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CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

* * * * *
STATE OF LOUISIANA
versus
CLAY L. SHAW
* * * * *

198-059
14:26 (30)
SECTION "C"

EXCERPT FROM THE PROCEEDINGS OF
TUESDAY MORNING, FEBRUARY 25, 1969

*Testimony of Dean Andrews
162 pages*

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.
JUDGE, SECTION "C"

*Closing of this
day as parently
not known.*

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Stenotypists

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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DEAN A. ANDREWS, JR.	7	17		
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E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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S-67		2	2
-71		2	2

ph. W1

1 AFTER THE RECESS:

2

2 MR. OSER:

3 At this time, Your Honor, the State wishes
4 to offer, introduce and file into
5 evidence that which has previously
6 been marked for purposes of identi-
7 fication "S-67" and "-71," the two
8 reports signed by Colonel Finck.

9 MR. DYMOND:

10 I call Mr. Dean Andrews, please.

11 THE COURT:

12 Mr. Zelden, have a seat like everybody
13 else.

14 MR. ALCOCK:

15 May we approach the bench?

16 THE COURT:

17 Yes, you certainly may.

18 (Discussion off the record.)

19 THE COURT:

20 Sheriff, take the Jury in my chambers for
21 a few moments.

22 (Whereupon, the Jury was removed.)

23 MR. ALCOCK:

24 Your Honor, I would respectfully request
25 this Court to first ascertain whether

1 or not Mr. Andrews has an attorney
2 present in court with him, and if he
3 has, to have his attorney advise him
4 of his Constitutional rights, and if
5 he has not, have The Court advise him
6 as to his Constitutional rights or
7 the fact that this man has been con-
8 victed for perjury on this matter,
9 that case is presently before the
10 Louisiana Supreme Court and there is
11 pending another perjury case dealing
12 with this same subject matter. In
13 all fairness to Mr. Andrews, I think
14 he should have advice of counsel.

15 THE COURT:

16 Do you have an attorney you wish to be
17 present with you before we proceed
18 with this matter?

19 MR. ANDREWS:

20 My attorney is present in court, Your
21 Honor, Mr. Michael Barry. He is my
22 associate in the practice of law.

23 THE COURT:

24 Is he present in court?

25 MR. ANDREWS:

1 Yes, Your Honor.

2 THE COURT:

3 Step up, Mr. Barry.

4 Just have a seat here for a
5 moment.

6 I would like to make a prelimin-
7 ary statement.

8 As you well know -- just have a
9 seat there, sir. As you know, the
10 fact that you are called as a witness
11 in a case, that does not all of a
12 sudden take away from your
13 Constitutional privileges under the
14 State Constitution. You cannot be
15 forced to incriminate yourself by
16 answers. Under Louisiana jurisprudence,
17 you cannot be asked have you been
18 arrested or charged, you can only be
19 asked have you been convicted. The
20 fact that you are on appeal, I will
21 not permit the question to be asked
22 have you been convicted because it
23 is not a final matter, it is still in
24 the process of being appealed.

25 With respect to other matters

1 that you know as a factual nature, 5
2 that is the question to be determined
3 whether you will or will not answer
4 these questions. You may take the
5 position on a given question that
6 you refuse to answer on the grounds
7 that it may incriminate you and
8 subject you to a future criminal
9 prosecution, I will have to rule on
10 it whether it will or will not, but
11 the question whether or not they can
12 ask you, a question of character, of
13 your credibility, they cannot ask you
14 have you been charged or have you been
15 indicted or have you been arrested,
16 the only question they could ask you
17 if have you been convicted, and I will
18 advise both the State and Defense I
19 will not permit that question to be
20 asked of Mr. Andrews because the
21 conviction is not final. It is on
22 appeal to the State Supreme Court
23 and could possibly be appealed from
24 the State Supreme Court to the
25 United States Supreme Court, so I would

1 making a ruling to the fact that I
2 may not go into the subject matter
3 of that conviction?

4 THE COURT:

5 I did not state that.

6 MR. ALCOCK:

7 I just wanted to clarify that.

8 THE COURT:

9 We can get another chair. Don't we have
10 one here?

11 (Discussion off the record.)

12 THE COURT:

13 Let the record show that out of the
14 presence of the Jury the witness has
15 been advised by The Court of his
16 constitutional rights and is in
17 attendance with his attorney,
18 Mr. Michael Barry.

19 You may proceed, Mr. Dymond.

20 ...oOo...

21 DEAN A. ANDREWS, JR.,

22 having been first duly sworn by The Minute Clerk, was
23 examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. DYMOND:

1 Q You are Mr. Dean Andrews?

2 A I am.

3 Q Mr. Andrews, are you an attorney here in the
4 City of New Orleans?

5 A I am.

6 Q How long have you been engaged in the
7 practice, sir?

8 A About 18 years.

9 Q Now, Mr. Andrews, referring to November of
10 1963, and more particularly the 22nd and
11 the days immediately thereafter, did you
12 have occasion to be confined in the
13 hospital here in New Orleans?

14 A I was confined to Hotel Dieu Hospital, I be-
15 lieve I had double pneumonia.

16 THE COURT:

17 You don't have to volunteer too much, just
18 simply yes or no.

19 THE WITNESS:

20 Yes.

21 BY MR. DYMOND:

22 Q While in Hotel Dieu Hospital, Mr. Andrews,
23 did you receive a telephone call of an
24 unusual nature?

25 A Well, I received a telephone call.

1 Q Would you kindly tell us from whom you received 9
2 this telephone call.

3 THE COURT:

4 That presumes he knows, does it not?

5 BY MR. DYMOND:

6 Q If you know, Mr. Andrews.

7 A May it please The Court, I have to take two
8 objections to that question. One --

9 THE COURT:

10 Mr. Andrews, speak a little louder. We
11 have to get it in the record and we
12 have to hear it. You may make your
13 statement.

14 THE WITNESS:

15 One, the attorney-client privilege, and,
16 secondly, an answer to this question
17 in relationship to the charge that
18 is pending, presently pending that
19 I haven't been tried on yet, might,
20 may, might, tend, would or could
21 connect me with the link of circum-
22 stances which would incriminate me.

23 THE COURT:

24 Let's see now. I have to rule on this.

25 He refuses to answer, one it would

1 violate the attorney-client relation- 10
2 ship and secondly it could tend to
3 possibly incriminate him in a
4 presently pending charge. Is that
5 it?

6 THE WITNESS:

7 Yes.

8 BY MR. DYMOND:

9 Q With respect to any telephone calls that you
10 received --

11 THE COURT:

12 I haven't ruled yet. I rule that the
13 objections that he made are good.

14 You may rephrase your question
15 if you wish. You may pursue it in
16 a different vein.

17 BY MR. DYMOND:

18 Q The telephone call that you have said that you
19 did receive, Mr. Andrews, was that a
20 long-distance call or a local call?

21 A A local call.

22 Q And when did you receive it, sir?

23 A I don't remember the time.

24 Q Could you tell us approximately what date it
25 was?

1 A It was the day after the President was assassinated, I believe it was a Saturday. 11

2

3 Q That would be November 23. Is that correct?

4 That particular Saturday was November 23,

5 that would be correct, yes.

6 Q Was this call to your knowledge from the

7 Defendant Clay Shaw?

8 A No.

9 Q Have you ever received a telephone call from

10 Clay Shaw?

11 A No.

12 Q Have you ever known Clay Shaw?

13 A No.

14 Q Have you ever been introduced to him?

15 A No.

16 Q When was the first time that you ever saw

17 Clay Shaw, Mr. Andrews?

18 A When I saw his picture in the paper in connection with the investigation.

19

20 Q Now, as a result of receiving the phone call

21 which you said that you did receive, what

22 if anything did you do, sir?

23 A As I recall, I waited a while, I called my

24 secretary, Mrs. Springer, to see if she

25 could remember a file that we had on a

1 Lee Oswald who was a walk-in to the of-
2 fice sometime in May or maybe the early
3 part of June, I don't recall, Lee Oswald
4 had consulted my office approximately
5 four or five times in relation to some
6 legal problems.

7 THE COURT:

8 Speak into the microphone, please.

9 BY MR. DYMOND:

10 Q After calling your office, did you do anything
11 else?

12 A I did not call my office; I called my
13 secretary.

14 Q Well, --

15 A She was at home.

16 Q After calling your secretary, did you do any-
17 thing else?

18 A I believe my office investigator came to visit
19 me and we talked about whether or not he
20 remembered Lee Oswald.

21 Q Did you make any other phone calls in connec-
22 tion with the call which you say you had
23 received?

24 A On what day?

25 Q Either on the date that you received it or the

2 A The following day, I believe it would be a
3 Sunday, I believe I called Monk Zelden
4 at the NOAC and spoke to Monk.

5 Q What did you tell Mr. Zelden?

6 A I don't recall, it was in connection with Lee
7 Harvey Oswald, but I don't recall the
8 context of the conversation.

9 Q Could you tell us the purpose of your call to
10 Mr. Zelden, sir?

11 A I believe the purpose of the call was that if,
12 since I was in the hospital, would Monk
13 be interested in going to Dallas and
14 possibly representing Lee Harvey Oswald.

15 Q Now, at any time after receiving the call that
16 you received while in the hospital, did
17 you have occasion to have a conference
18 with Mr. Regis Kennedy of the F.B.I.?

19 A I don't recall it that way, Mr. Dymond.

20 Q Will you tell us how you recall whatever
21 happened in connection with Mr. Kennedy.

22 A I think on Monday I called Mr. Kennedy to let
23 him know that Lee Harvey Oswald had been
24 in New Orleans during the summer or
25 spring of 1963, and I don't recall his

1 answer, I also called Mr. Rice, the head
2 of the Secret Service, gave him the same
3 information, they didn't appear too much
4 interested.

5 Q At any time after making these calls, did you
6 see Mr. Kennedy?

7 A I recall seeing Mr. Kennedy in my room in Hotel
8 Dieu, I think about two, maybe two and a
9 half hours after I made the phone call.

10 Q Now, at the time that you saw Mr. Kennedy, what
11 was your condition, that is, your
12 physical condition as such?

13 A He woke me up. I was under sedation, he woke
14 me up from a sleep, I was under sedation.

15 Q Do you recall seeing Mr. Kennedy any more than
16 once?

17 A All I recall is he said he wants -- he was
18 apparently there more than once, but my
19 memory was one time.

20 Q The first time that you saw Mr. Kennedy was the
21 first time that you were under sedation,
22 or were you under sedation regularly after
23 that?

24 A Regularly.

25 Q During the course of your conversation with

1 Mr. Kennedy, did you furnish him with a
2 fictitious name identifying the person
3 from whom you had received the phone call
4 while you were in Hotel Dieu?

5 A I respectfully decline to answer that question
6 for the reason that it may, might tend to
7 link me up with the chain of circumstances
8 that may result in being used as evidence
9 against me in the pending charge.

10 MR. DYMOND:

11 Does Your Honor want me to wait until you
12 rule on that?

13 THE COURT:

14 It is not attorney-client, it is --
15 this is claiming that there is a
16 possibility his answer may or may
17 not or could link him up with a
18 chain of circumstances which could
19 be used as evidence against him. I
20 will sustain it, yes.

21 BY MR. DYMOND:

22 Q In the course of your conversations with
23 Mr. Kennedy, W. Andrews, did you ever
24 use the name Clay Bertrand?

25 A Yes.

- 1 Q Is or was this Defendant Clay L. Shaw the Clay 16
2 Bertrand to whom you were referring?
- 3 A No.
- 4 Q Without asking you who he was, do you know who
5 the Clay Bertrand to whom you are referring
6 is or was?
- 7 A I believe I do.
- 8 Q Did you know David Ferrie, Mr. Andrews?
- 9 A I knew him slightly.
- 10 Q Did you ever see David W. Ferrie in the company
11 of the Defendant, Clay Shaw?
- 12 A I never seen Clay Shaw.
- 13 Q Did you ever see David W. Ferrie in the company
14 of Lee Harvey Oswald?
- 15 A No.
- 16 Q Did you ever hear David W; Ferrie mention the
17 name Clay Shaw?
- 18 A No.
- 19 Q Did you ever hear Lee Harvey Oswald mention
20 the name Clay Shaw?
- 21 A No.
- 22 Q Did you ever hear David W. Ferrie mention the
23 name Lee Harvey Oswald or Lee Oswald?
- 24 A No.
- 25 MR. DYMOND:

1 We tender the witness.

2 CROSS-EXAMINATION

3 BY MR. ALCOCK:

4 Q Would you tell us the first time that you
5 saw Lee Harvey Oswald in the City of
6 New Orleans.

7 A I would have to guess. It would be in the
8 spring or the summer of '63, quarter
9 after 5:00, 5:30 in the afternoon, the
10 day I don't recall.

11 Q Do you recall it having been in the month of
12 May rather than June, or can you be
13 specific enough to pin it down to a
14 month?

15 A It would be in the latter part of April, when
16 I first saw him, as I recall it he visited
17 the office four or five times.

18 Q Now, in his first occasion, was he accompanied
19 by anyone?

20 A I assumed he was, I don't know that to be a
21 fact.

22 Q Well, on what did you base this assumption?

23 A Three people entered the office first, the
24 person who I met at that time was Lee
25 Oswald, he came in second, and a Cuban-type

1 or what I call a Mex came in last.

2 Q Well, how long were these three persons who
3 entered first in the office before Oswald
4 entered?

5 A Oh, maybe 10 or 15 minutes, I don't know, it
6 has been so long ago.

7 Q How long was Oswald in the office before the
8 Mex entered the office?

9 A I didn't understand your question.

10 Q How long was Oswald in the office before the
11 man you described as the Mex entered the
12 office?

13 A They both came in at the same time.

14 Q How large an office did you have at the time,
15 Mr. Andrews?

16 A Tiny, I had a reception room, as you came
17 straight in the door and my office, to my
18 right was my secretary's office, and I
19 think I had a little bitty library, big
20 enough to hold West's and a few books.

21 Q Did you have occasion to have any conversation
22 with the three people who entered the
23 office prior to Oswald's entering?

24 A Yes.

25 Q Were you talking with them at the time Oswald

1 entered?

2 A I am guessing, but I would say no.

3 Q Do you feel that they were -- you said you had
4 a waiting room or outer office?

5 A They mingled, and then the three came in and
6 then Oswald and the Mex stayed out in the
7 waiting room.

8 Q What do you mean they mingled?

9 A Well, people come in the office, they stand
10 around waiting for somebody to tell them
11 what to do.

12 Q You mean the three were there for 15 minutes
13 and no one told them what to do?

14 A That is not my understanding of your question.
15 My understanding of your question is when
16 they came in the office, in the numerical
17 order, the three swishes came into my
18 office, I mean the three people came into
19 my office first.

20 Q What do you mean by "swishes"?

21 A Well, they just swished, they swished, they
22 would walk --

23 THE COURT:

24 You are an attorney, use the legal term
25 so we will know what you are talking

1 about instead of trying to make a
2 comedy out of your testimony.

3 THE WITNESS:

4 They appeared to be homosexuals by the
5 way they walked.

6 BY MR. ALCOCK:

7 Q Did they come directly into your office? That
8 is my question.

9 A No, they hesitated because I had to look up,
10 can I help you, and the three came in.

11 Q And then 15 minutes later Oswald appeared with
12 the Mex. Is that correct?

13 A Well, I am guessing at the time, whatever time
14 it took them to explain their particular
15 problem and a fee would be set and they
16 left.

17 Q I see. Now, had they left prior to Oswald
18 coming, if you can recall?

19 A As they were on their way out, I asked the next
20 question, "What can I do for you?" and
21 reconstructing this from memory now, as I
22 recall, Oswald and the Mex walked in.

23 Q I see. As far as you know, there was no con-
24 nection between the three homosexuals and
25 Oswald and the Mex. Is that correct?

- 1 A I don't know whether there was or not.
- 2 Q Now, what advice if any did you give Oswald
3 on that first visit?
- 4 A I take my attorney-client privilege. I don't
5 remember, but I take the privilege.
- 6 Q Was Oswald your client?
- 7 A At that time.
- 8 Q Did you ever receive any fee from Lee Oswald?
- 9 A No.
- 10 Q Did you ever do any legal work for Lee Oswald?
- 11 A Other than consulting with him, no.
- 12 Q Approximately how long did Lee Oswald and this
13 Latin-type of man remain in your office?
- 14 A I am guessing. I would say between 10 and 20
15 minutes.
- 16 Q 10 to 20 minutes?
- 17 A Yes.
- 18 Q Who did all of the talking, or rather let me
19 clarify that. Did Oswald talk to you?
- 20 A Yes.
- 21 Q Did the Latin-type talk to you?
- 22 A No.
- 23 Q Did the Latin-type talk at all?
- 24 A He may have, I don't remember, but I am not
25 sure.

