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CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

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STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT OF
PROCEEDINGS IN OPEN COURT
FEBRUARY 25, 1969 - P.M.

TESTIMONY OF
ROBERT SUMTER LINK, JR., and
CHARLES ANDREW APPEL, JR.

59 pages

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenotypists

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I N D E X

Witness	Dir.	Cross	Redir.	Recr.
Robert S. Link, Jr.	3	6	--	--
Charles A. Appel, Jr.	9	32	51	52

E X H I B I T S

Exhibit No.	Ident.	Rec'd.
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MR. DYMOND:

Your Honor, this next witness we have, he is an expert witness. We will have time to qualify him and also to identify an exhibit that he is going to use, but his testimony in chief I think is going to be a little bit too long to try to launch into this afternoon. Shall we go ahead and get him qualified and get the exhibit identified?

THE COURT:

I think you can accomplish that.

MR. DYMOND:

All right, sir.

THE COURT:

You can go into his qualifications, and if there is a traverse on it, you can cover that. Is he available?

MR. DYMOND:

Yes, he is right outside.

THE COURT:

Call the witness.

1 MR. DYMOND:

2 Off the record.

3 (Discussion off the record.)

4 MR. DYMOND:

5 Your Honor, we call Mr. Link as the
6 next witness.

7 ROBERT S. LINK, JR.,

8 a witness called by and on behalf of the
9 Defendant, having been first duly sworn, was
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. DYMOND:

13 Q Mr. Link, would you please state your
14 full name, sir.

15 A Robert Sumter Link, Jr.

16 Q Are you an attorney here in New Orleans,
17 Mr. Link?

18 A Yes, sir.

19 Q Are you also duly commissioned, sworn
20 and qualified as a Notary Public in
21 and for the Parish of Orleans?

22 A Yes, sir.

23 MR. DYMOND:

24 Your Honor, I will ask the Clerk
25 to mark these documents as

1 "Defendant 30" through

4

2 "Defendant 43."

3 THE COURT:

4 Let them be identified.

5 (Whereupon, the documents referred
6 to by Counsel were duly marked for
7 identification as "Defendant 30"
8 through "Defendant 43.")

9 BY MR. DYMOND:

10 Q (Exhibiting documents to witness) Mr.

11 Link, I show you some exhibits,
12 which have been marked for identi-
13 fication as "D-30" through "D-43,"
14 and I ask you whether you can
15 identify these documents, sir.

16 A I identify D-30 and D-31 and D-32 and
17 D-33 and D-34 and D-35 and D-36
18 and D-37 and D-38, D-39, D-40, D-41,
19 D-42, and D-43.

20 Q Now, Mr. Link, what do these documents
21 represent, that is, what do they
22 consist of?

23 A Well, they consist of signatures by Mr.
24 Clay Shaw executed before me as a
25 Notary Public on the 20th day of

1 February, 1969, and I indicated
2 on each page, "The signature below
3 was signed before me this 20th day
4 of February, 1969," on this Exhibit
5 D-30 at 3:00 p.m., and I signed my
6 name and marked it "Not. Pub.,"
7 Notary Public, and put my seal.

8 Q Now, were all of these documents signed
9 by Mr. Shaw in your presence?

10 A Yes, sir.

11 Q And where did this signing take place?

12 A It was in the American Bank Building, I
13 think 2106.

14 Q Would that be Mr. William Wegmann's
15 office?

16 A Yes, Mr. Wegmann's office.

17 Q Now, Mr. Link, as Mr. Shaw signed each
18 one of these exhibits, did it remain
19 in his possession or not?

20 A No, as he signed each one he handed it to
21 me. I watched him sign each one,
22 and then he handed it to me, and
23 then I wrote on it.

24 Q I see.

25 A -- just what I have testified to, and

1 then I put my seal on it, and I 6
2 watched him sign the next one.

3 Q And do you recognize your signature on
4 each one of these documents as the
5 attesting Notary Public?

6 A Yes, sir.

7 MR. DYMOND:

8 We tender the witness.

9 CROSS-EXAMINATION

10 BY MR. ALCOCK:

11 Q Mr. Link, could you tell us if anyone
12 else was present when this occurred
13 besides yourself and the Defendant?

14 A What did you say, Mr. Alcock?

15 Q Can you tell us whether or not anyone
16 else was present at this time
17 besides yourself and the Defendant?

18 A Yes, sir, Mr. Ed Wegmann was for maybe
19 two or three minutes. He read
20 something which is on one of the
21 exhibits, and Mr. Shaw wrote it as
22 he said it.

23 Q Were these the only signatures made by
24 the defendant in your presence?

25 A Those there, I am sure that is all, yes,

1 sir.

2 Q Do you recall whether or not he made
3 any other writings at that time
4 besides those signatures that you
5 notarized?

6 A I think on one or two of the exhibits
7 the date, maybe, that was all, but
8 everything is right here that he
9 signed in my presence.

10 Q What time of day or night was this?

11 A I think D-30 I marked at 3:00 p.m., so
12 it was, sir --

13 MR. DYMOND:

14 Did you want to look at them?

15 (Document handed to witness.)

