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SUBJECT: (Optional)

Case 49364 - Garrison Investigation

FROM:

Chief, St. Louis Office *AB*

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NO-60-69

DATE

25 February 1969

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1. Director, DCS
Attn.: OSS (Musulin)

3/3/69

SSJ

Attached are clippings from the
New Orleans States-Item dated
21, 24, and 25 Feb 69.

H.C.L.
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Shaw Trial Decision Is Awaited

TRUMAN IS HOSPITALIZED WITH STOMACH MALADY

Judge Eyes testimony of star Witness

Criminal District Judge Edward A. Haggerty Jr. due to decide this morning whether to proceed the trial of Clay L. Shaw.

The judge yesterday ordered transcripts of the testimony of the state's star witness, Perry Russo, to be read overnight so he can decide on a defense motion for a directed verdict of not guilty.

SHAW, 56, has been on trial since Jan. 21 on charges of conspiring to kill President Kennedy.

The state rested its case yesterday and chief defense counsel F. Irvin Dymond moved for a directed verdict which, if granted, would end the trial and set Shaw free. Dymond argued District At.

for proof of a conspiracy under state law.

RUSO TESTIFIED he attended a party at the apartment of David W. Ferrie here in September, 1963, and heard Ferrie, Shaw and Lee Harvey Oswald discussing the assassination of Kennedy. The president was shot to death in Dallas Nov. 22, 1963.

Arguing for the directed verdict, Dymond said:

"Perry Russo admitted from that witness stand that this was, in his own terminology, a bull session.

"He was asked, 'Did you hear Clay Shaw agree to do anything?' He said, 'no.' Without such agreement, the requirements of law cannot be met."

CHIEF prosecutor James L. Alcock argued that some of Judge Haggerty's rulings in the course of the trial already held the state had established the basis of a conspiracy case.

Alcock said Dymond's view of the alleged conspiracy meeting "seems to overlook the fact that one of the participants in this conversation was Lee Harvey Oswald," named by the Warren Commission as the assassin.

In his testimony, Russo said he knew Oswald as Leon Oswald, Ferrie's roommate. He said Shaw was introduced as Clem Bertrand. Shaw has denied knowing either man.

See TRIAL—Page 6

SHAW IS NOT 'BERTRAND,' ANDREWS TESTIFIES

Clay L. Shaw is not the man he knew as Clay Bertrand, New Orleans attorney Dean Adams Andrews Jr. testified today.

Andrews, the man who originally introduced the name of Bertrand into the Kennedy assassination case, was called as a defense witness today in

the Shaw trial.

Shaw, 55, is on trial before Criminal Court Judge Edward A. Hagerty Jr. on charges of conspiring to kill President John F. Kennedy, shot to death in Dallas Nov. 22, 1963.

ANDREWS 'OLD THE Warren Commission a mys-

terious "Clay Bertrand" called him the day after the assassination and asked him to come to Dallas and defend Lee Harvey Oswald, then under arrest.

Shaw was not the man who called him about Oswald, Andrews testified today.

In August, 1967, Andrews was convicted of perjury be-

cause of alleged conflicting testimony about the Bertrand affair. His case is still on appeal.

ANDREWS' CONVICTION came on the basis of his testimony before the Orleans Parish Grand Jury. District Attorney Jim Garrison accused him of changing his

story under oath.

Andrews has never publicly identified Shaw as Bertrand, but at one time he said, "I can't say he is and I can't say he ain't." Later, he said Shaw was not Bertrand and named a French Quarter bar owner as Bertrand. The bar owner denied it.

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DEAN A. ANDREWS JR.
Testifies at trial.

Shaw Not 'Bertrand,' Andrews Says

Continued from Front Page

In his Warren Commission testimony, which covered 14½ pages, Andrews told of seeing Bertrand with some "gay kids" and that Bertrand paid for their legal work. He also told of doing some legal work for Oswald.

ANDREWS FACES AN 18-month jail term on the perjury charge if his conviction is upheld.

Garrison has long contended Shaw and Bertrand are the same person. The state's star witness, Perry Raymond Russo, testified he was introduced to Shaw as "Clem Bertrand" at a party where Russo says Shaw, Oswald and David W. Ferrie discussed killing Kennedy.

Other state witnesses in the trial have testified that mail addressed to Bertrand was delivered to a mailing address used by Shaw and that Shaw signed the name Bertrand to a guest register at New Orleans International Airport.

EARLIER TODAY, Army pathologist Col. Pierre A. Finck continued his testimony on the controversial Kennedy autopsy report he helped prepare. His long cross-examination by assistant DA Alvin V. Oser ended this morning after the witness had spent about nine hours on the stand.

Oser, one of the assistants to whom Garrison has left most of the courtroom work, sought to discredit the autopsy's findings that Kennedy was shot from behind. Assistant DA James L. Alcock has acted as chief prosecutor in the trial.

Garrison contends Kennedy and Gov. John B. Connally of Texas were caught in a cross-fire in Dealey Plaza. The Warren Commission said Oswald was the lone gunman and all the shots were fired from the sixth-floor window of the Texas School Book Depository to the rear of the presidential motorcade.

This morning's session opened with Dr. Finck back on the stand, under cross-examination by Oser.

OSER QUOTED Dr. Finck's November, 1963, autopsy report as saying the Kennedy head wounds "are better appreciated in photographs and X-rays." He asked the colonel how he could better appreciate the fractures in photos

about Dr. Finck's Warren Commission testimony that a bullet could not have caused the injuries to Gov. Connally's wrist and emerged intact.

"I don't think that such a bullet which has lost such little weight could cause the fragments I could see in the X-ray of the wrist of Gov. Connally," the colonel said. He added, however, that he never examined the governor.

Dymond asked: "At the time you signed the report, were you satisfied as to the cause of the wounds, their direction and effect?"

"In my opinion this report fulfilled this mission," the witness said.

"Having performed the autopsy, what firm opinion did you reach?"

"It was my firm opinion that the wound of entry was at the back of the neck and the wound of exit in the front at the tracheotomy wound. The second wound was at the back of the head and the exit of this wound the right top side of the head. The head wound was the fatal wound—the cause of death."

"AS OF THIS date, doctor, is there anything that would change that opinion?"

"No, sir."

Oser then took the witness back on recross-examination. Dr. Finck testified that some of the X-ray photos of Kennedy did not come out.

The witness said he could not remember the details of being told not to dissect the area of Kennedy's throat.

Oser attempted again to determine who was giving orders at that point, but Dymond objected and was sustained. The witness was then excused and Andrews called to the stand.

The jury was excused while Alcock pointed out the witness has been convicted of perjury and his case is on appeal.

It was established that Andrews' attorney, Michael Barry, would be on hand to advise him and Judge Haggerty said the witness would not be forced to incriminate himself.

Alcock asked if he would be permitted to go into the subject matter on which Andrews was convicted, and Judge Haggerty agreed. The jury was called back.

Andrews testified that on Nov. 22, 1963, he was hospitalized in Hotel Dieu, and on

Oswald appeared a total of four or five times, at three-day intervals.

Later, Andrews said, he saw Oswald on the street handing out leaflets, still accompanied by the Mexican.

Andrews said he did not know if Oswald was a homosexual. He said to his knowledge, no one had sent Oswald to him.

Turning to the telephone call in Hotel Dieu, Alcock asked Andrews if he recognized the voice. Andrews said he recognized it from his legal practice.

Andrews said he was introduced to Clay Bertrand in the 1950s at a bar while a wedding reception was in progress in the back room. He said they were introduced by a Helen Girt, to whom Andrews referred as "Big Joe." He said he had defended the Girt woman on a narcotics charge.

Bertrand, he said, was not the man's real name but he refused to identify the person on grounds that it would interfere with his appeal in the perjury case.

"BERTRAND," ANDREWS SAID, referred clients to his office.

Explaining his conversation with Regis Kennedy, Andrews said he gave "Clay Bertrand" as a false name to protect the unidentified person who sent him clients.

Alcock asked him whether he told the Warren Commission that "Bertrand" called him at the hospital. Andrews said he didn't recall, and Alcock said he would have the entire 14½ pages of Andrews' Warren Commission testimony read into the record.

Judge Haggerty then recessed court for lunch.

Col. Finck was one of three military physicians who performed the autopsy on the president shortly after he was shot to death.

HOWEVER, THE Warren Commission never viewed the X-rays and photos taken at the autopsy, and this material has been sealed in the National Archives until 1971 at the request of the Kennedy family.

Col. Finck testified yesterday he didn't see them either, until January, 1967, when he made a supplemental report. He acknowledged that until then, the autopsy report may

when he never saw the photos until 1967.

The witness said the photos were turned over undeveloped to the Secret Service and agreed he didn't see them again for three years.

Oser then tried to determine who told Dr. Finck not to talk about the case. He said it was a uniformed admiral, whose name he recalled as Kinney.

QUESTIONS by Oser on the sequence of the shots that hit Kennedy were ruled out as hearsay.

Dymond then took over the witness on redirect examination, and asked him:

"Did anyone give an order as to the opinion you were to write?"

"No," he answered.

Dr. Finck said he would not have accepted such an order if it had been issued.

Certain X-rays, the witness said, were available at the time of the autopsy. These revealed no bullets were present in either the head or body, only fragments, he said.

The colonel said he was able to form a firm opinion as to the path of the bullet through Kennedy's back and chest without dissecting the body.

DYMOND THEN ASKED

from left Mrs. HELL Association of School ERAL FUNDS panel



TATES-ITEN

phone call.

"Was the call from a Mr. Clay Shaw?" Dymond asked.

"No," SAID ANDREWS.

"Did you ever receive any telephone calls from a Mr. Clay Shaw?"

"No."

Andrews testified he did not know Shaw and never heard of him until he saw his picture in the newspaper in connection with the Garrison investigation.

After the call, Andrews said, he telephoned his secretary to locate the file on Oswald, who "had been in my office about four or five times during early May or June."

Andrews said he called attorney Sam Monk Zelden and asked him if he would be interested in going to Dallas to represent Oswald.

The following Monday, Andrews said, he called FBI agent Regis Kennedy and told him about Oswald, and also told the Secret Service. The Secret Service, Andrews said, "didn't seem to be too interested."

When he talked to the FBI agent, Andrews said, he was under sedation.

Dymond asked:

"IN THE COURSE of your conversation with agent Kennedy did you ever use the name Clay Bertrand?"

"Yes," said Andrews.

"Is or was Clay L. Shaw the Clay Bertrand to whom you referred?"

"No, sir."

Asked if he knows who Bertrand is, Andrews said, "Yes, I believe I do."

He said he knew Ferrie "slightly" but never saw him with Shaw. He said he never saw Ferrie with Oswald, and never heard Oswald or Ferrie even mention Shaw. Nor did he ever hear Ferrie mention Oswald.

After less than 10 minutes of questioning by the defense, Andrews was turned over to the state for cross-examination.

Under questioning by Alcock, Andrews said he first met Oswald in late May of 1963 when Oswald came to his office four or five times, apparently accompanied by three men who appeared to be homosexuals and by some Latin-looking people. He said he did not know whether there was any connection between these people and Oswald.

HE SAID HE GAVE Oswald legal advice but received no pay. Later, Oswald returned to his office, always accompanied by a Mexican. This time, he charged \$25 a

not have been complete.

Though incomplete, Cal Finck said "As regards the wounds, what we signed on Nov. 24, 1963, is adequate."

Finck, who came to the United States as a young physician, has a Swiss accent and often spelled words he felt might not be clear. But he made it clear it was no ordinary autopsy.

"When you are suddenly called in to examine the president of the United States, who is dead, you do not look around the room and take notes on who is there," he replied when Oser asked him who attended the autopsy.

Lewis, a Negro, said he was one of the men who tried to restrain Oswald.

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family. (See story on Page 1.)

30TH DAY

Testimony Given In Shaw Trial

Court proceedings in the 30th day of the conspiracy trial of Clay L. Shaw:

The state continued to cross-examine Dr. Pierre Finck today, with assistant district attorney Alvin V. Oser doing the questioning.

Q—Colonel, I direct your attention to Page Four of the autopsy report of November, 1963, and to the fourth paragraph. It states that the complexity of fractures taxed satisfactory verbal descrip-

tion and are better appreciated in photographs and X-rays. I ask you how you could better appreciate the fractures in photographs when you never saw the photographs until 1967?

DEFENSE attorney F. Irvin Dymond objected to the question but was overruled.

