

# SAW SHAW WITH OSWALD, FERRIE, WITNESS STATES

T-P 2/7/64



DIST. ATTY. JIM GARRISON (right) made his opening statement Thursday in the trial of Clay L. Shaw on a charge Shaw conspired to assassinate President John F. Kennedy.

Shaw is pictured with one of his attorneys, Edward Wegmann (left), as the two arrived for Thursday's session at the Criminal Courts bldg.

## Five Persons Take Stand After Trial Opens

A former civil rights worker testified Thursday that in the summer of 1963 he saw Clay L. Shaw, Lee Harvey Oswald and David W. Ferrie together in Clinton, La.

Corri C. Collins was the fifth and final witness called by the state on the opening day of Shaw's trial on a charge that he participated in a conspiracy with Oswald and Ferrie to murder President John F. Kennedy.

He said that "in late August or early September," 1963, he was in downtown Clinton, on St. Helena st., when a black Cadillac pulled up with three men inside.

At the time Collins was the head of the Clinton Chapter of the Congress on Racial Equality, and CORE was conducting a voter registration program in the town.

President Nguyen Van Thieu that Saigon's army is capable of relieving a sizable number of U.S. fighting men.

### 'NOT ONE DAY'

"I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest," the President said. "As our commanders in the field determine that the South Vietnamese are able to assume a greater portion of the responsibility for the defense of their own territory, troops will come back."

But he said he has no announcement at present about the return of troops.

Nixon said as a result of a review of U.S. policy toward the Middle East, "What we see now is a new policy on the part of the United States in assuming the initiative. We are not going to stand back and rather wait for something to happen."

He said the United State

said the state will attempt to prove that Kennedy's assassination resulted from a conspiracy for which Shaw is standing trial.

Garrison, in effect, said the state's case will attempt to disprove the findings of the Warren Commission Report, which said Oswald, acting alone, killed Kennedy.

The chief defense attorney, F. Irvin Dymond, in his statement to the jury called Perry

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Raymond Russo, one of Garrison's leading witnesses, a "notoriety-seeking liar whose very name does not deserve to be mentioned among honest and just people."

Dymond also told the jury it must not let what happened in Dealey Plaza in Dallas obscure its view of the conspiracy case. "I want to remind you jurors,"

he said, "that we are not trying the Warren Commission Report."

The first witness called was Edwin Lee McGehee, a barber from Jackson, La., who testified he gave Oswald a haircut sometime in "late August or early September 1963" and recommended him for a job at the East Louisiana State Hospital to then State Rep. Reeves Morgan.

Morgan, who was the second witness, testified that Oswald came to his home during this period and that he spent about 20 minutes with him, sitting before a blaze in the fireplace.

Morgan said he suggested to Oswald that he register to vote in East Feliciana Parish as this might assist him in getting employment at the hospital.

John Manchester, town marshal of Clinton, was the next witness called. He testified that he saw a black Cadillac parked on St. Helena st., near the voter

registrar's office, and that when he asked the man behind the wheel for identification, the man answered that he was with the International Trade Mart in New Orleans. Manchester pointed out Shaw as the man he talked with. He said he did not get a good look at the man sitting next to Shaw.

Henry E. Palmer, East Feliciana registrar of voters, was called next and he testified that Oswald attempted to register as a voter with him. He also testified to having seen the black Cadillac parked outside, about 20 feet from the building in which his office was located.

He said he saw the car on six different occasions during the particular day, but saw the two occupants only from the rear and could not identify them. He said the man on the driver's side had grey hair and was broad-shouldered and that the man seated next to him had messy hair and bushy eyebrows.

Collins, now a mail handler for the U.S. Post Office in Baton Rouge, said that during the period in question he was living in Clinton and "we were down in the neighborhood of the registrar's office when a big black car drove up." He said he was about 20 feet from the car.

### Witness Shown Photo of Black Automobile

He was shown a picture of a black Cadillac and said "this would be the same car." The black Cadillac has not been identified any further.

Questioned by Assistant District Attorney Andrew M. Sciambra, Collins said that because of the voter drive and his position as the head of the CORE chapter, it was part of his duty "to make trips through town to see if anything unusual was going on, or if anyone was having trouble registering."

He said he had never seen the black car before and that it pulled up between 9:30 and 10 a. m.

Under additional questioning, he said the man in the back seat got out of the car and went into the building where the voter registrar's office is located. The other men, he said, remained in the car.

