

Oser said that at Parkland Memorial Hospital the officer found matter on his motorcycle, his uniform and his helmet. "And where was he in the motorcade? He was to the left rear."

He quoted FBI agent Frazier who said that blood and brain matter was found all over the limousine, and reminded the jury he said: "We found a large quantity, a considerable quantity inside the car and on the trunk lid area."

Dr. Nichols, Oser said, was the only expert witness called who came with an opinion based on a complete viewing of the Zapruder film. Referring to the force of the shot, equivalent of a 1,676 pound ball dropped one foot, Oser argued that if Kennedy was hit from the rear, the force would have driven him forward. "That's a wallop!" Oser said referring to the force of the shot.

"But does he go forward? No he goes backward and to the left."

Oser Discusses Autopsy Report

Referring to Dr. Finck's autopsy report, Oser said he was a "quote pathologist unquote" who wrote in his report that the President fell forward. "And why did he write that? Because Admiral Galloway told him that, and Admiral Galloway told him to write 'presumably' a wound of entry," in reference to the wound in the back of Kennedy's neck.

"And somebody told him not to dissect the track of the bullet" in the President's throat.

"He admitted he was puzzled because he couldn't find where the back wound was going, but he told me he was told not to dissect the wound and on cross-examination he said he didn't dissect because

he didn't want to mutilate the body."

Oser said the President's vital organs had been removed, that his brain had been removed, but Finck insisted he didn't want to dissect the throat area.

"He wouldn't take a cross section of the wound and dissect it and submit it to microscopic examination."

Oser also raised questions about the exact position of back wound, saying Dr. Finck said it was five inches from the tip of the mastoid process, and he said it was not clear how they measured — was the President on his stomach or back—and he said the position of the head (if was turned in either a left, right or straight position) would change the position of the wound in relation to the tip of the mastoid process.

He said Dr. Finck said the wound was two inches in from the mid-line of the back, but he said this is in question, too. "I don't know where the wound was; I don't think Dr. Finck knows either."

He asked the jury if it recalled where Dr. Finck had marked the spot on the shirt of defense attorney William Wegmann as approximating where Kennedy was hit. Oser said if that was the correct spot, it would have hit vertebrae.

FBI Reenactment Is Criticized

He called the FBI reenactment of the assassination a "monumental flop" and he said the FBI, "with all types of equipment and technicians and the power to get anything it wants, couldn't even get the same car." In place of the actual limousine in which the President was shot, Oser said the FBI got a Cadillac. "They improvised."

Referring to Shaneyfelt, who assisted in the reenactment, as having 26 years of experience, Oser asked, "What does he do? He gets two stand-ins, and he puts the President's stand-in on blankets and calculates a spot on his back and uses the wrong car."

He said the reenactment also used the wrong measurements and after every measurement they'd have to "measure another 10 inches

down because the Cadillac was 10 inches lower" than the actual limousine.

They used the skin hole of the President, marking the stand-in's back. Shaneyfelt said, according to Oser, they didn't want to use the President's clothing because the bullet hole was 5/8 inches down from the collar. "They didn't use the President's coat because it

might have been puckered up" in the back.

Oser said the position of the bullet hole in the coat and the mark on the stand-in's back represented "a heck of a lot different spot."

Oser said if the court had, as the agent said, a flap or fold in it, there would have been double bullet holes and there were none. President Kennedy's shirt, Oser maintained, was kept in position by his tie and his pants. "It didn't pucker and yet the bullet hole in the shirt was almost in line with the bullet hole in the coat.

"And what do they use for Gov. Connally's stand-in. It would seem logical to assume they would use the skin-hole, too. But, no, they used his laundered coat."

Oser asked the jury if they recalled how only Kennedy moved backwards, but none of the other occupants of the car did. He quoted witnesses who said the car slowed down before accelerating, and the acceleration came well after Kennedy was hit in the head.

Witnesses Quoted About Grassy Knoll

"And why did everyone run to the grassy knoll?" He again quoted witnesses who said they thought that was where the shots came from, and he pointed out that photographs entered into evidence show people running in the direction of the knoll.

"Why do you think that policeman is running up the grassy knoll? He thinks all the shots came from the Texas School Book Depository," said Oser with a note of sarcasm.

