

Finally, a legal investigation of the JFK murder

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NEW ORLEANS, FEB. 18: New Orleans District Attorney Jim Garrison and his staff have now presented convincing evidence in the court trial of Clay Shaw here that there was more than one gunman operating in Dealey Plaza on the day former President JFK was assassinated.

The official government account of Nov. 22, 1963, the Warren Commission Report concluded that a single assassin, Lee Harvey Oswald, murdered the former president. The critics of the Warren Report, however, have strongly maintained for years that the official commission ignored important eye witnesses and other evidence contradictory to the theory of a single assassin.

The critics say the Commission did this because of a belief that national and world stability would be threatened if a conspiracy to kill the president was disclosed, particularly if there was a conspiracy involving high placed persons.

The critics are now having their day in court, with some of the suppressed witnesses and evidence being revealed. There are great difficulties because not all of the evidence is admissible, available, or sensible in a local court of limited jurisdiction.

The most compelling piece of evidence the prosecution has brought forward in the second stage of this trial, the presentation of what actually happened in Dallas, Texas, on the day of the assassination, has been the reputed showing of the now famous Zapruder "home movie" of the assassination. Shown a number of times in regular motion, then slow motion, then frame by frame, and most impressively in a projection of slides prepared by Life magazine from the individual movie frames, the film dramatically shows the president slumping forward after the first hit from the rear and then dri-

ven back against his seat by the second and fatal hit from the front which explodes his head.

Before and after the first few projections of the film, testimony was heard that the movement of the president's body was not caused by any acceleration of the limousine. In fact testimony of close eye witnesses indicated that for some moments after the fatal shot the limousine came to almost a total halt because the police motorcycle in front had themselves halted and were blocking the road.

Even the FBI photographic analyst, Lyndal Shaneyfelt who repeated in court the opinion that he advanced to the Warren Commission, that the shots only came from the back, admitted that he had not taken into account the backward movement of the president's body after the second hit in coming to his conclusion.

Dr. John M. Nichols, a professor of forensic pathology at the University of Kansas, a man who has supervised and attended thousands of autopsies and conducted tens of thousands of examinations of medical evidence, also concluded after a study of the film that there had to be a shot from the front as well as from the back.

Close eyewitnesses who were not called to testify before the Warren Commission, although they had reported their information to the FBI, or local police, corroborated the testimony of the film and the pathologist. Mary Moorman, Mr. and Mrs. Phil Willis, and a Mr. and Mrs. Newman testified that they heard bullets from a direction other than that of the book depository and saw people, including policemen, go to the area of the grassy knoll to the front right of the president in an attempt to locate the assassin, rather than the depository to the rear.

Photographs were introduced showing the movements of the crowd towards the grassy knoll. Some of these photographs were included by the Warren Commission as part of their exhibits, but others, including the Moorman photographs, whose existence was known to Dallas newspapers immediately after the assassination, seemed to have been unknown to the commission.

(The Free Press on Nov. 24, 1967 published a photographic analysis of one of the Moorman photographs now before the court. This photograph seems to show a man with a rifle-like object in

the bushes at the top of the grassy knoll during the shooting. The Garrison office has announced that it will present blow-ups of some of the photographs to the jury which may indicate that the pioneering analysis of Ray Mar-

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cus and Dave Lifton of Los Angeles as published by the Free Press may be brought to the jury).

Carolyn Walthers, who was standing across from the book depository, testified that she notified the FBI after the shooting that she saw two men in a window of the depository, one holding a rifle.

(It is Garrison's contention that in a planned crossfire there would be two men at each position, one to fire a gun and one to pick up the spent cartridges).

Miss Walthers was also not called before the commission. Another person, who did testify before the commission that he saw an armed man and a companion in a book depository window, was not considered credible at that time.

A railroad employe, James L. Simmons, standing on the railroad overpass with a clear view as the limousine approached the tunnel beneath, testified that he not only saw the movement of the president as he was hit by the bullet (movement which confirmed the front-hit theory) but said he saw a puff or whiff of smoke from the grassy knoll. He also informed the FBI of his observations, but was not called before the Warren Commission.

Simmons also testified that he went behind the wooden fence on top of the grassy knoll and saw many footprints on the wooden railing and in the mud next to the fence.

Roger Craig, a deputy sheriff on duty in the area, testified that not only was his attention also directed to the grassy knoll, but he

made an arrest of a woman in a car attempting to leave the parking lot behind the grassy knoll. He turned her over to another police officer, but the Warren Commission never inquired into what happened after that.

