

Here Is Testimony of Clay Shaw Hearing

The second day of a U.S. District Court hearing on Clay L. Shaw's bid to avoid going to trial on perjury charges got under way today before Judge Herbert W. Christenberry.

The first witness called was Joseph Rault Jr., New Orleans businessman, who was one of the founders of Truth and Consequences, a group formed to finance District Attorney Jim Garrison's probe of the assassination of President John F. Kennedy.

AFTER RAULT introduced some bank records which had been subpoenaed, Garrison himself appeared and Rault stepped down temporarily so the DA could testify.

William Wegmann, a Shaw attorney, began questioning Garrison. Here is the text of the testimony:

Q. When did your office begin investigating the death of President John F. Kennedy?

A. I don't recall the year exactly. We began a short investigation a few days after the assassination when we learned Oswald had spent a few days in New Orleans. We arrested David Ferrie for further investigation in the case but let the matter go because federal authorities were looking into it. Several years later in 1966, when we determined that their investigation was a fake, we resumed our investigation.

Q. When was Shaw first called to your office?

A. He was called in early 1967.

Q. When he was called, was he advised he was a suspect?

A. No. When he was first called he was not a suspect.

Q. Was he represented by counsel and advised of his rights, etc.?

A. No, but he was not a suspect at that time.

Q. On what date did Shaw become a suspect?

A. It was such a gradual thing that it's almost impossible to estimate a definite date. It was sometime after our second interview with him. There was something about his answers that did not completely correspond and fit our questioning. He was never called again without a lawyer.

Q. When was that second interview?

A. I'm not sure but it was within a short time after the initial interview in December. After that time he was considered a suspect.

Q. Was Shaw a suspect on March 1, 1967 (the day he was arrested)?

A. Yes. Q. Was he advised he was a suspect?

A. Yes. Q. When did Perry Raymond Russo come to your attention?

A. I do not have an exact date but that is a matter of public record.

Q. Isn't it a fact that Russo came to light when Andrew Sciambra (assistant district attorney) went to Baton Rouge to interview Russo?

A. Yes. Q. Did Sciambra prepare a memorandum in connection

with his interview?

A. He prepared two of them.

Q. Isn't it true that the memorandum did not mention a conspiracy plot?

Assistant DA William Alford objected to the question and the judge overruled the objection.

A. The memorandum went into matters at such length that I am not sure of all the details it brought out.

Q. Did Sciambra prepare a second memorandum?

A. Yes. He also supplied me with verbal commentary on the interview.

Q. When did Sciambra tell you of the meeting on Louisiana Avenue?

A. On his return from Baton Rouge.

Q. Did you believe him?

A. I didn't make a determination of the veracity of the information. I was interested and wanted to talk to him more about it.

The judge asked Garrison, "What prompted you to send Sciambra to Baton Rouge?"

A. It was prompted by an announcement by Russo shortly after Ferrie's death that there had been such a meeting.

Q. Did Russo write you a letter?

A. No, I believe the initial information we received was in his public announcement to newsmen in Baton Rouge.

Q. When Russo came to New Orleans after Feb. 3, 1967, was he subjected to hypnotic sessions?

A. He was only subjected to hypnotic sessions following instructions by our office. The purpose being to obtain a degree of cooperation in that we wanted something additional to his statements because of the seriousness of his charges. Such a session was set up by Mr. (Nicholas) Chetta (the late Orleans Parish coroner) and Dr. (Esmond) Fatter.

Q. How many sessions was he subjected to?

A. One. Q. Have you ever heard of post-hypnotic suggestion?

A. Of course.

Q. Was any post-hypnotic suggestion given Russo?

A. As I recall the testimony of Dr. Fatter, the only post-hypnotic suggestion given Russo was for him to tell the truth.

Q. Were Lee Harvey Oswald and David Ferrie alive when Shaw was indicted?

A. Well, Oswald was eliminated within 48 hours of the assassination but Ferrie was alive when Shaw was indicted and we were considering indicting him shortly before his death.

Q. What witnesses did you have on March 1, 1967, to base your order to arrest Clay Shaw?

A. Garrison at this point objected to answering, saying: "In my considered judgment I would not be doing my duty to answer the reasons for making a policy decision."

