

'CROSS FIRE' ALLEGED BY DALLAS HOUSEWIFE



—Photo by The Times-Picayune.
MRS. MARY MOORMAN
Witness in Shaw trial.

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**Third Shot Assassination
Testimony Given**

A Dallas, Tex., housewife testified Saturday in the Clay L. Shaw trial that she believes the shot that killed President John F. Kennedy came from directly behind her. She was standing with her family in front of the so-called grassy knoll in Dealey Plaza.

Mrs. W. E. Newman told the court that she was standing only 10 feet from President Kennedy, parallel to him, when he was shot.

When the third shot rang out, she said she and her husband immediately threw themselves over their children. "I thought we were in a cross fire," she said. District Atty. Jim Garrison contends there was a triangulation of rifle fire that killed the President.

Mrs. Newman was one of only three witnesses the State was able to muster for a session that lasted less than two hours. Assistant District Atty. Alvin V. Oser told Criminal District Court Judge Edward A. Haggerty that three of the state's witnesses were ill and unable to come to New Orleans.

Judge Haggerty adjourned the court at 11:15 a.m. until 9 a.m. Monday. Former Texas Gov. and Mrs. John B. Connally will be state witnesses Monday, but Oser said he does not know if they will be the first called by the state in its case against Shaw, accused by Garrison as conspiring to kill President Kennedy in 1963.

After court adjourned Saturday, chief defense counsel F. Irvin Dymond said it is not beyond the realm of possibility that the trial can come to an end next week, maybe by Feb. 24 or 25. That would make the trial just a bit shy of six weeks, and much swifter than anticipated by the state in its questioning of jurors. The state asked prospective jurors if they would be prepared to stay away

from their families for eight weeks.

The other two witnesses called Saturday were:

—James L. Simmons, Mesquite, Tex., who said he was on the triple underpass in Dealey Plaza as the presidential limousine rolled down Elm st. Nov. 22, 1963. Simmons said he saw a "puff or wisp of smoke" come from under the trees on the grassy knoll, and the matter from President Kennedy's head go to the left.

—Mrs. Mary Moorman, Dallas, Tex., presented the court a polaroid picture she said she took of the President during his ride down Elm st. It was not shown to the press. Another hassle developed over Mrs. Moorman as the state gained permission to run for the ninth time (seven times for the jury) the Zapruder film of the assassination. She identified herself in the film as wearing a blue raincoat and pointed herself out to the jury. The defense did not cross-examine her.

Handling the case for the prosecution were Assistant District Attorney Oser and William Alford.

Garrison Appears, Confers with Oser

Garrison made an entrance into the courtroom at 11 a. m. as Mrs. Moorman was finishing her brief testimony. He conferred briefly with Assistant

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District Attorney James L. Alcock, and moments later Oser told Judge Haggerty that he was out of witnesses. After Judge Haggerty adjourned court, Garrison was besieged at his chair by autograph seekers—mostly female. It was only his fourth appearance in the courtroom in the nine days of testimony.

The press and spectators never were able to see what the picture taken by Mrs. Moorman contained. Dymond objected to the subject matter being discussed and was sustained.

Garrison would not show the picture to the press. Oser later said it showed the President slumping after he was hit.

Mrs. Moorman and her photo

were subpoenaed Jan. 23. She was not mentioned in the Warren Commission Report. However, author Mark Lane, who assisted Garrison in his case and has been at the trial at various times, said in his book, "Rush to Judgment," that Mrs. Moorman snapped a picture of the presidential motorcade while standing across the street from the Texas Book Depository.

Lane maintained the sixth-floor window of the depository is clearly visible in Mrs. Moorman's photo. The Warren Report says that accused presidential assassin Lee Harvey Oswald fired all three shots from that window.

Judge Haggerty suggested to the jury that there is a chance he will be able to obtain seats at a private home "on the (St. Charles) avenue" so they can view the Rex parade Tuesday morning. Earlier this week, Judge Haggerty, at the request of both sides, decreed there would be no court Mardi Gras. The judge said he wanted to keep the jurors away from reporters.

Mrs. Newman was the second state witness called Saturday morning. She testified that she and her husband and their two children were in Dealey Plaza Nov. 22, 1963.

Earlier that day, she told Alford, they went to Love Field (the Dallas airport) to catch a glimpse of Kennedy, but they were unsuccessful.