1 Q Do you recall the Latin-type's name?

2 A No.

3 Q Could you give us a description of him?

4 A Oh, he looked pretty built, I wouldn't want to
5 tangle with him in a fight.

6 Q Well, can you be a little more specific? Was
7 he tall, short, thin, stocky?

8 A I would say he was what I called the athletic
9 type, stocky, well-built, had a butch
10 crew cut, as I recall he wore a ponge,
11 a silk shirt, pair of slacks, built real
12 good.

13 Q Did you see any tattoos on his person?

14 A No.

15 Q Did you see any scars on him?

16 A Not that I can remember.

17 Q What color was his hair?

18 A Black.

19 Q How dark was he?

20 A Oh, I couldn't say, he was the Latin type, had
21 the appearance to be -- appearance of
22 Latin-type people.

23 Q Did you ever hear him speak at all?

24 A I don't remember. He could have, he could have
25 in one of the visits to the office, but I

1 don't remember. He didn't talk to me.

2 Q Do you recall whether or not you did hear him
3 speak whether he spoke the English lan-
4 guage or Spanish?

5 A I don't remember.

6 THE COURT:

7 Let me interrupt you a second. Do you
8 speak Spanish?

9 THE WITNESS:

10 Poco poco, loco, Judge.

11 BY MR. ALCOCK:

12 Q Was this man that you described taller or
13 shorter than Lee Oswald?

14 A I would say about an inch, maybe two inches
15 taller.

16 Q Taller?

17 A Yes.

18 Q Approximately how much did he weigh?

19 A I would say 165, 170, a welterweight.

20 Q As a result of this conversation with Oswald,
21 did you know his name?

22 A Yes, I asked him his name when he came in.

23 Q Now, after this meeting did you have an occasion
24 to see Oswald again in your office?

25 A Between four and five times.

~~CONFIDENTIAL~~

1 Q The next time you saw him in your office, ap-
2 proximately when was that?

3 A On the 1st of May, the first week in May, I
4 don't know if it is May 1 or not, I don't
5 recall. I would have to look at the
6 calendar, but I would say around the first
7 week in May.

8 Q Was this again in your office?

9 A Yes.

10 Q Where was your office located at that time?

11 A The Maison Blanche Building.

12 Q Was anyone with Oswald on this occasion?

13 A Yes.

14 Q The same man that you described?

15 A I had never seen Oswald, or Lee Oswald as he
16 identified himself, unless he was in the
17 presence of this Mexican.

18 Q Now, how long did Oswald remain in your office
19 on this second occasion?

20 A Approximately the same time.

21 Q And again, without divulging any attorney-
22 client privilege, was your conversation
23 generally centered upon the same subject
24 that it was the first time you talked to
25 him?

1 A I think a new subject was added at that time. 25

2 Q Were you acting as his attorney on this occasion
3 also?

4 A I thought I was. He came back, I guess, on a
5 consulting basis, I don't say an attorney
6 per se, but he talked --

7 Q Do you wish to claim the attorney-client
8 privilege on the subject matter of the
9 second visit?

10 A Yes.

11 THE COURT:

12 If he wishes to claim it, I will sustain
13 his objection.

14 THE WITNESS:

15 One moment, Your Honor.

16 (Witness conferring with Counsel.)

17 THE WITNESS:

18 I will claim the privilege.

19 BY MR. ALCOCK:

20 Q Now, was the Latin-type in the office with
21 Oswald on the second occasion the entire
22 time?

23 A Yes.

24 Q Approximately how big was your office?

25 A The office that I sat in was maybe 10 x 8, our

1 reception room was --

2 Q No, just your own office, just your personal
3 office, wherever this interview took
4 place, how large is that office?

5 A About as wide as your desk there, and what they
6 call one window in the Maison Blanche
7 Building, maybe up to Mr. Dymond's back,
8 the depth, more or less.

9 Q Now, on this occasion, did you hear the
10 Latin-type speak either to you or Oswald?

11 A The Latin never spoke to me.

12 Q Did you hear him speak to Oswald?

13 A I don't remember, he may have.

14 Q On this occasion, did you collect any fee for
15 the prior occasion from Oswald?

16 A No.

17 Q Had you set a fee as a result of your prior
18 consultation?

19 A Twenty-five bucks.

20 THE COURT:

21 I didn't hear you.

22 THE WITNESS:

23 \$25.00, Your Honor.

24 BY MR. ALCOCK:

25 Q Is that for the first consultation or the

1 second consultation?

2 A I am pretty sure I did it at the first, but I
3 am not positive. I believe the fee was
4 set so that a letter could be transmitted
5 to Washington, D.C., to require some
6 papers.

7 Q Did you ever transmit any letter to Washington,
8 D.C., on behalf of Oswald?

9 A Never got the money, never wrote the letter.

10 Q Now, on this occasion, was anyone else present
11 besides Oswald and the Latin-type?

12 A Well, my office investigator may have been in
13 the library on one of these visits, but I
14 don't recall which one. I don't believe
15 he had any contact with these people.

16 Q What was Oswald wearing on this occasion?

17 A The first time I saw him, as I recall he had
18 black pants, a tee-shirt, the rest of the
19 time I saw him he had a white shirt, cuffs,
20 open collar, slacks.

21 Q Now, after this visit, when was the next time
22 you saw Oswald?

23 A I don't remember.

24 Q Was it in your office?

25 A Yes.

1 Q Was it again in connection with legal business? 28

2 A The same subject matter as we talked about
3 before.

4 Q Was the Latin type still with him?

5 A Yes.

6 Q Approximately how long did you remain in your
7 office on that occasion?

8 A I am guessing, I would say about the same
9 time, 10, 20 minutes.

10 Q Would it have been the month of May or later?

11 A I think it would be the third visit, as a
12 guess, but it would be around the middle
13 of May.

14 Q Was it approximately the same time on all
15 occasions?

16 A Yes, after hours, usually between 5:00, 5:30.

17 Q And he stayed about 20 minutes on each
18 occasion?

19 A As best as I can recall, 10, 20 minutes.

20 Q Did you ever leave your office at the same time
21 that he and the Latin-type left?

22 A I don't believe, no.

23 Q And I take it of your own knowledge you don't
24 know how they physically got to your
25 office building, is that correct?

1 A That is correct.

2 Q Now, when is the last time you saw him?

3 A About three or four days later.

4 Q Where was that?

5 A In the office, in the MB Building.

6 Q And was he again accompanied by this Latin-
7 type?

8 A Yes.

9 Q Do you recall ever asking either Oswald or
10 the Latin the name of the Latin?

11 A I don't believe that ever came up because
12 Oswald and I spoke short and direct in
13 relationship to the subject matter and
14 each time I asked him for a fee.

15 Q And what did that precipitate?

16 A No, he made promises.

17 Q And approximately how long did this interview
18 last?

19 A About the same time, we would rehash the same
20 stuff.

21 Q Again this was approximately 5:30 at night?

22 A Between 5:00, quarter after 5:00, 5:30.

23 Q Now, did you have occasion again to see
24 Oswald?

25 A I don't know whether he was there four times or

1 five times, so now I am going to have to
2 start guessing as best as I can recon-
3 struct. It could have been in the office,
4 but my best recollection was he was on
5 the street handing out chits.

6 Q Chits?

7 A Pamphlets, pamphlets about Cuba, help Cuba or
8 something like that.

9 Q Did you have occasion to stop and take one of
10 these pamphlets?

11 A I picked one up and looked at it and dropped
12 it like a hot potato. I'm not interested
13 in helping Cuba.

14 Q Did you talk to Oswald on that occasion?

15 A I think I asked him for my fee.

16 Q Is that the only conversation you recall having
17 with him, on that occasion, that is?

18 A Well, as best as I can recollect, I asked him,
19 "What are you doing giving out this
20 stuff, whatever it was, I forgot the
21 exact word choice I used, I asked him if
22 he was working, I think he said yes, and
23 that is when I asked him for my money.
24 I believe he answered, "It is a job"
25 something like that, I don't recall. The

1 Mex was in the back of him, standing up
2 against the window.

3 Q Now, where did this take place, as you recall
4 it, Mr. Andrews?

5 A I thought it was in the front of the Maison
6 Blanche Building.

7 Q Can you approximate the time for us, first the
8 time of day and then the time of year?

9 A Oh, this would be 1963, sometime in June, I
10 really don't recall.

11 Q You haven't answered the question as to the
12 time of day, as I recall.

13 A I'd say 1:30, after lunch, I know that. I was
14 on my way back -- I am not too sure if the
15 Federal Court was still down on Camp
16 Street or not in '63, I don't recall, but
17 I was on my way back from that general
18 direction. I may have gone to the
19 Whitney Building or may have gone to the
20 Federal Court, I don't recall.

21 Q Was there anyone else besides Oswald handing
22 out the leaflets?

23 A Were other people around him? I don't recall
24 whether or not they were handing out
25 leaflets.

1 Q Do you recall whether or not you noticed any
2 of those persons around him being the
3 Latin-type?

4 A Well, when I noticed the one standing across
5 by the window because I had adopted a
6 little nickname for him, "Me and my
7 shadow."

8 Q "Me and my shadow"?

9 A That is what I called him to myself, I never
10 saw Lee Oswald without the Mexican. When
11 I saw him there, I looked around and the
12 Mex was up against the display window,
13 standing still.

14 Q Did he have any leaflets in his hand as you
15 recall?

16 A No.

17 Q Do you recall whether or not any of the persons
18 around were Latin types, the persons that
19 you have described that were around Oswald?

20 A Well, they had some people on the -- like the
21 curb, they were hollering at him in
22 Spanish, pretty excited, and they would
23 be quiet and holler at him some more.

24 Q But this, would this have been as late as
25 August 1963?

1 A I don't recall. My recollection was it was in
2 June, but it has been so long I never had
3 any occasion to pay any minute attention.
4 I did not know Lee Harvey Oswald was going
5 to get involved in Dallas. He was just a
6 walk-in client, and that was all. I did
7 not pay him any particular attention.
8 The only oddball thing was that the Mex
9 was there all the time, that is what
10 probably drew my attention to him more
11 than anything else, but he was just a
12 walk-in client, he was picking me for
13 information and not coming out with any
14 money.

15 Q As a result of your conversations with Oswald,
16 had you made any determination as to
17 whether or not he was a homosexual?

18 A No.

19 Q Have you made any determination as to whether
20 or not the Latin type was a homosexual?

21 A Not that I recall, I don't believe.

22 Q Now, after this occasion that you just described,
23 did you have any other occasions to see
24 Lee Harvey Oswald?

25 A Personally?

- 1 Q Personally.
- 2 A No.
- 3 Q How about the Latin type?
- 4 A I don't recall, I don't think so.
- 5 Q Do you feel you might have at some time?
- 6 A I don't recall, I don't think so, but I don't
7 have any memory to refer to.
- 8 Q To your knowledge, Mr. Andrews, did anyone send
9 Lee Oswald to you?
- 10 A To my knowledge, no.
- 11 Q Getting back to this call that you received on
12 November 23, 1968, can you approximate
13 what time of day or night you received
14 this call?
- 15 A I don't remember the exact time. I know it was
16 daytime, probably immediately before or
17 immediately after chow.
- 18 Q Did the person who called you identify himself
19 or herself on the phone?
- 20 A No.
- 21 Q Did you recognize the voice of the person on
22 the phone?
- 23 A Yes.
- 24 Q From where did you recognize the voice?
- 25 A I heard it many times.

1 Q You heard it many times?

2 A Yes.

3 Q In the course of your legal practice?

4 A I claim attorney-client privilege.

5 MR. ALCOCK:

6 Your Honor, I think he waived it since
7 he said he heard the voice many times
8 he opened the door, and the State
9 has a right to determine whether or
10 not he heard it in connection with
11 his legal practice, social affairs,
12 business affairs or just where he
13 heard the voice.

14 THE COURT:

15 I sustain the witness' privilege. If he
16 didn't claim it before, he is claim-
17 ing it now.

18 BY MR. ALCOCK:

19 Q At the time you were speaking on the phone to
20 this caller, did you associate a person,
21 that is, a physical being with the voice
22 on the phone?

23 A I believe I did.

24 Q What do you mean you believe you did, did you
25 or did you not?

1 A I believe I did, the answer is positive.

2 Q Approximately how tall was this individual?

3 A I claim two privileges, one, the attorney-
4 client, the other is I respectfully de-
5 cline to answer that question for the
6 reason that in answering it may, might,
7 would, could, or somehow connect me with
8 the chain of circumstances, and the
9 answer thereto may be used against me in
10 a criminal case.

11 MR. ALCOCK:

12 I would like to argue this outside the
13 presence of the Jury, if I might.

14 THE COURT:

15 How long do you think it would take? I
16 would like to save the necessity of
17 the Jurors walking up and down the
18 stairs.

19 MR. ALCOCK:

20 I don't think it will be that long.

21 THE COURT:

22 Let them go into my chambers, Sheriff.
23 (Whereupon, the Jury was removed.)

24 MR. ALCOCK:

25 First of all, I am asking him for a

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1 physical description of the human
2 being, and certainly the attorney-
3 client privilege is not, does not,
4 is not that broad and would not cover
5 that subject area. Now, as far as
6 the Fifth Amendment is concerned,
7 Your Honor, I think the State has a
8 right to show the Jury, since this
9 witness has volunteered that he
10 received a phone call, that the party
11 on the other end of the line was not
12 the Defendant, to his knowledge, that
13 he has never met the Defendant to his
14 knowledge, Clay Bertrand is not the
15 Defendant, the State has every right
16 in the world to show the prior
17 conflicting statements by this wit-
18 ness on other occasions both under
19 oath and not under oath concerning
20 the subject matter so as the Jury can
21 see and test his credibility and what
22 weight they will give his testimony.
23 The State is being handcuffed, Your
24 Honor, the Defense has what they feel
25 they want from him, and now the State

1 cannot show the Jury how the man
2 vacillated back and forth on
3 descriptions, naming individuals --

4 THE COURT:

5 Article 4, Section 5, which deals with
6 the privilege between attorneys and
7 clients states: "No legal advisor
8 is permitted, whether during or
9 after the termination of such employ-
10 ment, unless with his client's
11 expressed consent, is permitted to
12 disclose any communication made to
13 him as such legal advisor by or on
14 behalf of his client or any advice
15 given by him to his client or any
16 information that he may have gotten
17 by reason of being such legal
18 advisor," and aside from that point,
19 he claimed the second privilege, and
20 that is by you forcing him to iden-
21 tify the person who called him or
22 to give a physical description of
23 him, he claims that is a link of
24 circumstances that may or may not
25 be used in a pending criminal

1 prosecution which is pending against
2 him.

3 How many counts of perjury
4 against you, Mr. Andrews?

5 THE WITNESS:

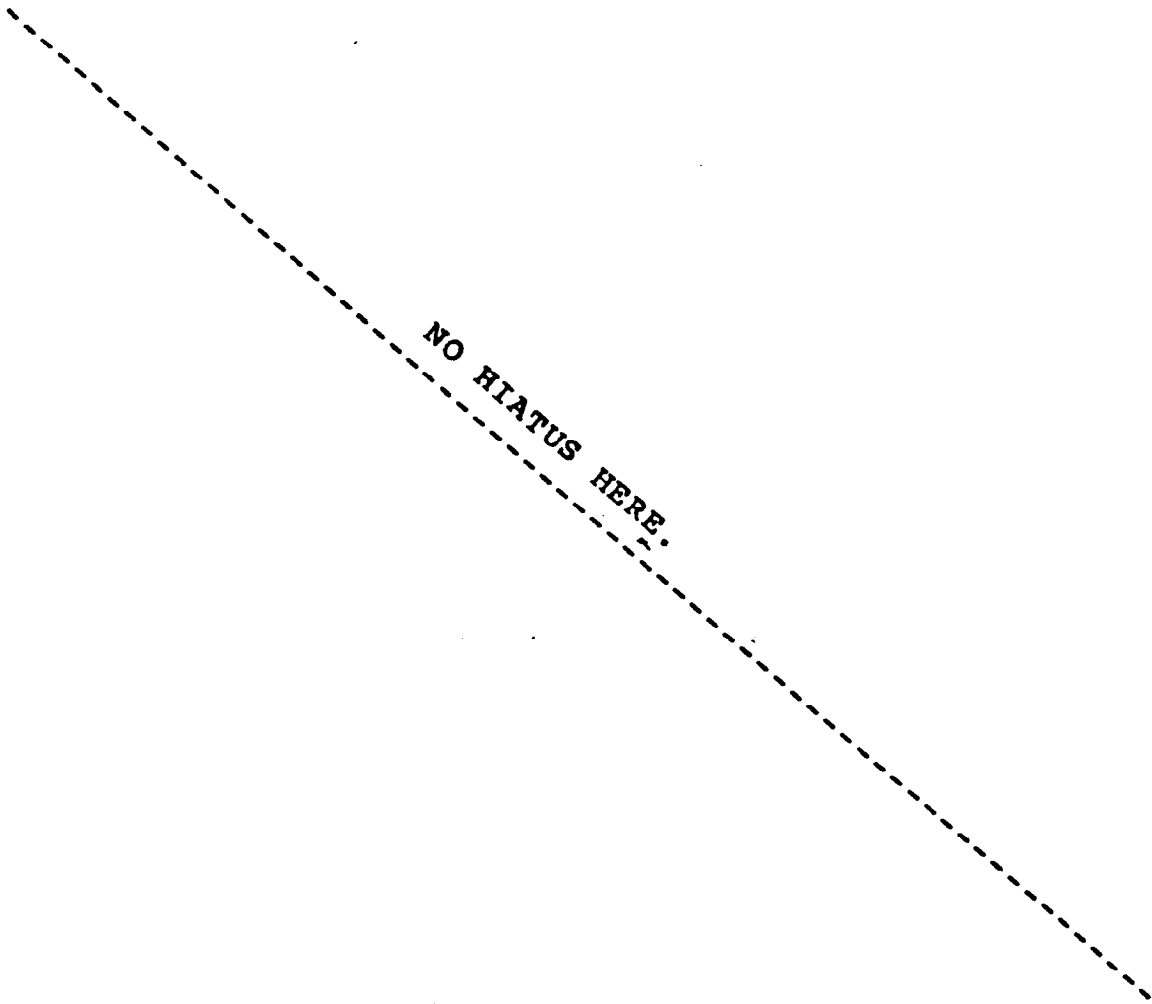
6 Seven counts.

