

ized to weigh in the...  
marked his shirt. After  
acing the mark. Dr. Finck  
explained that he had made  
measurements to locate the  
osition as being approximate-  
y five inches from the right  
astoid process (a bone be-  
ind the ear) and approximate-  
y five inches from the upper  
ony prominence of the right  
oulder and two inches to the  
ight of the back's midline.

Returning to the witness  
stand he said he observed  
the wound and said the hole  
had regular edges that had  
been pushed inward. He said  
the edge showed abrasions  
which, he added, are usually  
seen when a projectile rubs  
against the skin.

Dymond asked him if he ex-  
amined it minutely and Dr.  
Finck said he did. "I looked  
it very closely and had the  
opinion, based on the charac-  
teristics I've mentioned — the  
regular edge pushed inward  
with the abrasion — that this  
is the wound of entry."

Dymond then asked if he  
was able to determine from  
the nature of the wound what  
had entered. "It was compat-  
ible with a wound caused by a  
bullet," Dr. Finck answered.

Dymond then asked if the  
witness had observed anything  
in relation to the wound that  
would make it incompatible or  
inconsistent with it being a  
wound of entry. "No," was  
Dr. Finck's answer.

Dr. Finck was then asked if  
he had examined a wound in  
the front neck region of Pres-  
ident Kennedy.

The witness said that he saw  
in the front of the neck a side-  
ways incision made for the  
purpose of allowing breathing.  
He said it was a very com-  
mon incision, "very commonly  
found on unconscious persons."

"I did not see a wound of  
exit at that time, but the fol-  
lowing day Dr. Humes called  
the surgeons in Dallas. . ."

### Oser Objects to Comments

Oser objected that Dr.  
Finck's comments amounted to  
hearsay and Dymond told the  
witness that he could testify  
only to what he did and not  
to what concerned the actions  
of someone else or what some-  
one else was told.

Dr. Finck then explained that  
"When you have a wound of

quested, show me other in-  
formation where the bullet  
went. There was no exit and  
no bullet and I insist on that  
point (the information received  
from Dallas).

Judge Haggerty then told  
the witness, "You may insist  
on that point, but we're going  
to follow the law" regarding  
hearsay evidence.

Dymond then asked the wit-  
ness if he had requested X-  
rays of the entire body, and he  
said he had.

"Was the location of the in-  
cision (in the front neck re-  
gion) medically consistent with  
that area which would have  
served as a point of exit?" ask-  
ed Dymond.

"Entirely," answered the doc-  
tor.

"Was there anything that  
would have made it inconsis-  
tent as a point of exit?"

"No," answered Dr. Finck.

Dymond then asked Dr. Finck  
if he had any opinion as to  
what was the point of exit. He  
said he did because he had  
seen the shirt of President Ken-  
nedey and he described the  
small hole "at the approximate  
level of the tie knot." He said  
the fiber edges "showed blood  
and were turned outward, in-  
dicating an exit hole, and the  
position of the exit hole was  
entirely compatible with the  
level of the incision I saw."

### Drawing of Wound Is Introduced

Dymond then introduced an  
exhibit which Dr. Finck iden-  
tified as having been drawn by  
a Navy enlisted man in con-  
nection with the testimony of  
the three pathologists before  
the Warren Commission. He  
said Dr. Humes supervised the  
drawing of the sketch which  
depicted the wound he was  
discussing. He said it depicted  
where the projectile entered  
and where it came out, and  
he said it depicted that the en-  
try wound was higher than the  
exit point.

"Dr. Finck, let me ask you  
if this sketch purports to rep-  
resent the actual vertical posi-  
tion of President Kennedy when  
he was hit?" asked Dymond.

Dr. Finck said that regard-  
ing the position of the Presi-  
dent, the Zapruder film shows  
him sitting in a straight up  
position, looking in a general  
forward direction.

Dymond asked if from ex-  
amination of the film, the ac-  
tual moment when the Presi-

dent was first struck was de-  
termined.

Dr. Finck said the Zapruder  
film was of great value to  
pathologists in that it estab-  
lished the position of the Presi-  
dent and also established the  
sequence of the shots. "At the  
time of the autopsy we did not  
determine the sequence of the  
shots . . . the sequence was es-  
timated by the Zapruder films."

Dymond then asked the wit-  
ness if he had a firm opinion  
about the inflicting of the  
wound.

"It was definitely inflicted  
by a shot from the rear."

### Questions Asked About Head Wound

The defense attorney then  
moved in a series of questions  
concerning the head wound  
which President Kennedy re-  
ceived.

Dr. Finck said he saw a  
wound in the back of the head  
on the right side "at approxi-  
mately one inch from the bony  
prominence you can feel in the  
back of your head."

Dymond then offered himself  
as a volunteer, asked Dr. Finck  
to point out on his head where  
the wound was, and he added:  
"But let's not mark this one."

Dr. Finck said this wound  
had slightly irregular edges  
and there was a hole in the  
bone in the skull. Concerning  
the irregular edges, he said  
a bullet striking a person's  
head meets resistance from  
the bone underneath, where-  
as a bullet striking the back  
of the neck does not meet  
such resistance.

He said he examined the bul-  
let hole from out and inside  
the skull. "When I examined  
it from the outside I did not  
see a crater, but when I looked  
at the wound from the inside  
I saw a definite crater. This  
is a certain factor to identify  
positively the direction of a  
projectile going through a flat  
bone."

Dymond then introduced an-  
other exhibit, this one an illu-  
stration prepared by Dr. Finck  
before the assassination. He  
said he used it to illustrate lec-  
tures in demonstrating patterns  
in a through-and-through or per-  
forating missile wound.

He then explained the illustra-  
tion to the jury and discussed  
what happened when such a  
wound occurs.

In addition to the hole in the  
back of the head, Dr. Finck  
said there was also a very  
large star-shaped wound ap-  
proximately five inches in dia-

meter on the right side and top  
of the President's head.

### Portions of Bone Received from Dallas

He added that during the  
course of the autopsy, portions  
of bone were received from  
Dallas and they were of the  
same appearance as the re-  
maining skull of the President.

He continued: "Because  
of the shattering explosive  
force produced by the bullet,  
the wound of exit is very ir-  
regular . . ."

Dymond asked if he saw any  
skull fragments that he deter-  
mined were incompatible with  
the wound on the side being  
the exit area. "There were  
none," said Dr. Finck.

Dymond asked Dr. Finck if  
he had a definite impression  
about the path of the bullet  
and Dr. Finck said he did.

"I have the firm opinion  
that the bullet entered in the  
back and exited on the right  
side of the top of the head  
producing a very large  
wound."

Dymond asked if in view of  
the small size of the entry  
hole and the relative large size  
of the hole of exit, the witness  
had determined the angle  
which the bullet entered the  
head. Dr. Finck said he had a  
firm opinion that the direction  
of the bullet was down. Dy-  
mond asked him when he form-  
ed his opinions about the direc-  
tion and number of wounds.  
"At the time I signed the  
autopsy report, I had a firm  
opinion that both bullets struck  
in the back; one in the back of  
the neck and the other in back  
of the head."

Dymond asked if his opinion  
was an "honest, professional  
opinion," and he said it was.  
Dymond asked if his opinion  
had been affected by the desire  
of request of anyone in govern-  
ment and Dr. Finck repeated,  
"My opinion is an honest opin-  
ion."

### No Disagreement, Says Dr. Finck

Oser began his cross-exam-  
ination by asking the witness if  
there was any disagreement be-  
tween the three pathologists  
"as to what was done and the  
results" of the autopsy. Dr.  
Finck said there were none.

Oser asked the witness if he  
had conducted any experiment  
or research on missile penetra-  
tion of the brain. Dr. Finck  
said he did not, but added that  
he has studied the effects of

lets striking bone and also effects of bullets going through a gelatin block, which said is the approximate consistency of soft (human) tissue. He also told Oser he conducted his experiment after sitting before the Warren Commission. He said the experiments were conducted in December, 1965, and January, 1966, and concerned rifle bullets "but they had no connection with the assassination of President Kennedy."

Oser asked him if at the time the autopsy report, the report was "primarily based on observation," and Dr. Finck said this was correct.

He then asked when the doctors at Parkland Memorial Hospital in Texas were contacted. Dr. Finck said Dr. Humes called Parkland the morning after the autopsy.

"Why did you delay until the next morning when the body was already removed?" asked Oser.

"I can't explain that," said Dr. Finck, and he then repeated the reasons for the call.

"We had a wound of entry and we had seen no exit and we knew there was no bullet remaining in the cadaver. There was a very strong reason for inquiring (of Parkland doctors) if there was another wound," he said.

Oser asked him if he was not puzzled by this at the time, and Dr. Finck said he was. "Then why didn't you call the doctors at Parkland while the president's body was still being examined?"

"I will remain with you," said Dr. Finck, "that I was not in charge. I was called as a consultant to look at the wounds. I wasn't running the show."

### Witness Asked

#### Who Was in Charge

Oser asked who was in charge, and Dr. Finck said that Dr. Humes had asked that question and an Army general at the scene said, "I am."

Oser then asked with three qualified pathologists present, was the Army general also a qualified pathologist. "Not to my knowledge," answered the witness. He also said he does not remember the general's name.

Dr. Finck was asked if when he arrived the autopsy had already started. He said that when he arrived some X-rays had been taken of the President's head and the President's brain had been

removed. He said Dr. Finck told him that it was so difficult for to do this.

He said there had been no removal of the wound of entry and that he made positive identification of the wounds.

Oser asked how many military personnel were present in the room as the autopsy was being performed. He said it was "quite crowded" and he did not look around and ask for names. He said the crowd included military and civilian personnel; federal agents, Secret Service agents, and he said some FBI agents were present for part of the autopsy.

Dr. Finck said that when the autopsy was concluded he was specifically told by the Surgeon General of the Navy that he "was not to discuss the case" without first coordinating with the Attorney General (Robert F. Kennedy).

Oser asked Dr. Finck if he knew how many photographs were taken. He said that while he remembers photographs being taken "I can't give the exact number, but this information is available."

### Dr. Finck Asked About Photographs

Dr. Finck was next asked if "prior to writing your report did you have occasion to view these photographs?"

"Yes, I did," he answered.

Oser then presented him with a report signed by Dr. Finck dated Jan. 26, 1967, and Dr. Finck identified it as being his signature. The state attorney asked him to explain a statement that "Dr. Finck first saw the photographs on Jan. 20, 1967."

When Dr. Finck said this was correct, Oser asked why he had just answered that he saw them before writing his autopsy report.

"I did not say I had seen the photographs before writing my report in 1963," he answered.

The court reporter was asked to repeat the question and answer and Dr. Finck said, "I may have said I didn't and was misunderstood. I am very firm on this point of seeing the photographs of President Kennedy."

"I was there when they were taken, but I did not see the photographs of the wounds before I wrote my report."

Oser asked Dr. Finck why he had said he saw them if he didn't see them. "I never said that," he insisted, "it was

The defense objected that Oser was arguing with the witness, and Oser countered: "I have a right to go into the credibility of this witness."

Oser persisted and asked if the reason was "someone misunderstood you," and Dr. Finck answered, "I think so."

Dr. Finck said he wished to emphasize that the photographs were taken on Nov. 22, 1963, and he did not see them until January, 1967. He said they were turned over to the Secret Service.

Oser then asked if in the area of pathology, especially in the area of conclusions, if photographs and X-rays are used routinely in reaching conclusions.

"It is extremely useful," said the witness.

### X-Rays, Photos Not Available

Oser then asked Dr. Finck, if to his knowledge, the photographs and X-rays were ever displayed to members of the Warren Commission. He said that when he and the two other doctors appeared in March, 1964, "the X-rays and photographs were not available to us in the preparation of our testimony." Oser asked if he knew why, and he answered: "I was told it was the wish of the Attorney General who was then Robert F. Kennedy."

Oser then introduced some exhibits which Dr. Finck said were familiar, "but I'm not the author of them," and he later said "these drawings may have been made by Dr. Humes and Dr. Boswell."

The exhibit depicted some medical information on a form and also depicted the body of a man with marks made to indicate wounds.

Dr. Finck said, "I'd like to add something. As a pathologist you put down what you find to show approximately location." He cited the advantage of having immediate records on the number of wounds, location, dimension, etc.

Oser asked if it was not a fact that the hole marked in the back of the body on the exhibit "is considerably lower and in a different position than the hole on Mr. Wegmann's shirt?"

Dr. Finck said the wound he saw in the back of the neck was higher "than the one I see on the drawing."

There was some arguing about Oser's questions and Dr. Finck's answers, which some-

times avoided the answer to the question. Judge Haggerty finally told the witness he must answer the questions "yes" or "no" and then he could explain. "He can't volunteer information every time he wants to," said the judge.

Dr. Finck came off the stand to take a close look at the mark he placed on Wegmann's shirt and then he looked at the drawing. "In relation to the drawing," he said, "the mark on the shirt is higher than the mark on the drawing," and he said the mark he placed on the shirt corresponded with where he saw the mark on President Kennedy.

Oser introduced some other drawings, one depicting the throat wound and one the head wound, and they were accepted.

Dr. Finck said he did not know the name of the man who drew them, adding he seemed to think it was an enlisted man named "Ryd Berg."

"Can you tell us whether he had any of the photographs or X-rays available to him?" asked Oser.

"To my knowledge," said Dr. Finck, "the Navy enlisted man did not have the photographs or X-rays; likewise they were not available to us in March, 1964."

Oser asked a few more questions about exhibits and reports but Judge Haggerty recessed for lunch shortly before noon when Oser asked for time to have someone obtain one of the volumes of the Warren Report from the DA's office.

Judge Haggerty said he was going to recess, but Oser said he had only one question to ask in connection with this. "You think you have only one question," said the judge, "but it may take you a half-hour to get it answered."

Ε Ε

## Drawings Show Kennedy Wounds



—Photo by Jack Thornell, AP Photographer.

**DRAWINGS** showing the wounds suffered by President John F. Kennedy were introduced into evidence Monday by the state during

the Clay Shaw trial. The left drawing shows the throat wound, while the other shows the wound to the head.



**COL. PIERRE A. FINCK**  
Testifies about autopsy.

FBI

Date: 2/20/69

Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	✓
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL AIRMAIL  
(Priority)

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEW ORLEANS (89-69)

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY,  
DALLAS, TEXAS,  
NOVEMBER 22, 1963  
MISC. - INFO CONCERNING  
(OO: DALLAS)

*5-11-69*  
*[Handwritten signatures and initials]*

Enclosed for the Bureau are 4 newspaper articles  
appearing in New Orleans newspapers concerning captioned  
matter.

Copies of these articles are enclosed for Dallas  
and Miami.

*TAYLOR*  
*RAY*  
*[Handwritten notes]*

- 3 - Bureau (Enc. 4) **ENCLOSURE**
- 1 - Dallas (89-43) (Enc. 4)
- 1 - Miami (Enc. 4)
- 1 - New Orleans

ECW:srl  
(6)

REC-108

FEB 22 1969

*62-109060-6799*

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

MAR 10 1969

(Mount Clipping in Space Below)

# PROBED JFK DEATH HERE, EX-AGENT SAYS

A former Federal Bureau of Investigation agent testified today he was investigating the assassination of President John F. Kennedy in New Orleans a few days after the president was shot to death in Dallas.

Retired FBI Agent Regis L. Kennedy acknowledged this after a legal hassle that caused a 90-minute delay in the

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-17-69  
Edition: FINAL  
Author:  
Editor: GEORGE W. HEALY  
Title: ASSASSINATION OF  
PRESIDENT JOHN F.  
KENNEDY, TEXAS  
Character: 11-22-63  
or  
Classification: 89-  
Submitting Office: N.O., LA.  
 Being Investigated

ENCLOSURE

62-107

6779

of Clay L. Shaw this morning. Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill President Kennedy, who died Nov. 22, 1963.

District Attorney Jim Garrison, whose investigation of assassination led to the charges against Shaw, took part for the first time in the questioning of witnesses today, the trial's 24th day.

**THE STATE APPARENTLY WANTED** to establish that several agencies were pursuing a probe of the slaying here before the mysterious "Clay Bertrand" came into the picture.

Garrison first asked the FBI agent about his interview with New Orleans attorney Dean Adams Andrews Jr. on Nov. 25, 1963. Kennedy said as a result of this interview, he spent about 20 hours searching for Clay Bertrand.

Andrews told the Warren Commission he received a telephone call at Hotel Dieu, where he was hospitalized, the day after the assassination, from Bertrand, who asked him to go to Dallas and defend Lee Harvey Oswald, then charged with the slaying of the president. Oswald was shot to death the next day by Jack Ruby.

Garrison's contention that Shaw is actually Bertrand is a key part of the state's case.

**REGIS KENNEDY WAS ASKED** if he was investigating the assassination on Nov. 25 when he received a call from Andrews and went to interview him.

"I think that question is outside the purview of the authority granted me," Kennedy said. FBI agents can testify in state court only with the express permission of the Justice Department.

There was a long delay while Assistant U.S. Attorney Larry Connick huddled with Kennedy, and it finally was necessary to call U.S. Attorney General John N. Mitchell in Washington to settle the matter. This required a 90-minute recess.

Finally, court resumed and chief prosecutor James L. Alcock repeated the question:

"Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?"

**"YES, I WAS," THE AGENT REPLIED.**

Alcock then asked him if he went to interview Andrews about the Bertrand call. He said he did, and the state excused him.

Chief defense counsel F. Irvin Dymond asked Kennedy one question on cross-examination:

"Did you ever find Bertrand?"

"No," said Kennedy. He was excused.

Andrews was convicted of perjury in 1967 after Garrison charged he gave conflicting accounts of the Bertrand matter. His final word on the subject was that Shaw is not Bertrand, though earlier he said "I can't say he is and I can't say he ain't."

Another witness this morning was William E. Newman, a Dallas electrical contractor, who said he was present at the assassination and thought the shots fired at the president came from the grassy knoll area in front of the motorcade.

**GARRISON IS SEEKING** to prove the Warren Commission's conclusion that all shots came from the sixth-floor window of the Texas State Book Depository, to the rear of Kennedy.

Originally scheduled to be heard this morning were former Texas Gov. and Mrs. John B. Connally, but the state postponed their appearance because illness of other witnesses has put the trial behind schedule.

The last witness in the morning session was Herbert Orth, a photo lab technician for Life Magazine, who was to bring with him 21 color prints of the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder.

As Newman took the stand to open today's proceedings, Dymond made his usual objection that testimony about events in Dealey Plaza is irrelevant to the Shaw case. As usual, he was overruled.

**UNDER QUESTIONING BY GARRISON,** Newman said he was standing in Dealey Plaza with his wife and two sons about halfway between Houston st. and the triple underpass.

Newman said he stood with his back to the grassy knoll, and to the right of the president's motorcade. He identified a picture of the assassination scene in which he pointed himself out lying on the grass, and a second picture in which he also was shown.

The witness said he heard at least three shots, which he said sounded as if they came from directly behind him. This would have been the grassy knoll area.

At the time of the shots, Newman said, the president "threw up his hands" and Gov. Connally grabbed his stomach. He saw blood on the governor's suit, Newman said.

**THE WITNESS SAID THE PRESIDENT** remained upright. "I caught a glimpse in his eyes and it was a cold stare like he was staring right through me," he said.

When the third shot hit Kennedy, Newman said, the president "just stiffened and fell to the left into his wife's lap."

Newman said he gave a statement on what he saw to the FBI and the sheriff's office, but was not interviewed by the Warren Commission.

Under cross-examination by Dymond, Newman said Kennedy had turned his head halfway to the right when the fatal shot hit him.