16 A D-30 was at 3:00 p.m.

17 BY MR. ALCOCK:

18 Q Well, that is all right. They were all
19 about the same time?

20 A Yes, sir. One of them started at 2:55
21 p.m. It was around that time.

22 Q They are all about that same time?

23 A I looked at my watch. It isn't always
24 accurate, but it gives you a fair
25 indication of whether it is night

1 or day I would say. 8

2 Q And what did you do with these after you
3 notarized them?

4 A I think I gave them to Mr. Wegmann.

5 Q Did you see them again prior to your
6 coming into court today?

7 A These (indicating)?

8 Q Yes.

9 A No, sir.

10 Q And that was on February 20, is that
11 correct?

12 A February 20, 1969.

13 Q You do, however, recognize your hand-
14 writing and signature on each docu-
15 ment? Correct?

16 A Yes. Nobody else could write like this
17 but me, Mr. Alcock.

18 MR. ALCOCK:

19 All right. No further questions.

20 (WITNESS EXCUSED.)

21 MR. DYMOND:

22 Call Mr. Appel.

23 CHARLES A. APPEL, JR.,

24 a witness called by and on behalf of the
25 Defendant, having been first duly sworn,

1 was examined and testified as follows: 9

2 DIRECT EXAMINATION

3 BY MR. DYMOND:

4 Q Mr. Appel, for the record would you
5 kindly state your full name.

6 A Charles Andrew Appel, Jr.

7 Q And what is your address, sir?

8 A 3383 Stephenson Place, S-t-e-p-h-e-n-s-o-n
9 N.W., Washington, D.C.

10 Q What is your occupation?

11 A Document examiner, by which I mean
12 analysis of handwriting to identify
13 writing, analysis of typewriting
14 to identify the machine, analysis
15 of paper and ink for evidence of
16 authenticity.

17 Q Now, how did you start in this work,
18 Mr. Appel, and when?

19 A Well, while I was employed as a Special
20 Agent of the Federal Bureau of
21 Investigation, I was assigned to
22 the employment of experts in our
23 work, and because of difficulties
24 with this I was instructed to study
25 the subjects. I took a course,

1 studied a course at Northwestern 10
2 University, Crime Laboratory. I
3 discovered a skill in this, and I
4 read all the literature and per-
5 formed research, experiments, and
6 then acted as an apprentice by
7 examining cases which were later
8 examined by qualified examiners
9 until skill had been developed.

10 Q Now, what training have you had in this
11 field, Mr. Appel?

12 A I just described it. There are no courses
13 in colleges concerning this.

14 Q Now, how long were you with the FBI,
15 Mr. Appel?

16 A I was employed as a Special Agent in
17 1924, and I retired at the end of
18 1948.

19 Q And particularly what were your duties
20 in connection with the Federal
21 Bureau of Investigation?

22 A Well, after becoming qualified in this
23 work, I was instructed by the
24 Director to examine FBI cases, and
25 this I did, from before the formal

1 opening of the Federal Bureau of
2 Investigation laboratory until I
3 retired at the end of 1948. The
4 laboratory was opened in 1932.

5 Q Now, since 1948, Mr. Appel, what have
6 you done?

7 A I opened my own private laboratory for
8 the examination of cases, civil
9 cases.

10 Q Now have you qualified as an expert in
11 the field of questioned documents,
12 that is, handwriting identification,
13 in any courts?

14 A I have qualified and testified in every
15 state of the United States except
16 Hawaii, and in Pakistan and in
17 Puerto Rico in person, and by depo-
18 sition in European and South
19 American countries.

20 Q As a matter of fact, have you qualified
21 here in the Criminal District Court
22 for the Parish of Orleans as a
23 handwriting expert?

24 A Yes, sir, also the Civil Courts.

25 Q Can you name some of the better known

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cases in which you have participated as a handwriting expert, Mr. Appel?

THE COURT:

I don't think that is necessary, Mr. Dymond. May I suggest you permit the witness to be submitted to traverse, if you will.

MR. DYMOND:

Very well, I submit him as an expert in the field of handwriting analysis.

MR. ALCOCK:

No questions.

THE COURT:

Is it submitted?

MR. DYMOND:

It is submitted.

THE COURT:

I will rule that the witness, Mr. Appel, is qualified in the field of questioned document signatures, and is qualified as an expert in that field to give his opinion in relation

1 to that particular field.

2 MR. DYMOND:

3 Now, Your Honor, do you want me to
4 start on this? It is going to
5 be fairly lengthy testimony.

6 THE COURT:

7 Let me see. It is 5:00 o'clock. I
8 was going to recess at 5:30.
9 If you foresee that this wit-
10 ness may be on the stand for
11 some lengthy period of time as
12 we go through these exhibits,
13 with the cross-examination, so
14 that the continuity of his
15 testimony -- so that the Jury
16 will hear it at one time rather
17 than going from day to day --
18 does the State have any objec-
19 tion?

20 MR. ALCOCK:

21 No objection.

22 THE COURT:

23 All right. I will abide by your
24 request, Mr. Dymond. We will
25 start with Mr. Appel at 9:00

1 o'clock in the morning.

2 Gentlemen of the Jury, as I have
3 so many times instructed you,
4 do not discuss the case amongst
5 yourselves or with any other
6 person. The proper time to
7 have that discussion is when
8 the case is given to you for
9 your decision and verdict.

10 Let everybody have a seat. Let the
11 security Deputy Sheriffs take
12 charge of the Jury.

13
14 Whereupon, at 5:02 o'clock p.m.,
15 the Defendant was placed under
16 the rule and court adjourned to
17 9:00 o'clock a.m. on Wednesday,
18 February 26, 1969.
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1 Pursuant to the adjourn-
2 ment, the proceedings herein were
3 resumed at 9:00 o'clock a.m. on
4 Wednesday, February 26, 1969,
5 appearances being the same as
6 heretofore noted in the record. . . .

