

24TH DAY

Shaw Trial Proceedings

SI
2/17/69

Court proceedings in the 24th day of the conspiracy trial of Clay L. Shaw follow:

District Attorney Jim Garrison, making only his fourth appearance in the court room since the trial started, questioned the first witness this morning.

HE CALLED William E. Newman Jr., a Dallas, Tex., electrical contractor.

Newman testified to seeing President John F. Kennedy assassinated in Dealey Plaza on Nov. 22, 1963.

Defense attorney F. Irvin Dymond, at the outset of Newman's testimony, objected on grounds that it was irrelevant to the case. He was overruled by Judge Edward A. Haggerty Jr.

Q—"Where were you standing in Dealey Plaza?" Garrison asked.

A—I was standing about half way between Houston st. and the triple underpass.

Q—Was anyone with you?

A—I was with my wife and two sons.

Q—What time did you arrive at the scene?

A—I am not certain . . . We arrived at the scene before the parade reached us by about 15 minutes.

Garrison then asked Newman to leave the witness stand and identify his position in Dealey Plaza by placing symbols on a plot plan map, an aerial photo and a mockup of the plaza.

NEWMAN testified that he stood with his family with his back to the grassy knoll and on the President's right side as he approached in the motorcade.

Q—Can you recall what kind of structure is back here?

A—Yes, sir, this is primarily a hedge row . . . trees, primarily to beautify the plot.

Newman was talking about the area that would have been behind him, generally identified as the grassy knoll.

Q—If you will just follow

me over here to this mockup, can you locate you approximate position?

A—Yes, sir. This represents my wife. I believe she's back a little from there. Closer to this light standard.

Newman then went back to the witness stand and Garrison continued the questioning.

Q—I show you, Mr. Newman, a photograph and ask you if you think you have seen this scene before.

A—Yes, sir, I have.

Q—What does this picture represent?

A—This is shortly after the assassination. This is myself lying on the grass, and my wife.

GARRISON showed Newman a second picture.

Q—Have you ever seen this scene before?

A—It shows myself in the picture shortly after the assassination.

Q—Where are you in the picture?

A—Right here.

Q—Take this picture and mark an "N" over your body.

NEWMAN then marked the picture.

Garrison then questioned Newman about the shooting itself, asking him to describe what he saw.

A—I saw the President of the United States shot to death.

Q—How many shots did you hear?

A—I heard at least three. (Newman said he had often thought he might have heard four shots.) From the sound of the shots it sounded like they were coming from directly behind me. In my opinion, the sound of the shots, directly behind me.

WHEN NEWMAN tried to say that "everybody else" seemed to think the same thing, Dymond objected on the grounds that the witness

was drawing conclusions.

At this point, at the request of Garrison, Newman went to the mockup and pointed to a spot to where

he thought the shots originated.

The plot plan and mockup are not visible to the gallery, but Newman was facing toward President Kennedy and this would mean that the shots came from an area of the triple over-underpass or far end of the grassy knoll area.

NEWMAN continued his testimony.

"My wife and myself were watching the parade come toward us. As the car was approaching, there were two shots—boom boom—and at this time, the President threw his hands up like this (Newman placed his hand in front of him at each side of his head with palms out) and at that time, we thought they were firecrackers and he was protecting his face."

Newman testified, in answer to questions, that former Texas Gov. John B. Connally, riding in the same car with Kennedy, put his hands down to the area of his stomach and Newman said he saw blood on the governor's suit.

NEWMAN continued: "The president all the time stayed upright in the seat of the car. I caught a glimpse in his eyes and it was a cold stare like he was staring right through me."

Newman was then questioned about the third shot.

A—I observed his ear fly off . . . He just went stiff like a board and he fell left into his wife's lap. I said, that's it. That's when we hit the ground. I thought the shots were coming over our heads.

Q—How far away were

you?

A—I was the width of a car lane.

Garrison asked Newman if he saw any other reaction.

A—I do recall that when the impact hit him, he just stiffened and fell to the left into his wife's lap.

Q—From your position, did he go toward you or away?

A—He went away.

Q—Did you report what you had seen?

A—Yes, I gave a statement to the FBI and the sheriff's office.

Q—Were you interviewed by the Warren Commission?

A—No, I wasn't.

UNDER cross-examination, Dymond sought to show that the President could not have been shot from the grassy knoll area.

Q—Would it be accurate to say that the President turned his head half way to the right just before he was shot?

A—I would say he might have turned at an angle just about like I'm turned.

At this point Newman turned his head to the right toward the jury box.