A—Photographs are more accurate than description . . . the photographs were taken

Turn to Page 5-A, Column 1

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Court Testimony In Trial of Shaw

Continued from Front Page

but turned over undeveloped to the Secret Service. At the time the autopsy was performed, we did not know when they would be processed. The Secret Service took charge of them.

Q—You didn't see them until January of 1967?

A—This is correct.

Q—On the same page, Page four, I direct your attention to the passage which states . . . second wound, presumably of entry. Explain why, in the report, you say presumably of entry and you now state you are positive of entry?

A—Adm. Galloway told us to put that word presumably, but this does not change my opinion that this was the wound of entry.

Q—Was Adm. Galloway a pathologist. He was commander of the hospital.

Q—Give us the name of the general who instructed Cmdr. Humes not to talk about the autopsy report?

A—This was not a general, this was an admiral. This was in the autopsy room.

Q—What was his name?

A—There were several people in charge, as I recall. It was Adm. Kinney at that time, as I recall.

Q—What was the name of the general in charge of the autopsy?

A—There was no general in charge. Adm. Humes said "who is in charge here," and a general answered "I am." That doesn't mean he was in charge of the autopsy. He was in charge of the general operation.

Q—Which included your report?

A—No. I don't think so. At no time did any general say he would have anything to say about autopsy.

Q—Can you give me his name?

A—I don't remember.

Q—Were any other generals in uniform?

A—I remember a brigadier general, Adm. Galloway was in uniform. Adm. Kinney was in uniform.

USAR THEN questioned Flack about the sequence of shots that hit Kennedy and Flack said the first shot hit

Q—Did you have X-rays available?

A—We did.

Q—When were the X-rays taken and when were they made available to you?

A—When I arrived at Bethesda hospital, the X-rays had been taken of the head. After I found the wound at the back of the neck and no corresponding exit, I requested X-rays. My purpose was to see if there was a bullet in the body. An X-ray will reveal a bullet.

FINCK SAID he found no entire bullet in the cadaver, only fragments. Dymond then referred to drawings showing the entry of the two bullets into the body of the late president and asked Finck if the sketches "purport to be scale drawings?"

A—No.

Q—Under whose supervision were they prepared?

A—Under the direction of Dr. Humes . . . drawn at his direction. As far as I know Dr. Humes gave the results of our findings to a Navy enlisted man who made these drawings for the Warren Commission.

Q—In your opinion, doctor, was mutilation of the remains necessary to gather enough information to satisfy yourself as to the path of the bullet?

A—I don't know what it would have shown.

Q—Would you say it is necessary to mutilate to determine the path of the bullet?

A—I don't know.

Q—Did you form an opinion as to the path of the bullet?

A—The wound at the back of the neck had a regular edge — inverted which is characteristic of a wound of entry and exited through the tracheotomy.

Q—Is this a firm opinion without a dissection?

A—It is a firm opinion.

Q—Doctor, did you examine the wounds of Gov. Connally?

A—No, I never met Gov. Connally.

Q—Yesterday you were asked if you had testified before the Warren Commission that a fragmented bullet could not have gone through the wrist of Gov. Connally. Did you testify to that?

A—I testified before the

the President in the back of the neck and the second shot in the back of the head.

Oser asked Finck if he was aware that during the reconstruction of the assassination, "not one expert" was able to fire the required shots in the required time from the sixth floor window of the Dallas schoolbook depository.

F. Erv Dymond, chief defense counsel objected on grounds such knowledge would be hearsay and Judge Haggerty ruled out the question.

OSER THEN asked Finck if he had access to notes by the FBI and Dymond again objected this would also be hearsay evidence.

This time, he was overruled.

A—As I remember, I found out about the reconstruction and tests when I read the Warren Report when it was published in September, 1964.

Q—Colonel, in regard to the autopsy report of 1963, how much time did you spend on the report?

A—I cannot give an exact figure. I was called by Dr. Humes to Bethesda. I would say I spent several hours with Dr. Humes and Dr. Boswell before I signed it.

Q—Did you read over the final draft?

A—I did.

Q—Do you agree with everything in the autopsy report?

A—Essentially, I do. I read the report and discussed it several hours.

Q—Then why is Gov. Connally spelled C-O-N-N-A-L-L-Y and not C-O-N-N-A-L-L-Y?

DYMOND BROUGHT a roar of laughter from the gallery when he objected to the question on grounds that the witness "is not qualified as an expert in spelling."

Judge Haggerty then brought more laughter when he stated the meticulous Col. Finck "did a lot of spelling yesterday."

Dymond took over the questioning of the defense witness.

Q—Did anyone give an order as to the opinion you were to write?

A—No.

Q—Would you have accepted any order in writing the report?

A—No.

Q—In performing an autopsy, which is more important, viewing photographs or viewing the actual subject?

A—They supplement each other.

Q—In gathering information for arriving at a conclusion, which is more important, seeing photographs of the cadaver or seeing the cadaver itself?

A—The cadaver is the most important thing to see.

commission was not did not disintegrate before striking the wrist of Gov. Connally because there were too many fragments in the wrist to be caused by such a bullet. I don't think that such a bullet which has lost such little weight could cause the fragments I could see in the X-ray of the wrist of Gov. Connally.

Q—Did you have occasion to see Gov. Connally?

A—No. I may have had reports on his condition. I don't recall. I did see X-rays and photographs.

Q—Could a wound of entrance in a fleshy area be larger than the wound of exit?

A—It could be. It would be determined by the angle of the projectile.

Q—Does this apply to a skull wound? Could the wound of exit be smaller?

A—Most of the time when a bullet goes through a bone, through and through, the exit wound is larger. The reason is that the bullet disintegrates going through bone, causing fragments and a larger wound. In a fleshy area hit by a high velocity bullet, the skin stretches on the entrance of a bullet and retracts after. It often does this to some extent. It doesn't happen through bone. Skin is more elastic than bone. The position of the bullet in relation to the target will have an effect on the wound.

DYMOND THEN asked about the position of the wound in the back of Kennedy's head—whether it was four inches, or 100 mm, above the external occipital protuberance.

A—On being questioned yesterday by Mr. Oser, I referred to the measurements taken on an X-ray film.

Finck then explained that the size of an X-ray seldom corresponds with the exact size of the head, that the size of the X-ray is based on the distance of the X-ray tube from the subject. "The film is not to scale," he said.

Q—The measurements to which you refer in your autopsy report—are these measurements from the cadaver itself?

A—The location of the wound at the back of the shirt and the back of the head corresponds with the measurements on the cadaver.

Q—Now, doctor, referring to State's (Exhibit) 70, the head of the President, would the direction of the President's head, one side or the other, affect the angle?

(Turn to Page 4-B, Column 1)

Court Proceedings in Clay Shaw Conspiracy

(Continued from Page 5-A)

A—Yes, it would to some extent.

Q—Did you testify, doctor, that you did not examine the left half of the president's brain?

A—Yes, the brain was still in chemicals. The brain was examined after the autopsy was made and the final examination report was made in the supplemental report.

Q—Did Dr. Humes make the supplemental report?

A—He did.

FINCK REFERRED to the page in the report to the presidential commission as of Dec. 6, 1963, titled "Supplemental Report."

Q—Doctor, what was the purpose of the autopsy performed by you, by Dr. Humes and by Dr. Boswell?

A—To determine the nature of the wound and the cause of death.

Q—At the time you signed the report, were you satisfied as to the cause of the wounds, their direction and effect?

A—In my opinion, this report fulfilled this mission.

Q—Having performed the autopsy, what firm opinion did you reach?

A—It was my firm opinion that the wound of entry was at the back of the neck and the wound of exit in the front at the tracheotomy wound. The second wound was at the back of the head and the exit of this wound the right top side of the head. The head wound was the fatal wound—the cause of death.

—As of this date, doctor, is there anything that would change that opinion?

A—No, sir.

AT THIS point Dymond stopped direct questioning and then resumed cross-examination. He began questioning Finck as to the part of the autopsy report having to do with the exact location of the entrance wound at the back of the head at the external occipital protuberance.

This particular portion of the report, Finck said, contained measurements taken from the X-ray.

Q—Were the X-rays you viewed all of the X-rays that were taken of the president?

witness had already answered that question. The judge sustained the objection.

Q—At that time, is it not a fact, that you were puzzled by the lack of an exit wound?

A—Yes, it is.

Q—Did you say to Mr. Dymond that you weren't taking orders from anybody in the autopsy room?

DYMOND, AT this point, objected, claiming the witness was being misquoted.

Oser then told Judge Haggerty: "I asked whether he had answered Mr. Dymond he wasn't taking any orders during the autopsy."

Dymond interjected, "I asked the witness if he was taking orders on what his professional opinion should be."

Q—Were they ordered not to dissect?

A—There were no direct orders. There were several people in the room and a number of suggestions were made.

Q—Is it not a fact you were a lieutenant colonel in the Army and there were generals and admirals present in the room?

DYMOND OBJECTED on the grounds the witness had gone over this, but Oser contended he was merely attempting to determine who was giving orders during the autopsy. Judge Haggerty sustained Dymond's objection and Oser excused the witness.

The judge took a five-minute recess before calling the next witness.

Oser requested that two reports, signed by Finck, marked S-67 and S-71, be filed into evidence. The judge ordered the reports filed.

Dymond then asked for the next witness, Dean A. Andrews, a New Orleans attorney, who was seated outside the courtroom.

ANDREWS entered the courtroom wearing the usual dark glasses, a dark coat and dark tie. He took the oath and, after sitting down, removed his dark glasses and proceeded to administer some drops to his eyes.

At this point, Assistant District Attorney James L. Alcock requested permission to approach the bench. He was accompanied by Assistant District Attorney Andrew J. Sciambra. Dymond joined

Barry and said he declined to answer the question because of a client-attorney privilege and because of a charge presently pending.

Dymond started to ask another question, but the judge interrupted him and said he had not yet ruled on the witness' objections.

He sustained the objections and told Dymond to rephrase his question.

Q—Regarding this telephone call, was it a long distance call or a local call?

A—It was a local call.

Q—When did you receive the call?

A—I don't remember the time.

Q—Can you give the approximate date?

A—Yes, it was the day after the president was assassinated.

Q—Would that be Nov. 23?

A—It was a Saturday. If that was the date, then that is correct.

Q—Was the call from a Mr. Clay Shaw?

A—No.

Q—Did you ever receive any telephone calls from a Mr. Clay Shaw?

A—No.

Q—Do you know Mr. Clay Shaw?

A—No, I do not.

Q—Were you ever introduced to Mr. Clay Shaw?

A—No, I was not.

Q—When was the first time you saw Clay Shaw?

A—When I saw his picture in the newspaper in connection with the investigation.

Q—What did you do as a result of that telephone call?

A—As I recall, I called Mrs. Springer, my secretary, to see if she could locate a file on Lee Harvey Oswald. He had been into my office about four or five times during early May or June.

Q—After calling your office...

ANDREWS interrupted and said he did not call his office, but called his secretary at home.

Q—Very well... as a result of that call did you do anything else?

A—I believe my office investigator visited me.

Q—Were any other calls made by you?

A—On what day?

Q—On the day you received

with Lee Harvey Oswald?

No, sir.

Q—Did you ever hear Lee Harvey Oswald mention the name of Clay Shaw?

A—No, sir, I did not.

Q—Did you ever hear David Ferrie mention Lee Harvey Oswald or La Oswald?

A—No, sir.

THE DUNSE turned Andrews on for cross-examination for less than 10 minutes of questioning.

District Attorney Jim Garrison entered the courtroom shortly before Alcock began cross-examination. Garrison remained in the courtroom until the recess at 11:45 a. m., but did not take part in any of the questioning.

Under cross examination Alcock sought to destroy the credibility of the witness.

Q—When was the first time you saw Lee Harvey Oswald?

A—I would have to guess the spring or summer of 1963, around 4:35 or 5:30 in the afternoon.

Q—May or June?

A—I think it was the latter part of May when I first saw him. He visited my office four or five times.

Q—Was he accompanied by anyone?

A—I assumed he was; I didn't know.

Q—How did you assume this?

A—Three persons came in my office at one time. He was second and a Cuban type was third. I would call him a Mex.

Q—How long was Oswald in your office before the Mexican came in?

A—Both came in at about the same time.

Q—How large is your office?

A—I had a reception room which led into my office, my secretary's office and a small library.

Q—Were you talking with anyone at the time Oswald entered?

A—I would be guessing, but I'd say no. Three swishes came into my offices, I mean three people.

Q—What are swishes?

A—They just swished.

JUDGE HAGGERTY said, "I think we can cut the com-

Q—Did you see him any other time?