7
8 THE COURT:

9 Let it be noted on the record the
10 Prosecution, the Defense, and
11 the Defendant are present, and
12 the Jury is seated.

13 Your previous oath is still binding,
14 Mr. Appel. You may proceed.

15 CHARLES A. APPEL, JR.,

16 having been sworn and having testified pre-
17 viously, resumed the stand for a continuation
18 of the

19 DIRECT EXAMINATION

20 BY MR. DYMOND:

21 Q Mr. Appel, I show you an exhibit which
22 has been offered in evidence and
23 marked for identification as State
24 Exhibit 55. Directing your atten-
25 tion to the signature Clay Bertrand

1 appearing therein under date of
2 12.14.66, the words, "New Orleans,
3 Louisiana," being written after it,
4 and ask you whether you have re-
5 ceived a copy or a photograph of a
6 signature which is identical to
7 that?

8 A Yes, I did.

9 Q Do you have that in your possession, sir?

10 A I have the negatives themselves.

11 Q Do you have any prints made from the
12 negatives?

13 A Yes, sir.

14 Q Will you produce that please?

15 A This is a photograph enlargement of the
16 signature portion of that entry
17 together with another photograph of
18 writing by the Defendant.

19 MR. DYMOND:

20 If the Court please, in connection
21 with the testimony of this
22 witness, we would like to
23 offer, file and produce in
24 evidence the exhibits we have
25 marked for identification as

D-30 through D-44.

MR. ALCOCK:

No objection.

THE COURT:

They may be presented and received
in evidence.

(Whereupon, the documents offered
by Counsel were received into
evidence.)

BY MR. DYMOND:

Q Now, Mr. Appel, I show you the exhibits
which have been marked for identi-
fication as D-30 through D-33, and
which have been introduced into
evidence, and ask you whether you
are familiar with the exhibits,
whether you have seen and examined
them before today?

A Yes. I examined these. They were sub-
mitted to me in connection with the
signature appearing in the book that
you just showed me.

Q By whom were they submitted to you?

A Mr. Wegmann.

Q Mr. Appel, did you perform any examin-

1 ation or comparative tests as
2 between the signatures of Mr. Shaw
3 appearing on those documents and
4 the writings of Mr. Shaw which also
5 appear thereon and the writing on
6 the Exhibit D-44?

7 A Yes, sir.

8 Q What was the purpose of the examinations
9 which you were performing?

10 A The purpose of the examination was to
11 determine if there is evidence in
12 the writing motion habits which
13 caused a design of the letters,
14 writing forms, which are present in
15 the entries.

16 Q For the benefit of the Jury, will you
17 explain the nature of the compar-
18 ative examinations which you did
19 perform. You may step down here
20 to the board, if you wish.

21 A The first thing I did was to copy the
22 designs of the writings, the
23 questioned writing, so as to make
24 sure I was receiving the pen move-
25 ments in making these shapes. This

1 was done in the questioned entry
2 in the book, which is the lower one
3 of these enlargements, and also with
4 the signatures written by the Defen-
5 dant.. So as to compare each and
6 every design or letter form as
7 caused by the motion of the pen
8 and the habits of the particular
9 writer. These enlargements were
10 made so that I could demonstrate
11 what I found.

12 I found in the first place the Defendant
13 writes larger and the proportions
14 of one letter size to another is
15 different in the two writings. The
16 C, for instance, as written by the
17 Defendant, is higher than it is in
18 the questioned entry in the book.
19 It is higher in itself and it is
20 higher with reference to the L which
21 follows it. The proportions are
22 not the same. The slant is not
23 quite the same and the manner of
24 moving the pen in forming the shapes.

25 You can see that in the questioned entry

1 this trigraph form has an appear-
2 ance of a counterclockwise motion
3 as in a W. This is caused by its
4 curve or arc at the bottom of the
5 C and the L connecting with the
6 next letter. It is different in
7 the writing of the Defendant. The
8 distance between the C and L is
9 much more narrow. The slanting
10 stroke which represents the move-
11 ment upward is not at the same
12 angle. The C as written by the
13 Defendant slants further to the
14 right in comparison to the other C.
15 This is because in this three-letter
16 combination the motion is different.
17 We see a very clear difference in
18 the A. The Defendant leaves his A's
19 open at the top. The letters are
20 not as wide horizontally and it is
21 higher in comparison with the high
22 top of the L. That is because the
23 motions are different.

24 The writing act is such a delicate and
25 automatic act or movement coordina-

1 ting the muscles of the fingers
2 and arms with the direction of
3 the eyes that all these things have
4 to be the same for the automatic
5 motion to produce the same designs.
6 Here they are clearly not the same
7 designs. Part of this is due to the
8 vision, part is due to the automatic
9 speed of motion. The Defendant
10 writes very rapidly in what some
11 teachers would call a scribbling
12 fashion.

13 The whole word Clay is written as one
14 continuous repeated series of move-
15 ments of a very delicate nature.

16 At the bottom of the projection forward
17 of the Y the line turns slightly
18 towards the right as the pen is
19 lifted. Where the pen begins to
20 turn backwards the Defendant has
21 rounded the top in an arc form
22 completely different from the
23 angular formation in the entry in
24 the book. The proportions again
25 of one letter to the other are

1 different, the top of the Y as
2 written by the Defendant being
3 larger than as found in the book.
4 If we go on to the next letter, the B
5 in Bertrand, we see the pen is
6 lifted and the letter is composed
7 of two continuous movements. The
8 left side of B is a vertical or
9 slanting line below the oval of the
10 top. The oval at the top is started
11 to the left in a completely dif-
12 ferent style of writing. There is
13 no comparison with the beginning of
14 the B as written by the Defendant,
15 which starts below the line of
16 writing with a slight downward
17 movement and moves up to form the
18 left side and continues to form the
19 shape on the right side. You will
20 notice the upper oval of B as made
21 by the Defendant has a narrowing
22 closure slightly up to the right,
23 whereas the beginning line in the
24 questioned entry you may say the
25 oval is a horizontal figure. The

1 line in the questioned entry comes
2 back and penetrates the vertical
3 line, whereas that written by the
4 Defendant, Mr. Shaw, the line does
5 not close the oval at the top,
6 because the line doesn't come back
7 to the left side.

