

ORLEANS PARISH GRAND JURY
SPECIAL INVESTIGATION

JUNE 28, 1967

Et Placet

ORLEANS PARISH GRAND JURY

PROCEEDINGS OF

-JUNE 28, 1967

SPECIAL INVESTIGATION

PRESENT: MR. JIM GARRISON, DISTRICT ATTORNEY,
MESSRS. AL OSER, JAMES ALCOCK, RICHARD BURNES,
ANDREW SCIAMBRA AND WILLIAM MARTIN, ASSISTANT
DISTRICT ATTORNEYS

MEMBERS OF THE ORLEANS PARISH GRAND JURY

WITNESS: ED PLANER

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Reported by:
Maureen B. Thiel,
Secretary,
Orleans Parish Grand
Jury

ED PLANER, after being duly sworn by the Foreman of the Orleans Parish Grand Jury, was questioned and answered as follows:

MR. ALCOCK:

Q. For the record, please state your name?

A. Ed planer

Q. And your occupation?

A. News Director of WDSU-TV.

Q. How long have you been in this occupation at WDSU?

A. Since December, 1966

Q. Did you participate in the formulation of the NBC program which was shown nationally week ago Monday?

A. I did not participate in the formulation of the program. I did not help prepare the script but we participated in the investigation that led up to the program.

Q. Are you fairly familiar with everything that was said?

A. Yes.

Q. In particular, do you know who the Clay Bertrand is?

A. I was given a name. I have no way of knowing whether it was Clay Bertrand.

Q. What is the name?

A. I will have to claim my privileges?

Q. Don't you think this Grand Jury has a right to know who this man allegedly is? This Grand Jury is investigating the

assassination probe. The Warren Commission specifies that a person by the name of Clay Bertrand attempted to get counsel for Lee Harvey Oswald and Dean Andrews thought that Oswald coming to his office in the first place was perhaps the result of this Clay Bertrand and Clay Bertrand also referred several homosexuals to Dean Andrews. Don't you think this Grand Jury has a right to investigate this?

A. I couldn't agree with you more, but I am not the person who can, or even could give you that name. I have no idea from my own knowledge whether the name I have been told - I have been told a lot of names of Clay Bertrand. I have no way of knowing.

Q. You said you knew the name. Referring to the reference made by Mr. McGee on television about NBC knowing the real Clay Bertrand, and I assume that since you are familiar with the general content of that program, that you know who Clay Bertrand is, and this Grand Jury wants to know what his name is so they can call that man before the Grand Jury and make an impartial determination.

A. I don't know whether he is Clay Bertrand, I have no way of knowing.

Q. What name was you provided with?

A. I will have to stand on my privilege. I don't think I can reveal information given to me in confidence, as a newsman.

I realize the consequence of that.

3.

Q. I am going to ask the Foreman to ask the question and and I am going to ask that we go into Court. Mr. Foreman, will you address the question to the gentleman?

FOREMAN:

Q. Who is the man you know, or were told is Clay Bertrand?

A. Mr. LaBiche, I was told by someone that another person is Clay Bertrand. I do not know, I have never seen, met, if I or heard or looked at or/stumbled over the gentlemen in the street, I would not know him.

Q. Who told you that?

A. I am sorry, sir, I realize the consequences of what I am doing but I have to claim my privilege that I was given information as a newsman on a confidential basis and I can't break that confidence. I would point out that the name was given to the Justice Department and perhaps that would be your source.

Q. Of course the Justice Department will, as you know, claim their privilege. Now I will ask the Foreman to ask you specifically the name of the person, not necessarily the source, we don't care about the source, if you want to protect the source that is perfectly all right, we just want to know the name.

A. I just can't give you that name, I am sorry. Because I have no way of knowing whether that name, that man is Clay

Bertrand. Suppose he isn't, then I have given you the name of somebody who

Q. Well, the Jury has a right -

A. I can't do that, sir.

JUROR:

Well, if you aren't sure are you endorsing a program where they come out and they say we have the, or know the real Clay Bertrand, you are influencing all the people in this area, all over the United States, and the world, that there is another Clay Bertrand. Now do you approve of this?

A. I had nothing to do with the preparation of that program.

Q. You are the - you brought it through in this area -

A. Not me personally.

Q. Didn't you just say you were part of the investigation in this area?

A. That's correct.

Q. Can you say you are part of the machine to put this show together?

A. Yes.

Q. Did you participate in interviewing various people for the show?

A. No.

Q. You had no physical contact with any of these people who made statements on this program?

A. I am trying to think of everybody on that program, I don't think I ever saw or have ever seen personally any of the people who were interviewed on that program.

Q. We asked you just what part you did play in that program and you said you gathered information.

A. Well, I was responsible, that is the NewsDepartment, for coordinating what went on, what our reporters were doing in the investigation and what the NBC reporters were doing, but I didn't personally participate in the investigation.

Q. Did any member of your staff?

A. Yes sir.

Q. Come in contact with these people?

A. Oh yes.

Q. You care to tell us who?

A. Richard Townley.

Q. Is that all?

A. Well, Townley was the man who was assigned basically to work with NBC, he appeared on the program interviewing several people on the program.

Q. Is he the only member of your staff who contacted these people?

A. Townley interviewed Dankler, Torres,

Q. The members of your staff who were involved in the investigation what part did they play in the investigation that you

conducted with NBC?

