

## MEMORANDUM

July 12, 1995  
[updated July 13, 1995]

To: Jeremy Gunn  
cc - David Marwell, Anne Buttimer, Tom Samoluk

From: Joe Freeman

Subject: HSCA Chronology  
Re: Clay Shaw Grand Jury Minutes/Transcripts

1976

- 12/17/76 According to a 2/16/78 memo from Jonathan Blacker, Staff Counsel/JFK Task Force of HSCA, to Robert Blakey, this was the date on which Blackmer was given the assignment of "obtaining all materials generated by the prosecution of Clay Shaw." Blackmer spoke with Connick's office twice that day. He was referred to Bill Wessell, an Assistant DA, who told Blackmer he would check on whether the DA's office had any records from the case, but cautioned that he (Wessell) felt that the "court" would have charge of the records.
- 12/18/76 Again according to Blackmer's memo of 2/16/78, Blackmer was informed on this day by someone in the DA's office ("probably Connick's secretary") that the office had no material on the case. Blackmer was referred to the presiding judge, Edward Haggerty.
- 12/19/76 -- 12/27/76 Blackmer pursues his wild goose chase by speaking briefly to Haggerty and then to other then-current officials in the court system, but "was unable to gain any additional information... as to materials generated by the Shaw trial."
- 12/27/76 Presumably skeptical by now about earlier assurances from the DA's office that they didn't have any Clay Shaw records, Blackmer speaks directly with Connick and was assured by Connick that "his office would check its files." After an abortive attempt to reach Garrison, who was out of town on vacation, Blackmer calls the DA's office again the same day. According to his 2/16/78 memo: "I explained to whomever I spoke with (I believe it was an Assistant D.A.) what I wanted, including the Grand Jury minutes, or at least a list of those witnesses called before the Grand Jury and a list of those called at trial. I was told the

court stenographer could help with the list of witnesses at trial, but that the Grand Jury information was secret and could not be obtained.” Blackmer, in this instance, was not told that the DA’s office didn’t have Grand Jury records: he was told they were secret.

- 12/28/76 Blackmer speaks with Haggerty again, who “states he has information not released that he feels is most important to our investigation.” Blackmer’s memo of the call, however, doesn’t reference Grand Jury proceedings and seems focused on trial testimony.

## 1977

- January, 1977 Blackmer reaches Garrison and, with his help, continued to try to determine “what materials were available and who had them.” For instance, it is in this same month that Blackmer began negotiations with Helen Dietrich about trial transcripts.
- July, 1977 Again according to his 2/16/78 memo, Blackmer says he talked with HSCA Counsel Jim Wolf about “the problems with the privacy laws of Louisiana with respect to the Grand Jury minutes.” Again, such a discussion assumes the existence of Grand Jury records, or at least the HSCA’s belief in their existence . Blackmer’s 2/16/78 memo says the HSCA’s Legal Unit prepared a memo on the LA privacy law problem in July of 1977. I never found such a memo when I looked for it in the HSCA database, but I did come across a later Library of Congress memo on the subject, cited below.

[It appears that, sometime around July of 1977, but before November of that same year, Blackmer handed off the Grand Jury records task to Jim Wolf, a subordinate HSCA counsel. Wolf initiates a series of contacts with the LA Attorney General’s office, possibly in an attempt to “back-door” Connick and enlist the state’s aid in persuading the DA to release the Grand Jury records.]

- 11/7/77 HSCA Counsel Jim Wolf calls Patrick Quinlan who is connected with the state Attorney General’s office in New Orleans, requesting access to Grand Jury minutes. Quinlan says he’ll get back to Wolf after speaking with Connick.
- 11/8/77 Garrison letter to Blackmer, referencing an earlier phone conversation, in which Garrison reconstructs a list of Grand Jury witnesses. Garrison suggests Blackmer get in touch with Connick for “specific records.” Garrison notes: “Grand Jury testimony here is automatically typed afterwards so that the complete transcript should readily be available to you.”

- 11/15/77 Quinlan may not have gotten back to Wolf, because on this date Wolf calls Quinlan. Quinlan indicates he spoke with Ralph Capitelli, 1st Asst. DA to Connick. Quinlan suggests to Wolf that Wolf should call Capitelli directly and gives Wolf Capitelli's phone number.
- 12/8/77 The American Law Division of the Congressional Research Service sends Wolf a 12-page memo, re: "Arguments in Support of the Proposition that a State is Obligated to Comply with a Congressional Subpoena Duces Tecum for Grand Jury Proceeding Transcripts Regardless of State Secrecy Statutes Pertaining to Such Records." Wolf had obviously requested the memo sometime previous to this.

