

DISTRICT ATTORNEY'S OFFICE
PARISH OF ORLEANS

State versus Clay Shaw

OPENING STATEMENT

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The State of Louisiana is required by law in all criminal trials to make an opening statement to the jury. This statement is merely a blueprint of what the State intends to prove. It has no probative value and should not be considered as evidence in the case.

The defendant, CLAY L. SHAW, is charged in a bill of indictment with having willfully and unlawfully conspired with DAVID W. FERRIE, LEE HARVEY OSWALD and others to murder JOHN F. KENNEDY.

The crime of criminal conspiracy is defined in the Criminal Code of Louisiana as follows:

CRIMINAL CONSPIRACY

Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

As required by the definition of criminal conspiracy, the State will prove the following overt acts:

1. A meeting of LEE HARVEY OSWALD, DAVID W. FERRIE and the defendant, CLAY L. SHAW, in the apartment of DAVID W. FERRIE at 3330 Louisiana Avenue Parkway in the City of New Orleans during the month of September, 1963.
2. Discussion by OSWALD, FERRIE and the defendant, SHAW of means and methods of execution of the conspiracy

with regard to assassination of JOHN F. KENNEDY -- particularly, the selection and use of rifles to be fired from multiple directions simultaneously to produce a triangulation of cross fire, establishing and selecting the means and routes of escape from the assassination scene, determination of procedures and the places to be used for some of the principals to the conspiracy so as to establish alibis on the date of the assassination.

3. A trip to the West Coast of the United States by CLAY L. SHAW during the month of November, 1963.
4. A trip by DAVID W. FERRIE from New Orleans, Louisiana to Houston, Texas on the day of November 22, 1963.
5. LEE HARVEY OSWALD taking a rifle to the Texas School Book Depository in Dallas, Texas on or before November 22, 1963.

The Criminal Code defines Murder in the following terms:

MURDER

- (1) When the offender has a specific intent to kill or to inflict great bodily harm;

The evidence will show that in New Orleans, in the Summer of 1963, LEE HARVEY OSWALD was engaged in bizarre activities which made it appear ostensibly that he was connected with a Cuban organization, although in fact the evidence indicated that there was no such organization in New Orleans. This curious activity began on June 16th when he distributed "Fair play for Cuba Committee" leaflets on the Dumaine Street Wharf. This distribution took place at the docking site of the United States Aircraft Carrier, the U.S.S. WASP.

Upon request of the Commanding Officer of the WASP, Officer GIROD RAY of the Harbor Police approached OSWALD and informed him that he would have to stop passing out the leaflets and leave the wharf area. At this time, Officer RAY confiscated two pieces of the literature being handed out by LEE HARVEY OSWALD. One of these was a leaflet, yellow in color with black print, entitled "Hands Off Cuba!" The body of the leaflet contained an invitation to join the Fair Play for Cuba Committee in New Orleans. The other item taken by Officer RAY was a pamphlet entitled "The Truth About Cuba" published by the Fair Play for Cuba Committee, 799 Broadway, New York 3, New York. In conjunction with Officer RAY's testimony, the State will offer into evidence copies of these two pieces of literature.

The evidence will further show that in June, 1963, the defendant, CLAY SHAW, was present at a party given in an apartment in the French Quarter of this city. Among the guests at the party was DAVID FERRIE, a man known as an accomplished airplane pilot. During the course of the party, the conversation among a small group of those present turned to President JOHN F. KENNEDY. In this group were DAVID FERRIE and the defendant, CLAY SHAW. The comment was made that PRESIDENT KENNEDY should be killed and that the job could best be done by a rifle. At this point, the defendant, CLAY SHAW, suggested that the man doing the shooting would probably be killed before he could make his escape. The defendant, after making this observation, turned to FERRIE and asked if it might not be possible to fly the gunman from the scene of the shooting to safety. DAVID FERRIE replied that this would be possible. At this point, the conversation was turned to other subjects.

Later in June of 1963, the defendant, CLAY SHAW, was observed speaking to LEE HARVEY OSWALD on the lakefront in the City of New Orleans. The defendant arrived at the lakefront in a large, black 4-door sedan, and was there met by LEE HARVEY OSWALD, who had walked to the meeting point along the lakefront from a westerly direction. The defendant and OSWALD had a conversation which lasted approximately fifteen minutes. At the conclusion of this conversation, the defendant gave OSWALD what appeared to be a roll of money which he immediately placed in his pocket. In shoving the money into his pocket, OSWALD dropped several leaflets to the ground. These leaflets were yellow in color with black printing and dealt with Cuba. The color, contents and size of these leaflets were identical with the "Fair Play for Cuba Committee" leaflet taken from OSWALD earlier that month on the Dumaine Street Wharf by Harbor Police Patrolman GIROD RAY.

