

Opening Statement

FEBRUARY 7, 1969



DISTRICT ATTORNEY

PARISH OF ORLEANS
STATE OF LOUISIANA
2700 TULANE AVENUE
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JIM GARRISON
DISTRICT ATTORNEY

STATE VS. CLAY SHAW

Here is a text of the opening statement of District Attorney Jim Garrison in the Clay Shaw trial which was released by the DA's office:

The State of Louisiana is required by law in all criminal trials to make an opening statement to the jury. This statement is merely a blueprint of what the State intends to prove. It has no probative value and should not be considered as evidence in the case.

The defendant, Clay L. Shaw, is charged in a bill of indictment with having willfully and unlawfully conspired with David W. Ferrie, Lee Harvey Oswald and others to murder John F. Kennedy.

The crime of criminal conspiracy is defined in Criminal Code of Louisiana as follows:

CRIMINAL CONSPIRACY

Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

As required by the definition of criminal conspiracy, the State will prove the following overt acts:

1—A meeting of Lee Harvey Oswald, David W. Ferrie and the defendant, Clay L. Shaw, in the apartment of David W. Ferrie at 3330 Louisiana ave. parkway in the city of New Orleans during the month of September, 1963.

2—Discussion by Oswald, Ferrie and the defendant, Shaw of means and methods of execution of the conspiracy with regard to assassination of John F. Kennedy—particularly, the selection and use of rifles to be fired from multiple directions simultaneously to produce a triangulation of cross fire, establishing and selecting the means and routes of escape from the assassination scene, determination of procedures and the places to be used for some of the principals to the conspiracy so as to establish alibis on the date of the assassination.

3—A trip to the west coast of the United States by Clay L. Shaw during the month of November, 1963.

4—A trip by David W. Ferrie from New Orleans, La. to Houston, Texas, on the day of November 22, 1963.

5—Lee Harvey Oswald taking a rifle to the Texas School Book Depository in Dallas, Texas on or before Nov. 22, 1963.

The criminal Code defines murder in the following terms:

MURDER

1—When the offender has a specific intent to kill or to inflict great bodily harm;

The evidence will show that in New Orleans, in the summer of 1963, Lee Harvey Oswald was engaged in bizarre activities which made it appear ostensibly that he was connected with a Cuban organization, although in fact the evidence indicated that there was no such organization in New Orleans. This curious activity began on June 16th when he distributed "Fair Play for Cuba Committee" leaflets on the Dumaine Street Wharf. This distribution took place at the docking site of the United States Aircraft Carrier, the U.S.S. Wasp.

Upon request of the commanding officer of the Wasp, Officer Girod Ray of the Harbor Police approached Oswald and informed him that he would have to stop passing out the leaflets and leave the wharf area. At this time, Officer Ray confiscated two pieces of the literature being handed out by Lee Harvey Oswald. One of these was a leaflet, yellow in color with black print, entitled "Hands Off Cuba!" The body of the leaflet contained an invitation to join the Fair Play for Cuba Committee in New Orleans. The other item taken by Officer Ray was a pamphlet entitled "The Truth About Cuba" published by the Fair Play for Cuba Committee, 799 Broadway, New York 3, New York. In conjunction with Officer Ray's testimony, the state will offer into evidence copies of these two pieces of literature.

The evidence will further show that in June, 1963, the defendant, Clay Shaw, was present at a party given in an apartment in the French Quarter of this city. Among the guests at the party was David Ferrie, a man known as

apartment, but that he was using it because the occupants were out of town and had given Shaw the keys. At the party, said Spiesel, someone brought up President Kennedy's name. Many who were there, said Spiesel, agreed that Kennedy was a bad President. Someone else said, according to Spiesel, that somebody "ought to kill the S.O.B." Spiesel then said that David Ferrie expressed the opinion that it could be done, and that Clay Shaw smiled and agreed. Another young man with a beard and a splint on his finger also got up, according to Spiesel, and said he'd like to be the one to do it "in a couple of weeks" when the splint would be removed. Spiesel said that after the party he saw David Ferrie several other times, and on those occasions Ferrie often spoke of Shaw. Spiesel said that Ferrie believed Shaw could help him land a tax job locally, and urged that Spiesel contact Shaw. Spiesel added that he tried to talk to Shaw on three occasions but was unsuccessful.

Spiesel's testimony had a stunning effect on everyone in the courtroom, including the defense, who asked for a recess when the prosecution tendered the witness to them. Ten minutes later, when trial resumed, Dymond had some rather startling facts of his own at hand. For example, he got Spiesel to admit that in 1967 he'd talked to CBS TV about telling his story on that network, but that he'd demanded \$2,000 for his services. Spiesel also admitted that he'd been involved in some lawsuits, in which he charged that certain persons and groups were hypnotizing and harrasing him to covet his business. Dymond then left this area, and started to pick away at the reason that Spiesel had come to New Orleans in June, 1963. Spiesel remarked that he often came to New Orleans because he liked the city, had thought about moving there, and besides had a daughter at the University there that he wanted to see. Spiesel said he'd flown into New Orleans in May of 1963 and stayed at several hotels before he found an apartment. He said he couldn't remember the hotels, "unless I have a telephone book." Getting back to the alleged party, Spiesel said that it was Shaw who told Ferrie that an assassin could escape a murder scene by air. Ferrie agreed, said Spiesel. Returning to the lawsuits, the defense got Spiesel to admit that in these suits (which he, himself, penned) he alleged that the Pinkerton Detective Agency, The New York City Police Dept., and several individuals were hypnotizing and harrasing him because he had been the focal point of another Communist conspiracy in recent years. Spiesel was on the stand an hour and 30 minutes before the trial recessed for the day. In that period, the believable became unbelievable.

Saturday, 2/3/69. The trial resumed at precisely 9 AM. Charles Spiesel again took his place on the witness stand. For a change, Asst. DA Alcock looked somewhat strained around the eyes, while Clay Shaw was, by contrast, smiling and much less fidgety. Defense attorney Dymond tore right back into Spiesel. This time he had the full copy of x the lawsuit Spiesel had filed alledgedng harrassment and hypnosis. Dymond dramatically read the entire text of the document into the record. It had a definite effect on the jury and on Spiesel, who now stroked his bald head nervously with his right hand, missing his scalp completely. His left hand rested firmly on the arm of the witness chair, his fingers pounding away at the wood. In the document, Spiesel claimed that from 1948 to 1964 he had been harrassed and hypnotized in several cities, New York, Washington, and New Orleans, among others. People had tapped his phone; others had come to his door disguised as members of his family. It got so bad, he concluded, that it affected his sex life. Under cross examination, after Dymond entered the document into the record, Spiesel admitted that he'd been hypnotized "50 or 60 times against (his) will" over a 15 or 16 year period. He said he knew he was being hypnotized, especially when people attempted to "get his eye." Then Dymond presented another document to Spiesel and asked him to identify it. Spiesel was given time to examine it more closely as a short recess was called. When it was over, Dymond started right in on Spiesel, but had to stop when the judge asked him to wait until the jury again filed into the jury box.