Oser quoted Roger Craig, a former Dallas County deputy sheriff who testified that he scaled the fence to get to the area behind the grassy knoll.

Referring to Simmons, who

was on the railroad overpass, he said: "What does he do and what does he see? He sees a puff of smoke from under some trees in the grassy knoll area. This was the man who ran behind the fence and saw the numerous footprints along the fence as though someone was pacing back and forth."

Oser quoted Simmons as saying he saw what could have been a shot striking some curbing, and pointed out that Frazier testified he analyzed a piece of curbing and found traces of lead.

"Where did it come from?"

Oser said a crack was found on the inside of the limousine's windshield and lead traces were found on the inside of the limousine's windshield and lead traces were found in the crack. "But how does a fragment not carrying enough force to break the windshield get from this area (pointing to where the limousine was on Elm st.) all the way over here?" (He pointed to a spot beneath the railroad overpass.)

Dr. Finck's Beveling Theory Attacked

Oser also attacked Dr. Finck's beveling or cratering theory, using testimony by Dr. Nichols given Friday morning to refute the theory.

Continuing to attack Dr. Finck, he said he "thinks Comdr. Humes did examine the brain of President Kennedy, but he doesn't know for sure. And they really took efforts to preserve the brain by removing it through a five-inch hole in the head."

Oser said Shaneyfelt, who testified as an expert in the field of photography, said it was his impression President Kennedy was shot from the back "and the photographic expert didn't measure the distance between President Kennedy's back and the back seat of the limousine."

The assistant DA then showed the jury several slides beginning with frame 313 of the Zapruder film — when Kennedy was hit in the head—and pointed out the movements of the President's body.

Spectators were unable to see the slides because the large blackboard blocked their view, but Oser could be heard saying: "Watch what happens," "Look

at the position now the shoulder is in," and "It's now gone."

He said the slide proved the President was moving backwards and to the left.

Referring to testimony of Dr. Nichols, the Zapruder film and the argument he had just presented, Oser said: "What do we have now? We now have three gunmen. Three people and three guns; a triangulation of fire, and it is exhibited by all of this evidence.

"Who expressed it better than the most believable witness we've heard in this trial, Mrs. Gayle Newman, who said she thought she was in a cross-fire."

Oser said the three results he cited — the wounding of Kennedy and Connally and the hitting of Kennedy in the head —

were caused by "three people with guns."

"It is mathematically and scientifically impossible for one person with one gun to perform the results that happened in Dealey Plaza."

The lateral angle requirement, he said, proved that "one of the guns was certainly not on the sixth floor."

"And where have we heard the word 'triangulation?'" asked Oser, adding: "It seems strange that a triangulation of fire was talked about and discussed in the conspiracy, and agreement was hatched in the presence of the defendant, Clay Shaw's presence."

Dymond opened up his summation by telling the jury that he realized it had not been easy for them, but he sought their indulgence because he felt it necessary to go over the case in detail.

This case, he said, is unique in his experience because it is built on "innuendoes, veiled accusations, and hints of guilt and wrongdoing."

"If the state means to charge the federal government with fraud, deceit, dishonesty and every other dishonorable word you can mention, let them come forward and do so," urged Dymond.

"The Warren Commission is not on trial. This case is against Clay L. Shaw."

Can't Accept Story—Dymond

Dymond said he is an American, "but I cannot, will not ac-

cept the idea that the Warren Commission and the federal government engaged in one giant fraud as the state would have you believe. I cannot, will not buy it." He added, "I will be the first to admit that the Warren Commission didn't do a perfect job."

Looking at the jury members, Dymond asked, "Have you ever stopped to think how inconceivable it is that th-

federal government, the FBI, the Secret Service, the Dallas police, the Justice Department, the doctors at Parkland Hospital and the doctors at Bethesda Naval Hospital would all get together and make Americans believe that one man fired that gun from the sixth floor window of the Texas Book Depository? What earthly reason would there be for such? If there is one, I don't know it."

"I call on you as intelligent, mature men to discuss if it's possible that this many people right down the line could be parties to this fraudulent scheme, yet more than five years later, not one person has come forward and said, 'I want to tell the truth; I told a lie.'"