The judge at this point said,

"But that question doesn't involve policy."

Alford objected, saying "This is privileged information."

The judge responded, "But this case is closed."

Alford replied, "I object to the court asking Garrison to violate his oath of office."

ASSISTANT DISTRICT Attorney John Volz stood up at this point and told Judge Christenberry, "We regard the information on the first case (the conspiracy case) and this case to be so intertwined that any revelations about one would invariably affect the other."

Garrison, addressing the judge, said: "If I were to answer that question, I would consider myself to be in violation of my oath of office and so I must refuse to answer."

Shaw attorney William Wegmann asked the judge to order Garrison to answer and Christenberry replied: "Now wait a minute, if he refuses to answer, we'll have to assume there was just one witness."

Q. How were you involved in the case?

A. I supervised the entire first phase of the investigation and farmed out the second phase to assistants, making my role primarily one of controlling their investigation. I assigned the prosecution to James Alcock.

Q. Was it not an essential element of your original case to prove Shaw was associated with Lee Harvey Oswald and David Ferrie?

A. Yes. It is my recollection at the time of the prosecution that either one of those two men would have been essential witnesses.

Q. But we're not talking about essential witnesses and you haven't answered my question about whether it was essential to prove Shaw knew Oswald and Ferrie.

A. Yes, we set out to prove he knew either one of them.

Q. Was that the theory of the state's case?

A. It was part of the theory of the state's case.

Wegmann showed Garrison a transcript of his opening statement in the conspiracy trial and asked him if he made the statement.

Garrison said he did and that it outlined what the state hoped to prove.

Q. Did you make reference in your statement to the fact that Shaw knew Lee Harvey Oswald and that the state would prove this?

A. Yes.

Q. When you made references to the Dallas witnesses of the assassination, did any of them ever mention Clay Shaw?

A. No, there was never any attempt to involve Shaw in the Dallas events. As we saw it, there were two parts to the assassination — the pre-assassination events in which Lee Harvey Oswald was set up as

a potential patsy with a record of left-wing activities in New Orleans and a second part being what led to the events in Dallas. At no time did we try to connect Shaw with Dallas.

Q. Are you saying that the Dallas witnesses had no importance in the conspiracy trial?

A. The Dallas witnesses were important to the state's case but that importance did not involve Clay Shaw. The events surrounding the assassination were all compartmentalized and one was not necessarily connected to the other.

Wegmann asked Garrison if he recalled the witness Charles Speisel.

Garrison replied, "Yes. He was not a very good witness."

Garrison said his recommendation was that Speisel not be used in the conspiracy trial but Alcock decided to put him on the stand.

GARRISON SAID he did not interfere with Alcock's decision because "it would be like telling a pilot how to fly a plane."

Wegmann then turned to a lie detector test administered to Russo by Lt. Edward M. O'Donnell of the New Orleans Police Department. He produced a copy of the report, noting that O'Donnell said Russo could not recall which statements were made by Shaw, Ferrie and Oswald at the alleged party where the conspiracy was discussed.

Garrison said O'Donnell's report seemed to him to be vague and negative and filled with an unusual number of speculations. He said eventually the report was discounted because it seemed much less conclusive and authoritative than the hypnosis sessions in which Russo testified as to the conversations.

GARRISON DENIED he tried to convince O'Donnell to destroy the report and said the officer lied at a meeting with Garrison and members of his staff.

"At this meeting, Russo denied having said certain things to O'Donnell and O'Donnell inferred that he had taped his session with Russo," he said. "It later turned out that was untrue."

Garrison said he recorded the session with his staff, Russo and the lieutenant and voluntarily will make the tape available to the court if it can be found.

THE DISTRICT attorney also said it seemed rather unusual to him that an official document like that report would have found its way into the hands of defense attorneys.

At that point Wegmann asked, "Did you believe Perry Raymond Russo's story?"

Garrison replied, "I believed it then and I believe it now."

Wegmann asked if a Lt. Fruge of the state police was instrumental in helping line up some witnesses in Clinton who testified they saw Shaw, Ferrie and Oswald there in 1963.