8 The same is true of the bottom oval as
9 written by the Defendant, that is
10 it is much more narrow because the
11 arc doesn't curve in the same way.
12 The bottom oval in the questioned
13 entry is a different figure
14 entirely. Of course, at the
15 bottom, in the ending of the B in
16 the questioned entry, there is this
17 oval reversing motion to go to the
18 E, whereas the Defendant continues
19 the movement and the oval at the
20 bottom actually slants down from
21 left to right. It has no resem-
22 blance to the form in the questioned
23 entry. The line is continued by the
24 Defendant, he wrote the whole name
25 Bertrand in one continuous writing

1 movement, whereas the pen is
2 lifted between the B and the E in
3 the questioned entry.

4 The E's are not similar in height in the
5 two entries. The arc on the left
6 side of the E which continues into
7 the connection of the R as written
8 by the Defendant, forms a perfect
9 U-shape, whereas between the E and
10 R in the questioned entry it slants
11 more to the right. The two lines
12 are not parallel as written by the
13 Defendant. The R itself is a
14 different form. In the questioned
15 entry being like the letter I,
16 simply a movement retraced slightly
17 and then connected to the next
18 letter. The Defendant has a ten-
19 dency to round the curve to the
20 right side when moving downward,
21 so we have this break at the top
22 which is not found in the questioned
23 entry.

24 The next letter T is a fixed habit of
25 Mr. Shaw, as illustrated in the

1 upper photograph of his writing,
2 in which the pen is moved downward
3 and not to the right at all, but it
4 is either lifted, the pen lifted
5 off the paper in a cross bar placed
6 on the T, or it moves upward to the
7 left and crosses before going to the
8 next letter.

9 Again we have the complicated shape,
10 shall we say, in the R in the writ-
11 ing of Mr. Shaw and a more conven-
12 tional design in the questioned
13 entry.

14 In the questioned entry, the R, it more
15 or less eliminates any top at all,
16 whereas Mr. Shaw still has his left
17 on the upper portion of the conven-
18 tional R. The A written by Mr.
19 Shaw is open. The repetition of
20 movement is habitual to him whereas
21 it is closed in the questioned
22 entry.

23 This influence of the anticlockwise
24 motion is demonstrated in the N in
25 the questioned entry, although the

1 arc curved at the top of the two
2 ends are modified and become
3 pinched together in the questioned
4 entry, the shape of the N is not
5 at all like that of Mr. Shaw who
6 tends to make a counterclockwise
7 U-shape.

8 The final letter of the name, the D,
9 conventional in the questioned
10 entry, a bottom oval, a rounded
11 circular form, and a long projection
12 upward which is also an enclosed
13 oval and the line comes down. Mr.
14 Shaw has two ways of ending this
15 letter. He has the small narrow
16 or elongated oval as compared with
17 the entry at the bottom. The right
18 side turns upwards and ends there.
19 Sometimes he brings it down, but it
20 doesn't end as the questioned entry
21 ends. You will notice the projec-
22 tion of the upper part of the D with
23 the questioned entry extends beyond
24 the height of the T, so the pro-
25 portion is not the same. The B

1 projects through the upper line
2 above. That is larger vertically
3 and extends further horizontally.

4 These differences in letter forms extend
5 into the words "New Orleans," which
6 you will notice in the entry of Mr.
7 Shaw is much higher, bigger, as a
8 whole. The N almost touches the
9 two lines of writing and that in
10 the questioned entry is only about
11 half its height. The movement to
12 connect the E is different. As can
13 be seen in the entry of Mr. Shaw the
14 middle of the W has an arc in it,
15 and there is no such form in the
16 questioned entry.

17 We see the difference in the R's again,
18 and there is a difference in the
19 speed as shown by the complete
20 closure of the E written by Mr.
21 Shaw, whereas it has a loop form
22 in the questioned entry in the
23 book.

24 Again we have an obvious difference in
25 the A, which is again left open at

1 the top, that is because these
2 lines are retraced, whereas the
3 top of the A in the questioned
4 entry is completely closed.

5 After the N the S has a distinctive
6 difference in the shape at the top
7 and the bottom. This letter is
8 written much more rapidly by Mr.
9 Shaw.

10 I am sure it can be seen these are dis-
11 tinctive forms in the questioned
12 entry as compared to the writing
13 of Mr. Shaw. This is because of
14 motion habits. Neither of these
15 entries from beginning to end is
16 carefully composed or anything like
17 that. You will see the lines are
18 smooth, by which I mean there are
19 no movements of the pen of any
20 consequence to the right or left.
21 You cannot make a line like that
22 unless you use speed in the con-
23 tinuous movement forward.

24 In making copies of these in my notes
25 so as to be accurate, to get the

1 right proportions and shapes equal
2 to these I am studying, it is neces-
3 sary to use much slower movement,
4 and this is one of the differences
5 between a genuine signature and a
6 forgery. The pen point moves to
7 the left and right in slow motion.
8 You get tremors. These lines, the
9 quality of the lines, show there
10 was a quick continuous writing
11 movement of a different quality
12 in Mr. Shaw's writing from that in
13 the questioned writing, which is
14 more formal, smaller.