Dymond said he knew the jury members aren't lawyers "but it doesn't take lawyers to decide a contest between the Warren Commission Report and whether Clay Shaw sat in that apartment with Ferrie and Oswald and plot to kill the President. That is the question. Bear this in mind."

The veteran defense counsel told the jury, "A verdict for

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Clay Shaw doesn't constitute a stamp of approval on the Warren Commission report."

Dymond next went down his list of witnesses, starting with FBI ballistics expert Robert A. Frazier. He reminded the jury members that in Garrison's opening statement, Frazier was to appear as an expert state witness. "But they obviously didn't like what he said," said Dymond, "and we decided to use him."

"After calling him an expert witness, now the state comes before you and says his recreation of the assassination

was a monumental flop. Frazier told how the scene was re-enacted and that as a result, in his opinion, the President was shot in the back of the head. Now the state's opinion is that he is not an expert but plain flat lying."

Defense Attorney Backs Dr. Finck

Dymond moved on to Dr. Pierre A. Finck, the pathologist who aided in the President's autopsy. "When the state was finished with Dr. Finck," said Dymond, "they pounced on him like a lion on a sick goat. But not one man among you jury members doubts this man's integrity or his professional ability."

"I was quite amused to hear Mr. Oser this afternoon describe Dr. Finck as a quote pathologist. Had he forgotten the testimony of Dr. John Nichols, a student of pathology at the Armed Forces Institute of Pathology?"

Dymond showed the jury a sketch that the state had used and read a line from it, noting that it was copyrighted by Dr. Nichols. He ridiculed the doctor, saying "I told you of other people who had risen to fame and fortune over the body of the late President."

Dymond said Dr. Finck was actually there at the President's autopsy. He was the man who decided whether to mangle the neck of President Kennedy. "He was not a man speaking from movies," said Dymond. "He was there on the scene. And that's his opinion—there were two shots fired from the rear."

Photographic Expert's Testimony Cited

FBI photographic expert Lyndal Shanyfelt, Dymond said, made the same statement of opinion—that the President was killed from the rear. "That was the state's witness, not our witness," noted Dymond. "That was the professional opinion of a true professional."

Dymond made mention that the Warren Commission had talked with 25,000 witnesses, but Alcock interrupted and told Dymond he was "going far afield from this testimony."

"I think your objection is well taken," said Judge Haggerty.

Dymond said the state had called on a handful of hand-picked witnesses — "some of

them wanting to get their names in the news, others personalities."

Hitting at the constant showing of the Zapruder film, Dymond said, "This defendant, Clay L. Shaw, has been brought here for no other reason than to create a forum for an attack on the Warren Commission. If the state is accusing our government of being a fraudulent institution, let it come here and say so."

Dymond said before he moved on further, he must first comment on things that "hit me between the eyes."

He first talked of the testimony of Charles I. Spiesel, which he called "an act of desperation on the part of the state."

Dymond called Spiesel "a poor little paranoid."

"What kind of legal presentation would try to con you to buy that," said Dymond of Spiesel. "My God, this is a court of law. Just don't ask a jury to consider the testimony of that type of individual."

Dymond Attacks Russo's Testimony

"Mr. Alcock said I would come here and say that the state's case must rise or fall on Perry Raymond Russo's testimony," said Dymond. "Mr. Alcock is dead right. His case must stand or fall on Russo's testimony."

"In my opening statement I told you that I would prove Russo a liar. I have done that and I will show it to you later over and over again."

Dymond said he would show some instances of "lies by Russo."

"Under cross-examination he said he couldn't remember whether Sandra Moffett was at the conspiracy meeting or party," began Dymond. "But when I showed him what he said in his preliminary hearing testimony, he said, 'Mr. Dymond, you made me say that. You've seen me for six weeks now. I ask you, have you seen me badger, force or

blackjack a witness?'"

"What did Russo tell Officer O'Donnell, a lieutenant on the New Orleans police force and a person used many times by the state on the witness stand? He said that Russo told him Shaw was not at that meeting. That's the lying witness that Mr. Alcock says his case stands or falls on. They ask you to believe him and in almost the same breath ask you to believe that Clay Shaw is lying."