Garrison said he was involved in lining up the witnesses.

Wegmann then asked, "Was Lt. Fruge paid?"

"I don't recall," Garrison replied. "As you know, I'm just getting back from the hospital and just getting back in charge of my office."

Garrison indicated he was just now checking and re-checking his records in the case.

WEGMANN THEN attempted to ask Garrison about another witness, Vernon Bundy, who testified in the conspiracy trial.

Garrison became visibly annoyed and replied, "Now you are asking about witnesses who will not be used in the perjury case. You are also asking me to go beyond the case as to why we used this witness or that one."

"I think this is irrelevant and I would be violating my oath of office if I participated in this fishing expedition with you."

HE REFUSED TO answer any question pertaining to Bundy and the judge noted that Alcock yesterday answered similar questions about Bundy and said he would go with the prior testimony if Garrison refused to answer the question.

Garrison did not reply to this.

Both Wegmann and Christenberry noted that prior testimony indicated Vernon Bundy's testimony against Shaw became available only after Shaw had been arrested and charged with conspiring to kill Kennedy.

Wegmann then tried to bring up a conference between Garrison, former assistant DA Charles Ward and former assistant DA and now Criminal District Court Judge Alvin Oser as to whether Bundy should be used in the conspiracy trial.

GARRISON AGREED such a conference probably was held but said Wegmann was "on a fishing expedition based on the questions you have been asking for the last hour."

Garrison declined to answer any further questions about Bundy.

Judge Christenberry said he would not insist on Garrison answering the questions but the current hearing is being held on order of the Fifth Circuit Court of Appeals and he would base his judicial decision on testimony from other witnesses if Garrison refused to answer.

Wegmann then tried to pursue questions indicating Bundy and Russo told different stories at the preliminary hearing and at the conspiracy trial but were not prosecuted for perjury.

GARRISON REFUSED to answer the questions about Bundy and Russo in any detail, saying, "I don't recall whether they were charged with perjury. There are so many cases at Tulane and



Joseph M. Rait Jr. one of the founders of Truth and Consequences Inc., a group formed to help District Attorney Jim Garrison finance his investigation of the assassination of President John F. Kennedy, arrives to testify at today's hearing in federal court on a request to block the perjury trial of Clay L. Shaw. (States-Item photo.)

Broad that I cannot remember."

Garrison also said he could not remember if any other defendant who testified on his behalf has been tried for perjury during his tenure as district attorney.

WEGMANN THEN turned to questions about press releases and press conferences by Garrison during the buildup to the Shaw trial.

Garrison said at one point he issued a press release in which he condemned an article in the National Observer which he felt unfairly indicated Shaw's guilt.

Pointing a finger at Shaw, who was seated about 25 feet away, Garrison said, "I would infinitely rather see Clay Shaw acquitted rather than see him convicted and have a trial about which there were any questions."

WEGMANN THEN asked, "Isn't it true that at one time or another you have said the CIA, FBI, Justice Department, oil-rich Texas millionaires, members of the Dallas Police Department and military-industrial complexes and sundry other places were responsible for the murder of President Kennedy?"

"I never made any such statement," Garrison said.

Wegmann then attempted to go into each of the institutions or persons named to see if Garrison recalled having accused them of complicity in the murder.

Garrison agreed that he had implicated the CIA in the murder but said the FBI and the Department of Justice played a role only in covering up the murder "rather than planning the assassination."

HE SAID THERE are no indications that either the Dal-

las police force or oil-rich Texas millionaires had anything to do with the Kennedy assassination.

Wegmann attempted to proceed down the list but Judge Christenberry stopped him, saying, "You are going a little far afield now."

Q. Are you familiar with Truth and Consequences?

A. Yes, of course.

Q. Who is Louis Ivon?

A. My chief investigator.

Wegmann then introduced a series of checks paid Ivon supposedly in connection with Garrison's investigation of the Kennedy assassination. Wegmann asked Garrison if he could identify each of the checks, which were made out for \$1,500, and Garrison replied that he could not but that his bookkeeper, Daniel Jones, could.

