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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.
STATE OF LOUISIANA

198-059

VERSUS

1426 (30)

CLAY L. SHAW
.

SECTION "C"

EXCERPT FROM
PROCEEDINGS IN OPEN COURT
AFTERNOON SESSION
FEBRUARY 27, 1969B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,
JR., JUDGE, SECTION "C"*Mr. Nicholas Tadin**34 pages***Dietrich & Pickett, Inc.**
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: NSCA (RG 233)

FILMS

100-003 (JFK ACT)

APR

JC

DATE 10/16/93

I N D E X

| <u>Witness</u> | <u>Dir.</u> | <u>Cross</u> | <u>Redir.</u> | <u>ReCr.</u> |
|----------------|-------------|--------------|---------------|--------------|
| Nicholas Tadin | 2 | 11 | 31 | -- |

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AFTERNOON SESSION

2

THURSDAY, FEBRUARY 27, 1969

TESTIMONY OF NICHOLAS TADIN

...ooo...

MR. ALCOCK:

Call Mr. Nicholas Tadin.

NICHOLAS TADIN,

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

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Mr. Tadin, will you state your full name
for the record, please.

A Nicholas Tadin, T-a-d-i-n.

Q Mr. Tadin, where do you reside?

A 4618 Lurline Street.

Q Is that in the city of New Orleans?

A City of New Orleans.

Q And what is your occupation or employment?

A Business Agent for the Musicians' Union.

Q And how long have you been so employed?

A Twelve years.

Q Does your occupation take you into the

French Quarter of the city of New

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1 Orleans very much?

2 A Yes, sir, three or four nights a week,
3 sometimes five, sometimes maybe six.

4 Q Mr. Tadin, do you have any children?

5 A Yes, I do.

6 Q How many?

7 A Two.

8 Q Are they boys or girls?

9 A Boys.

10 Q In the year 1964, were either one of
11 these boys taking flying lessons?

12 A Yes, my oldest boy.

13 Q And how old was he, approximately, at
14 that time?

15 A About 16.

16 Q Are either one or both of these boys
17 handicapped in any way?

18 A Yes, sir, both of them are deaf.

19 Q And from whom was your boy taking flying
20 lessons?

21 A David Ferrie.

22 Q Did you ever have occasion to see David
23 Ferrie, or more than one occasion?

24 A For about two years -- about a year and
25 a half I would say.

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1 Q Generally where did you see him? 4
2 A At the airport.
3 Q Would that be the New Orleans Airport?
4 A Yes, sir.
5 Q (Exhibiting photograph to witness) I show
6 you a picture which has been marked
7 for purposes of identification as
8 "State No. 3," and I ask you if you
9 recognize the person depicted in
10 that picture?
11 A That is David Ferrie.
12 Q Is this the man who was giving your son
13 instructions in flying?
14 A Yes, sir.
15 Q Did you ever have occasion to accompany
16 your son out to the airport while
17 he was taking a lesson?
18 A Quite a bit.
19 Q Is that the New Orleans Lakefront Airport?
20 A Yes, sir.
21 Q Is there any reason why you accompanied
22 your son out there on these
23 occasions?
24 A Yes, sir. A picture was made of my boy
25 and a young lady that was going to

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1 be a nun, and it was put into
2 the CATHOLIC ACTION, and in this
3 CATHOLIC ACTION it was David Ferrie,
4 my son, and this young lady that was
5 going to be a nun. I think the name
6 of this lady was Ignatius at that
7 time, and someone had called me --

8 Q Now, you can't say what anyone told you.
9 As a result of this call, what, if
10 anything, did you do?

11 A Well, gee, that is pretty rough.

12 Q I know it is difficult.

13 A When I got the call I became very dis-
14 turbed, because the man -- I mean
15 because I found out that --

16 MR. DYMOND:

17 We object to what he found out by
18 the call, if the Court please.
19 That is going in the back door.

20 THE COURT:

21 I know it is a difficulty, Mr.
22 Dymond.

23 You can testify you received the
24 call, had a conversation, and
25 then you can tell what you did

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1 physically do as a result of
2 that telephone conversation.

