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TAYLOR

Lee Harvey
file 5-1-68

UPI-159

Assassination of

NEW ORLEANS--CONTENDING 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 DIST. JUDGE EDWARD A. HAGGERTY JR. A SECOND WITNESS TODAY POINTED OUT SHAW IN THE 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 IN THE WEEKS BEFORE KENNEDY WAS ASSASSINATED IN DALLAS NOV. 22, 1963.

ONE STATE WITNESS, VERNON W. BUNDY JR., TESTIFIED TODAY THAT IN JUNE, 1963, HE HAD SEEN SHAW GIVE TO OSWALD "WHAT LOOKED TO ME LIKE MONEY." BUNDY 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, POINTING AT SHAW, "HE GAVE THE OTHER GENTLEMAN, OSWALD, WHAT LOOKED TO ME LIKE MONEY."

"THE GENTLEMAN OSWALD DID NOT EXAMINE IT BUT PUT IT BACK IN HIS BACK POCKET," HE CONTINUED. "HERE IN HIS BACK POCKET WERE PAMPHLETS OR SHEETS WITH WRITING ON THEM. THEY TALKED MAYBE TWO OR THREE SECONDS MORE AND THIS GENTLEMAN (SHAW) WALKED BEHIND ME AND WENT TO THE CAR AND DROVE OFF."

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NOT RECORDED

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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. FANCIS 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.

"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."

2/7--TS442PES