7 THE COURT:

8 Seven counts?

9 THE WITNESS:

10 Right.

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NO HIATUS HERE.

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THE COURT:

And you feel after conferring with your attorney that to give the answer to it would in some way relate to one of the seven counts?

THE WITNESS:

Three, Count 1, Count 2, Count 4.

THE COURT:

What section of the Criminal Court is this in?

MR. ALCOCK:

I think it is probably Section D or G.

THE COURT:

I want the open case and the case on appeal immediately.

MR. ALCOCK:

May I respond just briefly, Your Honor.

I am asking about a physical description. Now, this witness says on the witness stand the voice on the phone was not the Defendant, and certainly we have the physical proportions of the Defendant, and the State has every right in the world to show whether or not this man he

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1 claims he got the telephone call
2 from had the same physical propor-
3 tions as the Defendant. I think when
4 he said positively from the witness
5 stand that the Defendant was not the
6 man who called him, he waived his
7 rights to this area and the State has
8 every right to go in and impeach this
9 witness in his many contradictory
10 statements in connection with his
11 testimony, and as far as the
12 attorney-client privilege is con-
13 cerned, if he could give us the name
14 of his client, his client might waive
15 that privilege. We have to know the
16 name of the client in order to
17 ascertain whether or not the client
18 wants to waive the privilege. If we
19 can have the name of the client --
20 He can't just take the attorney-
21 client privilege without informing us
22 as to the client's name. If he tells
23 us the name of the client, we will
24 ask the client whether he will waive
25 the privilege.

1 MR. BARRY:

2 May it please The Court, the State has
3 contended it is being handcuffed. It
4 appears that this witness is being
5 asked to incriminate himself. Your
6 Honor will see from the Bill of
7 Information, when it comes down here,
8 it is directly incriminating, an
9 answer would be directly incriminat-
10 ing as to at least one of these
11 counts. I am sure Your Honor will
12 agree when he sees the Bill of
13 Information.

14 THE COURT:

15 I have sent for both records, yes.

16 MR. ALCOCK:

17 It is my appreciation of the Fifth Amend-
18 ment that once you do open the door
19 or answer any question that might be
20 linked to that chain, you have waived
21 your right, and when he comes into
22 the courtroom and says the caller is
23 not the Defendant and then the
24 Defendant is not Clay Bertrand, I
25 think he waived all rights in this

1 area and the State has a right to
2 fully explore the whole area to give
3 the Jury an inclination of just, as
4 to just how reliable this man's
5 testimony is.

6 THE COURT:

7 Article 6 of the Red Code, a case in one
8 of the footnotes, 15 La. Annotated,
9 330, it may or may not relate very
10 vitally to this point, it says:

11 "A lawyer may be asked through whose
12 agency he was employed and who is
13 his client," I think that is the
14 legal point involved, and if he may
15 be asked that without a violation of
16 his privilege, then we get into the
17 secondary of whether or not because
18 there is a pending criminal prosecu-
19 tion against him, whether or not it
20 would incriminate him so we get it
21 two-pronged, one is lawyer-client,
22 the other is self-incrimination. I
23 think we would have to get these
24 records first to see whether or not
25 the self-incrimination feature is

1 existing, and if it does, we need
2 not fool with the lawyer-client
3 proposition. I think that can be
4 overcome.

5 MR. ALCOCK:

6 I think Your Honor The Court is well --
7 perhaps not well aware, that perjury
8 convictions all deal with Clay
9 Bertrand. Now, once he says he is
10 not Clay Bertrand, he opened the
11 door, because the State has a right
12 to know who in his estimation Clay
13 Bertrand is.

14 THE COURT:

15 (Reading from the Bill of Information.)

16 This is not seven counts, it is just
17 one count. It is not seven counts
18 in this.

19 MR. ALCOCK:

20 The case before the Supreme Court was a
21 multiple-count case, but the pending
22 case is only one count.

23 THE COURT:

24 Looking at the open cases, seven open
25 counts, it's only one count.

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MR. ALCOCK:

He was found not guilty of some of those counts.

THE COURT:

Five counts in the other. This is the case on appeal, is it not? There is five counts on the case on appeal, there is one count, but it is a transcript of the Grand Jury testimony. May I just take a look at it and see?

I'm going to read the Bill of Information so we will have it in the record.

(Whereupon, it was read into the record.)

THE COURT:

Now, to bring us back into focus, Mr. Alcock, as I understand it, Mr. Andrews has been indicted, this is not an indictment, this is a direct bill of information, it is not a Grand Jury indictment.

MR. ALCOCK:

Your Honor, he was indicted by the Orleans

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Parish Grand Jury on the whole issue of Clay Bertrand and when he comes before this Court and makes a flat statement that the Defendant is not Clay Bertrand, and then we have no right to show the many inconsistent statements this man said relative to the identity of Clay Bertrand, this is to tell the State, well, the Defense can have what they want but you can't impeach the witness.

THE COURT:

I am not trying a perjury case against Mr. Andrews.

MR. ALCOCK:

The State has the right to cross-examine the witness. When he makes a statement relative to Clay Bertrand and positively says the Defendant is not Clay Bertrand, the State has a right to expose the fact that he made many, many inconsistent statements and originally took the position that he could not say that the Defendant was or was not Clay Bertrand, and

1 to deny this right to the State, the
2 Jury would have before it just his
3 statement that he claims taking the
4 privilege, and the State has a right
5 to give the Jury a full background on
6 statements he made relative to this
7 man, and we cannot therefore adequately
8 ly and properly weigh his testimony.

9 The State has a right to impeach this man,
10 and I inform The Court I was going
11 into these cases --

12 THE COURT:

13 You have a right to attack his credibil-
14 ity, you have a right to attack him
15 on prior contradictory statements,
16 and you certainly have the right to
17 ask the witness at a previous time did
18 he not state such and such, whatever
19 you wish to ask him, and as far as
20 making him admit who that person was
21 that he spoke to, at this time you are
22 bringing up the guilt or innocence
23 of a case that is pending against
24 him, and I will not force him to give
25 you his answer. That does not stop

1 you from laying a predicate or
2 foundation for impeachment. You
3 certainly can go into that field of
4 inquiry on cross-examination.

5 MR. ALCOCK:

6 The question that precipitated the whole
7 discussion is what was the size,
8 physical size of Clay Bertrand.
9 Now, this he took an exception to,
10 and this is what we are arguing
11 about now. The State's position is,
12 if he could give us the size, the
13 State will show prior inconsistent
14 statements, all the way from 5'8 to
15 6'2.

16 THE COURT:

17 I'm not going to force Mr. Andrews to
18 give you the size, because that is
19 like giving you half his name, maybe
20 giving you the last half without the
21 first. I will not force him to give
22 you the size of this person because
23 I feel I certainly would be getting
24 into a legal area which certainly
25 could be used against him in these

1 criminal proceedings, and by him
2 being under oath today, this testi-
3 mony could be used against him.

4 MR. ALCOCK:

5 But you realize that when he took the
6 witness stand and said that the
7 Defendant was not Clay Bertrand --

8 THE COURT:

9 It is very close to a judicial confession
10 that you are asking Mr. Andrews to
11 make while he is before me as a
12 witness and I can't force him to make
13 a judicial confession on this case
14 which is pending against him. I will
15 not stop you or deny you the right to
16 lay a predicate to attack the
17 credibility of the witness to show
18 prior contradictory statements which
19 you may pursue, but I will not force
20 him to reveal the measurements of
21 the person who called him, not the
22 client, the lawyer-client relation-
23 ship, that was the only point I would
24 force him to tell you the name of the
25 client, that it is on the grounds of

1 incrimination under the Federal and
2 State constitutional rights, and for
3 that reason I will not force him to
4 give you the measurements of the
5 person he says called him, but you
6 can pursue on cross-examination if
7 you wish to attack the credibility,
8 and it does not stop you from making
9 a deduction and arguing it to the
10 Jury whether or not the witness is
11 or is not worthy of belief. That
12 would be a deduction for you to make
13 in your argument.

14 MR. ALCOCK:

15 I agree with The Court if I am given a
16 sufficient range of development I
17 will certainly argue it to the Jury.

18 THE COURT:

19 I will have to pass on it as it comes up.
20 I am not stopping you from your
21 examination of him.

22 Bring the Jury back in.

23 -----
24 NO HIATUS HERE
25 -----

1 (Whereupon, the Jury returned to the
2 box.)

3 THE COURT:

4 There is no ruling required. We merely
5 excuse the Jury to hear oral argument.
6 You may proceed.

7 MR. ALCOCK:

8 Perhaps the best procedure would be to have
9 the stenographer read the question
10 back and have the Court rule on it.

11 THE COURT:

12 All right.

13 (Whereupon, the pending question
14 was read back by the Reporter.)

15 THE COURT:

16 I sustain the witness's objection to being
17 forced to give an answer to that ques-
18 tion, under the reasons cited outside
19 of the presence of the Jury. Suffice
20 it to say it involves Case No. 200053.
21 For that reason, under the legal ground
22 of self-incrimination, I will sustain
23 the witness's objection to answering
24 the question.

25 BY MR. ALCOCK:

1 Q Now, Mr. Andrews, prior to that telephone
2 conversation had you seen a party whom
3 you may or may not know, named Clay
4 Bertrand, had you seen a party named Clay
5 Bertrand prior to that telephone conversa-
6 tion?

7 THE WITNESS:

8 Read it back to me, please.

9 (Whereupon, the pending question
10 was read back by the Reporter.)

11 THE WITNESS:

12 If he will rephrase this question, Your
13 Honor, I think I could answer it;
14 I can't answer it in the shape that
15 it is in.

16 THE COURT:

17 All right. Let's see. Mr. Alcock, so
18 that we can proceed will you rephrase
19 it.

20 MR. ALCOCK:

21 I will rephrase it.

22 BY MR. ALCOCK:

23 Q Do you know a person named Clay Bertrand?

24 A I know a person who back in the early Fifties
25 was introduced to me as Clay Bertrand.

1 Q And what was the occasion of this introduction?

2 A I walked into the LeRendezvous Bar. It was in
3 the afternoon, I don't recall the date,
4 and they had a wedding reception going on
5 in the dance part in the rear.

6 Q Do you recall by whom you were introduced to
7 Clay Bertrand?

8 A Big Jo introduced -- wait a minute.
9 (Conference between the witness
10 and his Counsel.)

11 A I respectfully decline to answer that question
12 on the grounds that the answer thereto
13 may, might, would or could tend to link
14 me up to a chain of circumstances that
15 would ultimately incriminate me.

16 MR. ALCOCK:

17 Your Honor, I respectfully submit that the
18 witness has already said positively,
19 or made a statement to the effect that
20 the Defendant was not Clay Bertrand.
21 We therefore must assume that he knows
22 who this individual is, and this is
23 merely asking him who introduced him
24 to Clay Bertrand.

25 THE COURT:

1 I believe he answered your question. He
2 decided to claim his privilege, unless
3 I am mistaken.

4 BY MR. ALCOCK:

5 Q Big Jo? Who is Big Jo?

6 A She is a butcher I knew down in the --

7 THE COURT:

8 Speak a little louder and distinctly.

9 Now, she is what, a she or a he?

10 THE WITNESS:

11 A she.

12 THE COURT:

13 I can't understand you.

14 A A she.

15 THE COURT:

16 All right. Big Jo is a she?

17 THE WITNESS:

18 Yes, sir.

19 THE COURT:

20 Female?

21 THE WITNESS:

22 Yes, sir.

23 THE COURT:

24 All right.

25 BY MR ALCOCK:

D5

1 Q How long had you known Big Jo?

2 A Six or seven months, I don't remember.

3 Q And what was the occasion for you going to this
4 particular party or wedding reception?

5 A I just walked into it, I had no knowledge that
6 it was taking place, I just fell into the
7 place.

8 Q What is Big Jo's real name?

9 A Helen Girts.

10 Q Girts?

11 A Yes, sir.

12 Q G-i-r-t?

13 A Yes, sir.

14 Q When was the last time you saw Helen Girt?

15 A When she was released from Angola.

16 Q And when was that?

17 A I don't recall, sometime in the -- probably
18 the late Fifties. I had defended her on
19 a possession of narcotics charge. She was
20 found guilty, I believe sentenced to five
21 years at Angola, and when she came back
22 in town that is the last time I saw her.

23 Q Do you know where she is now?

24 A No, sir.

25 Q You haven't seen her since the late Fifties?

D6
1 A That is the last time I recall. I was called
2 from the First District, she was charged
3 with bribery.

4 THE COURT:

5 What? Bribery?

6 THE WITNESS:

7 Public bribery, yes, sir. That is the last
8 I have seen of her.

9 BY MR. ALCOCK:

10 Q And when approximately was that?

11 A I don't know. I guess the case is still open,
12 it has never been tried.

13 Q Was she charged under the name of Helen Girt?

14 A I don't recall, but I would assume that she
15 was.

16 Q Now, did you have occasion with this person
17 you say you were introduced to as Clay
18 Bertrand, to have a conversation with him
19 during the course of this wedding reception?

20 A (Conference between witness and his Counsel.)

21 MR. BARRY:

22 Read the question back.

23 (Whereupon, the pending question was
24 read back by the Reporter.)

25 A Yes.

1 BY MR. ALCOCK:

2 Q Approximately how long did you talk to him?

3 A He denied being Clay Bertrand.

4 Q At that time?

5 A Right. I knew who he was.

6 Q You knew who he was?

7 A Right. So do you.

8 Q I know who he is? Would you mind telling me

9 who he is, Mr. Andrews?

10 A The Information has his name.

11 Q Well, but the Information isn't in the record.

12 A The Judge read it in the record.

13 Q Not in the presence of the Jury he didn't.

14 THE COURT:

15 I can't offer exhibits, it is up to either

16 the State or the Defense to offer

17 exhibits, I can't offer them.

18 BY MR. ALCOCK:

19 Q Will you give us the name, Mr. Andrews?

20 (Conference between witness and

21 his Counsel.)

22 A I refuse and respectfully decline to answer that

23 question for the reason that it may, might,

24 could or would tend to link me up with a

25 chain of circumstances that ultimately may

1 incriminate me.

2 MR. ALCOCK:

3 Now, Your Honor, I submit when the witness
4 suggests that I know, that it is in
5 the Bill of Information that the
6 Court has read out of the presence
7 of the Jury, I submit he has waived
8 his right to claim the Fifth Amend-
9 ment on that point.

10 THE COURT:

11 I disagree with you. I sustain the objec-
12 tion.

13 BY MR. ALCOCK:

14 Q Had you known this individual prior to going to
15 the wedding reception?

16 A Yes.

17 Q Had you seen him on many occasions prior to
18 going to the wedding reception?

19 A No, not many.

20 Q Had you seen him often after this wedding re-
21 ception?

22 A Yes.

23 Q Would you say you saw him regularly after this
24 wedding reception?

25 A Well, not regularly, but we would bump into each

1 other, and I handled some legal matters
2 for him.