3 THE WITNESS:

4 All right.

5 A (Continuing) I had a call and the man
6 told me --

7 MR. DYMOND:

8 I object to what he told you.

9 THE WITNESS:

10 All right.

11 BY MR. ALCOCK:

12 Q Mr. Tadin, perhaps I can clear this up.
13 You said you became concerned. Is
14 that correct?

15 A Yes, I did.

16 Q Did you become concerned about any partic-
17 ular individual?

18 A Yes, Dave Ferrie.

19 Q As a result of this concern, did you have
20 occasion to do anything?

21 A Yes, sir, I did. I didn't know how to
22 approach Dave Ferrie about this
23 matter, so we happened to be sitting
24 down in the airport restaurant one
25 day, myself and Noel, and I was a

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1 little disturbed, plenty disturbed, 7
2 so I told Dave, I said, "Dave, you
3 know my son is a young kid here at
4 the airport," and I says, "I don't
5 know anyone out here," which was a
6 lie, I did know Rudolph Spremich.

7 THE COURT:

8 Who?

9 THE WITNESS:

10 Rudolph Spremich.

11 A (Continuing) I also knew Wilson Naremore
12 and one other fellow, not too well.
13 I can't recall his name, but these
14 two definitely I knew. And I said,
15 "Dave, this kid is out here every
16 evening." I says, "I don't know
17 anybody that I could depend on
18 except you. Now, if anybody hurts
19 this kid," I says, "I am going to
20 fracture his jaw," I says, "and if
21 I don't do it with my fist, I will
22 be back here with a two-by-four."
23 Said, "If I don't get it with a
24 two-by-four, I am going to come
25 back here with some friends that

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are not going to miss."

8

He said, "Oh, no, nothing is going to happen to your boy. Now," he says, "I am going to see that he is taken care of." Well, the friendship drifted, drifted away real bad, and the boy was crazy about the man. See? I don't think the man did him anything wrong, but he was crazy about this man. He is a deaf boy, and he is the only man that took an interest in the kid, took him up. He was about ready to solo when --

Q Did you have occasion, Mr. Tadin, to ever be at the New Orleans Airport in the summer of 1964 along with your wife?

A Yes, sir.

Q Did you see David Ferrie on that occasion?

A I certainly did.

Q Did you see David Ferrie with anyone on that occasion?

A Yes, I did.

Q And who was the person you saw him with?

A Mr. Clay Shaw.

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1 Q Do you see Clay Shaw in the courtroom? 9

2 A (Indicating) The gentleman right over
3 here.

4 Q (Indicating) Is that this gentleman here?

5 A Right.

6 Q Had you ever seen Clay Shaw prior to
7 that occasion?

8 A Many times around Bourbon Street, riding
9 around in the automobile.

10 Q Now, approximately how close did you get
11 to David Ferrie and Clay Shaw on
12 that occasion?

13 A You mean at the airport?

14 Q Yes, sir.

15 A Well, when I parked my car in front of
16 the place, they had the large hangar
17 on this side (indicating) and the
18 AIRCOM was on this side, which they
19 went out of business. It was a
20 little hangar, I mean a little office
21 like, and I parked my car right
22 there and I was going to look for
23 Dave to bring the boy for his lesson.
24 So as I was getting out of the car
25 I noticed that -- not through the

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1 hangar door, but there is a little
2 door on the side -- Dave Ferrie came
3 right out and Mr. Shaw was right
4 behind him within about three feet.
5 So I told my wife, "Oh, Christ, look
6 at this." She said, "What is the
7 matter?" I said, "Clay Shaw over
8 here." And then I talked to my wife,
9 you see, and then she got out of the
10 car, and I went over to Dave Ferrie,
11 towards Dave Ferrie, and Mr. Shaw
12 went to his car. He got out of his
13 car and went back into the hangar.
14 So I told Dave, I says, "Dave, what
15 you got, a new student here?" Said,
16 "No, it is a friend of mine, Mr.
17 Clay Shaw. He is in charge of the
18 International Trade Mart." Said,
19 "You know him?" I said, "Yes, I
20 seen him around," and that is it
21 right there.