A—Four or five times, including the initial time.

Q—When was the next time?

A—The first of May, I mean the first week of May.

Q—Your office?

A—Yes.

Q—Where is it located?

A—In the Maison Blanche Building.

Q—Was anyone with him?

A—The Mexican, I never saw him unless he was in the presence of the Mexican.

Q—Was the subject of the conversation the same as on his first visit?

A—Yes.

Q—Were you acting as his attorney?

A—I thought I was when he came back. It was on a consultant basis.

ANDREWS WAS asked the subject of the conversation but the judge allowed him to elude the attorney-client exception again.

Q—Did you collect any fee?

A—No.

Q—Did you set a fee?

A—Twenty-five bucks.

Q—Do you remember what he (Oswald) wore the first time you saw him?

A—The first time, he wore black pants and a shirt. On his return trips, he wore a white shirt open at the collar, with cuffs and slacks.

Q—When was the next time you saw him?

A—I don't remember but he again came to my office. It was just before closing time... he stayed 10 to 20 minutes... the Latin type was with him.

Q—Did you ever leave with them?

A—No.

Q—So you don't know how they physically got there?

A—No.

ANDREWS SAID he saw Oswald next three or four days later in his office, but he never asked the companion his name. Oswald and the Mexican returned one more time days later, Andrews testified.

Q—Did you have occasion again to see Oswald?

A—Yes, I don't remember if it was four or five times. I have to start guessing. My best recollection is that the next occasion was on the

Q—What do you mean you believe you did?

A—I believe I did.

Q—How tall was the person you recognized on the phone?

A—I decline to answer that on two grounds. One, that it violates the attorney-client relationship; second, that it could, would, might tend to link me in a series of circumstances involved in a case now pending.

ALCOCK ASKED the jury be sent out of the courtroom so he could argue the point. Judge Haggerty sent the jury out of the court at 11:35 a. m.

Alcock argued that Andrews should have to answer on the grounds that he had previously made "vacillating" responses to the question of who had called him.

Judge Haggerty ruled Andrews could not be forced to reveal the height of the person who had called him on Nov. 23, but Alcock could proceed to attempt to reveal any contradictions in Andrews' testimony.

DURING THE legal hassle, Garrison sat quietly at the end of the prosecution table, not intervening in the dispute.

Q—Prior to the telephone conversation had you seen the party named Clay Bertrand?

A—Please rephrase the question and I will answer it.

Q—Do you know a person named Clay Bertrand?

A—I know a person, who in the 1950s was introduced to me as Clay Bertrand.

Q—What was the occasion when you were introduced to Clay Bertrand?

A—I walked into the Le Rendezvous Bar. There was a wedding reception in the back room and that is where I met him.

Q—By whom were you introduced to Clay Bertrand?

A—Big Joe. Wait—I respectfully decline to answer on the grounds that the answer would link me to a chain of circumstances involved in a pending case.

AFTER A BRIEF legal discussion, Alcock continued: Q—Big Joe, who's Big Joe?

A—She's a butcher.

Judge Haggerty: "Speak more clearly to the jury."

reached for a name. Being introduced to a man by the name of Clay Bertrand persuaded that, I used it as a cover name of the real person that called me.

JUDGE HAGGERTY then asked Andrews what he meant by "cover name."

A—Rather than use this man's name, your honor, I used a cover name.

Alcock asked: Q—Then you lied to the FBI?

A—I don't think so. I just misstated the right name and gave a cover name.

Q—You know at the time that the FBI was looking for this man by the name of Clay Bertrand, didn't you?

A—Vaguely, I recall Mr. Kennedy coming into the hospital. Whether they stayed in the hall or got out of the field didn't matter to me, so I decided to use this name.

Q—Did you reveal the real name at this time?

A—No. Nobody asked me his real name.

Judge Haggerty interpreted at this time: "I guess the word should be 'misstated'."

Q—Do you know how many interviews you had with the FBI after the phone call in the hospital?

A—No, I don't. I never received a phone call from Clay Bertrand while I was in the hospital.

Q—You testified before the Warren Commission, didn't you, to say that it was Clay Bertrand who called you at the hospital?

A—I don't recall. If you will get me the statement in the Warren Commission report, I can recall.

DYMOND OBJECTED and said that if Andrews was going to be questioned on the statement in the Warren Commission report, the statement ought to be offered in evidence.

Alcock said the testimony to the Warren Commission was quite lengthy and suggested the jury be allowed to go to lunch and that Andrews read the entire testimony during the lunch period. After the lunch period he could read the statement aloud for the benefit of the jury.

Alcock ruled the statement

Pathologist Grilling to Continue

No plea -
at 7:46 p.m.

Army Col. Pierre A. Finck was due for more grilling today by Assistant District Attorney Alvin V. Oser on his controversial autopsy report on President John F. Kennedy.

The Swiss-born colonel was called as a defense witness yesterday in the trial of Clay L. Shaw, but was held on the stand more than twice as long by the state. When court closed at 5:30, Oser was still not finished with him.

Shaw, 55, on trial in Criminal District Court, is charged with conspiring to kill Kennedy, but the trial is again in a phase where Shaw is a bystander as testimony centers around the Warren Commission Report on the assassination.

A DEFENSE SOURCE said the next witness will be Lt. Edward O'Donnell of the New Orleans Police Department, a lie detector expert.

Col. Finck was one of three military physicians who performed the autopsy on the president shortly after he was shot to death on Nov. 22, 1963.

The Warren Commission used this report in reaching its conclusion that Lee Harvey Oswald acted alone in killing Kennedy. DA Jim Garrison charges Shaw conspired with Oswald and David W. Ferrie here to assassinate JFK.

HOWEVER, THE commission never viewed the X-rays and photos taken at the autopsy, and this material has been sealed in the National Archives since 1971 at

See TRIAL - Page 1

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Triad

Continued from Page 1

the request of the Kennedy family.

Col. Finck testified yesterday he didn't see them either, until January, 1967, when he made a supplemental report. He acknowledged that until then, the autopsy report may not have been complete.

Though incomplete, Col. Finck said, "As regards the wounds, what we signed on Nov. 24, 1963, is adequate."

IN FIVE HOURS of cross-examination, Oser sought to discredit the autopsy's report that Kennedy was shot from behind. Garrison claims the president was caught in a crossfire.

Finck, who came to the United States as a young physician, has a Swiss accent and often spelled words he felt might not be clear. But he made it clear it was no ordinary autopsy.

"When you are suddenly called in to examine the president of the United States, who is dead, you do not look around the room and take notes on who is there," he replied when Oser asked him who attended the autopsy.

HE SAID THE crowded room at Bethesda Naval Hospital near Washington included an Army general, FBI agents and Secret Service men.

"Did you feel you had to obey orders from that Army general who said he was in charge?" asked Oser.

"Uh, no."

"Why not?"

"There were others, there were admirals. . . ."

"Admirals?"

"Yes, two admirals."

FINCK WAS DEFINITE in stating that all medical evidence showed the president was shot in the back of the neck and the back of the head —and that it didn't take a microscopic examination to know it.

During the questioning, Judge Edward A. Haggerty Jr. several times had to direct the witness to first answer "yes" or "no" to certain questions and then follow with an explanation if he desired.

Oser asked questions and there would be long pauses as Dr. Finck considered them. Then as he began his answer, Oser would ask the judge to direct the witness to answer yes or no first.

Here are some of the highlights of his testimony:

—The left side of the president's brain was never examined during the autopsy.

—The wounds in the back of Kennedy's neck and the back of his head were both entry wounds.

—Dr. Finck was told not to dissect the neck area of the president, but couldn't remember who told him not to.

—Asked if exhibit 399 (the bullet the Warren Commission said went all the way through Kennedy and Connally and emerged intact) could have damaged Connally's wrist as it did without being damaged, Dr. Finck replied "I don't know."

—Dr. Finck was told by the surgeon general of the Navy not to discuss the case without first coordinating with the attorney general, then Robert F. Kennedy, the late president's brother.

At one point, Dr. Finck took so long to answer a question Judge Haggerty looked at Oser and said, "Mr. Oser, are you still waiting for an answer?" This provoked laughter from the spectators.

JFK SHOT FROM BEHIND PATHOLOGIST SAYS



COL. PIERRE A. FINCK
Testifies about autopsy.

An Army pathologist testified at Clay Shaw's conspiracy trial today that President Kennedy was hit by just two bullets — both definitely fired from behind him — when he was assassinated.

"That is my honest professional opinion," said Col. Pierre A. Finck, when asked if anyone in government had tried to influence his findings.

COL. FINCK, a member of the three-man team which performed the autopsy, testified as a defense witness this morning in the trial of

Clay L. Shaw.

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill Kennedy, shot to death in Dallas Nov. 22, 1963.

Chief defense counsel F. Irvin Dymond said yesterday Col. Finck is the key rebuttal testimony to District Attorney

Jim Garrison's claim Kennedy was caught in a cross-fire.

A KEY POINT in Garrison's conspiracy theory is whether any of the shots hit Kennedy from the front. Garrison says at least one did. If true, this would destroy the Warren Commission's conclu-

sion that all the shots were fired from the sixth floor window of the Texas School Book Depository by Lee Harvey Oswald.

Garrison contends Shaw conspired here with Oswald and David W. Ferrie to kill Kennedy. The Warren Commission reported Oswald was the lone assassin.

Dr. Finck said both the wound in Kennedy's neck and the one in his head were caused by bullets fired from behind.

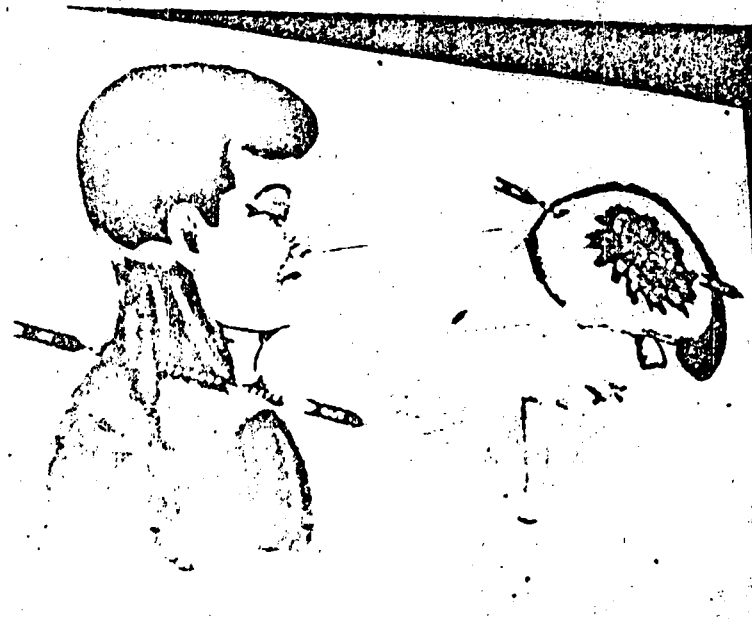
THE WARREN Commission used the autopsy report in reaching its conclusion. The records, photos and X-rays

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WARREN REPORT EXHIBITS USED AT SHAW TRIAL

NEW ORLEANS
STATES-ITEM

new wound suffered by Kennedy. He said: "I saw on the right side in the back of the neck of President Kennedy a small wound."

Dymond asked him to point out the position on fellow defense attorney William Wegmann, who removed his coat while Dr. Finck indicated the position with his finger.

Describing the wound itself, the colonel said the edges were pushed inward. He said, "I looked at it very closely and I have the opinion . . . that this was a wound of entry . . ."

DYMOND THEN asked the witness to describe the wound in the front of the President's neck. He said he found an opening "in keeping with the type of incision performed for a tracheotomy — a wound made by a surgeon."

He said it was a wound commonly made to let an unconscious patient breathe.

He said X-rays showed no bullets in the lower body, and only fragments in the head.

From his examination of the clothing worn by the president, Dr. Finck said, he concluded the throat wound was an exit wound of the bullet as well as a tracheotomy incision.

ON A DRAWING of a human body, Dr. Finck traced the course of the bullet from back to front. He said he could not establish the sequence of shots from watching the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder, but said the film was valuable in determining the president's position at the time he was hit.

Dymond asked: "Was this wound inflicted by a shot from the rear or front of the president?"

"It was definitely inflicted by a shot from the rear," Dr. Finck said.

Dymond then turned to the head wound.

THE WITNESS described with the aid of a model how head wounds are classified as entry or exit and explained the use of various medical terms.

Dr. Finck then described the wound in the back of Kennedy's head as an entry wound.

