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Shaw Mistrial Move Overruled; Law Violation by Judge Claimed Cuba Leaflet Query Brings Legal Hassle

Clay L. Shaw lost a bid for a mistrial today when his attorney claimed Judge Edward A. Haggerty Jr. violated state law by altering a question asked of a witness in the presence of the jury.

The legal hassle came during the questioning of New Orleans Police Capt. Francis Martello, a state witness. Judge Haggerty overruled the mistrial move by chief Defense Counsel F. Irvin Dymally, who took a bill of exceptions for a possible appeal.

SHAW, 33, is on trial in Criminal District Court on charges of conspiring to kill President Kennedy.

Capt. Martello, who questioned Lee Harvey Oswald when the latter was arrested here in August of 1963, became the center of the struggle when he was asked to identify a piece of paper produced by the state as an example of the leaflets Oswald was giving out in the 700 block of Canal st.

Martello said the state exhibit was the same leaflet cra-

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

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SECTION 1

STATES-ITEM

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located from Oswald.
"I think you are being misled. Are the names or are they similar?" Judge Haggerty asked the witness.

"YOUR HONOR, I object to the court testifying!" Dymond cried. He then made his mistrial motion.

Judge Haggerty sent the jury out of the courtroom, heard arguments and rejected the motion.

"Justice is not a bag of tricks. If a witness doesn't understand a question, it should be explained. It is obvious the witness was confused," the judge said.

EARLIER, A Clinton civil rights worker testified he saw Shaw waiting in a big, black car while Oswald tried to register as a voter in East Feliciana Parish in the summer of 1963.

The worker, William Dunn Sr., was called as a corroborating witness for Corrie C. Collins of Baton Rouge, who testified yesterday he saw Shaw, Oswald and David W. Ferrie in Clinton on that date.

Oswald was named by the Warren Commission as the lone assassin who killed Kennedy in Dallas Nov. 22, 1963. Ferrie, who died here Feb. 22, 1967, has been named by Garrison as a key figure in the assassination plot.

Dymond opened today's proceedings by asking the court's permission for a handwriting expert to examine a document referred to by the state as the register from the VIP room at New Orleans International Airport.

GARRISON TOLD the jury yesterday the state will prove Shaw signed the register as Clay Bertrand.

Judge Haggerty approved the request with the stipulation that a representative of the DA's office be present. The register will be examined by Gilbert Fortier.

The first witness this morning was William E. Dunn Sr., a Negro farm and construction worker from Clinton who testified he was working with CORE in the summer of 1963 in the voter registration drive.

IN LATE August or early September, he saw a strange car—a black Cadillac—parked near the registrar's office. He identified a photo of a car as the one he saw.

Dunn was then asked if he could point out the man he saw in the car. He leaned out of the witness chair and pointed to Shaw.

Dunn then identified a picture of Oswald as a "white boy" he saw in the voter registration line.

UNDER CROSS examination by Dymond, Dunn said he was sure of his identification of Shaw. He said he realized the other man was Oswald when he saw his picture in the paper after the assassination.

Dunn said he paid no attention to the way Oswald was dressed, and he never reported seeing him because, by the time he recognized him, the arrest had already been made.

The second witness was Mrs. Bobbie Dedon, a Baton Rouge doctor's assistant. In 1963, she said, she was employed by East Louisiana State Hospital in Jackson, as a receptionist.

SHE SAID in late 1963, a man she identified from a photo as Oswald came into the office and she sent him to the administration building, where job applicants are sent.

On cross examination, she told Dymond she "didn't pay any attention" to Oswald's appearance, and could not remember whether he wore a beard.

The third witness was Mrs. Maxine Kemp of Clinton,

Secretary to the Personnel of St. Louis State Hospital. She said she saw an application with Oswald's name on it.

SHE SAID AFTER THE Garrison investigation began, she tried to find the application again, but couldn't.

The fourth witness was Pin. Mark Windstein of the New Orleans Police Department's intelligence division. He was asked about an investigation of the Fair Play for Cuba Committee, to which the Warren Commission said Oswald belonged, but testified that he personally did not conduct an investigation of the group and was excused.

The fifth witness was Det. Frank Hayward of the New Orleans Police Department's Community Relations Division. In 1963, he said, he was a patrolman in the First District.

HAYWARD TESTIFIED he arrested Lee Harvey Oswald in the 700 block of Canal st. for "creating a scene." He said Oswald was handing out sheets of paper and was engaged in a violent argument with two persons.