After the man he said was Oswald had already left the

car, Collins said he saw Manchester, the town marshal approach the men in the car, walk up to the driver's side and talk to the man in the driver's seat.

"Did you have any comment?" Sciambra asked.

Collins said he thought the men in the car were "trading with him (Manchester)." Asked to explain, he said he thought the two men in the car were federal men and because Manchester was "considered the enemy," and he felt the two were "trading" with the town marshal.

Asked to describe the man behind the wheel, he said was heavily-built, had grey hair, was about 40 to 50 years old, and wore a light-colored hat.

"Do you see the man who was behind the wheel in the courtroom?"

"He's right there," said Collins, pointing to Shaw.

Of the man on the passenger side, front seat, Collins said he was of medium build, and his eyebrows and hair "didn't seem real."

Shown a photograph of Ferrie, Collins said: "Yes, this is the other man who was in the car."

He said only the man in the back seat got out of the car.

Sciambra then asked if Collins had seen Oswald's picture after the assassination and he

said he did. "Did you recognize him?" Collins said he did, and Sciambra asked, "From where?" "In Clinton," answered Collins.

He then repeated he recognized Shaw and the photograph of Ferrie.

After the assassination of President Kennedy, Collins said he did mention to a state policeman that he had seen Oswald in Clinton.

"Were you ever questioned by the FBI?" asked Sciambra, and Collins answered that he was not.

On cross examination by Dymond, Collins was asked where he was standing when the car drove up. He said he was in the vicinity of the voter registrar's office, "but not directly in front of it."

"Where was Mr. Manchester?" asked Dymond.

"I don't know where," he replied. Then, after other ques-

tions, he explained that Manchester was not present when the car approached or when the man in the back seat got out.

He said that when he saw Manchester approaching the car there were only the two men sitting on the front seat.

Collins said Oswald was neat in appearance and that he was wearing a light-colored shirt. He said he could not recall if Oswald was wearing a coat.

### 'They Came to Me,' Witness Tells Court

Dymond asked Collins how he came to be a witness and he said, "They came to me a few months after the defendant was arrested."

Dymond then asked if Collins knew why he was contacted by the DA's office, and Alcock objected. His objection was sustained by Judge Haggerty.

Dymond, questioning Collins about why he did not come forward with the information about Oswald after the assassination, asked him:

"You were aware that the Warren Commission was conducting an extensive investigation?"

"I was aware they were investigating," he answered.

"You knew you had seen Oswald in Clinton?"

"That's true."

"Did you report it?"

"No."

"Why?"

"No one asked me."

"Didn't you consider it your duty?"

"I felt if they wanted to know, they'd ask me," Collins answered.

Collins said he saw the car and its occupants "for a matter of minutes," but couldn't be sure exactly how long.

Collins told Dymond that he had not seen any of the occupants of the car prior to seeing them in Clinton in the summer of 1963.

Dymond then asked when he first saw a picture of Shaw, and Collins said it would have been in the newspaper after he was arrested.

"Prior to that had you ever seen him before?"

"No," answered Collins.

"On the basis of a picture in the newspaper, you recognized a man whom you had seen from 20 to 30 feet more than three

years before?"

"I've seen him since?"

"You saw him in this courtroom?"

### Shaw Was Recognized After Study of Photo

Collins then explained that when he first saw Shaw's picture he did not recognize him immediately, although he recognized having seen the man before.

"I looked at his picture, studied it and began to place where I had seen him."

Dymond asked Collins what his main points of identification of Shaw were and he said his face, his grey hair and the build of his shoulder. Dymond reminded Collins he said Shaw wore a hat, and he replied: "Yes, but the hat didn't completely cover his head."

Collins, under more questioning, said he could not remember whether the black car had been to his left or to his right, although he said it was on his side of the street. He said he couldn't remember which direction it was in "because I wasn't necessarily standing in the same position the whole time."

Dymond asked Collins if, since 1963, and before coming into court to testify, he had seen Shaw.

"Yes," he answered, "when the trial began," and then he corrected himself to indicate he meant when jury selection in the trial began Jan. 21.

"And he was pointed out to you?"

"No."

"You saw him in court?"

"Yes."

"And you had not seen him between 1963 and Jan. 21, 1969?"

"That's right?"

"And you say it's the same man?"

"That's right."

Dymond said he was finished questioning Collins and he was excused as a witness.

Judge Haggerty then adjourned the opening day of the trial at 5:18 p. m.

When McGehee's name was called, there was a suspenseful moment in the courtroom, and the trial was finally under way in earnest.

