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SHAW TRIAL JURY SHOWN MOVIE OF JFK DEATH-FRAME BY FRAME

Case Dramatically Moves to Dealey Plaza

The Clay L. Shaw trial was dramatically transported to Dallas, Tex., and the John F. Kennedy assassination scene Thursday afternoon via a frame-by-frame view of the Zapruder film.

District Attorney Jim Garrison and his staff won the right to introduce the film taken by amateur photographer Abraham Zapruder. It showed graphically how the head of President Kennedy was almost torn off by the force of bullets that riddled him in Dealey Plaza Nov. 22, 1963.

Courtroom spectators saw the film four times; and the jury sitting and standing in awed silence, minutely went over it three times, including a 35-minute, frame-by-frame show- ing, presided over by assistant district attorneys Alvin V. Oser, William Alford and James L. Alcock.

Garrison, who made only his third courtroom appearance of the seven-day-old trial and first in six days, contended in his opening statement last week that he would show with the film "that you will be able to see him fall backwards as the fatal shot strikes him from the front—not the back."

The Warren Commission Report contends that Lee Harvey Oswald was the lone assassin. But Garrison claims that Shaw, David Ferrie and Oswald conspired to kill President Kennedy

in an early fall meeting here at Ferrie's apartment.

Zapruder was called to the witness stand to verify that the film was indeed the same one he took with an 8mm camera Nov. 22, 1963.

Defense attorney F. Irvin Dymond argued that this might not be the actual film because Zapruder yielded the film to the district attorney's office and picked it up there before coming to the courtroom. With the jury out of the room, Zapruder, courtroom spectators and press saw the film—all but Zapruder—for the first time. There had never before been a public showing of the film.

Zapruder said that it was the film as best he could tell, and Criminal District Court Judge Edward A. Haggerty ruled that it was admissible.

Later after the showing of the film, Buell W. Frazier of Irving, Tex., testified that he gave Oswald a ride to the Texas Book Depository the day of the assassination and that Oswald carried with him something that Oswald said was curtain rods that his wife, Marina, bought for him.

Frazier claimed shots appeared to "come from the triple underpass." This is away from the Texas Book Depository. Garrison says the shots were from more than one direction in a triangulation effect.

The state had just finished with its examination of Frazier at 6:30 p.m. when Judge Haggerty called a halt to the day's testimony. He rescheduled Frazier for 9 a.m. Friday when the defense will cross-examine him. Earlier in the day, there were

the highlights—

—The state entered three exhibits, a mockup of the Dealey Plaza area, an aerial photo of Dealey Plaza and a surveyor's map of it. Dallas County surveyor Robert W. West testified to the exhibits' accuracy.

—Judge Haggerty turned down the State's bid to have entered into testimony interrogation of Dr. Esmond A. Fatter, who hypnotized Perry Raymond Russo, one of the state's star witnesses, in March, 1967, to induce him to recall more details about the alleged assassination conspiracy meeting between Ferrie, Shaw and Oswald. Judge Haggerty said it was "impinging on the hearsay rule" and that Russo's testimony would have to "stand or fall on what he told the jury" and couldn't be bolstered by the state.

—After a brief recess, the jury returned at 4:30 p.m. and asked for a second showing of the film. Judge Haggerty granted it to them and suggested that it be shown frame-by-frame. For 35 minutes, as the afternoon sun went down, the jury and spectators sat entranced by the film.

—Though it was nearing 5:30 p.m., Judge Haggerty told the state to call its next witness, Frazier, because Frazier had to go home during the night.

Frazier identified himself as an order filing clerk for the Texas Book Depository in 1963. He said he lived in Irving, Tex., a suburb of Dallas, at the time. "Did you know Mrs. Ruth Paine?" asked Alcock.

"I heard her name, but I didn't know her," he said. "She lived about one-half block from where I lived."

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

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SECTION 1

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Being Investigated

Witness Met Oswald During October, 1963

"Did you meet Lee Harvey Oswald in October, 1963?" he was asked.

"Yes, I did," said Frazier, soft-spokenly. "I first met him when I came to work at the depository around the middle of October."

Alcock showed Frazier a picture of Oswald and Frazier identified it as such.

Frazier told the court that he gave Oswald rides on Friday afternoons and Monday mornings because Oswald visited his wife, Marina, living with Mrs. Paine in Irving.

"What kind of word did Oswald do?" asked Alcock.

"Same as I did, file clerk," replied Frazier.

"What type of clothing did you wear?" Alcock queried.

"Oh, old clothes, blue jeans, average shirts, anything you didn't mind getting dirty," replied Frazier.

"How many times did Oswald ride home with you?" continued Alcock.

"Every weekend except the one before President Kennedy was killed," he replied.

"Did he tell you why he didn't ride that time?" asked Alcock.

"He said he was going to get a driver's license," answered Frazier.

"On these rides, did Oswald ever engage you in conversation?" asked Alcock.

"No, he didn't talk much, just not the talkative type," replied Frazier. "I don't believe in forcing people to talk if they don't want to. Some people are friendly, and always have something to talk about. He was just the opposite."

"Did you ever see Oswald with any other workers?" questioned Alcock.

"The type of work we did, you might have to work with someone or you would be by yourself," said Frazier.

"Do you recall if he ever ate lunch with anyone else?" pressed Alcock.

"No sir, he didn't," replied Frazier. "He was more or less a loner, he stayed to himself."