**"IS IT NOT A FACT** that if he had his head turned, it would have been impossible to hit his right ear from the grassy knoll area?" Dymond asked. (Newman had said earlier Kennedy's right ear was shot off.)

Alcock objected that the witness was being asked for a conclusion, and was sustained. But Dymond asked the question in another form and the witness conceded it would be unlikely that a bullet fired from some parts of the knoll area could have hit Kennedy near his right ear.

Dymond asked if a shot from the book depository window could have hit Kennedy in the right ear. Newman said:

"I don't know. I'm led to believe he was looking more straight ahead . . . at the time of the shot."

**NEWMAN FINALLY SAID HE DIDN'T** know the exact position of the president's head at the time he was fatally shot.

Newman was excused and the state called Regis Kennedy. Kennedy said he retired last May 1 after 31 years as an agent for the FBI.

Kennedy testified that on Nov. 25, 1963, he interviewed Andrews at Hotel Dieu. He said Andrews had called him

an hour or two before the interview, and the interview was in response to the call.

After the interview, Kennedy said, he attempted to locate an individual named Clay Bertrand. He said he checked police department files, city directories, telephone listings and "reviewed practically every piece of paper that Mr. Andrews had in his office, with his assistance."

HE SAID HE SPENT ABOUT 20 hours looking for Bertrand.

Then Garrison asked Kennedy:

"Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?"

The witness huddled with Connick and said that to answer the question would go beyond the privilege of the U.S. attorney general to let him appear at the trial. He said he would have to call Washington to get permission to answer.

THE JURY WAS EXCUSED so the question could be argued. Alcock said the state is trying to determine whether between Nov. 22 and Nov. 25 the agent was investigating the assassination, and if the search for Bertrand was part of that general investigation.

Connick said Kennedy has the authority to testify as to his interview with Andrews, but "beyond that he has no authority to answer other questions."

The judge then called a recess to consider the question.

When court resumed 90 minutes later, the question was repeated and Kennedy testified that he was engaged in an investigation of the assassination before he talked to Andrews.

ON CROSS-EXAMINATION, Dymond asked the agent if he ever located Bertrand. Kennedy said he did not.

The final witness of the morning session was Orth, who said he had 21 color slides from the Zapruder film. The judge then called a recess for lunch.

As this afternoon's session opened, the jury was sent out and the color slides were shown for identification purposes.

The slides were identified by Dr. John M. Nichols of Kansas University, who qualified as an expert in pathology and forensic medicine.

Tomorrow, Mardi Gras, will be a holiday for the court. Judge Haggerty has said he is working out a plan by which the jurors can watch the parades.



REGIS L. KENNEDY ... HERBERT ORTH  
Shaw trial witnesses today

-States-Item photos.

(Mount Clipping in Space Below)

24TH DAY

# Shaw Trial Proceedings

Court proceedings in the 24th day of the conspiracy trial

of Clay L. Shaw follow:

District Attorney Jim Garrison, making only his fourth appearance in the court room since the trial started, questioned the first witness this morning.

HE CALLED William E. Newman Jr., a Dallas, Tex., electrical contractor.

Newman testified to seeing President John F. Kennedy assassinated in Dealey Plaza on Nov. 22, 1963.

Defense attorney F. Irvin Dymond, at the outset of Newman's testimony, objected on grounds that it was irrelevant to the case. He was overruled by Judge Edward A. Haggerty Jr.

Q—"Where were you standing in Dealey Plaza?" Garrison asked.

A—I was standing about half way between Houston st. and the triple underpass.

Q—Was anyone with you?

A—I was with my wife and two sons.

Q—What time did you arrive at the scene?

A—I am not certain . . . We arrived at the scene before the parade reached us by about 15 minutes.

Garrison then asked Newman to leave the witness stand and identify his position in Dealey Plaza by placing symbols on a plot plan map, an aerial photo and a mockup of the plaza.

NEWMAN testified that he stood with his family with his back to the grassy knoll and on the President's right side as he approached in the motorcade.

Q—Can you recall what kind of structure is back here?

A—Yes, sir, this is primarily a hedge row . . . trees, pri-

marily to beautify the plot.

Newman was talking about the area that would have been behind him, generally identified as the grassy knoll.

Q—If you will just follow me over here to this mockup, can you locate your approximate position?

A—Yes, sir. This represents my wife. I believe she's back a little from there. Closer to this light standard.

Newman then went back to the witness stand and Garrison continued the questioning.

Q—I show you, Mr. Newman, a photograph and ask you if you think you have seen this scene before.

A—Yes, sir, I have.

Q—What does this picture represent?

A—This is shortly after the assassination. This is myself lying on the grass, and my wife.

GARRISON showed Newman a second picture.

Q—Have you ever seen this scene before?

A—It shows myself in the picture shortly after the assassination.

Q—Where are you in the picture?

A—Right here.

Q—Take this picture and mark an "N" over your body.

NEWMAN then marked the picture.

Garrison then questioned Newman about the shooting itself, asking him to describe what he saw.

A—I saw the President of the United States shot to death.

Q—How many shots did you hear?

A—I heard at least three. (Newman said he had often thought he might have heard four shots.) From the sound of the shots it sounded like they were coming from directly behind me. In my opinion, the sound of the shots, directly behind me.

WHEN NEWMAN tried to say that "everybody else" seemed to think the same thing, Dymond objected on the grounds that the witness was drawing conclusions.

At this point, at the request of Garrison, Newman went to the mockup and pointed to a spot to where he thought the shots originated.

The plot plan and mockup are not visible to the gallery, but Newman was facing toward President Kennedy and this would mean that the shots came from an area of the triple over-underpass or far end of the grassy knoll area.

NEWMAN continued his testimony.

"My wife and myself were watching the parade come toward us. As the car was approaching, there were two shots—boom boom—and at this time, the President threw his hands up like this (Newman placed his hand in front of him at each side of his head with palms out) and at that time, we thought they were firecrackers and he was protecting his face."

Newman testified, in answer to questions, that former Texas Gov. John B. Connally, riding in the same car with Kennedy, put his hands down to the area of his stomach and Newman said he saw blood on the governor's suit.

(Indicate page, name of newspaper, city and state.)

PAGE 6

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-17-69

Edition: FINAL

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

62-10970-679



NEWMAN continued: "The president all the time stayed upright in the seat of the car. I caught a glimpse in his eyes and it was a cold stare like he was staring right through me."

Newman was then questioned about the third shot.

A—I observed his ear fly off . . . He just went stiff like a board and he fell left into his wife's lap. I said, that's it. That's when we hit the ground. I thought the shots were coming over our heads.

Q—How far away were you?

A—I was the width of a car lane.

Garrison asked Newman if he saw any other reaction.

A—I do recall that when the impact hit him, he just stiffened and fell to the left into his wife's lap.

Q—From your position, did he go toward you or away?

A—He went away.

Q—Did you report what you had seen?

A—Yes, I gave a statement to the FBI and the sheriff's office.

Q—Were you interviewed by the Warren Commission?

A—No, I wasn't.

UNDER cross-examination, Dymond sought to show that the President could not have been shot from the grassy knoll area.

Q—Would it be accurate to say that the President turned his head half way to the right just before he was shot?

A—I would say he might have turned at an angle just about like I'm turned.

At this point Newman turned his head to the right toward the jury box.

Q—Is it not a fact that if he had his head turned it would have been impossible to hit his right ear from the grassy knoll area?

Assistant DA James L. Alcock objected at this point, stating that a witness could not give his opinion.

DYMOND tried the question again, but Alcock contended that Newman was being asked to speculate.

At this point, Newman again left the witness stand and looked with Dymond at the mockup of Dealey Plaza.

many witness conceded that it is unlikely that a bullet from some parts of the grassy knoll area could have hit Kennedy in the right ear area.

DYMOND then resumed the questioning.

Q—In view of the angle (of President's head), is it not a fact that a shot from the Texas book depository could have hit him in the right ear?

A—I don't know. I'm led to believe he was looking more straight ahead . . . at the time of the shot.

Q—Mr. Newman, didn't you testify on direct examination that the President had his head turned to the right as if looking for someone in the crowd or at the crowd when the third shot was fired?

Assistant DA James L. Alcock objected but Judge Haggerty allowed the witness to answer.

A—I intended to say as the motorcade was approaching the President was moving his head to look into the crowd—at someone—and straight ahead.

Q—You don't know the exact position of his head when that third shot was fired?

A—No.

AT THIS POINT the witness was excused by both the state and the defense. Garrison asked the judge's permission to show the two pictures to the jury that Newman had identified as pictures in which he appeared, standing on the curb watching President Kennedy's car passing.

Garrison then called ex-FBI agent Regis L. Kennedy and Alcock took up the questioning. Kennedy was accompanied into the courtroom by U.S. Attorney Harry Connick.

Kennedy told the court he retired from the FBI on May 1, 1968, after serving the bureau for just under 31 years. He said under questioning that he was employed by the bureau in New Orleans in November of 1963.

Q—Again referring to Nov. 25, 1963, did you have an occasion at that time to interview Dean Andrews (local criminal lawyer who claims he was asked to defend Oswald by a caller named Clem Bertrand)?

A—I did.

Q—Where?

A—At Hotel Diet.

Q—Were you alone at that time?

with me. I don't recall exact name.

Q—Anyone else there?

A—No.

Q—Can you recall what time this interview took place?

A—Shortly after noon. It's been five years and I would say shortly after noon to the best of my knowledge. Maybe it was a little later.

Q—What was the purpose of the interview?

A—He called me.

Q—Prior to that had you received any communication from Mr. Andrews?

A—Yes, a telephone call.

Q—When?

A—An hour or two before that.

Q—In response to that phone call, did you interview Mr. Andrews?

A—I did.

Q—As a result of that interview, did you have occasion to investigate or locate a Clay Bertrand.

AT THIS POINT Dymond objected to the line of questioning but Judge Haggerty ruled that as an FBI man Mr. Kennedy could tell what he did at that time as an agent. Alcock continued:

Q—As a result of that interview with him, what did you do after that conversation?

A—First I reported to my superiors. Subsequently I attempted to locate an individual named Clay Bertrand.

Q—Did you say Clay?

A—I said Clay.

Q—What efforts did you make? Exactly what did you do? What specific area did you cover?

A—Like I say, it's been five years. I'd say that the areas checked were the police department files, city directories, telephone listings and other places, seeking information, speaking to various people that should be knowledgeable and with those who had contacts in the French Quarter and we reviewed practically every piece of paper that Mr. Andrews had in his office, with his assistance. I won't say that I saw all of his papers or looked at them. I didn't pry into his private law office to the extreme and view all of his files.

Q—To your knowledge, can you say how many agents were assisting you?

A—Frankly, I couldn't give

to say.

Q—How many days or hours did you seek or look for an individual called Clay Bertrand?

A—I can't say the exact number of hours I actually worked on this. This is strictly a guess. But I would say personally not more than 20 hours.

Q—Do you know how many hours the other agents spent on this?

A—No way of even estimating.

Q—Was any particular geographic area of the city checked?

A—Yes. The French Quarter.

Q—Did you personally go into the Quarter?

A—Yes.

Q—Once or more than once?

A—More than once.

Q—Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?

A—I think to answer that question would go beyond my authority to say under privilege of the attorney general to let me appear here. Before I answer that I would have to confer with the U.S. attorney.

KENNEDY and Connick left the courtroom and conferred in the judge's chambers. When they returned Kennedy said he had been directed to say that to answer the question would go beyond the privilege under which he was appearing.

Before he could answer, Kennedy said, the U.S. attorney would have to contact the attorney general to determine if the question could be answered. Kennedy said Connick would be glad to contact the attorney general if necessary.

Alcock then said to Judge Haggerty: "Agent Kennedy knows well that the president was killed on Nov. 22. This interview took place on Nov. 25. My next question was, was he engaged in the investigation from the 22nd and thereafter."

AT THIS POINT, Dymond, addressing the court, said that he thought the best thing to do would be for Kennedy

in the Justice Department to find out whether he answer.

Alcock said he did not object to the Court taking a five-minute recess.

Judge Haggerty determined the legal question should be argued outside the presence of the jury and he directed the deputy sheriffs to remove the jurors from the room. Judge Haggerty then asked, "What is the legal status of this at this moment?"

Alcock replied, "What we are attempting to determine is whether between Nov. 22 and Nov. 25 agent Kennedy was engaged in the investigation of President Kennedy's assassination, including the Nov. 25 interview with Andrews. Additionally, the state would like to know if his check for Clay Bertrand was of that general investigation."

"This is highly relevant to the case in our opinion and we might state that Agent Kennedy testified last summer in another case in this court and at that time did respond to that question or one similarly phrased."

Judge Haggerty then asked Connick the position of the United States attorney's office in this matter.

Connick then replied, "Mr. Kennedy has the authority to testify as to the interview with Dean Andrews, but beyond that he has no authority to answer any other questions. I would be glad to contact the Attorney General and ascertain whether Mr. Kennedy has authority to go to other specific questions."

AT THIS TIME Connick asked to confer with Kennedy about his specific answers in his previous case.

Connick then replied, "Mr. Kennedy has no recollection of his specific answers and, in the light of this, he should not be allowed to testify."

Alcock told the court that he had a transcript of the particular case involving Kennedy's testimony has never been drawn up and he said he did request a transcript of Kennedy's particular testimony although he has never received it.

THE JURY returned. "I understand the legal questions involved and think we had best have a conference in my chambers and, therefore, I am calling a five-minute recess."

THE JURY filed back into the courtroom at 11:30 a. m. after a 5-minute recess. Reporters and spectators hurried back to their places.

Connick conferred briefly with witness Kennedy.

Alcock resumed questioning of the witness indicating he had a couple of written questions that had been cleared by the U.S. attorney general.

Q—Prior to your interview with Dean Andrews were you engaged in an investigation of President Kennedy's assassination?

A—Yes, I was.

Q—Were you seeking Clay Bertrand?

A—Yes, I was.

Alcock then turned over the witness for cross examination, Dymond had a lone question.

Q—Did you ever locate Clay Bertrand?

A—No, sir, I did not.

JUDGE Haggerty then related to both sides that he had sent for a transcript of Regis Kennedy's testimony at a preliminary hearing.

Alcock said he saw no need of it, and neither did Dymond.

Judge Haggerty directed Alcock to call his next witness. Alcock then said William Alford had been sent to get a Mr. Orr, identified only as a representative of Life Magazine.

Judge Haggerty told Alcock to have assistant DA Andrew Sciambra use the judge's telephone to contact the airport to see if Orr's plane had arrived.

Assistant DA Alford ques-

tioned Herbert Orth, the deputy photographic laboratory chief for Life magazine.

Q—Mr. Orth, did you develop any photos of the Kennedy assassination?

A—Yes, I did.

Q—WHAT, EXACTLY, did you make?

A—From the original Zapruder film. I made black and white prints and color slides from the prints.

At this point the defense objected to the testimony of the witness. It was overruled by Judge Haggerty. Dymond filed a bill of exception on the grounds the testimony was irrelevant to the case.

Q—When was the black and white film made?

A—The black and white prints were made years ago for editorial purposes, but the color slides were made recently.

Q—How many color pictures do you have?

A—Twenty-one.

Q—Were these prints made by you personally?

A—Some by me, some by others under my supervision.

Q—How many slides did you make?

A—From frame 200 to Frame 320.

Q—Were these processed by you personally?

A—Yes, they were.

Q—WHAT DO THE numbers on the slides represent?

A—The actual frame numbers that correspond with the Zapruder film.

At this point the color slides were presented to the defense for examination.

Cross-examination was made by Dymond.

Q—How many people were involved in the process of this film?

A—All of it was made under my supervision. There were seven people involved at one time or the other, but everything came through me.

At this juncture Judge Haggerty called a recess for lunch.

(Mount Clipping in Space Below)

# Testimony Resumes In Conspiracy Trial

The trial of Clay L. Shaw resumes today after a Carnival holiday, with Dr. John M. Nichols of Kansas University due to continue his testimony.

Dr. Nichols, a pathologist and expert on forensic medicine, testified Monday that he believes, on the basis of his study of color slides taken from the Abraham Zapruder film of the assassination of President John F. Kennedy, that the fatal bullet was fired from the front.

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill Kennedy.

**DR. NICHOLS** also testified he believes Kennedy and Gov. John B. Connally of Texas showed pain reactions from different bullets.

The witness thus struck at two key points in the Warren Commission's version of the assassination — that all the shots fired at the presidential car came from the rear, and that the first bullet ripped through the bodies of both Kennedy and Connally.

Dr. Nichols' testimony was cut short Monday when some of the grisly details apparently were too much for one juror, who suffered an upset stomach. More direct examination of the witness by the state was the first order of business this morning, to be followed by cross-examination.

**THE JURORS** watched the

Rex parade yesterday from a balcony of a private home in the uptown section, then went back to their hotel where they are sequestered for the duration of the trial.

Shaw, free on bond, spent a quiet holiday with friends.

Meanwhile, the U.S. Justice Department filed notice of appeal of a decision by Washington, D. C., General Sessions Judge Charles E. Halleck Jr. that the 45 photographs and 24 X-rays of the Kennedy autopsy report, along with Lee Harvey Oswald's rifle and other items, be removed from the National Archives and taken to New Orleans for the Shaw trial.

**THE AUTOPSY** records and photos are concealed in the Archives till 1971 at the request of the Kennedy family.

District attorney Jim Garrison claims Shaw conspired with Oswald and David W. Ferrie to kill Kennedy. However, testimony in recent days has centered around the Nov. 22, 1963, assassination itself and Shaw's name has not been mentioned.

The key to the state's case against the Warren Commission thus far has been the film taken in Dealey Plaza by Zapruder, a Dallas dress manufacturer. It appears to show Kennedy's body moving backwards after the fatal shot hit him.

Garrison contends this backs up his assertion that shots were fired from more than one direction, thus destroying the Warren Commission's conclusion that Oswald fired them all.

**ZAPRUDER, INTERVIEW-**ED yesterday in Dallas by Associated Press writer Ruth Ann Vaughn, said he doesn't have a print of the movie.

"That film is with Time and Life," said Zapruder, who sold the movie to the magazine corporation for \$25,000.

"I'm glad I don't have it. I believe we should respect it and let it go for a while," he said.

Zapruder, who had just returned after testifying at the Shaw trial, said his part in history doesn't affect him much any more.

"I'M GOING ON about my business," he said. "It affected me emotionally at the beginning, but as things go on you learn to live."

He gave the \$25,000 he received for the films to the family of Policeman J. D. Tippit.

Tippit was killed, said investigators, as he stopped Oswald shortly after the President was slain. The gunfire involving Tippit led to the arrest of Oswald.

**ZAPRUDER SAID** he is not as avid a picture buff as he was prior to the assassination.

"I kind of lost my spirit after that tragedy," he said.

Has he taken any other important pictures?

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date:

2-19-69

Edition:

Author:

RED CONET

Editor:

GEORGE W. HEALY

Title:

ASSASSINATION OF  
PRESIDENT JOHN F.  
KENNEDY, TEXAS

Character:

11-22-63

Classification:

89-

Submitting Office:

N.O., LA.

Being Investigated

62-110-6777

(Mount Clipping in Space Below)

# Shaw Registered as 'Bertrand', Airport Lounge Hostess Says Claim Backs Russo Story, DA's Charge

Richard Randolph Carr, Dallas, Tex., testified today he saw four men, including a "Latin," emerge from the Texas School Book Depository after President John F. Kennedy was shot. He said three of them drove away in a station wagon and the fourth walked from the scene. The witness said he told this to the FBI and was told to "keep my mouth shut."

A hostess at the VIP Room at the New Orleans International Airport testified today she saw Clay L. Shaw sign the room's guest register as "Clay Bertrand" in December, 1966.

