

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATION SECTION

FEB 20 1969

TELETYPE

FBI WASH DC

FBI NEW ORLS

4:26PM 2-20-69 URGENT 5 PGS. LAB  
TO DIRECTOR 62-109060 AND DALLAS 89-43  
FROM NEW ORLEANS 89-69

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.  
MISC.-INFO CONCERNING. 00: DALLAS.

THERE APPEARED IN THE FEBRUARY TWENTY INSTANT ISSUE  
OF THE RED FLASH EDITION OF THE NEW ORLEANS STATES-ITEM  
NEWSPAPER AN ARTICLE REPORTING THE MORNING SESSION OF THE CLAY  
L. SHAW TRIAL WHICH WAS HELD ON FEBRUARY TWENTY, SIXTYNINE.

ACCORDING TO THIS ARTICLE, THE COURT CONVENED AND JUDGE  
HAGGERTY ANNOUNCED THAT THE STATE'S APPEAL TO THE LOUISIANA  
STATE SUPREME COURT TO HAVE JUDGE HAGGERTY'S RULING WHICH  
WOULD PERMIT THE TESTIMONY OF POLICE OFFICER HABIGHORST TO  
BE PRESENTED BEFORE THE JURY HAD BEEN DENIED.

ACCORDING TO THIS ARTICLE, THE APPEAL OF THE PROSECUTION  
FILED BEFORE THE LOUISIANA STATE SUPREME COURT ON THE EVENING  
OF FEBRUARY NINETEEN LAST MADE NO MENTION OF A MISTRIAL.

THIS APPEAL SOUGHT ONLY TO HAVE THE HIGH COURT REVERSE  
HAGGERTY'S RULING.

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Mr. Tolson	
Mr. DeLoach	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

*WOW*

*3-15*

*Yagle*

*Taylor*

*AWPACH*

*K*

REC 13 62-109060-6763

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AFTER HAGGERTY'S ANNOUNCEMENT, THE PROSECUTION REQUESTED JUDGE HAGGERTY TO RECONSIDER HIS RULING ON THE GROUNDS THAT THERE WAS A CONFLICT IN TESTIMONY ON WHETHER SHAW WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS WHEN HE WAS ARRESTED ON MARCH ONE, NINETEEN SIXTYSEVEN. THE PROSECUTION ARGUED THAT IT SHOULD BE UP TO THE JURY TO DECIDE WHO IS TELLING THE TRUTH ABOUT SHAW'S FINGERPRINT CARD.

ACCORDING TO JUDGE HAGGERTY, HE DISAGREED WITH THE PROSECUTION AND STATED THAT "IT IS A QUESTION FOR THIS COURT TO DECIDE. IT'S NOT UP TO MR. SHAW OR THE DEFENSE TO STATE THAT THE DEFENDANT'S CONSTITUTIONAL RIGHTS ARE VIOLATED, IT'S UP TO ME TO DECIDE." JUDGE HAGGERTY SAID THE POLICE DEPARTMENT HAD NO RIGHT TO KEEP SHAW'S ATTORNEY OUT OF THE ROOM WHILE SHAW WAS BEING FINGER-PRINTED.

ACCORDING TO THE ARTICLE, THE PROSECUTION THEN RESTED ITS CASE AFTER JUDGE HAGGERTY HAD TURNED DOWN A PROSECUTION

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REQUEST TO RECONSIDER HIS RULING.

THE DEFENSE THEN ANNOUNCED IT WAS MAKING A MOTION FOR A DIRECTED VERDICT OF ACQUITTAL AND THE JURY WAS SENT OUT OF THE COURTROOM WHILE THE MOTION WAS ARGUED.

THE DEFENSE STATED THAT THE STATE CONSPIRACY STATUTE INDICATES THAT A CONSPIRACY MUST INCLUDE AN AGREEMENT OR A COMBINATION OF TWO OR MORE PERSONS FOR THE SPECIFIC PURPOSE OF COMMITTING A CRIME AND AN OVERT ACT IN FURTHERANCE OF THAT AGREEMENT.

THE DEFENSE THEN CITED THE TESTIMONY OF PROSECUTION WITNESS PERRY RAYMOND RUSSO AND SAID THAT RUSSO'S TESTIMONY CONTAINED NO SUCH AGREEMENT. THE DEFENSE THEN QUOTED FROM RUSSO'S TESTIMONY AS SAYING "I NEVER SAID ANYTHING ABOUT A CONSPIRACY. I DIDN'T SIT IN ON ANY CONSPIRACY." THE DEFENSE THEN POINTED OUT THAT ACCORDING TO RUSSO'S TESTIMONY, RUSSO HAD STATED THAT HE HEARD NEITHER SHAW OR OSWALD AGREE TO KILL THE PRESIDENT. THE DEFENSE STATED "WE SUBMIT IN THAT MATTER  
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THAT, WITHOUT AN AGREEMENT TO DO ANYTHING, YOU CANNOT HAVE A CONSPIRACY."

THE DEFENSE TERMED THE STATE'S SHOWING OF A CONSPIRACY AS "AN ABSOLUTE VOID," AND THAT ALLEGED OVERT ACTS WHICH THE PROSECUTION ATTEMPTED TO SHOW THAT IS SHAW'S TRIP TO THE WEST COAST AND DAVIE FERRIE'S TRIP TO HOUSTON THE DAY OF THE ASSASSINATION HAD NO CONNECTION WITH ANY CONSPIRACY. THE DEFENSE STATED THAT THE PROSECUTION HAD FAILED TO SHOW THAT OSWALD HAD EVER TAKEN A GUN INTO THE TEXAS SCHOOL BOOK DEPOSITORY THE DAY THE PRESIDENT WAS SLAIN.

THE PROSECUTION ANSWERED THAT THE STATE CONSPIRACY STATUTE IS "VERY BROAD" AND THAT WHAT MAKES THE ALLEGED CONSPIRACY MEETING IMPORTANT IS THAT OSWALD "WOULD UP IN THE TEXAS <sup>K</sup>BOOD<sup>N</sup> DEPOSITORY."

AFTER THE ARGUMENTS, JUDGE HAGGERTY ANNOUNCED THAT HE WANTED TO READ TRANSCRIPTS OF THE TESTIMONY OF RUSSO PRIOR TO RENDERING ANY DECISION FOR A DIRECT<sup>ED</sup> VERDICT<sup>T F</sup> OF ACQUITTAL  
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AND THAT HE WOULD ANNOUNCE HIS RULING WHEN COURT CONVENE  
AT NINE A.M. ON FEBRUARY TWENTYONE, NEXT.

THIS ARTICLE REVEALS THAT THE DEFENSE ISSUED TWO  
SUBPOENAS ON THE MORNING OF FEBRUARY TWENTY INSTANT, ONE  
FOR FORMER GOV. JOHN D. CONNALLY OF TEXAS AND THE OTHER FOR  
LT. T.L. BAKER OF THE DALLAS PD.

NO LHM BEING SUBMITTED.

END

SLB

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