Dymond said he would go into "seven facets of what I believe the state has built its case on." He said they were the witnesses from Clinton, testimony by Vernon Bundy, statements on the witness stand by Spiesel, the mailman, Shaw's trip to the West Coast, the Eastern Air Lines VIP lounge register and the meeting of Shaw with Oswald and Ferrie at the Louisiana ave. pkwy. apartment.

"Even if you took every word of testimony delivered by the state's witnesses," challenged Dymond, "there is no way you can return a verdict of guilty for the simple reason that the assassination case stands or falls on the Russo testimony."

Attorney Quotes Russo's Testimony

Before he moved into the points, Dymond digressed on Russo and read verbatim testimony delivered by Russo on the witness stand. He quoted Russo as saying he never said anything about a conspiracy.

"This is no layman," said Dymond of Russo. "He is a college graduate and has attended law school. And he said it was no conspiracy."

Dymond quoted Russo as admitting he thought Ferrie's philosophy was what Sciambra came to see him about in Baton Rouge, that possibly it was an inconsequential bull session, that he had heard Ferrie before in similar "lectures," that Ferrie was "not out of character" by speaking in this manner.

Summing up Russo, Dymond said, "That is why there is no way on God's earth a guilty verdict can be rendered."

Turning to the Clinton witnesses, who testified they saw Shaw there in 1963, Dymond quoted from Supreme Court Justice Felix Frankfurter about the unreliability of eyewitnesses. He said there were various dis-

crepancies in the stories of the witnesses.

Refuting the witnesses, Dymond said that a defense witness, Lloyd J. Cobb, had testified that this was one of the busiest times in Shaw's life. "Anyone who knows Mr. Cobb knows that he wouldn't dream of getting up here on the witness stand and lying," said Dymond. "He knew where Mr. Shaw was every day. And Mr. Shaw's secretary, Miss Naomi Moore, corroborated Mr. Cobb's testimony. There is no way in the world for Mr. Shaw to have been in Clinton unless Mr. Cobb and Miss Moore were lying."

Dymond lashed into Bundy's testimony next. "Mr. Alcock this afternoon said to you that he wouldn't apologize for the state's witness," said Dymond, "but I will for this fantastic, inveterate narcotics addict."

Dymond Attacks Bundy's Story

Dymond said it is "absolutely fantastic" to believe that Bundy would leave the security and safety of his 25-room home where he could flush any incriminating evidence down the toilet for the public seawall on the lakefront.

"Bundy also told you that there was a mile of vacant seawall on each side of him," said Dymond. "But he also says this defendant picked this very spot to meet with Oswald and hand him money."

"Remember this is a convicted thief and liar. I recall to you your attention how he lied on the witness stand, saying he didn't steal for his habit. But he forgot the preliminary hearing testimony in which he confessed he did. Bundy is another one in a parade that the state has brought to the witness stand. They are all standing in line. Spiesel was there first and then Bundy."

Dymond hit at Spiesel only lightly, mentioning that he claimed he was brought into the assassination plot "by a group of three strangers."

Turning to the postman, James Hardiman, Dymond said, "I can't in all sincerity say he was lying, but I can say he was flat dead wrong."

Dymond said he thought the key to the testimony of Hardiman was in his questioning of him. "You recall I asked him if he had ever delivered mail to Cliff Boudreaux at the address,"

said Dymond, "and he said he did and recently. Well, Cliff Boudreaux was made up by me. It came out of my head like Clay Bertrand came out of Dean Andrews' head."

"Now the defense put on Jeff Biddison. Some of you men have had friends of 20 years standing as Mr. Biddison and Mr.

Shaw, but that friend wouldn't get on the witness stand and lie for you. Who is best—Mr. Biddison who lived at that address and said he got no mail there or Mr. Hardiman?"

Dymond told the jury, "Can you believe by any stretch of the imagination that if Mr. Shaw had conspired to kill the President he would still be using the Clay Bertrand in 1966? Maybe we should be trying Mr. Shaw to see if he should go to Jackson instead of Angola."

West Coast Trip Is Defended

The trip to the West Coast, Dymond called a "facet of fact." "The state would have you believe it was an alibi, but you have seen correspondence to refute this," said Dymond.

Dymond added, "If Mr. Shaw were here in New Orleans, why would he need to go to the West Coast for an alibi for something that happened in Dallas?"