The witness, Mrs. Jesse Parker, said Shaw came into the room with another man, whom she could not identify, and signed the book. She pointed

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-19-69

Edition: RFD FL/SH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., I.A.

Being Investigated

ENCLOSURE 62 1000 6119

out the signature in the book, then pointed out Shaw in the courtroom as the man who signed it.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy.

DISTRICT ATTORNEY JIM GARRISON charges that Shaw used the alias Clay or Clem Bertrand, and the state's star witness, Perry Raymond Russo, testified he was introduced to Shaw by this name at a party at which Russo says the assassination of Kennedy was discussed.

Shaw has denied ever using the alias.

Also this morning, there was further testimony by Dr. John M. Nichols of Kansas University, who testified Monday that he believes, on the basis of his study of color slides taken from the Abraham Zapruder film of the assassination, the fatal bullet was fired from the front.

Nichols also testified he believes Kennedy and Gov. John B. Connally of Texas showed pain reaction from different bullets.

Under cross-examination, Dr. Nichols acknowledged he has had little formal training in the fields of pathology and forensic medicine—the areas in which he earlier qualified as an expert witness—but is largely self-taught.

Also today, the defense requested subpoenas for three out-of-state witnesses. They are:

Mary E. Bledsoe, of Dallas.

Capt. J. W. Fritz, of the Dallas Police Department.

Col. Pierre Finck, of Washington, D.C.

An attorney for Connally, who has been subpoenaed by the state, said today he had had no word on when Garrison's office wants the former governor to testify.

The governor and his wife had been subpoenaed for Monday, but their appearance was postponed indefinitely by the state. The attorney said a representative of the DA's office promised to call him and work out a mutually satisfactory time for the Connallys to testify.

The state's questioning this morning was handled by chief prosecutor James L. Alcock and assistant DA Alvin V. Oser. The defense was handled by chief counsel F. Irvin Dymond. The trial is before Criminal District Judge Edward A. Haggerty Jr.

MRS. PARKER'S TESTIMONY REPRESENTED a return of the focus of the trial to events in New Orleans. For nearly a week, Shaw's name has not been mentioned as testimony centered around events in Dealey Plaza in Dallas, where Kennedy was shot to death Nov. 22, 1963.

Dr. Nichols still was under direct examination by the state when this morning's session got under way.

Oser asked him how fast Connally would have reacted if he had been hit by the same shot that hit Kennedy.

"... I WOULD SAY THAT THE governor would have reacted seven one-thousandths of a second later," Dr. Nichols said.

The witness said if the fatal shot had hit the president from the rear, his head would have moved to the front.

On cross-examination, Dymond attacked Dr. Nichols' credentials as an expert. He questioned in detail how the witness would conduct an autopsy.

Dr. Nichols said, among other things, he would take X-rays of the body and examine them carefully. Dymond

asked him if he ever examined X-rays of Kennedy's body. The witness said he had not.

ASKED IF HE IS AN EXPERT on ballistics, Dr. Nichols said he claims "a degree of knowledge" in the field.

Dymond asked him his formal training in the field. The witness said it consisted of a one-hour lecture in medical school, recovering bullets, testifying in court and conducting experiments. This way, he said, he created his own expertise.

Dr. Nichols offered to show Dymond the results of his work, but the attorney declined.

The witness said he has appeared in court many times in connection with autopsies in which he identified bullets taken from bodies.

ASKED ABOUT HIS TRAINING in photography, Dr. Nichols said he has been using cameras since the age of 10 and has used them many times to take pictures of bodies for autopsies.

He said he had "not a minute's formal training, but my results speak for themselves."

Asked if he has seen the clothing worn by Kennedy the day of the assassination, Dr. Nichols replied:

"I am suing the federal government for that now."

IN RESPONSE TO A QUESTION, Dr. Nichols said he did not know the speed of the presidential vehicle at the time the shots were fired.

A sudden acceleration of the vehicle, the witness said, did not cause the president's head to be thrown back. He said the speed and direction of the wind would be an "insignificant" factor.

Asked if it is possible for a man to be "stabbed or shot and not know that it happened and not show any immediate reaction," Dr. Nichols replied:

"Not a normal person."

DR. NICHOLS SAID THE PRESIDENT was normal at the time of the shooting. Asked if he had ever met Kennedy, he said he met him once. Asked if he ever met Connally, he said:

"I have tried, but he rejects me. He doesn't answer my letters."

He said good health and intoxication are the only two factors necessary to be taken into account when discussing the threshold of pain.

Dr. Nichols said he attempted to determine the direction of the shot. He said he could make a better estimate if he could see the autopsy photos, for which he is suing the government.

"ISN'T IT A FACT THAT YOU are curious to see these photos to determine if your opinion is correct?" Dymond asked.

"All I want is the truth, the whole truth and nothing but the truth, but I would also like to confirm my opinion," Dr. Nichols said.

On redirect examination, Oser showed the witness a rifle. Dr. Nichols said he purchased one like it to conduct his experiments.

The state then called Mrs. Parker. She said in December, 1966, she was employed by Eastern Air Lines as a VIP room hostess. She said she was on duty at the VIP room at New Orleans International Airport on Dec. 24, 1966, between 8 a. m. and 2 p. m.

SHE POINTED OUT SHAW as a man she saw enter the room between 10 a. m. and noon, accompanied by another man.

She said she saw Shaw sign the guest register, pass a few words with the other man and leave. The other man, he said, did not sign the book.

Alcock showed her the register book and asked her to point out the signature. She said:

"The name is Clay Bertrand."

Under cross-examination, Mrs. Parker said she was contacted by the DA's office after the preliminary hearing for Shaw in March, 1967.

She said Shaw's "pretty gray hair" was what made her remember him.

MRS. PARKER SAID SHE SAW SHAW'S picture on television and remembered him from the VIP room. She was unable to say just when this was.

She said she didn't go to the FBI or other authorities at that time because she "didn't want to get involved."

Mrs. Parker said she had never seen Shaw before Dec. 4, 1966. Asked if she could identify anyone else who signed the VIP register in that period, she said "Mr. John Mecom." Mecom is owner of the New Orleans Saints. Professional football club.

She also mentioned the name David F. Dixon, executive secretary of the Louisiana Stadium and Exposition District.

Mrs. Parker said she never saw Shaw again until she saw him in the courtroom.

Dymond asked, "Isn't it a fact that when you looked at him in the courtroom, you said that is not the man?"

MRS. PARKER DENIED THIS. Dymond asked, "Isn't it a fact that only when they threatened to give you a lie detector test . . . you said, 'yes, that's the man'?"

"I was not threatened, I was asked," the witness said.

At this point, Alcock asked for a subpoena of Capt. James Krubbe, a lie detector expert for the police department, and for the lie detector test taken by Mrs. Parker. Judge Haggerty called a recess.

There was a discussion of whether the lie detector testimony would be admissible. It usually is not at a trial, but Alcock contended Dymond "opened the door" for it during cross-examination by asking Mrs. Parker about such a test.

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FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATION SECTION

FEB 28 1969

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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13

*Benjamin*

*T. M. Taylor*

FBI WASH DC

FBI NEW ORLS

4-47 PM 2-28-69 URGENT DAO

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69 4P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.  
MISC. - INFO CONCERNING. OO:DALLAS.

THERE APPEARED IN THE RED FLASH EDITION OF THE FEBRUARY TWENTYEIGHT INSTANT ISSUE OF THE NEW ORLEANS STATES-ITEM NEWSPAPER AN ARTICLE SETTING FORTH INFO RE THE MORNING SESSION OF THE TRIAL OF CLAY L. SHAW HELD ON FEBRUARY TWENTYEIGHT INSTANT.

ACCORDING TO THIS ARTICLE, THE FIRST REBUTIAL WITNESS CALLED BY THE PROSECUTION WAS IDENTIFIED AS DR. JOHN M. NICHOLS OF KANSAS UNIVERSITY WHO IS THE SAME INDIVIDUAL WHO HAD TESTIFIED ON BEHALF OF THE PROSECUTION DURING THE PRESENTATION OF THEIR CASE.

DR. NICHOLS WAS CALLED TO REBUT TESTIMONY INTRODUCED BY THE DEFENSE TO SHOW THAT THE PRESIDENT WAS SHOT FROM THE BACK. HE TESTIFIED THAT IN HIS OPINION, THE BULLET WHICH STRUCK THE PRESIDENT IN THE BACK OF THE NECK COULD NOT HAVE

END PAGE ONE

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MAR 5 1969

*5-10*

MAR 13 1969

RECEIVED  
MAR 13 1969

PAGE 2

PASSED THROUGH HIS BODY WITHOUT HITTING BONE UNLESS THE ANGLE OF THE SHOT WAS FROM THE SIDE.

NICHOLS ATTACKED ARMY PATHOLOGIST COL. PIERRE 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. HE TESTIFIED THAT HE DETERMINED FROM EXAMING THE ZAPRUDER FILM THAT GOVERNOR CONNALLY WAS SEATED ALMOST DIRECTLY IN FRONT OF THE PRESIDENT WHEN THE SHOTS WERE FIRED. IN HIS OPINION, 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 EIGHTEEN INCHES TO THE PRESIDENT'S LEFT.

UPON CROSS-EXAMINATION BY THE DEFENSE, DR. NICHOLS STATED HE HAD NOT BEEN PERMITTED TO EXAMINE THE PRESIDENTIAL LIMOUSINE AND HE HAD NEVER EXAMINED THE REMAINS OF THE PRESIDENT NOR HAD HE EVER OBSERVED ANY X-RAYS OF THE BODY OR

END PAGE 2



PAGE-3

PHOTOGRAPHS OF THE AUTOPSY.

UPON BEING QUESTIONED BY THE DEFENSE, IF IT WAS NOT A FACT THAT NICHOLS WAS A STUDENT OF COL. FINCK, NICHOLS REPLIED THAT HE HAD ATTENDED THREE LECTURES WHICH HAD BEEN GIVEN BY COL. FINCK AND TO THAT EXTENT "I AM HIS PROTEGE." HE TESTIFIED THAT HE WENT TO WASHINGTON, D. C. TO TALK TO COL. FINCK ABOUT THE AUTOPSY BUT THAT COL. FINCK HAD REFUSED TO DISCUSS THE MATTER WITH HIM.

THE NEXT REBUTTAL WITNESS FOR THE PROSECUTION WAS IDENTIFIED AS ~~PETER~~ SCHUSTER, A PHOTOGRAPHER FOR THE ORLEANS PARISH CORONER'S OFFICE. SCHUSTER TESTIFIED ABOUT TWO <sup>LO</sup> MYSTERIOUS PHOTOS GIVEN HIM ON JANUARY TWENTY, NINETEEN SIXTYNINE, BY THE DISTRICT ATTORNEY'S OFFICE TO EXAMINE. THERE WAS NO TESTIMONY TO INDICATE WHERE OR WHEN THESE PHOTOS WERE TAKEN BUT ACCORDING TO THE PROSECUTION, THESE PHOTOS WERE INTENDED TO REBUT TESTIMONY THAT KENNEDY WAS SHOT FROM BEHIND. ALL DURING THE TESTIMONY OF SCHUSTER, NUMEROUS

END PAGE 3

PAGE 4

OBJECTIONS WERE RAISED BY THE DEFENSE WHICH WERE OVERRULED AND THE DEFENSE TOOK BILLS OF EXCEPTION.

SCHUSTER TESTIFIED THAT AFTER HE HAD ENLARGED ONE OF THE PHOTOS HE OBSERVED AN OBJECT IN THE RIGHT TOP CORNER WHICH IN HIS OPINION WAS A MAN WHO APPEARED TO BE HOLDING SOMETHING.

UPON CROSS-EXAMINATION BY THE DEFENSE, SCHUSTER TESTIFIED HE COULD NOT BE SURE WHAT THE MAN WAS HOLDING.

THE COURT THEN ALLOWED THE PHOTOS TO BE ADMITTED INTO EVIDENCE AND BE EXAMINED BY THE JURY.

ACCORDING TO THIS ARTICLE, THERE WERE NO OTHER REBUTTAL WITNESSES PRESENTED BY THE PROSECUTION AND THE DEFENSE THEN MOVED FOR A DIRECTED VERDICT BUT IT WAS DENIED.

JUDGE HAGGERTY THEN MADE THE ANNOUNCEMENT THAT HE WOULD HEAR CLOSING ARGUMENTS ON THE MORNING OF MARCH ONE, NEXT AND COURT WAS RECESSED FOR THE DAY.

NO LHM BEING SUBMITTED.

END

WA..

MKA

FBI WASH DC

Vertical text on the right margin, possibly a stamp or reference code, including the word "SECRET" and other illegible markings.

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAR 1 1969

TELETYPE

- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

FBI WASH DC

1239

1239 PM URGENT JME 3-1-69

TO: DIRECTOR (62-109060) AND DALLAS (89-43)

FROM NEW ORLEANS (89-69)

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.  
MISC. - INFO CONCERNING. OO: DALLAS.

RE NEW ORLEANS TELETYPES FEBRUARY TWENTYEIGHT LAST.

ACCORDING TO AN ARTICLE APPEARING IN THE MARCH ONE INSTANT  
ISSUE OF THE NEW ORLEANS TIMES-PICAYUNE NEWSPAPER, AN ALL MALE  
JURY TOOK LESS THAN ONE HOUR TO FIND CLAY L. SHAW NOT GUILTY  
OF CONSPIRING TO MURDER PRESIDENT JOHN F. KENNEDY. THE JURY  
RETURNED THEIR VERDICT AT ONE ZERO FOUR AM ON MARCH ONE INSTANT  
AFTER BEGINNING THEIR DELIBERATION AT TWELVE ZERO SIX AM. THIS  
ARTICLE NOTED THAT IT WAS TWO YEARS TO THE DAY SINCE SHAW'S  
ARREST.

ACCORDING TO THIS ARTICLE, THE PROSECUTION'S LAST REBUTTAL  
WITNESS, PRIOR TO THE SUMMATIONS OF THE PROSECUTION AND DEFENSE,  
WAS MRS. ELIZABETH MC CARTHY OF BOSTON, MASS. SHE TESTIFIED  
THAT SHE HAD BEEN A HANDWRITING EXPERT FOR THIRTYTWO YEARS AND  
END PAGE ONE

15 MAR 5 1969

59 MAR 13 1969

MR. DELGACH FOR THE DIRECTOR

*Taylor*

*X*

*5-11*

*cc file*

NO 89-69

PAGE TWO

UPON QUESTIONING BY DA GARRISON, TESTIFIED THAT SHE HAD EXAMINED THE SIGNATURE OF CLAY BERTRAND APPEARING ON THE GUEST REGISTER AT THE VIP ROOM FOR EASTERN AIRLINES WITH THE KNOWN HANDWRITING OF SHAW. SHE TESTIFIED THAT AS A RESULT SHE HAD CONCLUDED THAT IT WAS HER OPINION THAT IT WAS HIGHLY PROBABLE THAT SHAW SIGNED THE REGISTER.

UPON CROSS EXAMINATION BY THE DEFENSE, SHE TESTIFIED SHE LEARNED SHE WOULD BE A WITNESS ON FEBRUARY TWENTYSEVEN LAST. UPON QUESTIONING BY THE DEFENSE SHE TESTIFIED THAT SHE EXPECTED TO BE PAID AS THIS WAS HER BUSINESS.

ACCORDING TO HIS ARTICLE, DURING THE LATE AFTERNOON OF FEBRUARY TWENTYEIGHT LAST THE PROSECUTION THEN BEGAN ITS SUMMATION. THIS SUMMATION WAS HANDLED BY ASSISTANT DA JAMES ALCOCK AND ALVIN OSER, JR.. BOTH OF THEM PRESENTED MUCH OF THE PROSECUTION'S CASE AND TESTIMONY OF PROSECUTION WITNESSES IN THE PRESENTATION OF THEIR SUMMATION. MUCH OF THEIR FINAL SUMMATION WAS AN ATTACK ON THE WARREN COMMISSION REPORT AND

NO 39-59

PAGE THREE

THAT PROSECUTION WITNESSES HAVE DEFINITELY ESTABLISHED THAT THERE WERE THREE GUNMEN IN DEALEY PLAZA, DALLAS, TEXAS, WHO HAD FIRED ON THE PRESIDENTIAL MOTORCADE ON NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE. THE PROSECUTION THEN ATTEMPTED TO DISCREDIT DEFENSE WITNESSES AND THEIR TESTIMONY, INCLUDING THE TESTIMONY OF ARMY PATHOLOGIST COLONEL PIERRE FINCK. THE PROSECUTION ALSO ATTACKED AND CRITICIZED THE FBI RE-ENACTMENT OF THE ASSASSINATION AND CALLED IT A "MONUMENTAL FLOP".

ACCORDING TO THIS ARTICLE, THE DEFENSE IN ITS SUMMATION TO THE JURY ON THE EVENING OF FEBRUARY TWENTYEIGHT LAST, CENTERED ITS ATTACK ON THE CREDI~~ABILITY~~ OF PERRY RAYMOND RUSSO, THE PROSECUTION'S STAR WITNESS TO THE ALLEGED CONSPIRATORIAL MEETING BETWEEN DAVID FERRIE, LEE HARVEY OSWALD AND SHAW. DURING ITS SUMMATION, THE DEFENSE CONSTANTLY REMINDED THE JURORS THAT THE WARREN COMMISSION AND ITS REPORT WERE NOT ON TRIAL AND THAT SOME TIMES DURING THE TRIAL SHAW, THE DEFENDANT, WAS THE FORGOTTEN MAN.

PAGE FOUR

THE DEFENSE ALSO ATTACKED THE MEMORANDUM OF ASSISTANT DA SCHIAMBRA OF HIS INTERVIEW WITH RUSSO AT BATON ROUGE, LA. ON FEBRUARY TWENTYFIVE, NINETEEN SIXTYSEVEN. THE DEFENSE STATED THAT THE WHOLE WORLD WILL BE WAITING TO SEE IF THE JURORS WOULD CONVICT A PERSON ON "THIS ALICE IN WONDERLAND STORY." THE DEFENSE THEN ATTACKED THE TESTIMONY OF THE PROSECUTION WITNESSES AND REMINDED THE JURORS OF THE TESTIMONY OF THE DEFENSE WITNESSES. THE DEFENSE POINTED OUT THAT ORIGINALLY THE PROSECUTION HAD INDICATED THAT FBI BALLISTICS EXPERT, ROBERT A FRAZIER WOULD APPEAR AS AN EXPERT FOR THE PROSECUTION, "BUT THEY OBVIOUSLY DIDN'T LIKE WHAT HE SAID" AND SO THE DEFENSE HAD USED FRAZIER AS A WITNESS. THE DEFENSE POINTED OUT THAT FBI PHOTOGRAPHIC EXPERT LYNDA SHANYFELT HAD MADE THE SAME STATEMENT OF OPINION AS THE ARMY PATHOLOGIST IN THAT HE BELIEVED THE PRESIDENT WAS SHOT FROM THE REAR. THE DEFENSE REMINDED THE JURORS THAT SHANYFELT WAS A PROSECUTION WITNESS.

