

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

FEB 26 1969

TELETYPE

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

FBI WASH DC

REC 27
113 617

FBI NEW ORLS

2:42PM URGENT 2-26-69 7 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. OO: DALLAS.

Handwritten signatures and initials

THERE APPEARED IN THE FEBRUARY TWENTYSIX INSTANT ISSUE OF THE NEW ORLEANS TIMES-PICAYUNE NEWSPAPER AN ARTICLE SETTING FORTH ADDITIONAL INFO REGARDING THE CROSS-EXAMINATION OF DEAN A. ANDREWS BY THE PROSECUTION DURING THE AFTERNOON SESSION OF THE TRIAL OF CLAY L. SHAW ON FEBRUARY TWENTYFIVE LAST.

K

ACCORDING TO THIS ARTICLE, ANDREWS TESTIFIED THAT NO ONE HAD EVER CALLED HIM TO REPRESENT LEE HARVEY OSWALD AFTER THE ASSASSINATION OF THE PRESIDENT. HE CHARACTERIZED HIS FOURTEEN PAGES OF TESTIMONY IN THE WARREN COMMISSION REPORT AS "PAGE AFTER PAGE OF BULL" AND THE STORY THAT HE WAS CONTACTED AFTER THE ASSASSINATION BY A MAN NAMED CLAY BERTRANK WHO ASKED HIM TO DEFEND OSWALD "WAS A FIGMENT OF MY IMAGINATION."

EX-10 REC 27 62-109060-6792

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END PAGE ONE

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CONCERNING THE STORY HE TOLD THE FBI ABOUT THE ALLEGED TELEPHONE CALL AND HIS SUBSEQUENT TESTIMONY TO THE WARREN COMMISSION AND THE ORLEANS PARISH GRAND JURY, ANDREWS TESTIFIED "MY MOUTH RAN AHEAD OF MY BRAIN." HE TESTIFIED THAT HE DID NOT CONSIDER THE INFO HE GAVE TO THE FBI OR THE WARREN COMMISSION AS LYING BUT ~~THAT HE CONSIDERED THAT AS~~ HE MADE CONFLICTING STATEMENTS.

ACCORDING TO THIS ARTICLE, AS THE PROSECUTION BEGAN CROSS-EXAMINING ANDREWS, ANDREWS REFUSED REPEATEDLY TO ANSWER QUESTIONS CLAIMING HIS ANSWERS MIGHT TEND TO INCRIMINATE HIM. JUDGE HAGGERTY UPHELD ANDREWS' RIGHT NOT TO ANSWER FOR MORE THAN AN HOUR. HOWEVER, AFTER THE PROSECUTION STATED THAT WHEN ANDREWS TESTIFIED THAT SHAW WAS NOT BERTRAND, ANDREWS "OPENED THE DOOR" AND PUT HIMSELF IN A POSITION IN WHICH HE MUST ANSWER THE STATE'S QUESTIONS, AND JUDGE HAGGERTY THEN ORDERED A RECESS SO THAT THE PROSECUTION AND HAGGERTY COULD RESEARCH THE LAW.

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AFTER THE TRIAL WAS RESUMED, JUDGE HAGGERTY STATED HE HAD LOCATED A LEGAL OPINION INDICATING THAT A PERSON DOES NOT NEED TO ANSWER QUESTIONS THAT MIGHT INCRIMINATE HIM. HOWEVER, WHEN A PERSON ANSWERS A QUESTION THAT ENTERS INTO A SUBJECT, IN THIS CASE THE IDENTITY OF CLAY BERTRAND, HE MUST ANSWER ALL QUESTION THAT ARE RELATED TO THE SUBJECT.

JUDGE HAGGERTY THEN ANNOUNCED HE WOULD CHANGE HIS POSITION AND WOULD PERMIT FULL CROSS-EXAMINATION OF ANDREWS. UPON QUESTIONING BY THE PROSECUTION, ANDREWS TESTIFIED THAT THE TELEPHONE CALL HE RECEIVED ON NOBEMBER TWENTYTHREE, NINETEEN SIXTYTHREE WHILE BEING CONFINED TO THE HOTEL DIEU HOSPITAL, NEW ORLEANS, WAS FROM ^{Eugene C. Davis} EUGENE DAVIS. HE TESTIFIED HE HAD KNOWN ^{Eugene C. Davis} DAVIS FOR A NUMBER OF YEARS AND THAT HE HAD KNOWN DAVIS SIX MONTHS TO A YEAR BEFORE HE WAS INTRODUCED TO DAVIS AS CLAY BERTRAND AT THE WEDDING HE HAD PREVIOUSLY TESTIFIED ABOUT.

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HE TESTIFIED HE HAD REPRESENTED DAVIS ON LEGAL MATTERS SINCE NINETEEN FIFTYONE AND KNEW DAVIS WELL ENOUGH SO THAT HE COULD RECOGNIZE DAVIS' VOICE ON THE TELEPHONE. HE TESTIFIED HE NEVER OBSERVED DAVIS WITH LEE HARVEY OSWALD. HE TESTIFIED HE NEVER IDENTIFIED ANYBODY AS CLAY BERTRAND AND USED THE NAME MERELY AS A COVER NAME FOR DAVIS.

IN REGARDS TO THE TELEPHONE CALL, ANDREWS TESTIFIED THAT IT WAS HE, NOT DAVIS, WHO SUGGESTED REPRESENTING OSWALD. HE TESTIFIED THAT II SUGGESTED I WOULD BE FAMOUS IF I WENT TO DALLAS TO DEFEND LEE HARVEY OSWALD. THAT ANYBODY WHO DEFENDED HIM WOULD BE FAMOUS."

