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STATE OF LOUISIANA VS. CLAY L. SHAW

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....
STATE OF LOUISIANA
VERSUS
CLAY L. SHAW
.....

NO. 198-059
1426 (30)
SECTION "C"

EXCERPT OF
PROCEEDINGS IN OPEN COURT ON
FEBRUARY 28, 1969,
~~JAMES ALCOCK'S REBUTTAL ARGUMENT~~

out
DYMOND ARGUMENT (BUNDY)
(pp. 48-53, for Committee - 8/5/77)

B E F O R E : HONORABLE EDWARD A. HAGGERTY, JR.
JUDGE, SECTION "C"

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Dietrich & Pickett, Inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

1 THE COURT:

2 Well, it is about seven and a half, almost
3 eight minutes to six. Mr. Dymond, I
4 suspect you will be the next person
5 to argue, and I think this would be
6 the right time -- rather than to let
7 you start and interrupt, I think it
8 would be best to break for supper.

9 The security agents are here from the
10 Sheriff's office.

11 THE BAILIFF:

12 Order in court.

13 THE COURT:

14 Gentlemen, you are the best judges of
15 this. I am just trying to find out.
16 Do you think since the Rowntowner
17 Motel is not too far away and we can
18 get there quickly in the bus, do you
19 think you can manage with a one-hour
20 dinner recess? Off the record.

21 (Discussion off the record.)

22 THE COURT:

23 Gentlemen, we are going to recess until
24 7:30. You understand what is going
25 to happen. Mr. Dymond, you will

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then argue, and I will expect the State to follow you tonight. If I have time at that point, I have my charge finished, and I will check it out. I have it prepared, but I will not hold up the case in any way with reference to my charge to the Jury.

Now, how far we are going to work tonight depends on when we start at 7:30, and depending how long it gets to be, at the right time, after I have given my charge, depending on the hour, it is a question of whether or not the Jury feels too fatigued to start deliberating or whether they wish to deliberate for some small period of time or would rather go ahead and get a night's sleep and start deliberating tomorrow. I think we will just leave that question in abeyance at the moment and see what time it takes for the argument and for my reasonable charge to the Jury.

All right, Gentlemen of the Jury, I am going to excuse you for the dinner

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hour. Off the record.

(Discussion off the record.)

THE COURT:

We stand recessed until 7:30.

(Thereupon, at 6:00 o'clock p.m.

the jurors were placed under the

Rule, and Court recessed until

7:30 o'clock p.m.)

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. . . . Pursuant to the recess, the proceedings
herein were resumed at 7:40 o'clock
p.m., appearances being the same as
heretofore noted in the record. . . .

THE COURT:

Are the State and the Defense ready to
proceed?

MR. DYMOND:

We are ready, Your Honor.

THE COURT:

Proceed, Mr. Dymond.

MR. DYMOND:

May it please Your Honor:

Gentlemen of the Jury, first I would like
to join Mr. Alcock in thanking all
of you for the very obvious close
attention that you have given to a
long, tedious trial. I know it has
not been easy on you, but you have
certainly discharged your duty well.

Also at the outset I would like to further
state what Mr. Alcock in fairness has
stated, and that is that once the
Defense sits down from this argument
and turns the argument over to the

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State in rebuttal, we are of necessity finished. The fact that we do not get up and answer anything that is said by the State in its rebuttal is certainly not because we have nothing to say in answer to that, not because we can't answer it, but because we are prohibited by law from doing so. I wanted to make that abundantly clear to you, gentlemen.

Gentlemen, let me say at the outset that I do not think that a criminal trial is any place for innuendoes, veiled accusations, hints of guilt of wrongdoing or the like. I say that by way of suggestion that if the State means to charge the Government of our country with fraud, deceit, dishonesty, unscrupulous conduct, and most every other derogatory word of which you can think, let them come forward and say so. Certainly the hint, the innuendo, up until this point has been to that effect. Now I think that you all know, and I

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know that you all should know, that the Warren Commission is not on trial in this courtroom, the Warren Report is not on trial.

This is a case against Clay Shaw, who is charged specifically with having conspired to murder President Kennedy.

Now, first let me make my position clear, and that is that I as an American citizen, as what I feel and think to be a loyal American citizen, cannot and will not accept the suggestion that the Warren Commission was guilty of one giant fraud, that the United States Government was guilty of one giant fraud, as the State would have it, a deliberately conceived fraud, fraudulent plan to deceive the people of the United States as to the circumstances surrounding the death of our late President. I cannot and will not buy that nor accept it.

Let me say, gentlemen, that I will be the

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first to admit that the Warren Commission did not do a perfect job, but again I say that it is my feeling that the members of this Commission discharged their job, discharged their duties honorably and well, and to say that they are a fraudulent group and that this fraud is joined in by our very Government, I cannot believe.

When I hear such accusations as these, gentlemen, I must ask myself why and how. Have you ever stopped to think just how inconceivable it is that the Federal Government -- and when I say the Federal Government, I can go beyond that -- that our Secret Service, our FBI, the Justice Department, the Dallas Police Department, the doctors at Parkland Hospital in Dallas, the doctors in the Bethesda Naval Hospital, would all join together to try to make our American public believe that our President was killed by shots fired from the

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sixth floor of the School Book Depository when in fact he was killed by bullets from elsewhere?

Gentlemen, what earthly conceivable reason could there be for that? If there is one, I do not know of it.

Now, gentlemen, I say how, and when I say how, I call upon you as intelligent mature individuals and ask you whether you think it is possible -- and I accent the word possible as distinguished from probable -- that there could be this many people -- the Dallas police, the FBI, the Justice Department, the Secret Service, right on down the line, the doctors, all the people in that crowded autopsy room -- that there could be all of those people a party to this fraudulent scheme, and that five and one-half years could have elapsed and not one person would have come forward and said, Look, I want to tell the truth; I was told to lie but I am not going to stick

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to it any more.

Gentlemen, I submit to you that that is absolutely beyond belief.

Now, yes, you have seen things pointed out about the Warren Report that are subject to question. I am the first to admit that. But a fraudulent scheme as the State would have you believe, no.

Now, gentlemen, I am launching into what you would consider a tirade in defense of the Warren Report, and, as you know, we have been very limited in the evidence that we have presented along those lines, but once again before I launch into what evidence we did have in that connection, let me say that I know that you are not lawyers, but I also know that you don't have to be lawyers to distinguish between a contest over the validity of the Warren Report and a contest over the question of whether this Defendant, Clay Shaw, sat in an apartment at 3330 Louisiana Avenue

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Parkway with Lee Harvey Oswald and David Ferrie and planned the killing of the President of the United States, conspired to kill him.

Gentlemen, please bear in mind that that is the question that you are here to pass on. There may be some among you who violently disapprove of the Warren Report. To these I want to accentuate this statement: that is, that a verdict of acquittal of Clay Shaw does not constitute your stamp of approval on the report issued by the Warren Commission. I say that not apologetically, gentlemen, but I say it out of practicality, recognizing the possibility that there may be among you those who feel that way.

Now, gentlemen, getting on to the Warren Report, as I say, we came before you in the opening statement and told you that we had neither the time, the inclination, nor the money to come here and defend the Warren Report. That statement was a true

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statement. However, we did feel that it was well and necessary to present to you some of the basic indispensable evidence that should be given to you, if for no other purpose, to show you the real purpose of this presentation, this pageant, this trial of Clay Shaw.

As you will remember, the first witness that we put on in connection with the Warren Report was Mr. Frazier, the FBI ballistics expert.

Gentlemen, I was somewhat taken aback when the State actually had the temerity to come before you in a closing argument and question the fact that this man was an expert. The reason that it shocked me, gentlemen, was that upon an examination of the State's opening argument, what do you see but a statement to the effect that not the Defense but that the State will offer the testimony of Special Agent Robert A. Frazier of the Federal

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Bureau of Investigation, an expert
in the field of ballistics.

Gentlemen, we didn't get Mr. Frazier down
here, the State subpoenaed Mr.
Frazier, got him down here and
obviously didn't like what they
heard, so we decided to use him.

Great criticism has been thrown out, the
testimony of Mr. Frazier has been
violently attacked. The State comes
before you and says, What does this
man mean trying to tell you about a
re-enactment in Dallas which was the
monumental flop of the century?

Let me remind you, gentlemen, that this
re-enactment was done in furtherance
of the basic purpose of the Warren
Commission, for the purpose of deter-
mining the facts surrounding the
death of President Kennedy. The
Warren Commission nor anyone else at
that time had any idea, had any
reason to believe that when the
President's Commission did issue its
report that it would be pounced upon

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1 by a group of vultures, that it would
2 be used by a group of people previ-
3 ously relatively obscure, and as a
4 means to climb to fame and fortune
5 over the body of our dead President.

6 The Warren Commission was told what the
7 purpose of its formation was, and it
8 went ahead and did its job.

9 Mr. Frazier told you how the scene was re-
10 enacted, Mr. Frazier told you that
11 he was in the sixth floor window of
12 the Book Depository and a complete
13 presidential parade was re-enacted
14 there, and that as a result of this
15 examination it was his opinion as
16 an expert in the field of ballistics
17 that the President was hit in the
18 back with one shot from the School
19 Book Depository window, and in the
20 back of the head with another shot
21 from the window.

22 Now, just what the State's position is
23 in regard to Mr. Frazier, I don't
24 know. Do you they contend that he
25 isn't an expert? I hardly see how

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1 they could have subpoenaed him as
2 an expert themselves. Do they con-
3 tend that he is just flat lying?
4 Possibly they will come before you
5 and say that. They may well do that
6 if they see fit to come before you
7 and allege that giant, impossible,
8 fraudulent scheme that I have men-
9 tioned.

10 Next, gentlemen, we put on the stand Dr.
11 Pierre Finck.

12 Gentlemen, when Dr. Finck finished his
13 testimony on direct examination, the
14 State pounced upon him like a moun-
15 tain lion on a chained goat; and I
16 will say this, that they made great
17 capital of the language difficulty
18 which I am sure was obvious to all
19 of you, but I will also say this,
20 that I know, I am confident, that
21 there is not one man on this Jury
22 who doubted the integrity of that
23 little doctor, who doubted his pro-
24 fessional ability and his devotion
25 to his profession. I don't think

1 there is one man here who had any
2 doubt on any of those.

3 It quite amused me, gentlemen, to hear
4 Mr. Oser in his closing argument re-
5 ferring to Dr. Finck as a "Quote
6 Pathologist." Gentlemen, could Mr.
7 Oser have forgotten the testimony of
8 Dr. John Nichols to the effect that
9 he was a student under Dr. Finck at
10 the Armed Forces Institute of Path-
11 ology? And then Dr. Nichols takes
12 the witness stand and flatly contra-
13 dicts the testimony of Dr. Finck,
14 and Mr. Oser sees fit to flatly
15 adopt Dr. Nichols'. It seems a
16 little peculiar to me that the good
17 Dr. Nichols would pay money to go
18 and be taught by someone who knows
19 less than he does. It doesn't make
20 too much sense.

21 Then, gentlemen, speaking of devotion to
22 purpose, devotion to profession,
23 motive in testifying, let us also
24 draw another little distinction
25 between Dr. Nichols and Dr. Finck.

1 This is something of which Dr.
2 Nichols was very proud (exhibiting
3 sketch to jurors.) It is a sketch
4 looking down on the backbone. This
5 sketch was shown to you when it was
6 introduced in evidence, but if you
7 look a little more closely now, you
8 will see that there is something
9 different: "Copyright TV 14490.
10 John Nichols, 1968. All rights
11 reserved." Dr. Nichols had to see
12 to it that he could go into the back
13 office there and protect his money/
14 property rights in that sketch.

15 Gentlemen, I have told you about other
16 people who are attempting and have
17 attempted to rise to fame and fortune
18 over the body of our late President.
19 It looks as though we may have
20 another member of the club.

21 Now getting on with Dr. Finck, gentlemen,
22 bear in mind that this is not a
23 doctor who arrived at his profes-
24 sional opinions, his professional
25 conclusions, by looking at the

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1 Zapruder film, by firing slugs
2 through the wrists of a cadaver.
3 This little doctor from Switzerland,
4 gentlemen, is one of the men who
5 actually performed the autopsy on
6 the body of our late President, who
7 actually viewed these wounds, who
8 actually saw where these wounds were,
9 and who decided whether it was neces-
10 sary to mangle the neck of the body
11 of our late President to trace the
12 path of a bullet when he could obvi-
13 ously see the point of entrance and
14 a fellow pathologist had told him
15 about the point of exit.

16 Bear in mind, gentlemen, that this isn't
17 a man speaking from movies, from
18 experiments, from theory; this is a
19 man who was there, he was on the
20 scene.

21 And what does Dr. Finck tell us in his
22 opinion? His opinion is precisely
23 that of Mr. Frazier but based upon
24 a different expertise, that our
25 President was hit from two shots

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1 from the rear.

2 We then come to another very unusual spot
3 in the State's presentation, gentle-
4 men. That is with respect to the
5 FBI photographic expert. This case
6 has been going on a long time and
7 you may have forgotten, but this
8 gentleman was not our witness, this
9 gentleman was put on the witness
10 stand by the State, and when the
11 State puts a man on the witness
12 stand they vouch for his credibility,
13 and then they come before you in the
14 opening argument and try to belittle,
15 run down, downgrade the testimony of
16 their own witness. Once again, we
17 have a professional opinion of a
18 true professional photographer,
19 photographic analyst, coinciding
20 with the opinions of the other two
21 experts.

22 Now, gentlemen, these are just three
23 experts. Add to that about 3,000
24 more, and I would tell you how many
25 lips would have to be sealed if these

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people had been told what opinions to form, if a whip had been held over them, if they had been told to cheat, defraud, deceive the American people. I submit to you, gentlemen, that that is utterly and absolutely inconceivable.

Now, gentlemen, the State has put on quite a pageant here in its attack on the Warren Report.

As you may know, the Warren Commission examined some 25,000 witnesses.

MR. ALCOCK:

Your Honor, I am very reluctant to interject at this time and interrupt Counsel, but he is going far, far beyond the record of this case.

MR. DYMOND:

Your Honor, I don't think I have gone beyond the record at all.

THE COURT:

Well, I think the objection is made that maybe that is a fact but has not been testified to in this Court, and you cannot assume things that are in

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1 the Warren Report as being part of
2 this case.