"What was Oswald's hair color?" questioned Alcock.

"It was light colored, blond, I would say," answered Frazier.

"How did he comb his hair?" probed Alcock.

"Well, if it got messed up, he

didn't make any effort to comb it," said Frazier.

"Did you ever see him not at the book depository or in your auto?" asked Alcock.

"No," answered Frazier. "But I did see him playing baseball with the kids in the neighborhood in Irving."

"On these rides you gave him, what did you talk about?" asked Alcock.

"I always could get some kind of comment on the weather," recalled Frazier. "He talked about the kids in the neighborhood. They seemed to like him."

"Did you know his wife?" asked Alcock.

"No," said Frazier.

Oswald Said Wife Bought Curtain Rods

Frazier said Oswald asked if he could go to Irving with him Thursday, Nov. 21, 1963, the day before the assassination.

"He said he was going to see Marina to get some curtain rods which he said she had bought for him," explained Frazier.

"Did you know then the President would come by the Book Depository?" asked Alcock.

"Yes, he had to come by there to get to the freeway," said Frazier.

"Did Oswald ever mention the President's coming to you?" continued Alcock.

"He never did," said Frazier. "Did he ever talk of the President?" asked Alcock.

"No, sir," said Frazier. "Did you all discuss politics?" asked Alcock.

"No, we didn't," said Frazier.

Frazier said when he picked up Oswald Friday, Nov. 22, 1963, Oswald did not have anything with him, but he noticed a package Oswald had apparently placed in the back seat of his car.

"Lee said they were the curtain rods he had told me about the day before," explained Frazier. "I said, 'Oh, yes.' And I didn't say anything else about it."

Alcock probed for a description of the package. "It was laying on the back seat on the side he (Oswald) was sitting on," recalled Frazier. "It rough-

ly occupied two feet." Frazier said Oswald never had taken a similar package on any of the previous rides.

Frazier testified that he handled rifles in the Army, using an M14. He said they were about 30 inches long, but broken down might be roughly 20 inches long.

"Did you ever see a rifle in Oswald's possession?" resumed Alcock.

"No, sir, I didn't," said Frazier.

"On the trip Friday, Nov. 22, what did you talk about?" asked Alcock.

"Well, the weather," began Frazier. "It was a cloudy day when we started off. But talk of the weather didn't bring any response from him."

Frazier said they arrived at the Texas Book Depository about eight or 10 minutes before the morning. He parked the car and sat there charging the battery.

"Lee stood there waiting," remembered Frazier. "But then he walked off and I never caught up with him."

Frazier said he (Oswald) was carrying the package by his side. "It looked like it was at his armpit," said Frazier.

"Did you see him enter the building?" queried Alcock.

"Yes, I did," said Frazier. "I saw him in the book depository several times."

"Did you ever see the package again?" asked Alcock.

"No, sir," replied Frazier. "never saw it again."

"What did you do at lunch?" asked Alcock.

"They had said the President would come by at noon," recalled Frazier. "You don't get to see a President that often."

"We went to the top of the steps to watch the parade."

Witness Reports Good View of President

"Did you see the Presidential motorcade?" Alcock asked.

"Yes, I did," said Frazier.

"As they came down Houston st. I saw him (the President) real good. The motorcade was going toward the triple underpass. There were people standing on the curb, and the motorcade temporarily went out of sight. Just after they made the turn, I heard several noises."

"What did they sound like to you?" asked Alcock.

"Motorcycle backfire," answered Frazier.

answered Frazier. "Then there were two more in rapid succession. People were running, and screaming and falling down. They were shouting, 'Someone's shooting.'"

"Did you recognize them as rifle shots?" asked Alcock.

"The two that I heard in rapid succession I recognized as rifle shots," said Frazier.

"There seemed to be a few seconds between the first and second sounds and then the second and third were almost back to back."

Alcock asked Frazier to demonstrate by hitting his hand. Frazier hesitated for a moment and then reached over to Judge Haggerty's desk and hit it with a loud plop. After a second or two, he smashed his right hand against the desk in rapid succession, plop, plop.

Frazier said the sounds "appeared to me to come from the triple underpass."

"Where did you go after the shots?" asked Alcock.

"I stood where I was and talked with people around me and then went back inside the building," said Frazier.

Continuing his questioning, Alcock sought to find where the people headed. "Quite a few people went to the direction of the underpass," said Frazier.

"Did you see any policemen?" asked Alcock.

"Yes, I did," replied Frazier. "Did you see Oswald again?" continued Alcock.

"No, sir, I didn't," testified Frazier. "Several of us hadn't eaten lunch. So we went and got our lunch and ate it."

Frazier said that Oswald told him earlier that he would not be going home with him that Friday, in spite of the previous routine that the two shared.

"Did he give you any reason?" asked Alcock.

"No," Frazier replied. "I didn't question him."

Alcock returned to the matter of the package that Oswald carried with him on the fateful day. He showed Frazier a picture, and Frazier identified it as similar to one that Oswald had with him Nov. 22, 1963, and that was in the back seat of his car.

"What was the color of this package?" quizzed Alcock.

"It was similar in color to a paper sack you might get from the grocery store," said Frazier.

"I would say it was five or six inches in width."

With that question, the State yielded the witness to cross-examination. It was then 6:30 p.m. and Judge Haggerty asked Frazier to stay overnight to appear Friday for cross-examination by the defense.