When Dymond was through, Alcock tried to save Spiesel with a review of the witness' good World War II service background and graduation from New York University. But Dymond came back and got Spiesel to admit that despite his background, he now has some 15 lawsuits on file against him in New York City regarding debts, and has in fact declared bankruptcy. When Spiesel was excused, he'd been on the hot seat for three hours. Then Dymond asked that the court move to the alledged location where Spiesel claimed

the party took place. Prosecution had no objection, so the trial recessed at 10:30 AM and was re-scheduled for 1:30 PM to allow for lunch. The trial resumed at 2:30, rather than 1:30, apparently due to a longer than expected lunch by the jury. Spiesel was back on the stand. He said he thought he recognized the building where the party took place, at the intersection of Dauphine and Esplanade Streets in the French Quarter area. As Spiesel was finally excused from his subpoena by both defense and prosecution, Alcock moved that the trial be recessed so that his office could better check the building Spiesel identified. Defense had no objection, and the trial was recessed until 9 AM Monday morning.

OTHER NOTES OF INTEREST

SECURITY- Courtroom security seems not as good as, for example, that offered in Los Angeles for the Sirhan trial. All of us are frisked as we enter the courtroom, but the search for both males and females is cursory. Men are searched through their clothing. The frisk usually ends at the waist. Hard bulges (cigarette packs) are never investigated, nor are pens, pencils or shoe heels. The female search is so incomplete that it may be performed in front of any man. As one reporter noted to me: "Any woman could sneak a sawed-off in here and make it." At the Sirhan trial which I have covered often, all reporters and spectators are requested to dump all articles in every pocket onto a table. Then you assume a spread-eagle position, palms against the wall, and are surveyed from stem to ankle by the firm hands of a deputy sheriff. When you are cleared of that, you are asked to turn your shoe heels up for a search for a phony shoe base. Of course, one must keep in mind that Shaw has been free on \$10,000 bond here for almost two years since his arrest. Apparently, if anyone wanted to do him harm, it would have happened by now.

EXCLUSIVE INTERVIEWS

MELVIN BELLI- Belli attended only the opening session of this trial, primarily to hear Garrison deliver his opening statement and hear the defense respond. Belli told me in a copyrighted taped interview later that he thought Garrison's courtroom manner was "devastating", but that he must say that he thinks "the Warren Commission report is correct... Lee Harvey Oswald was the lone assassin and there was no conspiracy." As paradoxical as it might sound, continued Belli, "I think Shaw will probably be found guilty, but that the verdict will not alter the conclusions of the Warren Report." Belli said he thought Shaw would be convicted "on a lot of loose talk." He said he would also be "surprised and shocked" if Garrison could prove a tie between Shaw and Jack Ruby, whom he once defended in Dallas.

RICHARD SPRAGUE- (Sprague is a photographic expert who was here for the first two days of the trial. He makes his home in Hartsdale, New York. Sprague has located over 500 photos of the assassination site in Dealey Plaza; many of them will surface at this Shaw trial.) Dick Sprague was impressed by the general validity of the opening day's witnesses. He states that he expects the Zapruder film to be the most damning indictment of the falsity of what the Warren Commission contends happened in Dallas. He says this film will definitely show that Kennedy was hit from the front.

JIM GARRISON- My promise that what we spoke of was "off the record" prevents me from saying anything other than that the big DA says he is getting a good night's sleep every night and will continue to do so. In his first and only day in court so far, Garrison was constantly sought out by members of the public to attach his autograph to a piece of paper. He complied with the following: "Thanks for asking for my autograph, Jim Garrison.!"

Art Kevin

Please try to remember to inform the AIC of changes of address. Please include both old and new zip codes. These Newsletters are mailed at bulk rates, which precludes forwarding, so we must have your current, correct address to insure continuance of delivery.

KEEPING UP WITH THE SHAW TRIAL: PERRY RUSSO

About the only way to know what's going on in New Orleans is to subscribe to the New Orleans Times-Picayune. It arrives four days late, but includes, either in paraphrase or direct quote, the entire proceedings of the Clay Shaw trial. The important thing is to be very sceptical of everything, I repeat, EVERYTHING else you hear or see in the mass media.

As an example, let's take the controversial Perry Russo. The Los Angeles Times, which ordinarily runs its Shaw-trial stories on about page 24, headlined a few days ago that Russo had admitted that the conversation about killing Kennedy he had overheard in mid-September of 1963 among Shaw (alias Clem Bertrand), David Ferrie and "Leon" Oswald might have been no more than a "bull session." In actual fact, the phrase was not Russo's but that of the prosecuting attorney, F. Irvin Dymond. The actual testimony, as reported by the Times-Picayune (2/11) was as follows:

During the cross examination, Dymond repeatedly asked Russo if he considered the conspiracy conversation as simply a "bull session." Russo explained that he did not have an opinion about it.

"Isn't it a fact that you didn't take it seriously?" Dymond asked.

"Initially, you couldn't believe Ferrie. He was prone to the spectacular," Russo replied.

"Did Ferrie ever request that you leave the premises before talking about this?" Dymond then asked.

"No," Russo stated, pointing out, however, that he did leave the party from time to time to wander outside.

"Did anyone swear you to secrecy about this?" Dymond asked.

"No, never did," said Russo.

Dymond also wanted to know if the conspiracy talk started off as a general conversation about assassinating a president, and not Kennedy in particular.

"I'm not sure it started about Kennedy. But there was a lot of anti-Kennedy sentiment," Russo replied.

After the second day of Russo's testimony, the various radio and TV news blurbs also made much of the fact that Russo admitted there had been no "agreement" among the three alleged conspirators to kill Kennedy. Again, it is instructive to look at what Russo actually said in the course of Dymond's cross examination (Times-Picayune, 2/12):

Dymond then asked Russo if, in the parts of the conversation he heard, he heard any indication of any agreement between the men. Alcock objected, and Judge Haggerty said this "is a question for the jury to decide."

Russo then said that Ferrie had said, "We will kill him," and Dymond got the witness to admit that Ferrie had said this on several other occasions.

"Did Leon Oswald agree to kill the President?" Dymond asked.

"No."

"Did Clem Bertrand agree to kill the President?"

"No."

"Then you never heard anyone agree to kill?"

"I heard people talking...it seemed to me they were in agreement about certain things."

"Did you ever hear them say, 'We will do it.'?"

Russo said he had heard Ferrie say, "We will get him," and that he first heard him say this between June and August of 1963.