"I have instructed Mr. Jones to make all of the records concerning Truth and Consequences available to you," Garrison said.

Q. Who had the right to sign checks issued or drawn on the Truth and Consequences and Jim Garrison funds.

A. James Alcock and me.

Q. Did you ever authorize Ivon to draw money from Truth and Consequences and not deposit it in the Jim Garrison fund as had been practiced for financing the investigation?

A. I don't recall but there were times when investigators were required to make trips to other cities to check out leads and it was possible that this sort of thing might have been done.

Q. What kind of accounting controls did you have on your records?

A. We kept tabs on the account in a general way because without such controls we would not have been able to operate. Our records were not specific and of course if our accounting procedures were compared to those of the Bank of New Orleans, we would come in second.

Garrison was asked what were the terms of a personal loan for \$30,000 given him by automobile executive Willard E. Robertson.

"The only stipulation he made," Garrison said, "was that I pay him when it became convenient."

Q. Did your investigation go beyond Clay Shaw?

A. There were many ramifications of the case which went beyond Shaw. We were interested in forces and not in individuals and as it developed we were ultimately successful. None of the checks paid Ivon have anything to do with Shaw.

Q. Do you recall the two \$3,000 checks from Gov. John J. McKeithen?

A. I only recall one check. If there were two checks it is either an accident in typing or an accident in my recollection. Again, the check had nothing to do with Shaw.

Wegmann showed Garrison documentation of two checks paid by McKeithen to Truth and Consequences over a two-year period and asked him if he recognized the checks.

"I only recall the one check," Garrison said.

Judge Christenberry asked

Garrison at this point if it wasn't true that most of the investigation of Shaw took place after he was arrested.

"A great deal of cooperative investigation of Shaw took place after his arrest," Garrison said. "But most of the investigation was not spent on Shaw."

Q. Did you give Gov. McKeithen an accounting of how the checks were spent?

A. No.

Q. Did he ask for one?

A. No, he didn't.

Wegmann then presented what he said was an accounting of funds for Truth and Consequences and the Jim Garrison fund, asking Garrison if he could substantiate expenditures of the money, which amounted to \$39,438. Garrison replied that he thought asking such questions was irrelevant and accused Wegmann of conducting a "fishing expedition."

"TO ANSWER such a question would be violating my duty because I would be giving information I do not have available," Garrison said.

The district attorney refused to answer several subsequent questions concerning the financing of T&C on the same grounds.

Wegmann then asked Garrison if he is the author of a book entitled "Heritage of Stone."

Garrison said he did write the book.

"HOW LONG did it take you to write the book?"

"About two years," he answered.

Q. What is the subject matter?

A. It concerns the transition of America from a state controlled by its citizens to a state controlled by its warfare machine.

Q. Isn't it true that most of the information used in the book was gathered while you were investigating the death of John F. Kennedy?

A. Yes.

Q. Is that investigation still in effect?

A. It has been completed. We have reached a conclusion that has made further investigation unnecessary.

Q. Did anything contained in the book come out of the investigation of Shaw?

A. Yes. We accumulated so much information that it could not all be put into the book. I would like to put it in a public report to the citizens of New Orleans. There was just not room enough for all the information in the book.

Q. Do you have a royalty interest in the sale of your book?

A. Yes, I have a royalty interest in the book and a contract for three other books.

Q. Will the other books be based on your assassination probe?

A. No.

Q. Haven't you been advised to keep your name before the public in connection with the sales of your book?

A. No, but the public relations department of my publisher did ask me to make appearances in the East. I did not have time, however, to make those appearances because of my back infection.

Garrison said he has refused other offers to appear in

public to publicize his book primarily because of Shaw's upcoming perjury trial.

"I DIDN'T WANT to do anything on my part to have this man convicted," he said.

He was asked where he was the night the jury acquitted Shaw of conspiracy charges on March 1, 1969.

"I was in my office."

Q. Who told you of the decision?

A. I was informed by a phone call from Barbara Berigan, a friend.

Q. What was your reaction to the decision?

A. I had no great reaction one way or the other, except that I had done my duty and done my best. It was like getting an ordeal completed.