THE DEFENSE THEN TOLD THE JURORS THAT THE REASON SHAW HAD BEEN BROUGHT TO TRIAL WAS FOR NO OTHER REASON THAN TO

PAGE FIVE

CREATE A FORUM FOR AN ATTACK ON THE WARREN COMMISSION AND IF THE STATE IS ACCUSING OUR GOVERNMENT OF BEING A FRAUDULENT INSTITUTION, IT SHOULD COME OUT AND SAY SO. THE DEFENSE TOLD THE JURORS THAT IT WAS INCONCEIVABLE THAT THE FEDERAL GOVERNMENT, THE FBI, SECRET SERVICE, DALLAS POLICE, THE JUSTICE DEPARTMENT, THE DOCTORS IN DALLAS AND THE DOCTORS IN WASHINGTON, D. C., HAD ALL CONSPIRED TO KEEP INFORMATION FROM THE AMERICAN PUBLIC. IN ITS FINAL STATEMENT TO THE JURORS THE DEFENSE TOLD THEM THAT THEIR ACTIONS WOULD MAKE HISTORY BUT HISTORY BUT THEY SHOULD NOT CONVICT AN INNOCENT MAN.

ACCORDING TO THIS ARTICLE, AFTER THE VERDICT WAS ANNOUNCED, THE PROSECUTION DID NOT REQUEST THAT THE JURY BE POLLED.

NO LHM BEING SUBMITTED.

END

~~PAGE 4 SENTENCE 3 TO 6 SHOULD BE~~

~~ON FEBRUARY TWENTYFIVE, NINETEEN SIXTYSEVEN. THE DEFENSE STATED THAT THE WHOLE, WHOLE WORLD WILL BE WAITING TO SEE IF THE JURORS WOULD CONVICT A PERSON ON THIS ALICE IN WONDERLAND STORY. THE DEFENSE THEN ATTACKED THE TESTIMONY OF PROSECUTION.~~

END

PGH

FBI WASH DC

OF MR SULLIVAN

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATION SECTION

MAR 3 1969

TELETYPE

FBI WASH DC

FBI NEW ORLS

9:10PM URGENT 3/3/69 JDM

TO: DIRECTOR 62-109060 AND DALLAS 89-43

FROM: NEW ORLEANS 89-69 2P

Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFORMATION CONCERNING - <sup>Office of Origin</sup> 00/ DALLAS...

RON HUNTER, WVU-TV, NEW ORLAEANS, LA., ADVISED THAT ON THE AFTERNOON OF MARCH THREE, INSTANT, THE NEW ORLEANS DISTRICT ATTORNEY'S OFFICE FILED A BILL OF INFORMATION BEFORE THE CRIMINAL DISTRICT COURT CLERK, ORLEANS PARISH, CHARGING CLAY L. SHAW WITH TWO COUNTS OF PURJURY.

THE BILL OF INFORMATION CHARGES THAT DURING THE RECENT TRIAL OF SHAW, SHAW LIED WHEN HE TESTIFIED THAT HE DID NOT KNOW LEE HARVEY OSWALD OR DAVID W. FERRIE. HUNTER SAID THERE WAS NO INDICATION WHEN THIS MATTER MIGHT BE PRESENTED TO A LOCAL GRAND JURY.

END PAGE ONE.

REC-7

62-109060-6802

EX-104

17 MAR 5 1969

*net*

MAR 12 1969



- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Room
- Mr. Holmes
- Miss Gandy

PAGE TWO

NO 89-69

United States Attorney

USA, LEWIS LA COUR ADVISED THIS DATE THAT CLAY L. SHAW,

EDWARD WEGMANN AND IRVING DYMOND, THE LATTER TWO BEING ATTORNEY'S FOR SHAW, CAME TO HIS OFFICE AND ADVISED <sup>I</sup> IT WAS THEIR DESIRE TO FILE CIVIL RIGHTS COMPLAINTS AGAINST DA GARRISON AND SOME OF GARRISON'S ASSISTANTS.

MR. LA COUR ADVISED THEM THAT THEY SHOULD FILE THEIR COMPLAINT'S WITH THE LOCAL OFFICE OF THE FBI.

Unless Advised to Contrary by Bureau

VE

UACB AT TWELVE THIRTY P. M. MARCH FOUR NEXT, THIS OFFICE

WILL ACCEPT THE CIVIL RIGHTS COMPLAINT FROM SHAW AND HIS ATTORNEYS AND FORWARD SAME IN FORM SUITABLE FOR DISSEMINATION IN ACCORDANCE WITH OUR USUAL PROCEDURS. <sup>E</sup>

END...

ERT

FBI WASH DC

TUCLRP

MR. SULLIVAN

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATION SECTION

MAR 3 1969

TELETYPE

Mr. Tolson	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI MOBILE

URGENT 3/3/69 JDM

TO: DIRECTOR 62-109060 AND DALLAS 89-43

FROM: NEW ORLEANS 89-69 2P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.  
MISC. - INFORMATION CONCERNING - OO/ DALLAS... CIVIL RIGHTS MATTER

*O'Dell*

ROD HUNTER, WWL-TV, NEW ORLEANS, LA., ADVISED THAT ON THE  
AFTERNOON OF MARCH THREE, INSTANT, THE NEW ORLEANS DISTRICT  
ATTORNEY'S OFFICE FILED A BILL OF INFORMATION BEFORE THE CRIMINAL  
DISTRICT COURT CLERK, ORLEANS PARISH, CHARGING CLAY L. SHAW  
WITH TWO COUNTS OF PERJURY.

*Blair*

THE BILL OF INFORMATION CHARGES THAT DURING THE RECENT TRIAL  
OF SHAW, SHAW LIED WHEN HE TESTIFIED THAT HE DID NOT KNOW LEE  
HARVEY OSWALD OR DAVID W. FERRIE. HUNTER SAID THERE WAS NO  
INDICATION WHEN THIS MATTER MIGHT BE PRESENTED TO A LOCAL GRAND  
JURY.

END PAGE ONE.

*SAC, Rightmeyer called  
7:45 3/3/69.  
Len Doble, Dir & advised  
it is handling. /M*

62-109060-6802

RECEIVED  
MAR 4 1969

PAGE TWO

NO 89-69

USA, LEWIS LA COUR ADVISED THIS DATE THAT CLAY L. SHAW, EDWARD WEGMANN AND IRVING DYMOND, THE LATTER TWO BEING ATTORNEY'S FOR SHAW, CAME TO HIS OFFICE AND ADVISED <sup>I</sup> IT WAS THEIR DESIRE TO FILE CIVIL RIGHTS COMPLAINTS AGAINST DA GARRISON AND SOME OF GARRISON'S ASSISTANTS.

MR. LA COUR ADVISED THEM THAT THEY SHOULD FILE THEIR COMPLAINT'S WITH THE LOCAL OFFICE OF THE FBI.

UACB AT TWELVE<sup>VE</sup> THIRTY P. M. MARCH FOUR NEXT, THIS OFFICE WILL ACCEPT THE CIVIL RIGHTS COMPLAINT FROM SHAW AND HIS ATTORNEYS AND FORWARD SAME IN FORM SUITABLE FOR DISSEMINATION IN ACCORDANCE WITH OUR USUAL PROCEDUR<sup>E</sup>S.

END...

ERT

FBI WASH DC

TUCLRP

ORIGINAL MR ROSEN

FBI

Date: 3/3/69

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL

AIRMAIL

(Priority)

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	<i>Blair</i>
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO: DIRECTOR, FBI (62-109060)  
 FROM: *per* SAC, NEW ORLEANS (89-69)  
 SUBJECT: ASSASSINATION OF PRESIDENT  
 JOHN FITZGERALD KENNEDY,  
 DALLAS, TEXAS,  
 NOVEMBER 22, 1963  
 MISC. - INFO CONCERNING  
 (OO: DALLAS)

*W. J. Rosten*  
*R. J. [unclear]*  
~~TAYLOR~~  
*K*

Enclosed for the Bureau are four (4) newspaper articles appearing in New Orleans newspapers concerning captioned matter.

Copies of these articles are enclosed for Dallas and Miami.

- ld*
- ③ - Bureau (Enc. 4)
  - 1 - Dallas (89-43) (Enc. 4)
  - 1 - Miami (Enc. 4)
  - 1 - New Orleans

ECW/srl  
(6)

*ENCLOSURE*  
*cc from*

REC-7

*60-1-6803*

15 MAR 4 1969

EX 106

*[Handwritten signatures and initials]*

Approved: *[Signature]* Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

3 MAR 1 1969

(Mount Clipping in Space Below)

# 'CLAY BERTRAND' SIGNATURE NOT SHAW'S EXPERT

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

ST/ TES-ITEM

NEW ORLEANS, LA.

Date: 2-26-69

Edition: FIN/L

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF  
PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

A nationally known handwriting expert testified today the "Clay Bertrand" signature on the guest register at New Orleans International Air-

port was not written by Clay L. Shaw.

Charles A. Appel Jr., a retired Federal Bureau of Investigation graphologist from Washington, D. C., said the entry in the book was "made

by some other person entirely."

SHAW, 55, IS on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill

1002

President John F. Kennedy, shot to death in Dallas Nov. 22, 1963.

A state witness, Mrs. Jesse Parker, testified earlier she saw Shaw sign the Bertrand name in the guest book in the airport's VIP Room in December, 1963. Bertrand is the alias District Attorney Jim Garrison says Shaw used in plotting to kill Kennedy.

Shaw insists he never used such an alias.

Two other defense witnesses testified this morning. Jefferson Biddison, a real estate man, testified he is a long-time friend of Shaw's and handled the defendant's mail during the summer of 1966 while Shaw was in Europe.

A POSTAL WORKER testified in the trial that he delivered mail to the Biddison address in this period addressed to Clay Bertrand.

Biddison said he never received any mail addressed to a Clem or Clay Bertrand.

The other witness was former Saturday Evening Post writer James R. Phelan, who testified about discrepancies in a memo written by Assistant DA Andrew J. Sciambra about his interview with the state's star witness, Perry Raymond Russo.

Russo testified he heard Shaw discussing the assassination of Kennedy here in September, 1963, with Lee Harvey Oswald and David W. Ferrie.

Sciambra testified earlier he went to Baton Rouge in February, 1967, and interviewed Russo, then wrote a memo to Garrison about the talk.

Garrison later gave a copy of the memo to Phelan, the writer testified today, and it contained no reference to any assassination plot meeting.

Appel, noted as the handwriting expert who broke the Lindbergh kidnaping case in 1932, was qualified as an expert witness as court closed yesterday.

Chief defense counsel F. Irvin Dymond called Appel to the stand as the trial opened his 31st day today. The witness was cross-examined by chief prosecutor James L. Alcock.

As court opened this morning, Dymond showed Appel a state exhibit with the "Ber-

trand" and a witness. It with a photographic enlargement of the same signature.

Dymond then brought out other exhibits, documents signed by Shaw before a notary. Appel said he had examined them.

The witness went into a long comparison of the "Bertrand" writing and the Shaw signature. Step by step, he analyzed the formation of various letters and showed how Shaw's differed from Bertrand's.

"FOR THESE REASONS . . . I conclude they were not written by the same person," said Appel.

He said he has examined other writings by Shaw and "the entry in the book was made by some other writer entirely."

Dymond then tendered the witness to Alcock for cross-examination. He said he receives a government pension, but has done no FBI work since his retirement in 1948.

Appel testified he made his comparisons from photographs. "I saw no original documents until I arrived here today."

Alcock asked if it would have been better to work from the original signatures. "It is not necessary at all," the witness said.

APPEL SAID HE had Shaw seated in a normal manner to make his signature for comparison and that the defendant was shown no other writing. He said he had no way of knowing how "Bertrand" was seated.

Alcock asked the witness if the difference between Shaw's handwriting and that of "Bertrand" were "significant."

"There are no two writings exactly alike," Appel said.

At this point, a recess was taken.

Upon resuming, Alcock asked Appel if handwriting analysis is an "exact science."

"No, sir. Mathematics is the only exact science there is," Appel said. He added that his comparison process is "most scientific."

He said he took about two hours to reach his conclusion in this case.

ALCOCK ASKED IF any of the lakes are ever made in the field. Appel said, "In any endeavor I've ever heard of where humans are involved there is room for mistakes."

He said he has never been proved wrong.

On redirect, Appel said he felt he had sufficient samples on which to base his opinion. He said he was participating in this trial without compensation because he felt it "a civic duty."

As a rule, he said, he does not work for defendants because "I don't like to break down law enforcement" but he did in this case because he wanted to see that justice is done.

ON RECROSS - EXAMINATION, Alcock pressed this point, explaining he wanted to see if the witness had formed an opinion in the case prior to making the handwriting analysis.

Appel said he got into the case after Lloyd J. Cobb, president of the International Trade Mart, called him Feb. 14 and asked his fee. Told it was \$250 a day, Cobb replied that Shaw "doesn't have such money as that."

He said he did not discuss the merits of the case with Cobb, but decided he would accept the duty to prevent an injustice from being carried out.

Appel added that at the time, "I knew nothing about the case."

Alcock exclaimed: "What? You knew nothing about the case and you were afraid an injustice would be done? No further questions!"

The next witness was Biddison, of 1414 Chartres, who said he has known Shaw for 23 years. He identified a photo of a black Cadillac as the car he owned in 1963.

Several state witnesses have testified they saw Shaw in such a car with Lee Harvey Oswald and David W. Ferrie in 1963.

Biddison said he never lent the auto to Shaw during 1963. Shaw, he said, drove a black Thunderbird. The witness said he did lend Shaw the Cadillac in 1967.

SHAW, TO HIS knowledge, never used the name Bertrand or any other alias, Biddison said. He said he never heard Shaw mention Oswald or Ferrie. Shown pictures of Os-

wald and Ferrie, the witness never saw them in any.

Biddison said he never knew Shaw to wear tight pants or a hat. Russo testified he saw Shaw dressed that way in 1962.

In 1966, Biddison said, he received Shaw's mail at his office at 902 Royal st., but never at his home, 1414 Chartres. None of it, he said, was addressed to Clem or Clay Bertrand.

On cross-examination, Biddison said he lives alone, but for five or 10 days in 1966 Shaw stayed with him. He said he seldom saw Shaw during 1963.

Asked how much Shaw mail came to his office in 1966, Biddison replied, "Tons of it."

HE SAID HE and Shaw lived together from 1946 to 1948 and 1950 at two different French Quarter addresses.

Phelan took the stand and testified he is a free-lance writer from Long Beach, Calif. He said he came to New Orleans in February of 1967 on assignment from the Post to interview Garrison.

He said he talked to the DA in his office, then at his home, and four or five days later at Las Vegas.

Garrison registered at the Las Vegas hotel under the name of W. O. Robertson, Phelan testified. There, he said, Garrison gave him some material which later testimony established included the Sciambra memo on the Russo interview.

AFTER RUSSO testified at the March, 1967, preliminary hearing for Shaw, Phelan said, he called Garrison and told him he was "tremendously disturbed" by the testimony.

He said he went to Garrison's home and "pointed out the wide discrepancy between what Mr. Russo had said in the Sciambra memo and what he said on the stand."

Dymond asked, "And what did Mr. Garrison do?"

"His jaw dropped a little bit," Phelan said, and he called Sciambra, who came to the house.

Phelan said he told Sciambra

that in his report on his  
meeting with Rosen in Baton  
Rouge there was no informa-  
tion about an assassination

"The memo never said  
we knew Oswald or that  
we knew Shaw or that Rus-  
sell knew Shaw by the name  
of Clem Bertrand."  
Cock objected to this testi-  
mony, and the trial was re-  
suspended for lunch.

The whole Bertrand matter  
was clouded yesterday when  
the man who originally intro-  
duced the name into the Ken-  
尼迪 case, New Orleans at-  
torney Dean Adams Andrews  
testified that he made it

ANDREWS, WHO has been  
convicted of perjury for  
changing his story about Ber-  
trand under oath, changed it  
again yesterday, saying the  
"fictitious" figure "was a fig-  
ment of my imagination."

The rotund attorney, who  
speaks in a jargon that sounds  
like a polyglot of everything  
from 1930 jive talk to today's  
speak, said of his previous testi-  
mony, "It's page after page  
bull."

Andrews told the Warren  
Commission a man known to  
him as Clay Bertrand called  
him the day after the assas-  
sination and asked him to go  
to Dallas and defend Lee Har-  
vey Oswald, then accused of  
killing Kennedy. Andrews'  
perjury conviction resulted  
from his giving different ver-  
sions of this story under oath  
to the Orleans Parish Grand  
jury.

Dymond, who had expressed  
earlier the defense could  
wrap up its case today, said  
yesterday this is now most un-  
likely.

"It looks like Thursday,"  
Dymond said, "but you can't  
tell how long the state will  
keep our people on the stand."

Shaw, Dymond said, will  
still take the stand as a de-  
fense witness.



GRAPHOLOGIST CHARLES A. APPEL JR.

En route to testify at Shaw trial.

12/14/66 Clay DeLand New Orleans, La

COPY OF SIGNATURE FROM GUEST REGISTER AT N. O. INTERNATIONAL AIRPORT

12/14/66 Clay DeLand New Orleans, La

DEFENDANT CLAY SHAW'S VERSION WRITTEN FOR HANDWRITING EXPERT



(Mount Clipping in Space Below)

31ST DAY

# Shaw Trial Proceedings

Court proceedings in the 31st day of the conspiracy trial of Clay L. Shaw follow:

Charles A. Appel Jr., a Washington, D.C., handwriting expert, was the first witness for the defense today. He was questioned by F. Irvin Dymond about a signature on the guest register in the VIP room at New Orleans International Airport.

Q—Mr. Appel, I show you an exhibit and direct your attention to the signature Clay Bertrand on the date Nov. 12, 1966, and ask you if you have seen a photograph of a signature identical to that?

APPEL examined a photograph and then answered:

A—Yes, I have. This is a photographic enlargement of the signature (on the guest-book) together with a photograph of other writing by the defendant.

Dymond then showed Appel 11 more exhibits introduced which are documents signed by Clay Shaw before a notary public.

Dymond then asked Appel if he was familiar with the documents.

A—Yes, I examined them. They were submitted to me in connection with the signature appearing on the book that you just showed me.

DYMOND had handed Appel the VIP room guest register to examine just prior to the question.

Q—Did you perform any examination as to the signature of Shaw and the writing on the exhibit (the guest register)?

A—Yes, sir. At this point Appel went into a long comparison of the handwriting that appeared on the guest register and the handwriting on the document signed by Shaw.

APPEL went to a large

blowup that had been taped to an exhibit board and began his explanation.

A—I found in the first place that the defendant writes larger. The proportions of the letter size in one writing is different from another. The 'C' is higher. The proportions are not the same. The slant is not quite the same. And the manner of moving the pen, forming these slopes is different.

The distance between the "C" and the "L" is much more narrow. The slanting stroke upward is not of the same angle. The counter-clockwise motion is different. We see a difference in the "A." The defendant leaves his A's open at the top.

The writing act is such a delicate movement, coordinating the fingers, arm with the eyes. All of these things have to be the same.

The defendant writes very rapidly in what teachers might call scribbling. The proportion of one letter to the other is different. The top of the Y is larger than the one found in the book.

There is no comparison with the beginning of the B as written by the defendant. The oval of the B made by the defendant is narrow. The bottom oval is a different figure entirely.

APPEL testified that Shaw wrote his whole name in one continuous movement, "whereas the pen is lifted in the questioned entry."

Appel said the R and the T as written by Shaw and in the guest register are also different.

APPEL also made a comparison between "New Orleans" as written in the guest register and the same two words written by Shaw.

He said the whole entry as written by Shaw is higher as a

whole. "The questioned entry is only about half of this height."

He said the W as written by Shaw has an arch in it. "We see no such arch in the questioned entry."

Appel testified that Shaw "writes much more rapidly" than is apparent in the questioned entry in the guest register.

"FOR THESE reasons, . . . I concluded that they were not written by the same person."

Q—Did you confine your examination to this one writing by Mr. Shaw or did you use other writings?

A—I saw a good many others that were submitted, including a signature of Mr. Shaw in 1966 on the same film. I asked that he be requested to submit any other writings that he had made.

