

SURPRISE WITNESS SAYS HE WAS INTRODUCED TO SHAW BY FERRIE

Witnesses Called by State Arrive for Shaw Trial

T-10
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Assassination of Kennedy Discussed, Court Told

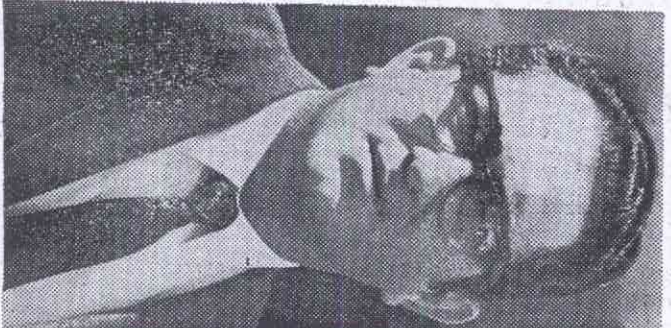
In surprise testimony Friday, a New York accountant said David W. Ferrie introduced him to Clay L. Shaw at a French Quarter party in June, 1963, at which there was a discussion of how to assassinate President John F. Kennedy.

The witness, Charles I. Spiesel, was cross examined intensively by chief defense counsel F. Irvin Dymond for nearly 45 minutes and the cross-examination will be resumed at 9 a. m. Saturday, when the trial resumes in the Criminal District Court of Judge Edward A. Haggerty.

Spiesel said he met Ferrie at a French Quarter bar and from there he and Ferrie's group went to a party in a building at "Dauphine and Esplanade." The accountant said he recognized Ferrie as a man with whom he had flown during the war. Ferrie was with another man and two women.

At the party, Spiesel said Ferrie introduced him to Clay Shaw and later that night the discussion about killing President Kennedy took place. He said Shaw seemed amused by the conversation, but at one point asked Ferrie if the assassin could be flown away from the site of the assassination to safety. Ferrie said this could be done.

Under cross examination Spiesel said Ferrie's hair appeared "fairly well groomed" and he said Ferrie's eyebrows "were a little thinner than most



—Photos by The Times-Picayune.
AMONG THOSE who were called by the state and testified in the trial of Clay Shaw Friday were (from left) Vernon William Bundy Jr., Mrs. Robbi DeDon of Baton Rouge, Mrs. Maxine Kemp of Jackson, La., Capt. Francis Martello of the New Orleans Police Department and William E. Dunn Sr. of Clinton, La.

men wear."

Dymond also established that the surprise witness had filed several suits, mostly alleging a conspiracy of one sort or another. Spiesel denied having attempted to sell his story to a television network.

Appearance Follows Bundy's Testimony

Spiesel's appearance came on the heels of testimony by Vernon William Bundy Jr., who dramatically arranged a demonstration which he said proved that it was Shaw he saw at the lakefront late in June, 1963.

Bundy — seated in Shaw's chair which was turned sideways — twice had Shaw walk up to him and told the crowded courtroom that the demonstration was made to show a twist in Shaw's foot when he walks.

"The twisting of his foot had frightened me when I was about to fix my drugs on the seawall," said Bundy. He said he had been accompanied by a former assistant district attorney into the courtroom during the preliminary hearing in March, 1967, and watched Shaw come in. This was done, he said, to

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satisfy himself that Shaw was the person he saw at the seawall with Lee Harvey Oswald.

Shaw is standing trial on a charge that he conspired with Ferrie and Oswald to assassinate President Kennedy.

Bundy and Spiesel were the only witnesses called by the state during the afternoon. During the morning these persons were called by the state: William Dunn Sr., Clinton, La.; Mrs. Bobbi Dedon, Baton Rouge; Mrs. Maxine Kemp, Jackson, La.; Mark Winestein, Frank Hayward and Capt. Francis Martello of the New Orleans Police Department; Girod Ray, with the Dock Board, and Charles Steele Jr.

Diagram of Interior of Rooms Drawn

Spiesel said he did not know the address of the apartment where the party took place, but he did draw a diagram of the interior of some of the rooms and he described the furnish-



—Photo by The Associated Press.

CHARLES I. SPIESEL, New York accountant, who was the last witness to be heard at the Shaw trial Friday, is pictured as he approached the entrance to the courthouse.

ings.