"in the case of a high-velocity projectile, there can never be a complete reconstruction of the wound of exit because

a definite opinion that both bullets struck in the back, one in the back of the neck and the other in the back of the head.

ASKED IF his opinion was affected in any way by government officials, Dr. Finck said:

"My opinion is an honest, professional opinion."

After a recess, the state began its cross-examination of the witness.

Under cross-examination by Assistant DA Alvin V. Oser, Dr. Finck testified that all three of the doctors making the autopsy report agreed on the findings.

Dr. Finck said he was told not to discuss the case "without coordinating with the attorney general of the United States," who at that time was Robert F. Kennedy.

AFTER A LEGAL wrangle which cropped up when both sides misunderstood one of the witness' answers, Dr. Finck said he did not see the photos of the body before writing the autopsy report.

He said the first time he saw the X-rays and photos was in January, 1967. He said he saw photos of the assassination in 1964 but these were from the Zapruder film.

He said photos of the body are "extremely useful" in making an autopsy report and it is normal practice to use them.

ASKED IF the Warren Commission ever viewed the photos, Dr. Finck said:

"When I appeared before the Warren Commission in March of 1964 the X-rays and photographs were not available to us in the preparation of our testimony."

Asked why, he said:

"I don't know. I understood it was the wish of Robert Kennedy."

OSER THEN produced a document he described as the autopsy report from Bethesda Naval Hospital, where Kennedy's body was sent. The witness said drawings on it were made by the two other pathologists who assisted him in the autopsy.

In response to a question from Oser, Dr. Finck said the hole in the back of the body on the drawing is lower and much larger than the one he indicated on Wegmann's back.

In a series of questions,

Shaw is expected to take the stand in his own defense. He testified briefly last week as a traverse witness.

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that the United terminated to partners. To underscore the depression, he said cause American-American directly would sit- lions of Western United States will- "Stow" on the b consultation and recognition that the successful negotia- on our unity. He went on: "I realize that it has not always been today, that in any ne directly affecting the of the NATO nation- will be full and gen- sulation before and those negotiations," Nixon said he k- allies had felt "that en the United States at its partners instead them, or merely it- them of decisions af- were made instead of ing with them before The United States

Prom MONDAY

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Hill by the White House

See DEBT—Page 7-A

29TH DAY

Court Testimony In Trial of Shaw

Court proceedings in the 29th day of the conspiracy trial of Clay L. Shaw follow:

Testimony opened with the defense qualifying Col. Pierre A. Finck, one of three doctors who performed the autopsy on the body of the late President John F. Kennedy, as an expert witness.

background, pausing from time to time to spell words that he thought might not be clear to the court or jury.

He was to do this often during his long testimony.

Dr. Finck was qualified by Judge Edward A. Haggerty Jr., in the areas of forensic medicine and pathology.

COL. FINCK went into a detailed explanation of his

IN ADDITION to formal
Turn to Page 7-B, Column 1

Court Proceedings in Clay Shaw Conspiracy Trial

Continued from Front Page

Finck testified that he has carried out experiments on missile wounds in Washington, D.C., and Edgewood Arsenal on wounds produced by bullets fired by rifles.

Chief Defense Counsel F. Irvin Dymond questioned the witness.

Q—Did you have an occasion to participate in the autopsy of the late President Kennedy?

A—Yes, I did.

Q—With whom did you make the autopsy?

A—The pathologist in charge was Dr. Humes. He called me at home to come to the naval hospital in Bethesda, Md. I found Dr. Humes and Dr. Boswell, who was chief of pathology in the hospital, there.

Q—Are you one of the co-authors of the pathology report on the president's death?

A—Yes, I am.

Q—Describe for the court and the jury the nature of the examination of the body wound examination of the body wound which had been inflicted on the president?

A—I would like to refer to my notes.

AFTER A PAUSE in which Dr. Finck looked at his notes, he began to testify but Assistant District Attorney Avlin V. Over objected to the use of notes, which had not been identified.

There was a discussion involving Dymond and Judge Haggerty, after which, Col. Finck was allowed to continue.

A—I saw on the right side in the back of the neck of President Kennedy a small wound.

Dymond interrupted the testimony and asked Finck to show the position of the wound on a human defense attorney William Wegmann.

Using a tape measure, Dr. Finck began to calculate the position of the hole on the back of Wegmann, who by then had removed his coat.

When he had found the position with his finger, Dymond brought a roar of laughter from the crowded courtroom by asking Dr. Finck to circle the point with a heavy marking pen.

WEGMANN TURNED to Dymond and gave him a look of annoyance and even

no bullets in the cadaver.

You need some information to know what might have occurred.

Q—Your X-rays that you took at that time showed no bullet in the head of the president?

A—The entire body was X-rayed. The head and the body had been X-rayed. When I arrived at Bethesda, the X-rays of the head showed only fragments of missile in the head.

Q—The location of the tracheotomy incision at the front of the president's neck was consistent medically with the wound entry in the front of the president's neck, wasn't it?

A—Yes.

Q—Was there anything inconsistent about this?

A—No.

Q—As an expert, doctor, can you say what was the exit point?

A—I have seen the shirt of President Kennedy.

Q—What did you observe?

A—In connection with the exit scene on the front of the shirt of President Kennedy there was a small wound approximately at the level of the button on the shirt.

At this point Dr. Finck reached with his finger and touched the first button below the collar on his own shirt and continued:

THE FIBERS at the edge of the hole showed blood. The fibers were turned outward, indicating an outward movement of the projectile. The exit hole is entirely compatible with the incision I saw at the time of the autopsy.

At this point Dymond picked up a photograph of a sketch and handed it to Dr. Finck.

Q—Is this photograph a likeness of a human body, doctor?

A—It is.

Q—Did you have this sketch at the time you performed the autopsy?

A—Yes. It was drawn by someone else, however. It was made by a Navy enlisted man and we used it when making our testimony before the Warren Commission. Dr. Hughes supervised the drawing.

AT THIS POINT the defense introduced the sketch in evidence. Dymond asked:

Q—Doctor, in your profes-

rule and measured from what he said was the high bone point of Wegmann's right shoulder in toward Wegmann's spinal column. He then measured down from the lobe of Wegmann's ear and told the jury that the bullet entered here at a point on the right side of the nape of the neck five inches down from the lobe of the ear consistent with the point of the right shoulder.

Dymond gave Finck a pen and he drew a round mark on the back of Wegmann's shirt about four inches below his collar.

Q—With respect to wounds in bony matters such as the skull, can you tell us if humping, cratering, fracturing or beveling are the same thing?

A—In describing wounds in which projectiles pass through structures such as bones, this is called fracturing.

Q—In connection with the autopsy which you conducted on President Kennedy did you have occasion to examine a head wound?

A—Yes, I did.

Q—Can you describe the extent and nature of the examination you made?

A—I saw in the back of the head of President Kennedy on the right side approximately one inch from the bone prominence you can all feel in the back of your head and called the external occipital protuberance. I saw a wound slightly above this protuberance.

Q—What was the approximate location of this wound?

A—It was a wound in the scalp on the right side approximately one inch to the right of that protuberance and slightly above it.

Q—Can you describe the nature of this head wound?

A—This would be one with slightly irregular edges in contrast to the first wound I described in the neck. I can explain the reasons for that.

The tissue underlying the skin of the back of the neck are soft tissues and a bullet which strikes here does not meet the resistance of a bone as would be the case for the scalp wound, which explains the difference in the character of the two wounds.

Corresponding to the scalp wound, there was a hole in the bone in the skull of Pres-

ident when examined from the outside than when examined from the inside. On the basis of such factors as that, the direction of a bullet path is determined.

Q—In addition to what you describe as the bullet hole of entrance, was there any other damage to the skull of President Kennedy?

A—There was a very large wound, irregular in shape, star-shaped, what we call stellate, approximately five inches in diameter, to be exact, 13 centimeters in diameter, showing the force of the object.

We received from Dallas portions of bone which had the same appearance as the general appearance of the remaining parts of the skull of President Kennedy.

One of these fragments could be matched inside the wound. I saw beveling as I described to you. The drifter, when viewed from the outside, identifies a pattern of exit from the inside.

In the case of a high-velocity projectile, there can never be a complete reconstruction of the wound of exit because of the explosive and shattering force of the wound of exit since the wound of exit normally is very irregular.

Often we don't have all the pieces of the bone. As I recall it, we received these fragments of skull bone during the autopsy sometime, about 11 p. m.

Q—When you say approximately 11 p. m., to what day are you referring?

A—On Nov. 22, 1963, the day of the assassination.

Q—Were there any fragments of the skull that would be incompatible with a determination that the bullet was fired from the rear?

A—There were none.

Q—Having examined the skull, do you have a definite opinion as to whether the projectile causing the damage entered from the back?

A—I have a definite opinion. We had the skull X-rayed. We found metallic fragments on the X-ray film of the head of the president and we found metallic fragments on the bone fragments furnished us.

I have a firm opinion that

was from above down. My opinion regarding the direction of the projectile is firm. I have no doubt that the bullet entered the back of the head.

Q—From a standpoint of a pathologist, would it be possible to render a pathological opinion by only having seen the Zapruder film and having conducted independent tests?

DR. FINCK testified the film was of great value in determining the sequence of shots and in showing the position and movement of the president's body, but he did not answer the question directly.

Q—At the time you performed the autopsy, had the Warren Commission been formed?

A—I don't think so.

Q—When did you form an opinion as to the direction of the projectile that hit President Kennedy and as to the number of wounds?

A—At the time I signed the autopsy report I had a firm opinion that both bullets struck in the back, one in the back of the neck and the other in the back of the head. When I signed the report, I did not know the sequence of the shots.

DYMOND THEN asked if the opinion was an honest professional opinion and if it was affected in any way by government officials.

A—My opinion is an honest professional opinion.

Cross-examination got under way about 11 a. m.

IN RESPONSE TO questions by Over, Finck said he was one of three authors of an autopsy report and said there was agreement by the three team members on the autopsy findings.

Q—In other words, doctor, it is correct to say you agreed as to the results and how it was done?

A—Yes. And how it should be reported.

Q—Did you conduct any experiments or research on the effect of a deep, penetrating wound of the brain or the skull?

A—I did not. However, I have carried out experiments to study the effects of a bul-

ent . . . law enforcement officials, military officials and the like.

Q—Doctor, you were one of the three pathologists, were you not?

A—Yes.

Q—Was that army general a pathologist?

A—No.

Q—Was he a doctor?

A—No, I don't believe.

Q—Can you give me his name, please?

A—No, I can't. I'm sorry but I don't remember.

Q—Do you have photographs with you of the X-rays taken of President Kennedy's body?

A—No, sir. They are not with me.

Q—What time did you arrive at the Bethesda Naval Hospital . . . was the autopsy already begun?

A—When I arrived, X-rays had been taken of the head. I arrived a short time after the beginning of the autopsy . . . I can't give you an exact time . . . approximately 8 o'clock that night. The brain had been removed. Dr. Humes told me he did not have too much difficulty in removing the brain. The wound was of such an extent, about five inches in diameter, it was not too difficult to remove the brain. There had been no removal of the wound at the back of the head prior to my arrival. I made positive identification of both wounds of entry. The first was the wound in the head; the second was the wound in the neck. You see, at that time, we did not know the sequence of shots. The Zapruder film determined this for us.

Q—How many other military personnel were present, doctor?

A—The room was quite crowded. I didn't stop to make notes of who was present. When you're called upon to examine wounds of the president of the United States, who is dead, you don't stop to see who is in the room . . . it was crowded. There were FBI agents, military officers and civilians.

Q—Did you feel you had to take orders from that Army general?

Q—In order to make a conclusion for an autopsy report are photographs and X-rays needed?

A—They are extremely useful.

Q—But is it normal practice?

A—It is normal practice to take X-rays and photographs of a victim.

Q—Do you know if these photographs and X-rays were ever displayed before the Warren Commission?

AT THIS POINT Dymond objected: "Your Honor, we've said time and time again that we're not trying the Warren Commission. This question is irrelevant."

Judge Haggerty replied: "This man appeared before the Warren Commission. I think he can answer what he knows about what he saw."

Finck then continued.

Q—Did the person who these drawings have the graphs and X-rays of the autopsy available to him, know of your own knowledge?

A—To my knowledge Navy enlisted men do have these available to us we did not have available to us in March.

Q—Am I correct in descriptive material exhibit was put there qualified pathologist?

DYMOND OBJECTED Dr. Finck did not know put in the material Haggerty instructed ask the question again.