McGehee, balding, in his 30s, was dressed in a brown sport coat, brown shirt and tie and

brown slacks.

After preliminary questions concerning the size and location of Jackson, Alcock got to the point. He showed him a picture which he asked the court to identify as State Exhibit No. 1.

"Do you recognize this person?" Alcock asked McGehee.

"Yes, I recognize him," said McGehee. "I have seen him in person."

"Who is it?" questioned Alcock.

"Lee Oswald," replied McGehee.

Dymond objected, but Judge Haggerty told Dymond, "The way I read the book, the trial must start off at a given point to prove a conspiracy." He asked Alcock if the questioning was relevant.

"I can assure the court this is relevant and the testimony will connect up," said Alcock.

"Proceed, Mr. Alcock," said the judge.

McGehee then related his story. He said that Oswald had come into his barbershop as near as he could recall in "late August or early September because I had turned the air conditioning off and had the door open." He said there was no one in the barbershop, but himself when Oswald came in.

McGehee said along toward evening he noticed a car drive up. "I didn't see the man get out," he recalled, "but the next thing I knew this man walked into the shop."

Alcock asked McGehee to describe the car. "It was an old battered car, may have been dark green," he said. "There was a woman on the front seat, and it looked like a baby bassinet in the back seat."

McGehee said he gave Oswald a haircut for about 15 minutes. He said during his conversation with Oswald he referred him to Reeves Morgan, then East Feliciana State representative, about getting a job at the East Louisiana State Hospital. He said he also told Oswald that, if he were a registered voter, he might have a better chance of getting a job at the hospital.

### Newspaper Picture Recognized by Barber

McGehee said the first time

he saw Oswald's picture he was at his mother-in-law's house the day of the assassination. "I told my wife I recognized him from somewhere," said McGehee.

Alcock asked McGehee if he later had a conversation with Morgan. He said, "Yes, I did."

McGehee said, "I told him the man I saw on TV was the man I sent to him about a job."

"Did you mention this to any other federal agencies?" asked Alcock.

"No," replied McGehee.

Dymond took over cross examination of McGehee and questioned the barber about the timing of Oswald's alleged visit for a haircut.

"It was not past September 15 and close to the last of August," said McGehee. "I remember the weather had turned cool."

Dymond asked McGehee how he recalled this so well about the weather.

"We are always discussing the weather in the barber shop, it's a main topic of conversation," replied McGehee, drawing a chuckle from the audience.

McGehee, on prodding from Dymond, told how Oswald was dressed. "He was very neatly dressed and clean shaven," said McGehee. "His neatness impressed me. It is the reason I recommended him for a job."

"Did you notice he was clean shaven?" asked Dymond.

"Yes, he was," said McGehee.

"Why did you notice this?" asked Dymond.

"Well," said McGehee, "bar-

bers notice that. When you give a man a haircut, you try to sell him a shave also."

"Is there any reason that you waited five years to come forward with this information?" questioned Dymond.

"No one approached me," replied McGehee crisply.

### Former Representative Is Called to Stand

The state's second witness, Morgan, a foundry worker from Jackson, was a state representative from East Feliciana Parish from 1952 to 1956 and again from 1960 to 1964.

Questioned by Sciambra, Morgan testified that Oswald came



—Photo by The Times-Picayune.  
**PERRY RAYMOND RUSSO**  
Called "liar" by Dymond.



—Photo by The Times-Picayune.  
**MARK LANE**  
Arrives at courthouse.



—Photo by The Times-Picayune.  
**REEVES MORGAN**  
Testifies on Oswald.



—Photo by The Times-Picayune.  
**EDWIN LEE M'GEHEE**  
Jackson, La., barber.

to his home in the latter part of August or early September, 1963, to inquire about obtaining a job at the East Louisiana State Hospital.

Morgan said he told Oswald he could not help him get a job at the hospital, but did tell him the procedure to take to get a job there. He said he told Oswald to get an application form and take a Civil Service examination.

At that time, Morgan said, there was a possibility Oswald might have been hired for the hospital's electrical or maintenance department.

Morgan said he conversed with Oswald for about 20 to 25 minutes, and told him it "wouldn't hurt" in his job-seeking if he (Oswald) were a registered voter.

Morgan said he talked to Oswald as long as he did because he didn't want to give Oswald the impression he was "brushing him off."

After the assassination of President Kennedy in Dallas, Morgan said he recognized newspaper pictures of Oswald as being those of the same man who inquired about the hospital job.