3 Is that your objection?

4 MR. ALCOCK:

5 Yes, Your Honor.

6 THE COURT:

7 I think the objection is well taken.

8 MR. DYMOND:

9 Well, it is a little late.

10 Gentlemen, what the State has done is to

11 pick up a handful of hand-picked
12 dissenters, some of them mercenaries,
13 some of them wanting to get their
14 names in the news, others whose
15 motives we will never know, and has
16 brought them here to dispute the
17 findings of this Commission.

18 As I recall, on the voir dire at least
19 one of you gentlemen told me that
20 you had seen the movie RUSH TO JUDG-
21 MENT. I will say now that anyone
22 who has seen this movie will recog-
23 nize the State's presentation and
24 may well mistake it for a re-run of
25 RUSH TO JUDGMENT. To those people

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who have seen this movie, it will be clear that this Defendant, Clay Shaw, while he is sitting here, a defendant charged with a crime, has been brought here for no other purpose than to create a forum for the presentation of this attack upon the Warren Commission, for such an attack as would downgrade the respect of the American public for the very Government of that public. Again I say, gentlemen, if they are accusing our Government of being a completely fraudulent institution, let them come before you and say so. And another good appropriate statement might be either "Love it or leave it."

Now, gentlemen, I have here my notes that I have taken during the testimony of this case, and I have tried to work them into an orderly presentation of our side of this case. However, a couple of things were said in the State's opening statement that I

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1 being human just cannot resist com-
2 menting upon before I go into the
3 body of our case.

4 The first of these that hit me between
5 the eyes is one of the most obvious
6 acts of desperation, one of the
7 clearest indications of how the
8 State feels that it must grasp at
9 straws in this case, that I have
10 ever seen in my life, and I am re-
11 ferring to the gall that the State
12 had standing before a Jury of four-
13 teen intelligent men and trying to
14 rehabilitate and ask you to accept
15 the testimony of the witness, Charles
16 I. Spiesel.

17 I am sure that you gentlemen remember Mr.
18 Spiesel. You remember well what he
19 told me from that witness stand,
20 this poor little paranoid bookkeeper,
21 who came down here to New Orleans
22 thinking that people were following
23 him, thinking that people were
24 hypnotizing him against his will,
25 thinking that people were causing

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1 him to lose his sexual potency, this
2 poor little man who sued a group of
3 people in New York claiming that the
4 Communists, or whatever other group
5 he was referring to, were dressing
6 up and masquerading as his relatives,
7 and then passing him by on the street
8 to make him think that they didn't
9 want to talk to him.

10 Gentlemen, what kind of a good-faith
11 prosecution, what kind of a legiti-
12 mate presentation would try to get
13 up here and con you gentlemen into
14 buying that, that man's testimony!

15 My God, gentlemen, this is a court of
16 law, it is a court of justice. You
17 don't ask a jury of men to consider
18 testimony of that type in deciding
19 the fate of one of their fellow men.
20 It is incomprehensible, it is beyond
21 pardon.

22 Mr. Alcock seemed to indicate that he
23 thought that I might try to attack
24 the memory of this poor little man.
25 Gentlemen, I am not trying to attack

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1 his memory at all. I think Mr.
 2 Spiesel probably thought he was tell-
 3 ing you the truth when he was on
 4 that witness stand. He is the most
 5 obvious paranoid case I have ever
 6 seen in my life, and it is no great
 7 wonder that he went down on Esplan-
 8 ade and picked out two houses and
 9 went in three houses, that these
 10 houses were similar in appearance
 11 and at one time or another had been
 12 owned by Mr. Shaw.

13 (Exhibiting sketch) That is the sketch
 14 that Mr. Spiesel drew of the apart-
 15 ment. You saw those apartments down
 16 there. There were none that vaguely
 17 looked like that, and I don't have
 18 to tell you that no time limit was
 19 put on Mr. Spiesel at all, he could
 20 have still been looking down there
 21 that afternoon if he had wanted to.
 22 But I say that I could not resist
 23 commenting upon the fact that the
 24 State would ask you to even consider
 25 this evidence. I would have expected

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them to get up and tell you that they 25
were regretful of having put him on
and to go ahead and decide the case
disregarding that evidence. That,
gentlemen, would have been a good-
faith presentation of this man.

The next thing that hit me squarely be-
tween the eyes -- and I couldn't
believe my ears when I heard it --
was when Mr. Alcock told you that
Mr. Dymond will come before you in
his closing argument and tell you
that our case falls or stands on the
testimony of Perry Raymond Russo,
and that I agree with this in prin-
ciple. By "I", I mean Mr. Alcock.
Mr. Alcock is dead right. I will
tell you that the case stands or
falls on the testimony of Perry Ray-
mond Russo, and I am amazed that he
would admit this fact. I told you
when I came before you in the open-
ing argument, gentlemen, the opening
statement, that I would prove to you
that Perry Raymond Russo is a liar.

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1 I have done that, and I will show you
2 later on in this argument how I have
3 done it -- over, over, and over
4 again -- but just in passing and in
5 connection with this one remark of
6 Mr. Alcock's, let me point this out:

7 Perry Raymond Russo when under cross-
8 examination by me said that he could
9 not remember who had gone to this
10 conspiracy meeting with him. When I
11 confronted him with his testimony
12 from the preliminary hearing where he
13 said that he was sure that Sandra
14 Moffett and Lefty Peterson had gone
15 into the apartment with him, what
16 does he say?

17 "Oh, Mr. Dymond, you made me say that."

18 Gentlemen, you have been sitting here
19 with me now for some 38 days. You
20 have heard me examine witnesses, you
21 have heard me cross-examine witnesses,
22 and I ask you, I leave it to you,
23 have you seen me badger any witnesses,
24 force any witnesses to say anything,
25 blackjack any witnesses into saying

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what they didn't want to say? No.

I will tell you what is behind that, gentlemen. Perry Raymond Russo since the preliminary hearing has found out that Sandra Moffett and Lefty Peterson won't back him up on his story, so now he doesn't remember who was with him. That is number one.

The next thing that immediately came to my mind when Mr. Alcock made that statement, gentlemen, was Mr. Russo's statement from that witness stand that Clay Shaw was at this alleged conspiracy meeting, and, gentlemen, when I point out this lie to you, this gets right down to the very heart, to the core, to the meat of this case.

And then what do we show you when we put other witnesses on the stand? And I will point out one of them, and that is Lieutenant Edward O'Donnell. What did Perry Russo tell Lieutenant O'Donnell?

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And let me say this in passing. This is the testimony not of some civilian, someone whom you would consider ordinarily to be a part of the Defense team you might say. This is a lieutenant on the New Orleans Police Department, a lieutenant whom the State has used many times as a witness whose testimony they will come before juries and laud and praise.

What does Lieutenant O'Donnell tell you? That Perry Raymond Russo told him that Clay Shaw was not at that meeting.

Gentlemen, that is the witness, the lying witness, that Mr. James L. Alcock admits that his case stands or falls on, and therefore by any logic at all must be the witness that he is asking you to believe in order to convict this Defendant, Clay Shaw.

How can any man do that?

And to put the icing on the cake, gentlemen, in almost the same breath in

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accusing Clay Shaw of lying, he very properly stated the principle of law to you to the effect that if you are convinced that any witness in this case has deliberately testified falsely to a material fact for the purpose of misleading you, you are entitled to disregard the entire testimony of that witness.

Gentlemen, I will buy that. That is a correct statement of the law, and that is a principle of the law that without anything else has to walk Clay Shaw out of this courtroom a free man after you deliberate on this case.

Now, gentlemen, getting to the State's evidence, the State's case.

The State's case as I see it has seven individual facets to it, that is, facets which are worthy of comment.

First, the Clinton, Louisiana, episode, then the Vernon Bundy episode out on the Lakefront, the Spiesel party in the French Quarter, the mailman,

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James Hardiman's contention, Mr. Shaw's trip to the West Coast, the Eastern Air Lines' VIP book, and the meeting at David Ferrie's house. Those, gentlemen, are the seven facets, as I put it, of the State's case.

I have been practicing criminal law for quite a number of years, gentlemen, and I don't recall any other case in which I have been able to say this, but I unhesitatingly say it right now. This case has this peculiarity: if you take every word of the State's testimony as true on every one of these seven facets, there is no way in the world that you can properly return a verdict of guilty as charged, for the simple reason that, as Mr. Alcock states, the case stands or falls on the testimony of Perry Raymond Russo, and, as a matter of fact, even if you believe this man -- if you can -- what he says happened would not make this Defendant guilty

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1 of conspiracy.

2 Now, I am not going to quote to you from
3 memory on this, gentlemen. I have
4 stated that, and I can back it up by
5 the actual testimony of Perry Raymond
6 Russo, and I would like to do that.

7 The first excerpt that I would like to
8 read to you -- this is a certified
9 (copy), certified to by Mrs. Dietrich,
10 the Court Reporter:

11 "Q. And is it your testimony that you
12 sat in or listened in to a conspir-
13 atorial meeting with a man whom you
14 saw represented in the paper and on
15 television as the killer of Presi-
16 dent Kennedy, and didn't report it
17 at that time to any law enforcement
18 agency? Is that right?"

19 "A. No, I never said anything about a
20 conspiracy. I didn't sit in on any
21 conspiracies."

22 Now, gentlemen, Mr. Alcock says that you,
23 the Jury, are the ones to determine
24 whether certain conversation amounts
25 to a conspiracy. I can't argue with

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1 that, that is the law. However, I
2 think that it is well worthy of com-
3 ment that Perry Raymond Russo claims
4 he was there. And this is no layman,
5 gentlemen, completely, like we have
6 sitting out in the audience. This is
7 a college graduate who has also
8 attended law school. He knows a
9 little something about conspiracy,
10 gentlemen.

11 That is a mild part of his testimony.

12 I know you have been here a long time,
13 but I will ask that you bear with me
14 on reading these portions of testi-
15 mony, because it is important, gentle-
16 men,

17 "Q. In Baton Rouge did you not then know
18 that you had seen and heard three
19 people plan to assassinate President
20 Kennedy?"

21 "A. Well, I don't know if I had seen or
22 heard three people plan to assassi-
23 nate Kennedy. I heard a discussion
24 about shooting Kennedy as well as I
25 heard the discussion on the street

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about killing Judge Perez or killing
Martin Luther King or killing some-
body else.

"Q. You knew at that time that the Dis-
trict Attorney from the Parish of
Orleans was being represented by Mr.
Sciambra, who was investigating the
assassination of President Kennedy,
didn't you?

"A. Yes, that is correct.

"Q. And you knew your story about the
meeting on Louisiana Avenue Parkway,
didn't you?

"A. Yes, right.

"Q. And you knew that President Kennedy
had been assassinated? Is that cor-
rect?

"A. President Kennedy had been assassi-
nated, yes.

"Q. Knowing all of these things, you
thought that the philosophy of David
Ferrie was the big deal he wanted to
talk to you about and that you wanted
to talk to him about? Is that right?

"A. That is what I thought was the most

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important."

The philosophy of David Ferrie, gentlemen.
We go now to another portion of Russo's
testimony:

"Q. As a matter of fact, Mr. Russo, isn't
it a fact that you did not really
take this seriously, what you heard
up there on Louisiana Avenue Parkway?

"A. Initially you could not believe
Ferrie, and you could not believe
him -- from the first encounter I
had with him he was just prone to
spectacular --

"Q. I see. Did this not have all the
characteristics of a bull session,
that you had related?

"A. Every characteristic of it.

"Q. It did?

"A. Yes.

"Q. Would it be possible that that is
why you did not take it sufficiently
seriously to accentuate it in any
statement that you gave to Mr.
Sciambra when he came to Baton Rouge?

"A. Well, I don't know if that was one

1 of the reasons. Everything was
2 jammed into a couple of hours up in
3 Baton Rouge, and most of it was look-
4 ing at photographs, when or where I
5 had seen these people, and he didn't
6 go into great detail. I did talk to
7 some extent about the way Ferrie
8 felt about certain things. I thought
9 this was important.

10 "Q. But even at that time you still re-
11 garded what you had witnessed as more
12 or less a bull session, is that
13 correct?

14 "A. At that time I really didn't have
15 any opinion, because Ferrie's photo-
16 graph had come into the newspapers.

17 "Q. But actually you didn't have a
18 contra-opinion to that either, did
19 you?

20 "A. Right."

21 Going further:

22 "Q. Is it not a fact that the conversa-
23 tion you heard up there could have
24 just as well have been an inconse-
25 quential bull session as it could

1 have been anything else?

2 "A. Yes.

3 "Q. Your answer is yes, Mr. Russo?

4 "A. Yes, sir."

5 Turning to the second volume:

6 "Q. Did you ever verbally indicate dis-
7 agreement with the idea, Mr. Russo,
8 when Ferrie told you this privately?

9 "A. Well, I told him it would not be
10 possible.

11 "Q. But you never did say that it was
12 not a good idea or affirmatively
13 state that you would not help him,
14 did you?

15 "A. Well, all he was doing was lecturing,
16 and he would state this: there are
17 two things, the front and the back
18 of the auditorium. This idea of his
19 where the back man fires a shot just
20 to attract attention, a real quick
21 shot, and almost instantly a man in
22 front fires a dead-end shot for the
23 speaker, that would be in the front
24 of the auditorium. And it was not
25 much of a conversation, he just

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stated the facts. I said, 'Well,
that is impossible.'

"Q. And it was quite common for Ferrie
to lecture in this way, as you have
put it, was it not?

"A. Right.

"Q. In all fairness, would you say he may
have been just lecturing at this
meeting?

"A. I can't really say he was lecturing
or not. He seemed to be talking with
the Defendant and also with Oswald,
with some exchange from him.

"Q. Just as he had talked to you on pre-
vious occasions, is that right? --
On one occasion?

"A. On one occasion, yes."

Turning again:

"Q. Being the opinionated man that you
say Ferrie was, and with this ten-
dency to express his opinions as you
have described, is it not a fact that
he would not be out of character at
a party of this kind saying that the
President should be killed and we

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1 will get him, as he had said many
2 times before?

3 "A. Are you asking me was he out of
4 character for that?

5 "Q. That is correct, yes.

6 "A. No, I don't think so.

7 "Q. In other words, that was something
8 that you, knowing David Ferrie, would
9 have more or less expected, isn't
10 that right?

11 "A. More or less.

12 "Q. What you heard that night came as no
13 great shock to you, did it?

14 "A. No. I agree.

15 "Q. As a matter of fact, Mr. Russo, if
16 you had really taken this as a ser-
17 ious threat upon the life of Presi-
18 dent Kennedy, wouldn't you have gone
19 and reported it to the FBI or the
20 Secret Service, if you had really
21 thought the President was going to
22 be killed as a result of this?