3 Q To your knowledge, did he ever call you and ask
4 you to represent anyone after the wedding
5 reception?

6 A He would refer clients to the office.

7 Q Then I take it when you were introduced by
8 Agent Kennedy in the hospital, you knew
9 who you were talking about allegedly when
10 you told them the name Clay Bertrand? Is
11 that correct?

12 A I would have to look at Mr. Kennedy's notes.
13 That has been my problem ever since, I
14 have never had the notes made available to
15 me, because I don't recall, however, my
16 conversation or Agent Kennedy's conversa-
17 tion.

18 Q You do recall that on direct examination you
19 told Mr. Dymond that the name of Clay
20 Bertrand came up during the conversation
21 with Agent Kennedy, is that not correct?

22 A Yes.

23 Q Did the name of the person that you know Clay
24 Bertrand to be come up during the course
25 of that conversation?

1 A You want to know how the name Clay Bertrand
2 came up during the conversation?

3 Q Yes.

4 A This is my best recollection: At the time
5 Regis Kennedy was making his examination,
6 it suddenly dawned on me that if I revealed
7 the real name I would bring a lot of heat
8 and a lot of trouble to somebody that it
9 didn't belong to. Now this is my recollec-
10 tion, best as I can. I fumbled around for
11 a cover name, and I happened to remember
12 being introduced to this boy, party by the
13 name Clay Bertrand, and used the name Clay
14 Bertrand to associate in my mind with the
15 real party that called. That is the best
16 I can recall.

17 Q In other words, you lied to the FBI?

18 A No, sir.

19 Q You didn't?

20 A You may think I did. I used it as a cover name
21 just as if this man here was the unnamed
22 person and all of a sudden it dawns on
23 you that this matter is deeper than it is.
24 Rather than not use this man's name (sic),

25

1 ing Regis Kennedy any lies.

2 Q You just gave him a wrong name?

3 A I gave him a cover name.

4 THE COURT:

5 Well, let's get down to spelling the
6 English language right: When you
7 gave a cover name, did you give the
8 right name or did you not give the
9 right name?

10 THE WITNESS:

11 I concealed the right name and gave a
12 cover name.

13 THE COURT:

14 All right. We will let it go at that.

15 BY MR. ALCOCK:

16 Q Now, did you know that the FBI was looking for
17 this Clay Bertrand?

18 A I vaguely recall Mr. Kennedy coming into the
19 hospital and telling me about a bunch of
20 men that were in the field, and it was my
21 decision whether they should stay in the
22 field or come out of the field. I don't
23 recall whether I told him, but it was to
24 this effect: I can't help you, pull them
25 up and send them some place else. So in

1 that way I would have to answer yes.

2 Q Did you at that time volunteer the true name
3 of the man that called you?

4 A Nobody asked me.

5 THE COURT:

6 His question to you is did you volunteer.

7 That doesn't mean somebody has to ask
8 you.. Did you volunteer without being
9 asked? That was the question.

10 THE WITNESS:

11 No, no.

12 BY MR. ALCOCK:

13 Q Do you recall how many interviews you had with
14 the FBI after this phone call?

15 A No, sir, I don't.

16 Q Was it as a result of this phone call that you
17 called Mr. Zelden?

18 A What phone call, sir?

19 Q The phone call you got from Clay Bertrand in
20 the hospital.

21 A I have never received a phone call from Clay
22 Bertrand in the hospital.

23 Q Well, the individual that you say is Clay
24 Bertrand.

25 A When did I say this man was Clay Bertrand? I

1 don't recall that.

2 Q Well, you testified before the Warren Commission,
3 didn't you?

4 A Yes.

5 Q Under oath, wasn't it?

6 A Yes.

7 Q Didn't you tell them that the man that called
8 you on behalf of Lee Oswald was Clay
9 Bertrand?

10 A I don't recall. If you have a copy of my testi-
11 mony, I would like to refresh my memory
12 and read it. possibly it could refresh
13 my memory.

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16 NO HIATUS HERE.
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Dl/Pl

1 Q Are you telling The Court now you don't recall 64
2 telling the Warren Commission this?

3 A Yes. I am not Houdini; this has been years
4 ago, practically five years ago.

5 MR. DYMOND:

6 If The Court please, if this witness is
7 going to be cross-examined on a
8 statement that he purportedly made
9 to the Warren Commission, I submit,
10 in fairness, the statement should be
11 submitted to him.

12 THE COURT:

13 That is correct. If you have it available,
14 you should submit it to the witness
15 to refresh his memory.

16 MR. ALCOCK:

17 I am looking for it now, Your Honor.

18 Your Honor, this testimony of
19 Mr. Andrews before the Warren Commis-
20 sion is somewhat lengthy. Perhaps I
21 might suggest to The Court that we
22 allow Mr. Andrews to read it in its
23 entirety and have the Jury go to
24 lunch now, because it is somewhat
25 lengthy and I intend to cross-examine

D/P2

65

1 him at length from this interview.

2 THE COURT:

3 How many pages is the testimony?

4 MR. ALCOCK:

5 There are 15 pages, Your Honor, However,
6 the printing is quite small.

7 THE COURT:

8 I understand you wish to minutely cross-
9 examine --

10 MR. ALCOCK:

11 That is correct, Your Honor.

12 THE COURT:

13 -- the witness on a previous alleged
14 contradictory statement, and in order
15 to be fair with the witness you would
16 like to give him a chance to read his
17 testimony to refresh his memory?

18 MR. ALCOCK:

19 That is right.

20 THE COURT:

21 Well, I think the legal proposition is
22 that he should be permitted to read
23 it, and then you may use it in your
24 cross-examination.

25 Gentlemen of the Jury, it is

D/P3

1 about 19, almost 18, minutes to 12:00 66
2 but I am going to recess to the
3 regular time, just a difference of
4 about 15 minutes. I will ask the
5 Sheriffs to have you back here for
6 1:30.

7 Now, again, I must under the
8 law each time you leave the court-
9 room, admonish you and instruct you,
10 do not discuss the case amongst
11 yourselves or with any other person
12 until it is finally given to you for
13 your verdict and decision.

14 MR. ALCOCK Mr. Alcock, I would suggest that
15 you let me have this testimony, and
16 I will give it to Mr. Andrews and
17 Mr. Barry and ask them to return it
18 back to me at 1:30.

19 MR. ALCOCK:

20 It is the only copy I have.

21 THE COURT:

22 It is the only copy you have?

23 MR. ALCOCK:

24 We have one more, but the other one is

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(handing document to The Court).

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THE COURT:

Be sure you don't lose this. I would like to turn it over to you, Mr. Barry, as attorney for Mr. Andrews. I expect you both back at about 1:28 to take the stand.

I must caution the witness that he can discuss anything he wishes with his attorney but he cannot discuss his testimony with witnesses who have already testified or who have not testified, but he certainly can discuss it with his attorney.

All right. Mr. Andrews, you are relieved as a witness until 1:30.

Mr. Shaw, you are released under your same bond, and This Court will stand recessed for lunch until 1:30.

. . . . Thereupon, at 11:47 o'clock a.m., a recess was taken until 1:30 o'clock p.m.

1 Pursuant to the recess,
2 the Proceedings herein were
3 resumed at 1:35 o'clock p.m.,
4 appearances being the same as
5 heretofore noted in the
6 record

7 THE COURT:

8 Are the State and the Defense ready to
9 proceed?

10 MR. DYMOND:

11 We are ready.

12 MR. ALCOCK:

13 Yes, Your Honor.

14 THE COURT:

15 Let me remind the witness that the oath
16 that he previously took is still
17 binding.

18 THE WITNESS:

19 Thank you, Judge.

20 THE COURT:

21 All right, Mr. Alcock. I believe you have
22 the witness.

23 . . . oOo . . .

24 DEAN ANDREWS,

25 having been sworn and having testified previously,

D/P6

1 resumed the stand for a continuation of the

69

2 CROSS-EXAMINATION

3 BY MR. ALCOCK:

4 Q Now, Mr. Andrews, referring to this man that
5 you met as Clay Bertrand in the '50's,
6 after this first meeting did you have
7 occasion to see him fairly often?

8 A Decline to answer that question on the ground
9 that it may, might, could, would or will
10 tend to link me with a chain of circum-
11 stances that would incriminate me. I have
12 three specific articles that are substan-
13 tive, of the Louisiana Criminal Code in
14 mind, either Article 123, 124, or 125.

15 MR. ALCOCK:

16 Those are the perjury articles, Your
17 Honor. I would suggest to The Court
18 that this witness has already
19 indicated he did. I am just trying
20 to clarify in order to enter my line
21 of questioning in connection with
22 his testimony before the Warren
23 Commission under oath.

24 THE COURT:

25 I am going to sustain the witness'

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objection.

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MR. ALCOCK:

Thank you, Your Honor.

BY MR. ALCOCK:

Q Subsequent to this meeting at the wedding reception, and prior to the phone call on November 23, had you had any phone calls from this man you identify as Clay Bertrand?

A Respectfully decline to answer that question and invoke the Fifth Amendment, for the reason that an answer may, might, would or could tend to link me up with a chain of circumstances that would incriminate me. I have three specific articles of the Louisiana Substantive Code of Criminal Procedure in mind, Articles 123, 124 and 125.

THE COURT:

I will sustain the witness' objection.

MR. ALCOCK:

Your Honor, the witness has already indicated he received at least one phone call from him, and that is a rather critical phone call. Now the State is

P8

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1 estopped from asking whether he
2 received any other phone calls?

3 THE COURT:

4 I have to rule on the situation as it
5 presents itself, I cannot comment on
6 why he did or did not answer that
7 question, but if he invokes it I will
8 have to rule on it as of the moment
9 it is presented to me.

10 MR. DYMOND:

11 Your Honor, in the interest of conserva-
12 tion of time, could we ask Mr. Andrews,
13 when he is declining to answer a
14 question, just to say on the same
15 grounds?

16 THE WITNESS:

17 I would prefer to repeat it, under some
18 jurisprudence, Your Honor, to make
19 sure there is no confusion.

20 MR. DYMOND:

21 Very well.

22 THE COURT:

23 One correction. I thought maybe I would
24 call it to your attention. You keep
25 saying the Code of Criminal Procedure.

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It is in the Criminal Code --

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THE WITNESS:

The substantive law.

THE COURT:

-- not the Code of Criminal Procedure.

I would like that correction made.

THE WITNESS:

The three articles referred to --

THE COURT:

Are found --

THE WITNESS:

In the Criminal Code.

THE COURT:

Not in the Code of Criminal Procedure.

THE WITNESS:

Right. Thank you.

BY MR. ALCOCK:

Q Now, Mr. Andrews, when you appeared before the Warren Commission, did you tell Mr. Liebler, the Commission Counsel who was questioning you, that you met this Clay Bertrand on a prior occasion?

A Respectfully decline to answer that question for the reason that an answer thereto may, might, could or would tend to link me up

D/P10

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1 with a chain or link or circumstances
2 that would ultimately result in me being
3 indicted, or be to my disadvantage in an
4 open case. I have three specific articles
5 in mind, Articles 123, 124, and 125.

6 MR. ALCOCK:

7 Your Honor, I am asking him about a state-
8 ment that he made under oath before
9 the Warren Commission, and I intend
10 to impeach him on this statement.

11 THE COURT:

12 Yes. I just want to check the article.

13 I anticipated this.

14 THE WITNESS:

15 Article 124, Your Honor.

16 THE COURT:

17 Take this down, Madam Reporter. The
18 article in the Code of Procedure,
19 in the written code which I refer to
20 -- it is still the same law -- reads:

21 "Whenever the credibility of a
22 witness is to be impeached by proof
23 of any statement made by him contra-
24 dictory to his testimony, he must
25 first be asked whether he has made

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such statement, and his attention must be called to time, place and circumstances, and to the person to whom the alleged statement was made, in order that the witness may have an opportunity of explaining that which is prima facie contradictory. If the witness does not distinctly admit making such statement, evidence that he did make it is admissible."

Now, that is the ordinary situation, but in this particular case, Mr. Alcock, as I view the law, you can ask the witness if he did or did not make such a statement and read from the record if you wish. He may admit or deny or make whatever objection he does.

MR. ALCOCK:

All right, Your Honor.

THE COURT:

That is the only way I see we can do it.

MR. ALCOCK:

Perhaps I can assist Mr. Andrews. I am referring to page 331 of the document

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D/P12 1

I believe you have in your hand now.

75

2 THE WITNESS:

3 I have page 31.

4 MR. ALCOCK:

5 All right.

6 BY MR. ALCOCK:

7 Q I am referring to a question propounded to you
8 by Mr. Liebler, which on that page would
9 be the next to last question propounded
10 by Mr. Liebler, and it reads:

11 "Question: Now what can you tell us
12 about this Clay Bertrand? You met him
13 prior to that time?" Your answer being:
14 "I had seen Clay Bertrand once some time
15 ago, probably a couple of years. He's
16 the one who calls in behalf of gay kids
17 normally, either to obtain bond or parole
18 for them. I would assume that he was the
19 one that originally sent Oswald and the
20 gay kids, these Mexicanos, to the office,
21 because I had never seen those people
22 before at all. They were just walk-ins."

23 Now, did you make that statement?

24 MR. DYMOND:

25 If The Court please, object on the

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ground that time, place and circum-
stances have not been furnished to
the witness.

MR. ALCOCK:

There couldn't be any more furnished than
him having the question right in
front of him.

MR. DYMOND:

The Code article specifically says time,
place and circumstances must be
furnished. Your Honor just read the
article.

NO HIATUS HERE

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D3/P1

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1 THE COURT:

2 Well, I think, Mr. Alcock, although it
3 might ordinarily appear, would you
4 state the time, place and circum-
5 stances.

6 MR. ALCOCK:

7 I will do that.

8 BY MR. ALCOCK:

9 Q Do you recall having testified before
10 Mr. Liebler, who was a Commission attorney
11 for the President's Commission on the
12 assassination of President Kennedy, on
13 July 21, 1964 at the old Civil Courts
14 Building, Royal and Conti Streets in the
15 City of New Orleans?

16 A I appeared before Mr. Liebler.

17 Q On that date?

18 A On that date at that time.

19 Q In that building?

20 A In that place.

21 Q Now, did you make this statement?

22 A I have no memory refreshed after reading this.

23 However, this statement is here, I must
24 assume that I made it.

25 Q Now, the statement said that you had seen

D3/P2

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1 Clay Bertrand two years prior. Is that
2 correct?

3 A If the statement says it, I said it.

4 Q In fact, hadn't you seen this man you identify
5 as Clay Bertrand rather regularly between
6 the time you first met him and the time
7 you testified before the Warren Commission
8 as attorney?

9 A No.

10 Q You did not see him rather regularly?

11 A (Conference between witness and his counsel.)

12 Respectfully decline to answer this
13 question for the reasons that this is
14 getting into a matter that may, might,
15 could or would tend to incriminate me. I
16 have three specific articles in mind,
17 Articles 123, 124, 125, in the case pend-
18 ing open against me now.

19 MR. ALCOCK:

20 Your Honor, I don't see how I can very
21 well impeach this witness unless I
22 can ask him some questions as to the
23 statement he gave under oath before
24 the Warren Commission.

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Well, as I understand the law, this witness is not an ordinary witness in the true sense of the word. If he were you might be able to proceed forward, but he is in the peculiar status of a witness defending in a pending criminal proceeding. For that reason it makes it an unusual legal situation. The article under 493 says: "If the contradictory statement is in writing, the proper foundation is in the production of the writing itself."

Now, you have produced the writing.

MR. ALCOCK:

Yes, I have.

THE COURT:

Would you read back that last question that the witness refuses to reply to?

(Whereupon, the pending question was read back by the Reporter.)

THE COURT:

Well, the question that you put,

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1 Mr. Alcock, is not from the writing, that 80
2 is from your own origination.

3 Right?

4 MR. ALCOCK:

5 That is right.

6 THE COURT:

7 I sustain this objection.

8 MR. ALCOCK:

9 Your Honor, may I have the Jury removed
10 to argue this point?

11 THE COURT:

12 Certainly. Take the Jury in my office,
13 please. I will be glad to hear from
14 you.

15 (Whereupon, the Jury retired.)