She was then asked to point out her location on the three exhibits, which the state has been using in questioning persons who were in Dealey Plaza. These exhibits include a mock-up of Dealey Plaza, an enlarged aerial photograph and a survey plat.

She pointed and identified her location as about midway down Elm st. and marked a position on the sidewalk in front of the grassy knoll area.

She said that she was first able to see the motorcade as it turned left from Houston onto Elm and began approaching her position. She said she was able to watch it until it passed under the triple underpass.

As Alford continued his questioning, this is the way her story unfolded:

She heard three shots, which at first she thought were firecrackers. The first and second noises were "close" to-

gether and the third came after a delay, although she said she could not say how much time elapsed between the second and third noises.

She was looking at President Kennedy when she heard the first shot, and he "threw up his hands and sort of turned his head." At this time, Gov. Connally "seemed to sort of turn a little."

When she heard the second shot, Mrs. Newman saw Gov. Connally clutch his stomach. "His eyes got real big, and he sort of slumped."

Several seconds passed before she heard the third shot (on direct questioning she said 10 to 12 seconds elapsed, but under cross-examination admitted this was only an estimate and not a fact) and at that time the presidential motorcade was directly in front of her and about one car lane away.

The President was even with Mrs. Newman and she had an unobstructed view with about 10 feet separating her and the President.

Witness Says JFK Was Shot Above Ear

Alford asked her to describe what she saw.

"He was shot at the ear or above," she said, indicating the right ear. Questioned about the effect of the shot, she said, "His head just seemed to explode, and he fell to the side."

She then explained that she had one of the children, and her husband had one; "and we both got down on the ground and covered the children because we thought we were in a crossfire."

Dymond objected to the witness' use of the phrase "we thought we were in a crossfire"; but Judge Haggerty, after some discussion, overruled the objection.

Alford then asked her where she thought the third shot came from. "It sounded like it was coming directly from behind us."

Next, Alford asked Mrs.

Newman to identify herself in two photographs which showed the presidential motorcade on Elm st.

"Did you have occasion to testify before the Warren Commission?" asked Alford.

"No, sir, I did not," she replied.

Alford said he had no more questions, and Dymond began his cross examination by asking the witness if she gave a statement to the FBI.

"The only statement I gave," she answered, "was to a sheriff's deputy." She explained she went to the sheriff's office and gave an oral statement which was then typed; and after she read it, she signed it.

Dymond asked when she and her husband first learned that the President would visit Dallas.

"Probably about a week in advance," she said.

"You say you heard one noise that sounded like a firecracker, didn't you?"

"No," she answered. "I heard three noises that sounded like firecrackers."

"You heard one noise, and then you heard two close together."

"No. I said I heard two close together and then one."

Dymond then asked Mrs. Newman to slap against the side of the bench to indicate how the shot sounded to her. She hit the bench twice in rapid succession and then after a few seconds' delay hit the bench again.

Dymond asked her to describe what she saw when the President was hit. She said his head appeared to explode and fragments of brain matter appeared. She insisted he was hit above the ear, "not behind it."

Mrs. Newman Did Not Observe Red Halo

"Some witnesses have described that after the explosion they observed a red halo over his head. Did you observe this?"

"No, sir, I didn't."

Dymond asked if she observed "blood or other matter."

She said that when the President was hit "the bits flew up, and there was white matter and then blood. As well as I remember it just flew straight up.

There was a brief recess be-

tween her testimony and the appearance of Mrs. Moorman.

The first witness called after the trial was resumed at 9:15 a. m. was James L. Simmons of Mesquite, Tex., who was atop the triple underpass when the presidential motorcade passed through Dealey Plaza.

At the time, Simmons said, he was employed by the Union Terminal Railway Co., and he is now employed by the U.S. Post Office.

He said there were "10 or 11 of us" standing on top the underpass, and he was asked to point out his position on the three exhibits.

Simmons said he first saw the motorcade as it came down Main and turned onto Houston by the "old courthouse," and he watched it after "it just turned the corner by the school book depository."

Oser asked Simmons if he heard any unusual noises. "I heard three loud reports that I presumed to be shots," and he said the motorcade was about one-third or one-half the distance between the book depository and the underpass when he heard them.

"Did you have a clear, unobstructed view?"

"Yes, sir," the witness answered.

Oser asked if he observed the President's reaction to the first shot. Simmons said he did not remember but "between the first and second shots, or thereabouts, he turned to his left and threw his hands up."

