

# PROBED JFK DEATH HERE, EX-AGENT

# SAYS



—States-Item photos.  
REGIS L. KENNEDY . . . HERBERT ORTH  
Shaw trial witnesses today

A former Federal Bureau of Investigation agent testified today he was investigating the assassination of President John F. Kennedy in New Orleans a few days after the president was shot to death in Dallas.

Retired FBI Agent Regis L. Kennedy acknowledged this after a legal hassle that caused a 90-minute delay in the trial of Clay L. Shaw this morning.

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill President Kennedy, who died Nov. 22, 1963.

District Attorney Jim Garrison, whose investigation of the assassination led to the charges against Shaw, took part for the first time in the questioning of witnesses today, the trial's 24th day.

THE STATE APPARENTLY WANTED to establish that federal agencies were pursuing a probe of the slaying here before the mysterious "Clay Bertrand" came into the picture.

Garrison first asked the FBI agent about his interview with New Orleans attorney Dean Adams Andrews Jr. on Nov. 25, 1963. Kennedy said as a result of this interview, he spent about 20 hours searching for Clay Bertrand.

Andrews told the Warren Commission he received a telephone call at Hotel Dieu, where he was hospitalized, the day after the assassination, from Bertrand, who asked him to go to Dallas and defend Lee Harvey Oswald, then charged with the slaying of the president. Oswald was shot to death the next day by Jack Ruby.

Garrison's contention that Shaw is actually Bertrand is a key part of the state's case.

REGIS KENNEDY WAS ASKED if he was investigating the assassination on Nov. 25 when he received a call from Andrews and went to interview him.

"I think that question is outside the purview of the

authority granted me," Kennedy said. FBI agents can testify in state court only with the express permission of the Justice Department.

There was a long delay while Assistant U.S. Attorney Harry Connick huddled with Kennedy, and it finally was necessary to call U.S. Attorney General John N. Mitchell in Washington to settle the matter. This required a 90-minute recess.

(Turn to Page 6, Column 5)

#### Continued from Front Page

Finally, court resumed and chief prosecutor James L. Alcock repeated the question:

"Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?"

**"YES, I WAS," THE AGENT REPLIED.**

Alcock then asked him if he went to interview Andrews about the Bertrand call. He said he did, and the state excused him.

Chief defense counsel F. Irvin Dymond asked Kennedy one question on cross-examination:

"Did you ever find Bertrand?"

"No," said Kennedy. He was excused.

Andrews was convicted of perjury in 1967 after Garrison charged he gave conflicting accounts of the Bertrand matter. His final word on the subject was that Shaw is not Bertrand, though earlier he said "I can't say he is and I can't say he ain't."

Another witness this morning was William E. Newman, a Dallas electrical contractor, who said he was present at the assassination and thought the shots fired at the president came from the grassy knoll area in front of the motorcade.

**GARRISON IS SEEKING TO DESTROY** the Warren Commission's conclusion that all of the shots came from the sixth-floor window of the Texas School Book Depository, to the rear of Kennedy.

Originally scheduled to be heard this morning were former Texas Gov. and Mrs. John B. Connally, but the state postponed their appearance because illness of other witnesses has put the trial behind schedule.

The last witness in the morning session was Herbert Orth, a photo lab technician for Life Magazine, who was to bring with him 21 color prints of the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder.

As Newman took the stand to open today's proceedings, Dymond made his usual objection that testimony about events in Dealey Plaza is irrelevant to the Shaw case. As usual, he was overruled.

**UNDER QUESTIONING BY GARRISON,** Newman said he was standing in Dealey Plaza with his wife and two sons about halfway between Houston st. and the triple underpass.

Newman said he stood with his back to the grassy knoll, and to the right of the president's motorcade. He identified a picture of the assassination scene in which he pointed himself out lying on the grass, and a second picture in which he also was shown.

The witness said he heard at least three shots, which he

said sounded as if they came from directly behind him. This would have been the grassy knoll area.

At the time of the shots, Newman said, the president "threw up his hands" and Gov. Connally grabbed his stomach. He saw blood on the governor's suit, Newman said.

**THE WITNESS SAID THE PRESIDENT** remained upright. "I caught a glimpse in his eyes and it was a cold stare like he was staring right through me," he said.

When the third shot hit Kennedy, Newman said, the president "just stiffened and fell to the left into his wife's lap."

Newman said he gave a statement on what he saw to the FBI and the sheriff's office, but was not interviewed by the Warren Commission.

Under cross-examination by Dymond, Newman said Kennedy had turned his head halfway to the right when the fatal shot hit him.

**"IS IT NOT A FACT** that if he had his head turned, it would have been impossible to hit his right ear from the grassy knoll area?" Dymond asked. (Newman had said earlier Kennedy's right ear was shot off.)

Alcock objected that the witness was being asked for a conclusion, and was sustained. But Dymond asked the question in another form and the witness conceded it would be unlikely that a bullet fired from some parts of the knoll area could have hit Kennedy near his right ear.

Dymond asked if a shot from the book depository window could have hit Kennedy in the right ear. Newman said:

"I don't know. I'm led to believe he was looking more straight ahead . . . at the time of the shot."

**NEWMAN FINALLY SAID HE DIDN'T** know the exact position of the president's head at the time he was fatally shot.

Newman was excused and the state called Regis Kennedy. Kennedy said he retired last May 1 after 31 years as an agent for the FBI.

Kennedy testified that on Nov. 25, 1963, he interviewed Andrews at Hotel Dieu. He said Andrews had called him an hour or two before the interview, and the interview was in response to the call.

After the interview, Kennedy said, he attempted to locate an individual named Clay Bertrand. He said he checked police department files, city directories, telephone listings and "reviewed practically every piece of paper that Mr. Andrews had in his office, with his assistance."

**HE SAID HE SPENT ABOUT 20** hours looking for Bertrand.

Then Garrison asked Kennedy:

"Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?"

The witness huddled with Connick and said that to answer the question would go beyond the privilege of the U.S. attorney general to let him appear at the trial. He said he would have to call Washington to get permission to answer.

**THE JURY WAS EXCUSED** so the question could be argued. Alcock said the state is trying to determine whether between Nov. 22 and Nov. 25 the agent was investigating the assassination, and if the search for Bertrand was part of that general investigation.

Connick said Kennedy has the authority to testify as to his interview with Andrews, but "beyond that he has no authority to answer other questions."

The judge then called a recess to consider the question.

When court resumed 90 minutes later, the question was

repeated and Kennedy testified that he was engaged in an investigation of the assassination before he talked to Andrews.

ON CROSS-EXAMINATION, Dymond asked the agent if he ever located Bertrand. Kennedy said he did not.

The final witness of the morning session was Orth, who said he had 21 color slides from the Zapruder film. The judge then called a recess for lunch.

As this afternoon's session opened, the jury was sent out and the color slides were shown for identification purposes.

The slides were identified by Dr. John M. Nichols of Kansas University, who qualified as an expert in pathology and forensic medicine.

Tomorrow, Mardi Gras, will be a holiday for the court. Judge Haggerty has said he is working out a plan by which the jurors can watch the parades. *ent*