Morgan said he contacted the FBI the day after seeing Oswald's picture in the newspaper. He said the FBI "thanked" him for calling but told him they already knew that Oswald had been in the vicinity of Jackson. Morgan said the FBI never did send anyone to

talk to him about the matter.

In a four-minute cross-examination by Dymond, the defense asked Morgan how he could pinpoint the time of the Oswald incident in 1963. Morgan said he recalled the time of year because "it was cool, pleasant weather . . . it wasn't cold . . . or hot."

Morgan said it could have taken place by mid-September, but doubted it. He emphasized that it took place during the latter part of August or early September.

### Oswald Described as Neat Person

Asked by Dymond how Oswald was dressed then, Morgan replied, "He had on a dark-colored shirt and some dark pants . . . a hat . . . a cap."

Morgan said Oswald "wasn't shabby" but was a clean and neat-appearing person. Oswald was also clean-shaven, he testified.

Morgan said he did not know what kind of car Oswald was driving because he did not go further than his front door to talk with Oswald.

The third state witness was Manchester, town marshal of Clinton, who pointed out Clay Shaw as the man he saw in Clinton during the voter registration drive.

Manchester said he was assigned to the vicinity of the registrar of voters office on St. Helena st. during the summer-

long registration drive. He said there were many people in town for the drive including "quite a few outsiders."

The drive was a civil rights project to get more Negroes on the voting rolls.

Manchester asserted there were FBI agents in town during the drive. "I didn't know their purpose there other than to observe," he stated.

He also said there were many "strange cars" in the area including a black Cadillac parked near the registrar's office one day in August or September, 1963. He said the Cadillac, a

1961 or 1962 model, was parked about 50 feet from the entrance to the office.

### Black Cadillac Checked by Marshal

After having a conversation with someone about the Cadillac, Manchester testified, he walked over to it to "check" it out. He said there were two men sitting on the car's front seat.

Manchester stated that he talked to the man behind the wheel, a man he described as being big and gray-haired, with a ruddy complexion. He also said the man was an "easy-talking" person. Manchester said he did not talk to the passenger and hence, was unable to describe him.

Manchester pointed out

Shaw in the courtroom as the man behind the wheel of the Cadillac that day in 1963.

"Do you see the man in the courtroom that you talked to?" Sciambra asked Manchester.

"Yes," Manchester replied, pointing a finger at Shaw.

In the 1963 encounter, Manchester said he did not remember how he asked the man in the Cadillac for his identification, but he said the man replied that "he was a representative of the International Trade Mart in New Orleans."

"That was enough to satisfy me for identification," Manchester testified. Shortly thereafter, Manchester added, he went to see Palmer, the registrar of voters, and assured him "he didn't have to worry about the people in the Cadillac because they were from the International Trade Mart."

Manchester said he did not recognize Shaw again until he saw Shaw's picture in the newspaper after he was arrested and charged with conspiracy.

On cross-examination by Dymond, Manchester was asked how long he talked to the man behind the Cadillac wheel. "Two minutes," Manchester replied.

Dymond then asked Manchester how he could remember the face of a man he first saw five years ago for only two minutes.

"I don't forget faces. I may not remember names, but I remember faces. It's my job to," Manchester declared.

Asked if he knew about Oswald's trip to Jackson in 1963, Manchester said he found out about it shortly after Kennedy's death but that he did not report this information to federal authorities because "if they wanted it, they should have come for it."

Dymond then asked Manchester if the real reason he was stationed at the registrar of voters was to prevent Negroes from voting. The question drew a loud protest and objection from assistant district attorneys prosecuting the case, and cries of "prejudice" were heard.

But Manchester replied to the question, stating that he was not assigned there for that reason.

Palmer, then took the stand as the state's fourth witness. A resident of Jackson whose office is in Clinton, Palmer told the court he has been

registrar for the past 11 years.

Palmer maintained during his testimony that Lee Harvey Oswald was one of two white men standing in a long voter registration line in the summer of 1963.

Palmer said he talked to Oswald when his turn in line came up, and that Oswald showed him a United States Navy identification card.

### Oswald Was Seeking to Work at Hospital

Palmer said Oswald was seeking a job at the hospital in Jackson, and talked to him for about 15 to 20 minutes. Palmer said he told Oswald he did not have to be a registered voter to work at the hospital, but that it would be helpful if he knew either the mayor of Jackson, a state representative or the business manager of the hospital.