Craig also told of seeing a person resembling Oswald come down the grass on the side of the book depository 15 minutes after the shooting and enter a green station wagon with non-Texas license plates driven by a dark complexioned man. During cross-examination, Craig stated that he was too far away to stop the car or commandeer another

car to pursue it.

Later that day, Craig had occasion to see Oswald after Oswald was arrested in the office of his superior, Capt. Fritz. According to Craig, Oswald said, "I told you I did" (run down the grass). "That was Ruth Paine's station wagon and don't get her involved. Now everyone will know who I am." The Warren Commission dismissed Craig's testimony then as being at variance with Oswald's movements as reported by other sources. They evidently did not pursue the matter of a station wagon. Oswald's wife Marina was living with Ruth Paine and Mrs. Paine did have a station wagon with Louisiana plates.

In court, Craig, because of the heresy rule, could not reveal that Oswald spoke about the station wagon in response to a question by Capt. Fritz which just mentioned a car. Craig as questioned was also not afforded an opportunity to tell the court the circumstances by which Capt. Fritz could later deny this exchange completely.

However the Garrison office last Wednesday morning brought a surprise witness into the court from Texas who has confirmed Craig's testimony in major areas. This witness, Richard Randolph Carr, is a steel worker who was on the seventh floor of the new courthouse building under construction at the perimeter of Dealey Plaza.

Carr testified that "Before the shots I saw a man in the sixth floor window of the school book depository building. The man was wearing a hat and heavy rimmed glasses, a tie, a light shirt and a tan sports jacket."

Carr said after the volley of shots, some of which came from the grassy knoll, he saw three men exit a side door of the school book depository building. One of them was the man he no-

ticed in the sixth floor window. "Two of the men went into a station wagon with a rack on top. One of them," said Carr, was "Latin looking. He drove the vehicle." The third man, the one he'd seen at the window, disappeared in the crowd looking over his shoulder a lot.

Carr said he gave this information to the FBI and that as a result of the conversation, he "done as I was instructed... shut my mouth."

Despite rigorous cross-examination, Carr's story was unchanged.

Another witness, Buell Wesley Frazier, a co-worker of Os-

wald's at the book depository and the one who drove Oswald to work the morning of the assassination, testified that he saw Oswald carry into the book depository a paper bag which Oswald said contained curtain rods.

The Warren Commission claimed that this was the way Oswald took his rifle into the depository. If the jury believes that Shaw discussed killing the president with Oswald, this overt act may well be the basis for Shaw's conviction on the conspiracy charge.

A Dallas motorcycle policeman, Bille Joe Martin, who was to the rear and left of the Kennedy car, and at least ten feet from the president, testified that he was sprayed with matter and red splotches when the president's head exploded. His testimony reinforced the theory of a bullet from the front right as it seemed likely that a bullet from the rear would have propelled

bone and blood forward, not backwards.

To clarify the difference between the Warren Commission procedure and a court of law, it is necessary to point out that Officer Martin was not permitted to testify that he was sprayed with bone and blood. The rules of evidence in a courtroom require an expert, laboratory analysis of the splotches before the jury

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could hear of blood. Therefore, he "only could talk of splotches and testify that he had cleaned his motorcycle before the motorcade began."

The Warren Commission however, permitted all sorts of private and unexpert opinions by witnesses. There was no opportunity for a competent attorney not on the staff of the commission to raise objections as to the validity of testimony, to cross examine, and to explore undeveloped areas. Just as it was super easy to "convict" Oswald as the sole assassin given the absence of the traditional safeguards which normally work for the benefit of the defendant, it is super hard for the prosecution in New Orleans now to present the strict proof needed for Clay Shaw's conspiracy conviction. This, of course, brings us to the issue that last week's Free Press article on the Clay Shaw case began to discuss: Garrison may blow the Warren Commission Report to bits by presenting the

evidence about the multiple assassins at Dealey Plaza which the commission chose to sweep under the rug, but still not link Clay Shaw to Dealey Plaza except through circumstantial evidence which might or might not move the jury to a conviction.

When last week's Free Press coverage of the Shaw trial appeared, there already was strong credible testimony by the five witnesses from Clinton, La. who had seen Clay Shaw, Lee Harvey Oswald and David Ferrie together. Shaw denies having known Ferrie or Oswald.

Last week there was also testimony by a former narcotics addict of a transfer of what seemed to be money between two men, one of whom he identified from a photograph as Oswald and the other in the courtroom as Shaw.

