

# Judge Slaps Down Request For Mistrial in Shaw Case

New Orleans, Feb. 7 (UPI)—Contending that the judge was helping a witness with his testimony, the defense demanded a mistrial today in the trial of Clay L. Shaw on charges of plotting to kill President John F. Kennedy.

"Motion denied," snapped Judge Edward A. Haggerty Jr.

A second witness today pointed out Shaw in the crowded courtroom as the man he saw with Lee Harvey Oswald in Clinton, La., in the fall of 1963.

Shaw is accused of conspiring with Oswald and David W. Ferrie of New Orleans, both now dead, in the weeks before Kennedy was assassinated in Dallas Nov. 22, 1963.

### Recalls Waterfront Scene

One state witness, Vernon W. Bundy Jr., testified today that in June 1963, he had seen Shaw give Oswald "what looked to me like money." Bundy, a Negro, said at that time he was a heroin addict and had been on the New Orleans waterfront one morning and saw Shaw drive up in a black limousine and Oswald approach on foot.

Bundy identified Shaw by pointing a finger at the defendant. Shaw stared back, his chin cupped in his left palm and his left elbow resting on the table. "The gentleman here," Bundy said, "gave the other gentleman, Oswald, what looked to me like money."

### Tells of Conversation

The gentleman, Oswald, did not examine it but put it back in his back pocket," he continued. "They talked maybe two or three seconds more and this gentleman (Shaw) walked behind me and went to the car and drove off."

Most of the state's witnesses testified today about Oswald's activities in New Orleans. Much of the testimony concerned a yellow leaflet confiscated by police while Oswald was agitating for the pro-Castro Fair Play for Cuba Committee.

New Orleans police Capt. Francis Martello identified a leaflet with the words "Hands Off Cuba" in black at the top as one he had seen while questioning Oswald Aug. 10, 1963. Oswald and two other persons were arrested the previous day for disturbing the peace.

### Questioned on Leaflets

"Is it your position that these are the same items (leaflets) that were taken off Oswald?" Dymond asked in cross-examination.

"Yes, sir," Martello replied.

Haggerty interrupted. He asked Martello whether he was sure he said what he meant, that he may have wanted to say the leaflets were "similar" to leaflets taken from Oswald.

Martello said "similar" was what he had wanted to say.

Dymond asked the jury to be taken out, then accused the judge of testifying for the witness and asked for a mistrial.

Louisiana law, Dymond said, specifically forbids a judge "commenting on or recapitulating evidence."

"Motion denied," Haggerty snapped. "Bring back the jury."

Dymond reminded Haggerty that the indictment said the alleged conspiracy took place between Sept. 1 and Oct. 15, 1963, and it was not legal for the state to introduce testimony about previous events.

Assistant District Attorney James Alcock said it was all right for him to "overprove his case if he wanted to and he would 'connect up' the Oswald testimony later, Haggerty told him to go ahead.

As the first witness today, William Dunn Sr., a Clinton, La., construction worker and farmer, identified Shaw as the man he saw in late August or early September, 1963, sitting in a black Cadillac in front of the voting registrar's office in Clinton.

Dunn pointed a finger at Shaw to identify him. Looking at a police mug shot of Oswald, Dunn identified him as "the white boy" standing in a line waiting to register.

- Tolson \_\_\_\_\_
- DeLoach
- Mohr \_\_\_\_\_
- Bishop
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale
- Rosen
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

*Admitted*  
*File 5-11-68*

*Proceed with trial  
Shaw, F. Kennedy*

- The Washington Post \_\_\_\_\_
- Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- Sunday News (New York) \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Sun (Baltimore) \_\_\_\_\_
- The Daily World \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_
- Examiner (Washington) \_\_\_\_\_

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NOT RECORDED

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Date FEB 8 1969

56 FEB 17 1969

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