Q—Is it not a fact that if he had his head turned it would have been impossible to hit his right ear from the grassy knoll area?

Assistant DA James L. Alcock objected at this point, stating that a witness could not give his opinion.

DYMOND tried the question again, but Alcock contended that Newman was being asked to speculate.

At this point, Newman again left the witness stand and looked with Dymond at the mockup of Dealey Plaza. Finally the witness conceded that it would be unlikely that a bullet fired from some parts of the grassy knoll area could have hit Kennedy in the right ear area.

DYMOND then resumed the questioning.

Q—In view of the angle (of President's head), is it not a fact that a shot from the Texas book depository could have hit him in the right ear?

A—I don't know. I'm led to believe he was looking more straight ahead . . . at the

time of the shot.

Q—Mr. Newman, didn't you testify on direct examination that the President had his head turned to the right as if looking for someone in the crowd or at the crowd when the third shot was fired?

Assistant DA James L. Alcock objected but Judge Haggerty allowed the witness to answer.

A—I intended to say as the motorcade was approaching the President was moving his head to look into the crowd—at someone—and straight ahead.

Q—You don't know the exact position of his head when that third shot was fired?

A—No.

AT THIS POINT the witness was excused by both the state and the defense. Garrison asked the judge's permission to show the two pictures to

the jury that Newman had identified as pictures in which he appeared, standing on the curb watching President Kennedy's car passing.

Garrison then called ex-FBI agent Regis L. Kennedy and Alcock took up the questioning. Kennedy was accompanied into the courtroom by U.S. Attorney Harry Connick.

Kennedy told the court he retired from the FBI on May 1, 1968, after serving the bureau for just under 31 years. He said under questioning that he was employed by the bureau in New Orleans in November of 1963.

Q—Again referring to Nov. 25, 1963, did you have an occasion at that time to interview Dean Andrews (local criminal lawyer who claims he was asked to defend Oswald by a caller named Clem Bertrand)?

A—I did.

Q—Where?

A—At Hotel Dieu.

Q—Were you alone at that time?

A—There was another agent with me. I don't recall his exact name.

Q—Anyone else there?

A—No.

Q—Can you recall what time this interview took place?

A—Shortly after noon. It's been five years and I would say shortly after noon to the

best of my knowledge. Maybe it was a little later.

Q—What was the purpose of the interview?

A—He called me.

Q—Prior to that had you received any communication from Mr. Andrews?

A—Yes, a telephone call.

Q—When?

A—An hour or two before that.

Q—In response to that phone call, did you interview Mr. Andrews?

A—I did.

Q—As a result of that interview, did you have occasion to investigate or locate a Clay Bertrand.

AT THIS POINT Dymond objected to the line of questioning but Judge Haggerty ruled that as an FBI man Mr. Kennedy could tell what he did at that time as an agent. Alcock continued:

Q—As a result of that interview with him, what did you do after that conversation?

A—First I reported to my superiors. Subsequently I attempted to locate an individual named Clay Bertrand.

Q—Did you say Clay?

A—I said Clay.

Q—What efforts did you make? Exactly what did you do? What specific area did you cover?

A—Like I say, it's been five years. I'd say that the areas checked were the police department files, city directories, telephone listings and other places, seeking information, speaking to various people that should be knowledgeable and with those who had contacts in the French Quarter and we reviewed practically every piece of paper that Mr. Andrews had in his office, with his assistance. I won't say that I saw all of his papers or looked at them. I didn't pry into his private law office to the extreme and view all of his files.

Q—To your knowledge, can you say how many agents were assisting you?

A—Frankly, I couldn't give a close approximation. Not a great many. I would hesitate to say.

Q—How many days or hours did you seek or look for an individual called Clay

Bertrand?

A—I can't say the exact number of hours I actually worked on this. This is strictly a guess. But I would say personally not more than 20 hours.

Q—Do you know how many hours the other agents spent on this?

A—No way of even estimating.

Q—Was any particular geographic area of the city checked?

A—Yes. The French Quarter.

Q—Did you personally go into the Quarter?

A—Yes.

Q—Once or more than once?

A—More than once.

Q—Prior to your interview with Andrews, were you personally engaged in an investigation of the assassination of President Kennedy?

A—I think to answer that question would go beyond my authority to say under privilege of the attorney general to let me appear here. Before I answer that I would have to confer with the U.S. attorney.

KENNEDY and Connick left the courtroom and conferred in the judge's chambers. When they returned Kennedy said he had been directed to say that to answer

the question would go beyond the privilege under which he was appearing.