After the defense concludes its cross-examination Saturday, Dymond has indicated he may ask that the jury, judge, attorneys and all accompany Spiesel to the vicinity of the apartment to see if he can point out the building in which it is supposedly located.

Judge Haggerty has indicated that he may agree to such a proposal if he feels it is warranted after completion of the cross-examination.

Perry Raymond Russo, the state witness who testified at Shaw's preliminary hearing that he heard Shaw, Ferrie and Oswald discuss assassination

plans, will be the next witness called after Spiesel is excused.

Spiesel testified that he accompanied Ferrie to the party where he was introduced to Shaw and about 10 other people. He said he did not remember the names of the others.

During the party, Spiesel said, the group gathered around a large oval table in the apartment's combination kitchen-dining room. He said the conversation turned to the subject of the then President John F. Kennedy.

"Someone brought up the name of President Kennedy and just about everybody began to criticize him. Then someone said that 'Somebody ought to kill the son of a ———.' Those were his exact words," he testified.

Witness Says Shaw Seemed 'Amused'

Spiesel said he did not know who said these words, but noted that Shaw seemed to be "amused" by the entire conversation about Kennedy. "I was quite alarmed by the tone of the conversation," Spiesel stated.

The New Yorker then related how another man at the table admitted he would like to kill President Kennedy. "Yes, I'd like to do it, but how do we do it?" Spiesel quoted the man as saying.

The state witness described this man as bearded, with dirty blond hair and a splint on one of his fingers. Spiesel said he could not recall this man's name.

When this man asked how could President Kennedy be killed, Spiesel said the others began to talk about it for five or six minutes and finally came to a decision that "it had to be done with a high-powered rifle, telescopic lens and about a mile away."

Spiesel said one man at the table claimed it could be done but that the person doing it would get killed. Another man said it was possible if the assassin could be flown away from the scene, Spiesel stated.

At this point in the table conversation, Spiesel said, Shaw turned to Ferrie and asked, "Do you really think it could be done?" After some hesitation, Ferrie replied, "Yes" to Shaw's question, according to Spiesel's testimony.

Spiesel, who resides at 255

West 23rd st. in New York City, said he flew down to New Orleans in May of 1963 to visit his daughter who was attending Louisiana State University here and, possibly, to relocate his business here.

He testified that he stayed at a hotel here for the first few days and then moved into an apartment at 626 Esplanade ave., after which he began doing parttime accounting and tax work for a firm in the Maison-Blanche Building.

Spiesel Describes Meeting with Ferrie

Spiesel said he first met Ferrie at Lafitte's Blacksmith Shop (941 Bourbon), which the New Yorker used to frequent once or twice a week.

One night in June, 1963, Spiesel testified, he met Ferrie, another man and two women at Lafitte's. Ferrie invited him to a party nearby and he agreed to go, Spiesel

said. The group of five rode in a Volkswagen to an apartment in the Quarter he believed was at Dauphine and Esplanade, Spiesel stated.

Spiesel said they arrived at the party about 11:30 or 11:45 p.m. He said the group had to climb two flight of stairs to get to the apartment. The door to the apartment was opened by an unidentified man, Spiesel said, and the group entered into what he said was the living room area.

Spiesel said he was introduced hurriedly to all of the other people at the party, about 10 or 11, including Shaw. He said Shaw was the only one he remembered by name.

The two women and the other man who accompanied Ferrie to Lafitte's left the party shortly before the group entered the kitchen-dining room area for the conversation about Kennedy, Spiesel stated.

Spiesel maintained that he remembered Shaw because Ferrie had told him he might be influential in helping Spiesel set up a business here. Spiesel testified that he called Shaw's office several times after that party, seeking such help, but that his calls were never returned.

Witness Admits

Filing Lawsuit

During the intensive cross-examination by Dymond, Spiesel admitted he filed a \$16 million lawsuit in 1964 against a New York psychiatrist and the City of New York, claiming they "hypnotized" him and "harassed" him out of business.

Asked why they would do this, Spiesel replied that he did not know, but pointed out that his father was doing undercover work for the Federal Bureau of Investigation and that it might be a Communist conspiracy.

Spiesel said that "hypnosis" was being used on him while he was working at a certified public accounting firm in New York City.