The evidence will show that on August 9, 1963, LEE HARVEY OSWALD was arrested by members of the New Orleans Police Department as a result of his becoming involved in a fight with several Cubans who were protesting his passing out "Fair Play for Cuba Committee" literature. This literature was confiscated by the New Orleans Police Department. The State will offer into evidence three of the seized items, one of which is a yellow leaflet with black print entitled "Hands Off Cuba!" This is the same type of leaflet taken from OSWALD at the Dumaine Street Wharf on June 16, 1963, and also the same as the leaflet dropped by OSWALD at the lakefront in the latter part of June, 1963. The State will also introduce the Bureau of Identification photograph taken of LEE HARVEY OSWALD at the time of his booking.

A week later, on August 16, 1963, LEE HARVEY OSWALD was again distributing "Fair Play for Cuba" leaflets. Once again the distribution was done more as if to attract attention than to actually accomplish distribution. The actual distribution lasted only a few minutes, ending shortly after the news media departed. The State will introduce pictures and a television tape of this distribution, which took place in front of the International Trade Mart whose Managing Director at the time was the defendant, CLAY SHAW.

The State will show further, that in the latter part of August or the early part of September, 1963, LEE HARVEY OSWALD went to Jackson, Louisiana, a small town located not far from Baton Rouge, Louisiana. While in Jackson, he talked to witnesses in reference to his getting a job at the East Louisiana State Hospital in Jackson, Louisiana and registering to vote in that Parish, so as to be able to get the job. The State will introduce the witnesses who talked to LEE HARVEY OSWALD on this occasion.

The State will show that shortly thereafter, still in late August or early September, 1963, the defendant, CLAY L. SHAW, LEE HARVEY OSWALD and DAVID W. FERRIE drove into Clinton, Louisiana -- which is very close to Jackson -- in a black Cadillac, parking the Cadillac near the Voter Registrar's Office on St. Helena Street. While the defendant, CLAY L. SHAW and DAVID W. FERRIE remained in the car, LEE HARVEY OSWALD got out of the car and got in line with a group of people who were waiting to register.

The state will introduce witnesses who will testify that they saw the black Cadillac parked in front of the Registrar's Office and who will identify the defendant, CLAY L. SHAW, LEE HARVEY OSWALD and DAVID W. FERRIE as the individuals in that car.

The State will introduce a witness who talked to the defendant, CLAY L. SHAW, on this occasion. In asking MR. SHAW for his identification, he was told by the defendant, that he (SHAW) was from the International Trade Mart in New Orleans, Louisiana.

The State will introduce a witness who will identify LEE HARVEY OSWALD as the person he talked to in the Registrar's Office and who will also identify the defendant, CLAY SHAW, and DAVID W. FERRIE as the two men seated in the black Cadillac that brought LEE HARVEY OSWALD to Clinton, Louisiana.

The State will also introduce into evidence a photograph of a black Cadillac car that the witnesses will identify as either the same car or one identical to the one that they saw in Clinton that day.

The evidence will show that in the month of September, 1963, the defendant, CLAY SHAW, DAVID FERRIE and LEE HARVEY OSWALD participated in a meeting in which plans for the murder of President JOHN F. KENNEDY were discussed and refined. This meeting took place in DAVID FERRIE's apartment at 3330 Louisiana Avenue Parkway in the City of New Orleans. SHAW (using the name of CLEM BERTRAND), FERRIE and OSWALD (using the first name of LEON), discussed details of the conspiracy in the presence of PERRY RAYMOND RUSSO, after FERRIE gave assurance that RUSSO was all right.

The plan brought forth was that the President would be killed with a triangulation of cross fire with at least two gunmen, but preferably three, shooting at the same time. One of the gunmen, it was indicated, might have to be sacrificed as a scapegoat or patsy to allow the other participants time to make their escape. No one indicated to OSWALD at the meeting that he was going to be the scapegoat and there was no indication of any awareness on his part of such an eventuality.