15 For these reasons, these differences,
16 I concluded they were not written
17 by the same person.

18 Q Mr. Appel, did you confine your examin-
19 ation to this one writing by Mr.
20 Shaw or did you in the course of
21 your examination use other writings
22 by him to determine the consistency
23 of the formation of the letters or
24 other reasons of your own?

25 A A good many other writings were sub-

1 mitted, writings of Mr. Shaw in
2 1966, and then I asked that he be
3 requested to write, and received a
4 bundle of sheets each written inde-
5 pendently of the other without any
6 opportunity to see the writing of
7 the other, how they were written.

8 Q Did your examination of the other writ-
9 ings reveal they were written by a
10 person other than the person who
11 placed the signature in the book
12 from which this photograph was
13 taken?

14 A Yes, sir, the entry in the book was made
15 by some other writer entirely.

16 Q Referring you again to Exhibits D-30
17 through D-43, I ask you whether you
18 used these exhibits for comparison
19 purposes as well as the signature
20 about which you have testified?

21 A Yes, I did. In fact the signature I just
22 testified about is D-30, the top one
23 of these requested signatures, but
24 I examined all of them.

25 Q Did you find any material differences

1 between the signature appearing
2 on D-30 and the signatures appear-
3 ing on D-31 through 43?

4 A No significant differences, just natural
5 variations. This is true as to the
6 1966 writings also. Some of these
7 were just a signature "Clay Shaw."
8 The open A for instance, the forma-
9 tion of the Y showed the same
10 differences that the questioned
11 signature I have discussed here in
12 that particular enlargement showed.

13 Q Now, Mr. Appel, as a result of these
14 tests and the examination which
15 you performed, did you come to a
16 firm opinion as to whether the name
17 Clay Bertrand, which appears in
18 State Exhibit 55, was written by
19 this Defendant Clay L. Shaw?

20 A Yes, I did.

21 Q Would you kindly tell us what that
22 opinion is, sir?

23 A That the Defendant, Clay Shaw, did not
24 write the entry in the book, the
25 exhibit number I have forgotten, 55,

1 is it?

2 Q Fifty-five, that's right.

3 A Yes, sir.

4 Q Mr. Appel, are you the same handwriting
5 expert whose testimony broke the
6 Lindbergh kidnaping case?

7 THE COURT:

8 Now wait; I am not going to allow
9 that. He has already been
10 qualified.

11 MR. DYMOND:

12 We tender the witness.

13 CROSS-EXAMINATION

14 BY MR. ALCOCK:

15 Q Mr. Appel, in connection with your
16 specialty, did you have occasion
17 at any time during the investigation
18 into the assassination of President
19 Kennedy, to do any similar work for
20 the Federal Bureau of Investigation?

21 A No, sir, I have not been employed or
22 had any connection with the Federal
23 Bureau of Investigation since I
24 retired at the end of 1948.

25 Q Are you receiving any pension from the

1 Federal Government at this time? 33

2 A Yes.

3 Q Mr. Appel, did you make your analysis
4 of this handwriting on the questioned
5 document from a photograph or from
6 the original?

7 A I made it from a photograph as far as the
8 questioned Exhibit 55 signature is
9 concerned. I only saw that this
10 morning, the original.

11 Q Approximately how many photographs did
12 you see?

13 A Twenty frames of film.

14 Q Were these frames blown up?

15 A No, they were reduced.

16 Q Reduced?

17 A Reduced in size, yes, sir.

18 Q About what size?

19 A This was 35 millimeter film, Leica
20 camera.

21 Q As a general principle, Mr. Appel, is
22 it more desirable for a handwriting
23 expert to have the original ques-
24 tioned document rather than just a
25 photograph of the original questioned

1 document?

2 A It just depends on the kind of evidence
3 present. For instance, if you are
4 dealing with a traced forgery then
5 you need the original, because
6 evidence in addition to the design
7 may be present on a paper adjacent
8 to the signature which may not be
9 recorded in a reproduction. It is
10 always better to have the original,
11 but in this case, of course, I have
12 examined all the original example
13 writings after my arrival here, and
14 many of them, these requested
15 examples, were forwarded to me in
16 Washington before I left there.

17 Q These again are just the examples used
18 and not the original questioned
19 signature, is that correct?

20 A The only one I didn't see in the original
21 before taking the stand was the
22 questioned signature on Exhibit 55.

23 Q And you stated it is generally better to
24 see the original questioned signa-
25 ture or letter or whatever the

1 particular thing is in making a
2 determination rather than seeing
3 a photograph?

4 A It is not necessary at all if the evi-
5 dence in the case you are dealing
6 with concerns the design of the
7 letters, the quality of the lines,
8 because these show very well even
9 in Xeroxed copies, and the copies
10 I have were very good copies, so
11 there was no problem here.

12 Q Is it your statement it is only necessary
13 to see the original when you are
14 dealing with a possible forgery?

15 A A particular type of forgery, a tracing.
16 Because there it is impossible to
17 trace the design of a genuine
18 signature used as a model onto
19 another piece of paper and move
20 the pen continuously. Instead it
21 has to be done very slowly and
22 carefully and this produces tremor,
23 none of which appears in the ques-
24 tioned entry number 55, and the pen
25 is lifted from the paper and re-

1 placed, and the new movement is in
2 a slightly different direction, but
3 in addition to this the guidelines
4 are present. If you use a ball-
5 point pen without any ink in it to
6 use a model signature which is going
7 to be used as a guideline and then
8 filled in, there is no pigment but
9 there is an indentation which can
10 be seen and shown to the Court.