Talking of the VIP register, Dymond said it is hard to conceive that Shaw would go out to the airport for no other reason than to sign his name. "It is the act of a complete lunatic," said Dymond.

Dymond said the state has spent a considerable amount of money in coming up with its exhibits and pictures. "These don't come cheap," he said.

The defense counsel told the jury that the state had been trying to get a handwriting expert to verify the VIP lounge register signature, but only got one at the last minute. "They couldn't get one to say what they wanted," said Dymond.

Speaking of the defense's handwriting expert, Charles Appel, Dymond said his examination "was not a makeshift, quickie operation" but a "thorough, scientific examination."

"Can you doubt his qualifications, truth and sincerity?" asked Dymond. "He gave you a firm opinion. The state's ex-

pert lady said there is a great probability."

Case Based on Truth, Says Defense Counsel

Dymond said his case would have been much safer to defend had Shaw said he knew Ferrie. "But the defense has based its case on truth," said Dymond.

Dymond said he couldn't buy the testimony of the Tadins, who said they saw Shaw and Ferrie together at the New Orleans Lakefront Airport in 1964.

Next, Dymond returned to Russo. He said that Russo first came into the case in Baton Rouge in February, 1967. He testified, said Dymond, that he talked to the Baton Rouge police and then called the TV and newspapers. But "we read you verbatim his interviews and nowhere was there mention of Clay Shaw, Clay Bertrand, Clem Bertrand or the conspiracy," said Dymond.

"Yet he said he wanted to get it all down," chided Dymond.

Dymond turned to Sciambra's memo. "Lo and behold, there is nothing in the memo," said Dymond. "We get all sorts of explanations. If you have any doubts about there being no mentions of the plot, Shaw, Bertrand, I will read it to you." There were no takers by the jury.

"Sciambra said he wrote the memo seven to 10 days after the interview with Russo. But you heard the testimony of Jim Phelan that he went to Las Vegas and Jim Garrison turned over the memo to him March 4, 5 or 6. How many days are there between Feb. 27 and March 6?"

"Yet they claim that he not only finished the memo, but got it typed, delivered to Garrison and then Garrison went to Las Vegas. Does that add up?"

Phelan asked Russo a key question, said Dymond. "It was when did you first mention the conspiracy," said Dymond, "and Russo said in New Orleans."

Case Destroyed, Says Dymond

Dymond said Russo made admissions to Phelan that completely "destroyed the state's case." These, said Dymond, were that Russo admitted he didn't know the difference be-

tween fantasy and reality, that he wanted to meet with Shaw to decide if Shaw was the right man even after the preliminary hearing, and that if he got in a room with Shaw, he would know that Shaw "is not the man."

"Oh, I can hear the state now saying Jim Phelan is an employe of NBC and that's part of the Eastern Establishment that wants to ruin this case, but Mr. Phelan came here as a writer for the Saturday Evening Post and was then hired by NBC when they thought he could get Russo to talk with him," warned Dymond.

"But Phelan is backstopped by Officer O'Donnell, who said that Russo told him he

didn't know if Shaw was at the party."

Dymond said, "That is the man (Russo) whose veracity, credibility have been shattered beyond repair and on whom the state's case sinks or swims, stands or falls."

Dymond said that Officer O'Donnell said that Russo told him he (Dymond) turned him on when he asked Russo if he believed in God. "Do I make you mad if I would ask you if you believed in God?" questioned Dymond of the jurors. "Would it be enough to make you get on the witness stand and lie? I submit to you that Perry Russo is not a normal individual."

In summation, Dymond urged that the jury not let the Warren Report go on trial instead of Shaw. "You 12 men who pass on this case are actually going to make history," said Dymond. "Don't let it cause you to convict an innocent man."

Dr. Nichols Called as Rebuttal Witness

Dr. Nichols was the first of the last three rebuttal witnesses called by the state as the trial resumed Friday morning. He was followed by Schuster and Mrs. McCarthy.

Dr. Nichols testimony was punctuated by objections from the defense, as it was during his testimony earlier in the trial, that the pathologist was testifying from photographs as "though he was in Dealey Plaza" when the assassination oc-

curred.

