

Testimony Denied

N.O. S-I 2/15/69

'Mystery' Photo Barred to Press

A mystery photograph taken in Dealey Plaza the day of the assassination of President Kennedy was introduced in evidence at the trial of Clay L. Shaw today over defense objections.

District Attorney Jim Garrison, making one of his rare courtroom appearances, refused to show the picture to newsmen and testimony about what it showed was barred.

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SHAW, 55, IS ON TRIAL in Criminal District Court on charges of conspiring to kill the president.

The picture was taken by Mrs. Mary Moorman of Dallas, who was the state's final witness today before the trial recessed for the weekend.

Court will resume at 9 a. m. Monday, and Gov. and Mrs. John Connally of Texas are scheduled to testify.

Chief defense counsel F. Irvin Dymond objected to Mrs. Moorman's testimony and the introduction of her photograph as irrelevant, but was overruled by Judge Edward A. Haggerty Jr.

MRS. MOORMAN AND HER PHOTO were subpoenaed Jan. 23. She was not mentioned in the Warren Commission Report on the assassination, but in Mark Lane's book, "Rush to Judgment." Lane reports Mrs. Moorman snapped a picture of the presidential motorcade while standing across the street from the Texas School Book Depository,

Lane says the sixth-floor window of the depository, from where the Warren Report says Lee Harvey Oswald fired all three shots at Kennedy, is clearly visible in Mrs. Moorman's photo.

During Mrs. Moorman's testimony this morning, one frame of the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder was shown, over defense objections, in order that Mrs. Moorman could point herself out and specify where she was standing.

MRS. MOORMAN IDENTIFIED the picture she says

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she took with an instant-developing camera. It was introduced and is available to be viewed by the jury, but Dymond objected to Mrs. Moorman's testifying about what it showed and was sustained.

Neither side had any further questions for Mrs. Moorman and she was excused. Chief prosecutor James L. Alcock then said he had no more witnesses and asked for a recess until Monday.

Alcock explained that three witnesses he had planned to call this afternoon are ill.

Judge Haggerty said he would try to arrange some form of weekend entertainment for the jurors "to occupy your time."

The judge also said he is trying to work out a place "on the avenue" where the jurors can watch the Rex parade Tuesday, Mardi Gras. No court session will be held that day.

Mrs. Moorman and two other witnesses called today are part of the continuing effort by the state to refute the Warren Report's version of the assassination.

Shaw is charged with conspiring with Oswald and others to kill Kennedy, but the defendant's name has not been mentioned in testimony since midweek.

The other witnesses this morning were:

Testifying this morning were:

—James L. Simmons of Mesquite, Tex., who said he saw a "puff of smoke" from the grassy knoll alongside Dealey Plaza where Garrison says the shot that killed Kennedy came from.

—Mrs. Frances G. Newman of Dallas, who was near the Kennedy car when the shots were fired. She said she fell to the ground to cover up her children because she "thought we were caught in a crossfire."

Simmons said he was employed by the Union Terminal Railway in 1963 and on Nov. 22 was on the triple overpass in Dealey Plaza, overlooking Elm st., down which the president's motorcade was coming.

THE WITNESS SAID HE HEARD three shots and "saw

a halo of blood and brain matter" fly up as the president was shot. He said Kennedy threw his hands up and turned to the left, then fell to the left.

Simmons said he looked around to see where the shots came from and saw "a puff or wisp of smoke" on the grassy knoll. He said he ran to the top of the knoll and found no one there, but did find "several footprints along the fence" atop the knoll.

Under cross-examination, Simmons said it took him about 15 or 20 minutes to get to the top of the knoll from the overpass. He said he would not have noticed spectators standing by the fence.

HE SAID FROM HIS ANGLE, it was hard to tell which way the halo of blood flew from Kennedy's head.

Roger Craig, a former Dallas sheriff's deputy who testified yesterday he detained a woman in a brown Chevrolet atop the knoll, was in the courtroom today. Simmons said he did not see Craig that day, and did not see anyone arrested.

Mrs. Newman testified she was standing in the Plaza the day of the assassination and heard three shots. She said Kennedy was directly in front of her when he was hit in the head, about 10 feet away.

She said he fell to the side when he was hit.

"AT THAT TIME WE GOT down on the ground and covered them (her children) with our bodies because we thought we were in a crossfire," Mrs. Newman said.

Chief defense counsel F. Irvin Dymond objected to her testifying as to what she thought, but was overruled.

Both Mrs. Newman and Simmons said they gave statements to authorities, but neither was questioned by the Warren Commission.