Asked by Dymond if he had trouble with people following him around and tapping his phone as he maintained in his lawsuit, Spiesel replied, "Not recently."

Spiesel said his most recent troubles have been from members of the press who keep calling him at home.

Dymond also asked Spiesel if he ever tried to sell his story about the French Quarter party to any of the news media. He replied, "No."

Dymond then asked Spiesel if he had been approached by a representative of the Columbia Broadcasting System, seeking his participation in a documentary program. Spiesel replied that he was approached but refused to take part unless he was paid "a couple of thousand."

At one point in the cross-examination, Dymond asked Spiesel to describe the apartment in the French Quarter where the party took place. In the course of the description, Dymond went over to talk to Shaw for a few minutes. Afterward, Dymond the asked Spiesel if he knew a woman named Eleanor Barres. Spiesel said he did not. The subject was then dropped.

Bundy was the first witness called to the stand in the afternoon and was grilled by both sides for nearly 90 minutes, excluding time out for retrieving his past jail record.

Dressed in a black sweater, a white shirt open in the front and black slacks, Bundy related that he was now employed by

Avondale Cleaners as a presser.

Alcock questioned him initially on whether he (Bundy) is presently on methadone, a drug treatment. He said that he is.

Bundy Tells Story of Lakefront Meeting

Moments later, Bundy launched into his story of the June, 1963, morning on the lakefront. He said he couldn't recall the date, but it was a Monday.

Bundy told Alcock that on this day he had with him a bottle of water, a bottle of soft drink "and my outfit, as we refer to it." He said he got to the lakefront about 9:15 a. m. or 9:30 a. m. after leaving directly from home.

Alcock asked him to tell what happened on the lakefront.

"I was sitting on top of the steps of the levee and was beginning to use my drugs, to empty two caps of heroin into the cooker," Bundy recalled. "My caps were in cellophane."

He said while he was fixing the drugs before taking them "I noticed a black limousine approaching. It was facing toward town, on the other side of the street.

"A gentleman got out of the car and walked behind me, passing maybe 30 to 40 feet from me. I didn't know if he was a narcotics officer or what.

"I was concerned about him

being an officer. I didn't want him to run up on me with him being a police officer. I wanted to have time to throw the caps in the lake and let it dissolve."

Bundy testified he watched the man the entire time he was on the lakefront.

At Alcock's request, Bundy continued, "I saw a man with a towel approaching from the white section of Pontchartrain Beach. He came up to the gentleman already there. They must have stayed there only 5 or 10 minutes, but to an addict like I was it seemed like 5 or 10 hours."

Alcock, going to the witness chair, showed Bundy a picture. "Do you see either one or both of these men in this courtroom?" he asked Bundy.

Witness Points Toward Shaw

"I see one," replied Bundy.

"This gentleman seated here," Bundy pointed toward Shaw, sitting in his chair.

Alcock came over behind Shaw. A cigarette was in Shaw's hand and smoke swirled around him. "Let the record show that the witness pointed at the defendant, Mr. Clay Shaw," said Alcock.

Returning to the witness chair, Alcock showed Bundy another picture. "This was the gentleman who got out of the car," said Bundy.

Alcock handed Bundy another picture. "Do you recognize this man?" he asked Bundy.

"That is the man I recognize from the lakefront," said Bundy.

"Do you know his name now?" asked Alcock.

"Yes," replied Bundy.

"What is it?" asked Alcock.

"Lee Harvey Oswald," countered Bundy.

Alcock asked Bundy to continue with his story.

"They talked for a while," said Bundy. "The man who had come from the Pontchartrain area said, 'What am I going to tell her?'"

"This gentleman here tried to quiet Oswald down."

Bundy said he was looking at the two men and they were looking right at him.

"This gentleman here," he said, referring to Shaw, "gave the other gentleman what looked to be like money. He didn't examine it but put it in his back pocket. Some pamphlets or sheets — I didn't know what — fell out of his pocket.

"The gentleman here who came in the car said to me, 'It's a very hot day,' and adjusted his collar. He got into his car and drove off. The young fellow went back toward Pontchartrain Beach.

"I got my outfit and wrapped it in the sheets that the man dropped. It said something like, 'Help Cuba' or 'Free Cuba.' The sheets were yellow and black and white and black."