HE TESTIFIED HE HAD NO EXPLANATION WHY HE CALLED ATTORNEY SAM MONK ZELDEN ABOUT A TRIP TO DALLAS. ANDREWS TESTIFIED THAT IN HIS APPEARANCES BEFORE THE WARREN COMMISSION AND THE ORLEANS PARISH GRAND JURY, HE WAS NEVER GIVEN A CHANCE TO EXPLAIN AND THE REASON HE DID NOT NAME EUGENE DAVIS WAS THAT HE WANTED TO PROTECT HIM.

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IN REGARDS TO THE NAME ~~CLAY~~ BERTRAND, HE TESTIFIED THAT THE ONLY TIME HE EVER MET ANYONE USING THAT NAME WAS AT THE WEDDING HE PREVIOUSLY TESTIFIED ABOUT. HE TESTIFIED THAT DURING HIS APPEARANCES BEFORE THE ORLEANS PARISH GRAND JURY, HE WAS FORCED INTO MAKING "CONFLICTING STATEMENTS" BECAUSE HE WAS BEING "HEMMED IN" BY HIS PREVIOUS TESTIMONY BEFORE THE WARREN COMMISSION.

HE TESTIFIED WHEN HE WAS BEING INTERVIEWED AT THE HOTEL DIEU HOSPITAL BY FBI AGENT KENNEDY, HE WAS TRYING TO THINK OF A NAME TO USE AS A COVER NAME FOR EUGENE DAVIS AND FINALLY DECIDED TO USE THE NAME CLAY BERTRAND. HE TESTIFIED THAT THE ONLY PORTIONS OF HIS TESTIMONY BEFORE THE WARREN COMMISSION WHICH ARE TRUE IS THAT PART ABOUT OSWALD COMING TO HIS OFFICE SEEKING LEGAL ADVICE. ANDREWS WAS THEN QUESTIONED EXTENSIVELY ABOUT HIS TESTIMONY BEFORE THE ORLEANS PARISH GRAND JURY. HE TESTIFIED THAT WHENEVER HE MENTIONED THE NAME CLAY BERTRAND TO THE GRAND JURY, HE WAS TALKING ABOUT EUGENE DAVIS. ANDREWS WAS THEN EXCUSED AS A WITNESS.

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THE NEXT DEFENSE WITNESS WAS IDENTIFIED AS CHARLES A.
APPELL, JR., A RETIRED FBI HANDWRITING EXPERT WHO SINCE
NINETEEN FORTYEIGHT HAS HAD PRIVATE PRACTICE IN WASHINGTON,
D.C. APPELL WAS ACCEPTED AS A HANDWRITING EXPERT WITHOUT
QUESTION BY THE PROSECUTION. L. 10

ACCORDING TO THE ARTICLE, APPELL IS EXPECTED TO TESTIFY
CONCERNING THE ALLEGED SIGNATURE OF CLAY BERTRAND ON AN
EASTERN AIRLINES LOUNGE BOOK AT NEW ORLEANS INTERNATIONAL
AIRPORT WHICH HAS PREVIOUSLY BEEN INTRODUCED BY THE PROSECUTION.

COURT WAS RECESSED AFTER THE DEFENSE INDICATED IT WAS
EXPECTED APPELL WOULD BE ON THE WITNESS STAND FOR QUITE AWHILE
DURING THE MORNING SESSION ON FEBRUARY TWENTYSIX INSTANT.

NEW ORLEANS FILES REVEAL THAT EUGENE DAVIS MENTIONED
ABOVE IS PROBABLY IDENTICAL WITH EUGENE CLAIR DAVIS, FBI
NO. NINE NINE SIX SIX EIGHT THREE C. INFO RELATING TO
EUGENT CLAIR DAVIS CONTAINED IN CODED TELETYPES TO BUREAU AND
DALLAS FROM NEW ORLEANS DATED JUNE TWENTYONE, TWENTYTHREE,
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SIXTYSEVEN.

NEW ORLEANS FILES ALSO REVEAL THAT INFO SET FORTH
IN NEW ORLEANS TELETYPE JUNE TWENTYEIGHT, SIXTYSEVEN
WHICH CONTAINED A REPORT OF A NEW ORLEANS RADIO STATION
THAT DEAN ANDREWS HAD IDENTIFIED CLAY BERTRAND AS EUGENE
C. DAVIS, A FRENCH QUARTER BAR OWNER. ADDITIONAL REFERENCES
TO DAVIS CONTAINED IN NEW ORLEANS TELETYPE JUNE TWENTYEIGHT,
TWENTYNINE, JULY EIGHTEEN, TWENTYSIX, NINETEEN SIXTYSEVEN.

COLONEL PIERRE FINCK, THE ARMY PATHOLOGIST WHO TESTIFIED
DURING THE PAST SEVERAL DAYS AT THE SHAW TRIAL, TELEPHONICALLY
CONTACTED THE NEW ORLEANS OFFICE AT EIGHT FIFTEEN A.M.,
FEBRUARY TWENTYSIX INSTANT, AND STATED THAT HE WOULD LIKE TO
MAKE A COURTESY CALL.. COLONEL FINCK WAS EXTENDED THE USUAL
COURTESY, WAS HEAVILY COMPLIMENTARY OF THE BUREAU AND STATED
THAT HE HAD A GREAT RESPECT FOR THE DIRECTOR AND HIS WORK.
THE GARRISON CASE WAS NOT DISCUSSED.

NO LHM BEING SUBMITTED.

END

PGH

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