22 Q Mr. Tadin, approximately how many times
23 had you seen Clay Shaw before that
24 occasion?

25 A Oh, a few times around the French Quarter,

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riding around in an automobile.

Q Did you have any doubt at all it was
Clay Shaw at the airport?

A No, sir, no.

Q Was your wife with you on this occasion?

A She was.

MR. ALCOCK:

I tender the witness.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Tadin, you say this took place in
1964?

A Yes, sir, about that time.

Q Could you tell us what month that was
in '64?

A It was in the later summer months, in
the later part of the summer. I
couldn't tell you exactly what
month, but it was in the later part
of the summer.

Q Now, what are you referring to as the
"summer months"?

A Could have been around July.

Q Well, now, you say it could have been
around July or it was during July?

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1 A It could have been around July.

2 Q Could it have been around June?

3 A Could have.

4 Q Could it have been around May?

5 A I couldn't answer that far.

6 Q Could it have been around --

7 A It could have been between June and
8 August, I will put it that way.

9 Q Between June and August?

10 A Right.

11 Q Now, what building is that that you say
12 Mr. Shaw came out of at that time?

13 A At the big hangar on the right-hand side
14 as you come from Dymond Road and make
15 a turn, and there is an incline, and
16 the building on the right, which was
17 a large building, not the large door
18 but that small door, he and Dave
19 came out of there.

20 Q Now, how big is that hangar?

21 A That hangar?

22 Q Yes, About how big?

23 A Oh, I guess about -- oh, about -- I have
24 no idea -- pretty big though.

25 Q How many times as big as this courtroom?

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1 A You could put this in there five times
2 I would say.

3 Q You could put this courtroom in there
4 five times, is that right?

5 A Yes.

6 Q Now, on that occasion when you saw David
7 Ferrie walk out of the door of the
8 hangar, was that the first time you
9 had seen him that day?

10 A That day?

11 Q That day.

12 A Yes, sir.

13 Q You didn't see him while he was in the
14 hangar?

15 A Absolutely not.

16 Q And you say Mr. Shaw walked out about
17 three feet behind him, is that
18 correct?

19 A Yes, and Mr. Shaw went to his car and
20 Dave waved at him just like this
21 (demonstrating). Whether he waved
22 at him or what I don't know.

23 Q Now, how was Mr. Shaw dressed on that
24 occasion?

25 A What was that?

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1 Q How was Mr. Shaw dressed on that
2 occasion?

3 A I can't recall.

4 Q Did he have on a coat or a sport shirt
5 or what?

6 A I can't recall.

7 Q Did he have on a hat?

8 A No.

9 Q You don't know whether --

10 A I am sure he had no hat, because my wife
11 Berta (sic) remarked, says, "Look at
12 the beautiful hair he has got on his
13 head."

14 Q Did you say -- you say you don't know
15 whether he had a coat on or not?

16 A I can't recall it.

17 Q Was his collar open or closed with a tie?

18 A I couldn't answer that.

19 Q How was David Ferrie dressed on that
20 occasion?

21 A Sloppy.

22 Q Sloppy, sloppy as usual, or what?

23 A I don't know what you call "usual."

24 Q Well, you saw him quite a few times,
25 didn't you?

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1 A Well, yes. He had a pair of baggy
2 pants on, a shirt, and a little
3 funny hat that he always kept on
4 top of his head. At no time I found
5 him without a hat.