Alcock showed Bundy a picture of a car and Bundy said it could have been the car that the man drove up in.

State Concludes Questioning of Bundy

So after only 20 minutes, the

state turned over Bundy to the defense and Dymond.

Bundy told Dymond he has been on the methadone treatment for just three weeks and he pays for the treatments. He also said that he has been an addict off and on for 17 of his 30 years.

Dymond questioned him where he got the money for his drug habit.

"I have certain people in my family who give me money," said Bundy, "and I worked for the rest of it."

"Isn't it a fact that you regularly stole to pay for this habit?" questioned Dymond sharply.

Alcock objected, and Judge Haggerty sustained the objection. The judge noted that the witness didn't have to incriminate himself.

"But he admitted in the preliminary hearing that he stole," protested Dymond.

"You can't allude to anything that happened in the preliminary hearing," said Judge Haggerty.

"Aren't you a convicted burglar?" Dymond resumed.

"I am not," said Bundy. "It was theft of a cigarette machine and it wasn't opened by me."

Dymond stopped him, but Alcock jumped up and protested. He said, "Judge, I want this witness to have the right to explain his answer."

Judge Haggerty agreed, and Bundy resumed. "As I said before I was interrupted," said Bundy, and laughter rolled through the courtroom.

"It was not burglary, but theft of a cigarette machine from Municipal Auditorium. The machine had been opened

by someone before me."

Dymond Asks for Bundy's Record

Dymond asked Judge Haggerty to have Bundy's record retrieved. Haggerty called a recess which lasted about 15 minutes as the record was found.

Bundy sat in one of the alternate juror's chairs, and relaxed during the recess. He smoked cigarettes.

Coming back from the recess, Dymond entered into the trial record the verdict that Bundy on May 25, 1966, pleaded guilty to theft and was given a probationary sen-

tence.

"Is it your testimony that you secured money for your habit from your relatives and by working?" asked Dymond.

"That's right," said Bundy.

Dymond began reading from the transcript of the preliminary hearing.

"I would like to object," said Alcock.

Then a wrangle ensued, and Judge Haggerty criticized the earlier three-judge panel that allowed Bundy to testify that he had stolen to satisfy his habit. "You don't have to give up your constitutional rights and you should be so informed," said Judge Haggerty. "Apparently, this wasn't done by the three-man panel. It should have been done by the three-man panel."

Dymond resumed from the preliminary hearing testimony. In it he quoted Bundy as saying he had a habit of three or four caps a day at a cost of \$15 to \$20 per day.

"You were asked, 'Where were you getting the money?' Your reply was, 'By working and other little hustles here and there.'"

"Do you deny you said this?" asked Dymond.

"No, I don't," said Bundy. "I didn't understand the question thoroughly. If I saw something around and no one was looking I would take it. I didn't steal every day."

"Do you say you did steal to satisfy your habit?" questioned Dymond.

"Yes," answered Bundy.

Witness Is Asked About Previous Night

Dymond bored into Bundy on what he did the night before his trip to the lakefront. Bundy said he spent the night at his home, 2013 Dumaine st., and stayed in the same room with his brother.

Bundy said he got three caps of narcotics the night before and took one Sunday about 6 p. m.

"I had planned to goof off, take off that day and kept the other two caps," said Bundy.

"Do you remember if your brother was still in the room when you got up that morning?" questioned Dymond.

"I can't recall," said Bundy. "I wasn't worried about my brother; I was thinking about that heroin."

Dymond turned to the Mon-

day morning and the trip to the lakefront.

"How long were you there before the black car drove up?" he asked Bundy.

"Maybe five or 10 minutes, a little more or a little less," he said.

"Where did the black car park?" asked Dymond.

"It was on the opposite side of the street, pointed toward Camp Leroy Johnson," said Bundy. "The gentleman got out and walked behind me, maybe 30 or 40 feet from me."

Request Made for Demonstration

Then Bundy made his dramatic request to the court, addressing Judge Haggerty, De-

fense Counsel Dymond and State Prosecutor Alcock. He asked the court's permission for what he termed a demonstration to show how he knew that it was Shaw who came to the seawall.

"Would you have the gentleman there go to the back of the courtroom?" asked Bundy.