Robert W. West, county surveyor for Dallas County, Tex., was called as an expert witness by the state; and he testified that the day of the assassination he heard four "unusual sounds" as the presidential motorcade passed through Dealey Plaza. At first, he said, the noises sounded like motorcycle backfire, but by the third report he recognized the sound as "rifle fire."

Immediately after the assassination, he said, he went to the sidewalk below the grassy knoll and observed several people, including policemen, "running up" the knoll to get to the area behind a "wooden stockade fence." He said this was the same area "I heard the shots come from."

Before the film was shown, Zapruder was questioned about circumstances leading up to the moment of the filming.

Asked by Oser to pinpoint his location on the mockup of Dealey Plaza, Zapruder encountered a little difficulty at first. He asked Oser if a building on the mockup was the Dal-Tex Building. At this point, Judge Haggerty interjected and told Zapruder "If you don't know, who would? Don't ask questions."

Zapruder then scanned the mockup for a few more seconds and placed a marker on the spot he reportedly was standing on Nov. 22, 1963. He followed the same procedure for the two maps.

Then Oser asked Zapruder what happened that day in 1963.

Zapruder related that he saw the approaching motorcade of President Kennedy turn onto

Elm st. he began to turn the movie camera toward the motorcade. He was destined for his glory.

"As they were approaching, I heard a shot and noticed that the President leaned toward Jacqueline (Mrs. Kennedy). Then I heard another shot. This one hit him in the head."

After the first shot, Zapruder said the President "grabbed himself" and "leaned forward" toward his wife, sitting to his left.

After the second shot, Zapruder said the President leaned the same way forward and to the bottom of the car. Asked further about what he saw following the second shot, Zapruder stated:

"I saw his head open up. Blood and other things came out of his head."

Zapruder Shouted, Ran Around Scene

Zapruder then related he stopped filming and began running around the scene screaming "They shot him. They shot him."

Zapruder explained that he kept on saying "They killed him. They killed him" until he finally went back to his office near the plaza.

Zapruder said his secretary notified the authorities immediately about the film he had taken of the assassination. He testified that the film was taken to an Eastman Kodak processing office where the original film and three copies were developed.

Zapruder said he was present in the developing room while the film was being processed.

Of the three copies, Zapruder said, one was given to Dallas police, another to the Secret Service and Federal Bureau of Investigation, and the third to Life Magazine.

Under cross-examination by Dymond, Zapruder revealed that he had not brought a copy of the film with him from Dallas. Zapruder explained that the district attorney's office here had given him the film when he arrived.

Dymond then objected to the film being introduced as evidence, maintaining that the state had not laid the proper foundation.

Judge Haggerty agreed that the objection was well-taken and ordered the jury to leave the courtroom while the film was shown to Zapruder. This

was done to allow Zapruder to view the film and verify that it was the same one he had taken more than five years ago.

The film was shown to the jury-less courtroom of lawyers, reporters and the public, who gasped in horror when the instant of Kennedy's assassination was shown.

The 35-second color film began a scant second before Kennedy's car whirled onto Elm st. to begin its approach to the triple underpass. Moments later, Kennedy grasped his throat, leaned forward and toward Mrs. Kennedy. Then what resembled a large cloud of smoke surrounded Kennedy's head as the second shot hit its target.

The film showed Jacqueline Kennedy looking on in horror as her husband's head was shattered by the bullet, then Mrs. Kennedy scrambling to the back of the automobile to assist a Secret Service man onto the moving vehicle. The vehicle disappeared behind what appeared to be a tree or a clump of bushes, and the film ended.

Following the showing, Zapruder was asked by Dymond if that was the same film he took in 1963. Zapruder said that it was, although he could not be sure if the film had been edited or had some missing frames.

Judge Rules Movie Is Relevant to Case

Judge Haggerty ruled that the film was relevant to the case and admissible as evidence. The jury was brought back in and the film was shown a second time for the benefit of the jury.

Zapruder was excused from further testimony following the second showing.

During West's cross-examination by Dymond, West said it was "possible" that he could be mistaken about the number of sounds he heard at the time of the assassination. He testified that he was "excited" that day by the events and that it was conceivable he was mistaken in hearing what appeared to be four "backfires."

Dymond asked him if it was possible to hear an echo in Dealey Plaza since the area declines rather sharply, resem-

bling a valley. West replied that he does not know.

West testified that he was about 360 feet away from the motorcade when he heard the noises or sounds coming from northwest of where he was standing. He said the Texas School Book Depository Building was "slightly northwest" of his position.

(The Warren Report claimed that Lee Harvey Oswald fired the fatal shots at Kennedy from the depository building.)

At the time of the assassination, West said he saw people running up the grassy knoll off Elm st.

On re-direct examination by Oser, West testified that he headed toward the grassy knoll after the assassination because "it appeared to be where all the action was."

The afternoon session began promptly at 1:30 p.m. with Judge Haggerty directing the state to call its first witness. "Abraham Zapruder," called assistant District Attorney Oser.

Zapruder, a balding man, was dressed in a grey suit. He wore dark rimmed glasses.

After he was called, there was a delay of several minutes before he appeared. He identified himself, but the defense indicated that they did not believe the microphone in front of the witness was working properly.

An adjustment was made, and Judge Haggerty asked Zapruder to count "1-2-3" into the

microphone. He did, and Oser asked his first question: "I couldn't hardly hear you," said Zapruder. A lighter rippled through the crowded courtroom.