16 MR. ALCOCK:

17 Your Honor, this man has identified an
18 individual as Clay Bertrand. The
19 name I won't mention on this occasion.

20 THE COURT:

21 I can't hear you.

22 MR. ALCOCK:

23 This man has identified an individual as
24 Clay Bertrand. The individual he has
25 identified is someone that he was in

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constant contact with, or association 81
with, over a long period of time.
When he referred to him in the
Warren Commission Report and says he
had only seen him two years ago, and
further on I am going down to a point
where he says he saw him once six
months ago, these are patent lies
because he sees him almost every day,
the man he is referring to, and I
cannot bring this out to the Jury and
show wherein he is lying, Your Honor,
unless I am allowed to ask him the
question. What good if I can read
the statement? The Jury doesn't
understand what is behind the state-
ment.

THE COURT:

The last question, Mr. Alcock, was not
reading from the statement.

MR. ALCOCK:

The last question was, isn't it a matter
of fact you saw this man rather
regularly between the time you first

3/P6

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1 before the Warren Commission.

2 THE COURT:

3 Where is there a contradictory statement
4 in this? I don't see that question
5 put in this.

6 MR. ALCOCK:

7 If he says he saw him once two years ago,
8 it is manifestly contradictory if he
9 says he saw him regularly during that
10 period.

11 THE COURT:

12 Where can you show me that in the testimony
13 before the Warren Commission?

14 MR. ALCOCK:

15 He didn't say it before the Warren
16 Commission.

17 THE COURT:

18 Then how can you contradict him on it?

19 MR. ALCOCK:

20 Because I can contradict him on his own
21 testimony, but if he is not going to
22 be allowed to answer my questions,
23 how can I contradict him?

24 THE COURT:

D3/P7

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1 witness takes the role of a person
2 under charges.

3 MR. ALCOCK:

4 The witness is under the role of a person
5 under direct charges when he took the
6 stand under Direct Examination, when
7 he discussed Clay Bertrand.

8 THE COURT:

9 And at the time he took it he did not
10 give up his constitutional rights
11 just because he took the witness
12 stand and answered questions.

13 MR. ALCOCK:

14 I realize that, but when he answered
15 questions relative to Clay Bertrand,
16 he opened the door.

17 THE COURT:

18 Not in my opinion. It is different.
19 Any time that he wishes not to invoke
20 his constitutional right, he may do
21 it, but if he wishes to invoke his
22 constitutional right, I have to rule
23 on it at that moment, and that is
24 what he is doing.

25 MR. ALCOCK:

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Well, Your Honor, what good would it be for me to read down these statements before the Warren Commission unless I could elicit testimony from him that they were in fact contradictory. Now wait a minute. The Court has denied me the right to ask this man whether or not he had rather constant association with Clay Bertrand.

THE COURT:

I beg your pardon.

MR. ALCOCK:

The Court has denied me the right to ask this man whether or not he had rather regular association with the name -- the man he associates with the name of Clem Bertrand.

THE COURT:

That is correct.

MR. ALCOCK:

Unless I can elicit this, these statements would be ineffectual, they would be read in a vacuum. The Jury doesn't understand this. How can I impeach this man unless I can show what he

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D3/P9

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has said on prior occasions? The man
he identifies as Clay Bertrand is a
client of his and whom he saw
regularly. Now he says he saw him
once two years ago, which is a lie
under oath and I have got a right to
show it to the Jury.

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NO HIATUS HERE

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THE COURT:

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Well, let's see now. Let me try to explain it to you the way I look at the law. You are alleging that certain statements made by Mr. Andrews when he was interviewed in January of 1964 -- you read the statement to him, he either tells you yes he made the statement or denies it and says he didn't. If he admits it, you have to go to something else. And you wish now to go further than that.

MR. ALCOCK:

I can't show it is a lie?

THE COURT:

If he admits it, you can't go any further, not with this witness. You may be able to put other witnesses in on rebuttal to show he is lying.

Mr. Alcock, if you ask Mr. Andrews did he make such and such a statement to the Commission --

MR. ALCOCK:

Right. He says --

D4/P2

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1 THE COURT:

2 -- and then he says, if it is in the
3 record I must have made it, --

4 MR. ALCOCK:

5 Right.

6 THE COURT:

7 -- then you want to ask him is it the
8 truth or not the truth?

9 MR. ALCOCK:

10 That is correct.

11 THE COURT:

12 You haven't asked him that. You asked
13 him has he met Clem Bertrand three
14 our four times.

15 MR. ALCOCK:

16 Clay Bertrand.

17 THE COURT:

18 Clay Bertrand.

19 MR. ALCOCK:

20 You mean I can't ask him -- Can I ask him
21 if it is the truth or not?

22 THE COURT:

23 Certainly.

24 MR. ALCOCK:

25 All right.

1 THE COURT:

2 But if you are referring to something
3 which tends to say he met Clem
4 Bertrand or Clay Bertrand during a
5 period of time, it does get close to
6 the open charges against him, because
7 that is the substance of this open
8 indictment against him.

9 I know what you are referring
10 to. I will read it:

11 "And this was the man who was
12 introduced to you as Clay Bertrand?

13 "Answer: Right.

14 "Question: Have you talked to
15 this man on the phone?

16 "Answer: I talked to him almost
17 every day."

18 That is what you are talking
19 about?

20 MR. ALCOCK:

21 That is right. But how does the Jury know
22 that? How can I impeach him?

23 THE COURT:

24 If you didn't have Mr. Andrews indicted or
25 informed against, you could proceed,

D/4-P/4

1 but you have got yourself in a legal 89
2 bind because you informed against
3 him. You have got him in a peculiar
4 circumstance where he can invoke his
5 constitutional privileges. You people
6 have caused him to be put in this
7 position, not me.

8 MR. ALCOCK:

9 We haven't caused him to be put in any
10 position, he caused himself, by lying
11 under oath, to be put in that posi-
12 tion and the Grand Jury indicted him
13 and we convicted him. We haven't
14 caused him to do anything.

15 THE COURT:

16 Well, he is in a very unusual position,
17 because being a Defendant he takes
18 the role of a person who can invoke
19 constitutional provisions which I
20 will have to sustain any time he
21 invokes them and I think they are
22 properly brought up before me.

23 MR. ALCOCK:

24 But the whole point is, Your Honor, if he

D4/P5

1 make positive and unequivocal state- 90
2 ments about Clay Bertrand not being
3 the Defendant, the State has got a
4 right to go into the other side of
5 the coin and show him his contradic-
6 tory statements as to just who Clay
7 Bertrand is.

8 THE COURT:

9 If they're in the Warren Commission Report,
10 but if you ask him a statement outside
11 of this report and he invokes his
12 constitutional --

13 MR. ALCOCK:

14 I can't read that statement the Court is
15 reading and show wherein that is
16 contradictory, and ask him to explain
17 the contradiction?

18 THE COURT:

19 You mean this?

20 MR. ALCOCK:

21 Right.

22 MR. DYMOND:

23 If The Court please, I might say we are
24 going to object to that.

25 THE COURT:

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Oh, I see. Then you would be bringing up 91
the fact that he has been charged,
not convicted.

MR. ALCOCK:

Not convicted.

THE COURT:

You can say, you appeared before the
Orleans Parish Grand Jury such and
such a date? Yes, I did. Did you
make the following statements? Yes,
I did. How does that statement com-
pare to the statement before the
Warren Commission? Can you explain.
Without bringing up the fact whether
he is charged.

MR. ALCOCK:

Yes, I have no intention of bringing that
up.

THE COURT:

I will permit that. You are going in --
I will hear you before I bring the
Jury back, Mr. Dymond -- without
stating that Mr. Andrews is under
charges and he has a statement in
writing which --

D4/P7

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1 MR. DYMOND:

2 If The Court please, if he takes that
3 record of a pending case out and
4 flashes it before The Jury, it
5 doesn't take any understanding --

6 MR. ALCOCK:

7 I'm not taking it out, I have got it right
8 here.

9 THE COURT:

10 Any statement he made that is recorded,
11 as long as you don't bring before the
12 Jury that he is under charges or
13 facing a trial.

14 MR. ALCOCK:

15 I am not going to.

16 THE COURT:

17 You haven't tried that.

18 MR. ALCOCK:

19 I am not going to.

20 THE COURT:

21 I say, you haven't tried this new approach.

22 MR. ALCOCK:

23 I will try it now.

24 THE COURT:

25 Bring the Jury back.

(Jury returns to the box.)

1 THE COURT:

2 All right. You may proceed, Mr. Alcock.

3 BY MR. ALCOCK:

4 Q Now, Mr. Andrews, do you recall appearing before
5 the Orleans Parish Grand Jury on June 28,
6 1967?

7 A I appeared before them three times. I don't
8 know whether one of the times was June or
9 not, I don't recall.

10 Q Well, if I showed you a transcript, do you feel
11 you could peruse it quickly and determine
12 whether or not this was your testimony
13 (exhibiting document to witness)?

14 A Yes. The document doesn't refresh my memory.
15 It appears to be an official document
16 dated June 28, 1967, so I can only assume
17 that is the day on which I appeared, one
18 of the three times before the Grand Jury.

19 Q Would you read a little bit of the interior of
20 it and determine whether or not you recall
21 having made those statements under oath?

22 A I can't tell. This appears to be an abstract --
23 it doesn't refresh my memory -- this appears
24 to be an abstract of what I did say, and
25 while it doesn't refresh my memory, it is

D5/N2

1 written in here and apparently I said it,
2 but it is not all that I said. This
3 appears to be abstracts.

4 Q This appears to be abstracts to you?

5 A Yes, it appears to be. The first thing I recall
6 doing is being sworn in. That is not on
7 the first page.

8 Q Is that the only difference? Did you read
9 where it said "After being duly sworn by
10 the Foreman of the Orleans Parish Grand
11 Jury, was questioned and answered as
12 follows"?

13 A I told you it didn't refresh my memory to recall
14 everything correct. All I can tell you is
15 this, it appears to be an official docu-
16 ment on June 28, 1967. There is no way
17 possible that I could recall in 1969 what
18 I said before a Grand Jury June 28, 1967.
19 I don't recall. I appeared before the
20 Grand Jury.

21 Q Do you recall whether or not on that appearance
22 -- and again without saying who you may have
23 named, if anyone -- do you recall whether
24 or not on that appearance you named anyone

5/N3

1 A I respectfully decline to answer that question
2 for the reason it may, might, could or
3 would tend to incriminate me. I have
4 three articles in an open case in mind,
5 Articles 123, 124, 125, the case now pend-
6 ing before --

7 THE COURT:

8 Mr. Alcock, the status is that you have
9 not read to him this contradictory
10 statement.

11 MR. ALCOCK:

12 All right. I will read the statement.

13 BY MR. ALCOCK:

14 Q The question propounded to you was as follows:

15 "Q And this was the man who was introduced
16 to you as Clay Bertrand?

17 "A Right.

18 "Q Have you talked to this man on the phone
19 recently?

20 "A I talked to him almost every day. I have
21 known him a long time.

22 "Q Your testimony now is that this is the man
23 who sent clients to your office?
24 Talked to you on behalf of homosexuals?

25 "A This is the man who sent clients to my

5/N4

1 office, sometimes they were fags,
2 sometimes they weren't.

3 "Q Is this the man who called you in the
4 hospital and asked you to represent
5 Lee Harvey Oswald?

6 "A This is the man I believe called me. I
7 believe -- what you all believe is
8 your affair."

9 Do you recall making that statement?

10 A Not now, but if it is in there apparently I
11 made it. It doesn't refresh my memory.

12 Q Going back to your statement before the Warren
13 Commission, the statement that I believe
14 you have right before you now -- do you
15 have Page 331?

16 A Right.

17 Q Let me ask you this before we go into that. At
18 the time that you were being interviewed
19 by Mr. Liebeler, did you have in your
20 mind the true identity of this man you
21 named Clay Bertrand?

22 A I respectfully decline to answer that question
23 for the reason that it may, might, could
24 or would tend to incriminate me or link me
25 with a chain of circumstances. I have

D5/N5

1 three specific provisions in mind, Articles
2 123, 124, 125, in the open case pending
3 against me.

4 MR. ALCOCK:

5 Your Honor, unless we can determine this,
6 none of this will make any sense.

7 THE COURT:

8 Mr. Alcock, I can't tell the State how to
9 run their case. I sustain his objec-
10 tion to the last question.

11 BY MR. ALCOCK:

12 Q Mr. Andrews, when you appeared before the
13 Orleans Parish Grand Jury on June 28, 1967,
14 do you recall making the statement -- and
15 I will leave out the name of the individual.
16 I asked you if you ever heard from Clay
17 Bertrand after the time you were called
18 about representing Lee Harvey Oswald in
19 the assassination, and the answer was:
20 "I ain't seen nor heard of him since, not from
21 Clay Bertrand, because I call him (and
22 there is a name). You are right, -- I
23 told you that, -- and I ain't seen hide
24 nor hair of him nor heard from Clay Bertrand
25 other than one time I remember when I was

D5/N6

1 with Regis up there, I called him (and
2 there is the name again), I was introduced
3 to the man one time."

4 Do you recall making that statement?

5 A No, but if it is what you read, I made it. I
6 cannot recall what took place in that
7 lengthy interrogation before the Grand
8 Jury in 1967, but if it is written in
9 there I made the statement.

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NO HIATUS HERE.

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D6/N1

- 1 Q All right. Going back to your testimony before 99
2 the Warren Commission, or rather before
3 Mr. Liebeler, I address your attention to
4 Page 334, I address your attention to the
5 question propounded by Mr. Liebeler as
6 follows:
- 7 "Q Do you have a picture in your mind of
8 this Clay Bertrand?
- 9 "A Oh, I ran up on that rat about six weeks
10 ago and he spooked, ran in the
11 street. I would have beat him with
12 a chain if I had caught him."
- 13 Do you recall making that statement?
- 14 A No, but since it is written here apparently I
15 made the statement. This is 1964, today
16 is 1969. I have no --
- 17 Q Go ahead.
- 18 A -- recollection of making it. However, if it
19 is here, apparently I made it at the time
20 I was interrogated by Mr. Liebeler.
- 21 Q Now, is that the same individual that you had
22 reference to in the Grand Jury on the
23 question-and-answer situation I have just
24 read to you?
- 25 A I respectfully decline to answer that question

1 for the reason that an answer to that
2 question may, might, would or could tend
3 to link me with a chain or chain of
4 circumstances that would ultimately in-
5 criminate me. I have three specific
6 provisions in mind, Articles 123, 124,
7 125, to the open case in this case pending
8 against me.

9 THE COURT:

10 I sustain the witness's objection.

11 MR. ALCOCK:

12 Your Honor, the State is not allowed to
13 proceed on the cross-examination?
14 The Court has completely cut the
15 State off from impeaching this witness?

16 THE COURT:

17 Sheriff, take the Jury in my office, please.
18 (Whereupon, the Jury retired from
19 the proceedings.)

20 MR. ALCOCK:

21 Your Honor, my position is basically this:
22 When this man took the witness stand
23 and made categorical statements about
24 Clay Bertrand, he waived his Fifth
25 Amendment rights about Clay Bertrand.

D6/N3

101

1 THE COURT:

2 Stop right there. I disagree with you
3 100 per cent. Now, if we don't agree
4 on that, we are not going to get any-
5 where.

6 MR. ALCOCK:

7 In addition to that, Your Honor, --

8 THE COURT:

9 He can waive it when he wishes to waive it,
10 and when he wants to invoke it I have
11 to respect it. That is the legal
12 situation. If he wants to waive it
13 when it comes to the Defense side and
14 he doesn't -- I cannot stop him -- if
15 he wants to invoke it when you ask
16 him questions, I have to rule on it.

17 MR. ALCOCK:

18 Well, our client, the State of Louisiana,
19 has a constitutional right of con-
20 frontation, and I think that that
21 right of confrontation is being denied
22 by this Court because we are not
23 allowed to elicit from this man the
24 many contradictory statements he made
25 about Clay Bertrand.

/N4

102

1 THE COURT:

2 Mr. Alcock, I feel sorry about your client

3 but I have to follow your client's

4 law, your client is the one that

5 tells me what to do. I am following

6 the law of the State of Louisiana

7 whether you agree with me or not.

8 I would like to say I have not de-

9 nied you the right under Article 493

10 of proving a contradictory statement

11 made by Mr. Andrews. Whenever you have

12 read a statement to him up to this

13 point, he has admitted making it.

14 If he denies it, well, then you can

15 bring evidence to show that it is

16 true. He has admitted making the

17 statements that you have asked him.

18 In my opinion he has, he has not de-

19 nied it. But when you go and rephrase

20 a question or put a question to Mr.

21 Andrews which is not in writing, not

22 in the Grand Jury testimony, it is not

23 in the questioning by Mr. Liebeler,

24 the President's Commission attorney,

25 if at that time the witness, Mr. Andrews

D6/N5

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invokes his rights, and I have to rule on them, when he does invoke them, and I think it is germane and that he is making a legal, good objection, I will rule in his favor. I have consistently done that. That is the legal situation.

