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Garrison Statement Indicates Warren Report Also on Trial,

DA Gives Outline of Shaw Case

District Attorney Jim Garrison today made clear he intends to put the Warren Commission report on the assassination of John F. Kennedy on trial alongside Clay L. Shaw.

GARRISON made his opening statement to the jury in the trial of Shaw, 55, who is charged with conspiring to kill Kennedy, and in so doing outlined the fruits of his two-year-old investigation of the assassination.

Under Louisiana law, the state does not have to prove Shaw had anything to do with the actual assassination of Kennedy in Dallas on Nov. 22, 1963, in order to convict him.

BUT IN THE opening statement, Garrison said "we will offer evidence concerning the assassination in Dealey Plaza in Dallas because it was

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SECTION 1

STATES-ITEM

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and because it confirms the significance and relevance of the planning which occurred in New Orleans.

The conspiracy statute requires only that the state prove a conspiracy involving Shaw existed and that at least one overt act in furtherance of the conspiracy was committed.

After the DA's opening statement, court adjourned until this afternoon, when the defense was to announce whether it intended to make an opening statement of its own.

ALSO THIS morning, Judge Edward A. Haggerty Jr. refused to grant immunity from prosecution to a defense witness, Mrs. Harold McMaines (nee Sandra Moffitt) in order to obtain her return from Iowa.

The judge turned down the motion by chief defense counsel F. Irvin Dymond after chief prosecutor James L. Alcock objected.

The Garrison statement was the highlight as the trial moved into its first day of substantive business. It opened Jan. 21, but the first 14 court days were taken up with the selection of 12 jurors and two alternates. This process was completed yesterday.

GARRISON'S APPEARANCE today was the first time he has taken an active part in the trial. He has left the courtroom work up to Alcock, whom he earlier chief

prosecutor, just before it began.

The assassination investigation was begun by Garrison in November, 1965. Shaw was arrested March 1, 1967.

The outline of the state's case indicated it will rely heavily on the testimony of Perry Raymond Russo, its star witness at the preliminary hearing for Shaw.

GARRISON'S OPENING statement, a 15-page document, contained little that was not already known about the state's case, but it detailed the first time the structure of what the state intends

ment began by... the indictment, which states that Shaw is charged with "having willfully and unlawfully conspired with David W. Ferrie, Lee Harvey Oswald and others to murder John F. Kennedy."

Garrison then defines conspiracy under the Louisiana law, and ran through a series of overt acts he says the state will prove were committed in furtherance of the conspiracy. The alleged acts had been revealed earlier by Alcock in questioning jurors.

THEY INCLUDE a meeting between Oswald, Shaw and Ferrie at Ferrie's apartment in September, 1963; a discussion at that time by the three of assassination methods; a trip to the West Coast by Shaw in November, 1963; a trip by Ferrie to Houston the day of the assassination; and Oswald's taking a rifle to the Texas School Book depository building at Dallas on or before Nov. 22, 1963.

Garrison then launched into a description of Oswald's activities in New Orleans during the summer of 1963, much of which agrees with the account in the Warren Report.

However, Garrison said that in June, 1963, Shaw attended a party in the French Quarter along with Ferrie and Oswald, and the assassination of Kennedy was discussed at that time. Shaw has denied ever knowing Oswald or Ferrie.

LATER THAT same month, Garrison said, Shaw was observed talking with Oswald on the lake front. This was testified to at the preliminary hearing for Shaw by Vernon Bundy Jr., an admitted narcotics addict who said he was preparing to inject heroin into his veins when he saw the two men.

Garrison adds to the earlier account that some "Fair Play for Cuba Committee" leaflets were found at the scene. Oswald is known to have distributed such literature in New Orleans.

One event alleged by Garrison that had not been revealed before was a meeting between Shaw, Oswald and Ferrie in Clinton, La., in September, 1963. Garrison said he has witnesses and photos to support this.

After detailing these matters, Garrison jumped to October and November 1963, most of which spelled out in the Warren Report.

On this matter, Garrison said, "As to the planning of the conspiracy—our jurisdiction is limited to New Orleans although we will later offer evidence concerning the assassination in Dealey Plaza in Dallas because it confirms the existence of a conspiracy and because it confirms the significance and relevance of the planning which occurred in New Orleans."

GARRISON THEN turned to the activities of Russo, who testified at the preliminary hearing he overheard Shaw, Oswald and Ferrie plotting the assassination at the September, 1963, party in Ferrie's apartment.