23 "A. Probably if it was the first time I
24 ever met David Ferrie I would have,
25 but this was preceded by eighteen or

1 twenty months."

2 Turning again. We have only a couple of
3 more of these, gentlemen.

4 "Q. Is it not a fact that in response to
5 a question by Sergeant O'Donnell as
6 to whether Clay Shaw was at the
7 party which you have described, you
8 replied, 'Do you want to know the
9 truth?' And when he said yes, you
10 said, 'I don't know if he was there
11 or not!?'

12 "A. With some explanation, the statement
13 is accurate."

14 Now, gentlemen, that is the reason that I
15 say that you can just take the State's
16 testimony in its entirety, take it as
17 true, and there is no way on God's
18 earth that a verdict of guilty can
19 possibly be returned. The testimony
20 itself does not make out a case. The
21 State went to great lengths with
22 this blackboard and figures and
23 arithmetic and so forth, and also
24 trying to show you how many guns,
25 how many people there were in Dealey

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Plaza, but, gentlemen, just keep this 40
in mind: It doesn't matter whether
there was one man there or ten men
there. No case of conspiracy has
been made out against this Defendant.
As I say, it is not a question of
whether or not you believe the Warren
Report. I know you gentlemen can
distinguish that in your minds, and
I ask you to.

Gentlemen, getting on with the State's
case, I had mentioned that I felt
that there seven facets to this case.
I would like to go down the line on
these facets and analyze them, see
what has been shown and what hasn't
been shown.

The first one that we will touch upon is
Clinton, Louisiana.

Let me first say that you have here a
group of witnesses who come forward
some five years after an alleged
happening back in 1963, and out of
a one-man lineup, which is what it
amounted to, identified this Defen-

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dant, Clay Shaw, as someone whom they had seen in Clinton.

Now I am not going to bore you with what each one of these witnesses said, but just let me point out a couple of discrepancies here that I think should be considered.

You have one man saying that he had a hat on, another one saying he did not have a hat on -- the same day. The one that said he did have a hat on supposedly identified him by his gray hair. One of these witnesses said that he had a white shirt on, the other said he had a dark shirt on. One of the witnesses could not even tell you whether the car was parked to the right or to the left as you came out of the Voter Registration Office. And how do all of these witnesses happen to remember this particular day? I doubt that you remember, gentlemen, because it seemed insignificant at the time. They knew that

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1 it was right in late August or
2 early September because it was
3 cold, they had a fire and it was
4 really a nice cool day.

5 If you will remember, gentlemen, we put
6 into evidence the records of the
7 United States Weather Bureau, we
8 had the weatherman testify here
9 that during that entire period
10 there was one day, gentlemen --
11 one day! -- when the high was
12 under 90 degrees, it went down
13 to 89 or 88 on that one day.

14 Gentlemen, I think that it is appro-
15 priate, in view of the fact that
16 we are dealing here with eye-
17 witness identification, as we
18 lawyers call it, and as I call
19 this particular one awfully stale,
20 weak eye-witness identification,
21 that I read to you what Justice
22 Brennan of the United States
23 Supreme Court had to say in quot-
24 ing Justice Frankfurter in regard
25 to eye-witness identification.

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This is read from the United States Supreme Court decision in the case of United States vs. Wade, which was decided in 1967. This, gentlemen, is written by a Supreme Court Justice, as are all Supreme Court Opinions, which someone who of necessity knows his way around courtrooms, knows what types of testimony are dependable, what types should be cast aside;

"The vagaries of eye-witness identification are well known. The annals of criminal law are rife with instances of mistaken identification. Mr. Justice Frankfurter once said (and here is where he goes on to quote him): 'What is the worth of identification testimony even when uncontradicted? The identification of strangers is proverbially untrustworthy. The hazards of such testimony are established by a formidable number of instances in the records of

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English and American trials.

These instances are recent, not due to the brutalities of ancient criminal procedure. The case of Sacco and Vanzetti in 1927, a major factor contributing to the high incidence of miscarriage of justice from mistaken identification, has been the degree of suggestion inherent in the manner in which the prosecution presents the suspect to witnesses for pre-trial identification."

That, gentlemen, will call your attention to the one-man lineup deal that we had.

A commentator has observed that the influence of improper suggestion upon identifying witnesses probably accounts for more miscarriages of justice than any other single factor. Perhaps it is responsible for more such errors than all other factors combined.

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"With all eye-witness identification in criminal cases, suggestion can be created intentionally or unintentionally in many subtle ways, and the dangers for the suspect are particularly grave when the witness's opportunity for observation was insubstantial and thus his susceptibility to suggestion the greatest. Moreover, it is a matter of common experience that once a witness has picked out the accused at the lineup, he is not likely to go back on his word later on. So that in practice the issue of identity may in the absence of other relevant evidence for all practical purposes be determined then and there before the trial."

I thought, gentlemen, it was appropriate to read that to you to aid you in evaluating these Clinton, Louisiana, witnesses. However, we will also ask that you consider the witnesses which the Defendant

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1 put on in this pageant.

2 We brought before you Mr. Lloyd C. Cobb.

3 Gentlemen, I can unhesitatingly
4 say that no one who knows Mr. Cobb
5 would argue with the fact that he
6 is one of the leading citizens of
7 New Orleans, a man who would not
8 dream of getting on that witness
9 stand and lying, perjuring himself
10 for anybody or anything.

11 Mr. Cobb testified to you that during
12 this same period when this Defen-
13 dant was supposed to be running
14 around the countryside up to
15 Clinton, Louisiana, running up
16 there with David Ferrie and Lee
17 Harvey Oswald, who-have-you, that
18 Mr. Cobb and this Defendant, Clay
19 Shaw, were engaged in perhaps the
20 three or four busiest months in
21 the lives of either one of them.

22 Now, gentlemen, this was not something
23 that Mr. Cobb had to call on his
24 memory for in order to determine
25 the dates. He has his leases, he

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1 knew when they were negotiating
2 these leases, he knew when his
3 deadline was, and I am sure that
4 when you heard the testimony of
5 Mr. Cobb that he knew where Clay
6 Shaw was during every working day --
7 and this had to be a working day up
8 in Clinton, the barbershops were
9 open, the Voter Registration Office
10 was open -- that you knew that it
11 was absolutely ridiculous to believe
12 that this man would be running up
13 to Clinton for any purpose, or that
14 he could have done it and not have
15 been missed by Mr. Cobb.

16 Now, this testimony was corroborated by
17 that of Miss Goldie Moore, Mr.
18 Cobb's secretary while he was in
19 the Trade Mart. I recall Miss
20 Moore goofed a bit on the dates.
21 As you undoubtedly noticed, she
22 had the dates mixed up as to when
23 this busy period was. She was one
24 month off. But, gentlemen, that
25 doesn't change the picture. There

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1 is no way in the world that this
2 Defendant could have been in
3 Clinton, Louisiana, when the State
4 claims that he was there, unless
5 Lloyd Cobb is lying, Goldie Moore
6 is lying, and Clay Shaw is lying.

7 Now, if you can conclude that on the
8 basis of the type of identification
9 that we had from Clinton, more
10 power to you. I don't see how
11 you can.

12 We go on, gentlemen, from the Clinton
13 episode to this deal with Vernon
14 Bundy on the Lakefront.

15 Now, gentlemen, Mr. Alcock said that
16 he would not apologize to you for
17 having put Bundy on the witness
18 stand. Well, let me say that now
19 I as an officer of the Court will
20 apologize to you for your having
21 been subjected to him. And I
22 mean that.

23 Gentlemen, this fantastic story that
24 this convicted thief, this
25 admitted liar, this inveterate

1 and veteran narcotics addict, told
2 on this witness stand is worthy of
3 Alice in Wonderland.

4 Let's look at it. Let's consider some-
5 thing that Mr. Alcock -- something
6 else that he said in his opening
7 argument. He told you that when
8 Bundy was sitting out on that sea-
9 wall that he had only two things
10 in mind: shooting those narcotics
11 and avoiding arrest, and that is
12 why he was able to look right at
13 Mr. Shaw and be sure of his identi-
14 fication.

15 Gentlemen, Mr. Alcock is right. Narcotics
16 addicts are very properly in fear
17 of arrest when they are fooling
18 with narcotics, and it is abso-
19 lutely beyond the belief of any
20 reasonable man that Vernon Bundy,
21 this man who has been taking junk
22 since he was 13 years old, by his
23 own testimony, that Vernon Bundy,
24 who was living in a 25-room house,
25 would leave the security and

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1 safety of his own home, the security
 2 and safety of his own bathroom where
 3 he could flush the toilet, flush
 4 the dope down the toilet if the
 5 police came, and where the police
 6 probably wouldn't come anyway, and
 7 carry this dope out to a public
 8 place out on the seawall at the
 9 Lakefront to shoot dope.

10 Gentlemen, that is absolutely fantastic,

11 it is absolutely beyond belief!

12 And then what else does this witness
 13 say? If you will recall -- let
 14 me back up just a little bit.

15 The State is probably going to get up
 16 here and answer that last statement
 17 of mine by saying that Bundy didn't
 18 want his family to find out that
 19 he was fooling with narcotics, or
 20 that his mother knew it already
 21 and it aggravated his mother,
 22 therefore he didn't want to.

23 Gentlemen, I just ask you to ask your-
 24 selves, would Bundy have rather
 25 been caught by his mother or would

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he rather have had a police officer walk up on him and arrest him? It is not even close.

Now let's get on to the other completely unbelievable point in Bundy's testimony. Bundy, if you will recall, under cross-examination by me admitted that there was at least a mile of vacant seawall in each direction from where he was shooting this dope. Now, with two miles of vacant seawall there, gentlemen, Bundy tells you that this Defendant picked the very spot where he, Bundy, is sitting to meet with Lee Harvey Oswald to turn over money to Oswald. The implication is that at that time they were probably planning to kill the President. Gentlemen, what is the matter with some spot in one direction or the other? That doesn't make sense.

Now, gentlemen, getting on a little further with this fellow, Bundy,

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1 and again calling your attention to
2 Mr. Alcock's correct statement of
3 the law that if anybody testifies
4 falsely, and so forth, let me
5 remind you that this man is a con-
6 victed thief, and that he lied on
7 that witness stand and got caught
8 in his own lie.

9 If you will recall, I asked him on
10 cross-examination where he got
11 his money for this narcotic habit,
12 and he had the temerity to sit on
13 that stand and tell you that he
14 got it from his job as a presser
15 and some little money from his
16 grandmother. Bundy, unfortunately
17 for him, gentlemen, had forgotten
18 about his testimony on the pre-
19 liminary hearing. I asked him
20 whether he stole to satisfy this
21 habit when he testified here. Oh,
22 no, he didn't. He'd forgot that
23 on the preliminary hearing he had
24 admitted to me under cross-examination
25 that he stole regularly to satisfy

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1 this habit. I confronted him with
2 his testimony, and he said, "Oh,
3 yes, if somebody left something
4 there I would pick it up." That
5 is not stealing.

6 Gentlemen, this is another one, another
7 one in the parade of unfit wit-
8 nesses that the State has trotted
9 out before you and on the basis of
10 whose testimony they are asking
11 you to return a verdict of con-
12 viction. You can just stand them
13 in line. Spiesel was there first,
14 and Bundy can now take his place
15 right alongside of him, but for a
16 different reason.

17 Now, gentlemen, I won't go at length
18 into the Spiesel testimony.

19 Frankly, I wouldn't insult your
20 intelligence by doing so. Suffice
21 it to say that we can add just one
22 more little impossibility to this
23 story, and that is, here we have
24 Spiesel in a group of complete
25 strangers, people who have never

1 seen him before, and they are going
2 to plan to kill the President right
3 in front of him. That makes a
4 great deal of sense, too.

5 We come now, gentlemen, to the mailman
6 incident, the testimony of Hardiman.

7 Very frankly, gentlemen, I don't quite
8 understand this old gentleman's
9 testimony. I will be perfectly
10 frank with you. I cannot in sin-
11 cerity stand here and tell you I
12 think he was lying. I think the
13 old man thought he was telling the
14 truth. But I can also with equal
15 sincerity tell you that he was
16 100 percent dead flat wrong. I
17 think that the key to his error
18 can be found in the completely
19 fictitious name which I gave to
20 him. On cross-examination in try-
21 ing to find out just whether he
22 knew what he was talking about, I
23 said, "Mr. Hardiman, do you remember
24 having delivered any mail to Clif
25 Boudreaux at that address?"

1 He said, "Yes, I do."

2 I said, "Well, have you delivered any
3 mail to Clif Boudreaux within the
4 last six months?"

5 He said, "Yes, I have."

6 Well, gentlemen, as you learned when
7 Mr. Jeff Biddison took the witness
8 stand, there just wasn't any such
9 person as Clif Boudreaux, and I
10 can tell you right now that Clif
11 Boudreaux came from right here
12 (tapping forehead) just like Clay
13 Bertrand came from Dean Andrews's
14 head.

15 From that we see that had there been a
16 person named Clif Boudreaux, had
17 there been a person whose alias
18 was Clif Boudreaux, had he been
19 in the same spot that Clay Shaw
20 finds himself right now, Mr.
21 Hardiman would have been willing
22 to testify that he had received
23 mail in the name of Clif Boudreaux
24 at that address, which is identi-
25 cally the same thing.

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1 I tell you again in all sincerity, I
2 don't think the old man was lying
3 when he told me that he had de-
4 livered mail to Clif Boudreaux; I
5 think he thought he was telling the
6 truth, but God knows it is obvious
7 that he wasn't.

8 Now, we don't have to rely entirely upon
9 this trick of cross-examination
10 which I used to rebut the testimony
11 of Mr. Hardiman. We presented to
12 you a witness of the highest caliber,
13 a top-flight witness, in Mr. Jeff
14 Biddison. Jeff Biddison has been
15 a friend of Clay Shaw's for many
16 years. As a matter of fact, I think
17 Mr. Alcock tried to belittle his
18 testimony by commenting upon that.
19 I will ask you right now in passing,
20 gentlemen, don't some of you men
21 have friends of twenty years' stand-
22 ing? I am sure you do. But does
23 that mean that you would get on
24 that witness stand and raise your
25 hand to God and tell a lie for him

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if he were charged in a criminal case? I don't think so. I wouldn't.

Now, what does Jeff Biddison tell you?