A. Richard Townley was the main investigator from our station who worked with NBC.

Q. Who else

A. To a very minor degree Jim Michie, but possibly 99% Townley.

Q. Who does Mr. Townley work for?

A. WDSU.

Q. Is he in town now?

A. Yes.

Q. Still employed by you all?

A. Yes sir.

Q. Does he know who Clay Bertrand is?

A. I don't know.

Q. Has the same name been mentioned to him as has been mentioned to you?

A. I don't know.

Q. Did you say Townley does not know who Clay Bertrand is?

A. I said I did not know. I have never discussed this particular matter with him.

Q. You have never discussed with him the identify of Clay Bertrand?

A. No sir.

Q. You are in charge of the News Section and you have never had a conversation with him on this subject?

A. No sir.

Q. You were given the name of the man NBC

A. I was given the name of a man who it was believed and conceivably believed to be Clay Bertrand.

Q. Whobelieves it?

A. I was given the name of a man whom NBC believes to be Clay Bertrand.

Q. Whom NBC referred to in its program and told you was Clay Bertrand?

A. My source does not work for NBC.

Q. We do not want to know your source, we want to know the name of the person using the name of Clay Bertrand.

JUROR:

Who is the name of the person using the name Clay Bertrand given to you?

A. I have to claim my privilege, whether its right or wrong. I cannot reveal information given to me in confidence

MR. ALCOCK:

Then I ask the Grand Jury to address the question to you in open court and ask the Judge whether he thinks the question is valid, and should be answered.

A. I don't know what name NBC gave the Justice Dept. but somebody told me what they think NBC gave to the Justice Dept.

Q. A reliable person?

A. (Inaudible)

A. Can I consult with counsel?

A. Certainly.

(Exit)

(Return)

FOREMAN: Will you please tell us the name which has been provided to you which is the alias for the man Clay Bertrand?

A. Mr. LaBiche, I have to give you heresay on this, I do not know if the name was correct. I have spoken to the man who gave me the name and he no longer regards this as confidential. His name is Gene Davis.

JUROR:

I want to make sure we are talking about the man who/^{was} indicated on the NBC program - you said you had heard several names mentioned, so I want to make sure this is the man NBC meant when they said they knew the man who was Clay Bertrand.

A. I want to make this clear, the name was given to me by this person who, to the best of his belief,^{believes}/is Clay Bertrand. I do not know if this is the same man NBC is talking about or not. To my own knowledge I do not know.

MR. ALCOCK:

This is the only name you have heard in connection with the NBC program?

A. This is the name - I would have to assume this is the one.

Q. Do you have an address for this man?

A. 7 Seas Bar.

Q. Does he have an occupation?

A. Bar tender. On Iberville across from Moran's. I have never seen this man, nor talked to him, this is the name that was given to me as the Clay Bertrand.

JUROR:

According to the recent publicity we have heard it indicated that this man was a prominent business man. Did I get that impression alone, or did everybody else get that impression?

A. Certainly not from NBC show.

Q. No. Somewhere I read where this fellow was a business man.

MR. ALCOCK:

This is the same man now who was mentioned on the NBC show?

A. On the NBC show they only identified him as a homosexual living in New Orleans. They gave no further identification.

Q. I think it was Frank McGee on the NBC show announced Clay Bertrand was known to them.

A. They said NBC has found Clay Bertrand, his name has been given to the Dept. of Justice, and he is a homosexual and living in New Orleans.

Q. The man you referred to is not the same one that NBC referred to?

A. I do not know.

JUROR:

Q. In your conversation with this source did homosexual enter the conversation? In connection with this man's name?

A. Now I am in a tricky area again. The man who told me the name said go ahead and tell them the name, you have my permission. I don't know how much else I am at liberty to divulge. I would assume that the guy is a homosexual.

Q. Your informant gave you permission to give us the man's name? Did he give you permission to tell who he is?

A. Yes he did.

Q. Who is he?

A. Dean Andrews.

Q. Dean Andrews told you that Gene Davis is Clay Bertrand?

A. Yes, he did.

Q. Did he specify how long he had known this?

A. I did not ask him any questions about that. It is still hearsay evidence.

Q. How long ago did Dean Andrews tell you that?

A. About two weeks ago. Less than 2 weeks ago.

Q. Do you know who provided the name to the Justice Dept.? What individual? What individual working for NBC provided the name to the Justice Dept.?

A. No, I don't.

Q. Do you know the name of the person in the Justice Dept. who received the name?

A. Well we called the Justice Dept. the next morning and talked to the Public Informations Officer, a man by the name of Cliff Sessions. and asked him if it was correct that he had been given the name, and he said yes, it is.

Q. BY A JUROR:

In a letter from the Metropolitan Crime Commission regarding the NBC special show, in a letter to the Attorney General, they stated that : "NBC stated that other persons admitted to them of being pressured to give false testimony by the District Attorney's office, but these people were afraid to risk making such statements publicly". Do you have any knowledge of these persons who have been pressured publicly but who are afraid to make statements?

A. I don't how far down the road you want to go with this, but I have been told the names of the men who gave the lie detector tests to Russo and Bundy - I don't know whether its true or not.

Q. That is not the question I asked. I asked: NBC stated that other persons admitted to NBC that they had been pressured to give false testimony but they were afraid to publicly state that they had been pressured to give false testimony.

Do you know who these people are who told NBC that they had been pressured to give false testimony and were afraid to make a statement?

A. Actually I do not. I never asked NBC who are these people?

Q. Then you don't know who they are?

A. No, I do not.

FOREMAN:

Any further questions?

Thank you, Mr. Planer.

C E R T I F I C A T E

I certify that the preceding transcript is a true and correct copy of the testimony given, under oath, in the preceding matter, before the Orleans Parish Grand Jury, on the 28th day of June, 1967, and reduced to typewriting by me.

Maureen B. Thiel