6 Q Now, prior to that occasion, have you
7 ever been introduced to Mr. Clay
8 Shaw?

9 A Never have.

10 Q But you say you had seen him riding up
11 and down Bourbon Street?

12 A Right.

13 Q Riding or walking?

14 A Riding.

15 Q Always riding, is that right?

16 A Right.

17 Q What kind of car was he riding in?

18 A Thunderbird.

19 Q What color?

20 A Light cream or white.

21 Q Was the top down or up?

22 A Top down.

23 Q Top down?

24 A Right.

25 Q And how many times did you say you saw

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him riding on Bourbon Street?

A Well, one night I saw him twice. I was standing in front of the Famous Door. He made a round. He had about four young fellows in the car with him, and he turned right around, and a little later on came back again, and then once or twice after that I seen him.

THE COURT:

I can't hear you.

THE WITNESS:

Once or twice after that I seen him.

BY MR. DYMOND:

Q Now, Mr. Tadin, when did you first get in touch with the District Attorney's office and tell them --

A This morning.

Q This morning?

A Correct.

Q Did you read the newspapers and watch TV?

A Yes, sir, I have, I have read the newspapers and watched the television.

Q Were you aware that a preliminary hearing was conducted in connection with

1 this case?

2 A I certainly was.

3 Q Did you read about that in the papers?

4 A Yes, I did.

5 Q Did you see it on TV?

6 A Yes, I did.

7 Q Did you know that David Ferrie was one
8 of the parties about whom there had
9 been testimony in that preliminary
10 hearing?

11 A Yes, I did.

12 Q Did you know that Clay Shaw was the
13 defendant and a party to that pre-
14 liminary hearing?

15 A Was ~~I~~ a party? No.

16 Q No, that he was a party to the preliminary
17 hearing.

18 A Through the news media.

19 Q Did you know that during that preliminary
20 hearing a question had arisen as to
21 whether Clay Shaw ever knew Dave
22 Ferrie?

23 A Whether he knew Dave Ferrie?

24 Q I say, did you know that the question had
25 arisen in that preliminary hearing

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as to whether Clay Shaw was
acquainted with David Ferrie?

A Well, the thing that disturbed me from
the beginning was your testimony
that he did not know.

Q You said my testimony?

A Not your testimony, but your opening
statement in the paper that Mr.
Shaw did not know Dave Ferrie, and
I told that to a couple of people
and they got onto me and said, "You
better get up there and tell these
people."

Q Now, did you follow the preliminary hear-
ing pretty close on the TV and in
the newspapers?

A From the date of this?

Q The preliminary hearing.

A You call this the preliminary hearing
today?

Q No, I call the preliminary hearing the
proceedings that took place in March
of 1967.

A Oh, yes, yes.

Q You followed that closely? Is that right?

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1 A Right.

2 Q And is it your testimony that in spite
3 of following that closely, you
4 didn't know that the question had
5 arisen as to whether Clay Shaw was
6 acquainted with David Ferrie?

7 A I don't follow you.

8 Q Didn't you know that that was one of the
9 questions in that preliminary hear-
10 ing, whether Clay Shaw was acquainted
11 with Dave Ferrie?

12 A Yes, I knew that.

13 Q That didn't disturb you?

14 A Yes, it did disturb me.

15 Q Then why didn't you come forward then?

16 A Same like other people want to come
17 forward but don't want to get
18 involved.

19 Q Did you want to get involved this morning?

20 A Yes.

21 Q Why did you want to get involved this
22 morning?

23 A I figured I should tell --

24 Q Let me finish the question.

25 THE COURT:

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1 Wait.

2 MR. ALCOCK:

3 Let him answer the question.

4 MR. DYMOND:

5 He interrupted by answering the
6 question.

7 THE COURT:

8 I can't hear both of you at once.

9 THE WITNESS:

10 I heard --

11 THE COURT:

12 Wait a minute, Mr. Tadin.

13 Gentlemen, I know emotions get
14 aroused at certain moments,
15 but let's keep it cool if you
16 can. Now what is the question,
17 and then let me hear the
18 objection.