I believe that there are two popular misconceptions about Russo. First, it is somehow assumed that Russo himself is trying to pin the conspiracy rap on Shaw, Ferrie and Oswald. He is not. He has said several times that he did not, at the time, consider the men to be conspirators. All he is testifying to is the conversation that he heard and the people he heard it from. According to the Times-Picayune (2/12), "Russo, pointing to Shaw, said he was 100% absolutely sure that he (Shaw) was the person he has seen at the meeting at David Ferrie's home in 1963. However, when Dymond used the word 'conspirators,' Russo corrected him, saying, 'I never used the word 'conspirators'.'"

The second misconception is that Russo is Garrison's "star" witness. This notion comes about because Russo happened to be the only major State witness to testify in the preliminary hearings two years ago. All indications are that Garrison had other evidence as well as other witnesses that he did not reveal at the preliminary hearings for the obvious reason that he did not want to divulge his entire case before it came to trial. Nevertheless, Russo's testimony is important, and it is important that we know just what he said about that meeting. Here again is the Times-Picayune report, 2/11:

Asked about the conversation that took place, Russo said that Ferrie, controlling the conversation, re-emphasized how easy it would be to kill the president. He said Ferrie carried around a "bunch of clippings," and those that Russo could see had "Kennedy's name on them."

Ferrie was pacing back and forth, said Russo, and the speech in Spanish was playing on the record player, and Ferrie was "muttering about Kennedy."

"He was telling how this projected assassination team would pull off the assassination of President Kennedy." Russo said Ferrie spoke of the "training of fire for two of us to escape, and one of us would have to be a patsy." Russo said Ferrie continued, "There should be a diversionary shot," which would attract the attention of people and police in the area "and the other shots would be for the kill." Ferrie said they would be fired almost simultaneously.

Russo continued that Ferrie said as soon as the assassination was completed "the escape would be by flight, either to Brazil or Cuba."

Ferrie said, according to Russo, that if Brazil was selected, there would have to be a stop in Mexico to refuel.

At this point, testified Russo, Shaw objected, pointing out that a stop in Mexico would require cooperation from persons where the refueling stop was made.

"Oswald told him to shut up," testified Russo, "'Shut up,' he said, 'Ferrie knows what he's doing; he's a pilot.'"

Then, Russo said, Ferrie discussed an alternate plan. He said the individuals could do something on the day of the assassination to give them alibis.

Russo claimed that Shaw said he could go on a business trip with his company "on the coast." Ferrie said he could speak at a college. Oswald, Russo said, did not say anything in regard to this point.

Perhaps these few brief excerpts from the full testimony are sufficient to enable you to form your own opinion concerning the credibility of Russo's testimony. My own view is that he is an intelligent and articulate young man who, although greatly upset at having become involved in all of this, is trying to be scrupulously honest in recounting his recollections. LA Free Press editor Art Kunkin, who has been observing the trial, writes in the latest issue (2/14) that "Perry Russo is a convincing witness" who "insists on qualifying all statements." It is reasonable to assume that the jury will also find him convincing, but his testimony alone will probably not be enough to convict Clay Shaw.

Prescott S. Nichols

THE FOLLOWING LETTER WAS SENT ON 2/3/69 TO MR. EYE CHAMBERLYN, OF THE METROMEDIA NEWS BUREAU, WASHINGTON, D.C., BY LILLIAN CASTELLANO OF LOS ANGELES. THE INFORMATION ALLUDED TO NOT ONLY PROVIDES A BASIS FOR SPECULATION REGARDING A CONSPIRACY IN THE RFK MURDER, BUT ALSO FURNISHES INSIGHT REGARDING MEDIA REACTION TO SUCH EVIDENCE.

Dear Mr. Chamberlyn:

On Monday morning, 2/3/69, between 6:45 AM and 8:15 AM on KLAC radio news, I heard twice a "voice report" from Metromedia reporter Walter Rogers in Washington, D.C.

In that "voice report" Mr. Rogers said that in the assassination of RFK hints of conspiracy were raised when the Secret Service in Washington, D.C. had revealed that they "had a file" on the man who worked in the kitchen of the Ambassador Hotel, and whose car ignition fit a key found in Sirhan's pocket at the time of his arrest. The Secret Service said that if it had been the President who was to have visited the

Ambassador, this man would have been removed from the vicinity or taken into custody.

On Monday afternoon, when I heard no mention of the above anywhere else, I called the newsroom of KLIAC and asked to pay for a tape or a transcript of that voice report. They told me that they had no record of it there, and that I would have to write to you in Washington.

Later that afternoon, I heard Phil Green, Metromedia reporter at the courthouse of the Sirhan trial, interview Chief Deputy DA Lynn D. Compton regarding the conspiracy talk, and heard Compton reply that "it was a loose lock" and that "those were his (Sirhan's) keys, all right," and that the District Attorney's office had not had presented to them "one scintilla" of evidence regarding a conspiracy or that anyone else was associated with him in it in any way. ("Scintilla" is a favorite word of J. Edgar Hoover, and he used it in his testimony before the Warren Commission, when he said they had not been presented with a "scintilla of evidence" that there was a conspiracy or that anyone else was associated with Oswald in it in any way.)

I then called back the newsroom at KLIAC and tried to talk to Phil Green. He wasn't there, and I talked to Culver and Provenson and told them I would like to trade. If I could get an identified copy of the tape or a transcript of the tape of that Walter Rogers' voice report from Washington, I would trade a picture of the police searching and fingerprinting the kitchen worker's car, which showed the license plate number. Also, a report from Sacramento, which gave the man's name and address. Also the grand jury transcript testimony which gave the information that Sirhan's own car, a 1956 DeSoto sedan, License #JWS093, had been found with six keys in a wire keyring in the glove compartment, and the six keys all fit the ignition and trunk of that car. Also from the grand jury transcript, when Sirhan was arrested he had one key (not one of the six which fit and were found in his car) plus four \$100 bills, one \$5 bill, four \$1 bills, some change, two newspaper clippings, one white typewriter sheet (some kind of Kennedy yell), two unused 22 cal. bullets, one "with the head of a bullet." That one key fit the kitchen worker's car, a 1959 Chrysler tudor.

I also mentioned a tape I have of a newsmaker call Joel A. Spivak made to George T. Davis, the attorney for Jack Kirshke and also the attorney for the minister with the horse deal with Sirhan. In that tape, Davis mentions that Sirhan told the minister that "he had a friend in the kitchen."

Culver gave me the brush- said that they didn't have the tape there- that they erased it right away and used the tape again. He said that all the information I wanted to trade was available to them and read me a little sermon about any murder case will be full of conflicting reports. He said I would have to write to you in Washington...

ON 2/7/69 A COPY OF THE SCRIPT WAS SENT TO LILLIAN CASTELLANO, AND IS REPRINTED BELOW:

Federal agents investigating the murder of Senator Robert Kennedy have uncovered some evidence which hints at conspiracy...

