

Shaw Trial Proceedings

2-13-69
 Court proceedings in the 21st day of the Clay L. Shaw conspiracy trial follow:

TESTIMONY began today with defense attorney F. Irvin Dymond questioning letter carrier James Hardiman on cross-examination.

Hardiman testified yesterday that he delivered mail addressed to both Clem Bertrand and Clay Shaw to 1414 Chartres, home of Jeff Biddison.

Today, Dymond asked Hardiman how many letters he had delivered to the Chartres address.

A—Which letters are you speaking of?

Q—The letters to Clem Bertrand.

A—I handled quite a few of them, enough so that when his name came up in the news media it was easy for me to recognize it.

Q—Could you tell us approximately how many?

A—I know I had several. One particular thing about that particular mail, it was in brown envelopes . . . like wood. The paper had a wood grain.

DYMOND then asked Hardiman if he had not testified that the mail was sometimes delivered to the address in small bundles of several letters.

Hardiman explained that when a mail carrier gets three or four letters together for the same address, he puts them together in a bundle with a rubber band around them.

Q—Would you say you de-

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FEMALES OUTNUMBER MALE SPECTATORS IN COURTROOM.

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livered as many as 10 or 15?
 A—No.

AT THIS point, the state objected to the line of questioning. Dymond then asked if Hardiman had delivered as many as 10 letters to the address marked for Clem Bertrand.

THE STATE again objected and Judge Haggerty sustained the objection.

Q—Were there as many as 10?
 A—That would be hard to say. We make no count. We just deliver.

Q—As a matter of fact, didn't you talk to Mr. Biddison about this matter?
 A—I talked to Mr. Biddison. He came out of his house . . .

The state objected again and again Hardiman attempted to answer the question.

Q—Isn't it a fact that you told Mr. Biddison there were less than five of these letters?
 A—I told him I could not specify a number.

Q—Were the letters addressed to Clay Bertrand or Clem Bertrand?
 A—Clem. Clem Bertrand.

Dymond then questioned Hardiman as to whether the address on the letters he delivered to 1414 Chartres had been changed. Yesterday a

state witness mentioned a post office change of address card which apparently rerouted mail addressed to Clay Shaw from his home at 1313 Dauphine to the Chartres st. address.

Q—Had the address on the envelope been changed?
 A—All of the Clem Bertrand mail came direct . . . was never changed. It came to 1414 Chartres.

Q—In other words, the card for a change of address had nothing to do with Bertrand?
 Hardiman agreed, saying that "Mr. Shaw may have had a change of address."

Q—They (the letters) were not sent to 1414 Chartres as a result of a change of address executed at the post office?
 A—No, they hadn't.

HARDIMAN testified that he had been delivering mail to the address since it came into existence, approximately ten years.

Q—Has Mr. Biddison been living there all of that time?
 A—I think he was the first to live there.

Q—Have you had occasion to deliver other mail addressed to others than Mr. Biddison to the address?
 A—Yes, I have.

Q—Have you ever delivered mail to a James Biddison?
 A—I maybe have.

Q—Have you ever delivered

mail to inere addressed to Fred Tate?

A—I have.

Q—What year?

A— . . . a couple of years ago.

Q—Have you ever delivered mail to 1414 Chartres addressed to Cliff Boudreaux?

A—Yes, I delivered that name.

Q—When?

A—That hasn't been too long ago.

Q—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 did say, "well, maybe you did."

Q—What made you remember the name Cliff Boudreaux?

A—Nothing; I see the name . . . you may have made it up.

Q—How about Sherman Schrader?

A—I can't recall.

Q—I ask you the same thing about the name Lee Begnard.

A—I can't recall that name.

Q—Have you delivered any mail addressed to Charles Bunker?

A—That's another name I can't recall. I've delivered so many different names to that

address.

Q—But you can remember Clem Bertrand and you can remember Cliff Boudreaux.

Hardiman replied in the affirmative.

Q—How about Lyda Biddison?

A—It's pretty fast work in the morning. I don't get a chance to look at every name. I don't pay any attention to first names?

Q—Tell me how many blocks long and wide your route is.

A—Approximately 60. At one time it was 80 blocks.

Q—In other words, every day you would walk about 60 or 80 blocks?