Jeff Biddison told you that he received all of the mail that came for Clay Shaw, that he picked up all of the mail at his own home there, and that there was no Clem Bertrand mail, gentlemen.

Now, who is in a better position to know -- Mr. Biddison, who lived there, or Mr. Hardiman, who had perhaps 700 or 800 houses on his route three years ago?

I might also mention in that connection, gentlemen, that if there were anything at all to the State's case, if Clay Shaw had conspired under the name Clay or Clem Bertrand, to murder President Kennedy, by any stretch of the imagination can you think that by 1966 he wouldn't have quit using that name? Remember, by that time the Warren Report had come out, the name "Bertrand" had

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1 been made an issue, Dean Andrews
2 had testified before the Warren
3 Commission, people knew of Clem
4 Bertrand and Clay Bertrand. Does
5 it make sense that this man would
6 still be going around by the name
7 of Clem Bertrand if he had done
8 that? Gentlemen, if he would, I
9 think the State is wrong in trying
10 to send him to Angola, they ought
11 to send him to Jackson.

12 Gentlemen, next we come to Facet Number
13 Five of the State's case. That is
14 the trip to the West Coast by Clay
15 Shaw.

16 The State would have you believe that
17 this was planned far in advance,
18 that Mr. Shaw was going to go out
19 to the West Coast so as to have an
20 alibi. You were shown the corres-
21 pondence that was introduced into
22 evidence, you were told when the
23 arrangements for this speaking
24 trip were made, you were shown
25 the pamphlet of the actual meeting

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at which he was to speak. The State got real sinister on this deal in their opening statement, and they told you that they were going to show that the same travel agency that arranged this trip arranged for Lee Oswald to go to Russia. That was the last I heard of it, gentlemen. I don't know what happened to that evidence. But, frankly, I don't know of what significance it would have been anyway.

Now, the absolutely ridiculous part about this contention that this perfectly legitimate speaking trip was actually, as the State would claim, an overt act in a conspiracy, is this: If you are here in New Orleans, why are you going to go out to the West Coast to get an alibi for a crime that is being committed in Dallas? Once again, gentlemen, it doesn't add up. No earthly reason.

Now we come to the VIP Room out in the

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1 Eastern Air Lines' section of the
2 Moisant Airport.

3 Gentlemen, before we get to talking
4 about handwriting experts on this,
5 let's first touch lightly upon
6 what the State contends happened
7 here.

8 First of all, the time, December 14,
9 1966. President Kennedy murdered,
10 the name Clay Bertrand made public
11 by the Warren Commission, played
12 up in the New Orleans newspapers
13 because of Dean Andrews. Clay
14 Shaw goes out to the airport with
15 somebody else, goes into the VIP
16 Room for no purpose other than to
17 sign his name "Clay Bertrand" in
18 the VIP book.

19 Once again, gentlemen, that would be
20 the act of a complete lunatic, if
21 you are to believe the State's
22 case.

23 On top of that, what does Jessie Parker
24 do but refuse or fail to identify
25 Claw Shaw when she is brought out

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1 here and he is pointed out to her
2 in the courtroom.

3 Then, gentlemen, we come to the question
4 of handwriting experts.

5 Let me say before we get off on this
6 one that it has to be obvious to
7 you by now the amount of money
8 that the State has spent on this
9 case. The things that you have
10 been shown here don't come cheap.
11 You don't get the slides and
12 exhibits and the expert testimony
13 that has been presented here for
14 peanuts, ladies and gentlemen.

15 That being the case, and with the
16 obvious availability of funds,
17 can anybody make any man on this
18 Jury believe that the State hadn't
19 tried to confirm Jessie Parker's
20 statement by an expert in the
21 field of handwriting before they
22 called that woman yesterday?
23 Gentlemen, I don't know what it
24 would take to make me believe
25 that, but it would have to be

1 something pretty monumental. No
2 way in the world. Do you think
3 that the State wanted a handwrit-
4 ing expert to be caught short, to
5 have to make a last-minute quickie
6 examination of these documents?
7 Why, of course not! The answer is,
8 gentlemen, that they had to have
9 tried other experts and could not
10 get one to say what they wanted
11 him to say. That is the reason
12 that they finally found a last-
13 minute fill-in.

14 Now let's get down to it and compare
15 these two experts.

16 I don't know anything of the profes-
17 sional reputation of Mrs. McCarthy,
18 who took the witness stand for
19 the State, but I will say of the
20 Defense expert, the old gentleman
21 that we put on the witness stand,
22 who conducted not a makeshift,
23 not a quickie examination of these
24 signatures, but who conducted a
25 scientific, proper and thorough

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1 examination, that he is one of the
2 foremost handwriting experts in
3 our country. Gentlemen, he served
4 for many years with the Federal
5 Bureau of Investigation as head of
6 their department of handwriting
7 analysis. Now, I knew when we
8 brought him down here that we were
9 going to step into a buzzsaw as
10 soon as he said Federal Bureau of
11 Investigation, because, as you
12 know, the State is going to try
13 to make you believe that we have
14 bunch of boogiemens, a bunch of
15 real culprits (in) the FBI, the
16 Secret Service, every governmental
17 agency that you can name. Be that
18 as it may, gentlemen, this man
19 hasn't been with the FBI since
20 1948. The State tries to tell
21 you that he had a fixed opinion
22 before he came down here. He
23 didn't say that. You heard what
24 he said from the witness stand.
25 He said that he volunteered to

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1 come down here without charge when
2 he found out that we didn't have
3 the money to pay for an expert.
4 And why was he willing to do it?
5 He was willing to do it in the
6 interest of justice, gentlemen.

7 Now, can you doubt his qualifications?

8 Could he have held the jobs that
9 he has held, been with the FBI as
10 long as he was, unqualified? No.
11 Can you doubt his truthfulness and
12 sincerity, doubt the truthfulness
13 and sincerity of a man who leaves
14 his gainful occupation and comes
15 down here for nothing, out of a
16 sense and spirit of justice?

17 I submit to you, gentlemen, that this
18 man gave you a good analysis of
19 that handwriting, he gave you a
20 firm opinion that that was not
21 Clay Shaw's writing. The lady
22 wouldn't go that far, she said
23 that there is a great probability
24 that it is, after her makeshift
25 examination.

1 I leave that one with you, gentlemen,
2 and I don't have any doubt as to
3 what you will think of the VIP
4 book.

5 Gentlemen, I think that this is an appro-
6 priate place to mention Mr. and
7 Mrs. Nicholas Tadin, the two wit-
8 nesses who took the stand yesterday
9 evening as a team and stated to
10 you that they had seen Clay Shaw
11 out at the Lakefront Airport in
12 the company of David Ferrie.

13 Well, now, I have several comments to
14 make on this, gentlemen. First
15 of all, you would be justified in
16 asking me whether I think these
17 two people are lying or whether
18 I think they are mistaken. I
19 don't know. I think they are pro-
20 bably mistaken. I don't know why
21 they should lie, if they are
22 lying, but I will say this, that
23 whatever the husband is doing,
24 the wife is doing the same thing.
25 That poor woman was scared to death

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1 when she got on that witness stand.
2 She said, "I came here because my
3 husband told me to." And, frankly,
4 I don't blame her. If a girl had
5 a husband who walks around, talks
6 about hitting people in the jaw
7 with two-by-fours, I can well
8 understand her fear. But let's
9 just analyze now the testimony of
10 these two people.

11 First of all, how do they say that they
12 saw Mr. Shaw in Ferrie's company?
13 They see Ferrie walk out of the
14 hangar and three feet behind him
15 comes Clay Shaw. They ask Ferrie
16 was this a new student that you
17 have as Shaw is walking over.
18 Ferrie said no, that is my friend,
19 Clay Shaw.

20 Gentlemen, remember that all the recog-
21 nition was on the part of David
22 Ferrie there. Whether he, knowing
23 Mr. Shaw to be a prominent man,
24 was trying to impress his student's
25 family, I don't know, but I will

1 have a lot more to say on this.
2 First of all, you must realize, it
3 has to be clear to you, that this
4 case would have been much, much
5 safer to defend by saying that Clay
6 Shaw knew David Ferrie. Mr. Shaw
7 has had us as his lawyers -- and I
8 pride ourselves on not being stupid.
9 Don't you know that we realized
10 when I got up here before you and
11 told you that Clay Shaw had never
12 laid eyes on these people, that we
13 realized that there was always a
14 possibility of someone coming forth
15 like this and claiming to have seen
16 them together? There is no doubt
17 about that, but our defense, gentle-
18 men, has been based on truth, it has
19 been based on truth from scratch.
20 And Shaw did not get up there on
21 the stand and I did not get up
22 before you and tell you that he
23 knew David Ferrie, because he did
24 not know him. The point that I am
25 making is that if he did know him,

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1 our defense wouldn't have been any
2 different in this case. It would
3 have been a lot safer, yes, but
4 what you must remember is this,
5 that for you to even consider the
6 testimony of these two Tadin people,
7 what do you have to do? You have
8 to accept the testimony of Perry
9 Raymond Russo. And, gentlemen, if
10 you can accept that, it is beyond
11 me. If you don't accept that, what
12 difference does the Tadins' testi-
13 mony make? None at all.

14 Once again, gentlemen, I would point
15 out that we are talking about --
16 the Tadins -- 1964, which is less
17 than a year after the assassination.
18 Do you think for one moment that
19 if Mr. Clay Shaw had conspired
20 with Ferrie and Oswald to murder
21 the President, that he would have
22 been seen out at a public airport
23 with one of the co-conspirators
24 after the meeting? No way. Do
25 you think for one moment -- and I

1 ask you this assuming that some
2 of you gentlemen know something
3 about this Lakefront Airport --
4 that had Mr. Shaw been out there
5 with Ferrie at a crowded airport
6 like this airport is, that other
7 people wouldn't have seen him and
8 come forth? I think it is incon-
9 ceivable to think that they wouldn't
10 have.

11 Now, before I leave the testimony of
12 the Tadins, gentlemen, let me
13 remind you again that these people
14 came forth -- when? -- yesterday
15 morning. Why did they come forth
16 not until yesterday morning? Be-
17 cause they didn't want to get
18 involved.

19 I cannot buy their testimony, gentlemen.

20 We get now to the last of the seven
21 facets of the State's case, that
22 is, the meeting that Perry Russo
23 tells about at 3330 Louisiana
24 Avenue Parkway. That is Dave
25 Ferrie's apartment.

1 Now let's analyze Russo and let's trace
2 his happenings (sic) in connection
3 with this matter.

4 Russo is living up in Baton Rouge. Jim
5 Garrison starts his investigation
6 down here. It is published in the
7 papers. Russo finds out that
8 Ferrie has died, and he wants to
9 get in on the act, so what does
10 he do? Does he call the District
11 Attorney? Does he call anybody?
12 Yes, he calls somebody. He tells
13 you that he called the police and
14 they wouldn't even listen to him,
15 but then who does he end up call-
16 ing? The Baton Rouge State Times,
17 the newspaper. Mr. Jim Kemp of
18 the Baton Rouge State Times came
19 out and interviewed him. Russo
20 told Phelan later that he wanted
21 to get the whole story down with
22 somebody. So Russo gives his
23 story to Jim Kemp.

24 Now, gentlemen, we have read to you
25 verbatim the Jim Kemp interview

1 with Russo in Baton Rouge. Not
2 one single word about Clay Shaw,
3 Clay Bertrand, Clem Bertrand, a
4 conspiracy meeting, any meeting
5 at David Ferrie's. Why? He
6 wanted to get it all down. So
7 what does Russo do then but grant
8 interviews to other TV stations
9 and radio people in Baton Rouge,
10 Nothing in any of those interviews,
11 but they did run something on the
12 air that interested Mr. Sciambra
13 or Mr. Garrison, and Sciambra goes
14 up to Baton Rouge to interview
15 Perry Raymond Russo.

16 Gentlemen, I hate to beat a dead dog,
17 but here comes the Sciambra memor-
18 andum that we have heard so much
19 about.

20 THE BAILIFF:

21 Order, please.

22 MR. DYMOND:

23 You know, when I was sitting here listen-
24 ing to the arguments of the other
25 counsel, I leaned over to Billy

1 Wegmann and I said, "Billy, my
2 God, I have thought of something.
3 We have got to be stupid. Why
4 didn't we think of it before?"

5 He said, "What is that?"

6 I said, "Sciambra claims that Russo
7 told him about the conspiratorial
8 meeting and identified a picture
9 of Clay Shaw in Baton Rouge on the
10 25th of February, and Clay Shaw
11 wasn't arrested until March 1."

12 He said, "Good God, you are right."

13 Where were they, gentlemen? Does that
14 answer the question as to when
15 Perry Russo first mentioned any-
16 thing about this? If it doesn't,
17 the DA's office sure dragged its
18 feet, gentlemen, from the 25th of
19 February until March 1 arresting
20 a man that they claim assassinated
21 or conspired to assassinate the
22 President of our United States.

23 So Mr. Sciambra goes up there and sits
24 for some two and a half or three
25 hours with Perry Raymond Russo,

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and Russo tells him his story. Mr. Sciambra writes up a memorandum to Mr. Garrison reporting on the interview with Russo. 'Lo and behold, gentlemen, we find out that there is nothing in the memorandum. All kinds of explanations are set forth as to why it isn't in there. Mr. Sciambra went up there in connection with the investigation of the assassination, went up there with, supposedly, pictures of Shaw on him. Russo supposedly identified one of these pictures of Shaw as Clem Bertrand, supposedly identified the roommate as Leon Oswald or Lee Harvey Oswald, and there is nothing written about it, but he writes about a lot of other things in there. Gentlemen, I will tell you, this is like a man going lion hunting and killing a lion and a rabbit, coming back and writing a story about the trip and forgetting to mention the lion. That is what it

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1 amounts to.

2 Gentlemen, I hesitate to bore you with
3 a reading of this entire Sciambra
4 memorandum, so rather than do that,
5 rather than eat up your time in
6 this way, I am going to ask you if
7 there is any man on the Jury who
8 has any doubt as to whether any-
9 thing about a conspiratorial meet-
10 ing, anything about Clay Shaw, Clem
11 Bertrand, Clay Bertrand, is in this
12 memorandum. If you have any doubts,
13 I will read it to you word for word.

14 Apparently you don't.

15 Gentlemen, Mr. Jim Phelan, one of the
16 top columnists in the country,
17 labeled by Mr. Sciambra a "journal-
18 istic prostitute," apparently used
19 nobody in the good graces of Jim
20 Garrison, so Mr. Sciambra writes
21 this memorandum up. He tells you
22 that he -- the memorandum is dic-
23 tated the 27th, and Mr. Sciambra
24 tells you that he did not -- no,
25 it is dated February 27 -- Mr.