When the accused assassin, Sirhan Sirhan, was apprehended, police discovered that keys in his pocket fit a car parked a block from the hotel...The car belonged to a kitchen worker at the hotel at which Kennedy was shot...Reliable sources also report that the Secret Service had a file on this kitchen worker, and had it been the President who was in the hotel, the Secret Service would have detained the man before the President ever came to town. While the Secret Service had no files on Sirhan before the Kennedy Murder...they did apparently consider this kitchen worker in question at least a threat to presidents. (Walter Rogers, Metromedia News, Washington)

HALLECK'S RULING A VICTORY FOR GARRISON

District Judge Charles Halleck in Washington, D.C., ruled two days ago that Dr. Cyril Wecht, M.D., LLB and Warren Report critic be allowed to study the JFK autopsy photos and x-rays, by February 17. Wecht will soon testify for the prosecution in New Orleans. Sources in Washington indicate however that the Federal Government plans to appeal

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this decision, thereby once again blocking access to this important evidence which has a high order of relevance to the Shaw conspiracy case.

More on this in our next Newsletter.

CLOSING NOTE

In spite of the length of this issue, we were forced to reluctantly omit much material deserving of your attention, especially as regards the arguments before Judge Halleck in Washington. We will therefore print another edition within a week, both to keep you up to date on the Shaw trial and to adequately cover other material. To help support this Newsletter, you may send contributions (and/or suggestions, articles, criticisms, news tips, etc.) to: ASSASSINATION INQUIRY COMMITTEE

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an accomplished airplane pilot. During the course of the party, the conversation among a small group of those present turned to President John F. Kennedy. In this group were David Ferrie and the defendant, Clay Shaw. The comment was made that President Kennedy should be killed and that the job could best be done by a rifle. At this point, the defendant, Clay Shaw, suggested that the man doing the shooting would probably be killed before he could make his escape. The defendant, after making this observation, turned to Ferrie and asked if it might not be possible to fly the gunman from the scene of the shooting to safety. David Ferrie replied that this would be possible. At this point, the conversation was turned to other subjects.

LATER IN JUNE of 1963, the defendant, Clay Shaw, was observed speaking to Lee Harvey Oswald on the lakefront in the city of New Orleans. The defendant arrived at the lakefront in a large, black 4-door sedan, and was there met by Lee Harvey Oswald, who had walked to the meeting point along the lakefront from a westerly direction. The defendant and Oswald had a conversation which lasted approximately 15 minutes. At the conclusion of this conversation, the defendant gave Oswald what appeared to be a roll of money which he immediately placed in his pocket. In shoving the money into his pocket, Oswald dropped several leaflets to the ground. These leaflets were yellow in color with black printing and dealt with Cuba. The color, contents and size of these leaflets were identical with the "Fair Play for Cuba Committee" leaflet taken from Oswald earlier that month on the Dumaine Street Wharf by Harbor Police Patrolman Girod Ray.

The evidence will show that on August 9, 1963, Lee Harvey Oswald was arrested by members of the New Orleans Police Department as a result of his becoming involved in a fight with several Cubans who were protesting his passing out "Fair Play for Cuba Committee" literature. This literature was confiscated by the New Orleans Police Department. The state will offer into evidence three of the seized items, one of which is a yellow leaflet with black print entitled "Hands Off Cuba!" This is the same type of leaflet taken from Oswald at the Dumaine Street Wharf on June 16, 1963, and also the same as the leaflet dropped by Oswald at the lakefront in the latter part of June, 1963. The state will also introduce the bureau of identification photograph taken of Lee Harvey Oswald at the time of his booking.

A week later, on Aug. 16, 1963, Lee Harvey Oswald was again distributing "Fair Play for Cuba" leaflets. Once again the distribution was done more as if to attract attention than to actually accomplish distribution. The actual distribution lasted only a few minutes, ending shortly after the news media departed. The state will introduce pictures and a television tape of this distribution, which took place in front of the International Trade Mart whose managing director at the time was the defendant, Clay Shaw.

THE STATE will show further, that in the latter part of August or the early part of September, 1963, Lee Harvey Oswald went to Jackson, La., a small town located not far from Baton Rouge, La. While in Jackson, he talked to witnesses in reference to his getting a job at the East Louisiana State Hospital in Jackson, La., and registering to vote in that parish, so as to be able to get the job. The state will introduce the witnesses who talked to Lee Harvey Oswald on this occasion.

The state will show that shortly thereafter, still in late August or early September, 1963, the defendant, Clay L. Shaw, Lee Harvey Oswald and David W. Ferrie drove into Clinton, La.—which is very close to Jackson—in a black Cadillac, parking the Cadillac near the voter registrar's office on St. Helena st. While the defendant, Clay L. Shaw, and David W. Ferrie remained in the car, Lee Harvey Oswald got out of the car and got in line with a group of people who were waiting to register.

The state will introduce witnesses who will testify that they saw the black Cadillac parked in front of the registrar's office and who will identify the defendant, Clay L. Shaw, Lee Harvey Oswald and David W. Ferrie as the individuals in that car.

THE STATE WILL INTRODUCE a witness who talked to the defendant, Clay L. Shaw, on this occasion. In asking Mr. Shaw for his identification, he was told by the defendant that he (Shaw) was from the International Trade Mart in New Orleans, La.

The state will introduce a witness who will identify Lee Harvey Oswald as the person he talked to in the registrar's office and who will also identify the defendant, Clay Shaw, and David W. Ferrie as the two men seated in the black Cadillac that brought Lee Harvey Oswald to Clinton, La.

The state will also introduce into evidence a photograph of a black Cadillac car that the witnesses will identify as either the same car or one identical to the one that they saw in Clinton that day.

The evidence will show that in the month of September, 1963, the defendant, Clay Shaw, David Ferrie and Lee Harvey Oswald participated in a meeting in which plans for the murder of President John F. Kennedy were discussed and refined. This meeting took place in David Ferrie's apartment at 3330 Louisiana Ave. Pkwy. in the city of New Orleans. Shaw (using the name of Clem Bertrand), Ferrie and Oswald (using the first name of Leon) discussed details of the conspiracy in the presence of Perry Raymond Russo, after Ferrie gave assurance that Russo was all right.

THE PLAN BROUGHT FORTH was that the President would be killed with a triangulation of crossfire with at least two gunmen, but preferably three, shooting at the same time. One of the gunmen, it was indicated, might have to be sacrificed as a scapegoat or patsy to allow the other participants time to make their escape. No one indicated to Oswald at the meeting that he was going to be the scapegoat and there was no indication of any awareness on his part of such an eventuality.

They also discussed alternate routes of escape, including the possibility of flying to other countries. The defendant and David Ferrie agreed that as part of the plan they would make sure they were not at the scene of the assassination. Their plan for the day of the shooting was to be engaged in a conspicuous activity in the presence of as many people as possible. The defendant, Shaw, stated he would go to the west coast of the United States. Ferrie, not as positive about his alibi, said he thought he might make a speech at a college in Hammond, La. As the state will show, Shaw made his way to the west coast and Ferrie, after his long drive back from Texas, made his way to Hammond, Louisiana, where he slept, not in a hotel room, but on a bed in a college dormitory.