He identified a piece of paper produced by the state as being similar to the leaflets Oswald was handing out.

The sixth witness was Police Capt. Francis Martello. He said he served in the Intelligence Division during 1963. He testified that he questioned Oswald on Aug. 18, 1963, the day after Oswald's arrest.

It was during this testimony that the motion for a mistrial came.

The key witness yesterday was a onetime civil rights worker who told the jury he saw Shaw, Ferrie and Oswald together in Clinton.

Collins, of Baton Rouge the last of five witnesses to take the stand in a long day, insisted he saw the three in the small East Feliciana Parish town during a racially tense period of "late August or early September" of 1963.

SHORTLY BEFORE, in his opening statement, Dymond had told the jury, "It is our intention to prove to you that not only did Clay Shaw not engage in conspiracy, but that he never knew or laid eyes on either Oswald or Ferrie."

Collins, a plump postal worker with a mustache, in 1963 was head of the Clinton chapter of the Congress of Racial Equality, then pushing a voter registration drive.

One day, he said, a black car pulled up and parked near him as he was standing outside the door to the voter registrar's office. Collins said a man he later recognized as Oswald stepped from the back seat.

MANCHESTER pointed out Shaw, sitting at the defense table flanked by four lawyers, as the man he saw behind the steering wheel. He identified a photograph of Ferrie as the man who was sitting next to Shaw.

Asked when he concluded the man he saw was Oswald, he said he recognized him from a picture after the assassination.

"Were you aware the Warren Commission was conducting an extensive investigation of the assassination?" Dymond asked.

"I was aware."

"AT THE TIME you knew you had seen Lee Harvey Oswald in Clinton. Did you report it?"

"No."

"Why?"

"No one asked me."

"How could anyone ask you if they didn't know about it?"

Collins shrugged. "If they wanted to know they could just ask me."

Testimony by other witnesses was that Oswald went to Clinton to try to find a job in the East Louisiana State Hospital in nearby Jackson.

PRECEDING Collins to the stand were Edwin L. McGehee, a Jackson barber; Reeves Morgan of Jackson, a former state legislator; John Manchester, Clinton town marshal, and Henry E. Palmer of Jackson, voter registrar for East Feliciana Parish.

McGehee testified he gave Oswald a haircut and referred him to Morgan for possible help in getting the hospital job. Morgan said he dis-

missed the job prospects with Oswald, telling him it wouldn't hurt if he were a registered voter from the district.

Each witness was asked if the Federal Bureau of Investigation questioned him about contacts with Oswald. Of the five, only Morgan had talked with the FBI at all and he said he notified the bureau of his own volition.

MORGAN SAID the agent thanked him, told him the FBI knew about Oswald's visits to the Clinton area and he heard nothing more from

Manchester testified he was "check out" all strange cars in Clinton at the time due to the voter registration drive and saw a big black car parked near the office entrance.

"I checked this automobile out," said Manchester. "I walked over and talked to the man behind the wheel of this car. He was a big man, gray hair, ruddy complexion. An easy talking man. He said he was a representative of the International Trade Mart in New Orleans."

MANCHESTER pointed out Shaw as the man he had questioned. Shaw stared back at him impassively.

Palmer testified Oswald tried to register as a voter but couldn't establish residence.

"I told him he didn't have to be a registered voter in the parish to get a job at the hospital," he said.

The registrar also said he saw the big black car parked outside his door, with two men sitting in it. It remained there, he added, from about 10:30 a.m. until 3:30 p.m.

"DO YOU SEE anyone here with the same general description as the driver of that car?" asked assistant DA Andrew M. Sciambra.

"I would say that man right there," Palmer replied, pointing to Shaw. But under cross examination he said he couldn't be sure.

When McGehee took the stand as the trial's first witness, Dymond objected the proper groundwork hadn't been laid. He said chief prosecutor James L. Alcock must first show there was a conspiracy. Alcock said the testimony would "link up," and the judge allowed him to proceed.

DYMOND MADE a point of asking McGehee and others if Oswald was clean-shaven. All said he was. Russo's testimony in the preliminary hearing indicated he wore a beard during this period.



REEVES MORGAN
Talked jobs with Oswald.



EDWIN LEE MCGEHEE
Cut Oswald's hair.



CORRIE C. COLLINS
Found witness yesterday.

COURTROOM SCENE AS DA JIM GARRISON DELIVERED OPENING STATEMENT IN CLAY SHAW TRIAL

—Sketched by States-Illust Artist Louis F. Brande