The microphone working and everyone able to hear, Zapruder then identified himself. He said he lives at 3909 Marquette in Dallas and he manufactures ladies' dresses.

In answer to an Oser question, he said he was in the same business in Dallas in November, 1963, and that his business was located at 501 Elm st. in the Dal-Tex Bldg., which is on the edge of Dealey Plaza.

He was asked to recall events as they concerned himself in relation to the President's visit to Dallas. Zapruder said that he recalled that about 12:15 p.m., in the company of his secretary, he was looking for a place from which he could take movie pictures.

Zapruder Selects Location for Movie

"And did you find such a location?" asked Oser.

"After about three attempts found a concrete abutment about four-feet tall, and that's where I decided to stay."

Oser then stood up and walked to Dymond, and the two attorneys appeared to engage in a rapid conversation; and later Alcock joined in. They were apparently discussing a state exhibit.

Oser then walked to Zapruder and showed him the exhibit, a photograph, and asked him if he recognized it.

"Yes," he answered.

"Do you recognize what it depicts?"

"I recognize myself standing there with my secretary on the four-foot abutment," he answered.

Oser then questioned him about his camera, and Zapruder said it was a Bell and Howell 8-millimeter movie camera with a zoom lens. He said he believes the camera was black in color.

"Do you know the type of lens?"

"I'm not sure," Zapruder said, "but I believe a 2.8 lens."

Next Oser explained that he had some other exhibits in the courtroom about which he wanted to question Zapruder.

The exhibits, which were on tripods and covered, were stationed facing the jury when the afternoon session convened.

Dymond objected to anything being exhibited to the jury before it was entered into evidence.

Oser explained to the court that he was talking about "separate and distinct" exhibits from the photograph he had already shown Zapruder.

The jury was removed from the courtroom as arguments were heard on the relevancy of exhibits the state was attempting to introduce.

"We object to all of this testimony on the grounds of irrelevancy," said the defense; and they argued that there was no legal connection between the alleged conspiracy

and the act, assassination. In support of its position, Dymond read from the Louisiana Revised Statutes a section regarding relevant testimony.

State Says Evidence Will Be Connected Up

Alcock, arguing for the state, said a state witness had already testified that he overheard a discussion that mentioned a triangulation of fire and the use of a rifle in connection with an assassination conspiracy, and that the state's presentation of evidence concerning Dealey Plaza "will be connected up and highly corroborative."

Dymond countered that during the past months Judge Haggerty made many rulings, pointing out as he made them that there had to be no connection between the conspiracy and the actual assassination.

Alcock countered that the state can, if it wants, try to over-prove its case, although as a matter of law it does not have to prove the assassination. "But the state may enter evidence to confirm the conspiracy and the jury must decide if they are to give this evidence weight," he said. Evidence about Dealey Plaza will corroborate what two state witnesses have testified to hearing, he added.

Dymond cut in that it is the judge's responsibility to decide what is relevant and what is irrelevant. Then Judge Haggerty said: "There is no question the state can over-prove its case. I feel that evidence presented up to now indicates what happened in Dallas is relevant."

The state then announced it intended to call West to testify as an expert that the exhibits were true representations of the Dealey Plaza area.

One exhibit was an aerial photograph of Dealey Plaza.

"Does that represent Dealey Plaza on Nov. 22, 1963?" asked the judge. The state answered it did as far as the arrangement of buildings, streets, etc. were concerned and that the witness could testify to that.

Another exhibit was a survey plat drawn by West for the Warren Commission as accurately representing the land topography Nov. 22, 1963.

The third exhibit was a mock-up model, representing Dealey Plaza.

Zapruder was then permitted

stand, and West was called to testify.

Judge Haggerty said he was "suggesting we question Mr. West out of the presence of jury; and if you have any objections, we can bring the jury back and go through it all over again."

This did happen as Judge Haggerty accepted West as an expert witness and accepted the exhibits over the defense objections.

West Identifies Himself as County Surveyor

When he was called out of the presence of the jury, West identified himself as the county surveyor for Dallas County, Tex., and the state said it would attempt to have him accepted as an expert surveyor.

West said he has been county surveyor since 1944 and that his basic training was received between the period 1904 to 1944 when his father was the county surveyor. He said he was about 12 or 14 when he first started going out in the field with his father.

He also said he has been qualified as an expert in all the courts in Dallas County, including federal and local level courts.

The defense questioned him briefly, asking if there is such a person as a topographical surveyor, and if he was graduated in civil engineering. He said he was not.

Judge Haggerty said that on the basis of his experience and his education he is an expert in his field and could give his opinion about the exhibits.

Assistant district attorney Alford handled the questioning of West, and he asked him if he surveyed and drew a survey plat relative to Dealey Plaza.

He said he had and that he saw it in the courtroom to his left. He said the plat was not complete because it does not give all topographical features within the plaza.

"What is the reason this is not complete?" asked Alford.

"This is what was requested by the FBI agent. This is what he instructed me to include."

He said he could not testify to the accuracy of the location of street signs, but all other aspects were the same as on Nov. 22, 1963.

Next he was asked to examine "very carefully" the aerial view of Dealey Plaza; and when he was finished, Alford asked: "To the best of

buildings, streets, and trees if he same position as on Nov. 22, 1963?" The witness replied,

"Yes, sir."

He described the mock-up as being "basically the same area (Dealey Plaza)," but indicated the mock-up might include some minor errors, although he could observe no major errors.