NO HIATUS HERE.

D/7N

104

1 MR. ALCOCK:

2 Well, Your Honor, I would ask for a brief
3 recess in order that -- I did not
4 appreciate the Court's ruling to be
5 of that nature prior to the luncheon
6 recess. I am not saying that the
7 court didn't indicate that, I just
8 say I did not understand it to be
9 of that nature.

10 THE COURT:

11 Let's go over it again so there can be no
12 question. The best proof of a prior
13 contradictory statement when it has
14 been made in writing, is the writing
15 itself.

16 MR. ALCOCK:

17 I realize that.

18 THE COURT:

19 You have given to the witness a copy of
20 his testimony before the President's
21 Commission when he was interviewed
22 by Mr. Wesley J. Liebeler. You have
23 also shown to Mr. Andrews a transcript
24 of his testimony before the Grand Jury.
25 If you wish -- if you remember my

7/N 1 earlier ruling, I said you could
2 question the witness on prior contra-
3 dictory statements.

4 MR. ALCOCK:

5 I know that, Your Honor.

6 THE COURT:

7 I have not deviated from that ruling.

8 MR. ALCOCK:

9 Well, --

10 THE COURT:

11 The only question that you and I are at
12 odds about is that you feel since
13 he testified like he did originally
14 on direct, that he opened the door
15 and therefore he more or less gave
16 away his rights and privileges. You
17 and I differ on that point, I say he
18 did not, any time he wishes to invoke
19 his constitutional privileges, I have
20 to rule on it as of that moment
21 irrespective of what he may have
22 testified to on direct. Now that is
23 where we disagree.

24 MR. ALCOCK:

25 It is the Court's position that a man

1 cannot answer a question and thereby
2 ever open up the door on a Fifth
3 Amendment proposition?

4 THE COURT:

5 Not in my opinion. He can inadvertently
6 answer 50 questions, and just because
7 he answered 50, all of a sudden his
8 attorney wakes up and tells him not
9 to answer any more, and then he
10 stops, you can't force him to answer
11 that question.

12 MR. ALCOCK:

13 Well, Your Honor, I think Mr. Andrews
14 appreciates this, because he keeps
15 repeating he doesn't want to say any-
16 thing that might form a link in the
17 chain.

18 THE COURT:

19 That is correct.

20 MR. ALCOCK:

21 Once he provides the Court with any link,
22 the State or questioning party has a
23 right to question him about the whole
24 area and therefore make a complete or
25 entire chain. Mr. Andrews appreciates

1 this.

2 THE COURT:

3 I will tell you what I will do. I am
4 going to send the Jury upstairs, and,
5 if you wish, I am going to take about
6 a 20-minute recess, and let you with
7 your assistants, let you go research
8 it and show me an article in the law
9 where I am wrong. If you can show me
10 I am wrong, I will be happy to have
11 you do that.

12 It is 17 minutes after 2:00. Suppose we
13 take a recess for about 20 minutes,
14 and if you need more time can you send
15 word to me?

16 MR. ALCOCK:

17 Yes, Your Honor.

18 THE COURT:

19 You understand the legal proposition?

20 MR. ALCOCK:

21 Yes, sir.

22 THE COURT:

23 We will take a recess.

24 (Whereupon, a recess was taken.)

25 AFTER THE RECESS:

D7/N

1 THE COURT:

2 I wish to make a dictation into the
3 record to get myself squared away
4 right away.

5 The legal question raised -- and this is
6 dictated out of the presence of the
7 Jury -- the legal question raised,
8 which we took a recess to research,
9 to put it more or less in lay language:
10 Can a witness either for the State or
11 for the Defense take the witness
12 stand and after being properly ad-
13 vised by his own attorney and by the
14 Court as to the possibility of him
15 incriminating himself, knowing at the
16 time when he takes the witness stand,
17 even though under subpoena, that he
18 may be called upon either on direct
19 or cross-examination to answer ques-
20 tions which may pertain to a pending
21 criminal proceeding against him -- the
22 witness is in a dual role: First, as
23 an ordinary witness he could claim his
24 Fifth Amendment Federal Constitutional
25 privileges as well as Article 1,

1 Section 11(?) of the Louisiana
2 Constitution, which both in effect
3 state that no person shall be com-
4 pelled to give evidence against him-
5 self in a criminal case or in any
6 proceeding which may subject him to
7 a criminal prosecution.

8 Now, this is not a criminal case being
9 tried against Mr. Dean Andrews, but
10 it is a proceeding in court which
11 could subject him to criminal prose-
12 cution. The only exception to the
13 rule about incrimination contained in
14 the Louisiana Law refers to the law
15 of bribery. In this particular in-
16 stance the District Attorney of this
17 Parish as well as every other parish
18 in the 64 of the State can offer
19 immunity to either the bribe-giver
20 or the bribe-taker, and when he so
21 does and if that person is before the
22 Grand Jury, he can force that person,
23 by offering him the immunity he can
24 force that person under penalty of
25 contempt, which is done by repeating

D7/N

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1 the questions to him in open court
2 before the Judge, to serve that person
3 with a criminal offense of contempt
4 of court by refusing to give informa-
5 tion when he has been offered some
6 state immunity as to that particular
7 crime.

8 Now, that brings us up to the status of
9 Mr. Andrews. When he took the witness
10 stand today under subpoena by the
11 Defense, his rights were explained to
12 him by the Court, as well as the
13 statement made by him to the effect
14 that he and his attorney had researched
15 the law on incrimination, and apparent-
16 ly he was well versed in it because he
17 repeated almost verbatim, if not ver-
18 batim, when he refused and interposed
19 an objection, he stated the reasons,
20 referring to Criminal Code Articles
21 123, 124, 125.

22 Now, the question brought before me was
23 whether or not the State by producing
24 previous testimony to the witness, the
25 questioning of Mr. Andrews by Mr.

7/N

111

1 Liebeler and later the testimony
2 given before the Grand Jury, and
3 the status of the matter then came
4 up to a point where Mr. Alcock would
5 ask Mr. Andrews if he made certain
6 statements to Mr. Liebeler, which he
7 admitted, did not deny, but in some
8 way stated that since it was made
9 such a long period of time ago he
10 would not deny it but he doesn't re-
11 member making it.

12 When we get to the question of his Grand
13 Jury testimony that was made I think --
14 what was the date of the Grand Jury
15 testimony?

16 MR. ALCOCK:

17 The one I referred to?

18 THE COURT:

19 June 28, 19 -- what?

20 MR. ALCOCK:

21 -- '67.

22 THE COURT:

23 -- 1967, whereas his questioning by Mr.

24 Liebeler was July 21, 1964. Now I

25 have ruled when Mr. Alcock went out

1 and beyond the alleged contradictory
2 statement, that he could not pursue
3 the matter, because it looked to me
4 like Mr. Dean Andrews would at the
5 proper time, if he so desired, insert
6 and invoke his constitutional pro-
7 visions under the Federal Fifth Amend-
8 ment and the Louisiana State Consti-
9 tution.

10 In my research -- and I am not saying this
11 to take away from Mr. Alcock, but
12 before Mr. Alcock came to my office
13 I was about to send for him because
14 I found in the evidence hornbook, which
15 is basic criminal law, I found the
16 following on Page 376 of John J.
17 McKelvey's (?) Law of Evidence.
18 This was published in 1907. It is
19 an old lawbook but it is still good
20 law. It states here:

21
22 NO HIATUS HERE.
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D8/P1

113

1 "The general American doctrine
2 is that a witness who enters into a
3 subject which is incriminating, must
4 answer all questions relating to
5 that subject."

6 The cite one Ward on Evidence
7 (?) 539.

8 Now, under that citation author-
9 ity, they say:

10 "But see contra (which is against)
11 Chesapeake Club v. State.

12 "The English doctrine as laid
13 down by nine judges as against six,
14 is that the witness may claim his
15 privilege at any time even after
16 having partially gone into the
17 subject."

18 And that is the case of Crown
19 (which would be in England).

20 To go back to my general subject
21 matter:

22 "The general American doctrine
23 is that a witness who enters into a
24 subject matter which is incriminating,
25 must answer all questions relating to

D8/P2

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that subject. He cannot stop at will 114
after having told part of the facts.
This is not considered unfair to the
witness and is necessary to a proper
testing of his statements by cross-
examination. It would be productive
of grave injustice on many occasions
if a witness could give such version
as he chose as incriminating facts
on his direct examination, and then
be allowed to refuse to answer
questions on cross-examination or
when saw on cross-examination that he
was being made to put the facts in a
different light, to stop short and
decline to testify further. The
courts provide against this by giving
a witness his option whether to tes-
tify or not, but having exercised his
option, they compel him to stand by it.
If, however, a witness has not
intentionally entered upon the incrim-
inating matter and as soon as he
realizes his position claims his
privilege, it will be allowed. An

/PW3

115

1 accused person who takes the stand
2 in his own behalf . . ."

3 which does not fit our situation
4 here.

5 So it would seem -- that is
6 McCelvey (?). We have another
7 authority which was presented to me
8 by Mr. Alcock which more or less
9 covers the same subject matter.

10 It says here, page 2276 of
11 Wigmore on Evidence, Volume VIII,
12 McNaughton Revision published 1961 --
13 this is a case quoting from Justice
14 Cameron, a Michigan case, 1869:

15 "Where he has not actually
16 admitted incriminating facts, the
17 witness may unquestionably stop short
18 at any point that he would go no
19 further in the correction, but the
20 rule which allows a witness to refuse
21 answering questions not directly
22 pointing to the guilt, rests solely
23 on the doctrine that in most cases
24 the incrimination would be made out
25 by a series of circumstances, any

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one of them may have such a tendency to aid in reaching a result that an answer concerning it may supply means of conviction by aiding the other proofs, which as indicated are supplements on behalf of the prosecution, the right to decline answering as to these minor facts is merely an access to declining answering to the entire criminal charge and can have been of no manner of use, in that once admitted it must be regarded as waived when the objection to answering to the complete offense is waived. The law does not endeavor to preserve any vain privilege, and such a privilege as would allow a witness to answer a principal incriminating question and refuse to answer as to the incidents would be worse than vain, for while it could not help the witness, it must inevitably injure the party who was thus deprived of the power of cross-examination to test the credibility of a person who may

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D8/P5

1 by avoiding it indulge his vindictive 117
2 or corrupt passions with immunity,
3 and the further consideration is also
4 recognized that a witness has no
5 right under pretense of a claim of
6 privilege to prejudice a party by a
7 one-sided or garbled narrative."

8 Considering what I have read and
9 applied to the facts of the issue
10 before me, I would state that when
11 Mr. Andrews took the stand under
12 subpoena, he could have at that
13 moment, before he answered any ques-
14 tions put to him on Direct Examination
15 by Mr. Dymond, he could have claimed
16 his privilege of incrimination because
17 he is presently under charges and
18 also appealing a conviction, but he
19 chose not to at that time.

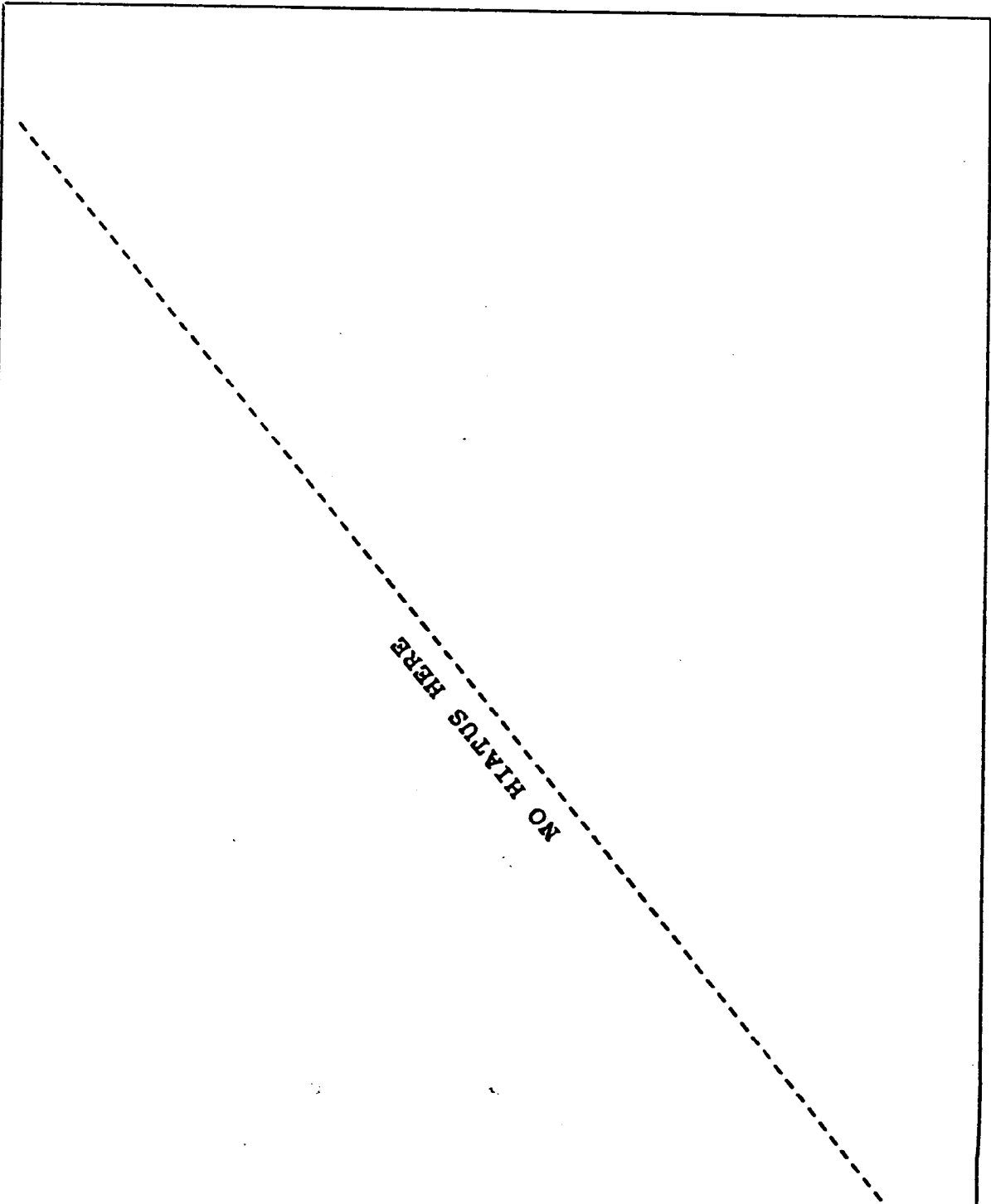
20 Now, I know what his testimony
21 was. It was to the effect that he
22 never knew Mr. Clay Shaw and never
23 knew him by the name of Clem
24 Bertrand. So that is what we call
25 half a coin. If he knows Mr. Shaw

D8/P6

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1 is not Clay or Clem Bertrand, the
2 State is trying to find out from him
3 who does he know by that name.

4 Now, up to now I have permitted
5 the State to use contradictory state-
6 ments but I have prohibited them from
7 further originating questions, and I
8 have in the past sustained the objec-
9 tions put by Mr. Andrews when the
10 questions were posed to him. I will
11 now change my position after avail-
12 ing myself of research myself, and I
13 will permit a full cross-examination
14 of the witness, Mr. Andrews, on all
15 of the facets that he opened when he
16 stated to his personal knowledge the
17 Defendant, Mr. Shaw is not Clem or
18 Clay Bertrand. So, in effect, I will
19 permit the State the widest range in
20 examining that which was brought out
21 on Direct Examination, and if
22 Mr. Andrews raises the question of
23 self-incrimination, I will rule that
24 it will not lie, and we will see
25 what will happen when that point is



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1 MR. BARRY:

2 Your Honor, at this time --

3 THE COURT:

4 Wait a minute. I will let you be heard.

5 MR. BARRY:

6 At this time, out of an abundance of
7 caution, I would like to let the
8 record reflect that Mr. Andrews
9 objects to your ruling and we take
10 a bill of exception making a part
11 thereof Your Honor's ruling, Mr.
12 Andrews' objection and the questions
13 posed to him --

14 THE COURT:

15 Very well. Now, if Defense Counsel wishes
16 to take a bill, they may also take a
17 bill, and I would suggest that you
18 renew your bill of exception in the
19 presence of the Jury, but I note that
20 you object to my ruling. You make
21 part of your bill of exception my
22 reasons given and your objections,
23 in front of the Jury now, if you wish.

24 MR. DYMOND:

25 Your Honor, we don't have any right to

21
/N2
1 take a bill and don't intend to do
2 so.