By a month after the meeting, Lee Oswald had moved into a rooming house in Dallas under an assumed name. By the following month when the time for the President's parade arrived, Oswald was on the parade route at the Texas School Book Depository, where a job had been found for him. By the night of Friday, November 22nd the President was dead, Ferrie was driving through a thunderstorm to Houston, Texas, and the defendant, Shaw, was out on the west coast. Lee Oswald, however, was in a Dallas jail ending up as the scapegoat.

AS TO THE PLANNING—the conspiracy—our jurisdiction is limited to New Orleans, although we will later offer evidence concerning the assassination in Dealey Plaza in Dallas because it confirms the existence of a conspiracy and because it confirms the significance and relevance of the planning which occurred in New Orleans. It is the position of the State of Louisiana that, regardless of the power which might bring about the execution of a President of the United States, whether it be initiated by a small group or the highest possible force, neither the planning of his murder nor any part of it, will be regarded in Louisiana as being above the law.

And so, with David Ferrie now dead and Lee Oswald now dead, the state is bringing to trial Mr. Shaw for his role—as revealed by evidence—in participating in the conspiracy to murder John F. Kennedy.

Returning our attention to the cluttered apartment of David Ferrie: The evidence will show that Perry Russo had been a fairly close friend of David Ferrie for some time prior to the meeting between the defendant, Ferrie and Lee Harvey Oswald.

THE EVIDENCE further will show that Perry Russo first met Lee Harvey Oswald at David Ferrie's apartment shortly before the principal meeting between the named conspirators took place. At this meeting Oswald, who was cleaning a bolt-action rifle with a telescopic sight, was introduced to Russo by Ferrie as Leon. Perry Russo saw Lee Harvey Oswald at Ferrie's apartment at least once after the meeting of the conspirators. On this occasion Oswald appeared to be having some difficulty with his wife and he gave Russo the impression he was leaving town.

Russo also had seen the defendant Shaw, once before the meeting. This was at the Nashville Street wharf at the time President Kennedy was speaking there in the Spring of 1962. The defendant, Shaw, also was seen by Russo with David Ferrie subsequent to the assassination at Ferrie's service station in Jefferson Parish.

In connection with the testimony of Perry Russo, the state will introduce into evidence pictures of the defendant, David Ferrie and Lee Harvey Oswald, as well as pictures of the exterior and interior of David Ferrie's apartment at 3330 Louisiana ave. Parkway, and other corroborating evidence.

The evidence will further show that the defendant in accordance with the plan, and in furtherance of it, did in fact head for the West Coast of the United States—ostensibly to make a speech—on Nov. 15, 1963. He remained there until after President Kennedy's assassination on Nov. 22, 1963, thereby establishing an alibi for himself for the day of the shooting.

The State will offer into evidence a ledger sheet of travel consultants and testimony which reflects the arrangements made by the defendant, Shaw, to go to the West Coast. This travel consultant firm—which in 1963 was located in the International Trade Mart—was the same firm which arranged for Lee Oswald to go to Europe, from which he went to Russia, several years earlier.

THE STATE WILL SHOW that Ferrie drove to Houston on the day of the assassination, departing from New Orleans on the evening of Nov. 22—some hours after the President was killed and two days before Lee Oswald was killed. Ferrie drove, with two young companions, through a severe storm for the ostensible purpose of going ice skating in Houston. Upon arriving in Houston, Ferrie and his companion went to the Winterland Skating Rink where Ferrie loudly and repeatedly introduced himself to the manager of the rink. Despite the fact that he had driven all the way from New Orleans to Houston for the purpose of ice skating, David Ferrie never put on any ice skates at all. While his young friends skated, Ferrie stood by the public pay phone as if waiting for a call.

The evidence will further show that earlier, after Lee Oswald's departure from New Orleans, he took a short trip to Mexico and then made his way to Dallas. On Oct. 14, 1963, he rented a room at 1026 N. Beckley st. under the fictitious name of O. H. Lee. Two days later he went to work at the Texas School Book Depository, which was located at the intersection of Houston and Elm sts. in Dallas, Tex.

At the Book Depository, Buell Wesley Frazier was employed in the order filling department. Frazier lived in Irving, Tex., a suburb of Dallas, and was a co-worker of Oswald's. Oswald's wife and baby daughter also lived in Irving with Mrs. Ruth Paine, a friend of the Oswalds. Frazier's sister, Linnie May Randall, was a neighbor of Mrs. Paine's in Irving.

SINCE OSWALD HAD AN APARTMENT in Dallas, he made arrangements with Frazier to ride to Irving with him only on weekends. Oswald thereafter rode to Irving with Buell Frazier every Friday except the one immediately preceding the assassination. Oswald did not go to see his wife and daughter on that weekend because, he said, he was working on getting his driver's license. However, that next week Oswald once more broke his ritual with Frazier. On Thursday, Nov. 21, 1963, Lee Harvey Oswald asked Frazier if he could ride to Irving that night for the purpose of picking up some curtain rods for his apartment. On Friday morning, Nov. 22, 1963, Buell Wesley Frazier drove Oswald from Irving to the Texas School Book Depository. Oswald had with him a package wrapped in brown wrapping paper. When he inquired as to its contents, Frazier will testify, Oswald replied that the package contained the curtain rods he had returned home to pick up the night before. Frazier will further testify that Oswald told him that he would not be returning to Irving that night, Friday, Nov. 22, 1963.

Buell Frazier will testify that he entered the Texas School Book Depository building that morning about 50 feet behind Lee Oswald. Oswald was still carrying the package. Frazier will testify that he saw Oswald a couple of times that morning, but never saw the package again. Around noon of that day, Frazier went to the front steps of the Texas School Book Depository to watch the presidential motorcade which was due to pass directly in front of the Book Depository as it made its turn off Houston street onto Elm street. While the motorcade was passing, Frazier heard three shots which sounded like they came from the area of the underpass—near the grassy knoll—in front of the President.

AT THE CONCLUSION of Frazier's testimony, the state will introduce into evidence pictures of a paper sack found in the Texas School Book Depository, as well as pictures of Dealey Plaza as it appeared on the day of the assassination.

Evidence will also indicate that a bolt-action Mannlicher-Carcano rifle was found at the Depository and that, based upon the testimony of Buell Wesley Frazier, this rifle had been brought there by Lee Oswald that morning when he arrived with Frazier.

With regard to the assassination itself, the State will establish that on Nov. 22, 1963, President John F. Kennedy and Gov. John Connally, who was riding in the same limousine, were wounded as a result of gunshots fired by different guns at different locations. Furthermore, the State will show that President Kennedy himself was struck by a number of bullets coming from different guns at different locations—thus showing that more than one person was shooting at the President. The evidence will show that he was struck in the front as well as the back—and that the final shot which struck him came from in front of him, knocking him backwards in his car. Once again, since Lee Oswald was in the Book Depository behind the President, this will show that a number of men were shooting and that he was, therefore, killed as the result of a conspiracy.