Shaw slid out of his chair easily and court bailiffs fell in on either side of him. A ripple rolled through the courtroom as Shaw went to the back of the room.

Bundy came down from the witness chair and turned Shaw's chair around and sat in it sideways, facing away from the jury.

Shaw, waiting to see what was to happen, stood with a quizzical look on his face, his hands folded in front of him.

"Would the gentleman approach me?" asked Bundy.

Shaw and the bailiffs came forward.

The spectators and press strained to see what Bundy was doing. "Here I am on top of the seawall with my cooker," said Bundy, leaning over in the chair as if looking at a cooker.

Bundy looked at the floor as Shaw came by. Then he asked that Shaw be taken to the rear again, and once more requested he come forward.

When Bundy resumed the witness stand, he said, "I watched his foot the way it twisted. That is the foot that was twisted that day." Moving his own foot, Bundy said,

"This is one way I identified this man the next time I saw him."

Bundy said he once before had watched Shaw very closely to be sure he was the person he saw on the seawall. "I did it with one of the assistant district attorneys (John Volz)," recounted Bundy. "It was at the hearing before I testified." He said he saw Shaw and Dymond enter the courtroom.

"The twisting of his foot had frightened me that day on the seawall when I was about to cook my drugs," said Bundy.

Bundy Is Asked About Reason for Trip

Dymond returned to the fact that Bundy left what he called the "safety of his (Bundy's) home" to go to a public seawall for his drug habit. He asked him why he did it.

"I had planned not to go to work that day," said Bundy. "And my mother could tell the minute I came out of the bathroom if I had take any."

"Did you know St. John the Baptist?" asked Dymond.

"We were on the same tier at Parish Prison," Bundy answered, "but I didn't have any conversations with him."

"Do you deny telling him that you knew nothing of the Clay Shaw case, that you were going to say you did so you could get a better break on your sentence?" asked Dymond.

"I didn't say boo to John the Baptist," replied Bundy. "I'm also willing to take a lie detector test about that."

"Did you know a prisoner named Miguel Torres?" questioned Dymond.

"I don't know him," answered Bundy.

"Do you then deny having told him you couldn't make up your mind about placing Clay Shaw on Esplanade or the lakefront?" rejoined Dymond.

"No, I didn't," answered Bundy. "I didn't even want the district attorney's office to know about it. I had become friendly with a certain judge, he had helped me and got me to the hospital at Ft. Worth,

Tex., and I wanted him to know about it."

Moments later, Dymond excused Bundy.

State Continues Questions on Clinton

Dunn, Mrs. Dedon and Mrs. Kemp were the first three witnesses called by the state during the morning session and their testimony was apparently intended to back up one of the state's allegations that Shaw, Ferrie and Oswald were together in Clinton, La., in late August or early September, 1963. On Thursday, the state introduced five witnesses, and they all gave testimony related to the Clinton allegation.

Dunn, who said he lived in Clinton practically all his life, stated he is a farmer and a construction worker, and during the summer of 1963, he was in Clinton.

Assistant DA Sciambra questioned the witness and it was brought out that during the period in question Dunn was working for the Congress on Racial Equality, which was conducting a voter registration drive in the small Louisiana community.

Asked if he saw any strange car in Clinton in "late August or early September, 1963" Dunn said he remembered seeing a "black Cadillac." He placed the time of seeing it as about a month and a half before he went "on the cane farm" around Oct. 13, 1963.

Dunn said the car was parked about 20 to 30 feet from the building in which the voter registrar's office is located. Shown a photograph of a black Cadillac, he told the court, "This looks just like the car."

The photograph has been shown to several of the witnesses from Clinton and they have all testified it looks like the car they saw parked on St. Helena st.

Dunn said he remembers the car, "because it was a strange car to me," and that during a racially-tense period, people were "paying attention to all strange cars" in the area. He said he believed there were some agents of the Federal Bureau of Investigation in the

area at that time.

Car Wasn't There When He Arrived

He testified that he arrived at the voter registration office between 9 a. m. and 9:30 a. m. and at that time the mystery automobile had not arrived. However, when he left the registrar's office he said he did see the car parked.

He said he remembered talking to Corrie Collins, another CORE worker, about the car. Collins testified Thursday.