Q—Can you tell us material on the desk sheet was put there by the pathologist?

Dymond objected at Judge Haggerty's objection.

Q—Did a description like the one with the accompanying the autopsy you signed?

A—I have here a the report.

Dr. Finck took moments to peruse the

A—I have photo of Vol. 16 of the Warren Commission Hearings. I through Page 262, are copies of the report I signed. As I is part of the exhibit

AT THIS POINT Over pointed out an exhibit pegged State 68 which he claimed was the autopsy report from the Bethesda (Md.) Naval Hospital where President Kennedy's body was sent.

Q—Do you recognize this drawing?

A—I recognize it, but I'm not the author of it.

Q—But it's similar to something you've seen before?

A—I recognize it. At the bottom is the autopsy number given at Bethesda for the autopsy performed on President Kennedy. The drawings may have been made by Drs. Humes and Boswell.

Q—Do you know what this report contains?

A—Yes, the things pathologists notice. You put down what you find upon inspection.

Q—Would you say the area of the hole in the back of the cadaver is lower and

did this was Ryberg, but is subject to verification

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A—On the skin of President Kennedy, I saw on the right side approximately five inches below the mastoid prominence (behind the ear) the wound. This wound is approximately five inches from the right . . . which is the upper extreme bony prominence of the shoulder and approximately two inches from the midline.

He then was asked to describe the wound itself.

A—The regular edges were pushed inward I saw a regular wound with regular edges pushed inward, what we call "inverted." This edge showed what we call "abrasion," usually seen when an object runs against something and goes through.

Q—Did you examine the wound?

A—I looked at it very closely and I have the opinion . . . that this was a wound of entry, which is a synonym for entrance.

Q—From the nature of the wound, what would you say had entered the president's neck?

A—It was a wound consistent with the type caused by a bullet.

Q—Was there anything you noticed that was incompatible or inconsistent with the wound made by a bullet?

A—No.

Q—Doctor, would you describe the wound found in the frontal neck region of the president?

A—At the time of the autopsy I saw in the front of the neck of President Kennedy a transverse incision made for the purpose in keeping with the type of incision performed for a tracheotomy — a wound made by a surgeon.

Q—Did you examine the wound made by the surgeon?

A—It was a wound routinely found on unconscious persons made to let the patient breathe.

Q—You did not see the exit bullet wound at that time?

A—The following day Dr. Hume called the surgeon in Dallas who performed the tracheotomy who could say what he had seen.

AT THIS POINT the state objected that this would be hearsay evidence and Dr. Fink explained: A—In performing an autopsy of this sort you had to have all of the facts when a wound was found in the back of the neck and none was found in the front and when X-rays showed

front of the jury with the drawing in his hand and explained:

A—This represents the right side of the head and upper chest of President Kennedy. The arrows you see behind his neck indicate that the projectile entered at the back of the neck. The arrow you see in front of the neck of the drawing indicates the projectile came out in front of the neck. You will notice that the position of the head is along a vertical line as compared to a horizontal line.

You will notice that the line of entry of the wound at the back is in relation to the wound of exit in the front of the neck and in relation to a horizontal line. Notice that the entry on the back of neck is higher than the exit in the front of the neck.

Q—Now I ask you whether the sketch purports to represent the actual vertical position of the head of the president or an arbitrary line? Could the president have been leaning farther forward or does the sketch represent the true position of the president's head?

A—As regards the position at the time of wounding, the Zapruder film shows that the president was sitting in the presidential limousine in a straight-up position looking in a generally forward direction.

Q—From your examination of the Zapruder film, could you determine that the president was hit by the first bullet?

A—The great value of the film to us was to establish the position of the president and also the sequence of shots. I remind you, at the time of the autopsy, we could not determine the sequence of shots. Seldom can you do this by looking at wounds. You can determine the relative direction. But the sequence of the missiles was determined by the film.

Q—Was this wound inflicted by a shot from the rear or the front of the president?

A—It was definitely inflicted by a shot from the rear.

The drawing was then passed around to the jury.

During Fink's explanation to the jury of the exact entry point of the bullet into the President's neck, defense attorney Wegmann stood about 10 feet in front of the jury with his back to the jury box.

DR. FINK took out a small

I saw a hole but no crater around it.

When I looked at it from the inside of the skull I saw a definite crater. This is a certain factor to identify positively the direction of a projectile going through a flat bone, such as going through "the skull."

I have seen a number of such craters in wood and glass. Police use this method all the time to determine the entry of a bullet.

Q—Now, doctor, I show you an exhibit marked D, a sketch. Could you tell us what it represents?

A—It is the letter-sized black and white drawing entitled, "A perforating missile wound of the skull." It shows a scheme prepared at my direction at the Armed Forces Institute of Pathology and based on factors just described.

Q—Can you tell us if this was prepared before or after the assassination of President Kennedy?

A—It was prepared before the assassination to demonstrate patterns of through and through wounds for teaching purposes.

AT THIS POINT Dymond introduced the drawing as evidence. It was introduced without objection.

Q—What do you mean by honing and catering?

A—At this point the witness stood up and showed the picture to the jury with this explanation:

This scheme represents the fault of the skull in white. The cavity, that is the cranial cavity, labeled B, is in black. The letter C is a wound of entry and D is a wound of exit. In considering such through and through wounds, it must be realized that in a wound of entry and exit there may be fragments left by a projectile, but the bullet is not still left there.

You will notice at the level of C, when you examine the wound from the outside, the hole is smaller than the one observed from the one inside. In other words, diameter outside is smaller than the inside diameter of C.

You can see a crater or cone from the inside. This is what we mean by tractoring, coning, shelving or beveling. When a projectile goes through a bony structure it produces a wound of exit.

Here, again, looking at the wound, we see a larger di-

Q—As a result of your examination of the head of the late President Kennedy, what opinion, if any opinion, do you have as to what direction the bullet came from?

A—The bullet definitely struck in the back of the head, disintegrating, which is often the case when a bullet of high velocity goes through bone, producing numerous (bullet) fragments which we saw on the X-ray film and were found by us. We found many fragments.

Q—Did you detect other wounds on the body of the late president?

A—I did not—no other bullet wounds.

DYMOND THEN showed a sketch of Kennedy's head to Col. Finck and asked him if he drew the sketch.

A—No, it was drawn by someone else.

Q—I now ask you does it depict the path of the bullet into and out of the head of the president?

A—It does.

Dymond then asked Dr. Finck to explain the sketch to the jury.

A—This is a reproduction labeled D-29 representing the right side of the head and the right shoulder and the upper chest of President Kennedy. For demonstration purposes, the drawing shows the wounds in a general way. Arrows indicate the direction of the missile. The arrow at the back of the head has the word "In" and the arrow at the right side, at the level of the head is labeled "Out." See the small entry wound at the back of the head and the much larger wound of exit, irregular on the right side of the head. This indicates the general direction the bullet struck the back of the head coming out on the right side. The general direction of this missile path is from the rear to the front, going downwards.

DR. FINCK then went back to the witness stand and Dymond resumed his questioning.

Q—In view of the small size—the small size of the hole in the President's head and relative large size of the exit, was it possible to determine the angle with which the bullet struck the head?

A—Not with precision . . . the projectile entered in the back and came out on the right side and the direction

of the same consistency of soft tissue. I was quite interested in studying both.

OSER ASKED him if he told the Warren Commission that he had not conducted experiments prior to the autopsy on missiles penetrating the brain and the skull.

A—That is correct. I have carried out these experiments after the Warren Commission report.

Q—When did you carry out these experiments?

A—December of 1965, January of 1966.

HE SAID HE conducted research with rifle bullets and said the experiments had no connection with President Kennedy's death. He said other experiments were made in the FBI laboratory and that they were not connected with the assassination.

Oser asked if at the time the autopsy report was made, was it based on observations made at that time.

He answered in the affirmative and added that it also was based on information received the following day concerning the frontal neck wound which was extended to make a surgical incision.

Q—When did you contact the doctors at the Parkland Memorial Hospital in Dallas?

A—I did not. Dr. Hume did.

Q—Do you know when?

A—I believe it was the morning following the autopsy report, a Saturday morning, the 23rd of November, 1963.

Q—Why the delay in contacting the doctors who performed the operation?

A—I can't explain that. Dr. Hume told me he had called the doctors.

THE WITNESS said he was interested in the wound because he saw an entry wound in the back of the neck and none in front, and he had strong reason to inquire if there was another wound.

Q—It puzzled you at that time?

OSER ASKED why the colonel did not call the doctors at the hospital.

A—I would like to remind you I was not in charge of this autopsy. I was called in as a consultant to examine the wounds and that doesn't mean I was running the show. Dr. Hume asked who was in charge and I recall some general said "I am." I don't recall this general's name. There were many people pres-

He said he recalls that Adm. Kinney, the surgeon general of the Navy, seemed to be the ranking officer.

Q—You were told not to discuss the case?

A—Yes, I was told not to discuss without coordinating with the attorney general of the United States.

Q—Can you tell me how the President's body got from the scene of the homicide in Dallas, Tex., to Washington, D. C.?

DYMOND OBJECTED, saying the question was irrelevant. The judge said he understood the question to mean how was the body protected on the flight from Dallas.

Oser did not rephrase the question, but asked Finck how many photographs were taken.

Finck said some were taken in his presence, and added that he was unsure of the exact number.

Q—Prior to writing your autopsy report, did you have occasion to view these photos?

A—Yes, I did.

OSER SHOWED Finck a copy of a report dated Jan. 20, 1967. Oser said it was signed by the doctor.

Q—On the first page, fifth paragraph, it says in effect, Dr. Finck first saw the photographs on Jan. 20, 1967.

A—I did not say I had seen the photographs prior to writing the autopsy report in 1963.

THE DOCTOR, when the court stenographer read back the question and answer, said he must have misunderstood the question. He said he meant to say that he had not seen the photos prior to writing the 1963 report.

Q—Dr. Finck, didn't you testify that the X-rays and photographs taken during the autopsy were used in making your autopsy report.

A—No, I must have misunderstood the question. The first time I saw the X-rays and photographs taken was in January of 1967.

Q—Isn't it because I pointed out to you in your report, that you changed your testimony and said the court stenographer must have misunderstood?

A—I think so. I wish to emphasize that the first time I saw these photographs was in January of 1967. In 1964 I saw photographs but these were not of the autopsy but from the Zapruder film.

you stepped down, I then remembered the diagram on Wegmann's shirt. I would say it (the hole drawn on Wegmann) is higher than the one on the drawing.

Q—Colonel, can you tell us whether the ink dot on Mr. Wegmann's shirt is over the same area of his skin as the spot where you found the wound on President Kennedy's skin?

A—I would say this. In relation to the drawing, the mark on Mr. Wegmann's shirt is higher than the mark on the drawing.

Q—You don't understand the question. If you carried the mark on the shirt and put it on the skin, is it the same as the mark you saw on the autopsy?

A—But the shirt is moving.

Q—It is approximately the same?

A—It is approximately the same.

Q—Is Mr. Wegmann the same height as President Kennedy?

A—I believe President Kennedy was taller.

Q—Isn't it a fact, doctor, that you measured from the mastoid bone down?

A—I measured a certain distance from the mastoid down and the measurement was 14 centimeters, as I recall. Yes. Fourteen centimeters from the right mastoid process, which is approximately 5 1/2 inches.

Q—Now, recall that you placed a dot on Mr. Wegmann, who was standing erect. If he moved his head to the left or right, does this affect the distance from the mastoid bone?

A—The movement of the head could have changed slightly the distance from the mastoid to the neck.

OSER THEN brought out a photographic blowup of President Kennedy's head and a blow-up drawing of the path of the bullet through the president's skull.

He ruled these were the same drawings presented to the Warren Commission by the team conducting the autopsy.

Q—Can you tell us who made these drawings?

A—As far as I know, they were made at the time we testified before the Warren Commission in March 1964. They were made under the direction of Dr. Hume at Bethesda Hospital in a short period—two days, as I recall.

As I recall, the name of the Navy enlisted man who

MARINA COUNTERS RUSSO TRIAL TESTIMONY

The widow of accused presidential assassin Lee Harvey Oswald today contradicted testimony by the star witness in the trial of Clay L. Shaw. Mrs. Marina Oswald Porter of Richardson, took the stand as the first defense witness in the trial of Shaw, 35, charged with conspiring to assassinate President John F. Kennedy.