They also discussed alternate routes of escape, including the possibility of flying to other countries. The defendant and DAVID FERRIE agreed that as part of the plan they would make sure they were not at the scene of the assassination. Their plan for the day of the shooting was to be engaged in a conspicuous activity in the presence of as many people as possible. The defendant, SHAW, stated he would go to the West Coast of the United States. FERRIE, not as positive about his alibi, said he thought he might make a speech at a college in Hammond, Louisiana. As the State will show, SHAW made his way to the West Coast and FERRIE, after his long drive back from Texas, made his way to Hammond, Louisiana, where he slept, not in a hotel room, but on a bed in a college dormitory.

By a month after the meeting, LEE OSWALD had moved into a rooming house in Dallas under an assumed name. By the following month when the time for the President's parade arrived, OSWALD was on the parade route at the Texas School Book Depository, where a job had been found for him. By the night of Friday, November 22nd the President was dead, FERRIE was driving through a thunderstorm to Houston, Texas and the defendant, SHAW, was out on the West Coast. LEE OSWALD, however, was in a Dallas jail ending up as the scapegoat.

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.

It is the position of the State of Louisiana that, regardless of the power which might bring about the execution of a President of

the United States, whether it be initiated by a small group or the highest possible force, neither the planning of his murder nor any part of it, will be regarded in Louisiana as being above the law.

And so, with DAVID FERRIE now dead and LEE OSWALD now dead, the State is bringing to trial MR. SHAW for his role -- as revealed by evidence -- in participating in the conspiracy to murder JOHN F. KENNEDY.

Returning our attention to the cluttered apartment of DAVID FERRIE: The evidence will show that PERRY RUSSO had been a fairly close friend of DAVID FERRIE for some time prior to the meeting between the defendant, FERRIE and LEE HARVEY OSWALD.

The evidence further will show that PERRY RUSSO first met LEE HARVEY OSWALD at DAVID FERRIE's apartment shortly before the principal meeting between the named conspirators took place. At this meeting OSWALD, who was cleaning a bolt-action rifle with a telescopic sight, was introduced to RUSSO by FERRIE as LEON. PERRY RUSSO saw LEE HARVEY OSWALD at FERRIE's apartment at least once after the meeting of the conspirators. On this occasion OSWALD appeared to be having some difficulty with his wife and he gave RUSSO the impression he was leaving town.

RUSSO also had seen the defendant, SHAW, once before the meeting. This was at the Nashville Street Wharf at the time PRESIDENT KENNEDY was speaking there in the Spring of 1962. The defendant, SHAW, also was seen by RUSSO with DAVID FERRIE subsequent to the assassination at FERRIE's service station in Jefferson Parish.

In connection with the testimony of PERRY RUSSO, the State will introduce into evidence pictures of the defendant, DAVID FERRIE and LEE HARVEY OSWALD, as well as pictures of the exterior and

interior of DAVID FERRIE's apartment at 3330 Louisiana Avenue Parkway, and other corroborating evidence.

The evidence will further show that the defendant in accordance with the plan, and in furtherance of it, did in fact head for the West Coast of the United States -- ostensibly to make a speech -- on November 15, 1963. He remained there until after PRESIDENT KENNEDY's assassination on November 22, 1963, thereby establishing an alibi for himself for the day of the shooting.

The State will offer into evidence a ledger sheet of travel consultants and testimony which reflects the arrangements made by the defendant, SHAW, to go to the West Coast. This travel consultant firm -- which in 1963 was located in the International Trade Mart -- was the same firm which arranged for LEE OSWALD to go to Europe, from which he went to Russia, several years earlier.

The State will show that FERRIE drove to Houston on the day of the assassination, departing from New Orleans on the evening of November 22nd -- some hours after the President was killed and two days before LEE OSWALD was killed. FERRIE drove, with two young companions, through a severe storm for the ostensible purpose of going ice skating in Houston. Upon arriving in Houston, FERRIE and his companions went to the Winterland Skating Rink where FERRIE loudly and repeatedly introduced himself to the manager of the rink. Despite the fact that he had driven all the way from New Orleans to Houston for the purpose of ice skating, DAVID FERRIE never put on any ice skates at all. While his young friends skated, FERRIE stood by the public pay phone as if waiting for a call.