Oser asked about the reaction to the third shot.

"Well, he fell; and there was matter and a halo of blood. He fell to his left."

'Limousine Paused, Then Accelerated'

Simmons said that, after the third shot, the limousine paused, then accelerated; and

he was able to watch from above as it passed beneath the underpass.

Oser then questioned him about the halo. He said he saw the halo over the President's head, and the matter he saw passed to the left side of his head "and over the side of the car."

Oser asked if at the time of the second and third shots he noticed any unusual activity in the area of the grassy knoll, which was to Simmons's left.

He said that underneath one of the trees near the wooden fence he "detected a puff or whisp of smoke."

"After hearing and seeing what you did, what did you do?"

"I went around the rail and walked behind the fence."

Oser asked if he saw anything unusual.

Simmons said he was one of the first persons to arrive; and when he got there, he observed several footprints "back and forth" along the fence. He said it had rained earlier, and the ground was muddy.

He said what drew his atten-

tion was that there were "so many of them."

He said he also saw footprints on the wooden brace or railing along the base of the fence.

Oser asked Simmons if he saw anything else that might have indicated a shot, and the witness said "it looked as though one might have hit the pavement."

Oser asked Simmons to point out where this happened; but Dymond objected, asserting the witness admitted he was not certain it was a gun shot.

Simmons Points Out Street Curb Section

Judge Haggerty told Oser to rephrase the question, and Simmons was able to point out a section of street curb in the area where he saw the effects of what he thought was a bullet.

Oser then tendered him to the defense for cross-examination.

Dymond asked Simmons how long after the last shot he went to the area behind the grassy knoll fence. He said he went there "immediately" and was there for several minutes.

"I'd say 15 or 20 minutes" Simmons told Dymond after the defense attorney asked him for an estimate of the time he was behind the fence.

"Did you see any arrests

made when you were back there?"

"No Sir, I don't recall," Simons then said the area behind the fence was a parking lot, and the area "was pretty well filled with cars."

Dymond then asked the witness if he knew Roger D. Craig, a former Dallas County deputy sheriff. Simmons said he did not think he did. Dymond then asked that, if Craig was in the courtroom, he stand so the witness could see him.

Craig was in the courtroom, and he stood up and walked toward the witness.

"Did you see that gentleman behind the fence?" asked Dymond.

"There were so many people back there that I can't remember."

"Did you see him or anyone arrest a woman?"

"No, sir."

"Did you see anyone detained?"

"No, sir."

Craig was called as a state witness Thursday. He said that, after the assassination, he rushed to the area behind the fence and he detained one woman and turned her over to Dallas police. Craig later testified that a man, whom he says he later identified as Oswald, ran away from the Texas

School Book Depository and got into a station wagon driven by a muscular Spanish-looking man.

Dymond questioned Simmons about the halo he saw. Simmons said "it looked like the top of his head blew off," and it "seemed to go out the left side of the car."

"The halo?"

"The matter," replied Simmons.

"Was the halo in front of the President?"

"It seemed to be over his head."

"Then, from your position, you couldn't tell whether it was in front or behind?"

"I guess I couldn't."

Question Is Asked About Footprints

Returning to the area behind the fence, Dymond asked why, in view that it had been a rainy day, there was anything unusual about the footprints.

Simmons explained that there is a steam line running along the fence, but a short distance from it, "and very few people have occasion to cross it."

Dymond asked if the footprints could have been caused by persons who might have watched the parade from behind the fence, and Simmons

said they could have been.

Dymond asked Simmons if he had seen Abraham Zapruder taking movie pictures of the motorcade.

"There were people all over taking pictures, but I never saw him that I know of."

Regarding the possibility of a bullet hitting the curb, Simmons told Dymond that, after he heard the first shot, he was scanning the area "to see if I could see where the shot came from"; and while he was doing this, he noticed something that looked like dust particles flying from the curb.

"Did you check the curb later?"

"No, sir."

Simmons said the shots came from in front and to the left of his position on the triple underpass, which includes the grassy knoll area.

"The Texas School Book Depository is in that direction also, isn't it?" asked Dymond.

"It is."

Dymond asked Simmons if anyone atop the triple underpass had a gun. He said he saw two policemen there with guns, but he said no shots were fired from that position.

Simmons said he was not called as a witness by the Warren Commission. He said he was interviewed by the FBI.