Palmer also testified that he saw a black Cadillac parked about 20 feet from his office during the time that Oswald was standing in the predominantly Negro line. Palmer described

one of the men in the car as being tall with broad shoulders, gray hair and a ruddy complexion.

He described the other person in the car as having heavy eyebrows and "messed-up hair." Sciambra then showed a photograph of David Ferrie to Palmer, who testified that the man in the picture resembled that of the passenger in the car.

Asked if Shaw resembled the man behind the wheel, Palmer replied that he did.

When Palmer saw the Cadillac parked outside, he testified, he ordered a 10-28 or a license registration check on the vehicle. He said it was a "common practice" to check out any "strange car in town" and to find out who it belonged to.

Palmer said he saw the car parked in the same place at the time he took a coffee break at 10:30 a. m. that day, at lunch and at his afternoon coffee break at 3:30 p. m. During this period, he said Oswald was present in the registration line. Palmer said the car was gone when he closed the office about 5:45 p. m.

Palmer testified that he rec-

ognized Oswald's picture in the newspapers, but that he did not recognize Shaw's picture in the newspapers. Sciambra objected to Dymond asking Palmer if he recognized Shaw's picture, but Palmer answered hurriedly before the judge could rule on the objection.

### Registrar Did Not See Faces in Cadillac

On cross-examination by Dymond, Palmer admitted that he did not see the faces of either man in the black Cadillac. He said he saw the shoulders and back of one man's head and only the profile of the other man.

On re-direct questioning by Sciambra, Palmer was asked if he knew a Guy Bannister. Palmer replied that he knew a Guy Bannister from World War II.

Questioned on the same matter by Dymond on recross, Palmer said he would recognize Bannister on sight, but wouldn't be able to if he saw only his head and shoulders. There was no explanation as to why Bannister's name was brought up.

These are the highlights of allegations in Garrison's opening statement:

—In June, 1963, Shaw attended a French Quarter party at which Ferrie was present; and during the party the conversation among a small group — including Shaw and Ferrie — turned to President Kennedy. Someone suggested that Kennedy should be killed and by a rifle. "At this point . . . Shaw suggested that the man doing the shooting would probably be killed before he could make his escape," then, turning to Ferrie, a pilot, "asked if it might not be possible to fly the gunman from the scene of the shooting to safety."

—Shaw and Oswald held a conversation late in the month on the lakefront, and Shaw gave Oswald "what appeared to be a roll of money."

—In late August or early September, 1963, Shaw, Oswald and Ferrie drove to Clinton, La., in a black Cadillac and parked near the Voter Registrar's Office.

—In September, 1963, Shaw, Ferrie and Oswald "discussed and refined" assassination plans at a meeting at Ferrie's apart-

ment. (This is the alleged meeting about which Perry Raymond Russo testified during a preliminary hearing in March, 1967.)

Garrison said evidence will show that Shaw made a trip to the West Coast "and remained there until after President Kennedy's assassination . . . thereby establishing an alibi for himself for the day of the shooting."

—In 1966, Shaw requested that mail addressed to him at his residence at 1313 Dauphine be delivered to 1414 Chartres, such change of address terminated Sept. 21, 1966. During the period when mail was being delivered to the Chartres st. address, "at least five letters . . . addressed to Clem Ber-

trand" were delivered. (Russo says Shaw used the name Clem Bertrand at Ferrie's apartment). "None of the letters addressed to Clem Bertrand were ever returned to the postal authorities for any reason."

—In December, 1966, Shaw, visiting the VIP Room of an airline at New Orleans International Airport, "signed the guest register in the name of Clay Bertrand." Garrison said eyewitness testimony will be presented and the guest book will be introduced into evidence.

Regarding these two allegations, Garrison emphasized they occurred before publication of the fact that his office was investigating the death of Kennedy.

He also indicated that Buell Wesley Frazier, who was a friend of Oswald's and was employed at the Dallas Book Depository, will appear as a witness for the state and will testify "that Oswald told him that he would not be returning to Irving (Tex.) that night, Friday, Nov. 22, 1963. Oswald's family lived in Irving and, Garrison said, it was his routine to go there Friday nights to spend the weekend with his family. Garrison said Frazier, who was on the steps of the book depository building when the assassination occurred, will testify that he heard three shots "which sounded like they came from the area of the underpass — near the grassy knoll — in front of the President."

Garrison also indicated that

he will present the following material into evidence: the Zapruder film of the assassination; the "Moorman picture," taken in Dealey Plaza Nov. 22, 1963; various photographs by Philip Willis taken in Dealey Plaza and Miss Wilma Bond taken in Dealey Plaza along with a movie picture film with slides and photographs taken by John Martin.