Alford then asked West if he was present in Dealey Plaza at about noon on Nov. 22, 1963. "Yes, sir," he answered.

When Dymond questioned West, he asked what the minor errors were on the mock-up model. He said it did not show a concrete wall or fence near a lagoon in the plaza, nor were storm drains indicated, and he could attest to the basic position of traffic signs.

Dymond then asked West if in the area of the railroad tracks there is an observation tower "permitting open view into what is known as the grassy knoll area."

West said he knew of the tower, but he had never been in it.

Judge Haggerty suggested the aerial photo would indicate if such a building exists. Dymond pointed it out, and West said that the building was not reflected in the mock-up or on his plat.

Diameter and Height of Trees Not Shown

Dymond also questioned West about whether trees shown on his survey plat accurately reflected their size. West said he did not attempt to show the diameter or height of the trees.

Questioned about this, West said the survey plat was accurate "within its limits." Dymond asked what he meant; and he answered, "Within the limits indicated to me by the FBI that this was the information they wanted shown on the map."

After a few more questions, Judge Haggerty said he would permit introduction of the exhibits; and the jury was called for.

After the jury returned, Dymond announced in their presence that he was objecting to the testimony of both Zapruder and West.

Alford began his questioning of West again and, after having him repeat his professional background, asked him for whom he prepared the survey plat.

He said he was instructed by an FBI agent to prepare it for the Warren Commission.

"Does it represent a complete representing?"

"It does not show all the topographical features?"

"Why?" asked Alford.

"This is what the FBI agent instructed me to show."

Alford then asked him about numbers and dots shown on the streets depicted on the plat. West said the numbers indicated the number of the frame of the Zapruder film and the dot indicated the position of President Kennedy in relationship to the frame.

The defense objected that West was giving hearsay testimony.

Alford then asked why he placed the numbers and the dots on the plat.

"At the instruction of the FBI," he answered.

Then, after a few more questions similar to those asked earlier, Alford asked West if he was in Dealey Plaza Nov. 22 1963.

"Yes, sir," said West. "I was in the plaza approximately 15 minutes before the motorcade came by." West was then instructed to place a flag with his name on it on the plat in the position he occupied.

He did this and then said he placed the flag at the corner of the Main and Houston sts. intersection.

"Did you see the presidential motorcade on that occasion?"

"Yes, sir."

Witness Requested to Place Figure

West was then given a small figure of a man and asked to place it in the mock-up to indicate where he was when the motorcade passed.

He then testified he saw the motorcade as it approached Houston st., as it turned right, or north, onto Houston, and that he lost sight of it as it turned left, or west, onto Elm st.

West said the next time he saw it was just before it went under the overpass.

"Did you see or hear anything unusual?"

West said he heard what

sounded "to me" like a back-fire.

He was asked how many unusual sounds he heard, and he answered, "Four."

He then said the sounds he heard sounded the same on each occasion; and under additional questioning he said that he thought the first and second reports he heard were a motorcycle back-fire, but that by the third report he recognized the sound as a rifle shot.

"Were you able to determine the location the sounds came from?"

"The sounds came from the northwest quadrant of Dealey Plaza." Then on the plat he pointed out "this entire area northwest of Elm."

He could not estimate the interval between the individual reports, nor could he estimate the interval between the first sound and the fourth sound he said he heard.

Alford asked his impression of what was going on the last time he observed the presidential limousine before it passed beneath the underpass. "There just seemed to be a lot of commotion," he said.

He then testified he left his position at Main and Houston and "went across into the Dealey Plaza area. There was quite a commotion."

He said he saw several people, including policemen, "going up the grassy knoll," headed for the area "up behind the wood stockade fence." He also said that the grassy knoll area is "in the same quadrant I heard the shots come from."

He was then asked to point out on the exhibit which direction he saw people running, and he explained that the direction was "toward the grassy knoll." He said he went to the sidewalk area below the grassy knoll, and he observed men "going over" the wooden stockade fence.

At this point the state tendered West to the defense for cross examination, and Judge Haggerty called the usual 3 p. m. recess.

James Hardiman, the greying letter carrier who had been testifying at the close of the Wednesday session, resumed the witness stand Thursday morning for cross-examination by Dymond for the defense.

Dymond opened by asking him how many letters he delivered to 1414 Chartres st. for Clem Bertrand.

"Enough of them that when the name came in the news I recognized it," replied Hardiman.

"How many?" pressed Dymond.

"Quite a few of them," he answered. "I know I handled several in a brown envelope, woodframe type of paper."

"Did they come in packets?" asked Dymond.

"They were individual letters," said Hardiman.

"Would you say 15 or 20 letters?" asked Dymond.

"No, not that many," said Hardiman.

"Would you say 10?" Dymond continued.

"I object to this questioning," said Alcock.

"Sustained," said Judge Haggerty. "Mr. Dymond, you can't badger this witness."

Resuming, Dymond said, "As many as 10?"

"It's hard to say," replied Hardiman.

"Do you know a Mr. Biddison?" Dymond queried. Hardiman said he does.

"Isn't it a fact you told him it was less than five?" said Dymond.

"I didn't tell nobody any number," replied Hardiman.

"Were they addressed to Clay or Clem Bertrand?" continued Dymond.

"Clem Bertrand," answered Hardiman. "All the mail came direct to 1414 Chartres st."