3 THE COURT:

4 Very well.

5 Before the Jury comes back, Mr. Alcock, I
6 might state before the Jury comes
7 down that I found it before you
8 brought it to me.

9 (LAUGHTER)

10 THE BAILIFF:

11 Order in court!

12 (Whereupon, the Jury returned
13 to the box.)

14 THE COURT:

15 I have made a ruling wherein I will permit
16 the State to force the witness to
17 give an answer to questions which
18 go into detail, because of the
19 answers given by Mr. Andrews on his
20 direct examination and for my reasons
21 which I have cited out of the
22 presence of the Jury. I will ask
23 at this moment that they be rein-
24 serted in the record at this time.

25 (Whereupon, the Court's reasons for

22
99/N3

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1 ruling are here again made part
2 of the record by reference.)

3 THE COURT:

4 You may take your bill of exceptions.

5 MR. BARRY:

6 At this time the witness would reserve
7 a bill of exceptions to the ruling
8 of Your Honor, making a part thereof
9 the ruling of Your Honor, the reasons,
10 the questions propounded to the wit-
11 ness, the objection of the witness,
12 and all other parts relevant thereof
13 of the record.

14 THE COURT:

15 I would in an abundance (of precaution)
16 say all questions and answers put to
17 Mr. Andrews be made part of your bill.

18 MR. BARRY:

19 Right.

20 THE COURT:

21 You may proceed, Mr. Alcock.

22 BY MR. ALCOCK:

23 Q Mr. Andrews, when you received this telephone
24 call on November 23, 1963, did you have
25 an image in your mind as to who the person

23
D9/N4

123

1 was who identified himself on that
2 occasion?

3 A Yes.

4 Q Did you know him by any other name than Clay
5 Bertrand?

6 A Gene Davis.

7 Q Gene Davis?

8 A Yes.

9 Q How long have you known Mr. Davis?

10 A How many years I don't recall, quite some time.

11 Q Did you meet Mr. Davis originally at this fag
12 wedding as you testified?

13 A No.

14 Q You did not meet him at the fag wedding?

15 A No. I was introduced to him at this fag
16 wedding, I did not meet him there.

17 Q You had known him prior to the wedding?

18 A Yes.

19 Q About how long prior to the wedding had you first
20 met him?

21 A Six months, a year.

22 Q Was he your client at the time?

23 A No. I wasn't out of law school then, I was an
24 undergraduate going to law school.

25 Q I see. Did you have occasion during this period

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99/N5

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1 right after you met the man you identify
2 as Clay Bertrand, to see him very often?

3 A I have never identified Gene Davis, to my
4 knowledge, as Clay Bertrand. I have used
5 the words "Clay Bertrand" as a cover to
6 mentioning Gene Davis. I have never
7 identified him as Clay Bertrand, to my
8 knowledge.

9 Q Oh, I see. This is the cover that you gave the
10 FBI on the 23rd or 24th, whenever they
11 interviewed you?

12 A As I recall, yes.

13 Q Was the voice that you recognized on the phone
14 that of Gene Davis? Is that your testi-
15 mony?

16 A That is correct. This is in 1963. I had been
17 out of law school since '51, and I had had
18 occasions to represent Mr. Davis and talk
19 to him, and, as most lawyers, you get
20 accustomed to your clients' voice when they
21 call you.

22 Q I see. Well, prior to the time that you re-
23 ceived this telephone call allegedly from
24 Mr. Davis, did you have occasion to see
25 him often prior to that? Was he your client

D9/N6

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prior to that?

A I have served Gene Davis, yes, on matters.

I would say yes, he was a client.

Q Did you ever see him with Lee Harvey Oswald?

A No.

NO HIATUS HERE.

10/P1

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1 Q Is there any reason why you didn't tell the
2 F.B.I. when they were seeking the identity
3 of the man you said was Clay Bertrand?

4 A At the time I was under the influence of
5 opiates and sedation. I did not have any
6 knowledge they were seeking Clay Bertrand
7 until maybe three, four days later; if I
8 was aware of it then.

9 Q Well, at that time did you notify the Federal
10 Bureau of Investigation?

11 A No.

12 Q Did you ever notify the Federal Bureau of
13 Investigation?

14 A Formally?

15 Q Formally.

16 A No, I think I did informally but it was after
17 this investigation took place, not prior,
18 informally.

19 Q Can you recall the last time you had seen this
20 man that you identify as Clay Bertrand
21 prior to going into the hospital?

22 A I never have identified anybody as Clay
23 Bertrand, I have used Clay Bertrand as a
24 cover name for Gene Davis.

25 Q All right. Well, Gene Davis. When was the

D10/P2

1 last time you saw Gene Davis prior to go- 127
2 ing into the hospital in November of 1963?

3 A I would have to guess. About two weeks before
4 I went into the hospital.

5 Q So then when you told the Warren Commission
6 under oath that you hadn't seen him in six
7 months, you were telling a lie?

8 A I believed what I told them at that time. You
9 have to take -- May I explain my answer,
10 Judge?

11 THE COURT:

12 Certainly.

13 BY MR. ALCOCK:

14 Q Certainly.

15 A At the time Mr. Liebler was questioning me,
16 it is just as it is in the courtroom,
17 rapid fire. It was an informal meeting, I
18 didn't place too much importance to why
19 an insignificant person like myself would
20 even be called. I answered the best I
21 could at that time. I didn't deliberately
22 lie, I might have overloaded my mouth with
23 the importance of being a witness in the
24 front of the Warren Report, but other than
25 that I didn't deliberately lie. I think

D10/P3

128

1 the only explanation I can give you is
2 that my mouth went ahead of my brain.

3 Q Do you recall telling Mr. Liebler that you saw
4 Clay Bertrand six weeks prior to the time
5 that he questioned you?

6 A Well, I figured that wasn't material. You can
7 call it a lie if you want, I call it
8 huffing and puffing.

9 Q Huffing and puffing under oath?

10 A Bull session.

11 Q Do you recall making that statement under oath?

12 A I don't particularly recall it, but I have noted
13 that it is in the report and I assume I
14 must have made it.

15 Q That wasn't correct, was it?

16 A No.

17 Q Do you recall telling the agents of the F.B.I.
18 that Gene Davis or the man that allegedly
19 called you, was about 6'1 or 6'2 inches
20 tall?

21 A I have no recollection whatever of talking to
22 the F.B.I. That is a long time ago. I
23 have never been able to get the field
24 notes that the agents took. They say there
25 were two agents there, I only remember one.

D10/P4

129

1 Q Who is the one you remember -- Regis Kennedy?

2 A Regis Kennedy, Mr. Kennedy.

3 Q You testified earlier that Mr. Kennedy had
4 attempted to locate this Clay Bertrand, is
5 that correct, as a result of the conver-
6 sation with you?

7 A This is what I gathered. I was still under
8 sedation, still using oxygen then I be-
9 lieve. This is vague, way off in the
10 distance. He appeared before me like a
11 myth. I remember answering questions, I
12 don't remember what they were. On the
13 Thursday the only thing that I can recall
14 is could I give him any better information,
15 and I told him, no, call your man up, do
16 whatever you want. If you want to think
17 that I am a squirrel or I am not, be my
18 guest, I cannot help you.

19 Q And you didn't chose to help the F.B.I. on that
20 occasion by giving them the name of
21 Gene Davis?

22 A I didn't chose to implicate an innocent man,
23 Gene Davis, in something that I couldn't
24 even recall what I said, all I was aware of
25 was the importance, that it came after.

D10/P5

30

1 It is just like I explained on Direct
2 Examination; this man Gene Davis, he makes
3 the phone call. When the pressure and not
4 force, these people were very nice -- I
5 don't understand, I have never been treated
6 anything other than nice by the F.B.I.,
7 but all of a sudden it dawned on me that as
8 a result of my calling those people I could
9 involve an innocent party into a whole lot
10 of humbug. At that time in the hospital
11 under sedation I elected a course that I
12 have never been able to get away from. I
13 either get indicted or I get charged, or
14 people interpret it different, and all it
15 is is just like I said, this is Gene Davis,
16 I didn't want to get him involved. I
17 started it and it has been whiplashing
18 ever since, I can't stop it.

19 Q You say an innocent man. This man called you on
20 behalf of Lee Harvey Oswald?

21 A No, it didn't go like that. I don't recall what
22 I told Regis Kennedy, but I know, I am
23 positive that that was not the purpose of
24 the phone call. I sat back -- and I have
25 had many a time to try and try and

10/P6

131

1 reconstruct -- the best that I can re-
2 construct was that Gene Davis called me
3 to pass an act of sale for two of the kids
4 while I was in the hospital, what time
5 Saturday I don't know. I told him that
6 I was sick in the hospital, if he could
7 get my seal out of the office I would pass
8 the act there. Naturally that was an
9 important thing to everybody. I don't
10 know whether I suggested, -- Man, I would
11 be famous if I could go to Dallas and
12 defend Lee Harvey Oswald, whoever gets
13 that job is going to be a famous lawyer,
14 or whether in a conversation it came
15 about. Nobody said it per se as everybody
16 believed. I think I might have said it
17 before Mr. Liebler, but I didn't have the
18 benefit as I have -- at each time I never
19 can remember, everybody tells me what I
20 said, they got it down in writing but they
21 never show me, and it whiplashed.

22
23 NO HIATUS HERE.
24
25

/N1

1 Q Do you mean to tell me at this time you are
2 now telling this Court under oath that
3 no one called you on behalf of the repre-
4 sentation of Lee Harvey Oswald in Dallas?

5 A Per se my answer is yes, no one called me to
6 say that. The phone call I received was
7 a local call from Gene Davis involving two
8 people who were going to sell an automobile
9 and they wanted the title notarized and a
10 bill of sale notarized.

11 Q An automobile? I thought it was an act of sale
12 you were talking about.

13 A That is an act of sale, a movable passing from
14 one person to another.

15 Q Why is it you called Monk Zelden on Sunday then
16 and asked if he wanted to go to Dallas?

17 A No explanation. Don't forget I am in the hos-
18 pital sick, I might have believed it my-
19 self or thought after a while I was re-
20 tained there, so I called Monk. I would
21 like to be famous, too, other than as a
22 perjurer.

23 THE BAILIFF:

24 Order in Court!

25 Q That is going to be difficult.

132

D11/N2

133

1 A C'est la vie.

2 Q Are you saying now that the call as far as it
3 regards the representation of Lee Harvey
4 Oswald is a figment of your imagination?

5 A I have tried to say that consistently, and no-
6 body ever gave me a chance.

7 Q No one ever gave you a chance?

8 A Right. Read the questions and answers in every-
9 thing you have got there; you won't find
10 one.

11 Q How many times did you testify before the
12 Orleans Parish Grand Jury?

13 A Three times.

14 Q Did you tell them it was a figment of your
15 imagination?

16 A No.

17 Q Did you consider that an adequate chance?

18 A At that time all I was concerned about was
19 getting out of a mess that I didn't belong
20 in. I cannot give you any explanation as
21 to why. All I knew is I was walking in a
22 trap.

23 Q Did you have a chance before the Warren Com-
24 mission?

25 A They never gave me a second bite at the apple.

D11/N

134

1 Q What?

2 A They never gave me a second bite at the apple.

3 Q You don't think they presumed you told the truth
4 at the first bite?

5 A I don't think they believed anything other than
6 Harvey Oswald might have been in the office.
7 That is my appreciation of their evaluation
8 of my testimony. I don't even know how
9 they took the time and money to send some-
10 body down to interview me.

11 MR. ALCOCK:

12 May I have just a moment, Your Honor?

13 (There was a brief pause in the
14 proceedings.)

15 BY MR. ALCOCK:

16 Q Didn't Mr. Liebeler during the course of --
17 and I am referring to Page 334 of your
18 Warren Commission testimony -- didn't Mr.
19 Liebeler actually ask you whether or not
20 this was a figment of your imagination?
21 Do you have a copy up there?

22 A I don't recall, and it is a waste of time to look
23 at it; if it is in there, read it verbatim,
24 and if he did, he did.

25 Q Do you recall what you responded?

D11/N

135

1 A No, but the answer would be in there.

2 Q Do you recall saying the phoebes tried to put
3 it that way?

4 A Look, I think you are talking out of context.

5 Q All right. Look at it.

6 A What page?

7 Q 334.

8 A I can't see the copy, Man!

9 THE COURT:

10 Would you indicate on the page, Mr. Alcock?

11 MR. ALCOCK:

12 Yes, it is about midway down, the long
13 question about the middle of the
14 page. "Do you have a picture in
15 your mind of Clay Bertrand" is where
16 it starts.

17 THE COURT:

18 I see, I see.

19 A I said it. I can explain it. You want the
20 explanation?

21 Q Yes, let's have the explanation.

22 A I had started it and couldn't quit.

23 Q Couldn't quit what?

24 A Continuing the cover name.

25 Q Why didn't you tell them Gene Davis was the man?

D11/N

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1 A I don't know, I just decided I wouldn't get
2 Gene Davis involved, so I made a mistake,
3 I made an error.

4 Q You mean you committed perjury?

5 A That is your impression of it.

6 Q Were you under oath at this time?

7 A The Federals are the only ones can charge me
8 with perjury, no one else.

9 Q Were you under oath at this time?

10 A Yes.

11 Q On the top of Page 335 -- do you have that?

12 A Yes.

13 Q The question by Mr. Liebeler:

14 "Q Now, before you ran into Clay Bertrand
15 in the street on this day, did you
16 have a notion in your mind what he
17 looked like?"

18 Your answer:

19 "I had seen him before one time to recognize
20 him."

21 Was that a true answer or a false answer?

22 A That is carrying on the farce.

23
24 NO HIATUS HERE.
25

012/P1

137

1 Q That is lying some more? Right?

2 A If you want to call it that you can; I say I
3 am carrying on my cover. I started
4 something. Nobody would give me the
5 information I started with, and it whip-
6 lashed. I elected in my judgment not to
7 involve a person who has absolutely noth-
8 ing to do with Kennedy, in no way, shape
9 or form, and I got hooked with it. I
10 elected to stick with it, and here I sit.

11 Q How do you know this, Mr. Andrews, that he had
12 nothing to do with the assassination of
13 President Kennedy?

14 A Gene Davis?

15 Q How do you know that?

16 A Just like I know you, Alcock, you had nothing
17 to do with it either.

18 Q But you didn't give my name, did you?

19 A No.

20 (LAUGHTER)

21 Q Down further:

22 "When you saw him that day he appeared
23 to you as he had before when you recognized
24 him?

25 "Answer: He hadn't, hasn't changed

D12/P2

138

1 any in appearance I don't think, maybe a
2 little fatter, maybe a little skinnier."

3 A This is page after page of bull.

4 Q In other words, page after page after page of
5 lies?

6 A It you want to call them that, that is your
7 privilege.

8 Q You were under oath the entire time? Is that
9 correct?

10 A That is correct.

11 Q And you knew --

12 A My explanation of it is that I had elected not
13 to involve an innocent person in a
14 serious matter such as this. I did the
15 best I could with what I had, and here I
16 sit.

17 Q Because you chose to lie?

18 A That may well be.

19 THE COURT:

20 Mr. Alcock, would you permit a question?

21 MR. ALCOCK:

22 Yes, Your Honor.

23 BY THE COURT:

24 Q Where did you ever get the name of Clay
25 Bertrand in your mind?

D12/P3

1 A The only way I can explain it, Judge, is I
2 tried during the time of Regis Kennedy
3 to figure out some way to associate Gene
4 Davis' phone call with what I had told
5 Regis Kennedy. When it dawned on me that
6 they would pounce on this man and cause
7 an investigation -- and I couldn't think
8 of Clay to save my life, the only thing I
9 could remember was Bertrand -- I don't
10 recall how long it took for me to put the
11 two together, and I remembered the fag
12 wedding reception, Big Joe introducing me
13 to a man who I knew as Gene Davis, as
14 Clay Bertrand, casually, and that is how
15 I put the two together as a cover to
16 remember what I was saying in relationship
17 to the phone call.

18 Q Not Joe Brown or Charlie Smith? Clay Bertrand?

19 A Of all names to pick, I picked that one.

20 THE BAILIFF:

21 Order, please!

22 BY MR. ALCOCK:

23 Q In other words, you went back in your mind 13
24 years to recall that name on this occasion?
25 Is that correct?

139

D12/P4

140

1 A It wasn't easy.

2 Q I know it wasn't easy, but --

3 THE BAILIFF:

4 Order, please!

5 BY MR. ALCOCK:

6 Q -- you couldn't have been too delirious.

7 A Well, I am usually shot, but in fumbling around

8 -- and I remember I had to fumble around,

9 I couldn't quite zero it in, it took me a

10 while to do it, and I am capable of doing

11 it faster than I did it.