The evidence will further show that earlier, after LEE OSWALD's departure from New Orleans, he took a short trip to Mexico and

then made his way to Dallas. On October 14, 1963, he rented a room at 1926 N. Beckley Street under the fictitious name of O.H. LEE. Two days later he went to work at the Texas School Book Depository, which was located at the intersection of Houston and Elm Streets in Dallas, Texas.

At the Book Depository, BUELL WESLEY FRAZIER was employed in the order filling department. FRAZIER lived in Irving, Texas, a suburb of Dallas, and was a co-worker of OSWALD's. OSWALD's wife and baby daughter also lived in Irving with MRS. RUTH PAINE, a friend of the OSWALDS. FRAZIER's sister, LINNIE MAY RANDALL, was a neighbor of MRS. PAINE's in Irving.

Since OSWALD had an apartment in Dallas, he made arrangements with FRAZIER to ride to Irving with him only on weekends. OSWALD thereafter rode to Irving with BUELL FRAZIER every Friday except the one immediately preceding the assassination. OSWALD did not go to see his wife and daughter on that weekend because, he said, he was working on getting his driver's license. However, that next week OSWALD once more broke his ritual with FRAZIER. On Thursday, November 21, 1963, LEE HARVEY OSWALD asked FRAZIER if he could ride to Irving that night for the purpose of picking up some curtain rods for his apartment. On Friday morning, November 22, 1963, BUELL WESLEY FRAZIER drove OSWALD from Irving to the Texas School Book Depository. OSWALD had with him a package wrapped in brown wrapping paper. When he inquired as to its contents, FRAZIER will testify, OSWALD replied that the package contained the curtain rods he had returned home to pick up the night before. FRAZIER will further testify that OSWALD told him that he would not be returning to Irving that night, Friday, November 22, 1963.

BUELL FRAZIER will testify that he entered the Texas School Book Depository building that morning about 50 feet behind LEE OSWALD. OSWALD was still carrying the package. FRAZIER will testify that he saw OSWALD a couple of times that morning, but never saw the package again. Around noon of that day, FRAZIER went to the front steps of the Texas School Book Depository to watch the presidential motorcade which was due to pass directly in front of the Book Depository as it made its turn off Houston Street onto Elm Street. While the motorcade was passing, FRAZIER heard three shots which sounded like they came from the area of the underpass -- near the grassy knoll -- in front of the President.

At the conclusion of FRAZIER's testimony, the State will introduce into evidence pictures of a paper sack found in the Texas School Book Depository, as well as pictures of Dealey Plaza as it appeared on the day of the assassination.

Evidence will also indicate that a bolt-action Mannlicher-Carcano rifle was found at the Depository and that, based upon the testimony of BUELL WESLEY FRAZIER, this rifle had been brought there by LEE OSWALD that morning when he arrived with FRAZIER.

With regard to the assassination itself, the State will establish that on November 22, 1963, President JOHN F. KENNEDY and Governor JOHN CONNALLY, who was riding in the same limousine, were wounded as a result of gunshots fired by different guns at different locations. Furthermore, the State will show that PRESIDENT KENNEDY himself was struck by a number of bullets coming from different guns at different locations -- thus showing that more than one person was shooting at the President. The evidence will show that

he was struck in the front as well as the back -- and that the final shot which struck him came from in front of him, knocking him backwards in his car. Once again, since LEE OSWALD was in the Book Depository behind the President, this will show that a number of men were shooting and that he was, therefore, killed as the result of a conspiracy.

The State, in showing that a number of guns were fired during the assassination of President JOHN F. KENNEDY, will offer, in addition to eyewitnesses, various photographs and motion pictures of what transpired in Dealey Plaza on November 22, 1963.

First, the State will offer an 8mm color motion picture film taken by Abraham Zapruder, commonly known as the Zapruder film. This film, which has not been shown to the public, will clearly show you the effect of the shots striking the President. In this connection we will also offer slides and photographs of various individual frames of this film. The State will request permission from the Court to allow you, the jury, to view this material. Thus, you will be able to see -- in color motion picture -- the President as he is being struck by the various bullets and you will be able to see him fall backwards as the fatal shot strikes him from the front -- not the back but the front.

Also, the State will introduce as evidence certain other photographs and motion picture films, taken during the assassination, as listed below:

1. The "Moorman picture" which is a polaroid photograph taken by Mary Moorman in Dealey Plaza on November 22, 1963. In addition to this picture, but in connection with it, the State will offer various blow-up prints of this photograph.
2. Various photographs taken by Mr. Philip Willis in Dealey Plaza on November 22, 1963.