He added that Dr. Robert Shaw will be called as an expert in the field of medicine in connection with Gov. John Connally's wounds, and he will call Dr. John Nicols, "a medical expert in the field of forensic medicine and pathology."

He also said that the state will show that shortly after the assassination 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 the vehicle disappeared into the traffic."

In listing overt acts, any one of which the state must prove as furthering the object of the alleged conspiracy in order to get a conviction, Garrison did not mention one that had been listed previously.

This concerned an alleged trip by Shaw from New Orleans to Baton Rouge where he was to have delivered a sum of money to Oswald and Jack Ruby at a Baton Rouge motel.

When Garrison reached that part of his opening statement where he started to discuss Dealey Plaza, Dymond rose and objected. Dymond asserted that Shaw is charged with participating in a conspiracy, "in this jurisdiction" (Orleans Parish) and "any other allegations or proofs will be outside the scope" of the charge.

Judge Haggerty promptly overruled the objection. He stated the prosecution can attempt "to over-prove its case," and added he cannot tell the prosecution how to present its case.

Alcock joined in the argument. He echoed Judge Haggerty's point that the state may over-prove a case. "Additionally, these facts are certainly corroborative," he said. And he asked that the state be allowed to proceed and be permitted to over-prove its case if it wants to.

Dymond reminded Judge Haggerty that, during questioning of prospective jurors, he was not permitted to ask persons

if they had any opinions about whether President Kennedy was killed as a result of a conspiracy. He maintained that the judge was permitting the state to do something that "is a 180-degree turn."

However, Judge Haggerty announced again he was overruling the defense objection.

The first matter taken up by Judge Haggerty after he entered the crowded courtroom at 10:02 a. m. was a motion by Jefferson Parish attorney Hugh Exnicios to quash a subpoena issued to him by the defense.

The subpoena directed Exnicios to make available a tape recording between another defense witness, Alvin Beauboeuf, and Garrison aides in which they allegedly attempted to bribe and threaten him.

Exnicios has asked that the subpoena be quashed because he said releasing it would violate the attorney-client relationship.

However, Burton Klein, who now represents Beauboeuf, had filed a statement from his client waiving the privileged communication classification of the tape recording.

In view of Beauboeuf's waiv-

er, Judge Haggerty denied the Exnicios motion and signed an order directing him to make the tape available. The written order was done at Exnicios' request, according to Judge Haggerty.

It took less than three minutes to resolve this matter, but the defense motion for a protective order for Mrs. McMaignes resulted in 10 minutes or arguing between Alcock and Dymond before Judge Haggerty announced he was denying the motion.

## State Files Written Reply to Motion

The state filed a written reply to the defense motion in which it said such a protective order is "completely foreign to the law of Louisiana," that the defense could not cite any laws providing for such an order, and that Judge Haggerty is "without authority to grant the relief sought."

Dymond, in his oral reply, said he was aware that the request "goes outside the scope of protection provided by the Interstate Witness Act," but he

emphasized that such an order would be "the only thing that will satisfy the attorney for Sandra McMaines."

He cited a section of the Louisiana Code of Criminal Procedure which he asserted could be interpreted to give Judge Haggerty the authority, adding that Perry Raymond Russo contends that Mrs. McMaines was with him at the party in Ferrie's apartment and that she has publicly denied it.

"We feel she is an essential witness and needed for the proper presentation of this case," he said.

Dymond said Mrs. McMaines is afraid to come to New Orleans to testify "because she is fearful of arrest."

Alcock countered that the state had addressed itself "to the sole legal issue, whether the court has the power to grant immunity to anyone from prosecution," and he added "the District Attorney does not intend to clamp her in irons as soon as she crosses the parish line."

He said that Judge Haggerty would be going "outside the law" if he granted the protective order, and he asserted that "her fears are completely unfounded."

Judge Haggerty then told Dymond, "I cannot issue that order, and you have a statement that the District Attorney has no intention to place that person under arrest."

Dymond again stated to the judge that Mrs. McMaines' attorney has said that the protective order is necessary if she is to come.

Judge Haggerty repeated, "The motion is denied. Let's bring the jury down."

Moments later the 14 jurors — 12 jury members and two alternates — marched into the courtroom and the trial got underway.

After the jury was seated, Dymond announced "in the presence of the jury I'd like to reserve a Bill of Exception" to Judge Haggerty's denial of the motion.