

ZAPRUDER PUT

ON STAND,

NEW TRIAL

(2/13/69) 2-13-69 State's Item

PHASE BEGINS



ASSISTANT DISTRICT ATTORNEY ALVIN V. OSER, second from left, reads into the record testimony of the late Dr. Nicholas J. Chetta, former

Orleans Parish coroner. At left is assistant DA JAMES L. ALCOCK; at right, CLAY SHAW.

Abraham Zapruder, the Dallas dress manufacturer who took a color movie of the assassination of President John F. Kennedy, went on the witness stand this afternoon in the trial of Clay L. Shaw.

After a hassle between state and defense attorneys over the relevance of Zapruder's testimony, Judge Edward A. Haggerty Jr. ruled he could tes-

Garrison Appears at Trial

District Attorney Jim Garrison made one of his rare appearances at the trial of Clay L. Shaw this afternoon as state witness Abraham Zapruder of Dallas was questioned. Garrison took no part in the questioning. It was the DA's third appearance in the courtroom since the trial began Jan. 21.

tify, thus opening the way for the state to go into the whole question of the assassination itself.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill Kennedy, shot to death in Dallas Nov. 22, 1963.

UNDER LOUISIANA LAW, ALL THE STATE has to prove is that a conspiracy involving Shaw existed and that an overt act (not necessarily the shooting itself) was committed in furtherance of the object of the conspiracy.

But Judge Haggerty ruled today the state "has the right to overprove its case, if it so desires."

Chief prosecutor James L. Alcock said the state will show that the actual killing of JFK resulted from a conspiracy.

DEFENSE COUNSEL F. IRVIN DYMOND argued unsuccessfully that the Zapruder testimony, and all other testimony relating to events in Dealey Plaza, is "baseless as to what happened here" in New Orleans, where the court has jurisdiction.

Zapruder testified that on the day of the assassination

he went out to watch and film the president's parade and after three attempts found a satisfactory place to stand, on a four-foot-tall concrete abutment in Dealey Plaza. He said he had an 8-millimeter movie camera with color film and a zoom lens.

AT THIS POINT, THE STATE attempted to introduce

Turn to Page 6, Column 1

new exhibits, including a mockup of Dealey Plaza which they apparently planned to use to illustrate Zapruder's testimony.

Here, the defense made its objections and the judge overruled them.

Alcock indicated the next witness to follow Zapruder will be Robert Webb, county surveyor in Dallas since 1944.

Court attaches said a movie screen has been sent for, indicating that if the judge permits, the jury will be shown Zapruder's film later in the day.

THE ZAPRUDER FILM WAS USED extensively by the Warren Commission in formulating its theory of the case. The commission concluded that Lee Harvey Oswald acted alone in killing Kennedy. District Attorney Jim Garrison says he will disprove this.

Earlier today, the state was thwarted in an effort to get an expert on hypnosis to testify in the trial about placing the state's star witness, Perry Raymond Russo, in a trance

to refresh his memory.

Dr. Esmond Fatter of New Orleans took the stand and qualified as an expert on hypnosis, but when Alcock attempted to question him about his conversation with Russo, Judge Haggerty ruled out the testimony on grounds that it is hearsay.

Russo testified earlier this week he heard Shaw discussing the assassination with Oswald and David W. Ferrie. Other testimony has established that Russo was placed under sodium pentathal and in a hypnotic state to help him recall details of the alleged party.

At a preliminary hearing for Shaw in March 1967 Dr. Fatter gave extensive testimony about his assistance in the questioning of Russo.

At that time, Dr. Fatter said he told Russo:

"You will be amazed how acute your mind will be in the next few weeks."

THE HYPNOSIS EXPERT SAID RUSSO was put into a "moderately deep" trance and when he spoke it was "like talking in his sleep." The trance lasted about an hour and a half but to Russo it appeared to be "only five minutes."

In the trance, Russo "regressed" to September 1963 to recall details of the party, Dr. Fatter said.

In ruling out such testimony today, Judge Haggerty said:

"I am going to rule this objection is good. The evidence to be sought through Dr. Fatter is irrelevant to this trial."

ALCOCK SAID THE STATE WAS out of witnesses, and the judge recessed court until this afternoon.

Also testifying this morning was Lewis Hopkins, a travel consultant for Shaw, who testified he sold Shaw railroad tickets to the Pacific Coast in November of 1963.

Shaw had said he was in San Francisco on the day of the assassination.

Hopkins said Shaw prefers to travel by rail rather than by air. An itinerary was introduced into evidence showing Shaw was routed from New Orleans to San Francisco to Chicago and back to New Orleans.

THERE WAS NOTHING UNUSUAL about the travel arrangements, Hopkins testified.

The only other witness to testify this morning was James Hardiman, a postman, who was on the stand when court closed yesterday. Alcock had tendered him to Dymond.

Hardiman testified yesterday that in 1966, when Shaw's mail was being delivered to 1414 Chartres, he delivered several letters there addressed to Clem Bertrand. Russo says Shaw was using the name Bertrand when he was introduced to him.