3. Various photographs taken by Miss Wilma Bond in Dealey Plaza on November 22, 1963.
4. A motion picture film with slides and photographs taken by Mr. John Martin on November 22, 1963.

The State will qualify ROBERT H. WEST, the County Land Surveyor for Dallas County, Texas, as a licensed registered public surveyor, and thus competent to testify as an expert as to the geographical aspects of Dealey Plaza, Dallas, Texas. In conjunction with the testimony of MR. WEST, the State will offer into evidence a certified survey, an aerial photograph and a mock-up model of Dealey Plaza.

The State will also qualify DR. ROBERT SHAW as an expert in the field of medicine, and in connection with this testimony we will offer X-rays and medical records concerning GOVERNOR CONNALLY's wounds and treatment at Parkland Memorial Hospital in Dallas, Texas.

The State will qualify and offer the testimony of DR. JOHN NICHOLS, a medical expert in the field of forensic medicine and pathology. In connection with his testimony the State will offer certain exhibits and photographs into evidence.

Furthermore, during the presentation of this case, the State will qualify and offer the testimony of Special Agent ROBERT A. FRAZIER of the Federal Bureau of Investigation as an expert in the field of ballistics. Special Agent LYNDAL SHANEYFELT, who is a photographic expert with the Federal Bureau of Investigation, will be qualified and will testify.

The State also will present eyewitness testimony, corroborating what is shown in the Zapruder film: that the President's fatal shot was received from the front and that he was thrown backward -- not forward -- from the force of this fatal shot. The eyewitness

testimony will also show that the shooting came from a number of directions and that, therefore, the President was murdered, not by a lone individual behind him but as the result of a conspiracy to kill him.

We will then show that a few minutes after the shooting LEE OSWALD came running down the grass in front of the Book Depository, that he climbed into a station wagon with another man at the wheel and that this station wagon pulled away and disappeared into the traffic on Elm Street.

The evidence will further show that shortly after the assassination of PRESIDENT KENNEDY, on November 25, 1963, agents of the Federal Bureau of Investigation interviewed DEAN A. ANDREWS, JR. in his room at Hotel Dieu Hospital in New Orleans. As a result of this interview with DEAN ANDREWS, a local attorney, the Bureau began a systematic and thorough search for a "CLAY BERTRAND".

A man who identified himself as "CLAY BERTRAND" called ANDREWS the day after the President's assassination requesting him to defend LEE HARVEY OSWALD, who by then had been formally charged with the murder of JOHN F. KENNEDY. The State will introduce evidence in the course of this case showing that the defendant, CLAY SHAW, and the "CLAY BERTRAND" who called DEAN ANDREWS on behalf of LEE HARVEY OSWALD, are one and the same person.

The evidence will further show that sometime during the year 1966 the defendant, CLAY SHAW, requested the U.S. Post Office to deliver mail addressed to him at his residence at 1313 Dauphine Street to 1414 Chartres Street, the residence of a long-time friend, JEFF BIDDISON. This change of address order was terminated on September 21, 1966. During the period that the change of address remained

in effect, the U.S. Post Office letter carrier for that route delivered at least five letters to 1414 Chartres Street addressed to "CLEM BERTRAND", the name used by the defendant at the meeting between himself, DAVID FERRIE and LEE HARVEY OSWALD in FERRIE's apartment in mid-September, 1963. None of the letters addressed to "CLEM BERTRAND" were ever returned to the postal authorities for any reason. The period during which these letters addressed to "CLEM BERTRAND" were delivered to 1414 Chartres Street preceded by at least six months the publication of the fact that the Orleans Parish District Attorney's Office was investigating the assassination of President JOHN F. KENNEDY. In fact, it preceded the start of the investigation by the District Attorney's Office. In connection with this evidence, the State will offer into evidence the U.S. Post Office forms reflecting the change of address initiated by the defendant and testimony showing the delivery to that address of mail addressed to "CLEM BERTRAND".

It will be shown that in December, 1966, the defendant, CLAY SHAW, visited the V.I.P. Room of one of the airlines at Moisant Airport and that, while there, he signed the guest register in the name of "CLAY BERTRAND". Eyewitness testimony will be presented and the guest book which he signed will be introduced into evidence.

The State of Louisiana will ask you to return a verdict of guilty as charged against the defendant, CLAY SHAW.