A—Yes.

Dymond then asked how long his route was in September of 1967.

A—I think I might have had 70-some-odd blocks.

HARDIMAN said he deliv-

ered to about 800 stops and made approximately 1,000 deliveries on his route.

Q—In other words, you have about 1,000 deliveries on your route.

A—Yes.

Q—When was the first time you ever heard the name Clem Bertrand?

A—When the name came into the news media. Never paid any attention to it before that.

Q—You knew the Warren Commission had begun an investigation into the death of President Kennedy?

A—Honest and truly I never read any part of that report.

Q—You read it was conducting an investigation, didn't you?

A—Yes.

Q—Actually the first time that you heard the name Clem Bertrand was when the DA's office investigation began?

A—Yes.

Q—How long ago did the DA talk to you?

A—Maybe less than a year ago. I don't know the date. I guess about eight months ago.

Q—You say less than a year ago?

A—I'm not exactly sure.

Q—It was long after March of 1967, wasn't it?

A—That's right. When this thing first broke in the news, mail carriers were being called to the District Attorney's office. But the inspectors stopped this. They said that the carriers would have to be subpoenaed. They couldn't just go and answer questions or offer information. That may have delayed the time when I was to be questioned. I don't know.

Q—Did you volunteer or were you subpoenaed?

A—Subpoenaed.

Q—Did you tell your superiors what you knew about this matter?

A—I've talked to a lot of people about this case.

Q—Did you talk to the postmaster about it?

A—No. Not until I got my subpoena.

Q—What special event fixes the time of September, 1966, in your mind as the time the name of Clem Bertrand came to your attention and you delivered letters in that name to 1414 Chartres?

A—When I saw the name in

the news, it came to my mind. Also I spoke to some people. Someone that I might have mentioned that I had delivered letters in the name of Clem Bertrand and the name of Clay Shaw to the same address may have reported this to the District Attorney's office.

Q—What day and time did you learn that Clem Bertrand was connected?

A—Can't remember. Can't tell exactly the date. But it was when the name came into the news.

Q—How were you able to pinpoint the date June-September, 1966?

A—I didn't have to pinpoint it. We had the records in the postoffice. The change of address had been filed and the order came through.

Q—Then your testimony is

not based on your memory but on the change of address at the post office?

A—That's right. When the orders came through to deliver Clem Bertrand's letters to the Chartres st. address, the order to deliver the Clay Shaw letters came through at the same time. When the orders to change that order came through later, they came through for Clem Bertrand and Clay Shaw at the same time.

Q—Can you tell the last date you delivered mail in those names at that address?

A—No. I can't.

Q—Would you say that it was in the last year?

A—I would say less than six months ago.

THE NEXT witness called by the state was Dr. Esmond Fatter, who said he was a physician. Alcock then took up the questioning:

Q—Dr. Fatter, do you have any specialties?

A—The general practice of medicine?

Do you have occasion to practice hypnosis? Any special training?

I have been psychologically and physiologically trained and oriented and am a charter member of the American Society of Clinical Hypnosis.

Q—Were you ever on the faculty of this society?

A—Yes.

Q—Did you ever have oc-

occasion to lecture?

A—Yes.

Q—Where?

A—The nursing school of De Paul, the State Society of Texas, Louisiana Medical Society and have been asked by members of the Orleans society many times to represent the society with the press, radio and TV.

HE SAID the American Society of Clinical Hypnotics is made up of physicians, psychologists and dentists engaged in the practical use of hypnosis.

Q—You are a member?

A—I am a fellow. There are three kinds of classifications.

Q—How do you get a fellowship?

A—You must have finished your education and written papers on the subject.

Q—Did you ever publish a paper?

A—Yes. Two papers. One in the society's medical journal.

Q—How many people have you hypnotized?

A—In the hundreds.

Q—Have you had any training in psychology?

A—Nine years.

Q—Were you qualified as an expert in March of 1967 before the three-man preliminary hearing?

THE DEFENSE objected at this point on the grounds that the preliminary hearing had nothing to do with the current trial. Judge Haggerty overruled the objection. Alcock then proceeded.

Q—Have you been qualified or accepted as an expert in hypnosis?

A—Yes. As an expert.