11 Q Did you see the Defendant make any of
12 these example signatures?

13 A No, I did not. I asked that it be con-
14 ducted in a particular way and I am
15 sure it was.

16 Q Which way was that?

17 A The Defendant be seated in a normal
18 position, there be no writing he
19 could see of any kind, and he be
20 asked to write the content of this
21 entry on similar paper. As soon as
22 the first sheet was completed it
23 was removed from his sight. Another
24 example was obtained in exactly the
25 same way and this continued until

1 all of them were obtained.

2 Q You mentioned he be seated; what was
3 the reason for that?

4 A A normal writing position. If he doesn't
5 normally sit down to write you would
6 use the normal position he does use.

7 Q Do you know whether or not the individual
8 or the person who made the signature
9 Clay Bertrand in the book was seated
10 or not, the questioned signature?

11 A No. The purpose of obtaining these
12 specimens in this way is to gain
13 access to the most normal writing
14 forms that the Defendant produces.

15 Q Would there not be a slight difference
16 in a person's signature when he or
17 she is standing up rather than when
18 they are comfortably seated?

19 A Not necessarily.

20 Q Why was it you requested he be seated
21 then?

22 A Only to gain the normal way that he does
23 it, that's all. People learn to
24 write seated. I don't recall ever
25 hearing of or seeing a school that

1 teaches a pupil to write when he
2 is not seated.

3 Q You would consider it abnormal for a
4 person to sign something while
5 standing?

6 A That's right.

7 Q Would your opinion vary at all?

8 A Of course it would. But no matter what
9 the questioned writing, like on a
10 will, in fact just last week I had
11 a case where the writing appeared
12 on a will, but you nevertheless get
13 the most normal writings you can.
14 You get the most natural and normal
15 way of writing so you can learn his
16 natural variations and test those
17 variations, you test the differences
18 from one writing to the next against
19 the questioned entry.

20 Q Now, did you see any samples allegedly
21 made by the Defendant other than
22 the signature sample?

23 A Yes, there was the letter he wrote to
24 Mr. Wegmann in 1966.

25 Q Do you have that with you?

1 A I don't have it, I think Counsel has
2 it. Yes, I do.

3 Q May I take it, Mr. Appel, this is the
4 only sample you were given that
5 was not limited to just either a
6 signature of Mr. Clay Shaw or
7 signature of Clay Bertrand?

8 A Yes, sir.

9 Q Do you know under what circumstances this
10 letter was written?

11 A No, sir.

12 Q Did you know the health of the individual
13 at the time he wrote this letter?

14 A No, I do not, other than through the
15 writing itself. It appears com-
16 pletely normal from beginning to
17 end.

18 Q From what did you conclude in this letter
19 that was written in 1966?

20 A What did I conclude from it?

21 Q From what did you conclude the letter
22 was written in 1966?

23 A I was told, sir. I was told it was
24 taken from the files of Mr. Wegmann.

25 Q There is nothing intrinsic to that letter

1 which indicates it was written
2 in 1966?

3 A That's right, there is nothing.

4 Q As a matter of fact, you don't know
5 whether or not you received any
6 writings in 1966?

7 A Yes, I have in my hand various additional
8 exhibits that were submitted which
9 bear the date 1966.

10 Q Are they letters or signatures?

11 A They are signatures on letters and one
12 on a post office return receipt.

13 Q May I see those please?

14 A Yes, sir.

15 Q Mr. Appel, other than the signatures,
16 some of which are merely "Clay," and
17 this letter you have just shown me,
18 and the State Exhibits 30 through
19 43, did you have any other examples
20 of the Defendant's handwriting?

21 A No, I did not.

22 Q Did you make a conclusion prior to
23 receiving any of these documents?

24 A No, sir. Well, prior to receiving the
25 original I did.

1 Q The original what?

2 A Documents. As I explained, I had a film,
3 a copy of many of these documents,
4 and the questioned entry.

5 Q And you had made a conclusion prior to
6 receiving the original, is that
7 correct?

8 A That's right.

9 Q In other words you made a determination
10 or judgment from the photograph of
11 the original questioned documents
12 as well as photographs of samples?

13 A That's true.

14 Q Is that generally the best procedure in
15 handwriting analysis?

16 A This is purely a practical matter. As I
17 say, it depends on the evidence
18 present in the specimens themselves.
19 The questioned entry shows in the
20 quality of the lines in the photo-
21 graph as received by me that it was
22 not carefully constructed by manipu-
23 lation of the pen. Instead, it was
24 normal writing. The pen was moved
25 forward at normal writing speed. It

1 is consistent from one part to
2 the other.

3 Q Speed seems to be one of your principal
4 criteria, is that correct?

5 A Yes, speed and modification of letter
6 form. When this becomes much a
7 change as for instance in the
8 letter R, as much as in this writing,
9 in which there is just a movement
10 up and down which represents R, it
11 is actually an I staff form, it is
12 by such abbreviations that a person
13 gains speed. If a person who uses
14 normally this amount of writing
15 speed were to slow down he would
16 without even realizing it revert to
17 the more normal R form to a certain
18 extent.

19 Q Do you know at what speed the Defendant
20 wrote the examples you have used?

21 A I know though they were written at a
22 very skilled and automatic speed.

23 Q What do you mean by "skilled"?

24 A I mean by that when this act becomes this
25 automatic, the man could write the

1 name in the dark. He would not
2 have to control with his eyes each
3 formation because it is habitual.