Dymond said at one point: "This doctor is no better qualified to state what the Zapruder film shows than anyone else. This borders on the ridiculous."

Alford attempted to ask Dr. Nichols if from viewing the Zapruder film he had formed an opinion to the appropriate location of President Kennedy when he was first struck.

Dymond objected and Alford said he would rephrase his question. This time he asked Dr. Nichols at what point the President appeared to react to a stimulus. "He appears to react after frame—," but Dymond objected, claiming the question was out of Dr. Nichols "scope of expertise." Dymond also argued that the question had no place in rebuttal. Alford said the question would be linked up to rebuttal efforts, but Judge Haggerty said the assistant DA would have to be more specific, and after a few more arguments, he sustained Dymond's objection.

Alford's next question was also objected to by Dymond as being too indefinite.

Dr. Nichols had testified earlier that a shot striking a person in the back of the neck, as a defense witness who participated in the autopsy of President Kennedy testified, would have to move in a right to left direction at a lateral angle of 28 degrees, if it was to pass through the neck without striking bone. He said this would require a shot being fired from the side.

Alford asked if moving the head would affect this angle.

Dr. Nichols said this would not significantly affect the situation because when a person moves his head, there is practically no motion at the level where the bullet emerged from President Kennedy's throat.

Witness Is Asked About Wounds

Alford then asked if a wound in the back measuring seven millimeters by four millimeters and a wound in the front measuring five millimeters, with the first wound an entry and the second an exit, was consistent.

Dymond objected, but Judge Haggerty said he would permit the question. Dymond

argued that the size of the exit wound was an estimate and that the wound was never accurately measured. Judge Haggerty repeated he would permit the question.

"Generally speaking," said Dr. Nichols, "the wound of exit in the overwhelming majority of cases is larger."

"In this case, is the alleged wound of exit larger than the wound of entry?" asked Alcock.

"No," answered the witness. Alford asked Dr. Nichols how he would have examined the wounds to determine which was an entry wound and which was an exit wound.

He said that before beginning his examination, he would have X-rays made of the whole body, and photographs of the anatomy of the body, and "not having found the missile I would have dissected the track" (the path of the bullet).

(One of the three pathologists who performed the autopsy of President Kennedy, an Army colonel testified in the trial that the track of the bullet was not dissected.)

Alford asked Dr. Nichols if

he was familiar with beveling. He said he was, and said essentially it is a theory that a hole will be larger on one side of the skull bone than on the other, with the exit wound being larger.

"Is this theory always valid?"

"No, you must take into account a large number of things." He added that the type of missile will affect the validity of the beveling theory.

He said that in the case of .22-caliber and .32-caliber missiles "beveling would be more pronounced," but he said in the case of a 161-grain, 6.5-millimeter Mannlicher-Carcano bullet, where the head exploded, "it would be very difficult to determine the point of entry or the point of exit."

Alford asked if the signs of beveling always occur, and Dr. Nichols said they do not.

Alford then attempted to introduce into evidence a photograph of a drawing by Dr. Nichols which depicted the path of a bullet fired at a lateral angle of 28 degrees.

Dymond objected to the exhibit, terming it "obviously a misleading sketch designed to

show what the witness wants." Judge Haggerty said Dymond's objection was well taken and added "the state can't bolster its witness by letting him prepare a drawing."

Alford then asked Dr. Nichols if he had examined frame 225 of the Zapruder film. He said he had. He asked if, in this frame, the witness had detected the exact location of President Kennedy and former Gov. John Connally in relation to one another.

Connally in Front of JFK, Nichols Says

Dr. Nichols said he had "by simple observation" determined the location "with a reasonable degree of accuracy." He said Connally "was exactly in front, perhaps an inch or so to the President's left."

Alford asked where Connally would have had to be seated for a missile entering the President's neck area in the back from a lateral angle of 28 degrees to also pass through Connally. "Very considerably to the left, 18 inches or so," said Dr. Nichols.

At this point Dymond argued the witness was no more qualified to testify about the film than anyone else.

After more arguing, Judge Haggerty said of the film, "After seeing it nine times, I believe I could give an expert opinion on it."

Dr. Nichols repeated that Connally was in front of the President, not 18 inches to his left, but one or two inches.

