

(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, 35, 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 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.)

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SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

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SKETCH HOW Garrison reacted, Phelan said, "His jaw popped a little bit." "And what did he do after picking up his jaw?" Dymond asked.

Phelan said Garrison called Sciambra and confronted him with Phelan's argument. Sciambra, Phelan said, reacted that "I didn't know what the hell I was talking about." The witness said he told Garrison and Sciambra "it is absolutely incredible that

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

Phelan then told of a meeting between himself and Russo, 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 mention of an assassination plot. Phelan said Russo told him he mentioned the alleged plot only after he got to New Orleans.

He said he next met with Russo in May, 1967, after his Saturday Evening Post article critical of Garrison and Sciambra had appeared. He said Russo volunteered the statement:

"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 tried to arrange such a meeting and Shaw agreed, but Russo "backed off." He said Russo 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 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 beam ~~at I would never~~ run from anyone."

Asked if ~~he~~ expressed fears of reprisal from Garrison if he changed his story, Phelan said Russo "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."

On cross-examination, Alcock 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 advice, 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 information to Russo.

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

"Yes," said Phelan. He said Garrison told him he was going to discredit attorney Dean A. Andrews Jr., later convicted of perjury. (Phelan admitted the DA did not mention Andrews by name.)

Phelan said his lawyers advised 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 hiding 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 Ferrer, 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 Ferrer came alone and after dark.

Mrs. Garner was prevented from repeating what Ferrer 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 police station on June 19, 1967, and Russo asked him if he could show him Garrison's case against Shaw in its entirety.

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, Alcock 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'Donnell admitted he had, though no such tape existed.

In the June 19 conversation, 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 decided he was going to bury you."

"BURY ME?" asked Dymond.

"Yes," Lt. O'Donnell said. However, on cross-examination, the policeman acknowledged nothing was said about Russo's use of the word "truth" in his memo to Garrison.

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



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 PHE LAN, a free-lance magazine writer.

12/14/66 Clay Bertrand New Orleans, La

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

12/14/66 Clay Bertrand New Orleans, La

DEFENDANT CLAY SHAW'S VERSION WRITTEN FOR HANDWRITING EXPERT