CRIMINAL DISTRICT JUDGE Edward A. Haggerty, by turning down a defense motion for a directed verdict of acquittal for Shaw. Had he granted it, the trial would have ended and Shaw would have gone free. District Attorney Jim Garrison charges Shaw plotted assassination here with Oswald and David W. Ferrie. Raymond Russo testified for the state he heard discussing the assassination here in September, in a party in Ferrie's apartment. These are the high points of Marina's testimony: during their entire stay in New Orleans, Oswald

spent only one night away from home and he spent that in jail. Russo testified Oswald was Ferrie's roommate.

—OSWALD NEVER WORE A BEARD. Russo said Oswald was bearded, and failed to identify a picture of him until a beard was drawn on it.

—Marina never heard of Shaw, Clay Bertrand, Ferrie, Russo, Dean Andrews or a number of other persons connected with the Garrison case.

—Oswald ordinarily dressed neatly, in clean clothes, and wore short hair. Russo had described him as dirty, long-haired and unkempt.

—A LIGHT-COLORED STATION wagon belonging to Mrs. Ruth Paine was parked outside the Paine household in Irving, Texas, at the time of the assassination. Two state witnesses testified to seeing persons flee the Texas School Book Depository in a light-colored station wagon.

—Oswald never discussed any certain rods with her. A

state witness testified Oswald told him he was going to the Paine household the night before the assassination to pick up some curtain rods his wife had bought him.

Marina was questioned by chief defense counsel F. Irvin Dymond, then on cross examination by chief prosecutor James L. Alcock.

Dymond moved for the directed verdict yesterday after the state rested its case.

ALSO TODAY, THE DEFENSE subpoenaed three more witnesses. They are Sam Ferderson, 2144 Deslonde; Arthur Q. Davis, 325 Canal, and Preston Smith of the Post Office.

Marina has consistently supported the Warren Commission's view that her late husband was the lone assassin. She testified at length before the commission.

After Judge Haggerty turned down the motion for a directed verdict, the jury was brought back into the court-

(Turn to Page 18, Column 1)



MRS. MARINA OSWALD PORTER is accompanied by her husband, KENNETH JESS PORTER, as she arrives to testify at the Clay L. Shaw conspiracy trial.

6 Policemen Hurt in D.C. Shootout

WASHINGTON (AP)—A shootout between police and a man barricaded in a northwest Washington home left three civilians dead, three policemen wounded by shotgun blasts and three other officers injured today.

Police said the man, who opened fire on two officers as they responded to an emergency call, shot himself to death after tear gas shells set fire to the three-story home in a middle-class neighborhood.

Two women, one believed by neighbors to be a maid, also were killed. One died in the house, the other staggered outside and fell dead on a sidewalk.

THE THREE POLICEMEN WERE REPORTED to be

Capt. John Reynolds, 48, next on the scene, also was hit in the face with a shotgun blast as he attempted to spot the gunman from an adjoining house.

In addition, Capt. Charles Monroe was injured badly when he jumped from the burning building following the shooting. The house caught fire after police fired tear gas grenades inside.

Two other officers were being treated for either smoke inhalation or the effects of tear gas.

THE MORNING SIEGE OF THE HOME began about 8:30 when a neighbor reported hearing shots next door.

SPORTS-MARKETS
FUNDAL
NEWS BULLETINS

Householder and Bennett were struck by a shotgun blast as they emerged from their car.

See SHOOT—Page 7

NEW ORLEANS STATES-ITEM

VOL 92—NO. 220

FRIDAY, FEBRUARY 21, 1969

PRICE 10¢

Eight Words, Marina Top Trial Drama

By JACK DEMPSEY

Eight words and the Russian widow of an accused assassin gave the conspiracy trial of Clay L. Shaw its most dramatic moments today.

Those eight words — "The motion for a directed verdict is denied" — triggered the long trial's first outburst from the crowded courtroom of newsmen and spectators.

A short burst of applause from spectators and a few audible "yeas" greeted the announcement from Judge Edward A. Haggerty Jr. that Shaw's trial would continue.

REPORTERS dashed from the courtroom to report the news. Others remained to watch the reaction from the principals in the trial. They got no surprises.

Shaw, who had been in the process of either taking papers out or putting them into a briefcase, stood up and looked toward the rear of the courtroom. His lawyers simply shook their heads as if they had expected the judge's ruling.

"I am still confident I will be vindicated," Shaw told newsmen after walking to the rail separating the spectators from the court area.

HE MANAGED a weak smile.

District Attorney Jim Garrison wasn't even in the courtroom when the announcement was read.

He had been in the judge's chambers where he evidently got the word, then left the courtroom, totally expressionless.

"WHAT'S your reaction?" he was asked as he walked down the hall of the Criminal Courts building.

"I have no reaction," he replied. "I have no nervous system anymore." Then he was gone, reportedly to con-

fer with Gov. John J. McKeithen, who was in New Orleans for a meeting today.

Most of the newsmen who have been covering the trial expected the ruling. The ap-

See REACTION—Page 7

Shaw Trial Testimony

Court proceedings in the 27th day of the conspiracy trial of Clay L. Shaw follow: Testimony today began with Mrs. Marina Oswald Porter on the stand, after Judge Edward A. Haggerty turned down a motion for a directed verdict and briefly recessed the court.

When court reconvened Judge Haggerty said, "I don't know whether you wish to reserve a bill (bill of exception to his ruling) but you should do so with the jury in the courtroom."

CHIEF DEFENSE counsel F. Irvin Dymond told the judge, "The defense would like to lodge a formal objection to the decision overruling the motion for a directed verdict."

The jury was then brought into the courtroom and Haggerty asked the defense to state its motion.

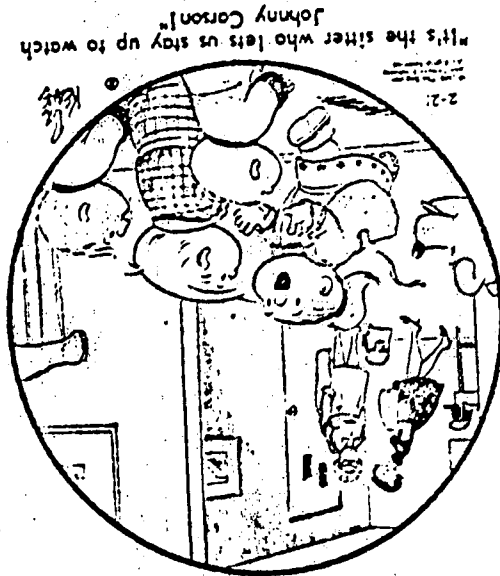
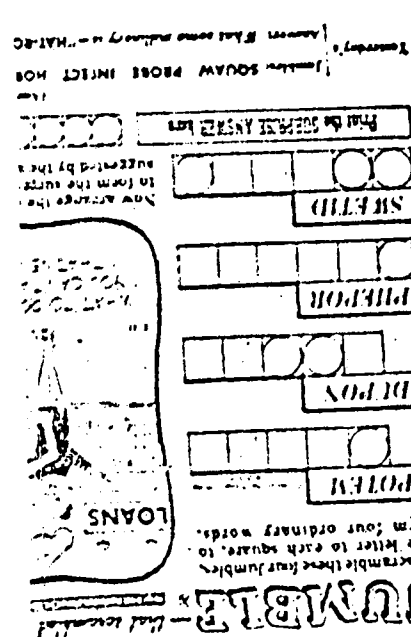
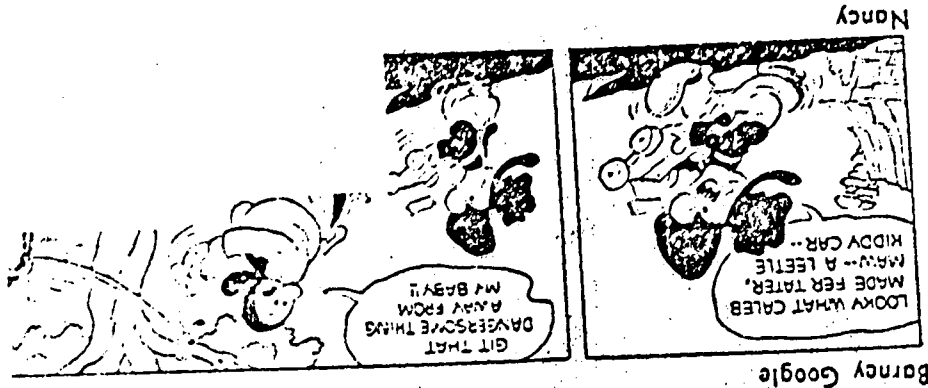
"At this time in the presence of the jury we would like to reserve a bill of exception to the ruling," said Dymond.

Dymond then began the defense testimony, saying, "Please call Mrs. Porter."

Mrs. Porter identified herself as the widow of Lee Harvey Oswald and stated that she now lives in Richardson, Tex.

Q—Do you have any children by Lee Harvey Oswald?

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By Bil Keane

THE FAMILY CIRCUS

NEW ORLEANS STATES-ITEM

FEBRUARY 21, 1969

Marina Denies Oswald Lived with Ferrie

Continued from Front Page

room and Dymond lodged a formal objection to the judge's action.

THEN THE DEFENSE called Mrs. Porter, who identified herself as Oswald's widow. She said she now lives in Richardson, Tex., with her new husband, her two daughters by Oswald and a child born after her remarriage.

She said she and Oswald moved to New Orleans from Dallas in May, 1963. She said Oswald came first and found them a place to live on Magazine st. She could not recall the landlord's name.

Oswald, Marina said, was employed by the Rely Coffee Co. and went back and forth to work on the bus. She said she never saw Oswald drive an automobile.

"DID YOU ever know him to wear a beard?" Dymond asked.

"No, sir," said Marina.

Oswald never wore long hair, Marina said. Asked if he kept it combed, she said "There wasn't much to comb."

DYMOND THEN asked Marina if Oswald ever went to Clinton, La. "Not that I know of," she replied.

The state introduced a series of witnesses placing Oswald with Shaw and Ferrie in Clinton in the late summer of 1963.

The witness said Oswald left New Orleans about a week or 10 days after she did and she next saw him at the home of Mrs. Ruth Paine in Irving, Texas. (She did not date this event today, but the Warren Commission said Oswald left New Orleans on Sept. 25, 1963.)

After Oswald lost his coffee company job, Marina said, he "stayed around the house most of the time. Sometimes he would go to the library or to look for a job."

He spent his nights at home, she said.

Asked if Oswald had many friends, she said "just his relatives." She said the only trip the family took while here was to Alabama.

DYMOND THEN REELED off a list of names of persons who have been connected to the Garrison case in one way or another. Marina said she did not know any of them. The names are:

Clay Shaw, Clay Bertrand, Clem Bertrand, David Ferrie, Sandra Moffett, Miles Peterson, Layton Martens, Alvin Beauboeuf, Melvin Colley, Al Landry, James Lewallen and Perry Raymond Russo.

She said to her knowledge, her husband never knew any of these people. In the case of Ferrie, she was shown three photos. She said none of them looked familiar.

ASKED IF OSWALD USED any aliases, she said he once signed some papers in the name of Hidell. (The Warren Commission said Oswald used this name in ordering the rifle used to kill Kennedy.)

Marina said her husband owned a rifle while here and Dymond called for one which has been introduced into evidence. While waiting for it, he asked Marina about Oswald's political views. She said:

"He did not talk about politics in the presence of me."

Asked if he made any speeches, she said:

"HE MADE SOME kind of a speech when he visited some kind of a Catholic seminary here. I didn't attend. And then he had some kind of an interview on a radio here in New Orleans. I didn't know if it was political because at that time I didn't speak English."

When her husband got to Dallas, Marina said he told her he had been to Mexico. At this point, the rifle arrived and Dymond asked her if she were familiar with it.

"NO, I'M NOT AN expert on rifles," she said.

She said she has seen Oswald cleaning the gun or sit-

Then he told me he had lost his job and he started looking for another," she said.

Alcock asked her if during that time Oswald continued to leave the house during the same hours as if he were working. She said he did. She said he rarely told her anything he did.

MARINA SAID SHE KNEW her husband was handing out leaflets. She said he was "quite excited" about them.

"I take it he wasn't home during the day when he was pretending to work," Alcock said. Marina agreed.

"Do you know what he was doing when he pretended to work," he asked. "No," said Marina.

"But he wasn't home was he?" Marina agreed he wasn't.

ASKED IF SHE CONSIDERS Oswald a Communist, Marina replied, "No sir."

She said she doesn't remember if any FBI agents went to the apartment to see Oswald in New Orleans.

Marina testified Oswald told her he shot at Gen. Edwin A. Walker. She said she didn't know when this was and didn't report it to anyone before the Kennedy assassination.