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Sciambra tells you that he did not even finish dictating this memorandum until seven to ten days after the 27th, and says about another memorandum, it was supposedly dictated ahead of it.

Gentlemen, in that connection, I would like to call your attention to the testimony of Jim Phelan -- not only to his testimony but to what he pulled out of his pocket, a hotel bill, a receipt from The Sands in Las Vegas, showing where he stayed there from the 4th until the 6th of March. Jim Phelan testified that he went out to Las Vegas, met Jim Garrison out there, and Jim Garrison turned over to him the Sciambra memorandum, and that this meeting took place on the 6th of March. Count your days, gentlemen, between the 27th of February and the 6th of March when this memorandum not only had been finished being dictated but had been delivered

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1 to Jim Garrison, and Jim Garrison
2 had gone out to Las Vegas, Nevada,
3 obviously having had time to read
4 it over, and then gave it to Phelan.
5 Does that add up with the testimony that
6 this memorandum wasn't even com-
7 pletely dictated until seven to
8 ten days after February 27? My
9 arithmetic is bad if it does,
10 gentlemen. I know it is not the
11 best, but I don't believe it is
12 that bad.

13 Well, Jim Phelan went over this memor-
14 andum very carefully. He said that
15 he read it six times, was completely
16 shocked by it, so he went out to
17 see Jim Garrison about it. Jim
18 Garrison called Sciambra in. Phelan
19 says, "There is nothing in this
20 memorandum about any conspiratorial
21 meeting, nothing about Clay Shaw,
22 nothing about Clem Bertrand."
23 Sciambra said, "You don't know what
24 you are talking about."

25 Gentlemen, Phelan did know what he was

1 talking about to the extent that
2 he was willing to bet his job on
3 it. He wasn't taken up on it.

4 Well, this was called to the attention
5 of the State, and since then there
6 have been quite a few controversies
7 about the actual content of this
8 Sciambra memorandum.

9 Now, after this confrontation there in
10 Mr. Garrison's home after reading
11 the memorandum, Jim Phelan attended
12 the preliminary hearing in this
13 case. He saw Perry Russo take the
14 witness stand and was completely
15 shocked at Russo's testimony, so
16 he arranged to go up to Baton Rouge
17 and talk to Russo about it. He
18 goes and talks to Russo, and there
19 are two completely different stories
20 there, gentlemen. All that I can
21 ask you to do in evaluating those
22 is to decide who has more reason
23 for lying, Russo trying to back
24 his story up, or Jim Phelan, an
25 independent journalist, free lance,

1 with no axe to grind.

2 Two key questions were asked at that
3 time. Phelan asked Russo why he
4 had gone to court in that prelimi-
5 nary hearing and testified that he
6 had seen Clay Shaw in David Ferrie's
7 apartment, and then named two other
8 times, one at the Nashville Avenue
9 wharf and the other one at Ferrie's
10 filling station, whereas in the
11 memorandum Sciambra had reported
12 his only having seen Clay Shaw
13 twice. Russo meditated, and he
14 said, "I said three times?" He
15 said, "No, I guess I only say
16 twice, but I should have said
17 three times." Then Phelan asked
18 him the real sixty-four-dollar
19 question: When did you first
20 mention anything about the con-
21 spiracy? And Russo said, "Down
22 in New Orleans," admitting it to
23 Phelan.

24 Now, gentlemen, getting back to this
25 two or three times that he claims

1 that he saw Clay Shaw, if this
2 Sciambra memorandum were to have
3 just had in there that it was
4 seeing him twice, that could
5 easily be an error, but the
6 Sciambra memorandum says that he
7 saw him twice, the first time at
8 the Nashville Avenue wharf and
9 the second time up on the Veterans
10 Highway at the filling station.
11 The third time actually, gentlemen,
12 would be tucked in between there
13 and would certainly have been the
14 one time that Russo would not have
15 forgotten if he were relating a
16 true story.

17 Once again, we are striking at the very
18 heart of the State's case now,
19 gentlemen, the absolute lack of
20 credibility on the part of Perry
21 Russo.

22 Well, gentlemen, after this, Jim Phelan
23 had quite a number of conversations
24 with Russo during which Russo made
25 some admissions to him which

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completely destroyed the State's case. Mr. Alcock has admitted that the case depends entirely upon Russo's testimony, so let's see what he admitted to Phelan.

First of all, he admits to Phelan that he does not know whether Shaw was at the party or not; he admits to Phelan that he does not know the difference between reality and fantasy; he affirmatively requests of Phelan that Phelan set up a meeting with Clay Shaw so that he, Russo, can decide whether Clay Shaw is the right man. Gentlemen, this is after he has already testified in court in the preliminary hearing that Clay Shaw was positively the right man.

And what else does he tell Mr. Phelan?

"If Garrison could hear what I told my priest up in Baton Rouge, he would go through the ceiling. I told that priest that I want to get in a room with Shaw and hear

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him talk and breathe so I can
decide whether he is the right
man."

Again, gentlemen, I say that these
statements just kick the very
foundation out from under any
case that the State might think
that it has.

Now getting back to the meeting that
Russo wanted arranged between him
and Mr. Shaw, was there any hesi-
tancy on the part of this Defen-
dant in agreeing to that meeting,
in making arrangements for it?
None at all. Who pulls out on
the meeting but Perry Raymond
Russo! He tells Phelan that the
reason he pulled out on the meet-
ing is that he is afraid that news
of it would leak back to Garrison.
But later on he comes clean and
tells Mr. Phelan, "I lied to you
about that. The reason is that I
know if I got in a room and talked
to that man, I would find out that

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1 he wasn't the man, and I could run
2 to Mexico, I could run to Cali-
3 fornia and become a beatnik, but
4 I could not run away from myself."

5 Now, gentlemen, I can hear the State
6 right now getting up here and
7 screaming to you that Jim Phelan
8 was an employee of the National
9 Broadcasting Company, part of the
10 Eastern Establishment, that horribly
11 sinister outfit, just wanting to
12 destroy his case, and that that is
13 why Jim Phelan said that Russo
14 said those things to him.

15 Well, let me tell you right now, I am
16 the first to admit that when Mr.
17 Phelan first came down here, he
18 came down as a writer for the
19 Saturday Evening Post. NBC hired
20 him because they thought that
21 Russo would talk to him, and they
22 were investigating for a white
23 paper program they were presenting.

24 Now, gentlemen, the State will try to
25 destroy Mr. Phelan's testimony in

1 that way. Thank goodness we have
2 it back-stopped. We have it back-
3 stopped by someone whom they have
4 no way of destroying, and that is
5 one who, as I said before, is
6 traditionally one of their own
7 prosecution team, and that is
8 Lieutenant Ed O'Donnell, the same
9 Lieutenant Ed O'Donnell who testi-
10 fied as a policeman for the State
11 in innumerable cases, whom they
12 put on the stand and asked juries
13 to believe in those cases where
14 they want the juries to believe
15 them. What does Officer O'Donnell
16 say? What does he do but come
17 here as a witness and testify that
18 these -- practically these same
19 admissions except a little worse
20 were made to him by Perry Raymond
21 Russo. Perry Raymond Russo to
22 Officer O'Donnell said, "Do you
23 really want to know the truth?"
24 O'Donnell said yes. Russo said, "I
25 don't know whether Shaw was there

1 or not." He said, "If I really
2 had to give a yes or a no, I would
3 have to say no."

4 Gentlemen, that is Perry Raymond Russo,
5 that is the man who takes this
6 witness stand and says one thing,
7 goes elsewhere and says another
8 thing, takes the witness stand in
9 another courtroom and says some-
10 thing else, a man whose veracity,
11 whose credibility, has been
12 shattered beyond repair, beyond
13 question, and that is the man whom
14 Mr. Alcock says is the backbone of
15 the State's case, their case sinks
16 or swims, stands or falls on the
17 testimony of Perry Raymond Russo.

18 Oh, there was another very interesting
19 thing Russo admitted to Officer
20 O'Donnell. He told Officer O'Donnell
21 that when he first went into the
22 preliminary hearing he was going
23 to testify that he wasn't sure
24 that Mr. Shaw was there at this
25 meeting, "but Dymond turned on me,"

1 he said, "Dymond struck at the
2 jugular vein when he asked me
3 whether I believed in God."

4 Gentlemen, could I make any of you mad
5 by asking you whether you believed
6 in God? Would it make you mad
7 enough to get up on the witness
8 stand and lie under oath and try
9 to send a man to the penitentiary?
10 I don't think so. I don't think
11 any normal individual would react
12 in that way, and I submit to you
13 that Perry Raymond Russo is not
14 a normal individual.

15 Perry Raymond Russo came down here from
16 Baton Rouge wanting a little publi-
17 city. He gets down here and he is
18 hypnotized three or four times,
19 given Sodium Pentathol. Somehow
20 or another they get a story out
21 of him, and he has tried to stick
22 to it and hasn't even done a good
23 job at that.

24 Gentlemen, I hate to keep you here this
25 long, but I feel it is necessary

1 to cover this material with you.

2 We have been here a long time
3 already, and I just cannot see
4 the advisability of halfway doing
5 the case at this point.

6 Let's now find out just where the whole
7 thing originated.

8 You learned from the witness stand the
9 other day it all came from the mind
10 of Dean Andrews.

11 Now, gentlemen, if you have ever heard
12 any vitriolic screaming, any debase-
13 ment of a witness, any criticism
14 of an individual, you are going to
15 hear it from the State when they
16 get up here in rebuttal on Dean
17 Andrews, but let me say this, this
18 little man with the peculiar manner
19 of talking got on that witness
20 stand, a ruined lawyer, bared his
21 chest, said, "Do to me what you
22 may, I am going to tell the truth
23 now," and I don't think there is
24 a man on this Jury who does not
25 think that he told the truth. This

1 man has lied before, there is no
2 doubt about that, no question in
3 the world, but, believe me, when
4 he took that witness stand and did
5 what he did, he rose, in spite of
6 his faults, to heights that may not
7 be attained by many people in this
8 courtroom. He subjected himself
9 to what he thinks is coming -- I
10 hope it doesn't come -- I hope that
11 there is some compassion in the
12 hearts of people who could get
13 revenge upon him for what he did.
14 That man took the witness stand
15 and shamelessly belittled himself.
16 To me, gentlemen, it was pitiful.
17 This man got up there and said, "I
18 made a damned fool out of myself
19 and I am stuck with it. I wanted
20 to be famous for something other
21 than being a perjurer, so I dreamed
22 up this story about having been
23 asked to represent Lee Harvey
24 Oswald. This fellow Davis called
25 me about something, a car title,

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1 and I just dreamed up the rest of
2 it. When the FBI came and asked
3 me about it, I found a cover-up
4 name for him, Clay Bertrand."

5 There you are, gentlemen. This man had
6 never seen Clay Shaw before in his
7 life. Gentlemen, from then the
8 ball started rolling. After Dean
9 Andrews came out with the Clay
10 Bertrand story, we had the Warren
11 Commission Report. Along with the
12 Warren Commission Report came the
13 scavengers, came those who would
14 like to make a living off of it,
15 came those who would like to pick
16 it to pieces, even though at the
17 cost of undermining the confidence
18 of the American people in their
19 very Government. And that, gentle-
20 men, is when the fur began to fly.
21 Andrews had started it. Russo
22 wanted to get into the news with
23 the aid of a little hypnosis, a
24 little Sodium Pentathol, and what
25 other prompting we don't know. He

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1 came forth with the story that you
2 heard here in the courtroom.

3 Gentlemen, when this accusation was made,
4 when Perry Russo's story was finally
5 made up from the whole cloth, the
6 news reached to the four corners of
7 the earth. It was shocking news.
8 Mr. Garrison announced he had solved
9 the assassination of President
10 Kennedy. ...

11 MR. ALCOCK:

12 Your Honor, again this is outside the
13 record of this case.

14 THE COURT:

15 I think you are right about that.

16 MR. DYMOND:

17 The newspaper reporters gathered from
18 every corner of the globe. I dare
19 say it has been one of the most
20 highly publicized cases in Louisiana
21 legal annals, or possibly in the
22 annals of any state. And, gentle-
23 men, I tell you now that the entire
24 world is waiting to find out whether
25 you twelve men can convict a man

1 on this Alice-in-Wonderland
2 situation, on a group of facts
3 that were scrambled together.

4 If you check back and just remember
5 when each one of these witnesses
6 showed up at the DA's office, you
7 have to wonder just what did they
8 have when they arrested Clay Shaw.
9 Practically nothing, nothing except
10 Russo.

11 They are waiting, gentlemen, to see
12 whether a man can be convicted in
13 a situation such as this, in a
14 production such as this where a
15 patsy was picked in order to pro-
16 vide a forum for an attack on the
17 Warren Commission and the Warren
18 Report. You have seen the extent
19 to which the State has gone in
20 attacking the Warren Report here.

21 Gentlemen, for a while Clay Shaw had
22 become the forgotten man in this
23 case. I mean you actually had to
24 stop and remember who was on trial
25 for days here, and I just hope that

1 you will not permit the issue to
2 be confused by this big production
3 that has been put on. "RUSH TO
4 JUDGMENT" would have been a lot
5 easier and a lot cheaper, but don't
6 let it confuse you, gentlemen. Just
7 remember what this man is charged
8 with. Remember that the State by
9 its own admission says that its
10 case has to fall or stand on the
11 testimony of this liar, Perry
12 Raymond Russo, a man who is an
13 admitted liar from the witness
14 stand. Separate these two issues,
15 and there is no way that you can
16 go wrong, gentlemen.

17 If our law permitted it, I think in
18 doing that you wouldn't have to
19 leave this box to return a verdict
20 of not guilty.

21 The State is going to come back before
22 you and wave the Dallas flag again,
23 gentlemen. They are going to talk
24 about the Zapruder film. That is
25 a horrifying film. That is the

1 reason I squawked about your see-
2 ing it ten times. I had never seen
3 it before, and I was shocked and
4 horrified by it. But don't let
5 that prejudice you, gentlemen,
6 don't let it cause you to lose
7 sight of the basic issues in this
8 case.

9 You have taken an oath, gentlemen, that
10 you will try this case according
11 to the law and within the bounds
12 of the evidence that has been here
13 in court. If you do that, we have
14 no worries at all, because there
15 is no way that Clay Shaw can be
16 convicted under these circumstances.