Q—Does it reveal they were written by someone other than the writer in the book?

A—The entry in the book was made by some other writer entirely.

AT THIS POINT Dymond showed Appel a number of sheets of paper on which there appeared to be handwriting.

Q—Mr. Appel I show you more exhibits and ask if you used any of these?

A—In my testimony I referred to an examination I had made of films which were submitted. I just examined this morning other examples of writing that were submitted to me.

Q—Is there any material difference between the signatures 31-40?

A—No difference. They are natural also to 1968 writing—just that of the signature of Clay Shaw.

Q—As a result of your test and examination, did you come to a firm opinion that these exhibits were different from the Clay Bertrand in the state exhibit?

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

ST/TFS-ITEM

NEW ORLEANS, LA.

Date: 2-26-69

Edition: FINAL

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

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N.O., LA.

Being Investigated

62-20100-6812

A—Yes, I did.

Q—What is that opinion?

A—The defendant Shaw did write the entry in the book.

At this point the direct questioning ended and James Alcock, assistant district attorney, began cross-examination of Appel.

Q—In connection with your specialty, were you used anywhere in the investigation of the death of President Kennedy?

A—No. I was not employed.

I have done no federal investigations since my retirement in 1948.

Q—Do you receive a pension from the federal government?

A—Yes, I do.

Q—Did you make your analysis from photographs or original documents?

A—I made them from photographs. I saw no original documents until I arrived here today.

Q—How many exhibits did you examine?

A—I saw 20 frames on film.

Q—Were these signatures the same size as the original?

A—They were reduced in size on a 35 mm film taken with a Leica camera.

Q—As a general principle isn't it more desirable to have an original document than a photograph?

A—This depends. If you are dealing with a traced signature — a forgery, for instance — you need the original. It is always better to have the original in the case of a forgery. But in this case, I examined additional original writings when I arrived here. The comparatives were furnished me in Washington.

Q—You made your conclusions from the signatures which are shown here on Exhibit 55?

A—Yes, I did.

Q—Would it have been better to have seen the original signatures?

A—It is not necessary at all if the evidence you are dealing with shows the design, speed and movement. In this particular case, there was no problem here. In a forgery, which is a tracing, the forgery has to be done slowly, producing a tremor. More often the pen is lifted, especially if a ball point pen is used.

that son uses a forgery a pen is used but ink to get a likeness of the original signature imitated on paper. Then the signature is drawn over with ink by the forger but the indentation in the paper can be photographed.

Appel then told the court that he had asked that the signature of Shaw be made in a normal manner and he is sure that it was.

"I asked that the defendant be seated in a normal manner and that he see no other writings. I asked him to write the signature once and that this signature be removed from his sight and another made the same way.

Q—You say that you asked that Mr. Shaw be seated in a normal writing position; do you know if the person who signed the name of Clay Bertrand in the original book was seated?

A—No, I don't. When you get specimens this way, you do it to gain the most normal writing habits. Most students learn to write in a seated position.

Q—Would there be a difference if he or she were seated than there would if he were standing?

A—Not necessarily. People learn to write seated normally.

Q—If standing, would it vary, in your opinion?

A—Of course it would. But it would still show the design, the speed and the movement which is important. Last week I had occasion to examine writings on a wall.

Q—Did you see anything the defendant wrote except his signatures?

A—Yes, a letter the defendant wrote to Mr. Wegmann in 1966.

Q—Do you have this letter in your possession?

APPEL RUMMAGED through his briefcase, produced the letter and handed it to Alcock.

Q—I take it that the only sample you were given that was not limited only to the signature of Clay Shaw or Clay Bertrand was this letter. Do you know the health of the individual at the time of this writing, the circumstance under which it was written?

A—No, I don't.

Q—How did you conclude that this was from a letter written in 1966?

from the files of the defendant.

Q—You have nothing to prove that this letter was written in 1966?

A—That's true.

Q—As a matter of a fact, you don't know if you received writings made in 1966?

A—Yes, I have additional exhibits which bear the date 1966.

Q—Were they signatures or letters?

A—They are signatures on letters postmarked 1966.

Q—Now Mr. Appel, other than these signatures and the letter you have just shown me and state exhibits 30 through 43, were there any other documents which you studied in

this connection?

A—No.

Q—Did you draw any conclusion prior to receiving these documents?

A—No. That is, well, really, yes. Prior to receiving the originals, as I have already explained, I had film copies of many of these documents.

Q—Did you make a determination from a photograph?

A—That's true.

Q—Is this generally the best procedure for examining handwriting?

A—As I have said before, it is a purely practical matter and it depends on the evidence on the documents.

Some are not carefully constructed and others are normal writing. Some are consistent in one part to another.

Q—Would you say that speed is one criteria in handwriting analysis?

A—Yes, speed and the modification of letter forms, as for instance, an R written rapidly may appear as an I. It is by such abbreviations that a person gains speed. In a more normal writing speed, he may make a more formal R without realizing it.

Q—Do you know the speed at which the defendant wrote these examples?

A—I know it was written at a skilled and automatic speed.

Q—What do you mean by skilled?

A—That is the man's normal, or automatic writing, the type of writing he could do in the dark. It is his habitual way of writing.

Q—Now, you told Mr. Dymon on direct examination about differences in the writing. Were these significant differences?

may have been written after the other.

AT THIS POINT Alcock asked the court to take a brief recess and the request was granted.

ALCOCK ASKED the witness if he had blown up any of the other exhibits.

Appel said he made a negative containing a number of signatures written by Shaw and put it on enlargement paper.

Appel said he did this Monday in Washington. He told the court he examined photographs of the signatures.

Alcock asked the witness if there was any reason he chose defense exhibit 30 for his comparisons.

A—No, sir, I selected it at random.

Q—Did you have a chance to view all of them?

A—Yes.

Q—Did you not feel this one substantiated your position more than the others?

A—No, sir. I just selected it at random.

ALCOCK asked Appel if his specialty of analyzing questioned documents is an "exact science."

A—That would depend on what you mean by "exact."

Q—I mean exact . . . such as mathematics is an exact science?

A—No, sir. Mathematics is the only exact science there is. In this case, certainly the comparison of design is most scientific.

THE WITNESS then explained that it is necessary to have a minimum number of features before reaching a positive conclusion.

Q—Did you reach a positive conclusion in 1½ hours?

A—No, sir. I didn't.

He said he felt a minimum of two hours is needed in making comparisons and said he spent an entire day studying the film. He said he developed the film himself. He used a microscope with an 18-power enlarger for studying the film, he testified.

Alcock asked if the comparison was based on photographs, rather than the original.

A—Yes.

Q—Are mistakes ever made in your specialty?

ever heard of where humans are involved there is room for mistakes.

Alcock then questioned him about a case involving a person named Mac Hart.

The witness said he did not recall the case.

Alcock then asked if the verdict in the case substantiated the testimony he had given in that case.

THE WITNESS said he has never been proven wrong, although juries might decide in opposition to his testimony.

Appel added the possibility of his being wrong was remote because he had adopted a technique to make sure he was not guessing, that he was proceeding correctly in his analyses.

Alcock then asked the witness if he recalled testifying in New Orleans in the 1950s.

A—Yes, I do recall testifying here.

ALCOCK then asked Appel if the testimony regarded a will. Appel said it did. He said he detected in the signature that the decedant was plagued with a disease.

Alcock returned the questioning to the case at hand and asked if the conclusions were based on photographs.

Appel said he saw the original for the first time today in court, but that it did not change his position at all.

THE CROSS - examination ended and Dymond began questioning Appel.

Appel said the original confirmed his opinion.

Q—Would the position of a person, standing or sitting, make a difference in the signature?

A—No, sir, it would not.

Q—As an expert, do you feel you had sufficient amounts of material from which you could form a firm opinion?

A—Yes, I did.

Q—Are you being compensated for your testimony here today?

A—No, sir. I felt it a civic duty to offer my services as I have.

HE EXPLAINED that as a rule he does not take criminal cases. "I don't like to break down law enforcement."

sure the justice is not done a person.

Alcock resumed questioning of Appel and the witness repeated that he is not being paid for his participation.

Q—You testified you want to see that justice is done?

A—Yes, sir, that is correct. Ordinarily I will not accept a case against the prosecution, and I have worked with the prosecution on many cases . . . I've testified here before for the state.

He said he felt he was not needed as a general rule in criminal cases, except when "particular circumstances warrant it."

JUDGE HAGGERTY stopped the testimony, saying that it was "opinion."

Alcock insisted he had a right to pursue the line of questioning to see if the witness had formed an opinion about justice in this case prior to making the handwriting analysis.

Alcock also said the matter of compensation was raised by the defense.

APPEL SAID he did not form an opinion in the case, only that he was needed. He explained that he got into the case following a telephone call from Lloyd Cobb, president of the International Trade Mart.

He said Cobb asked him his fee. "I told him \$250 a day. He told me this man (Shaw) doesn't have such money as that."

Q—When did you receive this telephone call from Mr. Cobb?

A—The fourteenth of this month.

Q—Did you discuss the merits of this case with Mr. Cobb?

THE WITNESS said he did not.

Appel said he decided that although the fee could not be met and there was the possibility of an injustice being carried out, he would accept the duty.

Q—Did you know Mr. Cobb was a witness in this case?

A—No, sir, I did not. In fact, I knew nothing about this case.

Q—What? You knew nothing about the case and you were afraid an injustice would be done? No further questions.

duced into evidence a number of handwriting exhibits.

Arthur Jefferson Biddison was the next witness.

Q—Mr. Biddison, what is your address?

A—1414 Chartres st.

Q—How long have you lived there?

A—Since 1957.

Q—What is your occupation?

A—I'm a real estate man.

Q—How long have you been in real estate?

A—Eight or nine years.

Q—How long have you known the defendant, Clay L. Shaw?

A—About 23 years.

Q—I refer you to the year 1963 and ask if you owned an automobile?

A—Yes I did.

Q—What kind?

A—A 1960 black Cadillac sedan.

DYMOND SHOWED to Biddison a picture of a black Cadillac. The state has introduced the picture as evidence and contends that several persons saw Shaw in the car in

Clinton in the summer of 1963.

Q—Is this your automobile?

A—Yes, I think so.

Q—How can you identify this as your automobile?

A—By the house in the picture. It (the house) belongs to the man I sold it to.

Q—Did you know Shaw in 1963?

A—Yes.

Q—Were you a close friend?

A—Yes.

Q—During 1963 did you loan your automobile to Clay Shaw?

A—No.

Q—How are you able to be positive?

A—This car was used by me in my business and Mr. Shaw had one of his own.

Q—What kind?

A—A black Thunderbird.

Q—Did you loan your car to anyone else?

A—No. I used it personally for my company.

Q—Did you loan the car to anyone for a sufficient period for them to take it out of town?

A—Not in 1963.

Q—Did you ever loan it out long enough for a trip out of town?

A—Yes, in the summer of 1967 I loaned it to Shaw to visit his mother and father in Hammond.

—No.

Do you know Mr. Shaw use an alias?

—No.

Q—Did Mr. Shaw ever use the name of Clay Bertrand, to your knowledge?

A—Never.

Q—Clem Bertrand?

A—Never.

Q—Had you ever heard Mr. Shaw use the name of Lee Oswald or Lee Harvey Oswald?

A—No. I never heard the name until the assassination.

Q—Do you know if Shaw knew anyone named Lee Oswald or Lee Harvey Oswald?

A—No.

Q—Did he ever mention the name?

A—No.

Q—Do you know David W. Ferrie?

A—No.

Q—Have you heard Mr. Shaw mention the name?

A—Never.

DYMOND SHOWED the witness a picture of Lee Harvey Oswald.

Q—Have you ever seen this man before in the presence of Mr. Shaw?

A—No. I have never seen this man in person or in the presence of Mr. Shaw.

Dymond also showed him a picture of David W. Ferrie and Biddison testified that he had never seen Ferrie in the presence of Shaw.

DYMOND THEN showed the witness a picture of Lee Harvey Oswald with a beard and Biddison said he had never seen "that man" personally or in the presence of Shaw.

Q—In the years you have known Mr. Shaw, have you become familiar with his manner of dress?

A—Yes.

Q—Has he ever worn tight pants?

A—Never.

Q—Has he ever worn a hat?

A—Never.

Q—Does he own a hat, other than a military hat?

A—No.

Q—Do you recall a trip Mr. Shaw took to Europe in 1966?

A—Yes, I do.

Q—What part did you play in it?

A—I drove Mr. Shaw to lunch and saw him board the ship. I earlier had arranged to lease his home to a Mr. and Mrs. A. Francotta while he was to be away.

BIDDISON PRODUCED a use from a witness case.

Q—What is it?

A—It is a lease for 1313 Dauphine for three months beginning 4 May, 1966, to 3 Aug., 1966.

Q—Was the lease extended?

A—Yes. For two periods. From 4 Aug. to Sept. 3 and, with the approval of Mr. Shaw, again until Sept. 20, even though Mr. Shaw was returning from Europe.

Q—Have you ever received any mail for Mr. Shaw?

A—No. Not at my home.

Q—Any place else?

A—Yes, at my office.

Q—How was it addressed?

A—Mr. Clay Shaw, in care of my office at 920 Royal st. or in care of Marilyn Tate Realty Co.

Q—What did you do with it?

A—I opened it all and on two occasions I mailed some to him in Spain and England.

Q—Did you read the mail?

A—Yes. I opened it all because I had discretion of what I would forward to him.

Q—Have you ever seen the name of Clem Bertrand or Ray Bertrand come to Shaw at your office, at your home

or any place?

A—Never.

Q—How long have you lived at 1414 Chartres?

A—Since 1957. I restored the building. It was not a post office address until then.

Q—Could you describe the type of mail box you have?

A—It's a cast iron box of 1910-1920 vintage and attached to the side of the garage which is the main entrance.

Q—Is it locked?

A—No.

Q—Who takes out the mail?

A—I do.

Q—Have you ever taken out a letter addressed to Clem Bertrand?

A—Never.

Q—Have you ever received mail addressed to a Cliff Boudreaux?

A—Never.

Dymond then tendered the witness to the state.

Q—Mr. Biddison, does anyone reside with you at 1414 Chartres?

A—No.

Q—In 1966, did anyone stay with you?

1966, Mr. Shaw stayed there until he got back into his home.

Q—For what period?

A—The period, five to 10 days before Sept. 21.

Q—At this time, who is residing at your home besides yourself?

A—No one.

Q—Has anyone else ever resided with you at that address?

A—Mr. Fred Tate in 1965.

Q—Anyone else.

A—Mr. Clayton Gomez.

Q—For what period?

A—From 1961 to 1964.

Q—Has anyone else resided at the address of 1414 Chartres?

A—No one. I've had many house guests, but no other person resided there.

Q—Going back to 1963, how often did you see Mr. Shaw?

A—Very seldom in 1963. I was involved in restoration and he was involved in selling bonds for the new trade mart building.

Q—Then you saw him very seldom in 1963?

A—Very seldom.

Q—Have you ever loaned your black Cadillac to the defendant?

A—Yes.

Q—When?

A—In the fall, 1966.

Q—Did he make an out-of-town trip?

A—Yes, I believe he did.

Q—Where did he go?

A—To the best of my recollection, to visit his parents in Hammond.

Q—You received no mail at home for the defendant in the summer of 1966 or the fall of 1966?

A—No mail was forwarded to him. There may have been letters sent direct to him.

Q—That would have had to be from close friends who would have known of your friendship?

A—Yes.

Q—Did Shaw execute a change of address form in 1966?

A—Not to my recollection.

Q—Mr. Biddison, have you ever executed a change of address form with the post office.

A—Have I? Yes.

Q—Are you familiar with the form?

A—I can't say I am.

Q—I'm going to show you a state exhibit and ask if you are familiar with it.

Yes, I'm familiar with the form.

Q—Are you familiar with this particular form?

A—No.

Q—But, you are familiar with the form?

A—Yes, I've had them in the office for myself and my clients.

Q—What does the form you are holding show?

A—A change of address for Clay L. Shaw, canceling the previous change from 1414 Chartres to 1313 Dauphine.

Q—Do you know your postman?

A—Yes.

Q—Do you know his name?

A—I know it now.

Q—What is his name?

A—James Hardiman.

Q—For how long has he been your postman?

A—For as long as I can remember.

Q—Have you had any trouble with him?

A—No.

Q—Did you have occasion to talk to him about his testimony?

A—Yes.

Q—After his testimony?

A—No, prior to it.

Q—How did you know of his testimony prior to his appearance in court?

A—From Mr. Garrison's opening statement.

Q—Was he mentioned in the opening statement?

A—No, I was named and my address.

Q—Do you know any reason why Mr. Hardiman should testify incorrectly about the mail delivered to your address?

DYMOND OBJECTED and Judge Haggerty sustained the objection.

Q—Do you know Mr. Hardiman to be a truthful person?

Dymond objected that Biddison is not a character witness for the mailman. Judge Haggerty sustained the objection.

Q—Do you recall how much mail came to your office for the defendant while he was in Europe?

A—What comes to mind is tons of it.

Q—Tons?

A—I received a great deal of mail for Mr. Shaw.

Q—Have you and Mr. Shaw resided together prior to September, 1966?

and at 1906 Esplanade from 1950 to 1950.

Q—Have you since resided with Mr. Shaw?

A—No, sir.

Q—Are you from New Orleans?

A—No, sir.

Q—Where are you from?

A—Tulsa.

Q—Are you a close social friend of Mr. Shaw?

A—I am a close business and social friend of Mr. Shaw.

Q—Was anyone else residing at 1414 Chartres at the time the defendant was in Europe?

A—No.

Q—Have you gotten other mail at 1414 Chartres for other persons?

A—For approximately three months last summer for Mr. C. C. Bunker, who was my house guest. For three months last winter for Mr. Sherman Schroeder, who was my house guest.

Q—Have you received mail for other persons since 1963?

A—For my invalided mother and my deceased father. I received monthly Social Security checks for my mother. Other names escape me, although there are others.

Q—Now, the mail you received at home for the defendant. Was it forwarded from home or sent directly to the office?

A—It was sent directly and brought to my office by the tenant.

Q—Did you actually receive letters from the post office forwarded to your office?

A—No, to my knowledge, no.

Q—Was mail brought to you by the tenant?

A—Yes.

Q—And there were tons of it?

A—Not tons of that. No.

Q—How much mail did the tenant bring to the office?

A—Perhaps two or three letters a day. They brought them irregularly to us.

Q—Do you still own the black Cadillac?

A—No, I was negotiating in the fall and spring of 1966 and sold it to Mr. Ray Hyde, my maintenance man, who still owns it.

Q—And the way you recognize the car in the photograph is by the house in the background?

A—Yes.

Q—Do you remember lending it to any other of your house guests?

A—No.

Q—1414 Chartres became a mailing address in 1957, is that correct?

A—Yes.

Q—Were you subpoenaed to appear here today?

A—No.

Q—You came of your own free will because of your friendship with Mr. Shaw?

A—Yes, sir.

Q—No further questions. Biddison was excused.

Q—Did you say that Mr. Shaw was a salesman for you?

A—Yes, he was a licensed salesman for me after his retirement from the Trade Mart.

Q—In 1966, when Shaw was in Europe, did you say you never received a letter to a Clay or a Clem Bertrand?

A—No. Never.

THE WITNESS then was excused and the defense called James R. Phelan, a free lance writer from Long Beach, Calif.

Phelan said he was working for the Saturday Evening Post in 1963. He said he has 15 years' experience on newspapers.

Q—Did you come to New Orleans in 1967?

A—Yes. I was on assignment for the Saturday Evening Post.

Q—When did you come?

A—Probably late February of 1967.