On cross-examination, Dymond asked Dr. Nichols if he had examined the limousine in which President Kennedy was riding.

He said he had not, although he attempted to get permission. He said he was given measurements in connection with the limousine.

"Are you the same doctor who sued the federal government?"

"I'm still suing," answered Dr. Nichols. He testified earlier in the trial that he has filed suit against the federal government in his attempts to look at the X-rays and photographs of President Kennedy.

Dymond Questions Basis of Decision

Dymond asked the witness if

he had said he sometimes takes into account the statements of eye witnesses relative to deciding between exit and entry wounds.

Dr. Nichols said if he had said it, he would amend the statement that ultimately he bases his decision "on my own observations."

"If you could find no wound of exit, would you reject the statement of a brother pathologist?" asked Dymond.

Alcock argued that Dymond was asking Nichols to pass judgment on the testimony of another witness. He referred to the Army doctor who said the pathologists performing the autopsy could find no exit wound for the wound in the back neck area, but they were told the next day by doctors in Dallas that the bullet had exited from the throat area.

Alcock then said he would withdraw his objection, and Dr. Nichols answered: "I would consider the possibility that he had made an error."

"Did you ever examine the remains of President Kennedy?"

"No," said Dr. Nichols. "Have you ever seen the X-rays?"

"No." "Have you ever seen the photographs taken at the time of the autopsy?"

"No."

Schuster Qualified as Photo Expert

Schuster was called next. He was qualified as an expert in the field of photography and

qualified to give opinions on his interpretation of photographs.

Dymond had objected, arguing Schuster did not have enough experience.

He then produced enlarged blow-ups of a photograph taken in Dealey Plaza on the day of the assassination. Copies of the blown-up photograph were shown to the jurors, and Schuster said his interpretation of the blown-up section showed a man. Oser asked what led him to that opinion. "All his features are there, you can see his head, hair, eyes, nose, his whole face."

Oser asked if anything else could be seen.

Schuster answered, "He appears to be holding something."

The picture appeared to be a blow-up of the grassy knoll

area.

On cross-examination, Schuster told Dymond that he has no doubt that there is a man in the picture. Dymond referred to him holding a gun, and Schuster said he did not testify to that. He said he had no idea what the man is holding.

Mrs. McCarthy was called next.

Garrison questioned her, marking the second witness in the trial he questioned.

Mrs. McCarthy, who is from Boston, has a law degree and said she has been qualified as an expert on questioned documents in 38 states and Washington, D. C., and three foreign countries in the last 32 years.

She was ruled as qualified.

Examined Writing, Witness Testifies

Garrison's first question was whether she had examined samples of the handwriting of Clay Shaw. She said she had. She also said she had examined the Clay Bertrand signature on the Eastern Airlines VIP guest register.

"Have you reached a conclusion?" asked Garrison.

"Yes." "Would you state your conclusion, please?"

"It is my opinion that it's highly probable that Clay Shaw signed the signature," she said.

Garrison asked for her reasons and she said the Clay Bertrand signature in the guest book has "all Mr. Clay Shaw's normal, natural and unconscious writing habits."

She called Shaw's handwriting and the signature as "remarkably similar." She said the only exception was the letter "B" in Bertrand, but she added: "This may not be unusual because the man was not writing his own last name."

Mrs. McCarthy said that in studying samples of Shaw's handwriting and the questioned signature she could detect "similarities in the directions and shapes of letters" and said the two were "very comparable and similar with no appreciable variations."

On cross-examination, Dymond asked the witness when she learned she would be a witness. "Yesterday" (Thursday) she answered.

She said she arrived in New Orleans Thursday night and examined the samples of Shaw's writing and the questioned sig-

nature in the Clerk of Court's record room.

Dymond asked how much time she spent in her examination. She said four or five hours.

Dymond asked her if she was to be paid.

"I hope so; it's my business. Mr. Garrison said to submit a bill."

"Then you expect to be paid?"

"Naturally; it's my business."

The state then announced it had no more rebuttal witnesses. Dymond asked that the jury be permitted to examine an enlargement of a photograph showing the Clay Bertrand signature and Shaw's writing out the name "Clay Bertrand."

The judge then announced he was recessing for lunch and that the closing arguments would be heard during the afternoon.