Dunn said he "noticed one man behind the wheel and there may have been another, but I'm not sure."

"Why did you happen to notice?" asked Sciambra.

"Because he was a stranger," came his reply.

He said he looked at the man for five to 10 minutes and described him as having big shoulders, "a big man with gray hair."

Sciambra asked Dunn if he saw the man in the courtroom. "I do," he answered, pointing to Shaw, seated with his attorneys before Judge Haggerty.

Questioned about the people in line waiting to register, he was asked how many people there were and if any of them were strangers.

He said there were 25 to 30 persons waiting to register, and regarding strangers, "I noticed one white boy."

He was shown a photograph of Oswald and asked if he knew him. "I do," he answered, asserting this was the white person to whom he referred.

Dunn said he did not talk to Oswald, but that he was in the registration line "every time I passed." Dunn said he left the registrar's office about 2 p.m. or 2:30 p.m. and Oswald was still in line.

Sciambra then asked Dunn if he had seen Oswald's photograph in the newspaper after the assassination and he said he did.

"Did you recognize him?"

"I sure did—from Clinton."

Recognized Shaw's Photo, Says Witness

He was asked the same question about Shaw's photograph in the newspaper, and he said, "I recognized him from seeing him in my home town sitting in a black Cadillac."

On cross-examination, Dy-

mond asked Dunn how he was contacted by the DA's office, and Dunn said, "They got in touch with me about a year ago." He said he had not reported the incident to anyone. "They just came to me a year ago, and I explained how long the automobile was parked."

Dymond then aimed his questions at Dunn's identify-

ing Shaw as the man in the car.

"You say the defendant Clay Shaw was sitting in the black Cadillac?"

"That's right."

"Before seeing him in Clinton had you ever seen him before?"

"I can't remember."

"Did he look familiar?"

(Dunn had trouble understanding the question and Judge Haggerty asked Dymond to rephrase it without using the word "familiar.")

"Did he look like someone you'd seen before?"

"No, I'd never seen him before."

"The next time you saw him then was when his picture was in the paper?"

"That's right."

Dunn said the next time he saw Shaw in person was in the courtroom last Jan. 21 when jury selection in Shaw's trial began.

"They brought you in?" asked Dymond, referring to the DA's office, and Dunn said he wanted to come to see Shaw to be certain he was the man he saw in the car in Clinton.

"Did they or did they not ask you to come in and look at him?" asked Dymond, raising his voice.

Judge Haggerty said the witness had already answered the question.

"Who pointed him out to you?"

"No one," answered Dunn.

Dymond then asked Dunn if the man in the car in Clinton had longer hair than Shaw, and Dunn said no. To Dymond's next question, also about the length of the person's hair, Dunn replied: "Look, when a man's in town, I notice him, and I don't forget him."

Dymond asked Dunn if the man wore a hat and Dunn again answered no.

"Are you sure of that?"

asked Dymond, again raising his voice, and then added, "If I told you Corrie Collins said the man was wearing a hat . . ." but Alcock objected and Dunn said: "I said he didn't have a hat on." Collins testified Thursday that the man in the drivers seat was wearing a hat.

Dymond asked Dunn why he didn't report the incident after Shaw's arrest and he answered, "I thought he was the FBI."

"I'm talking about what you saw in the newspaper in 1967 and recognized him (Shaw) as the man you saw in Clinton when Oswald was there. Why?"

"I didn't think I really had to report it; when I saw his picture he was arrested already." And then he asked, "I'm gonna try to get him arrested again?"

Questions Asked About Clothing

Dymond asked Dunn how Oswald was dressed, but Dunn said he didn't pay any attention to his clothes. "Did he have a shirt on?" asked Dymond, but Dunn could not describe any clothing the man wore.

He did say that the man in the car had on a dark suit. Asked why he noticed the clothing on one person, but not the other, Dunn said it was because he thought the man in the car "was the FBI."

All he noticed about Oswald was his face and size. He said Oswald did not have any beard.

He was questioned further about the location of the car. (Collins on Thursday could not remember whether it was to the left or right of the registrar's office.)

Dunn said it was parked on the same side of the street as the office and to the right-hand side with the front of the car facing left.

"Did you see another man in the car?"

"Maybe; I'm not sure."