Q—What was your purpose?

A—I wanted to interview Mr. Garrison.

Q—Did you?

A—Yes. After I was here four or five days.

Q—Did you meet him before?

A—Yes. About four years earlier in another article.

Q—When did you see Garrison first here in 1967?

A—First in his office here. Later at his home. And four or five days later in Las Vegas.

Q—Who suggested these meetings?

A—Mr. Garrison.

Q—Were they pre-arranged?

A—Yes.

Q—Do you know Mr. Sciambra?

A—Yes.

Q—When did you first meet?

A—After I returned from Vegas and after Mr. Shaw's preliminary hearing.

Q—Do you remember the date you went to Las Vegas?

A—Yes. I went out March 4 and I met Mr. Garrison at the airport on the fifth when he flew in from New Orleans and when he registered at the hotel under the name of W. O. Robertson.

Q—Who registered under the name W. O. Robertson?

A—Mr. Garrison.

Q—Have you anything to show the dates of that trip?

A—I have my own hotel bill. I stayed at the Dunes.

PHELAN PRODUCED the bill showing the room he occupied March 4-7, 1967.

Q—Did Mr. Garrison give you anything?

A—He gave me two documents but not until after several meetings and probably the day after he arrived. We had a series of conferences before.

Phelan produced the documents.

Q—Do you know what these contain?

A—Yes. I read the two documents and I re-read them.

Q—How many times did you read them?

A—At least six times.

Q—Why?

A—Because there was a wide discrepancy . . .

AT THIS POINT Alcock objected that the witness could not answer without expressing a personal opinion. Judge Haggerty sustained the objection.

Q—What did you do with them?

A—I Xeroxed them. And returned the originals to Mr. Garrison.

Q—Did you tell him anything?

A—No.

you saw him in 1963. A—No. I talked to him four or five times later before he left.

Q—Where did you go after the Las Vegas meeting?

A—I went to my home in Long Beach. Then I returned to New Orleans to cover Shaw's preliminary hearing for the Saturday Evening Post.

Q—Did you hear the testimony?

A—Yes.

Q—Then what did you do?

A—The next day I called Garrison and told him I was tremendously disturbed by the testimony of Perry Raymond Russo.

ALCOCK OBJECTED again on the grounds that he was making an opinion. This time he was overruled.

Q—Then what did you do?

A—Shortly after the phone call, it wasn't the next day, but it couldn't have been more than two days after, I went to Garrison's home. It was in the evening about 6 or 7.

Q—Who did you meet upon arriving?

A—Garrison, his wife and their children.

Q—What did you tell him?

A—I pointed out the wide discrepancy between what Mr. Russo had said in the Sciambra memo and what he said on the stand.

Q—And what did Mr. Garrison do?

A—His jaw dropped a little bit.

Q—And after he picked up his jaw, what happened?

A—He made a phone call and shortly afterward, Mr. Sciambra came in.

Q—Was he accompanied by anyone?

A—No. But before he arrived, Mr. William Gurvich came to the house.

Q—What did you tell Sciambra?

A—I told him in his report on his meeting with Mr. Russo in Baton Rouge there was no information about an assassination plot. The memo never said Shaw knew Oswald or that Russo knew Shaw or that Russo knew Shaw by Clay or Clem Bertrand.

TESTIMONY WAS interrupted when Alcock objected, saying the judge was allowing the witness to discredit Sciambra. Alcock said Sciambra was not allowed earlier to testify about this conversation in Garrison's home.

(Mount Clipping in Space Below)

# Shaw Due to Take Stand

Clay L. Shaw will take the stand today in what could be the final day of testimony in his trial for charges of conspiring to kill President John F. Kennedy, his attorney said last night.

As court opened this morning, the first witness was scheduled to be Lt. Edward M. O'Donnell of the New Orleans Police, but chief counsel F. Irvin Dymond said Shaw definitely will testify in his own defense today.

SHAW, 55, has been on trial since Jan. 21. District Attorney Jim Garrison charges he conspired with Lee Harvey Oswald and David W. Ferrie to kill Kennedy.

Dymond indicated Shaw may be the final defense witness. If so, the case could go to the jury after his testimony and closing arguments. However, the state has the right to call rebuttal witnesses. The DA's office has given no indication whether it plans to do so.

O'Donnell was on the stand under cross-examination yesterday when Criminal District Judge Edward A. Haggerty Jr. recessed court for the day.

Reportedly, New Orleans photographer Matt Herron will follow O'Donnell as the next defense witness. Shaw is expected to follow O'Donnell.

Here are the highlights of an eventful session yesterday:

—Lt. O'Donnell testified the state's star witness, Perry Raymond Russo, told him he was not sure of his testimony that Shaw was present at a September, 1963, meeting with Ferrie and Oswald in Ferrie's apartment at which the assassination was discussed.

—Mrs. Jesse Garner, Oswald's landlady, during his stay in New Orleans in 1963,

testified Oswald was always neat and clean-shaven when she saw him. Russo said Oswald was dirty, unkempt and bearded.

—Former Saturday Evening Post writer James R. Phelan of Long Beach, Calif., testified that Russo told him he was not sure of his identification of Shaw, but backed out when Phelan arranged a face-to-face meeting of the two because, Phelan said Russo told him, "I might have to change my story."

—Jefferson Biddison, a long-time friend of Shaw, countered earlier testimony by a postman that he delivered letters addressed to "Clay Bertrand" to Biddison's home at a time when Shaw was getting mail there. Biddison testified he did handle Shaw's mail for a period in 1966 while Shaw was in Europe, but never received any "Bertrand" letters.

—Charles A. Appel Jr., a nationally known handwriting expert, countered earlier testimony by a hostess at New Orleans International Airport that Shaw signed a guest register there as "Clay Bertrand" in December, 1966. Appel compared Shaw's handwriting to the Bertrand signature in the guest book and concluded they were written by two different people.

Appel, who gained fame in 1932 as the man who broke the Lindbergh kidnaping case, said he was appearing in this trial without his usual \$250 a day fee because he wanted "to prevent an injustice."

He added he knew nothing of the merits of the case when he took it, and chief prosecutor James L. Alcock said: "You formed an opinion in the case without knowing anything about it? No further questions!"

Biddison, a real estate dealer who lives at 1414 Chartres, said Shaw's mail was delivered to his office at 900 Royal while the defendant was out of the country, but never to

his home. The postman, James Hardiman, said the Bertrand mail went to 1414 Chartres. Biddison said he received "tons" of Shaw mail and still gets some "even today."

PHELAN'S TESTIMONY frequently was interrupted by objections. Judge Haggerty ruled he could testify to matters he discussed with Russo as long as it was within the realm of disrupting Russo's testimony earlier in the trial. Thus, there were frequent references to a transcript of Russo's testimony and the judge had to rule in each case whether a question was legitimate.

The writer said he came to New Orleans in February, 1967, to interview Garrison, and subsequently the DA gave him a copy of a memo written by Assistant DA Andrew J. Sciambra on a conversation he had with Russo in Baton Rouge Feb. 27, 1967.

THE SCIAMBRA MEMO has become controversial because it contained no mention of the alleged Shaw-Ferrie-Oswald assassination plot meeting. Sciambra testified earlier this was because the memo was hastily drawn. He said he did discuss the meeting with Russo and told Garrison so.

After Russo testified about the alleged plot meeting at the March, 1967, preliminary hearing for Shaw, Phelan said, he became "terribly disturbed" and went to see Garrison.

"I told him there was a complete discrepancy between what Mr. Russo told in Sciambra's memo and what he testified to on the stand," Phelan said.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-27-69

Edition: RED COMET

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

Classification: 89-

Submitting Office:

N.O., LA.

Being Investigated

ENCLOSURE

62-112900-6813

SKED HOW Garrison re-  
ed, Phelan said, "His jaw  
pped a little bit."  
And what did he do after  
king up his jaw?" Dymond  
ed.

Phelan said Garrison called  
Sciambra and confronted  
with Phelan's argument.  
Sciambra, Phelan said, re-  
ed that "I didn't know what  
bell I was talking about."  
The witness said he told  
Garrison and Sciambra "it  
is absolutely incredible that

lawyer ~~to go to~~ Baton  
Rouge and interview a poten-  
tial witness to the crime of  
the century, write a 3,500-word  
memo and leave out the  
crime."

Phelan then told of a meet-  
ing between himself and Rus-  
so, arranged by Sciambra, in  
Baton Rouge, to which he  
took photographer Herron. He  
said he showed Russo the  
Sciambra memo and Russo  
made four minor corrections  
in it.

The witness said he asked  
Russo why there was no men-  
tion of an assassination plot.  
Phelan said Russo told him  
he mentioned the alleged plot  
only after he got to New Or-  
leans.

He said he next met with  
Russo in May, 1967, after his  
Saturday Evening Post article  
critical of Garrison and Sci-  
ambra had appeared. He said  
Russo volunteered the state-  
ment:

"IF JIM GARRISON knew  
what I told my priest in Bat-  
on Rouge, ~~he would~~ go  
through the ceiling. I told  
my priest I wanted to meet  
with Clay Shaw and be sure  
of my identification of Shaw."

Phelan said he tried to ar-  
range such a meeting and  
Shaw agreed, but Russo  
"backed off." He said Rus-  
so first gave as his reason  
that "if word of it leaked back  
to Garrison, Garrison would  
clobber him."

Later, however, Russo gave  
another reason, Phelan said.  
He quoted Russo as saying:

"I LIED TO YOU the first  
time about why I didn't at-  
tend a meeting with Shaw.  
The reason I didn't was that  
if I got into a room with  
Shaw, I would know he was  
not the man.

"And what would I do  
then? I could run somewhere  
—California, Mexico, become

a beatnik ~~at I~~ ~~id never~~  
run from myself.

Asked if ~~so~~ expressed  
fears of reprisal from Garri-  
son if he changed his story,  
Phelan said Russo "repeated-  
ly said he was sorry he had  
come forward as a witness,  
and felt trapped. If he tried  
to change his story Garrison  
would charge him and he  
would lose his job."

On cross-examination, Al-  
cock asked Phelan why in his  
6,000-word Post article he did  
not mention that Russo did  
not tell Sciambra about the  
assassination plot meeting.  
Phelan said the article was  
cut for space reasons.

PHELAN SAID RUSSO  
expressed a desire for legal  
help and asked him for ad-  
vice, saying he did not have  
enough money for a lawyer.  
Phelan said NBC producer  
Fred Freed, for whom Phelan  
was working at this point,  
told him there was a well-  
known lawyer who would take  
Russo's case without fee. He  
said he relayed this informa-  
tion to Russo.

"Did you tell Russo he  
would be patsy if Clay Shaw  
were not found guilty?" Al-  
cock asked. "Did you tell him  
that Garrison would turn on  
him?"

"Yes," said Phelan. He said  
Garrison told him he was go-  
ing to discredit attorney Dean  
A. Andrews Jr., later con-  
victed of perjury. (Phelan ad-  
mitted the DA did not men-  
tion Andrews by name.)

Phelan said his lawyers ad-  
vised him ~~not to come~~ to New  
Orleans after the Post article  
appeared "because of Mr.  
Garrison's ruthlessness with  
people who criticize him."

But when he arrived on his  
NBC assignment, Phelan said,  
he told Larry LaMarca and  
Pershing Gervais, two friends  
of Garrison, to "tell Big Jim  
I'm in town and I'm not hid-  
ing from anybody."

MRS. GARNER TESTIFIED  
she saw Oswald about once a  
week during the summer of  
1963 and "he was very neat."

She said she never saw  
Shaw with Oswald.

Shown a photo of Ferrie,  
Mrs. Garner replied he was  
the same man who rang her  
doorbell either the night of the  
Kennedy assassination (Nov.  
22, 1963) or the next evening.  
She said Ferrie came alone  
and after dark.

Mrs. Garner was prevented  
from repeating what Ferrie  
said to her, but said he  
stayed a few minutes and then  
left when she found out he  
was not a law officer.

(FERRIE SAID before his  
death here on Feb. 22, 1967,  
that he was in Houston the  
day of the assassination and  
in Hammond the next. This  
is corroborated from other  
sources.)

Mrs. Garner said after the  
Oswalds left, she found their  
apartment in "very dirty"  
condition.

Lt. O'Donnell testified he  
talked with Russo in the po-  
lice station on June 19, 1967,  
and Russo asked him if he  
could show him Garrison's  
case against Shaw in its en-  
tirety.

HE SAID RUSSO indicated  
he wanted to examine it to  
see how strong it was, as this  
would assist him in deciding  
how he would testify.

"It told him to examine his  
conscience and not lean on  
what Mr. Garrison has . . ."  
Lt. O'Donnell said.

The policeman said he wrote  
a memo on the conversation  
and sent a copy to Garrison.  
Other copies went to the chief  
of police and to immediate  
superior, while he retained a  
copy, the witness said.

On cross-examination, Al-  
cock brought up a meeting in  
Garrison's office between  
O'Donnell, Russo, Garrison  
and another Garrison aide.

AT THIS TIME, O'Donnell  
said, Russo "did a double  
take," denying he ever said  
what he did ~~in the~~ June 19  
conversation.

Alcock asked O'Donnell if  
he told Russo at that time he  
had a tape recording of their  
conversation. After reading  
notes on that meeting, O'Don-  
nell admitted he had, though  
no such tape existed.

In the June 19 conversa-  
tion, O'Donnell said, Russo  
told him he went to the  
March, 1967, preliminary

hearing with the intention of  
telling the truth, "but you  
(Dymond) turned him on by  
asking if he believed in God,  
and this was a sensitive point  
for him, and after you, as he  
said, turned him on, he de-  
cided he was going to bury  
you."

"BURY ME?" asked Dy-  
mond.

"Yes," Lt. O'Donnell said.

However, on cross-examina-  
tion, the policeman acknowl-  
edged nothing was said about  
Russo's use of the word  
"truth" in his memo to Gar-  
rison.

Judge Haggerty recessed  
court before the state com-  
pleted its cross-examination  
of Lt. O'Donnell.



RALPH VINSON  
NEW ORLEANS STATES-ITEM

AMONG WITNESSES WHO TESTIFIED yesterday in the trial of Clay Shaw were CHARLES A. APPEL JR., top drawings, a retired FBI handwriting

expert; JEFFERSON BIDDISON, bottom left, a French Quarter real estate man, and JAMES PHIELAN, a free-lance magazine writer.



12/14/66 Clay Destrand New Orleans, La

COPY OF SIGNATURE FROM GUEST REGISTER AT N. O. INTERNATIONAL AIRPORT

12/14/66 Clay Destrand New Orleans, La

DEFENDANT CLAY SHAW'S VERSION WRITTEN FOR HANDWRITING EXPERT

(Mount Clipping in Space Below)

# RUSSO DENIED SHAW AT PARTY--OFFICER

## Lt. O'Donnell Testifies About Interview

A veteran New Orleans police officer testified Wednesday at the trial of Clay L. Shaw that in June, 1967, Perry Raymond Russo told him Shaw was not at the mid-September, 1963, party at the apartment of David L. Ferrie.

Lt. Edward M. O'Donnell, who is assistant commander of the homicide division and has been on the force for 17 years, made the statement after being called as a witness for the defense.

Shaw is standing trial on a charge that he participated in a conspiracy to assassinate President John F. Kennedy. The conspiracy allegedly involved Shaw, Ferrie and Lee Harvey Oswald.

Shaw is expected to take the witness stand Thursday.

Lt. O'Donnell said that he interviewed Russo — the state's star witness—June 19, 1967, and during the course of his conversation he asked Russo why he testified as he did during the preliminary hearing three months earlier.

Lt. O'Donnell said:

"He told me that when he got to court (for the preliminary hearing) he came with all intentions of telling the truth and you (F. Irvin Dymond, chief defense attorney) turned him on by asking if he believed in God, and this was a sensitive point for him, and after you, as he said, turned him on, he decided he was going to bury you."

"Bury me," asked Dymond.

"Yes," Lt. O'Donnell replied.

## 'Garrison Was Told of Statement by Russo'

Lt. O'Donnell said that as soon as he completed his interview with Russo he immediately went to the office of District

Attorney Jim Garrison and reported to him and James L. Alcock, the chief prosecutor in the Shaw trial, what Russo had told him.

Lt. O'Donnell was undergoing cross examination at 5:35 p. m. when Judge Edward A. Haggerty recessed the trial until 9 a. m. Thursday.

Immediately before Lt. O'Donnell's appearance, Mrs. Jesse Garner, the former landlady of Oswald in New Orleans, testified that Ferrie came to her home either the night of the assassination or the night after.

Mrs. Garner, 4011 Magazine, was another of five defense witnesses called Wednesday as Shaw's attorneys attempt to batter down the state case.

Called presumably to testify about Oswald's appearance, dress habits and behavior, Mrs. Garner was shown photographs of Oswald and Ferrie. She also testified she never saw Shaw prior to his arrest in March, 1967, and never in person until last week.

When she was shown Ferrie's picture she said she recognized him as a man who came to her home shortly after the assassination.

Oswald lived in an apartment in the same building as Mrs. Garner. She said a lot of people, mostly federal agents, were in and out of her home immediately after the assassination.

She said Ferrie arrived, and after a few minutes, when she determined he was not there on official government business, she asked him to leave. She said he was alone.

Ferrie reportedly left the city the afternoon of the assassination when he said he went to Houston.

Other witnesses called included James Phelan, free-lance magazine writer, who said on direct-examination that Russo,

after the preliminary hearing, backed out of ~~meeting~~ with Shaw, though Shaw agreed to it. Phelan said Russo told him he wanted to be sure Shaw was the man he claimed he was.

Phelan alleged Russo told him the reason he backed away was "if word got back to Jim Garrison, he would clobber me."

Later, testified Phelan, Russo told him that he lied about the reason. Phelan quoted Russo as saying that "the reason I didn't was that if I got into a room with Shaw, I would know it was not him."

Phelan said Russo told him he could run some where "but I could never run from myself."

## Handwriting Expert Testifies of Signature

(Charles A. Appel Jr., a retired handwriting expert for the Federal Bureau of Investigation, testified the signature "Clay Bertrand" on the guest register at New Orleans International Airport was not written by Shaw.

A state witness earlier testified she saw Shaw sign the name.

Also, Jefferson Biddison, a real estate man and long-time friend of Shaw, who handled Shaw's mail while Shaw was in Europe in 1966, appeared. Biddison said he received no mail during the period addressed to either a Clem or Clay Bertrand. A postal worker testified he delivered mail to the Biddison address during this period addressed to Clay Bertrand.

Much of Phelan's testimony and cross examination concerned a memorandum written by assistant district attorney Andrew M. Sciambra following Sciambra's initial interview with Russo.

The "Sciambra memo" did not mention a conspiracy meeting, as Russo later testified during Shaw's preliminary hearing

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date:

Edition: 2-27-69

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

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N.O., LA.

Being Investigated

ENCLOSURE 62-117000-602

during the current trial. He allegedly took at Ferric's apartment on Louisiana ave, pkwy during September, 1963.

Appel, Biddison and Phelan were called during the morning session, but only the questioning of Appel and Biddison is completed.

Appel, who was qualified as expert in the field of handwriting prior to the trial's resumption Tuesday, was the first witness called.

In direct questioning by Dymond he told the court that he examined photographic samples of Shaw's handwriting as well as a photographic reproduction of the Clay Bertrand signature and in the Eastern Air Lines P register.

He said that he performed examinations and comparative tests on the handwriting samples to determine the written motion habits which causes the design of letters.

He said the first thing he did was to copy the design of the signature from the register "so as to make sure I was receiving the hand movements."

He said he also did this with "Clay Bertrand" signature signed by Shaw "to compare each and every design caused by the motion of the pen."