4 Q You don't know that any of these were
5 written in the dark, do you?

6 A No, I don't.

7 Q You told Mr. Dymond on direct examin-
8 ation you saw no difference, or
9 was it significant differences,
10 within the Defense Exhibit D-30
11 through D-43? Were there any
12 differences at all in the signature?

13 A Of course, there are no two signatures,
14 no two writings exactly alike, even
15 though one is written right after
16 the other.

17 MR. ALCOCK:

18 May I request the Court to have its
19 10:00 o'clock break at this
20 time so I can have a chance
21 to look at these?

22 THE COURT:

23 Very well.

24 Take the Jury upstairs.

25 (Whereupon, there was a short

1 adjournment at this time.)

2 THE COURT:

3 Is the State and the Defense ready
4 to proceed?

5 MR. DYMOND:

6 We are ready, Your Honor.

7 MR. ALCOCK:

8 The State is ready, Your Honor.

9 THE COURT:

10 Very well, proceed.

11 BY MR. ALCOCK:

12 Q Mr. Appel, did you blow up any of the
13 other exhibits, State or Defense
14 30 through 43 and juxtapose them
15 with the questioned signature as
16 you have done it with this exhibit?

17 A As to those exhibited afterwards I don't
18 know what they represent.

19 Q The signatures of Clay Bertrand.

20 A That he wrote on request?

21 Q Yes.

22 A I made a negative that contained a number
23 of the signatures that he wrote as
24 well as the questioned signature,
25 but when it came to putting it on

1 this enlarging paper, this was
2 all done in about an hour or an
3 hour and a half on the morning when
4 I had to leave Washington, that was
5 Monday morning. There was no oppor-
6 tunity to see any other ones.

7 Q Those were the only blowups you have?

8 A Of those specimens it is. I have one
9 made from the original films which
10 I had received at an earlier time
11 of the questioned entry, that's all.

12 Q Is there any particular reason why you
13 chose D-30 rather than any of the
14 other exhibits?

15 A No, it was just picked at random.

16 Q Did you have occasion to view all of
17 them before you picked that one?

18 A I did.

19 Q Is it your testimony you just picked at
20 random after viewing them all?

21 A That's right.

22 Q Do you feel that substantiated your
23 position more readily than the
24 others?

25 A No, sir.

1 Q Mr. Appel, is your specialty an exact
2 science?

3 A It depends on what you mean by "exacting."

4 Q Is it as exact as mathematics?

5 A No, that is the only exact science there
6 is.

7 Q I take it yours is not an exact science?

8 A It is quite exact. The same as in
9 chemistry, you put one solution
10 with another and it turns blue and
11 you know it is that substance. In
12 this case certainly the comparison
13 of the designs is scientific. It
14 is necessary to have a minimum
15 number of features which are partic-
16 ular to the individual and which
17 are the same as in the questioned
18 writing as the sample writing before
19 reaching a positive conclusion.

20 Q Did you reach your conclusion within an
21 hour and a half, is that your
22 testimony?

23 A No, I wouldn't say that at all.

24 Q Approximately how long did it take you?

25 A Actually, the average case takes about

1 two hours of analysis time, the
2 technical time you are actually
3 comparing designs. I am not talking
4 about clerical time. But I had the
5 film. I spent the whole day with
6 that when I received it. I had to
7 develop it myself and go through all
8 the procedure, photographic pro-
9 cedure, to get it to where I could
10 see it. My first examination was
11 made of it through a microscope, 18
12 times enlarged.

13 Q Again your judgment was made based upon
14 photographs rather than the original?

15 A Yes, sir.

16 Q As a matter of fact, are there not
17 mistakes made in this science of
18 yours?

19 A Mistakes are made in any kind of endeavor
20 I have ever heard of that a human
21 engages in.

22 Q Have you ever made a mistake in this
23 science of yours?

24 A Of course, but I have not been proven
25 wrong in court.

1 Q Do you recall a case in the 1950's, a
2 will case of May Hart here in New
3 Orleans?

4 A No.

5 Q You don't recall testifying in that
6 case?

7 A No. I don't recall the name, that's all.
8 I may have.

9 Q Do you recall whether or not the verdict
10 substantiated the opinion you gave?

11 A No, I don't, because I don't even
12 remember the case.

13 Q But it is your case at any time you have
14 testified the verdict always
15 substantiated your evidence?

16 A I didn't say that. I said no one has
17 ever proven the position I have
18 taken was wrong. The Jury may have
19 decided against it because of a lot
20 of other evidence in the case.

21 Q Then you do admit to the possibility of
22 making a mistake?

23 A Of course I do, but in this work, as in
24 any scientific work, you adopt a
25 means of examination, a technique

1 of handling it, like for instance
2 a matter of copying the writing
3 forms in notes. You do this to
4 make sure you are not guessing. If
5 you reproduce these forms accurately
6 you know you are proceeding accur-
7 ately.

8 Q Do you recall testifying in the Civil
9 District Court here in New Orleans
10 in the 1950's in a contested will
11 case, irrespective of the name of
12 the person?

13 A Yes, I recall testifying in the succes-
14 sion of France, but this had nothing
15 to do with the identification of
16 writing but with what kind of fee
17 an examiner should charge.

18 Q Do you recall testifying in a case where
19 you rendered an opinion as to
20 whether or not the will was the
21 writing of one individual as opposed
22 to another in the 50's?

