

Spiesel Returns To Witness Chair

The defense resumed its cross-examination of prosecution witness Charles I. Spiesel today in the third day of testimony in the conspiracy trial of Clay L. Shaw.

Trial Judge Edward A. Haggerty resumed proceedings at 9:55 a. m., a few minutes after defendant Shaw, looking refreshed, entered the courtroom and chatted with acquaintances.

assistant district attorneys James L. Alcock and Andrew Sciambra a multi-paged document.

Five or six minutes elapsed while the two men examined the document. Judge Haggerty then reminded the witness he was still under oath.

Dymond began his cross-examination of Spiesel:

Q—Have you talked with any-

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THE WITNESS was already in the witness chair when chief defense counsel Irvin F. Dymond walked over to the prosecution table and handed

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one since the completion of your testimony yesterday, Mr. Spiesel?

A—Only to say that I testified yesterday in court.

Q—With whom did you talk?

A—Casual acquaintances. I don't know their names.

Q—Where did you talk to these people?

A—At the Fontainebleau Motor Hotel. At Lucky Pierre's.

Q—Lucky Pierre's? Is that a bar in the French Quarter?

A—Yes, it is.

Q—Who did you talk with at Lucky Pierre's?

A—I don't know their names. I relaxed. I played pool.

Q—Where in the Fontainebleau Motor Hotel did these discussions take place? In the bar?

A—No.

Q—In the lobby?

A—No. As a matter of fact, on the telephone.

Q—Oh, so you called someone on the telephone to discuss the case? Who did you call?

A—I called an old friend of mine. Mr. John Rochelle — he works for the State of Louisiana.

AT THIS POINT Dymond stopped his questioning, held up a copy of the document examined by Alcock and Sciambra and told the court that at this time he would like to show the document to the witness.

Handing the document to Spiesel, Dymond asked: "I show you a copy of a proceeding numbered No. 32,001,

marked United States Court of Appeals and ask you to examine it and see if it is a faithful copy of a complaint filed by you."

The witness then began examining the document, turning pages.

THE WITNESS answered that it was a copy of an appendix of a complaint and told the court there were various items missing.

Q—I would like to ask you at this time if this is not a complaint authored and written by you.

A—Yes.

Dymond, who was standing at the side of the witness box during this discussion, then returned to his chair at the defense counsel table.

HE CONFERRED momentarily with fellow counsellor, William Wegmann. He then stood and addressed the witness:

"I'd like to tell you in advance that I'm going to read certain parts of this document, and if you question any portions, you may stop me and examine that portion to see if I have read it correctly."

Alcock objected stating that, inasmuch as the witness identified himself as the author of the document, the document spoke for itself. He further argued that the line of questioning would be redundant.

JUDGE HAGGERTY entered the discussion, saying to Dymond: "You have to lay the proper foundation, Mr. Dymond, you can't ask him questions."

Alcock interjected: "Mr. Dymond's asking the witness questions is not going to change the document in any way."

Dymond then replied: "I intend to offer this document into evidence."

Judge Haggerty then referred to the law regarding impeachment of witness and explained the law regarding contradictory statements.

DYMOND interjected he hadn't asked a question yet.

Alcock rejoined: "What is the purpose of asking these questions? They are excerpts

from his own document."

Dymond said, "His honor doesn't know the question yet that I'm going to ask."

Judge Haggerty said Alcock's argument was good, that Dymond could enter the evidence into the record. Hearing no objection from the state, the judge allowed Dymond to enter it into the record.

DYMOND REQUESTED the court's permission to read the document to the jury.

Haggerty asked if there was no objection to the state.

Alcock shrugged his shoulder and said, "We have no objection."

Dymond then approached the microphone in front of the jury box. He read from the document that it was an appeal by Charles I. Spiesel vs. Pinkerton National Detective Agency et al.

DYMOND THEN read a list of about eight defendants. He read the jurisdictional procedure, which enabled Spiesel to bring this suit into court.