The state, in showing that a number of guns were fired during the assassination of President John F. Kennedy, will offer, in addition to eyewitnesses, various photographs and motion pictures of what transpired in Dealey Plaza on November 22, 1963.

First, the state will offer an 8mm color motion picture film taken by Abraham Zapruder, commonly known as the Zapruder film. This film, which has not been shown to the public, will clearly show you the effect of the shots striking the President. In this connection we will also offer slides and photographs of various individual frames of this film. The state will request permission from the court to allow you, the jury, to view this material. Thus, you will be able to see—in color motion picture—the President as he is being struck by the various bullets and you will be able to see him fall backwards as the fatal shot strikes him from the front—not the back but the front.

ALSO, THE STATE will introduce as evidence certain other photographs and motion picture films, taken during the assassination, as listed below:

1.—The "Moorman picture" which is a polaroid photograph taken by Mary Moorman in Dealey Plaza on Nov. 22, 1963. In addition to this picture, but in connection with it, the state will offer various blow-up prints of this photograph.

2.—Various photographs taken by Mr. Philip Willis in Dealey Plaza on Nov. 22, 1963.

3.—Various photographs taken by Miss Wilma Bond in Dealey Plaza on Nov. 22, 1963.

4.—A motion picture film with slides and photographs taken by Mr. John Martin on Nov. 22, 1963.

The state will qualify Robert H. West, the County Land Surveyor for Dallas County, Tex., as a licensed registered public surveyor and thus competent to testify as an expert as to the geographical aspects of Dealey Plaza, Dallas, Tex. In conjunction with the testimony of Mr. West, the state will offer into evidence a certified survey, an aerial photograph and a mock-up model of Dealey Plaza.

The State will also qualify Dr. Robert Shaw as an expert in the field of medicine, and in connection with this testimony we will offer X-rays and medical records concerning Gov. Connally's wounds and treatment at Parkland Memorial Hospital in Dallas, Tex.

The state will qualify and offer the testimony of Dr. John Nichols, a medical expert in the field of forensic medicine and pathology. In connection with his testimony the state will offer certain exhibits and photographs into evidence.

FURTHERMORE, DURING the presentation of this case, the state will qualify and offer the testimony of Special Agent Robert A. Frazier of the Federal Bureau of Investigation as an expert in the field of ballistics. Special Agent Lyndal Shaneyfelt, who is a photographic expert with the Federal Bureau of Investigation, will be qualified and will testify.

The state also will present eyewitness testimony, corroborating what is shown in the Zapruder film: That the President's fatal shot was received from the front and that he was thrown backward—not forward—from the force of this fatal shot. The eyewitness testimony will also show that the shooting came from a number of directions and that, therefore, the President was murdered, not by a lone individual behind him but as the result of a conspiracy to kill him.

We will then show that a few minutes after the shooting Lee Oswald came running down the grass in front of the book depository, that he climbed into a station wagon with another man at the wheel and that this station wagon pulled away and disappeared into the traffic on Elm Street.

THE EVIDENCE will show that shortly after the assassination of President Kennedy, on November 25, 1963, agents of the Federal Bureau of Investigation interviewed Dean A. Andrews Jr. in his room at Hotel Dieu Hospital in New Orleans. As a result of this interview with Dean Andrews, a local attorney, the bureau began a systematic and thorough search for a "Clay Bertrand."

A man who identified himself as "Clay Bertrand" called Andrews the day after the president's assassination requesting him to defend Lee Harvey Oswald, who by then had been formally charged with the murder of John F. Kennedy. The state will introduce evidence in the course of this case showing that the defendant, Clay Shaw, and the "Clay Bertrand" who called Dean Andrews on behalf of Lee Harvey Oswald, are one and the same person.

The evidence will further show that some time during the year 1966 the defendant, Clay Shaw, requested the U.S. Post Office to deliver mail addressed to him at his residence at 1313 Dauphine st. to 1414 Chartres st., the residence of a long-time friend, Jeff Biddison. This change-of-address order was terminated on Sept. 21, 1966. During the period that the change of address remained in effect, the U.S. Post Office letter carrier for that route delivered at least five letters to 1414 Chartres st. addressed to "Clem Bertrand," the name used by the defendant at the meeting between himself, David Ferrie and Lee Harvey Oswald in Ferrie's apartment in mid-September 1963. None of the letters addressed to "Clem Bertrand" were ever returned to the postal authorities for any reason. The period during which these letters addressed to "Clem Bertrand" were delivered to 1414 Chartres st. preceded by at least six months the publication of the fact that the Orleans Parish district attorney's office was investigating the assassination of President John F. Kennedy. In fact, it preceded the start of the investigation by the district attorney's office. In connection with this evidence, the state will offer into evidence the U.S. Post Office forms reflecting the change of address initiated by the defendant and testimony showing the delivery to that address of mail addressed to "Clem Bertrand."

IT WILL BE SHOWN that in December 1966 the defendant, Clay Shaw, visited the V.I.P. Room of one of the airlines at Moisant Airport and that, while there, he signed the guest register in the name of "Clay Bertrand." Eyewitness testimony will be presented and the guest book which he signed will be introduced into evidence.

The State of Louisiana will ask you to return a verdict of guilty as charged against the defendant, Clay Shaw.

What follows is an in-depth summary of the first three days of the Shaw conspiracy trial, sent exclusively to the AIC by Art Kevin, KHJ-RKO general correspondent in New Orleans. Mr. Kevin is news director of KHJ radio in Los Angeles. We thank him for providing this important article in the midst of his busy schedule, and we look forward to forthcoming information from him.

THE CLAY SHAW TRIAL

There are many aspects to this trial that I want to report on, but the first (and most important, of course) is the testimony of the State's witnesses who appeared in the first three days. A total of 15 persons were paraded before an all-male jury of 12, and two alternates. Most of them were there to talk about an apparent trip Lee Harvey Oswald made to Clinton, Louisiana, in late August or early September, 1963. Oswald reportedly went to Clinton in the company of two other men; according to witnesses, one was Lee Harvey Oswald and the other was probably the late airline pilot, David W. Ferrie.

Court convened at exactly 10:03 AM on the first day. The first order of business was a motion by defense attorney, F. Irvin Dymond, that Sandra Moffett McMaines of Des Moines, Iowa, be provided physical protection so that she could come to New Orleans to testify for the defense. Mrs. McMaines allegedly attended the party in 1963 at which Perry Raymond Russo says Clay Shaw, Lee Oswald David Ferrie and others plotted the death of President Kennedy. Dymond asked that Mrs. McMaines be given immunity from arrest by Garrison. Assistant DA James Alcock argued that it was impossible for her to be given such extra-legal protection for her action or statements during this trial. His argument prevailed.