## 1978

- 1/18/78 HSCA issues a subpoena to Connick, not for Grand Jury records, but for any Guy Banister records in the possession of the DA's office.
- 1/24/78 L.J. Hymel, Asst. Chief of Criminal Division, LA Dept. of Justice (and one-time Garrison employee), called HSCA Counsel Jim Wolf and, saying that LA Att. General Guste asked him to call, indicates that he is unsure how many Grand Jury records are still in existence, since LA state law does not require that they be kept. He promises to check into it.
- 1/26/78 Wolf follows up with a formal letter to Hymel which references previous phone conversations between Wolf and both Hymel and Guste and which requests the Dept.'s assistance in obtaining relevant Grand Jury records.
- 2/8/78 Hymel calls Wolf to say that he spoke with Garrison and that Grand Jury "minutes" do exist and are stored in the basement of NO Courthouse. Hymel promises to speak to Connick about accessing them.
- 2/13/78 Undocumented communications must have taken place, since Blackmer references in a memo of this date that "Jim Wolf has informed me that the Attorney General of Louisiana would like to give the HSCA access to this material, but that the present District Attorney of Orleans Parish, Mr. Harry Connick, has refused."
- 2/16/78 Wolf talks with Lt. Comstock in Connick's office. Comstock tells Wolf that the Shaw Grand Jury minutes had been destroyed "2 months ago." Comstock explained that the destruction covered all Grand Jury minutes 10 years or older and that the destruction was

authorized by Asst. DA Capitelli. When Wolf tells Comstock that L.J. Hymel told him (Wolf) that the Grand Jury minutes were in the Courthouse basement, Comstock says that Hymel probably hadn't been informed of their destruction. A Mrs. Thiel (Maureen B. Thiel) at the Courthouse is referenced on Wolf's Outside Contact Report (OCR) for this call. She was the Secretary of the Orleans Parish Grand Jury and was the reporter for the Shaw proceedings. It is this phone call between Comstock and Wolf which generates Jonathan Blackmer's memo of the same day, reconstructing his previous efforts to get to the bottom of the Grand Jury minutes mystery.

- 3/20/78 Martin J. Daly of HSCA meets with Connick in NO "concerning the prior request of the Committee towards obtaining a copy of the Grand Jury minutes pertaining to the indictment of Clay Shaw." According to Daly's OCR, Connick told Daly that "he was aware that members of the Committee (Wolf and Blackmer) were in contact with members of his staff concerning the minutes but did not know if they [the minutes, presumably, not the staff] were 'around'. He further stated that no matter what the actual location of the minutes he 'WOULD NOT' [emphasis in original OCR] authorize their release to the Committee even if he were held in contempt of Congress. He expounded that he was prohibited by State Law from releasing Grand Jury minutes as they are mandated Secret. If Congress could get the State Legislature to mitigate this law he would obey the law. Further he would cooperate with the Committee in any way that he could. He then volunteers that nothing put before the Grand Jury was used at the actual trial as all new evidence was introduced."
- 3/21/78 Martin J. Daly of HSCA interviews Police Officer Gary Raymond at the New Orleans District Attorney's office (NODA). Raymond relates that, after a discussion with Diane Poissenot concerning the need for more space in the Courthouse, he contacted Asst. DA Dennis Waldron who in turn cleared through 1st Asst. DA Capitelli permission to destroy old records. Accordingly, on 1/6/78, Officer Raymond and Diane Poissenot "physically packed up the old records into cartons and P.O. Raymond took the 'sensitive' records and actually took them to two different incinerators (St. Louis incinerator and the 6th Street incinerator) where he placed them in the ovens." That same day, Daly also interviewed Diane Poissenot. Poissenot was the Grand Jury Reporter during this period and, apparently, the request to destroy old records originated with her. She told Daly that the only stipulation to the permission she and Raymond secured to go ahead was that nothing dealing with Connick's tenure was to be destroyed. She stated that she was still in possession of a book entitled "Grand Jury Minutes, 1/60 to 12/30/69", which recorded who appeared before a grand jury during that period, and when. She told Daly that this book was "confidential" and would not show it to him. It is not clear from this OCR what records were actually destroyed.
- 4/11-14/78 Betsy Palmer and Patricia Orr of the HSCA visited New Orleans for the

purpose of reviewing Clay Shaw trial materials retained by Connick's office. They appear to have dealt with Lt. Comstock, who "indicated that some of the files were destroyed and he salvaged five file drawers of material which he intends to destroy when HSCA closes shop." Palmer's OCR of the visit indicates that she and Orr were not allowed to read Grand Jury minutes, but she was permitted to copy two cover sheets from the Grand Jury testimony of Harold Weisberg and William Gurvich (which are in the HSCA collection). The existence of the cover sheets obviously implies the existence of minutes/transcripts. It is not clear from this OCR what the HSCA ended up knowing or believing about the existence of Grand Jury transcripts. This is the last document I've come across on this topic.