Most important was the testi-

mony of Perry Russo who said that he was present at a party in Sept. 1963 at David Ferrie's house where Ferrie, Oswald and a man named Clem Bertrand discussed how to kill the president through triangulated crossfire and have the conspirators escape prosecution through the establishment of alibis and the use of a "patsy" who would be caught and/or killed. Russo identified Shaw in court as the man he knew as Bertrand.

Then there was the testimony of Charles Spiesel who testified that he observed a similar conversation between Shaw and Ferrie at a June 1963 party. Spiesel was a believable witness until cross examination revealed that he had a very peculiar history of filing large suits because he alleges many people are trying to hypnotize him.

Spiesel's credibility will be strengthened in court in the next few days when it is revealed that the house Spiesel identified as the location for the June party was actually owned by Shaw in 1963 and has a common back yard with Shaw's residence.

This week, the prosecution added more details to the Clay Shaw story. Two postal employees revealed that Shaw was receiving mail in 1966 at a friend's

house where mail for a Clem Bertrand was also being received. Former FBI agent, Regis Kennedy, testified that several days after the assassination he and other bureau agents were looking for a Clay Bertrand because of information received that Bertrand had tried to engage a lawyer for Oswald after his arrest.

This part of the court proceedings were very dramatic because former agent Kennedy came to court with US attorney Harry Connick as his babysitter, and strict instructions as to what he could and could not discuss in court.

It took a long recess and an emergency call to the attorney general in Washington, D.C. before Kennedy could complete his testimony. Former agent Kennedy, incidentally, is said to have been deeply involved in government liaisons with anti-Castro Cuban groups at 544 Camp St. in New Orleans, groups with

which Oswald had connections but which the Warren Commission did not investigate.

Reliable sources have told me

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that Garrison has many more witnesses who cannot only link Ferrie, Oswald and Shaw, in attempts to recruit gunmen for Dealey Plaza, but who can tie Jack Ruby to the three. However Garrison's staff, and particularly key prosecution attorney Alcock, are now very much against bringing witnesses to court who, on cross-examina-

tion, will have to testify that they are underworld characters with numerous arrests. Garrison and his staff think that is an unnecessary risk, because, they say, the case against Shaw is already tight enough. I don't know. I know that if I were sitting on that jury, I would be troubled.

One of the witnesses Garrison will probably not call be-

cause of his criminal background is said to be the only man alive who had intercourse with both Oswald and Shaw. This witness swears that Shaw has no left nipple. It's hard to imagine the managing director of the International Trade Mart as a queen in the quarter, but who could imagine Walter Jenkins, the only man permitted to sign Johnson's name, doing a homosexual hustle in a bathroom at the "Y". Men in high positions with these compulsions must suffer a personal hell. Met a woman in the quarter who tells of Shaw pursuing her husband.

Only nine jurors out of twelve are required to agree for a verdict in Louisiana. If Shaw does receive a guilty verdict and is sentenced to more than five years imprisonment (conspiracy is a 1 to 20 rap) he cannot be released on bail while he appeals, according to an antique Louisiana statue.

The jury is living four men to a room in a motel, including one guard to a room. The three Negroes on the jury are in the same room! Officials say it isn't segregation, however, but a matter of choice. Jurors are not allowed to watch news programs on tv or to discuss the case among themselves. One of the jurors who likes to watch tv until 2 a.m. is a case for discontent. Another juror, who was recently married, is grumbling over not seeing his wife for eight weeks.

It is very understandable how Shaw's attorneys were able to come up with an instant dossier on Spiesel's peculiar lawsuits which damage his credibility as a witness. Some poor soul in Garrison's office who felt sorry for Shaw gave all of the trial plans to Shaw's attorneys as the trial began. There may be some interesting fireworks by the end of the trial over the use of stolen property.

Although the press was excluded from the houses involved, it is rumored that some funny episodes took place when the judge and jury followed Spiesel into the French Quarter to locate the apartment in which the June 1963 conspiratorial party took place. The judge had no legal right to enter any apartment, but everyone encountered proved to be cooperative after a few misunderstandings. Like the time a man laughed uproariously when told that Judge Haggerty was outside and disbelievingly opened the door while dressed only in underpants, closed it quickly and took time to get dressed. And then there was the time that two girls opened the door...

The visit to the French Quarter took place on the first day of Mardi Gras, and the procession of judge, jury and spectators was the first parade by three hours.

Mardi Gras is now over, and New Orleans can pay attention to its quiet charm, its criminal intrigue and the Clay Shaw trial.