19 MR. DYMOND:

20 I ask that it be read back.

21 THE COURT:

22 I ask you, Mr. Dymond, don't argue.

23 MR. DYMOND:

24 Your Honor, I wasn't arguing.

25 THE COURT:

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1 It looked to me like you were
2 getting mighty close.

3 MR. DYMOND:

4 Read the question.

5 (Whereupon, the foregoing question,
6 answer, and colloquy were read back
7 by the reporter.)

8 THE COURT:

9 Then you wanted to stop him, and Mr.
10 Alcock interposed by stating
11 he should be permitted to
12 explain his answer.

13 MR. DYMOND:

14 Your Honor, the reason I --

15 THE COURT:

16 Wait. I want to know, is that the
17 question first, is that your
18 question?

19 MR. DYMOND:

20 The reason I wanted to stop is that
21 he had commenced his answer
22 before I had completed my
23 question.

24 THE COURT:

25 No, sir.

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1 MR. DYMOND:

2 Just the last question there, and
3 you will see what I mean.

4 THE COURT:

5 All right. I am not going to get
6 excited about it.

7 Let me see. As I understand the
8 legal situation, Mr. Alcock,
9 you were objecting to Mr.
10 Dymond's interrupting the
11 State's witness's answer by
12 stating that he should be per-
13 mitted to finish his answer.
14 Is that correct?

15 MR. ALCOCK:

16 Yes.

17 MR. DYMOND:

18 No, by my stating I wanted to be
19 permitted to finish the question.

20 THE COURT:

21 If you will let me try to explain
22 the situation to find out what
23 is the legal objection of the
24 State, if I can find that out,
25 then I can understand your

objection.

MR. DYMOND:

All right.

THE COURT:

Mr. Alcock, is that your position?

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

In other words, Mr. Dymond, Mr.

Alcock is objecting to you

interrupting the witness, be-

cause he claims the witness had

not finished explaining his

answer. Is that the legal

situation? You say no?

MR. DYMOND:

I say no, right.

THE COURT:

Tell me what your position is.

MR. DYMOND:

I had not completed my question when

the witness launched forth on

an answer, and that is when I

interrupted him on his answer

because I hadn't completed the

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question.

THE COURT:

Let's go back to the record. Let's see if you had or not.

Madam Reporter, you understand the situation. Now let's see if Mr. Dymond completed the question, and, if so, let's see if the witness had completed his answer.

Now take it easy, I think we can find that out.

MR. DYMOND:

Your Honor, I will stop the reporter right at the point where I want to finish my question.

THE COURT:

I hope you don't. I want to hear the whole thing. Wait a minute, Mr. Dymond.

(Whereupon, the same passage was read by the reporter.)

THE COURT:

Mr. Dymond, I will overrule you and permit him to finish that

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1 answer, sir.

25

2 MR. DYMOND:

3 Your Honor, do you mean that I am
4 not permitted to even complete
5 a question?

6 THE COURT:

7 Mr. Dymond, --

8 MR. DYMOND:

9 I know what my question was meant
10 to be, Judge. Do you think I
11 am misleading the Court or
12 something?

13 THE COURT:

14 No, I am not saying you are mislead-
15 ing, I say you are confused.

16 MR. DYMOND:

17 I am not confused at all. I wanted
18 to ask him why didn't he want
19 to get involved then if he
20 wanted to get involved now.

21 THE COURT:

22 Don't tell me what you wanted to do,
23 Mr. Dymond, let's find what the
24 record says.

25 MR. DYMOND:

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1 The record doesn't show that

2 because I wasn't permitted to
3 question.

4 THE COURT:

5 I may say something that is revers-
6 ible before the jury. Take the
7 jury to my chambers, please.

8 (Whereupon, the jury retired.)

9 THE COURT:

10 Number One, I am not going to stop
11 either side from being given an
12 opportunity to be fully heard
13 on this point, and apparently
14 it is very critical. As I
15 understand the legal situation
16 -- if I am wrong, I will correct
17 myself, I am human like every-
18 body else, but I don't think I
19 am wrong. Now, here is what I
20 would like to say to you then.