1995

- 6/28/95 The Assassination Records Review Board held a public hearing in New Orleans at which DA Connick stated that "a lot of it [Shaw trial records] is missing and was taken before we took office. This is my understanding. Where that is, I don't know... I think that a lot of that material is probably in their [former Garrison staffers] custody. I think those files were rifled." Connick also claimed that his office had maintained the integrity of whatever files they inherited from Garrison's tenure: "...the materials that I have in my office and have had for 21 ½ years have been, I think, under fairly close control... most of that is intact...what we have has been fairly well untouched for 21 ½ years, until very recently." Connick described his inheritance from the Garrison era as "one file cabinet with five drawers in it." New Orleans City Archivist Wayne Everard, who testified after Connick, had had occasion to see these files on October 14, 1993. Everard verified that the Garrison 'collection' was housed "in a separate room -- locked room -- away from all the rest of the records." He also stated: "It seemed to me at the time that it was more than one file cabinet, but I didn't really have a lot of time to look at the records and just very brief impressions is all that I came away with." Subsequent to his testimony, Connick told reporter David Snyder of the *Times-Picayune* that his understanding was that four other file cabinets of documents had disappeared prior to his taking office ("JFK Files Are Missing, DA Says", *Times-Picayune*, June 29, 1995). In that same article, Louis Ivon (Garrison's Chief Investigator and also an investigator for Connick) claims that hundreds of tapes of interviews are missing, as well as a file cabinet full of David Ferrie material. Ivon told the reporter that he had last seen all these files shortly after the close of the trial in the basement of the Criminal Courts Building. All this testimony and related statements concern the Office of the DA's files generally, not Grand Jury proceedings per se. Other witnesses before the Review Board that day indicated that Garrison/Shaw records might also be obtained at the Federal Record Center in Fort Worth, through former Garrison staffers at the Court of Appeals Office, from researcher J. Gary Shaw (William Boxley's records) and from the New Orleans Parish Coroner's office (Ferrie autopsy).

- 7/11/95 In a subsequent *Times-Picayune* article (“DA Insisted JFK Witness Killed Self”, July 11, 1995), David Snyder cites Connick’s testimony before the ARRB but then adds: “In fact, those familiar with the office at that time say that a volume of Garrison’s investigation records was destroyed after Connick took over.” Snyder quotes Ralph Wallen, a Garrison assistant who stayed on with Connick for two years, as stating that he remembers Connick “destroying a bunch of Garrison stuff...Also included in there were some things that related directly to the Shaw case... Now, whether they inadvertently threw the investigative files out in the midst of that, I don’t know.” Connick responded in the article that he has no recollection of telling any assistants to destroy Shaw case records. He said he’d discussed the matter “recently” with former top assistants and “Neither has any recollection of any orders to anybody to ----- anything.” In a local television news piece (Channel 6) that evening, TV reporter Richard Angelico indicated that a former Connick staffer said Connick had ordered him to burn the Shaw Grand Jury records.
- 7/12/95 Connick calls a press conference to “clear up some of the misconceptions” regarding his office’s handling of the Shaw records. Connick claimed there were two sets of records he ordered destroyed: 1) scrapbooks of newsclippings, and 2) the Shaw Grand Jury records. A third category of material, which he described as Garrison’s “internal files,” were kept. These latter files (which includes the material already transferred to the City Archives, as well as the single five-drawer file cabinet Connick referenced before the ARRB in his testimony), Connick said, will be turned over to the Board. In defending his order to destroy the Grand Jury records, Connick stated that such records were, by law, secret and, moreover: “What’s my responsibility -- to put them in an iron box and adore them?” Clearly embarrassed over the Channel 6 piece, Connick issues subpoenas for Gary Raymond (the former investigator/police officer who was in charge of burning the Grand Jury records) and Richard Angelico of Channel 6 (as well as “others” not referenced in the *Times-Picayune* article of 7/13/95: “Two Subpoenaed in JFK File Case”). Connick claims Raymond, rather than carrying out his order, “took it upon himself to steal part of the files”, and that Angelico is “the recipient of stolen property.”

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File 4.21.5

4.0.2 Garrison Investigation