Before he could answer, Kennedy said, the U.S. attorney would have to contact the attorney general to determine if the question could be answered. Kennedy said Connick would be glad to contact the attorney general if necessary.

Alcock then said to Judge Haggerty: "Agent Kennedy knows well that the president was killed on Nov. 22. This interview took place on Nov. 25. My next question was, was he engaged in the investigation from the 22nd and thereafter."

AT THIS POINT, Dymond, addressing the court, said that he thought the best thing to do would be for Kennedy to call the Justice Depart-

ment to find out whether he could answer.

Alcock said he did not object, so the Court took a five-minute recess.

Judge Haggerty determined that the legal question should be argued outside the presence of the jury and he directed the deputy sheriffs to remove jurors from the room.

The judge then asked, "What is the legal status of this at this moment?"

ALCOCK replied, "What we are attempting to determine is whether between Nov. 22 and Nov. 25 agent Kennedy was engaged in the investigation of President Kennedy's assassination, including the Nov. 25 interview with Andrews. Additionally, the state would like to know if his search for Clay Bertrand was part of that general investigation.

"This is highly relevant to the case in our opinion and we might state that Agent Kennedy testified last summer in another case in this court and at that time did respond to that question or one similarly phrased."

Judge Haggerty then asked Connick the position of the United States attorney's office in this matter.

Connick then replied, "Mr. Kennedy has the authority to testify as to the interview with Dean Andrews, but beyond that he has no authority to answer any other questions. I would be glad to contact the Attorney General and ascertain whether Mr. Kennedy has authority to go into other specific questions."

AT THIS TIME Connick asked to confer with Kennedy about his specific answers in this previous case.

Connick then replied, "Mr. Kennedy has no recollection of his specific answers and, in the light of this, he should not be allowed to testify."

Alcock told the court that the transcript of the particular case involving Kennedy's testimony has never been drawn up and he said he did request a transcript of Kennedy's particular testimony although he has never received it.

THE JUDGE replied, "I un-

derstand the legal questions involved and I think we had best have a conference in my chambers and, therefore, I am calling a five-minute recess."

THE JURY filed back into the courtroom at 11:30 a. m. after a 5-minute recess. Reporters and spectators scurried back to their places.

Connick conferred briefly with witness Kennedy.

Alcock resumed questioning of the witness indicating he had a couple of written questions that had been cleared by the U.S. attorney general.

Q—Prior to your interview with Dean Andrews were you engaged in an investigation of President Kennedy's assassination?

A—Yes, I was.

Q—Were you seeking Clay Bertrand?

A—Yes, I was.

Alcock then turned over the witness for cross examination, Dymond had a lone question.

Q—Did you ever locate Clay Bertrand?

A—No, sir, I did not.

JUDGE Haggerty then related to both sides that he had sent for a transcript of Regis Kennedy's testimony at a preliminary hearing.

Alcock said he saw no need of it, and neither did Dymond.

Judge Haggerty directed Alcock to call his next witness. Alcock then said William Alford had been sent to get a Mr. Orr, identified only as a representative of Life Magazine.

Judge Haggerty told Alcock to have assistant DA Andrew Sciambra use the judge's telephone to contact the airport to see if Orr's plane had arrived.

Assistant DA Alford ques-

tioned Herbert Orth, the deputy photographic laboratory chief for Life magazine.

Q—Mr. Orth, did you develop any photos of the Kennedy assassination?

A—Yes, I did.

Q—WHAT, EXACTLY, did you make?

A—From the original Zapruder film. I made black and white prints and color

slides from the prints.

At this point the defense objected to the testimony of the witness. It was overruled by Judge Haggerty. Dymond filed a bill of exception on the grounds the testimony was irrelevant to the case.

Q—When was the black and white film made?

A—The black and white prints were made years ago for editorial purposes, but the color slides were made recently.

Q—How many color pictures do you have?

A—Twenty-one.

Q—Were these prints made by you personally?

A—Some by me, some by others under my supervision.

Q—How many slides did you make?

A—From frame 200 to Frame 320.

Q—Were these processed by you personally?

A—Yes, they were.

Q—WHAT DO THE numbers on the slides represent?

A—The actual frame numbers that correspond with the Zapruder film.

At this point the color slides were presented to the defense for examination.

Cross-examination was made by Dymond.

Q—How many people were involved in the process of this film?

A—All of it was made under my supervision. There were seven people involved at one time or the other, but everything came through me.

At this juncture Judge Haggerty called a recess for lunch.