One day, she said, a man came to the door of the apartment on Magazine and talked to Oswald. She said she did not see the man, but "Lee came back inside and said it was probably some FBI agent or maybe a reporter. The man didn't stay long."

"DID THE FBI USUALLY CHECK on him?" Alcock asked.

"Yes," said Marina.

Alcock asked if Oswald ever saw an attorney in New Orleans about his discharge from the service and she said she didn't remember. (New Orleans attorney Dean A. Andrews Jr. told the Warren Commission Oswald consulted him about his Marine Corps discharge. Marina said today she never heard of Andrews.)

"Did you tell the Warren Commission you lied to the FBI about Oswald's trip to Mexico?" Alcock asked.

"I DIDN'T LIE. I just didn't tell them he went," said Marina.

She said she appeared before the Warren Commission three or four times. "Do you recall admitting you lied to the Warren Commission?" Alcock asked.

"No, sir, I don't remember that at all. I just told them everything I know," she said.

Alcock then read a statement, apparently from Marina's testimony in the Warren Report, in which she said she did not like the FBI agents and lied to them about Oswald's trip to Mexico.

DYMOND OBJECTED AND SAID her entire testimony before the commission should be admitted "because Mr. Alcock has opened the door." Judge Haggerty overruled him, saying he did not know what inadmissible material was allowed by the commission.

Marina said: "Most of these questions were put to me by the FBI and I did not like them very well. When I give testimony I don't lie. I didn't lie to the Warren Commission."

On redirect, Marina said she does not know what Oswald planned to do about her if he had been successful in his plan to reach Cuba.

Marina was then excused as a witness and court recessed for lunch.

Judge Haggerty studied transcripts of the testimony of Russo overnight in order to make his decision on the directed verdict motion.

Garrison said of the decision:

"I have no reaction. I have an ab-

Oswald, Ferrie's roommate. He said Shaw was introduced as Clem Bertrand. Shaw has denied knowing either man and denied he ever used such an alias.

ling with it on the porch. She said she later saw the rifle at Ruth Paine's house.

Dymond asked Marina if she ever knew Oswald to have any large sums of money. She said no. Asked what is the most money he ever gave her, she said: "A dollar."

SHE TESTIFIED THEY left New Orleans owing two weeks' rent.

At the time of the assassination, Marina said she was living with Mrs. Paine in Irving when the president was killed. She said Mrs. Paine's station wagon was parked at the house at the time of the assassination.

Marina testified her husband lived in Dallas and visited the family in Irving on weekends. She said she never saw his apartment in Dallas.

After a brief recess, Dymond walked directly behind Shaw and asked Marina:

"Mrs. Porter, have you ever seen this man, Mr. Shaw, before?"

"No, today was the first time I ever saw that man," she said.

SHE SAID THE OSWALDS never received any mail at Magazine st. addressed to Shaw or with Shaw's return address on it. She said they received no letters or phone calls from Shaw.

Alcock then began cross-examining the witness. She said Oswald came to see her the night before the assassination, a Thursday night. This was unusual, she said, because he normally only came on weekends. She said he did not go out that night.

Marina said Oswald never mentioned any curtain rods to her. A state witness, Buell W. Frazier, testified Oswald told him the purpose of that particular trip to Irving was to pick up curtain rods his wife had bought for his apartment.

SHE SAID OSWALD KEPT his rifle in the Paine garage. She said she saw him go into the garage that night, but did not see him bring anything out.

She said that after the assassination, police came to the house and looked for the rifle, but didn't find it.

Marina said she spoke to Oswald in the Dallas police station once after the slaying. Oswald's mother was also present, she said.

Alcock asked her what Oswald told her. She said:

"HE TOLD ME NOT TO worry. He told me everything would be all right."

"Did he admit to you that he had shot President Kennedy?" Alcock asked.

"No, sir, I didn't ask him about that," she said.

Marina said Oswald did not ask her to get him an attorney. She never saw him again.

Marina testified she was questioned by the FBI and Secret Service. Alcock asked her if she ever was told by the FBI she would have to cooperate in order to stay in the country. Dymond objected and was sustained.

SHE SAID SHE TRIED to contact Oswald once in Dallas and could not because he had taken the apartment under an assumed name. "That made me angry with him," she said.

This took place shortly before the assassination, she said.

In New Orleans, Marina said, she once went to the coffee company where Oswald worked and did not find him there. She said she may have gone to the wrong company.

Marina said Oswald did not tell her he had lost his job until three days after he lost it.

SHE SAID OSWALD HAD few friends, never talked much, liked to be alone and read a lot. She said he was out of work for about a month in the summer of 1963.

"I found out he had pretended he was still working.

no nervous system any more."

IN THE courtroom, there was a short burst of applause from spectators as the judge announced his decision.

Court convened at 9:05 a. m., and Judge Haggerty said, "I'm going to make my ruling out of the presence of the jury." He then said he had been asked to call a five-minute recess after his decision so there would not be a rush to get out of the courtroom.

The judge then said: "The motion for a directed verdict is denied."

SHAW WAS in the process of either taking papers out or putting them into a briefcase. He stood up and looked toward the back of the courtroom. He walked to the rail separating the spectators from the court area, paused briefly looking to the back of the room, his face somber. He then walked back to the defense table. His attorneys sat at the table.

Garrison strolled into the courtroom a few minutes before the judge took the bench. He walked back to the area of the judge's chamber, then came out and left the courtroom.

THE COURTROOM was packed for Judge Haggerty's decision.

As the recess began, Shaw managed a smile and told reporters:

"I am still confident I will be vindicated."

Arguing for the directed verdict, Dymond said:

"Perry Russo admitted from that witness stand that this was, in his own terminology, a bull session."

"He was asked, 'Did you hear Clay Shaw agree to do anything?' He said, 'no.' Without such agreement, the requirements of law cannot be met."

Alcock argued that some of Judge Haggerty's rulings in the course of the trial already held the state had established the basis of a conspiracy case.

Alcock said Dymond's view of the alleged conspiracy meeting "seems to overlook the fact that one of the participants in this conversation was Lee Harvey Oswald."

In his testimony, Russo said he knew Oswald as Leon

FERRIE DIED in the apartment Feb. 22, 1967, shortly after Garrison's investigation was made public. The coroner said the death was due to natural causes.

Oswald was slain by Jack Ruby in the Dallas police headquarters two days after the assassination. Ruby died of cancer in prison.

Testimony, Statement By Witness Differ

(Special to the States-Item)

WASHINGTON—A Federal Bureau of Investigation report on Richard Raymond Carr is somewhat different from the testimony he gave in New Orleans in the trial of Clay L. Shaw.

Carr, of Dallas, testified at New Orleans he was on the seventh floor of an office building overlooking Dealey Plaza and directly across from the Texas School Book Depository when President Kennedy was assassinated.

CARR SAID he saw a man in a fifth floor window of the depository just before the shot were fired and saw the same man flee on foot afterwards.

The witness also said he saw three other men flee the depository and drive away in a station wagon. He said he could tell the shots came from the grassy knoll area because he saw a bullet cause a movement in the plaza's grass seven floors below.

Carr said he was told by the FBI to "keep his mouth shut" about what he saw.

FBI agents interviewed Carr early in 1964, but the reports on the conversation make no mention of an order of silence.

THE FBI report quotes Carr as describing a man he saw in the "top" floor of the depository, and he believed that was the same man he saw drive away in a car.

Carr told the FBI he heard noises in the street below but did not know what caused them until later when he heard about the assassination on television.

In the first FBI interview, Carr mentioned seeing only the one man in the book warehouse. His signed statement later said the getaway car was driven "by a young Negro."

Reaction--

Continued from Front Page

plause from the spectators, they felt, was more a reaction of people who didn't want the proceedings to end, rather than any feeling they might have had about the decision.

But it was all over very quickly and spectators got their second big moment when into the courtroom strolled Mrs. Marina Oswald Porter, the widow of the man named by the Warren Commission as the lone assassin of President Kennedy—Lee Harvey Oswald.

ALL EYES were focused on the tiny woman as she removed a green raincoat. Beneath she was wearing a gray wool, loose-fitting dress with a white collar.

ON TOP of her head her blonde hair was arranged in a twist and she had thin bangs over her eyes. She was accompanied by her husband, Kenneth Jess Porter.

In her slight accent, she spoke so softly that she had to be urged several times to speak louder.

At one point, chief defense counsel F. Irvin Dymond walked over to the witness stand and readjusted the microphone. But it helped very little.

JFK Autopsy Testimony Due In Shaw Trial

Army Col. Pierre A. Finck, a member of the three-man team which performed the autopsy on President Kennedy, was due on the witness stand this morning in the trial of Clay L. Shaw.

Shaw, 35, is on trial on charges of conspiring to kill Kennedy. The trial today moved into its sixth week.

CHIEF DEFENSE counsel F. Irvin Dymond said yesterday Col. Finck's testimony will be the key rebuttal of District Attorney Jim Garrison's claim Kennedy was caught in a crossfire.

Col. Finck and two Navy doctors performed the autopsy the day Kennedy was shot, Nov. 22, 1963, and in their report described two gunshot wounds, one in the head and the other in the upper back.

Their findings, contained in the Warren Commission Report, concluded:

"IT IS OUR opinion that the deceased died as a result

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Trial—

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of two perforating gunshot wounds inflicted by high velocity projectiles.

"The projectiles were fired from a point behind and somewhat above the level of the deceased."

The commission concluded that Lee Harvey Oswald acted alone in killing Kennedy. District Attorney Jim Garrison charges Shaw plotted the slaying here with Oswald and David W. Ferrie.

DYMOND SAID over the week end he believes the trial will go to the jury by Thursday. This means questioning of defense witnesses would have to be completed during the next three days.

Several more are under subpoena, including former Texas Gov. John B. Connally and William Gurnick, a former Garrison aide.

Others include Alvin Beauboeuf, a one-time Ferrie associate; Hugh B. Exnicios, Beauboeuf's attorney; Jesse J. Garner, Oswald's landlord; Jim Phelan, former Saturday Evening Post writer, and his

photographer, Matt Heron, and several police officers.

Shaw is expected to take the stand in his own defense. He testified briefly last week as a traverse witness.

Court Proceedings in Clay Shaw Conspiracy

Continued from Front Page

A—Yes, I have two children.

Q—Do you have any other children?

A—Yes, I have one other child.

Q—I refer you to the year, 1963, approximately when did you and Lee Harvey Oswald move to New Orleans?

A—We moved to New Orleans in May of 1963.

Q—From where?

A—From Dallas, Tex.

Q—When you moved to New Orleans in 1963, did you have any children?

A—Yes, I had one child and expected another.

Q—Did you and Lee Harvey Oswald come to New Orleans together or separately?

A—We came separately.

Q—Approximately how long after Lee Harvey Oswald came to New Orleans did you come to New Orleans?

A—In a week's time.

Q—About a week?

A—Yes.

Q—When you came here, did Lee Harvey Oswald have plans to live?

A—He had already rented a place.

Q—Where was the place?

A—4905 Magazine St. I'm not sure—4905 or 4907.

Q—Who were your landlord or landlords?

A—I don't know that now.

Q—Did you ever know?

A—Not then. Not when I was living there.

Q—Have you since learned of names?

A—I don't recall.

Q—During the time you lived in New Orleans, was Lee Harvey Oswald employed?

A—Yes, he was.

Q—Where was he employed?

A—He was at the Reilly Coffee Co.

Q—What were his hours?

A—Eight o'clock, I think, to 5.

Q—How did he get to work?

A—By bus.

Q—HOW DID HE return home?

A—The same way.

Q—Did he ever own an automobile while living in New Orleans?

A—No, sir.

Q—Did you ever own an automobile in Texas?

A—No, we never owned an automobile.

A—I saw him by seven or 10 days after I left New Orleans.

Q—Where did you see him the next time?

A—The next time I saw him at Ruth Paine's house.

Q—Where is Ruth Paine's house?

A—At Irving, Tex.

Q—During the time you were living in New Orleans, did you ever know Lee Harvey Oswald to spend time away from home?

A—Only once, when he spent the night in jail.

Q—DO YOU RECALL any other nights?

A—No.

Q—Did he work anywhere else except the coffee company?

A—He lost his job shortly before we left New Orleans.

Q—After he lost his job with the coffee company, how did he spend his time?

A—He stayed around the house most of the time. Sometimes he would go to the library or to look for a job.

Q—Can you tell where he spent his nights?

A—At home.

Q—What did he do at home?