Q. During the period from the end of the conspiracy trial to the filing of perjury charges against Shaw, did you turn up any new witnesses?

Garrison objected to answering the question, again accusing Wegmann of conducting a fishing expedition.

Volz objected to the question and Judge Christenberry sustained him.

Q. When did you decide to charge Shaw?

Garrison again refused to answer. The district attorney was asked if two editorials appearing in the States-Item and The Times-Picayune, which called for his resignation, in any way affected his decision with charging Shaw with perjury?

A. "No, it had no effect on me. In fact, if it had, I think it would have caused me not to charge him. I still have a warm feeling for the two papers. In fact the first copy of my book was sent to Ashton Phelps (publisher of the papers)."

THE LAST witness before luncheon recess was Hugh Aynesworth of Newsweek magazine.

He testified that at the time of the assassination of President Kennedy he was a reporter for the Dallas Morning News and was at the scene of the murder and later at Oswald's arrest.

He said that because of his close connection with the case a French journalist arranged for him to come to New Orleans to meet with Garrison.

AYNESWORTH SAID he met with Garrison at the district attorney's home and then went to Garrison's office in company with Sciambra.

He said Garrison allowed him to see address books and a number of photographs which the district attorney felt were related to the case.

Aynesworth said after serving a stint as a Time-Life reporter and closely watching the Garrison investigation he went to Newsweek, where he wrote an article critical of the Garrison probe, calling it a farce.

WEGMANN SOUGHT to have the witness testify that he received threatening calls as a result of the Newsweek story but the judge ruled this out of order on the grounds that the threats were hearsay.

Sciambra then took over the cross-examination, seeking to prove that at one point Aynesworth went to Clinton carry-

ing a list of prosecution witnesses taken from the district attorney's office. Sciambra said Aynesworth used the list to interview prospective witnesses against Shaw.

The assistant district attorney said the list Aynesworth took to Clinton was taken by Thomas Bethel, who allegedly turned over the DA's trial brief to Shaw's defense attorneys.

Criminal charges against Bethel are pending in Criminal District Court.

Aynesworth denied having gotten his list from defense attorneys and was released at about 12:30 p. m. when the judge ordered a lunch recess.

Allegedly Linked Shaw, Ferrie, Oswald Garrison Witness Is Dead

One of the witnesses District Attorney Jim Garrison said he planned to call in the Clay Shaw perjury trial hanged himself in the jail at Clinton, La., on June 6, 1968.

Records in Clinton confirmed today that Andrew Haden Dunn, jailed on a drunk charge, hanged himself with his belt.

In his answer to Shaw's U.S. District Court motion to suppress the perjury trial, Garrison identified Dunn as one of 10 witnesses the "district attorney's office has interviewed and intends to present" in its perjury case against Shaw. The answer said the witnesses observed Shaw in the company of David Ferrie and Lea Harvey Oswald.

GARRISON CLAIMS Shaw lied when he testified he did

not know Oswald and Ferrie. That testimony came in Shaw's trial on a charge he conspired to assassinate President John F. Kennedy. He was acquitted of those charges.

Garrison's answer in the court of Judge Herbert W. Christenberry said Dunn would testify that, during civil rights demonstrations in the summer of 1963, he was sitting in front of Wright's Barber Shop in Clinton, across the street from the voter registrar's office, "at which time he saw Shaw, Ferrie and Oswald together."

William Alford, an assistant district attorney, said today the answer should have identified the witness as William E. Dunn, a Clinton construction and farm worker who testified in the Shaw conspiracy trial.

Dunn testified in the 1969

trial that he was working in a civil rights voter registration drive in Clinton during that 1963 summer, that he saw Oswald in the voter registration line, and that he saw Shaw in a parked automobile.

IT ALSO WAS learned today that John Manchester, who Garrison identified as the Clinton town marshal, resigned and moved from Clinton some time ago.

Garrison said Manchester will testify that, during civil rights demonstrations that summer in Clinton, he saw an automobile parked on a street and that "he established by talking to the occupants of the car that they were from the International Trade Mart in New Orleans. He identified the occupants of the car as Clay Shaw and David Ferrie."