As the testimony in the trial centers on events in Dealey Plaza, defense attorneys find themselves in the position of doing what they said they wouldn't do—defending the Warren Report.

AS THE STATE CONTINUED its attack yesterday and today on report, Shaw's attorneys find themselves debating such matters as the direction and number of shots fired at the President's car.

All of this, the defense contends, is irrelevant to the case of Shaw, who is charged with participating in a conspiracy to kill Kennedy.

Dymond said in his opening statement to the jury the defense wouldn't attempt to defend the Warren Report, but the course of the trial has left them little choice.

Major developments in the case yesterday included:

—Craig testified he saw Lee Harvey Oswald get into a station wagon after the assassination and flee with a muscular, Latin-looking man.

—Mrs. Elizabeth Carolyn Walther of Dallas said she saw two men, one holding a gun, in a window of the Texas School Book Depository shortly before the assassination.

—The state continued to show the Abraham Zapruder film of the assassination over heated objections by the defense.

—In Washington, D.C., Federal Judge Charles E. Halleck Jr. ruled the state can obtain the rifle used in the assassination but rejected a request for autopsy records and photos of the president's body and certain other items sought by Garrison.

—An FBI photography expert called by the state said in his opinion Kennedy was shot from the rear. Garrison contends the fatal shot came from the front.

The direction of the shots is the key point in Garrison's case against the Warren Commission. If shots came from any place other than the sixth floor window of the Texas School Book Depository, the commission's theory that Oswald was the lone assassin falls apart.

THE STATE CONTINUED yesterday to use the Zapruder film to support its contention the shot which tore off the top of the president's head came from the front—meaning, in Garrison's view, the grassy knoll to the right front of the presidential motorcade.

The state put on Lyndal L. Shaneyfelt, an FBI photography expert, to testify about the film. But Shaneyfelt said he feels the photographic evidence is that the shot came from the rear, based on the direction in which the blood and brain matter flew when the bullet hit Kennedy's head. That direction was primarily forward, Shaneyfelt said.

Later, the state called Dallas motorcycle policeman Billy Joe Martin, who was riding some 10 feet behind Kennedy when the shots were fired. He testified he was

spattered with blood and tissue.

MRS. PHILIP WILLIS of Dallas testified she was near the spot when the president was hit and saw his head jerk backward. The state has been using the film to illustrate this view—that the movement of Kennedy's head was abruptly backward, as if hit from the front.

Some observers have attributed this phenomenon to a sudden acceleration of the automobile, but Mrs. Willis said this did not happen.

Defense attorney William Wegmann said "the state's sole object (in repeatedly showing the film) is to prejudice the jury."

GARRISON CONTENDS THE MATERIAL—autopsy records, photos, the clothing worn by Kennedy and Connally—he is seeking to extract from the National Archives—will tend to support the view that one or more shots came from the front.

Judge Halleck suggested yesterday that a physician named by Garrison view the material and go to New Orleans and testify, but the Justice Department would not agree to this. The records have been sealed in the archives until 1971 at the request of the Kennedy family.

Also testifying yesterday was Mrs. Wilma Bond of Dallas, who took pictures in Dealey Plaza. Two slides of her pictures were shown, showing people running toward the grassy knoll area.

UNDER CROSS-EXAMINATION, she said she does not know whether the people were running away from the shots or toward the source of them.

The high point of yesterday's session was the testimony of Roger D. Craig, the former deputy sheriff who told of seeing Oswald whisked away from the scene by car.

This is a direct contradiction of the Warren Report account, which has Oswald fleeing the depository in the opposite direction and eventually catch a bus back to his apartment.

CRAIG'S STORY YESTERDAY was roughly the same account he gave the Warren Commission, which decided it "could not accept important elements of Craig's testimony."

Craig said he was watching the motorcade when he heard shots and ran toward Elm st. He said he ran up the grassy knoll, climbed the picket fence and stopped a woman driving off in a brown Chevrolet. He turned her over to another deputy and went back down the knoll to Elm st.

The witness said he was looking for bullet marks on the pavement when he saw a slightly built man run down the slope from the depository and hop into a green Rambler station wagon being driven by a bull-necked man with black hair and a dark complexion.

THAT EVENING, CRAIG TESTIFIED, he again saw the slightly built man, this time in custody at the homicide office of the Dallas police department. He identified the man from photos as Lee Harvey Oswald.

On cross-examination, Craig said he came to New Orleans in December, 1967, and went to work for auto distributor Willard E. Robertson.

Robertson is a member of Truth and Consequences, a group organized to help finance Garrison's investigation of the assassination.