The resident at 1414 Chartres is Jefferson Biddison, a friend of Shaw. Shaw received mail at that address for a time, other testimony has indicated, rather than at his regular address at 1313 Dauphine.

The attempt to link Shaw with Bertrand has been a key part of Garrison's investigation of the Kennedy assassination.

Today's session opened with the cross-examination of Hardiman by Dymond.

THE MAILMAN SAID HE DELIVERED "quite a few" letters addressed to Bertrand to the Chartres address. He said the name was easy to remember because it had come up in the news.

Hardiman said the mail was in brown envelopes "like wood. The paper had a wood grain." He was unable to pinpoint exactly how many such letters he delivered.

The carrier said he talked to Biddison about the Bertrand mail, but did not go into detail on the conversation.

2/13/69

DYMOND ASKED WHETHER IT APPEARED that the mail for Bertrand had been forwarded from the Dauphine st. address. Hardiman said it had not.

"In other words, the card for a change of address had nothing to do with Bertrand?" Dymond asked. Hardiman agreed.

(Another postal employe testified yesterday that Shaw filled out a form changing his address from Dauphine st. to the Chartres address.)

HARDIMAN SAID HE HAS BEEN DELIVERING mail

to 1414 Chartres since the address came into existence 10 years ago and Jefferson Biddison has lived there all that time.

Asked if he had delivered mail to other persons at that address, Hardiman said he "maybe" has delivered matter to a James Biddison and did deliver material to a Fred Tate and a Cliff Boudreaux.

Referring to Boudreaux, Dymond said, "Now if I told you I just made that name up, would you still say you delivered mail there?"

Hardiman's answer was indistinct, but he said, "Well, maybe you did . . . you may have made it up."

HE SAID HE COULDN'T RECALL delivering anything to a Sherman Schrader, a Lee Begnard, a Charles Bunker or a Lyda Biddison.

Dymond established that Hardiman makes about 1,000 deliveries a day on his route.

Hardiman said he first heard the name Bertrand when it came into the news after Garrison's investigation of the assassination became public knowledge. (This would have been in February, 1967.)

He couldn't remember just when the DA's office first talked to him about Bertrand, but agreed it was long after Shaw's arrest in March, 1967. He said he was subpoenaed.

Hardiman said his memory of the time the Bertrand letters were delivered was dependent on the post office records of the address change. He couldn't remember the last time he delivered such a letter, but said it was "less than six months ago."

THE STATE THEN CALLED DR. FATTER, and qualified him as an expert on hypnosis.

Dr. Fatter said he objected to being called a hypnotist. He said:

"In the medical field we don't like to use the word hypnotist. It's like calling a lawyer a shyster."

Dymond objected to Dr. Fatter's being accepted as an expert, contending he did not have sufficient training. But the judge ruled the witness' competence had been established to his satisfaction.

Dr. Fatter said he first met Russo in March, 1967, in the office of the late Dr. Nicholas Chetta, then Orleans Parish coroner. Present, he said, were Dr. Chetta, a secretary, Assistant DA Andrew J. Sciambra, a male relative of Russo's and other members of the DA's staff.

He said he was asked to put Russo in a trance "rendering it possible for him to recall a little more accurately . . ."

Here Dymond objected to Dr. Fatter's discussing the accuracy of Russo's statements, and a recess was called so a conference could be held to discuss the legal question.

The recess lasted about 25 minutes.

DR. FATTER RETURNED TO THE STAND and was asked what he said to Russo. Dymond again objected, and the judge said the question "impinged on hearsay."

Alcock promised he wouldn't ask the witness to say what Russo said under hypnosis, but the judge sustained Dymond's objection anyway.

In that case, Alcock said, he saw no further need to question Dr. Fatter. The judge agreed and excused the witness.

Alcock asked for, and got, a recess to summon more witnesses.

Yesterday, Hardiman testified on direct examination that he delivered the Bertrand letter to the 1414 Chartres

address, the same one where Shaw's mail was delivered.

GARRISON CONTENTS THAT SHAW and Clem or Clay Bertrand are the same man. Attorney Dean Andrews told the Warren Commission a man named Bertrand tried to get him to defend Oswald after the assassination.

The commission named Oswald as the lone assassin. But the core of Russo's testimony is that he heard Shaw plotting the assassination with Oswald and Ferrie. *DMH*

Other highlights of yesterday's testimony included:

—State witness R. C. Roland testified that the day after the assassination, Ferrie came to his skating rink in Houston with two young men and "made it a point to make sure he was known to me."

—Sciambra attacked magazine writer James Phelan as a "journalistic prostitute." When his own writing—of a memo to Garrison that has become controversial in the case—came under attack, Sciambra said: "I may be a lousy memo writer, but I'm not a prostitute."

—Another postal employe, Richard W. Jackson, testified he filled out a change-of-address form shifting Shaw's mail from 1313 Dauphine to 1414 Chartres.