He said that Shaw writes larger than the person who signed the register, and that the proportion of one letter size to another is larger in Shaw's handwriting, and pointed out that the "C" in the register was smaller than a "C" in Shaw's writing.

### Expert Points Out Differences in Letters

Appel, using a blow-up photograph of the signature with a blow-up of a sample of Shaw's writing of "Clay Bertrand," then went through each letter of

pointed out differences between the two. He asserted that law leaves 1948 when he retired. He said his "a's" open areas the register signature had a closed "a" saying "the writing act is such a delicate act of movement coordinating hands, fingers, and arm with the direction of the eyes that all of these things have to be the same to produce the same design."

He characterized Shaw's handwriting as being done rapidly "in what some teachers would call a scribbling fashion," and said there was a completely different style of writing between the two signatures.

After going through each letter, Appel said, "It can be seen these are distinctive forms; neither of these entries are carefully composed," and he added that in making copies of signatures, "it is necessary to make much slower movements."

Of the "Clay Bertrand" signature in the register, he said: "It is more formal, slower, but nevertheless natural to the person doing the writing. Because of these differences, I concluded they were not written by the same person."

Dymond asked Appel if he confined his study to just one sample of Shaw's handwriting, and he said his study included "a good many other" samples, some written in 1966. "And then I asked that he be requested to write on a number of sheets, each independent of the other so he could not see the writing on the previous sheet."

Dymond asked what these comparisons revealed, and Appel replied: "The entry in the book was made by some other writer entirely."

He said that the various samples of Shaw's handwriting which he studied showed no significant differences, "just natural variations."

"Did you come to a firm conviction?" asked Dymond. "Yes, I did."

"And what was that, Mr. Appel?"

"That the defendant Shaw did not write the entry in the book."

On cross-examination, Alcock asked Appel if he had occasion at any time to do similar handwriting studies for the Federal Bureau of Investigation in connection with the assassination of President Kennedy.

### Examination Made Entirely with Photos

Alcock asked if his examination consisted entirely of analysis of photographs, or if he studied the original samples. He said photographs were used. Alcock asked if, as a general practice, it would not be more desirable to have original samples.

Appel said it is always better to have originals, but it is not necessary.

He said he examined all originals of Shaw's handwriting after he arrived in New Orleans, and that he saw the questioned signature in the register for the first time when it was shown to him on the witness stand.

"You did point out, though, that it is better to see the originals, did you not?" asked Alcock.

"It is not necessary at all if the evidence concerns design of letters, and these (the photographs) showed very well, so there was no problem."

He told Alcock that, in the case of a suspected forgery, it is necessary to obtain the original because the forger does not move the pen continuously, but rather very carefully "and this produces a tremor, and the pen is removed from the paper and replaced."

Alcock asked whether Appel saw Shaw write the signatures, and Appel said he did

not, but he asked that they be written a certain way and assumed that was the way the signatures were written.

He told Alcock he asked that the signatures be written with Shaw seated in a normal writing position, and he asked him to write the content of the entry in the register. After Shaw did this, the paper was removed, and he was asked to do it again, until finally he had repeated the process 10 times, providing 10 different handwritings of the same signature.

Alcock asked Appel if he knew whether the person who signed "Clay Bertrand" in the register was seated or not, and Appel said he did not know, and he said in answer to later questions that there is no great

not, the letter forming remain-ly the same.

why did you have him?

"Because people learn to write seated," answered Appel.

### 1966 Letter Examined, Appel Tells Court

Appel said he also examined a letter Shaw wrote to one of the Wegmanns in 1966. Alcock asked to see it and, after reading it, asked how he concluded that it was written in 1966, since it was not dated.

"I was told it was taken from the files of Mr. Wegmann," he replied, and said later he received several samples of Shaw's signature in writings made in 1966.

"Did you make your conclusion prior to seeing the original documents?"

"I did." Appel later told Alcock that no two signatures are exactly alike, "even though one is written right after the other."

There was a recess; and following it, Alcock resumed his cross-examination. He asked Appel how he selected the particular Shaw signature of the name "Clay Bertrand" that was used on the blow-up. He said it was one of the samples he received, and it was selected at random.

Alcock asked: "Is your specialty an exact science?"

"How exact do you mean?" asked Appel.

"As exact as mathematics." "Mathematics is the only exact science there is," replied Appel, adding that his specialty is as exact as chemistry, and added: "Certainly the comparison of the design is scientific . . ."

Alcock then asked if mistakes are made in his field; and Appel said, "Mistakes are made in any kind of endeavor that a human undertakes." He quickly added his conclusions have never been proven wrong in court.

Alcock then mentioned some Louisiana cases and asked Appel if he recalled them. Alcock intimated that in some cases he named, the side that Appel testified for did not always win.

Appel said that what he meant when he made his earlier statement was that "no one has even proven my position was wrong."

what he saw in court, the original of the signature in the register "verifies what I found."

On re-direct, Appel told Dymond that having seen the original of the register signature confirmed his opinion. Dymond asked if there is any difference created by writing sitting or standing. "No, sir," said Appel, "that would concern a different aspect of the sitting entirely."

Dymond then asked Appel if he was being compensated for testifying.

### Witness Appears because of Civic Duty

"No, I'm appearing because I feel it a civic duty." He explained that in the past he had done this, adding he does not normally take criminal cases, but when there

comes a time when "without any services an injustice may occur I do it as a civic duty."

Dymond said he was finished. Alcock immediately questioned Appel about his last statement. Appel repeated he does not appear as a defense witness in criminal cases "unless there are some peculiar circumstances that convince me an injustice might be done."

Judge Haggerty said he thought the state was allowing the witness to go into a field which the jury would eventually have to decide.

He told Alcock he was permitting the witness "to go beyond the scope of his testimony." Alcock countered that this was a subject that was entered by the defense.

Alcock asked Appel when he formed his opinion about an injustice; Appel said, "I formed an opinion that was needful for me to intervene."

He then explained that Lloyd Cobb, who previously testified as a defense witness, called him and asked what he would charge for his services. He said he worked for Cobb on previous cases. Appel said he told Cobb his fee was \$250 a day, and Cobb said the defendant does not have that kind of money. He said the call was made last Feb. 14.

After his discussion with Cobb, Appel said, he felt the defendant could not pay "and possibly stood a chance of an injustice."

Cobb was asked in this trial for "No, I don't know anything about the case."

"And yet you formed an opinion about the case?"

"That's right," answered Appel.

"That's all," said Alcock. The witness was excused.

Biddison was called next. He said he has lived at 1414 Chartres since 1957 and has known Shaw for 23 years.

Dymond asked Biddison if he owned an automobile in 1963, and Biddison said he did. He said he owned a 1960 black Cadillac. Dymond then showed him a state exhibit of a black Cadillac and Biddison identified it as the one he owned. He said he recognized it as being photographed in the driveway of the man to whom he sold it.

The photograph of the black Cadillac is a state exhibit that was shown to witnesses from Clinton, La., who said they saw Shaw and Ferrie sitting in it in late August or early September, 1963. One witness said he saw Oswald get out of the car, and he identified Shaw and Ferrie as remaining in the front seat.

Dymond asked Biddison if he knew Shaw in 1963 and if he was a close friend of his at that time. He said yes to both questions.

### Biddison Did Not Lend Auto to Shaw

"Did you lend your car to Clay Shaw?"

"No." Dymond asked why he was so positive, and Biddison said that he used his car in his business (real estate) and Shaw had a car of his own, a black Thunderbird.

Dymond asked if during 1963 Biddison loaned his car to anyone "for a sufficient period to take a trip out of town?"

"No, not in 1963," he said. Dymond asked Biddison if he knew Shaw ever to go under a name other than Clay Shaw or Clay L. Shaw. "No."

"Did you ever know him to use an alias?"

"No." He also said he did not know a Clay Bertrand or a Clem Bertrand.

firmatively to a Dymond question of whether during time he has known Shaw he was reasonably familiar with Shaw's circle of friends.

He also said he did not know a Lee Oswald or a Lee Harvey Oswald, or a David W. Ferrie or

a Dave Ferric, and did not know of either of these persons being acquaintances of Shaw, nor did he ever hear Shaw mention either name.

He was shown pictures of Oswald and Ferrie and repeated he never saw them, nor did he ever see them in the company of Shaw.

"During the years you have known Mr. Shaw, have you been familiar with his manner of dress?" asked Dymond.

"Yes," answered Biddison.

"Have you ever seen him wear tight pants?"

"No."

"Have you ever seen him wear a hat?"

"No."

### Witness Recalls Shaw Trip to Europe

Dymond then asked Biddison if he recalled when Shaw took a trip to Europe in 1966, and the witness said he did.

Biddison said he drove Shaw to the ship that he sailed on and handled the leasing of Shaw's home during the period Shaw was to be away.

He said Shaw's home at 1313 Dauphine was originally leased for the three-month period from May 4, 1966, to Aug. 3, 1966, but the lease was later extended to Sept. 3, 1966, and again to Sept. 20, 1966, even though Shaw had returned to the city.

"During the time he was out of the country, did you receive mail for him?"

"Not to my knowledge, at my home," answered Biddison.

He said he received mail for Shaw at his office at 900 Royal, and some mail was brought to his office by the people who leased Shaw's home.

Dymond asked what he did with the mail, and Biddison said that on two occasions he placed certain correspondence in envelopes and mailed it to Shaw in Spain and England.

Dymond asked if he had occasion to look at Shaw's mail, and Biddison said he opened all the mail; and it was at his discretion what correspondence he would forward to Shaw.

"Did you ever receive any mail at your office, residence or any place, addressed to Clay Bertrand?" asked Dymond.

"Never," answered Biddison, "prior to the commencement of this trial."

He described the type of mail box at his home and said he did not recall any mail addressed to Shaw being delivered to his home.

Dymond asked if a Clifford Boudreaux ever lived at his home, and Biddison said "no." (Clifford Boudreaux was a name which Dymond mentioned to James Hardiman, Biddison's mailman. Dymond asked Hardiman if he ever delivered mail addressed to him at Biddison's residence, and Hardiman said he thought he had.)

On cross examination, Alcock established that Shaw resided with Biddison for a short time, about a week, after Shaw returned from Europe in 1966 and before he was able to get back into his own home.

Alcock asked who else lived with Biddison at the apartment. He said that Fred Tate lived there in 1964 and 1965, and that a business partner in the restoration of 1414 Chartres, Clifton Gomez, lived there with him from 1957 until 1961.

Biddison said there were no other permanent residents at the address during the period he has lived there, but he added he has had many guests from time to time.

### Witness Saw Shaw Very Little in 1963

Alcock asked Biddison if he saw Shaw very much in 1963, and Biddison said he saw him very seldom because Shaw was "fully involved" with International Trade Mart business.

"How about the summer?"

"Particularly during the summer," answered Biddison.

Alcock asked Biddison if he ever loaned his car to Shaw.

said he had, and he believes Hammond. He said that at most, he loaned his car to w on three occasions, but could not remember the es.

Alcock returned to the ques- of Shaw mail received. Biddison said that no mail forwarded from Shaw's office to his own, although said there may have been ers addressed to Shaw di- ly to 1414 Chartres.

Alcock asked Biddison if he knew whether Shaw ex- ecuted a change of address before he left on his Euro- pean trip. "It was my under- standing," said Biddison, "that Mr. Shaw's mail was forward- ed to my office." He added that "even today" he receives mail for Shaw at his office. Biddison, questioned about change of address forms, said

executed them for client's his real estate business. He is then shown a state exhibit, change of address cancella- tion directing that mail for law re-directed to 1414 Char- es should be referred to 1313 uphine, Shaw's home.

Biddison repeated that, to the best of his knowledge, no Shaw mail was re-directed to 1414 Chartres.

"Do you know the postman who delivers mail to your home?"

"Yes, I do."

"Do you know this man's name?"

"I do now," said Biddison, "Hardiman, James Hardiman." (Hardiman testified earlier in the state.)

Alcock asked Biddison if he had ever had any difficulties with Hardiman, and Biddison said no.

Biddison was then asked if he had occasion to ask Hardiman about his statement that during the period Shaw was out of the country he delivered mail addressed to Clem Bertrand to the 1414 Chartres address.

Biddison said he had. "when it was published in the newspaper."

Alcock asked if he meant Hardiman's testimony, and Biddison said he referred to District Attorney Jim Garrison's opening statement which "named me and my address."

"Did you know about this prior to it being published in the newspaper?"

"No."

could think of any reason Hardiman would say some- thing untrue in delivering mail to the Chartres address, but Dymond objected. Judge Haggerty sustained the objection and told Alcock that Biddison was not a character witness for Hardiman.

Next Biddison was asked how much mail he received for Shaw at his office.

"What comes to mind," said Biddison, "is tons of it."

He said he opened every piece of Shaw's mail, both personal as well as business, and said Shaw had complete confidence in his doing this.

Alcock then asked if, prior to the fall of 1966, Biddison lived with Shaw. He answered that from 1946 until 1948 they lived at 537 Barracks and from 1948 until 1950 they lived at 906 Esplanade. Biddison said that Shaw owned 906 Esplanade.

Alcock asked Biddison if he received mail for anyone else at 1414 Chartres. He named a C. C. Bunker and a Sherman Schroder, both of whom he identified as one-time house guests, and he said that from 1963 on he has received mail for his invalid mother, his deceased father, and Social Security checks for his mother.

"Other names escape me," he added.

Alcock told Alcock he sold his black Cadillac in late fall of 1966, and he said he never loaned his automobile to his house guests.

He told Alcock he was not subpoenaed to appear as a witness but appeared of his own

volition. He said that after his retirement from the Trade Mart, Shaw was a licensed salesman for the real estate business he operates.

Phelan was called next.

Phelan was called as a witness at 11:30 a.m., but his testimony was halted shortly before noon when the defense attempted to question him about a conversation he had with Sciambra at the home of Jim Garrison in March, 1967.

Phelan said he came to New Orleans in late February, 1967, shortly after news broke of Garrison's investigation into the assassination, on assignment from Saturday Evening Post.

He said he got to see Garrison after his arrival and started to say Garrison suggested a trip to Las Vegas, but Alcock ob-

Phelan then told Dymond saw Garrison first at his office and later at his home and subsequently met him in Las Vegas.

"Did you suggest the meeting in Las Vegas?"

"No sir."

"Was it pre-arranged?"

"Yes sir."

Phelan said he met again with Garrison after the Las Vegas trip and after Shaw's preliminary hearing.

Phelan then produced a bill for the room he occupied at the Dunes Hotel during his stay from March 4 to March 7, 1967.

He said he first saw Garrison in Las Vegas March 5 and talked to him at the Sands Hotel. He said Garrison gave him two documents, and he identified one as the Sciambra memo.

### Phelan Was Given Documents to Read

Phelan said he thinks Garrison gave him two documents March 6, and the presentation followed a series of conferences.

He said after he received the document he returned to his hotel room and read them several times. He mentioned six readings and Dymond asked why, and Phelan said because there were so many discrepancies in them.

Alcock objected that the Sciambra memo had already been read to the jury, and Phelan could not express an opinion about it in their presence.

Dymond asked the witness to try to answer the question without expressing an opinion; and after a pause, Judge Haggerty added: "It's almost impossible."

Dymond said he realized that and then asked Phelan what he did with the documents. Phelan said he made copies and returned the originals to Garrison. He said he did not tell him anything at the time, and he believes he spoke with him one more time.

Phelan said he left Las Vegas March 7, returned to his home in Long Beach, Calif., and returned to New Orleans to cover Shaw's preliminary hearing for the Post.

He said he was in the courtroom for the testimony, and he believes that the day after the hearing ended he called Garrison "and told him I was terribly disturbed by the testimony of Perry Raymond Russo."

Alcock objected but was over-ruled.

Phelan said that, shortly after talking with Garrison on the telephone, he went to Garrison's home and arrived about 6 or 7 p. m.

Dymond asked who else was present, and Phelan said Mrs. Garrison and the Garrison children.

Dymond asked Phelan what he told Garrison.

"I told him there was a complete discrepancy between what Mr. Russo told in Sciambra's memo and what he testified to on the stand," answered Phelan.

Dymond asked for Garrison's reaction; and Phelan said, "His jaw dropped a little bit."

"And what did he do after picking up his jaw?"

Phelan said Garrison made a telephone call. Dymond asked what the result was, and Phelan said Sciambra arrived at the Garrison home. He said that, in the meantime, William Gurvich had also come to the house.

Dymond asked the witness if he said anything to Sciambra, and Phelan began, "Yes, I told him that in his report on his interview with Mr. Russo in Baton Rouge that there was no information whatsoever about an assassination plot, or that Mr. Shaw knew Lee Oswald or that Mr. Russo said he knew Mr. Shaw as Clay Bertrand or Clem Bertrand."

### Argument Ensues

#### Over Defense Question

Dymond asked for Sciambra's reply, but the state objected. Arguing began, and the jury was ordered out of the courtroom. Dymond maintained that Sciambra testified as a witness and denied making a certain statement to Phelan, that there was not a conflict in the testimony of two wit-

esses, that the defense had a right to impeach certain statements by Sciambra.

The defense maintained that it laid the proper foundation for impeaching Sciambra in its questioning, and Judge Haggerty indicated that he would rely on the testimony during the bench break and rule on it after the trial was resumed.

The afternoon session was more than 55 minutes late in starting as the court waited for a transcript of the testimony of Sciambra. The defense was seeking to throw the door open for questioning of Phelan by asking on an article pertaining to prior contradictory statements. This was vital to the defense, so that it could have Phelan tell what Sciambra related to him in a meeting at Garrison's house.

Finally at 2:27 p.m., Judge Haggerty and the state and defense returned to the courtroom. In the 57-minute wait, spectators used the time to visit with each other and compare notes. One priest leaned back in his chair and appeared to be napping.

Dymond read the questions that he wanted to ask Phelan, and Judge Haggerty said to bring the jury back.

With the jury in, Dymond asked Phelan, "Referring to the meeting at the Garrison home with William Gurvich, you, Sciambra and Garrison, did you ask Mr. Sciambra why the report of his interview with Perry Raymond Russo in Baton Rouge Feb. 27, 1967, didn't contain anything concerning the assassination plot?"

Alcock immediately objected. Dymond explained that Sciambra in his testimony before the trial was asked whether he had claimed the account of the assassination was in the Feb. 27 memorandum to Garrison and that after some explanation, Sciambra said, "No."

Judge Haggerty ruled that Sciambra did not distinctly deny the question, and that the defense could proceed to get answers from Phelan.

Phelan was able to say whether he asked Sciambra about the commission of anything about the assassination plot in the Feb. 27, 1967, memo. He replied, "I certainly did."

"What was Mr. Sciambra's reply?"

"He didn't know what the hell I was talking about," said Phelan. "That I was all wrong that there was nothing about the plot in the memo."

Phelan said he told Sciambra, "I'll bet you my job on the Saturday Evening Post if you'll bet your job on the district attorney's staff. We will read it and find out who is right. I got no bet."

### Witness Alleges He Asked for Notes

In response to a question, Phelan said the next day he went to the office to clear up the discrepancy. He said he told Sciambra it could be cleared up by his producing the original notes. "I assumed if it was heard," said Phelan, "that there was a note made of it. I told him, 'Get your notes.'"

"What other discrepancies were found in the memo?" asked Dymond.

"I object," said Alcock. "He is asking for this man's opinion."

Dymond agreed, and rephrased the question, "Were there any other matters discussed?"

Phelan said there were. "We went over one line at great length," he said.

There was a pause as Phelan was furnished a copy of the Sciambra memo. "The main point is on Page 6," said Phelan.