17 As I say, they are going to come back
18 with Dallas, they are going to
19 talk about Lee Harvey Oswald get-
20 ting the job in the Depository.
21 In that connection, I might call
22 your attention to the fact that by
23 Ruth Paine's testimony, she got the
24 job for him. By the testimony of
25 a State witness, he could have been

1 assigned either to that Depository
2 building or one that wasn't on
3 Elm Street. So, gentlemen, don't
4 let the horror of this awful deed
5 that was committed in Dallas cause
6 you to convict an innocent man just
7 to try to balance the scales. Just
8 remember that it would not be at
9 all beyond the realm of possibility
10 for you or me to be sitting right
11 in that chair called upon to prove
12 where you were in 1963, called upon
13 to prove that you didn't know some-
14 body. That is not easy, gentlemen,
15 not when you have liars like Perry
16 Raymond Russo testifying, not when
17 a dope fiend gets up there, a
18 person that everybody knows is
19 always trying to curry favor with
20 law enforcement agencies in case
21 he happens to get caught. He is
22 willing to get up there and testify
23 against you to help himself.

24 Gentlemen, just remember -- I won't

25 keep you much longer -- that the

1 Indictment in this case charges
2 Clay Shaw with having agreed up
3 there on Louisiana Avenue to kill
4 President Kennedy; that the only
5 testimony on that is Perry Raymond
6 Russo's, a liar; that the State has
7 alleged its overt acts, many of
8 them taking place at that meeting,
9 which depends on Perry Raymond
10 Russo, one of them being Mr. Shaw's
11 trip to the West Coast, going to
12 the West Coast to get an alibi for
13 something that happened in Texas,
14 the other one being David Ferrie's
15 trip to Houston the day after the
16 assassination, which wouldn't have
17 done him any good anyway. And I
18 submit to you, gentlemen, that the
19 State's case is a total flop.

20 Now, gentlemen, I will say in closing
21 that the duty of every jury is an
22 immense duty. I mean when you are
23 called upon to pass judgment on
24 another human being, called upon
25 to decide whether or not that man

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1 remains a free independent man or
2 whether he becomes a convict, you
3 are almost asked to be God, but I
4 will say that in this case your
5 duty is even graver, more so, more
6 serious: the twelve men who pass
7 on this case are actually going to
8 create history in our country.

9 Gentlemen, I implore you not to make a
10 mistake. This man is as innocent
11 as any one of you fourteen men sit-
12 ting here on this Jury. To find
13 him guilty you have got to believe
14 an admitted liar, and I don't think
15 you can do that. I am confident
16 you can't.

17 I ask you to vote your conscience, follow
18 the law, and don't make a mistake.

19 Thank you.

20 THE COURT:

21 I am going to take a five-minute recess.

22 Take the Jury upstairs for coffee.

23 (Whereupon, a brief recess was taken.)

24 AFTER THE RECESS:

25 THE COURT:

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I wish to make one announcement before we
bring the Jury down.

What is going to happen now I understand
is that Mr. Oser, Mr. Alcock, and
Mr. Garrison are going to close
the rebuttal closing argument for
the State, and after they are fin-
ished I intend to take a five-
minute recess. I am going to
charge the Jury, and I have some
extra copies that I wish to re-
check just one more time for any
spelling errors, subject matter
errors, and what I propose to do,
after the Jury gets the case for
their decision, if they do bring
a verdict of guilty in the fore-
seeable future, we are going to
lock the outside door so that
nobody can get out, because I
know whatever the verdict may be
there is a strong probability that
either the State or the Defense
will ask that the Jury be polled.
Although a verdict, whatever it

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may be, be read, that does not
wind up the case. The Jury in all
probability will be polled, that
is, each one will be asked is this
your verdict, and after we have a
legal verdict and it is recorded,
I am going to ask everybody to
remain in court until the jurors
leave out safely, and the doors
will be locked outside where the
Sheriff has deputies to enforce
this, and after the Jury leaves,
then the Press may leave and do
whatever they are supposed to do.

I just want to make this announcement
so you will understand, so you will
have an idea of what is going to
happen.

All right. Bring the Jury in.

(Whereupon, the Jury returned to
the box.)

THE COURT:

All right, gentlemen. Let's keep a
little order, because it is very
distracting to the jurors that

1 are trying to pay attention. When
2 someone is speaking or someone else
3 misbehaving in the audience, it
4 distracts the attention of the
5 Jury. That is what we are trying
6 to defend.

7 Are the State and the Defense ready to
8 proceed?

9 MR. ALCOCK:

10 The State is ready.

11 MR. DYMOND:

12 We are ready, Your Honor.

13 THE COURT:

14 All right. We will now hear the closing
15 arguments by the State.

16 MR. OSER:

17 Gentlemen, I am only going to have a
18 few remarks to you in the area of
19 what happened in Dealey Plaza, and
20 possibly a few remarks about Mr.
21 Dymond's remarks.

22 You know, gentlemen, there are several
23 ways for a defense attorney to
24 defend a case, and one of the
25 classic ways is that of setting

1 up a smokescreen, talking about
2 everything else except what the
3 evidence was from the witness stand,
4 talking about how I am un-American,
5 how my fellow lawyers sitting at
6 the table are un-American, but not
7 one word did Mr. Dymond say about
8 what the evidence was that came
9 from that witness stand involving
10 Dealey Plaza.

11 Oh, he talked about Dr. Nichols' copy-
12 right, but not one word did he talk
13 about the 28-degree angle that Dr.
14 Nichols testified about. He talked
15 about Dr. Nichols' copyright, which
16 is a privilege you and I and every-
17 body has to protect their rights.
18 Did he say that Dr. Nichols lied
19 to you? Did he say that one wit-
20 ness involved in what happened
21 November 22, 1963 in Dealey Plaza
22 lied to you? No. He says that we
23 presented to you a figment, or a
24 copy rather, of RUSH TO JUDGMENT.

25 Mr. Robert West wasn't in RUSH TO JUDGMENT;

1 Mr. Phil Willis wasn't in RUSH TO
2 JUDGMENT; Abraham Zapruder wasn't
3 in RUSH TO JUDGMENT; Roger Craig
4 wasn't in RUSH TO JUDGMENT; Mrs.
5 Carolyn Walther wasn't in RUSH TO
6 JUDGMENT; Officer Billy Joe Martin
7 wasn't in RUSH TO JUDGMENT; Mrs.
8 Mary Moorman wasn't either, nor
9 was Mrs. Wilma Bond.

10 Listening to Mr. Dymond on our presen-
11 tation of what happened in Dealey
12 Plaza when the President of the
13 United States was killed, it was
14 that we picked a handful of mer-
15 cenaries, some of them wanting to
16 get their names in the paper. Do
17 you really believe that Mr. and
18 Mrs. Newman are this type, or are
19 Mr. and Mrs. Newman more like you
20 and I? Are they mercenaries?

21 He talks about the State subpoenaing
22 Robert Frazier and not putting him
23 on the stand. That's right, gentle-
24 men. We subpoenaed him. We had to
25 file a subpoena where he is from --

1 Virginia, I believe -- to get him
2 down here, and when he came down
3 here Mr. Alford and I couldn't
4 talk to him unless two United
5 States attorneys were sitting
6 there. We didn't even know where
7 he was staying.

8 MR. DYMOND:

9 If the Court please, we object. Counsel
10 himself is now getting out of the
11 record.

12 THE COURT:

13 I didn't hear the statement. What was
14 the statement, Mr. Dymond? Maybe
15 I will have Mrs. Dietrich read it
16 back.

17 MR. DYMOND:

18 If the Court please, we may as well have
19 him argue it to the Jury as do that.
20 I think Mr. Oser knows he is out
21 of the record.

22 THE COURT:

23 I didn't hear it. What was it?

24 MR. OSER:

25 Mr. Dymond opened the door in arguing --

1 THE COURT:

2 No such thing. In argument you must
3 stay within the record. You don't
4 open the door in argument, you must
5 stay in the record in addressing
6 the Jury, although you are given
7 quite a bit of latitude in forming
8 your deductions, what you think you
9 can deduce from the record, but
10 neither side can go out of the
11 record. That is my ruling.

12 MR. OSER:

13 Let me read to you, gentlemen, what Mr.
14 Dymond has done. Mr. Dymond talked
15 about Robert Frazier, saying the
16 possibility that one bullet could
17 have entered President Kennedy and
18 Governor Connally, and I cite to
19 you on page 185 of Mr. Frazier's
20 testimony an answer to a question
21 exactly on that point. Mr. Frazier
22 said -- and he said it in front of
23 the Warren Commission, "I myself
24 don't have any technical evidence
25 which would permit me to say one

1 way or the other."

2 I wonder if Mr. Dymond, if some unfor-
3 tunate thing happened either to he
4 or a member of his family, would
5 want his case investigated the way
6 the President's case was investi-
7 gated in Dealey Plaza. He would
8 be knocking our doors down wanting
9 something done about it. That is
10 what would happen, and yet he has
11 the gall to stand up here in front
12 of you gentlemen and state that I
13 and my fellow lawyers, counselors,
14 are un-American.

15 And how we treated poor Dr. Finck on the
16 stand.

17 You know, gentlemen, this is what I am
18 talking about in reference to a
19 smokescreen. He talked about every-
20 thing but what came from this wit-
21 ness stand. Mr. Dymond didn't make
22 reference to one witness, about his
23 testimony or their testimony in
24 regard to the 28-degree angulation.
25 Second, that it was mathematically

1 impossible for the gun to have
2 shot that fast, using the Zapruder
3 film. Number three, that the
4 bullets or one bullet --

5 MR. DYMOND:

6 If the Court please, I object to this.

7 The purpose of rebuttal is to
8 answer what I did say. Here
9 Counsel is getting up and arguing
10 about what I didn't say.

11 THE COURT:

12 The position is well taken. You can
13 rebut argument of Counsel. You are
14 restricted in that to rebutting his
15 argument.

16 MR. OSER:

17 Gentlemen, the State has presented to
18 you from this witness stand that
19 what happened in Dealey Plaza on
20 November 22, 1963, was that there
21 was a triangulation of fire, and
22 because we present our case, which
23 we are sworn to do by the oath that
24 I take as an Officer of the Court
25 and as a lawyer to present the evi-

1 dence, and because we do, he says
2 we are un-American, because we show
3 you from the witness stand what the
4 facts were and what happened result-
5 ing in this triangulation of fire.

6 We are un-American.

7 You know what he said, I guess insinuat-
8 ing about whether or not -- if you
9 don't like the country, you can
10 leave it.

11 Well, in answer to that statement,
12 gentlemen, let me tell you what
13 came from this witness stand about
14 triangulation of fire, and if Mr.
15 Dymond doesn't like it, then he
16 can lump it, because what came from
17 that witness stand is proof beyond
18 a reasonable doubt that there was
19 a triangulation of fire in Dealey
20 Plaza on November 22, 1963. We
21 showed it to you on the blackboard
22 with the 28-degree angulation. I
23 showed you on the blackboard that
24 it was impossible for that gun to
25 fire that fast and get off two

1 shots, using the Zapruder film.

2 I showed you on the blackboard that
3 the Governor and the President could
4 not have been hit by the same shot,
5 and you saw this Zapruder film and
6 you saw the reaction of the Presi-
7 dent when he was hit by a frontal
8 shot in the head, and that was that.

9 So, as I said before, gentlemen, a lot
10 of defense lawyers put this smoke-
11 screen up about whether or not the
12 State presented all its cases,
13 whether or not the witnesses lied,
14 and in this particular case he
15 wants you to forget all about
16 Dealey Plaza. That has no part
17 in this case whatsoever.

18 Well, it does. The State does have a
19 right to show what the culmination
20 or the end results were of a con-
21 spiracy that was hatched in New
22 Orleans, and you know what that
23 culmination was -- (demonstrating)
24 the triangulation of fire.

25 And who said it better, what happened

1 November 22, 1963, than Mrs. Gail
2 Newman? And she stated that they
3 were caught in a cross-fire.

4 THE COURT:

5 Mr. Alcock.

6 MR. ALCOCK:

7 May it please the Court:

8 Gentlemen of the Jury, it is now my
9 function to rebut the arguments
10 of Mr. Dymond, Defense Counsel in
11 this case.

12 I took down many notes during the course
13 of his argument, and I intend to
14 cover these matters just as quickly
15 as I can and still cover them
16 thoroughly enough to familiarize
17 you with the particular elements
18 involved.

19 We heard an awful lot of the unbeliev-
20 ability of the State's witnesses.
21 We heard an awful lot about the
22 State's witnesses coming forward
23 at the last minute.

24 Did Defense Counsel explain to you in
25 his argument how Perry Raymond

1 Russo could have known that the
2 Defendant was on the Nashville
3 Street wharf when the President
4 of the United States spoke there
5 in 1963 unless he had in fact seen
6 the Defendant on the wharf that
7 day? He didn't mention that one
8 time in his argument, and I don't
9 blame him, because there is no way
10 he could explain it other than the
11 fact that Perry Raymond Russo did
12 see the Defendant on the Nashville
13 Street wharf.

14 Is that corroboration of Perry Russo?

15 Certainly it is.

16 Did he mention the probability that
17 that mailman, this "old mailman"
18 as he termed it, would have de-
19 livered the letters to Clem
20 Bertrand -- another coincidence,
21 gentlemen -- the same name that
22 this man used during the conspir-
23 atorial meeting -- to a long-time
24 friend of the Defendant before the
25 Bar?

1 What are the probabilities of this man
2 delivering such letters to such a
3 man? Did he answer that for you?
4 He did not. Is this just another
5 coincidence, a long-time friend of
6 the Defendant, the Defendant's mail
7 going to that house? Did he cover
8 for you the implausible explanation
9 given by the Defendant that he
10 filed a cancellation of change of
11 address but did not file any orig-
12 inal change of address? He did
13 not. And again I don't blame him,
14 because he could not explain it to
15 you.

16 Did he say anything about Charles Spiesel
17 mentioning the fact that the couple
18 that owned the apartment were from
19 North Carolina, and that his Defen-
20 dant admitted knowing many people
21 in North Carolina? Is this just
22 another coincidence?

23 Did he explain to you how Perry Raymond
24 Russo on the last time he saw Lee
25 Harvey Oswald in the city of New

1 Orleans mentioned that Lee Harvey
2 Oswald said that he was going to
3 Houston, Texas, and his own wit-
4 ness, Ruth Paine, corroborated
5 Perry Raymond Russo when she said
6 the last thing Lee told her when
7 she left the city was that he was
8 going to either Philadelphia or
9 Houston, Texas? Was that explained
10 to you at all in Defense Counsel's
11 argument? I submit it was not.