At 10:27 AM District Attorney Jim Garrison rose to personally deliver the State's opening statement. Garrison began by half-apologizing to the jury for the length of the document that he was about to read. "This statement," said Garrison, "is merely a blueprint for what the State intends to prove." Garrison went on to detail the charges against Shaw and explain what the law of criminal conspiracy was all about. "The evidence will show," he continued, "that Lee Harvey Oswald was involved in bizarre activities in New Orleans." Garrison said that he would also show that Shaw's trip to the West Coast (San Francisco) in September of 1963 was of great importance to his case. Garrison contended that Shaw, at a party, set up the flight escape program from Dallas with the late David Ferrie, among other aspects of the murder. Then Garrison mentioned for the first time publicly that he would show that Lee Harvey Oswald went to Jackson, Louisiana, in August or September, 1963, and in that period, Shaw, Oswald and Ferrie drove to a small Louisiana town nearby where Oswald tried to register to vote. Garrison said that he would also offer evidence to disprove the official account of events on that day in Dallas. The mere mention of Dealey Plaza brought defense attorney Dymond to his feet, objecting to the inclusion of Dallas events into this local conspiracy trial. Garrison half-grinned at Dymond as he argued his point. Prosecutor Alcock rose to say that the State had a right to "over-prove its case" if it wanted. After more argument the judge upheld the State's point and allowed Garrison to continue with his opening statement. Garrison said that regarding Dallas he would offer photos and films which would show conclusively that President Kennedy was hit by a number of bullets from different locations, and that he was hit from the front as well as from the rear. Garrison added that among the witnesses he would offer would be Buell Wesley Frazier and Lyndal Shaneyfelt of the FBI. He said he would also offer a topographical analysis of Dealey Plaza as well as a mock-up of the area. Getting back to Clay Shaw, Garrison said he would show that Shaw's trip to the West Coast was arranged by the same New Orleans travel agency that set up Oswald's trip to Europe, from which he defected to Russia, and that he would also show that Shaw and the elusive Clem Bertrand were one and the same person. Garrison said he would prove this by showing that Shaw received at least five letters addressed to Bertrand at another address that he had set up. Garrison said that he also had a local hotel register in which Shaw registered as Bertrand.

3700 words and 35 minutes later, Garrison was through, and the trial recessed for lunch. When court resumed at 1:40 PM it was time for defense attorney Dymond to deliver the defense' opening statement to the jury. Dymond made sure to impress upon the jury that he was not there to defend the findings on the Warren Report. "That," said Dymond, "has nothing to do with our case. It is our intention to show that Clay Shaw did not conspire with Lee Harvey Oswald or David W. Ferrie to kill President Kennedy, nor did he ever meet with them." Dymond added, "when David Ferrie died, the roaches came out of the woodwork." But Dymond saved his major thrust for Perry Russo, the young man who said he attended the party where Shaw, Oswald and Ferrie hatched the Presidential murder plot. Dymond said, "I will prove to you that Russo is an unmitigated liar."

As Dymond became stronger and more demeaning in his rhetoric, Assistant DA Alcock rose to object. The judge upheld Alcock. Then, instead of running down Russo personally, Dymond went on to pinpoint what he said were major inequities in Russo's whole story. Dymond said he would prove his case by offering "competent evidence." As for another State's witness, Vernon Bundy, Dymond said he would show that Bundy was "totally unworthy of belief." The defense counsel further said he would prove that Clay Shaw was in San Francisco at the time of Kennedy's assassination, and that he was there as part of his normal, regular business activities. In closing, Dymond reminded the jury again that the Warren Commission Report was not on trial here and asked that it not be allowed to obscure the issues.

A short recess, then the calling of witnesses began at 2:30 PM.

First Witness: Lee McGee of Jackson, Louisiana, a barber by trade. He testified that in late August or early September, 1963, he gave a haircut to a man he identified as Lee Harvey Oswald. McGee said that Oswald was alone, but had come to his shop in what appeared to be a somewhat battered, dark-colored car. He said there was a woman in front, and what appeared to be a baby bassinet in the back seat. He said Oswald was looking for a job and that he told Oswald to see a former politician in Clinton, Louisiana, (very close to Jackson) about a post at a state hospital there. McGee said he also told Oswald that he would have a better chance of getting the job if he were a registered voter. McGee said under cross examination that he'd never done this before for anybody, but that he was impressed by Oswald, whose overall clean image prompted him to try to help him get a job. Then a short recess, and court re-convened at 3:30.

Second Witness: Reeves Morgan of Clinton, who identified himself as a former State Legislator who was now a foundry worker. He identified a mug shot of Oswald and said that this young man had indeed come to see him in late August or early September, 1963, about a job at the state hospital. Morgan said that he told Oswald that he could not help him directly over his former constituents but did tell him what to do in order to start the ball rolling to get a job. Morgan too described Oswald as neatly dressed and clean shaven. Morgan said that as soon as he saw Oswald's picture after the assassination, he contacted the FBI but they never sent anyone to see him.

Third Witness: John Manchester, Town Marshall of Clinton, who said he was Marshall in late August and early September, 1963, (as well as at present) and that he could well remember that time because of a Negro voter registration drive that was under way. Because of the drive, Manchester said, he was especially aware of strangers and/or strange vehicles in town. He said he had assigned himself to the registrar of voters office where he noticed a strange black car. He said he "checked out" the driver, whom he identified as Clay Shaw. Manchester said that Shaw identified himself as director of the International Trade Mart. Under cross examination, he said that he had only spoken to the driver for some two minutes, and that even after Shaw was arrested by Garrison and he saw Shaw's picture in the paper, he did not recognize Shaw immediately, but later "pieced it together." As to how he could remember the incident so clearly when it lasted such a short time, Manchester told defense attorney Dymond, "I may forget a name, M. Dymond, but never a face in my kind of work." Shortly before Dymond excused Manchester, he tried to intimate that Manchester was anti-Negro, and that was really the reason he was assigned to the registrar of voters office. The State objected, and Dymond dropped the matter.

Fourth Witness: Henry Palmer, Registrar of Voters of Clinton, who said he had held that post in late August or early September, 1963, when the alleged Oswald visit occurred. Palmer testified that he, too, saw a "big, strange Cadillac" parked next to his office when he left for a morning and afternoon coffee break. Palmer said he asked one of Clinton's officers to "run a 10-28" or license plate check on the vehicle. He said he saw two men in the car. He identified the driver as the defendant, Clay Shaw. The other man, said Palmer, "had heavy eyebrows and mussed-up hair." When the license check came back, said Palmer, he "wondered what Trade Mart people were doing in town." Later, in his office, he said he spoke with Lee Harvey Oswald, who wanted to register to vote. Palmer said he told Oswald that he could not since he didn't have enough proof that he'd been a resident of Clinton long enough to qualify. Palmer said that the only identification that Oswald gave him was a Navy discharge card. Palmer said that nevertheless he told Oswald to go on over to the state hospital and fill out the employment application. Under cross examination, the defense hit hard at the fact that Palmer was never closer than 15 to 20 feet from the automobile, and thus, identification of Shaw was imprecise.