Letters Addressed to Clem Bertrand

"As I understand this now," said Dymond, "these letters were originally addressed to Clem Bertrand at 1414 Chartres st. Is that correct?"

"Yes, to Clem Bertrand at 1414 Chartres st.," he answered.

"Then they were not sent there as a result of the change of address of Clay Shaw from 1313 Dauphine to 1414 Chartres st.?" asked Dymond.

"No," answered Hardiman.

Hardiman said that he delivered mail to Biddison at the Chartres st. address. "Did you have occasion to deliver mail to anyone else besides Mr. Biddison?" questioned Dymond.

"Yes," he answered.

"How about James Biddison?" asked Dymond.

"Could have," said Hardiman.

"Fred Tate?" asked Dymond. "I have, but it's hard to say what year," replied Hardiman.

"How about Cliff Boudreaux?" questioned Dymond.

"Yes," said Hardiman, "it hasn't been too long ago, after the first of the year."

"Mr. Hardiman, would it make any difference in your testimony if I told you I made up that name?"

"No," said Hardiman, "I have delivered to that address."

"What made you recall Cliff Boudreaux?" Dymond questioned.

"Nothing special, I had just seen the name," he answered.

Dymond reeled off other names which Hardiman said he could not recall.

"There are some names you can remember," said Dymond.

"Right," agreed Hardiman.

"And I can recall addresses."

Hardiman later testified that in June-September, 1966, the time that he says he delivered letters to Clem Bertrand, his route comprised 1,000 addresses.

"When was the first time you found out Clem Bertrand had entered the news?" asked Dymond.

"I couldn't give you the time," said Hardiman.

"You knew the Warren Commission . . ." began Dymond.

"I object," said Alcock.

"There was no mention of the name of Clem Bertrand in the Warren Commission Report."

Hardiman said he had read no part of the Warren Report and did not pay attention to the news at the time. He said he first talked with the district attorney's office about eight months ago, though it could have been longer.

"In other words, long after March, 1967," said Dymond.

"Right," answered Hardiman.

"There were some letter carriers being called to the District attorney's office; but the supervisor said that if they wanted them, they would have to issue a subpoena."

Hardiman said he went to the postmaster "to see how much he could say" after he received his subpoena.

Witness Reminded He Must Tell Truth

"The postmaster can't tell you what to say," corrected Judge Haggerty. "You must tell the truth at all times."

Hardiman said he had seen the name Clem Bertrand in the news. "And I mentioned it to someone on the street that I had delivered mail to Clem Bertrand and Clay Shaw at the same address. They called the district attorney's office."

"Tell us the dates of this," urged Dymond.

"I can't recall," said Hardiman.

"How were you able to pinpoint the dates that you delivered mail to Clem Bertrand?" continued Dymond.

"I didn't have to pinpoint them," he said. "The change of address was filed at that time."

"Oh, your recall of the dates you delivered the mail is based not on your memory but on the change of address date?" asked Dymond.

"That's right," replied Hardiman.

"Didn't you say the delivery of mail for Clem Bertrand to the 1414 Chartres st. address had nothing to do with the change of address?" probed Dymond.

"That's right," agreed Hardiman, "but the mail stopped coming to Clem Bertrand when the change of address order was changed back."

With that, Dymond said he was finished with Hardiman; and the State called in Dr. Fatter, who said during the preliminary hearing that he hypnotized Perry Raymond Russo.

The state moved quickly to establish Dr. Fatter as an expert witness in hypnosis. He said he was trained "psychologically, psychiatrically and physiologically" in hypnosis. Dr. Fatter said he hypnotized "hundreds of people" and published two papers on the topic of hypnosis.

Alcock turned over questioning to the defense and Dymond.

"Do you have a residency in psychiatry?" questioned Dymond.

"No, sir," answered Dr. Fatter.

"You call yourself a family physician?" asked Dymond.

"Yes," replied Dr. Fatter.

In response to further questioning, Dr. Fatter said he is taking a year's sabbatical leave from his practice, but he retains a license to practice medicine.

"You don't hold any boards in psychiatry?" asked Dymond. "That's correct," agreed Dr. Fatter.

Dymond asked Dr. Fatter about the use of hypnosis, and Dr. Fatter began telling his philosophy of it. But Judge Haggerty stopped him short, saying he wanted no long explanation of it.

Alcock objected to questions about the doctor's training.

"Your honor, we are seeking to qualify this man as an expert in hypnosis, not psychiatry. This questioning is not relevant," he said.

"I am going to sustain the state's objection about your attacking his credibility as a psychiatrist," said Judge Haggerty.

Doctor Testifies of 'About Six Seminars'

Dymond switched to Dr. Fatter's background in hypnosis. The doctor testified the extent of his formal training was "approximately six seminars" lasting three to four days.

"Is it correct to say that you have trained for no longer than 24 to 30 days at these seminars?" questioned Dymond.

"Yes," replied Dr. Fatter, "but that doesn't take into account the study and reading I have done."

Dymond mentioned that the doctor had little training under a hypnotist, but Dr. Fatter drew a laugh from the audience when he corrected Dymond:

"Mr. Dymond, using the word hypnotist to a doctor is like calling a lawyer a shyster."

Dr. Fatter said there is no specialty in hypnosis, that it is a tool in the practice of medicine recognized by the American Medical Assn., and various local and state medical societies.

"Isn't it fact that hypnosis is used as a tool in psychiatry?" continued Dymond.