12 As far as the Defendant's trip to the
13 West Coast, the fact that he knew
14 it before mid-September and cer-
15 tainly could have said it in this
16 meeting in mid-September, that he
17 was going to the West Coast -- is
18 this just another coincidence,
19 that Perry Raymond Russo would
20 know that the Defendant was going
21 to the West Coast of the United
22 States?

23 Gentlemen, we can only accept these
24 things as coincidences so long,
25 and then they become hard fact and

1 they give us a pattern.

2 And David Ferrie was in the public eye
3 in Houston, Texas. Did he mention
4 the fact that David Ferrie went to
5 the home of Lee Harvey Oswald on
6 Magazine Street in his argument?

7 No.

8 Did he mention the fact that Mrs. Jessie
9 Parker took a lie detector test on
10 whether or not she had --

11 MR. DYMOND:

12 Your Honor, I object to that. Counsel
13 well knows that that is not argu-
14 able evidence.

15 MR. ALCOCK:

16 That was in the record, Your Honor.

17 THE COURT:

18 What was the statement made?

19 MR. DYMOND:

20 About a woman taking a lie detector
21 test.

22 MR. ALCOCK:

23 That is in the record, Your Honor.

24 The results may not be, but it is
25 in the record.

1 THE COURT:

2 The Law Review article, the American Law
3 Review article states that it can-
4 not be made part of the record if
5 it got into the record -- if it
6 didn't get in by testimony, got in
7 by a statement of Counsel.

8 MR. ALCOCK.

9 Your Honor, I submit to the Court that
10 you allowed me to call Mr. Krubbe,
11 Captain Krubbe, who administered
12 the test.

13 THE COURT:

14 You didn't use the word "testimony,"
15 you used the word "interview." I
16 purposely told them not to use
17 the word "testimony."

18 MR. ALCOCK:

19 Well, gentlemen, I will leave it to
20 your memory and to your recollec-
21 tion of the testimony.

22 Did Counsel mention the fact that though
23 the trip to Oregon may have been
24 prearranged, there may have been
25 solicitation by the people in

1 Oregon to have the Defendant speak
2 before them? Did he mention the
3 fact that in the letter of Mario
4 Bermudez, that a friend of the
5 Defendant on behalf of the Defen-
6 dant was soliciting a speaking
7 engagement between the 21st of
8 November, 1963, and the 23rd of
9 November, 1963, and that date just
10 happened to be November 22, 1963,
11 the date on which the President,
12 or the former President, of the
13 United States, was shot down in
14 the streets of Dallas? Answer.
15 He mentioned to you, in passing,
16 the testimony of Clinton, Louisiana,
17 the eye-witness testimony in Clinton,
18 Louisiana, and read a passage from
19 a decision of the United States
20 Supreme Court. I submit that if
21 we had come before this Jury with
22 a wholly circumstantial case, with
23 no eye-witness identification, he
24 would have been up here screaming,
25 where are your witnesses, where

1 are the people who actually saw
2 the Defendant in person in the
3 presence of Lee Harvey Oswald and
4 David Ferrie? This is direct evi-
5 dence as opposed to circumstantial
6 evidence, and it is stronger evi-
7 dence, and Counsel knows it is
8 stronger evidence.

9 What is his answer to the identification
10 under oath of John Manchester? It
11 is 76 and cloudy in Clinton,
12 Louisiana.

13 What is his answer to the identification,
14 positive identification, of Corrie
15 Collins? It is 72 and raining in
16 Clinton, Louisiana.

17 There were two gentlemen that recalled
18 this incident because of the cool-
19 ness of the weather, and that was
20 the barber who left his door open
21 because it was unseasonably cool,
22 and Reeves Morgan, who was burning
23 some things in his fireplace be-
24 cause it was cool. And you heard
25 their witness testify that the

1 temperature went all the way down
2 to 60 degrees on some occasions.
3 So their answer to you is to dis-
4 regard this eye-witness testimony
5 because they brought this man in
6 with a temperature chart.

7 And, gentlemen, there was something
8 that struck me, as Mr. Dymond would
9 say, right between the eyes. He
10 got up and said it was an insult
11 to him personally as an Officer
12 of the Court because the State put
13 Charles Spiesel on the stand, and
14 I explained to you gentlemen that
15 you are entitled to all of the evi-
16 dence in this case, and the State
17 finds its witnesses where it can.

18 Has Charles Spiesel been convicted of
19 perjury? Has Charles Spiesel been
20 convicted of getting on a witness
21 stand and lying? He has not.

22 Has their witness, Dean Andrews, been
23 convicted of perjury? Not about
24 any subject but about the subject
25 of Clay Bertrand. And they have

1 the gall to infer that we abused
2 you by bringing Charles Spiesel
3 before you, and they put Dean
4 Andrews on the witness stand.

5 And then, gentlemen, I could not be-
6 lieve my ears -- and from the
7 murmur in the courtroom I think
8 there were many, many others, who
9 believed as I believed -- Mr.
10 Dymond would have you believe
11 that Dean Andrews rose from the
12 muck and mire of lies that he has
13 spun since 1963, and laid bare
14 his soul to this Jury and finally
15 told the truth, and I wrote some-
16 thing down at this time. Mr.
17 Dymond wants you to believe that
18 now he was telling the truth, and
19 I wrote down, "Now telling the
20 truth." Why? This man who admitted
21 he lied before the Warren Commission
22 under oath, "shot the bull" as he
23 put it, but lying nevertheless;
24 admitted he lied twice before the
25 Orleans Parish Grand Jury; and

1 this, gentlemen, is their witness,
2 and when they put a witness on this
3 stand, they vouch for his credi-
4 bility, his believability and his
5 truthfulness, and they have the gall
6 to assault the State and impugn the
7 State for putting Spiesel on the
8 stand. Was he convicted of perjury?
9 No. Was their witness convicted
10 of perjury? Yes.

11 MR. DYMOND:

12 Your Honor, we are going to object at
13 this point. Counsel knows very
14 well that the conviction about
15 which he talks is presently on
16 appeal and is not technically a
17 legal conviction until it is
18 final, and I think it is mislead-
19 ing the Jury.

20 THE COURT:

21 That is correct. It is on appeal as I
22 understand it.

23 MR. ALCOCK:

24 Well, that is correct, Your Honor, but
25 again, gentlemen, I will leave it

1 to you. A jury composed of men
2 such as yourselves found him guilty
3 of perjury.

4 But I could not believe that Mr. Dymond
5 would think that this man cleansed
6 his soul before this Jury, and now,
7 gentlemen, some five years later
8 has finally decided to tell the
9 truth, this man who is a habitual
10 liar, their witness.

11 I told you in my opening argument,
12 gentlemen, that Perry Raymond
13 Russo's appreciation of the con-
14 versation was not important. It
15 is your appreciation of the con-
16 versation that took place in the
17 presence of Lee Harvey Oswald,
18 participated in by Lee Harvey
19 Oswald, the Defendant, and David
20 Ferrie. He called it a "bull
21 session." How many "bull sessions"
22 did Lee Harvey Oswald participate
23 in here in the city of New Orleans
24 concerning the killing of the
25 President of the United States?

1 If nothing had ever happened as a
2 result of this conversation, if
3 none of the items brought up had
4 ever reached completion, there may
5 be an arguable point, but when the
6 Defendant ends up on the West Coast,
7 Ferrie ends up where he ended up,
8 Lee Oswald ends up in the Texas
9 School Book Depository and the
10 President of the United States is
11 killed by a triangulation of fire,
12 gentlemen, I submit that was a
13 conspiratorial meeting and he was
14 a conspirator to kill the President
15 of the United States.

16 And again when Russo saw Oswald for the
17 last time, he was going to Houston,
18 and their own witness confirmed
19 that.

20 And it is another interesting and curious
21 thing, gentlemen, it is like a two-
22 edged sword, it is like picking and
23 choosing. They want you to accept
24 Perry Russo's characterization of
25 this meeting as a "bull session,"

1 because he has got a college degree
2 in some law school, and yet they
3 want you to believe he is a com-
4 plete liar as far as the Defendant
5 being at that meeting.

6 You can't have it both ways. You can't
7 say, accept this man for this be-
8 cause it helps my case, but don't
9 accept him for this proposition
10 because it hurts my case.

11 Gentlemen, I certainly would not come
12 before this Jury and state un-
13 equivocally that Mr. Cobb was
14 lying to you, or even Miss Moore,
15 but I submit to you, gentlemen,
16 that to go back that far and to
17 recall three months and to be able
18 to come before a jury such as your-
19 selves and positively state that
20 this man was never away from work
21 is humanly impossible.

22 But there are some very curious things
23 about the testimony of both Miss
24 Moore and Mr. Cobb. Both of these
25 witnesses couldn't wait to inform

1 this Court and this Jury that after
2 working hours they did not know the
3 Defendant and had nothing to do
4 with him. It seems as if the De-
5 fendant led two lives, a veritable
6 Dr. Jekyll and Mr. Hyde. After
7 hours he consorted with the likes
8 of Lee Harvey Oswald and David
9 Ferrie. And, you know, there is
10 another curious thing to this case,
11 gentlemen. This man of this posi-
12 tion, this so-called pillar of
13 society, did not have one character
14 witness to take this stand and to
15 vouch for his good character, and
16 I find that rather curious and
17 rather strange.

18 The State never attempted to hide the
19 fact that Vernon Bundy was a user
20 of narcotics. Mr. Dymond wants
21 you to believe it was completely
22 implausible for this man to go to
23 the Lakefront to shoot narcotics,
24 and I submit to you, gentlemen, it
25 it is not as implausible as he

1 wants it to sound, because if I
2 am shooting narcotics and position-
3 ing myself on the seawall without
4 obstructions too close by, isn't
5 it obvious that I can see the
6 approach of any possible police
7 officer or any possible person who
8 would disturb me and deprive me of
9 my narcotics before I could throw
10 them into the water? I don't think
11 that was implausible at all.

12 Do you want to know what the other side
13 of the coin is? He is going to
14 shoot narcotics at home, risk the
15 fact that the police might arrive,
16 confiscate the narcotics and charge
17 everyone in the household with
18 possession of narcotics, including
19 his mother. Because there is con-
20 structive possession of narcotics
21 as well as direct possession of
22 narcotics, and his mother or who-
23 ever else was in the household,
24 including his brother, could just
25 as well have been charged with

1 possessing narcotics.

2 Mr. Dymond seemed to find not too much
3 fault with the testimony of Mr.
4 Hardiman other than the fact that
5 he said he must have been com-
6 pletely mistaken because he fell
7 for an old defense trick. The
8 name "Clem Bertrand" came to him,
9 because shortly after -- this is
10 no long period of time -- recall
11 this, gentlemen, that these letters
12 to Clem Bertrand were delivered in
13 the fall, the early fall of '66,
14 and the Defendant was arrested in
15 March, or March 1 in 1967, and the
16 name "Clem Bertrand" was flashed
17 locally and nationally, and this is
18 why he recalled it.

19 And again, gentlemen, what are the prob-
20 abilities of this man picking out
21 a house, not knowing that Jeff
22 Biddison was a close friend of
23 the Defendant's? Does this cor-
24 roborate again Perry Raymond Russo
25 when the name "Clem Bertrand" was

1 used? Mr. Dymond wants you to
2 believe that because the name was
3 used once in this conspiratorial
4 meeting, the Defendant would for-
5 ever forget this name and never
6 utter it in public again.

7 Well, I assume the Defendant didn't
8 write the letters to himself,
9 someone else was writing to him,
10 and we must remember that the
11 Warren Commission had reported --
12 we must remember that it was the
13 feeling that there was a lone
14 assassin and no one else was
15 involved. So the risk, gentlemen,
16 wasn't as great as Mr. Dymond wants
17 you to believe it was.

18 And again at this time, and in conjunc-
19 tion with the testimony of Mr.
20 Hardiman, the Defendant took the
21 stand and said he executed the
22 cancellation of the change of
23 address. And yet what was he
24 cancelling? Thin air, because he
25 said he never issued the original

1 change of address. And we know why
2 he cancelled that, we know why he
3 admitted to cancelling that, be-
4 cause it was right in this record
5 in print in black and white and he
6 couldn't get around it.

7 Mrs. Parker testified that she saw the
8 Defendant sign that book. She took
9 an oath and took the witness stand
10 and said she saw him sign the book.
11 Now, you have heard from two handwriting
12 experts. And I don't criticize
13 their expert for being from Washing-
14 ton, D.C., I don't criticize their
15 expert for having worked with the
16 Federal Government -- my father did
17 for a long time -- but I submit
18 that his testimony proved that he
19 had a fixed opinion before he even
20 examined it.

21 And here is another thing, and I elicited
22 this from him during cross-examina-
23 tion. Mr. Dymond wants you to
24 believe that the State's expert
25 did a hurry-hurry, rush-rush job,

1 but I specifically recall Mr. Appel
2 testifying that he made his judg-
3 ment after but two hours of analyza-
4 tion of the handwriting specimens,
5 and the State's witness testified
6 that it took her four hours to make
7 the analyzation, so I fail to see
8 here where the State's expert did
9 not perform an adequate analyzation
10 of that handwriting sample.

11 And there was another thing -- and I
12 certainly do not fault Mr. Cobb,
13 but we must remember that Mr. Cobb
14 was a witness in this case for the
15 Defense, and Mr. Cobb is the one
16 that contacted the handwriting
17 expert whom they placed on the
18 witness stand, and the mere fact
19 that this witness does not want
20 compensation does not in any way
21 make his opinion more weighty than
22 the opinion of one who is expecting
23 a fee in this case. If anything,
24 it should prove to you, gentlemen,
25 beyond any doubt that he had a

1 fixed opinion before he even
2 attempted to analyze that hand-
3 writing.

4 Mr. and Mrs. Tadin took the stand, and
5 Defense Counsel wants you to be-
6 lieve that Mrs. Tadin took the
7 stand solely and only because her
8 husband insisted she take the wit-
9 ness stand. She said that she
10 wasn't looking forward to coming
11 here, she didn't want to get in-
12 volved. And, unfortunately, gentle-
13 men, this is a malaise or sickness
14 that besets our society today. I
15 know that you are familiar with
16 examples of people not wanting to
17 get involved. But did she ever
18 testify from that witness stand
19 that she was not telling the truth,
20 that all she was doing was parroting
21 the words of her husband, that she
22 was forced to come up here and
23 testify? She testified -- in fact,
24 I asked her at the end of the testi-
25 mony whether she was telling the

1 truth, and, frankly, she was some-
2 what indignant at my question and
3 said, "Of course I am telling the
4 truth." She would not have taken
5 an oath and taken that witness
6 stand unless she was telling the
7 truth.