21 I will be glad to hear you all
22 evening.

23 MR. DYMOND:

24 All right.

25 THE COURT:

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1 The question, as I understand it,

27

2 was put to the witness. He
3 answered it partially and was
4 continuing to give you an
5 explanation of why he suddenly
6 got involved this morning, when
7 you cut in and tried to inter-
8 rupt him, and that is when Mr.
9 Alcock -- you both were talking
10 at the same time -- Mr. Alcock
11 took the position that under
12 the law a witness can answer
13 a question and can always give
14 an explanation of the answer
15 when a question is put to him.
16 Now, that is the way I under-
17 stand it. If you wish to --

18 MR. DYMOND:

19 Your Honor, I have no argument --

20 THE COURT:

21 If you wish to correct me, go to the
22 record and correct me. Don't
23 tell me what you intended to do.

24 MR. DYMOND:

25 The jury is out of here.

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1 THE COURT:

28

2 That is why I am talking like I am.

3 I wouldn't talk like this in
4 front of the jury.

5 MR. DYMOND:

6 The question I wanted to propound
7 to this witness was: Why did
8 you want to get involved this
9 morning if you didn't want to
10 get involved back in 1967?

11 THE COURT:

12 That is what he was about to answer
13 you.

14 MR. DYMOND:

15 No. I got as far as saying why did
16 you want to get involved this
17 morning, and he started answer-
18 ing before I had put in the
19 rest of the question.

20 MR. ALCOCK:

21 Your Honor, this seems to be much
22 ado about little. Perhaps I
23 will just let him repropound
24 the question as he wants to.

25 THE COURT:

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Bring the jury back, but first let

me explain to Mr. Tadin -- I

know Nick a long time, we went

to school together. Look, when-

ever they put a question to you,

and you can, say yes or no, and

if you want to make an explan-

ation, put up your hand and say

I wish to give an explanation.

Will that satisfy everybody?

(Jury returned.)

BY MR. DYMOND:

Q Mr. Tadin, if you didn't want to get involved back in 1967, why didn't you mind getting involved this morning?

A Last night I was sitting down on the sofa watching the news, listening.

THE COURT:

Speak louder.

A (Continuing) -- sitting at my house watching the television, and I heard this news, and I said, "Hell!"

THE COURT:

I can't hear you myself.

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1 A (Continuing) I said I was sitting by
2 the television last night and I
3 was listening to the news and about
4 what was going on and everything.
5 I said, "Hell, this is not true."
6 I says, "I know this." And I said,
7 "I am going to tell it and that is
8 all."

9 BY MR. DYMOND:

10 Q So you knew it wasn't true when you heard
11 it on the television last night, is
12 that right?

13 A That is right.

14 Q Didn't you know it wasn't true back in
15 1967 when you heard it?

16 A That is right, and I done told you I
17 didn't want to get involved at that
18 time.

19 Q But for some reason you felt different
20 about it this morning, is that right?

21 A Exactly right.

22 Q Do you ever lie?

23 A Did I ever lie?

24 Q Do you ever lie?

25 A Lie?

1 Q Yes.

2 A Yes. I think we all do.

3 Q Do you lie often or not?

4 A Yes, sir, but not in this case.

5 Q I see. This is the time that you are
6 telling the truth? Right?

7 A Right.

8 MR. DYMOND:

9 That is all.

10 REDIRECT EXAMINATION

11 BY MR. ALCOCK:

12 Q Have you ever lied under oath as you are
13 now, Mr. Tadin?

14 A No, sir.

15 MR. ALCOCK:

16 No further questions.

17 THE COURT:

18 Is Mr. Tadin excused from the
19 obligations of the subpoena?

20 MR. ALCOCK:

21 Yes, Your Honor.

22 THE COURT:

23 You may stand down.

24 Before you call your next witness,

25 I am going to take a five-minute

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intermission. Take the jury
upstairs, please.

(Whereupon, a recess was taken.)

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