Dymond reminded him he said he looked straight at the car for five to 10 minutes, but Dunn maintained he didn't know if there was another person in the car with the driver.

Two witnesses Thursday identified Shaw and Ferrie as two

men seen sitting in the front seat of the car. Collins said he saw Oswald get out of the back seat.

Mrs. Dedon, now a doctor's assistant in Baton Rouge, testified that in the summer of 1963 she was employed as a receptionist for the East Louisiana State Hospital in Jackson, which is near Clinton.

Earlier testimony has been aimed at proving Oswald was attempting to gain employment at the hospital and was attempting to register to vote to improve his chances of getting a job there.

She identified a photograph of Oswald as the person she gave directions to in "late August or early September, 1963" on how to find the administra-

tion building, where the main office of the hospital is located.

"Where did you see him?" Sciambra asked.

"At my desk," she answered.

She said she spoke with him only a few minutes, just long enough to give him directions.

After the assassination she said she saw Oswald's photograph in the newspaper, but she did not recognize him, although she said he looked familiar.

Mrs. Dedon said a state policeman showed her a lot of photographs and from them she picked one of Oswald as the man she had given directions.

Dymond questioned her only briefly, learning she talked to the man for four to five minutes and that she could not remember if he had a beard or not.

Mrs. Kemp, who is secretary to the personnel director of the hospital, was the third witness called. She assumed her present position in September, 1964.

Judge Haggerty

Permits Questioning

Despite objections by Dymond that Mrs. Kemp did not go to work in the office until 1964 and the alleged occurrence took place the previous year, Judge Haggerty permitted Alcock to question her.

She said that when she took the job in the director's office she "came across an application for employment" with the

name "Oswald, Harvey" written in the appropriate space.

She told the court she put the application back in the file, but when she looked for it later, after Shaw's arrest, she was unable to find it.

Dymond again objected, claiming Mrs. Kemp's testimony about the application was hearsay, but Judge Haggerty again overruled the defense objection.

On cross-examination, Dymond asked if it is procedure to keep applications on file. "We keep all applications for one year," she answered. He asked what happens to them then.

"We destroy them when they're one year old," she answered, explaining that every three months the applications are gone through and those a year-old are thrown out.

Dymond said he was finished with the witness, and Sciambra asked one more question—if any applications are kept for more than one year. Mrs. Kemp said some were.

First New Orleans Officer Is Called

Mark Winestein, who is with the New Orleans Police Department Intelligence Division, was the first of the local law enforcement officers called. Alcock explained later that he was attempting to get testimony from them that would show that Oswald in June, 1963, was distributing Fair Play for Cuba Committee leaflets.

He said this testimony would be used to corroborate testimony of another state witness, Vernon Bundy.

Bundy testified at Shaw's preliminary hearing in March, 1967, that he saw Shaw and Oswald meet on the New Orleans lakefront during the summer of 1963.

When the state began questioning the police officer, Dymond objected as the state quizzed the witness about a file the intelligence division had on Oswald. The file included two pieces of literature, one a Fair Play for Cuba Committee leaflet headed, "Hands Off Of Cuba."

Dymond said the material was completely irrelevant, but Alcock assured Judge Haggerty the state would connect up

the testimony with the charge.

Winestein was asked if the intelligence division has an information file on the FPCC, and again Dymond objected, claiming the answer would be hearsay.

Dymond objected to several other questions, and finally the state asked Winestein if he personally conducted an investigation into the FPCC. "Not personally," he answered.

He was asked if he investigated an arrest of Oswald on Canal st. on Aug. 9, 1963. "Personally, I did not," he answered.

Dymond did not cross-examine.

Arrest of Oswald Here Described

Hayward was called next and he detailed the arrest of Oswald and two others on Aug. 9, 1963, from the 700 block of Canal.

He said the incident occurred shortly after 3 p. m. and when he and his partner arrived there was a crowd of 35 to 50 people and it was obvious who the three people were who were responsible for the crowd.

He said the three were

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placed in a police car and removed from the scene, all being booked with disturbing the peace by creating a scene.

He identified a picture of Oswald as "looking like the person we arrested."

As Alcock attempted to question Hayward further, Dymond again objected, again maintaining the witness' testimony "is completely irrelevant" because it concerns "the activity of an alleged conspirator before a prima facie" case is developed.