12 THE COURT:

13 Let me ask one other question.

14 BY THE COURT:

15 Q Had you ever met anybody in your life by that
16 name?

17 A Only this introduction. It was casual, at the
18 reception. Other than that, the answer is
19 no.

20 BY MR. ALCOCK:

21 Q Now, isn't it a fact you called the Secret
22 Service and the F.B.I. on that occasion?

23 A Positively.

24 Q Why did you call them if all Gene Davis talked
25 about was an automobile?

D12/P5

1 A To tell them that Lee Harvey Oswald was in New 141
2 Orleans. In my judgment it would save him
3 time checking him out in Dallas, to let
4 them know immediately he was here during
5 the period of the last week of April
6 until I lost track of him.

7 Q Who informed you that Lee Harvey Oswald had or
8 had not been charged with the assassina-
9 tion?

10 A I don't know whether or not he was charged with
11 the assassination at that time.

12 Q Well, how did you know Lee Harvey Oswald was
13 even critical or interesting at that time?

14 A Out of TV in my room.

15 Q That is just what I asked you. Did his name
16 appear on television?

17 A I saw him when he shot this guy Ruby (sic).

18 Q That was Sunday?

19 A The 24th.

20 THE COURT:

21 Wait a minute. Ruby shot Oswald, not
22 Oswald shooting Ruby.

23 THE BAILIFF:

24 Order in the Court!

25 THE WITNESS:

d12/P6

1 I can't give you any explanation,

2 Mr. Alcock. Once you make a fool
3 out of yourself, that is it, you are
4 stuck with it.

5 BY MR. ALCOCK:

6 Q Do you recall testifying before the Orleans
7 Parish Grand Jury on March 16, 1967, where
8 in you said you saw this guy, meaning
9 Clay Bertrand, twice in your life?

10 A I don't think -- that was a farce -- I don't
11 recall seeing him. I recall appearing
12 before the Grand Jury three times. The
13 first time I wouldn't sign the waiver, you
14 all cut me loose. The second time I got
15 another notice and I went up there, and
16 the only thing I remember was all the
17 jurors had a copy of the Warren Commission
18 Report. Mr. Burnes would ask me questions
19 that conflicted with what I said in the
20 Warren (Commission) Report that we had
21 discussed in the DA's Office under the
22 DA's subpoena, and I could see it was
23 getting out of hand. I did the best I
24 could with what I got.

25 Q In other words, you maintained the lie that you

12/P7

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1 did not know who the man named Clay
2 Bertrand really was?

3 A I don't remember whether I did or not. If you
4 want to put it that way, I will accept
5 it.

6
7
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24
25

NO HIATUS HERE

13/N1

1 Q Well, I am not trying to put it any way, I
2 am asking you.

3 A I did not disclose to the Grand Jury what I
4 am telling you people now, if that is
5 what you mean.

6 Q All right. In other words, you lied some more
7 to cover for Gene Davis?

8 A I made conflicting statements.

9 Q You lied, didn't you? Do you mean to tell me --

10 A I made conflicting statements. You call them
11 what you want, I call them conflicting
12 statements.

13 Q You mean you weren't asked who Clay Bertrand
14 was?

15 A I don't know. Read it in there and see if they
16 asked me.

17 Q Well, I just asked you.

18 A I don't recall.

19 Q You said you saw the guy twice in your life. Is
20 that true or false?

21 A I have seen him more than that; I have never
22 seen Clay Bertrand. Read the question
23 back.

24 Q In other words, your answer, "I saw the guy
25 twice in my life" --

D13/N2

145

1 A You are taking that out of context and not in
2 the continuity.

3 Q And it is not true? Right?

4 A It is a conflicting statement. Don't forget,
5 they had me hemmed in with that Warren
6 Commission Report that all them people
7 were reading while they were asking the
8 questions.

9 Q Dean, the only one that hemmed you in with that
10 Warren Commission Report was yourself when
11 you lied under oath to the Warren Com-
12 mission.

13 A You see these marks on this paper? I gave Mr.
14 Garrison my testimony. These marks were
15 made and given to the Grand Jury. Then
16 Richard Burnes took questions connected to
17 this and there was no way I could get off
18 the hook: What was here I had already
19 sworn to, and I was trying to get off the
20 hook before the Grand Jury and I was trying
21 to make conflicting statements, and that is
22 the best I could do.

23 Q Do you recall when you first identified Clay
24 Bertrand as being Gene Davis?

25 A Yes, that is the time that I volunteered to

1 appear before the Grand Jury and got
2 served with a subpoena coming up to the
3 door, because I was under the impression
4 as a matter of fact that I could appear
5 before the Grand Jury and do the best I
6 could to straighten my testimony out.

7 Q Do you recall when that was? That was June 28,
8 1967?

9 A If that is the day, that is the day. I don't
10 recall.

11 Q So in this matter from November, 1963 until
12 June 28, 1967 you lied?

13 A I made conflicting statements. You interpret
14 them any way you want.

15 Q You were under oath twice before the Orleans
16 Parish Grand Jury on that matter, and
17 under oath before the Warren Commission
18 on that matter, and you talked to the FBI
19 agents who were seeking the whereabouts of
20 this person in November?

21 A And I talked to many, many other people under
22 oath, and everywhere I went everybody was
23 very careful to interpret my words, take
24 them out of context, ram them down my
25 throat and defy me to make any answer

D13/N4

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1 different. There was no way that I could
2 go, I was hemmed in.

3 THE COURT:

4 Mr. Alcock, would you permit me to ask the
5 witness one more thing?

6 BY THE COURT:

7 Q I don't know whether I understood you correctly
8 or not, but when I asked you why did you
9 create the name Bertrand or Clay Bertrand,
10 did you tell me you met someone at a
11 wedding by the name of Bertrand?

12 A No, it was created at Hotel Dieu -- I forget
13 what room I was in, Judge -- whatever day
14 it was.

15 Q I mean -- you didn't understand my question.
16 I said did you state that you met a person
17 by the last name of Bertrand at a wedding?
18 Did you state you did meet someone by that
19 name?

20 A No, I stated that I was introduced to a person
21 who I knew already to be Gene Davis, in a
22 very casual manner, people half loaded
23 eating free sandwiches and getting all the
24 free booze. I got there in the middle of
25 the thing and Big Jo says, "Meet Clay

p14/P1

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1 BY MR. ALCOCK:

2 Q The party Gene Davis, when he called you on the
3 occasion in November did he identify him-
4 self as Clay Bertrand?

5 A No, he has never used that name, I have never
6 known him by that name.

7 Q But you were introduced to him by that name?

8 A That doesn't mean I know him. I knew who he
9 was, Gene Davis. I have been introduced
10 as Algonquin J. Calhoun but people know me
11 as Dean Andrews, know it is not my name.

12 BY THE COURT:

13 Q Where is Big Joe today?

14 A I don't have the slightest idea, Judge. The
15 last time I saw her was when a Bill of
16 Information was filed against her for
17 bribing a police.

18 BY MR. ALCOCK:

19 Q Did Davis ever call you on behalf of Oswald
20 on any other occasion?

21 A No, never called me on behalf of Oswald --
22 period.

23 Q Who was guaranteeing Oswald's fee in that case?

24 A I never had any commission, retainer, or any-
25 thing. That is bull.

D14/P2

150

- 1 Q That is more bull?
- 2 A Yep.
- 3 Q Under oath?
- 4 A I don't know if I said it like that under oath
5 or not.
- 6 Q Mr. Andrews, would it be a fair statement to
7 say that we can just take your Warren
8 Commission testimony and throw it in the
9 ashcan because it is all big lot of bull,
10 one big lie?
- 11 A No, part of it is square.
- 12 Q What is square?
- 13 A Lee Oswald coming in the office.
- 14 Q But other than that, the rest is a lie?
- 15 A No. I was the first critic of the Warren
16 Report in writing, I didn't wait for five
17 years, I hopped right on the gravy train.
- 18 Q What do you mean by that?
- 19 A In 1964 I told Liebler I didn't believe Oswald
20 did it, that he was incapable and so was
21 his instrument.
- 22 THE COURT:
- 23 Let me interrupt you a second.
- 24 Take the Jury upstairs for five
25 minutes. May I have a conference

14/P3

1 with the State and the Defense?

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2 We will take a 5-minute recess.

3 (Whereupon, a brief recess was
4 taken.)

5 AFTER THE RECESS:

6 THE COURT:

7 All right. You may proceed with the
8 witness.

9 BY MR. ALCOCK:

10 Q Mr. Andrews, I am going to give you a tran-
11 script of your testimony before the
12 Orleans Parish Grand Jury on March 16,
13 1967, and ask that you read just these
14 few questions and answers, and then I
15 will ask you questions relative to it.

16 A All right.

17 Q Now, have you had occasion to read those
18 questions --

19 A Yes, sir.

20 Q -- and answers by you. The question is:

21 "Question: How would you contact Clay
22 Bertrand?"

23 Your answer:

24 "I don't recall ever getting in
25 contact with him. If you want to know how

14/P4

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1 I would do it, I would send word through
2 one of the people in the gay circles.

3 "Question: In other words, if
4 Bertrand said to you on the telephone he
5 was good for the retainer or the fee, you
6 had no way to find Clay Bertrand in the
7 phone book, address, or by telephone? Is
8 that correct?

9 "Answer: Yes, that is right."

10 Now, is that true or is that a

11 lie?

12 A All right. Take your first question first.

13 Q All right. The first question:

14 "And how would you contact Clay Bertrand?

15 "Answer: I don't recall ever getting
16 in contact with him."

17 Is that true or false?

18 A I would never call Gene Davis who I used the
19 name Clay Bertrand as a cover for.

20 Q In other words, that is your answer to that
21 question?

22 A Yes. I didn't hustle business, the guy called
23 me. Now I am talking about Gene Davis
24 there.

25 Q But this is the man that you have in your mind

D14/P5

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1 as Clay Bertrand?

2 A Right, and Clay Bertrand is his cover name, and
3 I am keeping on. I am stuck, I am in a
4 whiplash and there ain't no way to get
5 off the hook.

6 Q Well, since he was your client, I take it this
7 is not completely true then, is it?

8 A Read it back again.

9 Q All right.

10 "Question: How would you contact
11 Clay Bertrand?

12 "Answer: I don't recall ever getting
13 in contact with him."

14 Now, since he was your client, Gene
15 Davis, this is obviously a lie, isn't it?

16 A No. I don't hustle business and I don't call
17 clients unless it is in relationship to
18 business that they have employed me for.
19 In no way, shape or form could that be a
20 lie.

21 Q You never contacted Gene Davis at all?

22 A Yes, but in relationship to business that I
23 would be doing with him as a client.

24 Q Now going to the bottom of the page:

25 "Now, have you ever seen

D14/P6

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1 Clay Bertrand?"

2 A No, you asked me another question to look at,
3 and I want to answer it. Read it.

4 Q All right. Let's see.

5 "Question: In other words, if
6 Bertrand said to you on the phone he was
7 good for the retainer or the fee, you had
8 no way to find Bertrand in the phone
9 book, address or by telephone? Is that
10 correct?"

11 "Answer: Yes, that is right."

12 A When Gene Davis guaranteed a fee, it is better
13 than the Bank of England, right on the
14 line.

15 THE COURT:

16 He didn't ask you that. Why don't you pay
17 attention to the question?

18
19
20 NO HIATUS HERE
21
22
23
24
25

155

d15/1

155

1 BY MR. ALCOCK:

2 Q All right.

3 "Q In other words, if Bertrand said to you
4 on the telephone he was good for
5 the retainer or the fee, you had
6 no way to find Clay Bertrand in
7 the phone book, address or by tele-
8 phone? Is that correct?"

9 And your answer:

10 "A It was a silent phone number that I don't
11 have, and I would either go past
12 where he was or send somebody that
13 I knew to contact him.

14 "Q You knew where he was?"

15 "A I know where his joint is at, yes."

16 A You are asking me that in 27 in relation to
17 something that happened in '63. Remember
18 that, too.

19 Q 27? What are you talking about?

20 A In '67. Is that the date you are asking me
21 that question?

22 Q 1967, right.

23 A You are asking me something that happened in
24 1963. In 1963 Gene Davis did not have a
25 phone. I forget where Gene Davis was em-

5/2

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1 ployed. I had a rough idea of where he
2 lived, and he would call me or I would
3 send somebody that I knew to cut in to him,
4 so the answer there would be true with
5 the exception Clay Bertrand is the cover
6 for Gene Davis.

7 Q In other words, when you are testifying this
8 entire time before the Grand Jury, every
9 time you mentioned the name Clay Bertrand,
10 you are talking about Gene Davis? Right?

11 A That is correct.

12 Q Now the question was:

13 "Q Now, have you ever seen Clay Bertrand?"

14 That was the question, and your response was:

15 "A As I recall, I saw him twice."

16 Now you are thinking of Gene Davis in this
17 question?

18 A No, no. I don't know. At that time when they
19 mean have I seen the man, this is my guess.
20 I don't know. It depends on how you are
21 going to interpret that out of context.
22 I can't help you there.

23 Q I am not interpreting out of context. I will
24 let you read it.

25 A Read the question, please.

D15/3

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1 Q The question is:

2 "Q Have you ever seen Clay Bertrand?"

3 That is the question, "Have you ever seen Clay

4 Bertrand?"

5 And your response is:

6 "A As I can recall, I saw him twice."

7 Now, is that true or false?

8 A I have never known a Clay Bertrand. Well, let

9 me answer your question. It has to be a

10 conflicting statement.

11 Q It has to be another lie?

12 A Well, call it what you want. Now I will explain

13 it. Clay Bertrand is a figment of my

14 imagination, or whatever you want to call

15 it. It is a cover name that I used, I

16 assume November 25, 1963, when I was

17 interrogated by Regis Kennedy, and I am

18 continuing the fiasco ever since up until

19 now.

20 Q Why did you say you had seen him twice?

21 A I don't know why. I have no explanation for it.

22 Q Do you have an explanation for any of this

23 testimony, other than this cover story you

24 have told us about?

25 MR. DYMOND:

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Your Honor, we object to the question
based upon the testimony in general.
If he wants to ask him to explain speci-
fically →

THE WITNESS:

Yes, I can explain that, Mr. Dymond.

NO HIATUS HERE.

D16/P1

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1 THE COURT:

2 Wait a second. What was your last
3 question, Mr. Alcock?

4 MR. ALCOCK:

5 I just asked him whether or not this
6 was merely a matter of his cover
7 story, is the entire thing a matter
8 of his cover story.

9 MR. DYMOND:

10 That wasn't the question I objected to,
11 I objected to the question, do you
12 have an explanation for any of this
13 testimony?

14 THE COURT:

15 I think you should rephrase the question.

16 BY MR. ALCOCK:

17 Q When you testified before the Grand Jury on
18 the occasions on which you did not identify
19 Gene Davis, did you continue in your cover
20 identity of Gene Davis when asked about
21 Clay Bertrand?

22 A I went back June 28, 1967, if that is the day,
23 to straighten the testimony out. I never
24 got a chance to straight it out, because
25 in the questions that were propounded to

D16/P2

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1 me, that is the last time I went before
2 them, the one that I got indicted on. I
3 was hemmed in between a sworn Warren
4 Commission Report and questions that were
5 propounded to me. The answers, they
6 weren't made under oath, they were out-
7 side statements and they conflicted with
8 the Warren Report, and I did the best I
9 could with what I had.

10 Q My question is, if you used the cover the entire
11 time of Clay Bertrand before the Grand
12 Jury and under oath with the exception of
13 the last time that you appeared before the
14 Grand Jury.

15 A I can't answer that question. I did the best
16 I could with what I had.

17 Q With your cover story?

18 A I told the DA's office that Clay Bertrand wasn't
19 Clay Shaw before I went there, but nobody
20 believed me.

21 Q Did you continue to say before the Grand Jury
22 before the last time, that you did not
23 know who Clay Bertrand was?

24 A No, I think if that is the the last time I
25 went there --

16/P3

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Q No. I say before the last time.

A Right.

MR. ALCOCK:

No further questions.

MR. DYMOND:

No questions.

(Witness Excused.)

THE COURT:

Call your next witness.


NO HIATUS HERE

C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do
hereby certify :

That the above and foregoing (161 pages of
typewritten matter) is a true and correct transcription
of the stenographic notes of the proceedings had herein,
the same being the testimony of Dean A. Andrews, Jr.,
from the proceedings in open Court on February 25, 1969
and taken down by Paul W. Williams and the undersigned,
and transcribed under our supervision, on the day and
date heretofore noted.

New Orleans, Louisiana, this 3rd day of March,
1969.


HELEN R. DIETRICH,
REPORTER