

(Mount Clipping in Space Below)

Shaw Defense Statement

In making the opening statement for the defense yesterday in the trial of Clay L. Shaw, chief defense counsel F. Ervin Dymond released no official text. Here are his remarks as reported from the courtroom:

"Your honor, the defense knows that it is not necessary for it to respond with an opening statement but we wish to do so.

"We are not here to defend the findings of the Warren Commission, this is not the case at all. The defense has neither the inclination, the desire or the money to do so. The Warren Commission interviewed 25,000 witnesses.

"It is the defense's judgment to strike at the very core of the state's case—the alleged conspiratorial meeting between Shaw, David Ferrie and Lee Harvey Oswald. We will show you that this alleged meeting was not conceived until David Ferrie's death. That's when the roaches came out of the woodwork.

"THE DEFENSE has two courses of action to take. One, we can prove that Mr. Shaw was elsewhere at the time of the alleged meeting. But this would be impossible since the state has never seen fit to set forth a precise time. And even if the state had set a time, Mr. Shaw couldn't be called on to go back three and one-half years and account for this time.

"Secondly, the defense could prove who says this meeting took place. Mes. Perry Raymond Russo is a harp—a notoriety-seeking harp whose every name does not deserve to be mentioned among honest and just people. We can prove this.

"We will begin with Russo's first entrance into this case. It was a few days after Dave Ferrie's death that Russo wrote the district attorney and said he would be willing to tell him what he knew of Dave Ferrie, a fairly close friend of his.

"The next day, Feb. 24, 1967, Russo was interviewed by Bill Bankston of the Baton Rouge State-Times. Russo told Bankston that he wanted to get down all he knew of the case and talked with Bankston for about 45 minutes.

"Russo did not mention Clay Bertrand, Clay Shaw, Clem Bertrand or any principals in the conspiracy. We will show this.

"AFTER THIS INTERVIEW, three more newsmen interviewed Russo and he didn't mention Shaw, Oswald, Bertrand or a word of the conspiracy.

"Then on Feb. 25, 1967, Andrew Sciambra, an assistant district attorney in Orleans Parish, went to Baton Rouge to interview Russo. This lasted for three and one-half hours.

"Three days later, Sciambra wrote a 3,500 word memo to the district attorney. We will show you that nowhere in it was there mention of Bertrand, Shaw or a conspiracy.

"We will show you that Russo was asked by Sciambra if he had ever seen Shaw. Russo's reply was that he had

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SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

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seen him twice - once at Ferrie's service station and a second time at the Nashville ave. wharf.

"But shortly after, during the preliminary hearing for Mr. Shaw, Russo placed three meetings with Mr. Shaw, including the conspiratorial meeting.

"**RUSSO HAD MANY** conversations with a reporter for a national magazine and at one time the reporter set up a meeting with Shaw for Russo. But Russo cancelled out after the meeting had been arranged.

"Russo told the reporter that he was afraid to go to the meeting for fear of Garrison finding out about it. Russo said he was afraid to get with Mr. Shaw and find out he was mistaken.

"Then on May 28, 1967, this reporter said he noted to Russo the many inconsistencies in his testimony and replies. The reporter said Russo replied, "I can't argue with any of that."

"But Russo said there is no way out for him without being caught. He told the reporter that if he sticks to his story, Shaw's lawyers will get him. And if he changes the testimony, Garrison will get him.

"**WE WILL PROVE** that another witness is totally unworthy. And we will present witnesses to whom Russo said he lied.

"Concerning the overt acts referred to in the prosecution's opening statement, we will not try to dispute that Mr. Shaw took a trip to the West Coast. But we will present evidence that the trip was taken in the course of his employment and at the solicitation of the person who obtained speakers for a world trade conference there.

"And we will get on the trip to Houston taken by Dave Ferrie. We will show that if Ferrie wanted an alibi, as contended by the state, that he went from a good one to one not so good.

"**WE WILL SHOW** that Dave Ferrie at the time was on the staff of Attorney G. Wray Gill, who was defending Carlos Marcello. We will show that the case was prolonged and did not end until the day of the assassination. And we will show you that there is no way of telling when the case would end.

"In closing, I want to remind you jurors that we are not trying the Warren Commission Report. I ask you not to let what happened at Dealey Plaza in Dallas obscure your view of this conspiracy case.

With that, Dymond stopped. His speech, timed at 20 minutes, was considerably more brief than the reading by Garrison.