"No, sir," rejoined Dr. Fatter.

"Isn't hypnosis as a medical tool in the experimental stage?" asked Dymond.

"Yes, sir," he replied, "but so is the practice of medicine."

Dymond relinquished questioning of Dr. Fatter, and Alcock immediately moved to qualify him as an expert in hypnosis. Judge Haggerty, over Dymond's objection that Dr. Fatter had no more than 30 days' training in hypnosis, ruled that Dr. Fatter's competency as an expert on hypnosis was established.

With Alcock opening the state's questioning, he immediately moved to the meeting of Dr. Fatter with Perry Raymond Russo in the late Dr. Nicholas J. Chetta's office in March, 1967.

"What was the purpose of your conversation with Russo?" asked Alcock.

"My purpose was to induce Mr. Russo into a trance for the purpose of helping him to recall a little bit more accurately," said Dr. Fatter.

"We object," said Dymond. "He is rendering an opinion; that is for the jury to decide."

Here Judge Haggerty called for a 10-minute recess to confer with both prosecution and defense on just what would be admissible in Dr. Fatter's testimony. The recess lasted 42 minutes.

Alcock was permitted to resume questioning of Dr. Fatter. He said he met with Russo on March 1, 1967.

"What did you ask him?" asked Alcock.

"We object," jumped up Dymond.

"On what grounds?" asked Judge Haggerty.

"This is irrelevant," pleaded Dymond.

"It's only fair for the jury to hear under what circumstances these meetings took place," rejoined Alcock.

"This testimony does impinge upon the hearsay rule," Judge Haggerty began. "The state is trying to bolster the credibility of its witness. But his testimony must stand or fall on his testimony to the jury. This would be corroborative testimony."

"Your honor, the state feels it is only fair to let him tell the jury what circumstances surrounded this meeting. We are not asking him to say what Russo said."

Dymond got up to argue, but Judge Haggerty cautioned, "Mr. Dymond, I think you have won. Stop while you are ahead."

"Your honor, in your making this ruling, I hope you are looking ahead to when the defense is going to bring in expert witnesses to make contradictory statements," said Alcock.

Testimony by Doctor Is Ruled Irrelevant

"There will be no need for expert witnesses to make contradictory statements," replied Judge Haggerty. "I am going to rule that the testimony he is about to give is irrelevant to this case. Dr. Fatter will not be permitted to testify."

"If that's the court's ruling," rejoined Alcock, "I see no further need to question Dr. Fatter."

Another recess was called for 15 minutes as the state was caught short on witnesses. Louis Hopkins, a co-owner of the Travel Consultants Inc., travel firm, was the next state witness during the morning. He was the 23rd called by the state since the commencement of testimony Feb. 6.

Hopkins was on the stand for only a brief while. Alcock established that Shaw took a trip to the Pacific Northwest sometime on or after November 15, 1963, and Hopkins said he routed Shaw by rail via New Orleans, San Francisco, Portland, Ore., Chicago and back to New Orleans.

"Was this an unusual route?" asked Dymond in cross-examination.

"No, sir," replied Hopkins.

"It is a normal route to the Pacific Northwest."

Alcock asked if he thought that Shaw used the train reservations. Dymond objected that it would be an opinion and Hopkins had no way of knowing, but Judge Haggerty allowed the question to stand.

"I have to say it was used," said Hopkins. "Or the tickets would have been returned to the railroads for a refund."

It was 11:25 a.m. as Hopkins concluded his testimony, and Alcock asked for the noon recess to allow him to bring in new witnesses, stated for the

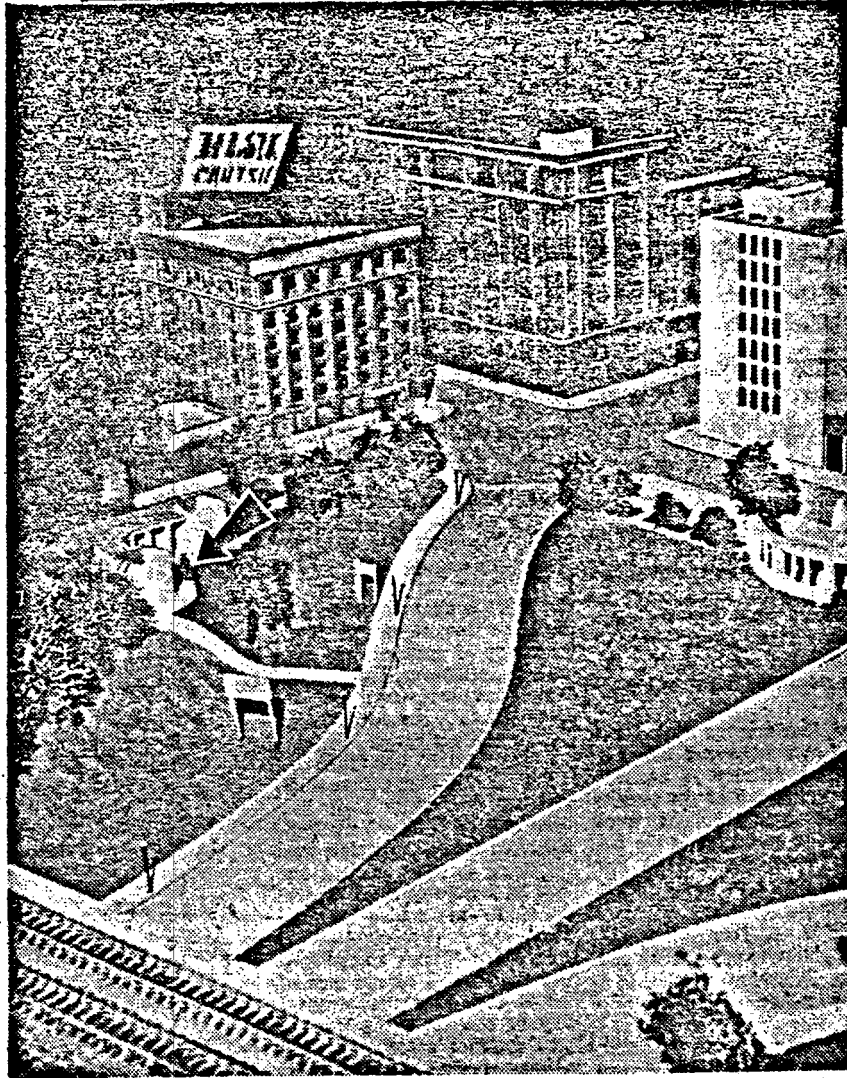
1:30 p.m. hour.