Fifth Witness: Corri Collins, Negro CORE chapter leader from Clinton, who said he too noticed a strange black Cadillac, when it first pulled up to the registrar of voters office in Clinton. Collins said he looked closely because he thought the occupants were FBI people. He said when he first spotted the vehicle, there were three men in it, two in front, one in the back. The man in back got out and went in line to register to vote, said Collins, while the other two men sat in the car. The man that had left the car, said Collins, was Oswald. He testified that the driver was Clay Shaw, while the third man he recognized as David Ferrie. Collins said he immediately recognized all three men in his mind as they surfaced in the assassination and later in the Garrison probe. Asked why he didn't give this information to the FBI, Collins told the defense, "Nobody asked me."

At 5:23 PM the jury recessed. Judge Edward Haggerty, Jr., announced that since the jury was sequestered, he was formally ordering that they be given a medical check by a doctor for the State at least once a week.

Friday, 9 AM. Sixth Witness: William D'uena, a Negro residing in Clinton, who identified himself as a farmer and construction worker. He said he had been active with CORE in the voter registration drive in late August and September, 1963, and that he too recalled seeing the big black car pull up in front of the Registrar of voters office in Clinton. He especially noticed the driver "because he was a stranger." He described the driver as a big "wide-shouldered man with gray hair." He then identified the man as Clay Shaw. D'uena said he also noticed "a strange white boy" in line, who he says he now knows as Lee Harvey Oswald. Despite some rather scathing cross examination D'uena's story remained unchanged.

Seventh Witness: Mrs. Bibbie Dedon of Baton Rouge, the first woman called by the State, who said she was employed as a receptionist-clerk at the state hospital in Clinton in late August and Early September, 1963. She said that one day a man approached her for directions to the hospital's personnel office. She testified that the man was Lee Harvey Oswald. Mrs. Dedon said she reported the incident to the Louisiana State Police shortly after the assassination, but was never contacted by the FBI.

Eighth Witness: Mrs. Maxine Kemp, of Clinton, who said she joined the state hospital in September of 1964 (after the time of the apparent Oswald visit to Clinton). As secretary to the personnel officer and as person in charge of the employment files, Mrs. Kemp said she discovered an application made out by Lee Harvey Oswald. After she became aware of the Garrison investigation through the newspapers, said Mrs. Kemp, she again looked for the Oswald application but was unable to locate it.

Ninth Witness: Officer Bernard Winstein, of the New Orleans Police Dept., who said he works in the intelligence division of the department, and indicated that he had knowledge of the Fair Play For Cuba Committee, of which Oswald claimed he was chapter chairman. But due to some excellent defense arguments, Officer Winstein was unable to complete his testimony as to the validity of two leaflets which he'd brought with him.

Tenth Witness: Officer Frank Haywood, of the New Orleans Police Dept., who in August of 1963 was one of three patrolmen who arrested Lee Harvey Oswald and others when they were passing out literature in front of the New Orleans International Trade Mart. But again, due to some good defense arguments, Officer Haywood was unable to pin down the previous Officer's leaflets as being those he obtained from Oswald the day of the arrest. (The prosecution here was attempting to lay the groundwork that Oswald distributed the black-on-gold Fair Play For Cuba leaflets. The DA's office would then try and authenticate them with the testimony of later witnesses.) The best that Officer Haywood would testify to was the fact that the leaflets in Alcock's possession "looked like the ones that Oswald had in his possession the day he was arrested."

Eleventh Witness: Captain Francis Martello, 20 year veteran of the New Orleans police Dept., who said that following Oswald's arrest on August 10, 1963, he interviewed Oswald in his cell for some 30 minutes. Martello said he questioned Oswald mainly about the literature he was distributing before he turned it over to the Secret Service. Again, all Capt. Martello could say was that the leaflet that Alcock had in hand looked similar to the one he understood had come from Oswald.

Before the State's next witness could be called, defense attorney Dymond asked that some of Capt. Martello's testimony be read back. He specifically called attention to a portion in which Judge Haggerty tried to clarify some of his questions to the witness. Dymond said the statements of the judge were extra-legal and improper, and therefor asked that a mis-trial be declared. The judge responded that he was merely using his judicial discretion to help the witness, and the defense request for a mis-trial was turned down.

Twelfth Witness: Girard Ray of New Orleans, who said he was employed as a wharf patrol officer in August of 1963. He was then told by his superiors to warn away Lee Harvey Oswald from the waterfront while Oswald was distributing Fair Play For Cuba leaflets. Ray brought with him a copy and the original leaflet he said he took from Oswald.

Thirteenth Witness: Charles P. Steele, Jr., of New Orleans, who said that in August of 1963 he was employed at a service station and knew Lee Harvey Oswald. He said he handed out Fair Play For Cuba leaflets with Oswald on the Louisiana waterfront.

Then a recess for lunch. Trial resumed at 1:05 PM.

Fourteenth Witness: The Controversial Vernon Bundy, who had testified at Shaw's preliminary hearing almost two years ago. At that time he said that he was in a section of the Louisiana lakefront when he saw Clay Shaw drive up in a big black car and meet Lee Harvey Oswald, and give Oswald what appeared to be money. Bundy at that time was about to load himself with two caps of heroin. He retold the same tale, but this time added a courtroom demonstration that left many (including Shaw) smiling and scratching their heads. Bundy asked that Shaw get up and walk some 20 feet away, then walk back towards him, while he sat angled to the defendant. Bundy said this would prove "that he was straight." Bundy had Shaw perform his stroll twice then told the court that it was Shaw's somewhat pidgeon-toed thrust in his gait that made Bundy completely certain that Shaw was the man he saw that day with Oswald on the waterfront. When defense took over, there immediately followed a 15 minute recess for the argument of legal points. Testimony resumed at 2 PM, and as anticipated, the defense tore into Bundy. Dymond attempted to show Bundy as a burglar as well as a narcotics addict, a man who, because of his habit, had bad visual and mental perception. But Bundy remained firm about what he had seen that day on the lakefront. He was finally dismissed after 1 hour and 45 minutes on the stand. A recess was called. The trial resumed at 3:10 PM with a witness who was to confound the court, and once again cast major doubt as to the credibility of Garrison's case against Shaw.

Fifteenth Witness: Charles Spiesel, of New York City, who identified himself as an accountant and tax consultant. In a relaxed but deliberate dialogue, Spiesel told the hushed courtroom that in June of 1963, he was at a bar in New Orleans where David Ferrie (who was with another man and two women) invited him to a French Quarter party. Once there, said Spiesel, Ferrie introduced him to the host, Clay Shaw. Spiesel said that on the trip to the party he was given to understand that this was not the host's