"I object," protested Alcock. "He just can't go down the memo and read it to the jury."

Phelan, after Dymond rephrased the lead-in, said, "I pointed out to Sciambra that Russo in his preliminary hearing testimony said he saw Shaw three times before, while it said only twice in the Sciambra memo. The one time not mentioned was the party at which the assassination plot presumably occurred. I told Garrison that I thought Sciambra could count to three."

"Our conversation centered largely on this. I said it was absolutely incredible that a lawyer could go to Baton Rouge and interview a potential witness in the crime of the century, write a 2,500-

crime. I said if he had to Russo describe the plot and come back and write one paragraph on the meeting, I would have to mention the plot."

Phelan next told of a meeting with Russo, pre-arranged by Sciambra, in Baton Rouge. He said he took along Matt Herron, a New Orleans photographer who shot pictures for the Saturday Evening Post.

"We talked several hours," said Phelan. "He gave me the background of how he appeared as a witness. I told him I was going to use the Sciambra memo in my Saturday Evening Post story, and I asked him if he would make corrections on it. He read it line by line and made four specific corrections and a comment."

These were the corrections, according to Phelan:

—Al Landry, not his mother, told Russo that David W. Ferrie had taken him out of the country.

—Russo said he, Landry and Ferrie met at a place next door to the Intellect Bar and not the Intellect itself.

—Ferrie had never admitted to Russo that he was a homosexual.

—Russo said that he had not been hypnotized before.

### Russo Allegedly Noted Two Meetings Listed

"Did he take exception to mentioning that he (Russo) had only seen Shaw twice, as the memo read?" asked Dymond.

Phelan replied, "I had underlined that line. As he was reading through the memo, Russo stopped and said, 'I should have said three times. Usually I am pretty careful about what I say, but maybe I said only twice.'"

Phelan said he asked Russo why there was no mention of the assassination plot. Phelan said Russo told him he mentioned the assassination plot after he got to New Orleans.

Phelan said his next meeting with Russo was the last week of May, 1967. In the meantime, he had gone to New York and written a Post story on the Garrison probe. As a result of a call to Herron, inquiring about the local reaction to the article, Phelan said he called Russo and set up the meeting. It was at Russo's home "near City Park" in New Orleans.

"New Orleans?" asked Dymond.

"I didn't ask him anything," said Phelan. "We played a little pool and then, returning to his home, Russo out of the blue made a statement to me on the sidewalk."

The state immediately objected, saying "no predicate had been laid for the statement."

Dymond asked Phelan, "Does this have anything to do with a priest?" Phelan said it did.

There was another legal hassle, but Judge Haggerty allowed the defense to continue on the same line.

"What was the statement?" asked Dymond.

"Russo right out said to me, 'If Jim Garrison knew what I told my priest in Baton Rouge, he would go through the ceiling. I told my priest I wanted to meet with Clay Shaw and be sure of my identification of Shaw.'"

Phelan said he told Russo, "For God's sake, you got up in court and put your hand over the man's head and said he was the person and now you want to make sure you were right!"

Phelan said a meeting with Shaw was suggested for Russo. Phelan said he went to the office of William Wegmann and told Shaw what Russo had said. "Shaw agreed to it immediately," said Phelan. "And Russo backed off."

### Witness Is Asked If Russo Gave Reason

Dymond asked Phelan if Russo ever gave him reason why he (Russo) didn't go to such a meeting.

"He said if word of it leaked back to Garrison, Garrison would clobber him," said Phelan.

Dymond questioned Phelan if there were other reasons given by Russo; and after another legal spat, Phelan was able to tell another reason.

"Russo said to me, 'I lied to you the first time about why I didn't attend a meeting with Shaw. The reason I didn't was that if I got into a room with Shaw, I would know he was not the man. And what would I do then? I could run somewhere—California, Mexico, become a beatnik. But I could never run from myself.'"

Dymond attempted to question Phelan about statements by Russo pertaining to "reality

...not knowing the difference between the two, Judge Haggerty sustained state objection.

Then Dymond asked Phelan if Russo ever expressed any fear of reprisals from Garrison if he should change his testimony.

Again Alcock objected, but Judge Haggerty allowed Phelan to answer.

"Yes," was Phelan's reply. He repeatedly said he was sorry he had come forward as a witness and felt trapped. If he tried to change his story, Garrison would charge him and he would lose his job. He was very fearful of losing his job.

"Tender the witness," said Dymond. Judge Haggerty called a recess before the state went into cross-examination of Phelan.

Following the recess, court resumed at 3:50 p.m. and Alcock conducted the cross-examination of Phelan.

Alcock, assistant district attorney, began the questioning around a phone interview conducted by WDSU radio with Phelan in April of 1967. Alcock asked if Phelan made a comment on the show to the effect that "Mr. Sciambra had better watch out because I taped the Perry Russo interview."

Phelan replied that he probably did make the statement.

"Did you tape it?" asked Alcock, referring to the Russo interview.

"No," answered Phelan. "Then that was a lie?"

"If you wish to call it that."

Alcock then concentrated on the subject of whether Phelan pointed out the discrepancy in Sciambra's memorandum to either Sciambra or Garrison. Alcock wanted to know how Phelan could get the impression that a conspiratorial plot was not involved in Sciambra's memorandum relating to his interrogation of Russo.

"I didn't get an impression. It simply wasn't there (in the memo)," Phelan replied. Then, Phelan quoted Sciambra as saying that he was "incorrectly describing" his memorandum, but later amended himself by saying that if the material about a plot is not in the memo then "I forgot to put it in."

...help me... Alcock asked. "Yes," replied Phelan. "Don't you feel that was inconsistent with their trying to hide something?"

When Alcock asked this question, defense attorney Dymond objected on the grounds it called for a conclusion by the witness. Judge Haggerty sustained the objection.

"How long was your interview with Perry Russo?" Alcock continued.

"Between two and three hours."

"When did you start questioning him about the content of the memorandum?"

"At the end of the interview."

Alcock then wanted Phelan to explain why he delayed questioning Russo about the discrepancy in the Sciambra memo which he (Phelan) considered so "critical."

Phelan said Russo read the memo, corrected four statements in it and made a comment on the section where he claimed he saw Shaw twice.

"It took him quite a while to read it. I sat there and made notes," said Phelan.

When Russo finished reading the memo, "I asked him only one question," Phelan testified.

"Only one? About something you considered critical?" countered Alcock, adding:

"Isn't it a fact that Perry asked this question while you were going out the door?"

"No," Phelan replied tersely. "Isn't it a fact that Perry Russo never denied telling Sciambra about a conspiratorial meeting?" Alcock pressed.

Phelan then quoted Russo as saying he was first told of the conspiracy plot after he came to New Orleans to be interrogated by the District Attorney—and not during the earlier Sciambra questioning in Baton Rouge.

Phelan also quoted Russo as saying "I'm usually pretty careful about what I say." Phelan pointed out that Russo made a comment that he should have told Sciambra he saw Shaw three times rather than two.

the article for the Saturday Evening Post?" Alcock asked. "About two or three days—er I had the interview with Mr. Russo."

"Did you consider his answers highly important and critical... that Sciambra was a liar?"

"Yes, sir."

"How many words was your article?"

"Six thousand."

"Would you say the article is a criticism of the investigation?"

"I certainly do." Alcock then centered his questioning on why Phelan did not mention in his article the point that Russo did not tell Sciambra about a meeting between Oswald, Ferrie and Shaw. "Can you explain?" he asked.

"Well, certainly," answered Phelan. "It (the article) concerns information from the Sciambra memorandum and that Perry Russo told two stories."

"But since you were so critical about Sciambra's memo, why didn't you put it in the article?"

Story in Magazine Cut to Fit Space

"We had confirmed the truth of what we were printing," Phelan asserted, explaining that the original article ran too long and had to be cut because of lack of space in the magazine.

"This article is about the whole investigation, sir," Phelan told Alcock. "It was on the whole assassination story... not the Sciambra memo. I had to tell it in 6,000 words."

"You had to cut the article?" Alcock retorted. "So you had a space problem?"

Phelan explained that, although the article was cut, he kept all statements taken for his story "in case the article was challenged."

"I have supportive evidence," Phelan told Alcock.

Alcock then turned the questioning to Phelan's role as an employe of the National Broadcasting Co. in May, 1967. Phelan testified that he was employed for five weeks by NBC to work on a White Paper documentary about the Garrison case.

Phelan said he worked with producer Fred Freed and NBC

television... what was the purpose of the White Paper?" Alcock queried.

"To report on the Garrison investigation."

"To report on it or to wreck it?" Alcock countered.

"To report on it," Phelan said again.

"What was your assignment?"

"To explore the discrepancies in Mr. Russo's story."

"Hadn't you done that in Baton Rouge?"

"Yes."

Alcock Asks Purpose of Second Meeting

Alcock then wanted to know the purpose of the second interview with Russo.

Phelan explained that he called Russo from New York and that Russo asked him to come by and see him if he was ever in Louisiana again. Phelan quoted Russo as saying that he thought the Post story was "pretty good" and "couldn't understand all the hullabaloo" about it.

Alcock asked Phelan if the names Guy Bannister and James Lewallen ever were mentioned in the Russo interview.

Phelan said Bannister was mentioned because of speculation that the man identified by Russo might be Bannister and not Shaw.

"In other words, you suggested to a state witness he might have been wrong?"

"Yes, with qualification. I repeatedly told Russo that, if his story was true, he should tell it the same way. I never once suggested he change his story. He was not certain of the identification of Shaw. He was a boy tortured and in real agony."

"Then why did you say Guy Bannister?"

"Because of the similarity between them (Bannister and Shaw)."

"Have you ever seen Guy Bannister?"

"No."

Phelan said he learned of the Bannister - Shaw speculation from Freed and Sheridan.

Phelan said Russo expressed a desire for legal help and asked Phelan for advice. "I told him I had only one piece of advice for him—~~to~~ ~~the~~ ~~fat~~ ~~out~~ ~~truth,~~" Phelan testified.

did not have enough money for a lawyer. "I relayed the information about a lawyer to Fred. Fred said there was a well-known lawyer who would take his case without a fee."

Phelan said he told Russo this, but also stressed that he (Russo) would have to call the lawyer himself and ask for his help.

Alcock wanted to know just what "case" this lawyer was to handle for Russo.

### Russo Kept Saying He Needed Lawyer

Phelan replied that Russo felt he needed a lawyer. He said the matter of a lawyer was discussed four or five times because Russo kept bringing it up.

Concentrating again on Russo's identification of Shaw, Alcock asked Phelan, "Don't you recall Perry Russo saying he'd rather be 1,000 per cent sure rather than 100 per cent?"

"Absolutely not," replied Phelan.

"Did you tell Russo he would be a patsy if Clay Shaw were found not guilty?"

"Yes, sir," said Phelan, explaining that Russo was the man who made the accusation and that Garrison's case rested solely on his testimony.

"Did you tell him that Garrison would turn on him?"

"Yes, with explanation," Phelan then explained Garrison once told him in Las Vegas how he was going to discredit attorney Dean Andrews Jr. "I'm going to get a lawyer who's a friend of mine and I'm going to wreck him," Phelan quoted Garrison as saying.

Phelan said Garrison did not name Andrews per se, but he felt that he meant him. (Andrews was indicted and convicted on a perjury charge brought against him by the Orleans Parish Grand Jury.)

### Garrison Informed of Phelan's Arrival

Phelan said after he arrived in New Orleans for the NBC assignment, he relayed information to Garrison, informing him that he was in town. Phelan said he told Larry Lamarca and Pershing Gervais to "Tell Big Jim I'm in town and that I'm not hiding from anybody."

Phelan said his lawyers had advised him not to come to New Orleans again "because of Mr. Garrison's ruthlessness with people who criticize him."

said he (Russo) had two other persons. One was a White Paper assignment, Layton Martens, one-time roommate of Ferric, and Marlene Mancuso, ex-wife of Gordon Novel, a bar operator who figured in the Garrison investigation.

Phelan's cross-examination ended at 4:34 p.m.

Following him to the stand was Mrs. Garner, the housewife from 4911 Magazine st. who rented an apartment to Oswald in the summer of 1963.

Mrs. Garner said Oswald stayed at the apartment from early May to mid-September of 1963. She testified that she saw him about once a week waiting for a bus.

"Did you ever see him with a beard?" asked defense attorney Dymond.

"No," she replied.

"Was he ever a dirty, unkempt person?"

"He was very neat. Never unkempt."

"Did you ever see the defendant, Clay Shaw, with Oswald?"

"I've never seen him (Shaw) before his picture was published in the newspapers." Mrs. Garner also testified that she never heard Shaw's name mentioned by Oswald.

### Witness Identifies

#### Photo of Ferric

Dymond then showed Mrs. Garner a photo of David Ferric. Asked if she had seen that man before, Mrs. Garner replied that he was the same man who rang her doorbell either the night of President Kennedy's assassination or the night afterward.

Mrs. Garner said Ferric was alone and came "after dark."

"He stayed a few minutes and when I found out he wasn't someone important, I asked him to leave," Mrs. Garner said, explaining that she thought Ferric might have been an FBI agent seeking information about Oswald.

Mrs. Garner said Oswald's wife, Marina, left the apartment during the day between Sept. 21-23, 1963, and that Oswald stayed a short while longer before leaving that same night.

Under Dymond's questioning, Mrs. Garner testified that Oswald lived in the apartment the entire months of July and Au-

ing that time at least one week. "I used to see him (Oswald) on the bus once a week, maybe more."

Dymond tendered the witness at this point.

In a short cross-examination by Alcock, Mrs. Garner said she did not have any lengthy conversations with Oswald while he was staying at the apartment. She said he paid the \$65 monthly rent in cash.

### Witness Asked About Apartment

Alcock wanted to know if the condition of the apartment was "dirty" after the Oswalds moved.

Mrs. Garner replied that "everything was broken" including the stove and refrigerator.

Alcock ended his cross-examination and Dymond came back with one question on redirect.

"Did Oswald pay the rent promptly?" he asked.

"The first month he did. But after that I had to go after him."

The questioning of Lt. O'Donnell began at 5:05 p.m. and after getting the officer's background into the record, Dymond began asking him questions about his June 19, 1967, conference with Russo.

After giving Russo's statement as to why he testified as he did, Dymond asked if during this conversation Russo expressed an interest in seeing Garrison's case in its entirety.

"Yes, he did," answered Lt. O'Donnell.

Dymond asked if Russo had given any reason for this, and the witness said Russo "asked me if I could let him see the case of Mr. Garrison." He said Russo indicated he wanted to see it to see how strong it was as this would assist him in deciding how he would testify.

"I told him to examine his conscience and not lean on what Mr. Garrison has . . ." Lt. O'Donnell said.

### Officer Reported Conversation to DA

O'Donnell said he immediately went to Garrison's office and reported the conversation "and the following day I typed a report on it and brought it upstairs to give Mr. Garrison a copy of my report."

Dymond said he was through

to five state for cross-exam.

In cross-examination, Alcock's first question was if Lt. O'Donnell had tape recorded the conversation.

"No, sir," he said. Alcock then asked him if when he was in the DA's office with Garrison, James V. Burnes and Russo he had repeatedly asked Russo if he'd like to hear a tape of the conversation.

Lt. O'Donnell said he had said this because Russo denied he "ever told me Clay Shaw was not at Ferric's apartment," and he attempted to use the possibility of a tape recording to get Russo to "admit to what he told me."

"Perry Russo did a double-take," Lt. O'Donnell said.

"Do you remember repeatedly saying you had a tape recording and he said, 'Let me hear it!'"

Lt. O'Donnell said Sciambra had asked him the same question and "I told him there was no tape."

### Four or Five Copies of Report Made

Alcock then asked the witness how many copies he had made of his report and what distribution he had made of them. Lt. O'Donnell said he made four or five copies and he said he gave one copy to the DA's office; the original to the chief of police; one copy to the chief of detectives, and the remaining copy he kept.

Alcock asked who had the original and Lt. O'Donnell said either "you (the DA's office) or the superintendent (Joseph I. Giarrusso.)."

He said he gave copies to no one else.

Alcock asked Lt. O'Donnell if on direct questioning he said Russo stated he was prepared to "tell the truth" before Dymond turned him on, and the witness said this was correct.

Alcock then asked if the word "truth" appeared in his report on the conversation. Dymond objected and asked that the witness be asked if there was a word synonymous with "truth" in the report, and that that part of the report be read.

Judge Haggerty overruled the objection.

Lt. O'Donnell said he could not find the word "truth" in the report.

Alcock asked the witness if Russo told him he was being bombarded by newsmen.

Lt. O'Donnell said Russo told



him "he was under extreme pressure from newsmen and Jim Garrison."

"Is that in your report?"

### Pressure Mentioned in Report—Officer

Lt. O'Donnell said it was not but instead there was a mention that Russo said he was under pressures.

"If you're asking me is my report word-for-word with our conversation, then it is not."

"Is it the conversation, in essence?"

"Do you recall making this statement, 'If necessary I will produce a tape.?'"

Lt. O'Donnell repeated that he had already explained why he said that; that "Perry Russo had done a retake; he had told me Clay Shaw was not at David Ferrie's apartment."

Lt. O'Donnell then said that Sciambra "falsely led me to the District Attorney's office, leading me to believe I was to give someone a test." He said he waited for an hour in the office and then he was called into Garrison's office and his secretary was there "taking notes at this time."

Russo was there, he said, and Garrison asked for a copy of his report. Lt. O'Donnell said Garrison did not have his copy and he returned to his office, obtained a copy and brought it. He said it was given to Russo to read.

Lt. O'Donnell continued that after Russo read it, he said "most of it is true, except I didn't tell O'Donnell Clay Shaw was not" at the party.

He said it was at this point that he attempted to obtain from Russo an admission that he had made that statement, and "I made the statement relating to a tape recording."

"You were lying then about the tape?"

"Well, you have notes there. I don't know if I said, 'I have a tape,' or 'Would you like to hear a tape.' You have the statement; Mr. Garrison's secretary was taking it down."

Alcock then showed the report of the discussion in Garrison's office to the witness and he studied it for several minutes.

After finishing it, he told Al-

cock: "The notes state I could produce a tape, and I don't have a tape."

"Did you say, 'I taped the conversation.?'"

"I have no argument with that," he replied.

Judge Haggerty then announced he was recessing the trial since he expected more cross-examination and then re-direct and re-cross.



—Photo by The Times-Picayune  
**HANDWRITING EXPERT Charles A. Appel Jr.** leaves the area of the Criminal Courts Building Wednesday after completing testimony in the Clay Shaw trial.



**LT. EDWARD M. McDONNELL**  
Quotes Russo interview.



—Photo by The Times-Picayune  
**MRS. JESSE GARNER**  
Former Oswald landlady.



—Photo by The Associated Press.  
**JAMES R. PHELAN**  
Writes testimony.

12/14/66 Clay DeLand New Orleans, La

COPY OF SIGNATURE FROM GUEST REGISTER AT N. O. INTERNATIONAL AIRPORT

12/14/66 Clay DeLand New Orleans, La

DEFENDANT CLAY SHAW'S VERSION WRITTEN FOR HANDWRITING EXPERT

GENERAL INVESTIGATIVE DIVISION

Attached references to Clay L. Shaw who was recently tried and acquitted in New Orleans on charges of conspiracy to assassinate President John F. Kennedy. Shaw allegedly is being charged with two counts of perjury concerning his denial of knowing Lee Harvey Oswald and David W. Ferrie. All information received from Shaw and his attorneys concerning allegations of civil rights violations by James Garrison and associates will be immediately furnished to the Bureau and forwarded to the Department.

No investigation will be conducted unless specifically requested by the Department.

OLD:mfd

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