AT THIS POINT Dymond took up the questioning of Dr. Fatter to determine his expertise in hypnosis:

Q—Dr. Fatter, where did you get your medical education?

A—Tulane University. I served my internship at Charity and my residency at St. Vincent's at Birmingham.

Q—Did you have any training in psychiatry in your residency?

A—No.

Q—You took your training as a family doctor?

A—Yes.

Q—Are you now engaged in

the practice of medicine?

A—No. I have taken a year's sabbatical leave and at present am not practicing. I do, however, continue to hold my medical license.

Q—Then it is your testimony

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that you did not take any psychiatry courses during your residency?

A—Yes.

Q—Then you do not have your boards in psychiatry?

A—That's correct.

Q—Then you're not a psychiatrist?

A—No.

Q—In your opinion, is hypnosis used as an anesthetic or as a treatment?

A—Man is composed of mind and body and they function as a unit. For every physical illness there is a mental . . .

JUDGE HAGGERTY interrupted at this point and objected to a long explanation by Dr. Fatter on this point.

Q—You said you had some formal training in hypnosis?

A—Some training or its equivalent.

Q—What was the equivalent?

ALCOCK objected, claiming the questions were inappropriate since the state was qualifying the witness as an expert in hypnosis and not as an expert in psychiatry.

Dymond contended that the two things go hand in hand, but the judge sustained the state's objection.

Q—Did you have any other formal training in hypnosis?

A—No. Just through seminars and lectures.

Q—When was the first seminar?

A—In 1957 in New Orleans.

Q—How long did that seminar last?

A—Three or four days.

Q—When was the next seminar?

A—I attended six or eight seminars and meetings.

Q—Can you tell me about the second one?

A—I have to go back and review some records to determine exactly when that was.

Q—Isn't it a fact that all

the seminars you attended did not last more than several days?

A—That's right.

Q—Then the extent of your training in hypnosis came through medical meetings and seminars?

A—That's right.

Q—Then you had just 24 to 30 days in formal training in hypnosis?

A—In lectures and seminars, yes; but in reading and studying no.

Q—Then your formal training under instruction was only 24 to 30 days?

A—Yes.

Q—You wouldn't say then that you are a trained hypnotist?

A—In the medical field we don't like to use the word, hypnotist; it's like calling a lawyer a shyster. To medical men, who are physiologically and psychologically trained, hypnosis is a tool.

Q—In the profession, is there any class of person who is recognized as a specialist in hypnosis?

A—No. It is a tool in the practice of medicine. It has been recognized by the American Medical Association, the Louisiana Medical Association and the Orleans Medical Society and accepted as a tool.

Q—Is it considered a tool of the psychiatrist?

A—No, sir.

Q—In your opinion, is hypnosis still in the experimental stages?

A—In my opinion, medicine is in the experimental stages.

THE STATE then offered Dr. Fatter as an expert, but Dymond objected, claiming his 24 to 30 days' training not sufficient to qualify him.

Judge Haggerty ruled that Dr. Fatter's competency had been established to his satisfaction, that he could testify as an expert. Dymond then took a bill of exception.

Alcock resumed his questioning.

Q—Was there an occasion in March of 1967 for you to meet Perry Raymond Russo?

A—Yes.

Q—Where did that meeting take place?

A—In the office of Orleans Parish Coroner Dr. Nicholas Chetta.

Q—Who was present at that meeting?

A—Dr. Chetta, a female sec-

retary, Sciambra, Russo, a young man, whom I first thought was Russo's brother but later learned was Russo's cousin, and several members of the district attorney's staff whom I do not know by name.

Q—Did you have a conversation with Russo on that occasion?

A—Yes, I did.

Q—What was the purpose of that conversation?

A—When I first appeared at Dr. Chetta's office, I was introduced to Russo and was told . . .

Dymond objected to what he had been told as hearsay.

DR. FATTER then resumed his statement saying, "I was asked to induce Russo into a

trance state, rendering it possible for him to recall a little more accurately . . ."

Dymond then objected to Dr. Fatter discussing the accuracy of Russo's statement and the judge called a 10-minute recess so that attorneys from both sides could confer on the legal question involved.

THE SESSION in the judge's chambers lasted about 25 minutes.