23 A I think so. This was a woman who had
24 written an olographic will.

25 Q Do you recall whether or not your posi-

1 tion was substantiated by the Jury? 50

2 A I do not. My testimony not only con-
3 cerned the design of the writing
4 in that case but also the existence
5 of disease in the physical condition
6 of the decedent.

7 Q Do you recall in that case you had based
8 your judgment on a photograph of
9 the questioned document rather than
10 the original document?

11 A I don't think so. I think I may have
12 examined the photograph first, but
13 I examined the original, as I did
14 in this case, after being here.

15 Q The original questioned document?

16 A Not the questioned one. The first I saw
17 of that was in Court this morning,
18 but from what I see it verifies what
19 I found from examining the copy.

20 Q Do you recall in this case whether or
21 not you said the signature of the
22 will was authentic and the Jury
23 verdict was to the contrary?

24 A I don't recall.

25 MR. ALCOCK:

1 No further questions.

2 REDIRECT EXAMINATION

3 BY MR. DYMOND:

4 Q Mr. Appel, you stated you have seen the
5 original questioned signature here
6 in court this morning?

7 A Yes, sir.

8 Q Having seen the original questioned
9 signature does that in any way
10 change the opinion which you have
11 rendered in this case?

12 A No, it confirms it.

13 Q Mr. Appel, could the difference which
14 might be created by the writer
15 sitting or standing be responsible
16 for the differences which you pointed
17 out in the two signatures on D-44?

18 A No, sir, that would concern a different
19 aspect of the writing entirely.

20 Q As an expert in the field of questioned
21 documents, Mr. Appel, did you have
22 specific material furnished to you
23 in order to form a firm and proper
24 opinion as to the authenticity or
25 lack of authenticity of the ques-

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tioned signature in this case?

A Yes, I did.

Q Mr. Appel, are you being compensated for your testimony in this case or for the work you have done in connection with your examination?

A No, I am appearing in this case because I feel it is a civic duty to do so, as I have in the past in other cases. I don't take criminal cases at all unless I make an exception to this policy, because I don't wish to break down law enforcement, but occasionally there comes a time when there is reason to believe that without my services an injustice will occur. In that case I will not only accept the case but I will also do it as a civic duty.

MR. DYMOND:

Thank you, that's all.

RECROSS-EXAMINATION

MR. ALCOCK:

I take it you said you are not being compensated in this case?

1 A That's correct.

2 Q You made some statement about justice
3 or injustice, is that also correct?

4 A Certainly it is correct. This has to do
5 with whether I will accept a case
6 or not. I say I will not accept a
7 case to appear against the prosecu-
8 tion -- well, many times I am
9 employed by the State's Attorneys
10 such as here, I testified in New
11 Orleans in a case involving graft
12 of police officers for the State's
13 Attorney and those cases I will
14 take any time I can help law enforce-
15 ment, but I won't appear as an
16 expert for the defense. I feel I
17 am not needed for that unless there
18 is some particular circumstance
19 which convinces me --

20 THE COURT:

21 Let me interrupt. I think, gentle-
22 men, you are going into a
field where you are permitting
the witness to give an opinion
25 which belongs to the Jury and

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[REDACTED] not the witness, so I am going to stop it.

MR. ALCOCK:

I want to find when he formed the opinion, whether it was before or after making the analysis. His credibility is involved here.

THE COURT:

You are going beyond the field of his testimony. He is giving a dissertation about something of which he is not an expert.

MR. ALCOCK:

This was introduced by Defense Counsel, not the State.

THE COURT:

I wondered why you didn't object to it.

MR. ALCOCK:

I have the right to explore it now and find out when he formed this opinion of his, and if it was prior to him making the analysis I think the Jury should

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know he had a preconceived
opinion.

THE COURT:

You may proceed.

BY MR. ALCOCK:

Q When did you form an opinion as to
justice in this case?

A I didn't form the opinion you are now
inferring to me at all.

Q What did you form?

A I formed the opinion it was necessary
for me to intervene in this case
upon request of Counsel. Mr. Lloyd
Cobb called me in Washington and
asked if I was free to accept this
case and what would I charge. I
had previously had on other cases
worked with Mr. Cobb. He said,
"What fee are you charging now?"
I said, "\$250 a day." He said,
"This man doesn't have any such
money as that."

THE COURT:

Why are we going into that?

MR. ALCOCK:

1 I didn't ask him.

2 BY MR. ALCOCK:

3 Q When did you receive the phone call from
4 Mr. Cobb?

5 A The 14th of this month.

6 Q Did you discuss with him the merits or
7 lack of merits of the case?

8 A Not at all. The question was that the
9 man was substantially indigent as
10 far as I am concerned, and couldn't
11 pay my fee, and stood a chance of
12 an injustice occurring. That is
13 why I accepted it.

14 Q Do you know if the man who called you
15 had been a witness for the Defense
16 in this case?

17 A No, I did not. I don't know anything
18 about the case.

19 Q And yet you formed the opinion there may
20 be an injustice done?

21 A That's right.

MR. ALCOCK:

No further questions.

24 MR. DYMOND:

25 That's all, thank you.

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THE COURT:

You are excused, Mr. Appel.

MR. DYMOND:

In connection with the testimony of this witness we would now like to offer, file and produce in evidence the exhibits which have been identified as D-45 through D-52.

MR. ALCOCK:

No objection.

MR. DYMOND:

We ask the Jury be permitted to see the exhibits.

THE COURT:

They may see them.

They are received.

(Whereupon, the documents offered by Counsel were received into evidence.)

(Witness excused.)