Alcock argued that the state "can't very well develop relevancy if he's (Dymond) going to object to every other question."

Dymond said he was also objecting because the questioning concerned the activity of an alleged co-conspirator before the alleged agreement took place. Shaw, Ferrie and Oswald allegedly agreed and made plans at Ferrie's apartment in September, 1963.

Alcock countered that Dymond was attempting to con-

trol the state's presentation of its case.

Judge Overrules Defense Objection

Judge Haggerty then announced he was overruling the defense objection.

Alcock then got back to the question, asking Hayward what Oswald was doing when he arrived. "He had in his hand several sheets of paper which he apparently was distributing." Dymond objected to Hayward's conclusion and the objection was sustained.

Hayward said the material was confiscated and he later identified an exhibit as being "similar" to the paper confiscated from Oswald. He said the material taken was turned over to the intelligence division.

Dymond questioned Hayward only briefly, learning Hayward did not personally take the material from Oswald.

Capt. Martello testified that he questioned Oswald on Aug. 10, 1963, the day after his arrest for about a half hour. When the witness was asked to identify state exhibits, Dymond again objected for the same reasons he announced earlier about testimony being taken before a prima facie case of conspiracy is made out.

After a brief discussion, the jury was taken from the courtroom and Judge Haggerty said the state has to be able to present the case the way it wishes.

The significance of anything Oswald and Ferrie did prior to the meeting in Ferrie's apartment, the judge said, would have to be decided by the jury. He said the admissibility of some evidence depends on some other evidence.

He said there is nothing to stop the state from showing the co-conspirators meeting with one another or having some other activity before the meeting.

Dymond countered that "there's no conceivable way one co-conspirator can be responsible for the actions of another" before the meeting of the minds.

Alcock Says State Will Link Testimony

Alcock again emphasized that the state would connect

all the testimony, and then Alcock explained how the state intended to use the testimony of the police officer about the distribution of leaflets in June to corroborate Bundy's testimony. Bundy said some leaflets fell from Oswald's pocket at the lakefront.

"I'm going to permit the testimony," said Judge Haggerty, calling for the jury to return.

When the jury returned, Martello identified the state exhibit as being "the same literature he (Oswald) had."

Martello said he asked Oswald about the literature and later turned it over to the U.S. Secret Service.

It was during the cross-examination that Dymond made his motion for a mistrial.

Dymond asked Martello about his testimony to Alcock that the state exhibit was "the same" material Oswald had.

"You mean they are exactly similar to something," Judge Haggerty interjected.

"Your honor, I object to the court testifying," Dymond said.

"I don't think he understands," continued Haggerty. "I think you sometimes use words that confuse the witnesses."

Judge Denies Motion for Mistrial

In denying the motion, Judge Haggerty told Dymond: "Justice is not a bag of tricks. If a witness doesn't understand a question, it should be explained."

He said the court can use discretion if a witness appears confused and counsel the witness "so justice can be served."

Dymond reserved bills of exception to the denial and most of the other objections of his which were overruled.

Ray explained the details of a complaint he investigated on June 16, 1963, at the Dumaine st. Wharf, where Oswald was distributing the leaflets. He had with him the original and a copy of the material Oswald was distributing and they became state exhibits.

The final witness to appear during the morning was Charles Steele Jr., who helped Oswald distribute FPCC leaflets in front of the International Trade Mart on Aug. 16, 1963.

Steele said he was unemployed at the time and that he

met Oswald at the Louisiana State Unemployment Office on Canal st. He said there was a third person besides himself and Oswald who handed out the leaflets, but he did not know him.

Steele said Oswald came into the unemployment office and sat between him and the other person. He said he handed out the leaflets only for about 10 or 15 minutes and couldn't estimate how many he distributed.

Shown the state exhibit, he said it looked similar but that the leaflets he handed out had either "a Camp st. or Magazine st. address" on them on the bottom.

He identified pictures of Oswald and also pointed out the third man in photographs; the person he said he is unable to identify.

Under cross-examination, he said Oswald was wearing a white shirt and tie, had no coat, was clean shaven, had a near hair cut and was a neat-looking person.

He said he did not see him again.

Judge Haggerty adjourned the morning session early when the state said its next witness would come under a lengthy direct examination.