A—Mostly he was reading.

Q—Did he read a lot?

A—Yes.

Q—Did you have many friends?

A—Just his relatives.

A—The family name was Murat.

Q—Can you spell the name?

A—No.

Q—During the time that you lived here with Lee Harvey Oswald did you and he make any trips?

A—Yes, to Alabama.

Q—Only one trip?

A—Yes.

Q—Do you remember how long after you moved here you went to Alabama?

A—I don't remember.

Q—Did you and your husband visit any other persons here besides the Murats?

A—We never visited. I don't think so.

Q—Was your husband absent from home any nights when you lived here?

A—No.

Q—Was he home at night?

A—Yes.

Q—Did any friends visit you except the Murats?

A—Only once, Mrs. Ruth Paine and a lady with some children.

Q—Can you recall their names?

papers once in the name of Heldel.

Q—Did he use any other name?

A—No. Not at the time I was married to him.

Q—Any other time before you married him?

A—I FOUND OUT he rented an apartment once under another name.

Q—Did he ever use the name of Leon Oswald?

A—No.

Q—Is that name familiar to you?

A—No.

Q—Was he ever known to have used the name Harvey Oswald?

A—I don't know about it.

Q—To your knowledge, Mrs. Porter, did he do that?

A—No, sir.

Q—You said, "I don't know about that." What do you mean? I said did he ever use the name of Harvey Oswald to your knowledge?

A—I MAY HAVE used that name but not to my knowledge.

Q—During the time that you and Lee Harvey Oswald were living at the Magazine st. address, did he live at any time anywhere else?

A—No. While we lived here, he had the same address that I had the whole time.

Q—Did you ever have a broken marriage or were you separated?

A—No.

Q—Was he rooming or did he have an apartment anywhere else?

A—No.

Q—Were you aware that your husband had a rifle while you were living here?

A—Yes, I knew about it.

Q—Would you recognize it if it were shown to you?

A—No, sir.

Dymond called for a rifle which had been introduced into evidence. A court attache said it was in the sheriff's office and the judge ordered it brought into the courtroom. Meanwhile Dymond continued questioning the witness.

Q—WHILE YOU WERE living at the Magazine st. address with Lee Harvey Oswald, did anyone pick him up—you or both of you?

A—Only the Murats.

Q—Can you tell me the type of automobile the Murats had?

A—No, sir. It would have been a 1963.

A—Ruth and her two children and me and the baby.

Q—Did you drive straight through?

A—We stopped overnight somewhere.

Q—Then you got to Dallas the following day?

A—Yes.

Q—Where did you go then?

A—I stayed at her house in Irving. We didn't know then whether we would live in Dallas or in Irving.

Q—I take it that Irving is a suburb of Dallas. Do you know how many miles it is from Dallas?

A—No.

Q—DO YOU KNOW how long it takes to drive to Dallas?

A—It takes 15-25 minutes.

Q—When you arrived at this house, did you go there to live?

A—Yes.

Q—I understand that Lee Harvey Oswald was not with you at the time?

A—No.

Q—How long after you arrived at Mrs. Paine's house was it before your husband joined you?

A—In about a week or 10 days he showed up. I don't know whether he came by bus and we picked him up or whether he came by bus and then came direct to the house. I don't remember.

Q—Did your husband tell where he had been during the period?

A—HE WENT TO Mexico.

Q—Do you know how long he was in Mexico?

A—He did not tell me.

At this point, Dymond picked up the rifle and began questioning her about it.

DYMOND THEN showed her a rifle which had earlier been introduced as state's exhibit 18.

Q—Now, Mrs. Porter, I show you a rifle identified as S18. Is this familiar to you?

A—No, I'm not an expert in rifles.

Q—But, you did testify that you did know that he had a rifle?

A—Yes.

Q—With reference to the rifle that you say that Lee Harvey Oswald owned, had you seen that rifle during the time you lived in New Orleans?

A—Not very close. I had seen him shoot it.

A—I don't know about that.

Q—Did he ever mention anything to you about decorating his apartment in Dallas?

A—No, sir.

Q—Did Mrs. Paine ever give him any curtain rods?

A—No, sir.

Q—Where was Lee's gun kept?

A—(Pause) In the garage where the luggage was kept.

Q—Was it wrapped up?

A—I DON'T KNOW.

Q—Did you see it at any time on Nov. 21, 1963?

A—I don't remember if I saw it then.

Q—Can you recall what time Lee went to bed?

A—No, sir.

Q—Was it before or after everyone else went to bed?

A—It was after.

Q—Were you awake when Lee went to work the next morning?

A—I was awake but I did not get up, because he told me to stay in bed.

Q—Did he have any curtain rods with him?

A—No, sir.

Q—DID YOU GIVE him any?

A—No.

Q—Did Mrs. Paine give him any curtain rods?

A—No, sir.

Q—Did he ever ask Mrs. Paine for any curtain rods?

A—No, sir.

Q—Did you know how he got to work?

A—No, sir.

Q—Do you know at approximately what time he left?

A—No, I don't remember, sir.

Q—At any time the night before, did you see him with any package?

A—No, sir.

Q—Do you recall seeing any wrapping paper around Mrs. Paine's house?

A—No, sir.

Q—Did you see Lee go into the garage at any time?

A—Yes, sir, he went there a few times.

Q—In order to enter the garage do you have to go outside, or through the house?

A—THROUGH THE house.

Q—Which door from the house leads to the garage?

A—There were two doors. One from the den and one from the kitchen.

A—No, sir.

Q—Did he ever mention anything to you about decorating his apartment in Dallas?

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A—THROUGH THE house.

Q—Which door from the house leads to the garage?

A—There were two doors. One from the den and one from the kitchen.

A—Yes, the police asked me.

Q—Mrs. Porter, you can't tell us what the police asked you. Just tell us what you did.

A—They were looking for Lee's rifle.

Q—They didn't see one, did they?

A—No.

Q—Do you recall ever seeing a rifle in the garage?

A—I DON'T REMEMBER.

I know the baby bed was out there and there were several packages. I did not pack the luggage so I don't remember what was in the packages.

Q—Did you unwrap a long package?

A—I think they (the police) did. I know Lee was supposed to have a rifle. They looked for one but couldn't find one.

Q—Did you have occasion to speak to Lee in the police station in Dallas?

A—Yes, sir. One time.

Q—For how long a period did you speak to Lee?

A—About 10 minutes.

Q—Were you alone, or were you with another person?

A—My mother-in-law was with me.

Q—You mean Mrs. Oswald?

A—Yes, sir.

Q—WHAT DID LEE tell you?

A—He told me not to worry. He told me everything would be all right.

Q—Would you explain?

A—I can't explain.

Q—Do you recall anything he said?

A—No, sir.

Q—Did he admit to you he had shot President Kennedy?

A—No, sir, I didn't ask him about that.

Q—He didn't volunteer to you?

A—No, sir.

Q—Did he ask you about getting him an attorney?

A—No, sir.

Q—After this conversation with Lee at the police station, did you see him again?

A—No, sir.

Q—Where did you go following this visit to the jail?

A—I don't remember.

Q—DID YOU GO back to Mrs. Paine's house?

A—I don't remember.

Q—Did the FBI ask about Lee's trip to New Orleans?

A—I don't remember.

Q—Did the FBI ask about Lee's trip to New Orleans?

A—I don't remember.

Q—Was the FBI also the one who asked you to stay in the country?

A—Yes, sir.

Q—WERE YOU asked by FBI agents when at the house?

A—Yes, sir.

Q—Did the FBI ask about Lee's trip to New Orleans?

A—I don't remember.

Q—Did you know or were you familiar with a man by the name of Clay Shaw?

A—No.

Q—When was the first time you heard the name of Clay Shaw?

A—When the trial began here.

Q—Did you ever hear the name of Clay Bertrand?

A—No.

Q—Did you ever hear the name of Clem Bertrand?

A—No.

Q—When was the first time that you heard this name?

A—When the trial began here.

Q—Did you ever know anyone by the name of Dave Ferrie or David W. Ferrie?

A—No.

Q—To your knowledge, Mrs. Porter, did your husband Lee Harvey Oswald know anyone by the name of Dave Ferrie or David W. Ferrie?

A—No.

At this point Dymond chose a picture of Dave Ferrie which had been introduced into evidence by the state. He showed it to Mrs. Porter and asked her if it looked familiar. She said it did not.

He also picked out two other pictures of Ferrie and showed them to her. She said neither looked familiar.

Q—During the time that you were married to Lee Harvey Oswald, do you know to your knowledge if he knew a person by the name of Sandra Moffett?

A—No.

Dymond then said he was going to call a list of names and he wanted her to answer whether or not to her knowledge Oswald knew any of the persons. He then read a list of names: Niles Peterson, Layton Martens, Alvin Beaubien, Melvin Coffey, Al Landry and James Lewallen.

Mrs. Porter continued to shake her head as the names were read.

Q—Are any of these names familiar to you?

A—No.

Q—Is the name Perry Raymond Russo familiar to you?

A—No.

Q—To your knowledge, did your late husband know anyone by the name of Perry Raymond Russo or Perry Russo?

A—No.

Q—To your knowledge, Mrs. Porter, what if any other names, did Lee Harvey Oswald use?

A—Yes, he signed some

Q—Did you ever see him take it off the premises—that is out of the house or out of the yard?

A—I don't remember.

Q—To your knowledge, do you know how the rifle got to Texas?

A—Lee packed all of his clothes and I don't know what he packed. Later, I saw it at Ruth Paine's house.

Q—When is the next time you saw the rifle?

A—I saw the rifle when the police arrived.

Q—Was that before or after the assassination?

A—After.

Q—Did you see the rifle between the time you were living in New Orleans and after you got to Irving?

A—I might have seen it. I don't remember.

Q—Did you see it in Irving, Tex?

A—I don't remember.

Q—Did you ever know Lee Harvey Oswald to have any large sums of money?

A—No.

Q—Have you ever seen him with a large roll of money?

A—No.

Q—What is the most money he ever gave you?

A—A dollar.

Q—Did you know that he ever had any large sums of money in the house?

A—I never looked in his wallet or any of his personal effects.

Q—Who did the grocery shopping?

A—Well, both of us, but he paid the bills and took care of the money.

Q—Who paid the rent?

A—He did.

Q—Did he keep the rent current or did he ever get behind on the rent?

A—I think he owed two weeks' rent when we left New Orleans.

Q—Did you ever have to make the rent good?

A—Just that two weeks, I think; I'm not sure. I think I paid it after all of this happened.

Q—You mean after the assassination?

A—Yes, I think I cleared it up after the assassination.

Q—During your shopping trips, did you have to be careful or could you buy everything you wanted?

A—I had to be very careful.

Q—To your knowledge, did Lee Harvey Oswald ever have a bank account?

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Q—Did you see the rifle between the time you were living in New Orleans and after you got to Irving?

A—I might have seen it. I don't remember.

Q—Did you see it in Irving, Tex?

A—I don't remember.

Q—Did you ever know Lee Harvey Oswald to have any large sums of money?

A—No.

Q—Have you ever seen him with a large roll of money?

A—No.

Q—What is the most money he ever gave you?

A—A dollar.

Q—Did you know that he ever had any large sums of money in the house?

A—I never looked in his wallet or any of his personal effects.

Q—Who did the grocery shopping?

A—Well, both of us, but he paid the bills and took care of the money.

Q—Who paid the rent?

A—He did.

Q—Did he keep the rent current or did he ever get behind on the rent?

A—I think he owed two weeks' rent when we left New Orleans.

Q—Did you ever have to make the rent good?

A—Just that two weeks, I think; I'm not sure. I think I paid it after all of this happened.

Q—You mean after the assassination?

A—Yes, I think I cleared it up after the assassination.

Q—During your shopping trips, did you have to be careful or could you buy everything you wanted?

A—I had to be very careful.

Q—To your knowledge, did Lee Harvey Oswald ever have a bank account?

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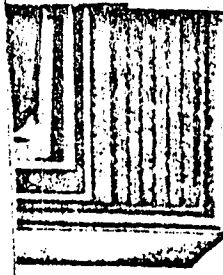
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WASHINGTON (AP) —

BY TOM STEWART

measures now available. All of the broad economic planning of the economy is long-awaited—and predicted in January, showing no sign of delay. The Commerce Department says.

Q—Did you recall what he said?

A—No, sir.

Q—Did he show you curtains?

A—No.

Q—Did he ask you to purchase any curtain rods for him?

A—No, sir.

Q—Ever see any curtain rods in his possession?

A—No, sir.