When the judge returned to the courtroom, Alcock asked Dr. Fatter to take the stand again and resumed the questioning:

Q—Dr. Fatter, did you have an occasion to have a conversation with Perry Raymond Russo in the Orleans Parish Coroner's office?

A—Yes, sir.

Q—Do you remember the date of that meeting?

A—I would like to refer to my records if I may . . . the first time I saw Russo was March 1, 1967.

Q—That is the occasion you refer to now?

A—Yes.

Q—What did you say to Perry Russo at that time?

DYMOND objected on the grounds that this was part of the hypnosis which the defense has objected to.

Alcock retorted with a reminder to the court that the witness had been qualified as an expert.

Judge Haggerty said the question impinged on hearsay

testimony.

Alcock said, "the witness should be allowed to testify regarding the circumstances surrounding this meeting. I'm not asking the witness to say what Russo said while under hypnosis."

THE JUDGE told Dymond he was anticipating what the witness would say, and he sustained the objection.

Alcock said there was no further need to question Dr. Fatter and the judge said, "I don't either."

He excused the witness.

THEN ALCOCK said the state anticipated that Dr. Fatter would be on the witness stand for a lot longer time, and moved for a brief recess to summon more witnesses.

(THE STATE called Lewis Hopkins, a travel consultant or Shaw. He testified he sold Shaw rail tickets to the Pacific Northwest in November of 1963.)

(His agency, Travel Consultants Inc., is on the third floor of the International Trade Mart building, where Shaw was employed.

"Essentially," Alcock asked, "Mr. Hopkins, what is the business of your firm?"

A—I sell tickets for a living.

Q—Would you explain more fully?

A—I am a broker. I sell air, rail and steamship tickets for a commission.

Q—Have you ever had any dealings with Mr. Shaw?

A—Yes. In the month of November, 1963, I received a telephone call from Shaw's office. Since we were in the same building I went up and talked with him.

Q—Did you sell Mr. Shaw any tickets in November of 1963?

A—Yes.

Q—Do you recall the destination?

A—The Pacific Northwest. And it was by rail. Mr. Shaw liked to travel by train rather than plane.

ALCOCK THEN got up and showed defense attorneys two exhibits which were eventually entered as evidence. Shaw got up to see them. Then he walked off with his hands in his coat pockets back to his seat.



ASSISTANT DA ANDREW J. SCIAMBRA

Q—Do you recognize State Exhibit No. 30 and what does it purport to be?

A—It's a photo of the daily worksheet in my office. It shows the activity of the day.

Q—Is routing on this ledger, specifically Mr. Shaw's routing?

A—Yes. It shows Mr. Shaw's routing from New Orleans to San Francisco to Chicago and back to New Orleans.

Q—Do you recognize State Exhibit No. 31 and what does it purport to be?

A—It's a sheet showing the day we received money for Mr. Shaw's tickets.

Q—What is the date?

A—Nov. 15, 1963.

Q—From this can you determine the date a person left?

A—No. Not from these records. But it would have to be



—States-Item Photo.
JAMES HARDIMAN
Postman witness.

that day or later, not prior to that.

ALCOCK THEN tendered the witness to defense attorneys. Dymond began questioning him.

Q—Mr. Hopkins, was there anything unusual about Mr.

Shaw's making reservations with you?

A—Nothing unusual whatsoever.

Q—Was Mr. Shaw a regular customer?

A—There was another agency in the Trade Mart whom Mr. Shaw also used. He was most fair. One time he would use my agency. Next time, the other.

Q—Would you say Mr. Shaw chose an unusual route to the Pacific Northwest?

A—No. There are many ways to go to the Pacific Northwest.

Q—Were you paid by check?

A—Yes, but I can't recall if it was a Trade Mart check or a personal check.

Q—And you can't say when the ticket was used?

A—No I can't.

THE WITNESS was retendered to Alcock.

Q—Mr. Hopkins, can you say definitely that the ticket was used?

A—Pretty definitely. It was or I would have heard from the railroad because I get a kickback, a commission, on tickets I sell.

Q—Did Mr. Shaw ever make any plane reservations with you?

A—No.

At this point Judge Haggerty declared a recess until after lunch when the state promised to produce witnesses from "a distant city." *End*