WALKING AHEAD of Mr. and Mrs. Abraham Zapruder as they arrive at the Clay L. Shaw conspiracy trial here Thursday is Dallas County, Tex., surveyor Robert H. West. Both West and Zapruder testified about the

—Photo by The Associated Press.
assassination of President John F. Kennedy in Dealey Plaza at Dallas. Zapruder's movie film taken of the presidential motorcade at the time of the shooting was offered into evidence.

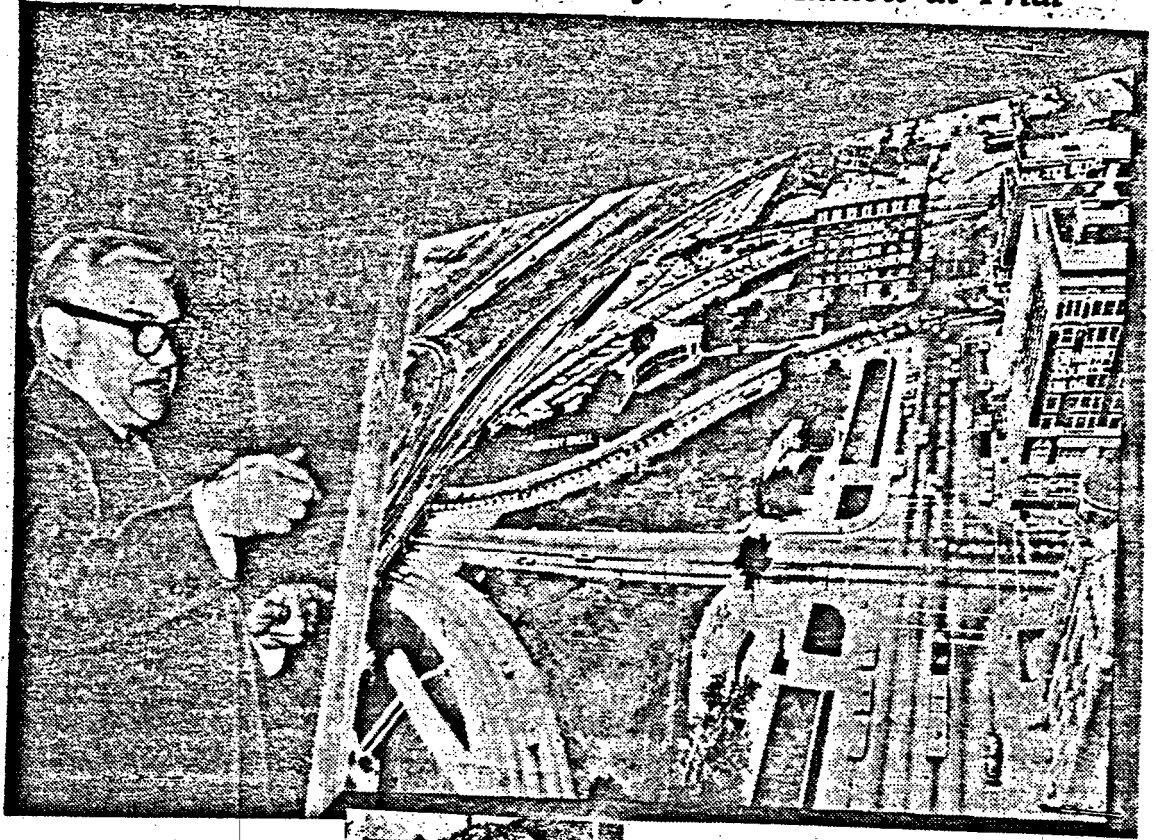
Mock-Up Locates Zapruder at Shooting Scene



USED AS an illustration Thursday in the conspiracy trial of Clay L. Shaw is this model of the site of President John F. Kennedy's assassination on Nov. 22, 1963. The arrow points to a figure representing Abraham

—Photo by The Times-Picayune.
Zapruder who was taking motion pictures of the Kennedy car when the shooting occurred. The building at left is the Texas School Book Depository. Elm st., on which the President was riding, runs in front of the depository.

Judge Haggerty Shows Dealey Plaza Exhibit at Trial



—Photo by The Times-Picayune.
JAMES HARDIMAN
Postman testifies again.