According to the suit, Dymond said, the witness was born in New York City, Dec. 25, 1918; was a graduate of

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New York University; he operated a tax return and accounting business in the City of New York, the main office being at 127 E. 47th st.

Reading from the document, Dymond said that from Jan. 1, 1948, to July 5, 1964, the suit contends the defendants named by him in the suit used a "new police technique" to torture and conspired with others to torture the plaintiff in New York, New Jersey, Washington, D. C., New Orleans and various other places.

DYMOND SAID the plaintiff contended these defendants annoyed, harassed and tailed him—that they prevented the plaintiff from obtaining employment—that they posed and disguised themselves as relatives to enter his home—that they disguised and posed as friends and relatives to quickly pass by the plaintiff—attempted to link the plaintiff with various crimes—exerted financial pressures on the

plaintiff—hypnotized the plaintiff in New York City, New Jersey, Washington, D. C., and the city of New Orleans.

Diamond asked Spiesel whether he knew a man named George Zann. The witness identified him as an employe of the Pinkerton Detective Agency and a former competitor in the tax return business.

Asked how he knew Zann was a Pinkerton man, the witness testified he saw him in a captain's uniform during Olympic tryouts at Randall's Island, but he was not sure of the date.

ASKED IF he knew a Lenny Kohen, Spiesel said Kohen was an employe of the New York City sales tax department, and operated as a competitor in the tax return business.

Dymond asked Spiesel if he knew a Richard Rayford. The witness said Rayford had used hypnotism on him in New York City.

"How do you know he used hypnosis," Dymond asked.

Spiesel answered, "The best way I can explain it is to give you the general definition of hypnosis, which is to come under the will of a person but be aware that it is hypnosis."

DYMOND ASKED if he knew he was under the will of Rayford and the witness answered that he (Spiesel) was sure Rayford had temporarily succeeded.

When asked how many times he had been hypnotized, Spiesel said that while his law suit has not gone to trial, he didn't feel it would be right to answer such questions and jeopardize his case unless ordered to do so.

Alcock objected that this questioning was totally redundant but Dymond replied his reasons should be fairly obvious.

SPIESEL THEN said that, to his knowledge, he had been hypnotized 50 or 60 times without his consent.

Asked if all occasions were in New York City, he replied "primarily during the 15 or 16 years" alleged in his suit.

"Were you ever hypnotized in New Orleans?" Dymond asked.

Spiesel replied, "That's a

difficult question to answer."

"Do you realize when you are being hypnotized?"

"Yes, when it's being done with success," Spiesel replied.

DYMOND AGAIN asked if an attempt was made to hypnotize him in New Orleans and Spiesel replied, "Yes, but when I say that, you'll want to know who they are. Time and time again they have tried to hypnotize me, but I don't know their identity. I'm rather an expert on it."

Dymond asked how Spiesel knew when he was being hypnotized and he replied, "They

attempt to catch your attention. If they try to hypnotize me they try to catch my eye or my attention."

Dymond noted that in his \$15 million suit, Spiesel alleged the hypnotism took place between 1948 and 1964 and one of the places listed was New Orleans.

THE DEFENSE attorney then specifically asked if the New Orleans hypnosis occurred in May or June of 1963.

Spiesel replied he did not know but he was here in 1963 and had been coming to the city since 1961.

Spiesel said he once came to Louisiana to see Louisiana State University play Ole Miss in football.

Asked by Dymond what happened when placed under hypnosis, Spiesel replied, "Certain thoughts are planted or given and that's what I mean."

"DO YOU MEAN that the thoughts planted give you the impression of being true," Dymond asked.

"Possibly, yes. My suit may or may not go to trial and since my answer would be carried in the national press, I don't feel that I should have to go into details that would harm my case unless his honor insists upon it."

Asked to explain his suit, Spiesel said he asked for \$16 million damages because he was well aware a good portion of what he said may be overturned by the statutes of limitation and would leave him with \$3 million to \$4 million if he was successful.

"Do you mean that the damages to you are worth \$1 million a year?"

Spiesel replied, "that's what it amounted to."