Shaw's trip to the West Coast, Garrison contended, was a part of the conspiracy. Shaw has said he was in San Francisco the day of the assassination.

Garrison said the state will introduce a ledger sheet of travel consultant firm detailing this trip. He said it was the same firm which arranged Oswald's trip to Europe several years earlier.

WITH REGARD to the assassination itself, Garrison said, the state will show that Kennedy and former Texas Gov. John B. Connally were wounded by gunshots fired by different guns from different locations, and further, that more than one person was shooting at Kennedy.

The final shot which struck him came from in front of him, knocking him backwards in his car," Garrison said.

The DA said the state will show the jury a color motion picture showing "the President as he is being struck by the various bullets and you will be able to see him fall backwards as the fatal bullet strikes him from the front—not the back but the front."

GARRISON THEN went into the matter of Clay or Clem Bertrand, the mystery man who attorney Dean A. Andrews Jr. said called him the day after the assassination and asked him to defend Oswald. Garrison contended Shaw is Bertrand.

The evidence, Garrison said, will show that Shaw received mail in 1966 addressed to Clem Bertrand, and that he signed the guest register in the VIP room at New Orleans International Airport in December, 1966, as Clay Bertrand.

THE FIRST order of business this morning was denied by Judge Haggerty of two preliminary motions. One involved the defense request for Attorney Hugh Ericson to produce certain tapes made by Alvin Beaubien.

The second motion was by the defense asking Judge Haggerty to issue a protective order if Sandra Moffitt McMaines were brought here to testify as a defense witness.

Alcock objected to the motion contending that such action would be "completely foreign to the laws of Louisiana."

JUDGE HAGGERTY overruled the defense motion.

Dymond contended that the law "in general terms, gives the court such authority to issue such an order.

"As has been made public, Perry Raymond Russo has contended that Sandra Moffitt McMaines was with him at the time of a meeting in David Ferrie's apartment."

DYMOND TOLD the court that Mrs. McMaines has said that she did not make the acquaintance of Russo until after the date of the alleged visit to Ferrie's apartment.

Alcock told the court: "The state would like to make clear that it does not intend to clamp this woman in irons the moment she crosses the parish line."

But he said that if the witness comes to the parish and commits some infraction of the law "we would not only charge her but would be guilty of malfeasance in office" if Mrs. McMaines were not charged.

THE DISTRICT attorney's office has no intention to arrest this girl just because she is in the parish. Her fears are completely unfounded.

Mrs. McMaines consistently has refused to come back to Orleans Parish. Her attorney contends she is afraid of what might happen to her here.

Dymond told the judge, "It is the state's responsibility to see that justice is done. We have been assured by her attorney that she will come here if the order is issued."

"HER ATTORNEY has said that the only way he will bring her here is if the court will issue the protective order," said Dymond.

At this point, Judge Haggerty said, "The motion is denied. Take a bill of exception. Now let's bring the jury down."

Dymond took a bill of exception to the ruling after the jury had been brought into the courtroom.

DYMOND THEN asked that all witnesses be sequestered. He said this should include all witnesses in the courtroom not mentioned but whom the state intends to call.

At this point, Alcock asked for a five-minute recess.

When court reconvened, Judge Haggerty announced, "The next order of business will be the opening statement by the district attorney."

THIS WAS preceded, however, by a reading of the indictment against Shaw by an attache of the court.

JUDGE HAGGERTY again announced the opening statement by the prosecution and Garrison strode to the microphone at the front of the courtroom at one side of the judge's bench.

Garrison, holding a lengthy document, told members of the jury that they already have been imposed upon because of the hardships of being sequestered.

He asked their forbearance while he read the long statement.

"I MUST READ to you a rather lengthy opening statement," said Garrison. "I hope you will bear with me."



CLAY SHAW WITH LAWYER F. IRVIN DYMOND



JUDGE EDWARD A. HAGGERTY JR., sits to the jurors selected for the trial. They will be staying during the trial at the Howdowner Motor Inn where the men will be staying during the trial.

From front row: ROBERT JOHN BURNLEY and JOSEPH BELMAN. From rear row: LARRY D. MORGAN, SIDNEY J. HERBERT, HAROLD W. BAI.

NUM. JR. WARREN E. HUMPHREY, DAVID T. POWE and PETER M. TATUM.

Back row: JOHN LEE JAVIN WASON, O. L. Y. E. R. M. SCHULZ, RICKS JR., CHARLES D. ORDES, HERBERT J. KENNISON and JAMES C. OQUINN.