

# WARREN REPORT ON TRIAL ALSO, GARRISON INDICATES

2-6-69 State I

District Attorney Jim Garrison made clear today he intends to try the Warren Commission Report along with Clay L. Shaw, and Shaw's attorney said he will show the state's star witness "is a liar."

Both sides made opening statements to the jury today in the trial of Shaw, 45, who is charged with conspiring to kill President John F. Kennedy.

In making his opening statement, Garrison outlined the results of his two-year-old investigation of the assassination and declared his intention to go into events in

*"We will offer evidence concerning the assassination in Dealey Plaza in Dallas because it confirms the existence of a conspiracy . . ."*

Dealey Plaza, where Kennedy was shot to death Nov. 22, 1963, and challenge the Warren Commission's version of what happened.

**IN TURN, CHIEF DEFENSE COUNSEL F. Irvin Dymond** said he will prove state witness Perry Raymond Russo is a "notoriety-seeking liar whose very name does not deserve to be mentioned among honest people."

Under Louisiana law, the state does not have to prove Shaw had anything to do with the actual assassination.

**BUT IN THE OPENING STATEMENT, Garrison** said "we will 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."

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.

The defense's opening statement came in the afternoon session. Dymond said he has no desire to defend the Warren Commission, but will prove that Shaw did not take part in any conspiracy and "never laid eyes on" either accused presidential assassin Lee Harvey Oswald or another accused conspirator, the late David W. Ferrie.

Dymond then launched into a long description of Russo's alleged involvement in the case, and promised to discredit him entirely.

Court was then recessed until later in the afternoon.

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

The judge turned down the motion after chief prosecutor

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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 named 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 Russo, its star witness at the preliminary hearing for Shaw.

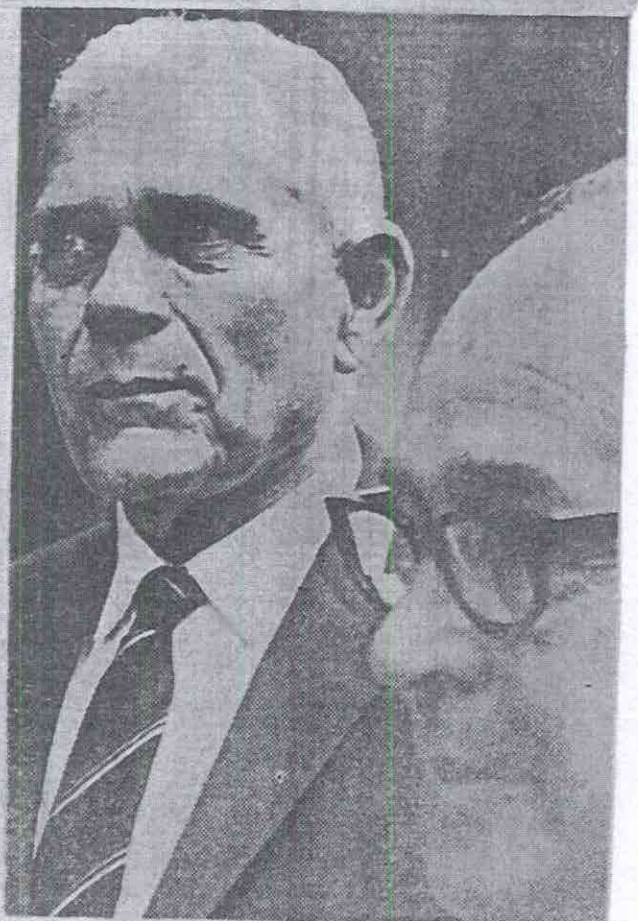
**GARRISON'S OPENING** statement, a 15-page document, contained little that was not already known about the state's case, but it detailed for the first time the structure of what the state intends to prove.

The statement began by cit-

ing 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 defined 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



CLAY SHAW WITH LAWYER F. IRVIN DYMOND

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.

**LATER THAT** same month, Garrison said, Shaw was observed talking with Oswald on the lakefront. 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 Oswald's activities in Dallas in October and November of 1963, most of which are spelled out in the Warren Report.

On this matter, Garrison said, "As to the planning—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 gun\* 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 contends 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 at the VIP room at New Orleans International Airport in December, 1966, as Clay Bertrand.

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

The second motion was by the defense asking Judge Haggerty to issue a protective order if Sandra Moffett 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 Moffett 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.