8 And here is something else you must
9 remember. Her husband knew the
10 Defendant before the Bar and
11 recognized him in the presence of
12 David Ferrie, and this is something
13 Mr. Dymond said they were going to
14 prove to you in the opening state-
15 ment, that his client never laid
16 eyes on either Lee Harvey Oswald
17 or David Ferrie.

18 And now we come to Perry Raymond Russo
19 and the much maligned Sciambra
20 memo.

21 Andrew Sciambra, the Assistant District
22 Attorney, went to Baton Rouge,
23 Louisiana, and interviewed Perry
24 Raymond Russo. During the course
25 of the conversation, Perry Raymond

1 Russo related the events that
2 transpired at 3330 Louisiana Avenue
3 Parkway, the conspiratorial meet-
4 ing. This was testified to by
5 Andrew Sciambra and Perry Raymond
6 Russo. This is not all in Mr.
7 Sciambra's memo, but if you will
8 recall his testimony, this was not
9 his first memorandum on the subject
10 but rather his second memorandum.
11 The first memorandum or the second
12 memorandum says something about the
13 Defendant, Clay Shaw, being on the
14 Nashville Street wharf in 1962, and
15 then in 1964 the Defendant is with
16 David Ferrie at David Ferrie's gas
17 station.

18 Gentlemen, why on earth would the Dis-
19 trict Attorney's Office for this
20 parish bring Perry Raymond Russo
21 down from Baton Rouge, Louisiana,
22 to New Orleans, Louisiana, to talk
23 to him if he had not related that
24 in fact there was this conspira-
25 torial meeting. What significance

1 would there have been by just the
2 Nashville Street wharf thing --
3 meeting -- or the Nashville Street
4 wharf presence of the Defendant
5 and the 1964 presence in a gas
6 station? Why would we have called
7 this man to our office had not in
8 fact Andrew Sciambra returned from
9 Baton Rouge and verbally conveyed
10 to Jim Garrison about the events
11 that transpired in that apartment
12 on Louisiana Avenue Parkway?

13 Mr. Phelan read this memorandum and
14 became upset over the absence of
15 the conspiratorial meeting in the
16 body of the memorandum, and I don't
17 necessarily disagree with the fact
18 that he became upset. At first
19 blush it looks somewhat alarming.
20 But who made the arrangements for
21 Mr. Phelan to go to Baton Rouge
22 and talk to Perry Raymond Russo?
23 And this is after Mr. Phelan had
24 expressed grave concern about this
25 omission in this memorandum. Andrew

1 Sciambra arranged for that meeting.
2 Does it seem likely or plausible to
3 you, gentlemen, that Andrew Sciambra
4 and Mr. Garrison would send this
5 man up there to confirm the fact
6 that it wasn't said? The District
7 Attorney's Office sent him up there
8 because they knew that Perry Russo
9 did say to Andrew Sciambra and did
10 relate the events in that meeting.

11 Now here is the most curious thing in
12 this case: They want you to be-
13 lieve Jim Phelan as to whether or
14 not Perry Russo said, "I did not
15 mention the conspiratorial meeting
16 until I got to New Orleans," and
17 this is what is curious about it.
18 You remember Mr. Phelan took the
19 witness stand and said, "I took
20 along Matt Herron, a photographer."

21 I asked Mr. Phelan, "Why did you take
22 Mr. Matt Herron along with you?"
23 "I took him along as a witness, as a
24 witness to what transpired."

25 Matt Herron was in there the entire time

1 according to the testimony of Mr.
2 Phelan.

3 The Defense, gentlemen, subpoenaed Matt
4 Herron (exhibiting document). This
5 is the return on the subpoena, and
6 on this side it reflects personal
7 service, which means that this
8 subpoena for this trial was physi-
9 cally put in the hands of Matt
10 Herron.

11 Now, why didn't the Defense call Matt
12 Herron? Why didn't they call this
13 man who was supposed to be Mr.
14 Phelan's witness to what took
15 place in Perry Russo's apartment?
16 I submit they didn't call him be-
17 cause he didn't corroborate Mr.
18 Phelan.

19 And as far as the point about how much
20 time it took Mr. Sciambra to com-
21 pose this memorandum, he said
22 approximately from seven to ten
23 days. Counsel makes much of the
24 fact that there were not that many
25 days between the date the memorandum

1 is dated, the 27th, and the 5th of
2 March or whenever it was that Jim
3 Phelan saw Jim Garrison in Las
4 Vegas.

5 And I remind you again this was not the
6 first memorandum but the second
7 memorandum.

8 And now, gentlemen, Jim Phelan came
9 back on the scene of this case in
10 the employ of NBC, the National
11 Broadcasting Corporation, in May
12 of 1967, or approximately that
13 time, came to the city of New
14 Orleans to compose this white
15 paper, came to talk to a man who
16 testified in the preliminary hear-
17 ing, who had already given his
18 testimony under oath and who was
19 obviously a witness or to be a
20 witness in this case, that you
21 gentlemen have heard.

22 I want to ask you this one question:

23 Was Mr. Phelan a law enforcement
24 officer? Was Mr. Phelan or NBC
25 working for the Defense? They say

1 not. Mr. Dymond made much about
2 the scavengers who wanted to make
3 money on the death of our President.
4 Well, what about NBC? What about
5 those scavengers that came down
6 here and attempted to suggest to
7 a State witness that he was wrong?
8 Not only did they attempt to
9 suggest it but they suggested a
10 possible name of another person
11 that he might have misidentified
12 the Defendant for.

13 Now what are they saying in effect,
14 gentlemen? They are the Judge and
15 Jury. NBC is going to decide
16 whether this man is guilty or
17 innocent, they are not going to
18 leave it to a jury such as your-
19 selves. They are going to make
20 that decision, they are going to
21 come down here and wreck the
22 State's case because they believe --
23 they believe -- they don't trust
24 the Jury composed of a cross-section
25 of citizens of this city. I say

1 thank God that we have the jury
2 system and a jury such as your-
3 selves. I don't want NBC passing
4 upon my innocence or guilt at any
5 time, because they have got that
6 old dollar motive. They are
7 scavengers, and they tampered
8 with the State's case because they
9 didn't think you were proper or
10 worthy to pass upon the innocence
11 or guilt of this man.

12 Gentlemen, I feel that I have covered
13 essentially most of the main
14 points that Defense Counsel brought
15 out in his argument, and I don't
16 intend to keep you much longer. I
17 just ask you to bear in mind what
18 the State has proven in this case
19 from that witness stand, how it
20 has shown, gentlemen, that within
21 four hours of this case the Defen-
22 dant was proven a liar and unworthy
23 of your belief; how it was shown
24 that he conspired with David Ferrie
25 and Lee Harvey Oswald to kill the

1 President of the United States.

2 And when I sit down, gentlemen, and
3 when I stop talking -- and cer-
4 tainly my talking to you now is
5 insignificant, because it is your
6 voices that are the most important,
7 and I do concur with Mr. Dymond,
8 this is certainly an important
9 case. Thank God it got to a jury
10 such as yourselves despite the
11 efforts of the Jim Phelans, the
12 Walter Sheridans, and the Frieds
13 of NBC, because this is where it
14 belongs, and whatever your verdict
15 is, you have got the right to make
16 that verdict, a verdict which
17 squares with your conscience, and
18 I submit to you, gentlemen, when
19 this case is considered in its
20 entirety and you consider the co-
21 incidences, the many coincidences
22 that keep cropping up in this case,
23 the firm testimony under oath in
24 this case, I feel sure, gentlemen,
25 that when you deliberate and

1 consider this that you will return
2 a just verdict, and that is what
3 I am asking for. Whatever that
4 verdict be, make it a just verdict,
5 and I feel that that verdict should
6 be "Guilty as charged."

7 Thank you.

8 THE COURT:

9 Do I understand, Mr. Garrison, that you
10 wish to address the Jury?

11 MR. GARRISON:

12 Yes.

13 THE COURT:

14 You may proceed.

15 MR. GARRISON:

16 May it please the Court:

17 Gentlemen of the Jury, I am not going
18 to dignify Mr. Dymond's personal
19 inferences about my staff, because
20 I think you have seen them for
21 some days and I think you have
22 seen me here, and I will leave it
23 to your judgment whether or not
24 we would take advantage of any
25 human being in order to try and

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get any gain of any sort; and I will address myself to the remaining issue of the case which have been posed by Mr. Dymond.

Now I know you are very tired and you have been very patient, and this final day has been a long day, so I will speak only a few minutes and I will probably make one of the shortest closing arguments that has been made in this court, because I think most of the issues are clear to you and I feel that you probably have an understanding of the case by now.

But Mr. Dymond has posed in his last argument one final issue which in a sense raises a question of what we do when the need for justice is confronted by power.

So let me talk to you about whether there is government fraud in this case. Now, a government is a great deal like a human being: It is not necessarily all good, and it is not

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1 necessarily all bad. We live in
2 a good country, and I love it and
3 you do, too, but we have neverthe-
4 less a government which is not
5 perfect, and there have been indi-
6 cations since November 22 of 1963 --
7 and that was not the last indication
8 -- that there is excessive power in
9 some areas of our government -- and
10 that the people have not received
11 all of the truth about some of the
12 things that have happened, some of
13 the assassinations that have
14 occurred, and particularly with
15 regard to the assassination of
16 John Kennedy.

17 Going back to when we were children, I
18 think most of us, probably all of
19 us here in this courtroom, felt
20 that justice came into being auto-
21 matically, that virtue was its own
22 reward and good would triumph over
23 evil, that it occurred automatically.
24 And later when we found that it
25 wasn't quite so, most of us felt

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1 that, hopefully, that at least
2 justice occurred frequently of its
3 own accord, but now I think that
4 almost all of us would have to
5 agree that there is really no auto-
6 matic machinery, not on this earth
7 at least, which causes justice to
8 happen automatically. Men have to
9 make it occur, individual human
10 beings have to make it occur, other-
11 wise it doesn't come into existence,
12 and this is not always easy. As a
13 matter of fact, it is always hard,
14 because justice presents a threat
15 to power, and in order to make
16 justice come into being you often
17 have to fight power.

18 Mr. Dymond raised the question: Why
19 don't we say it is a fraud and
20 charge the Government with fraud,
21 if this is the case?

22 Well, then let me be explicit and make
23 myself very clear on this point.

24 The Government's handling of the investi-
25 gation of John Kennedy's murder

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1 was a fraud, it was the greatest
2 fraud in the history of our country,
3 it was probably the greatest fraud
4 ever perpetrated in the history of
5 humankind.

6 So that is where I stand on that point.

7 But that doesn't mean that we have
8 to accept the continued existence
9 of the kind of government which
10 allows this to happen. We can do
11 something about it. We are not
12 forced to either leave this
13 country or accept the authoritarian-
14 ism that is developed, which tells
15 us that in the year 2039 we can
16 see the evidence about what
17 happened to John Kennedy.

18 The government does not consist only
19 of secret police and domestic
20 espionage operations and generals
21 and admirals, the government con-
22 sists of people. The government
23 consists of people, and our Govern-
24 ment consists of juries. And cases
25 of murder, whether of the poorest

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1 individual or the most distinguished
2 citizen in the land, should be
3 looked at openly in a court of law
4 where juries can pass on them, and
5 not hidden, not buried like the
6 body of the victim beneath concrete
7 for 75 years.

8 Now, you men in recent weeks have heard
9 witnesses that no one else in the
10 world has heard, and you have seen
11 the Zapruder film. You have seen
12 what happened to your President,
13 and I suggest to you that most of
14 you know right now that in that
15 area at least a fraud has been
16 perpetrated.

17 That does not mean that our Government
18 is entirely black, and I want to
19 emphasize that. It doesn't mean
20 that the President is bad, it
21 doesn't mean that the Supreme Court
22 is bad. It does mean that in recent
23 years, through the development of
24 excessive power, because of the
25 cold war, forces have developed

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1 in our Government over which there
2 is no control, and these forces
3 have an authoritarian approach to
4 justice, meaning they will let you
5 know what justice is.

6 Well, my reply to them is, we already
7 know what it is. It is the jury
8 system. In the issue which is
9 posed by the Government's conduct
10 in concealing the evidence in this
11 case, in the issue of humanity as
12 posed to power, I have chosen
13 humanity, and I will do it without
14 any hesitation, and I hope every
15 one of you will do the same, and I
16 do that because I love my country
17 and I want to communicate to the
18 Government that we will not accept
19 unexplained assassinations with
20 the casual information that if we
21 live 75 years longer we may be
22 given more data.

23 In this particular case, our efforts to
24 look into it -- and it was our duty
25 when we found out that part of the

1 assassination planning occurred in
2 New Orleans -- massive power was
3 brought to bear to prevent justice
4 from ever coming into this court-
5 room as it has. The power to make
6 authoritative pronouncements, the
7 power to manipulate the news media
8 by the release of false information,
9 the power to interfere with an
10 honest inquiry, the power to pro-
11 vide an endless variety of experts
12 to testify in behalf of power, was
13 demonstrated in this case. The
14 American people have yet to see
15 the Zapruder film. Why? The
16 American people have yet to see
17 and hear from witnesses about the
18 assassination. Why?

19 Because today in our Government we have
20 a problem area in which too much
21 emphasis is given to secrecy with
22 regard to the assassination of our
23 President, and not enough emphasis
24 has been given to the question of
25 justice, to the question of humanity.

1 These dignified deceptions will not
2 suffice. We have had enough of
3 power without truth. We don't
4 have to accept power without
5 truth or leave the country. I
6 don't accept that alternative. I
7 don't intend to leave the country,
8 and I don't intend to accept power
9 without truth. I intend to fight
10 for the truth, and I suggest that
11 not only is this not un-American
12 but it is the most American thing
13 we can do, because if the truth
14 does not endure then our country
15 will not endure -- not in the way
16 it was supposed to. In our country
17 the worst of all crimes is when the
18 government murders truth. If it
19 can murder truth, it can murder
20 freedom. If it can murder freedom,
21 it can murder your own sons if they
22 should dare to fight for freedom,
23 and then announce that they were
24 killed in an industrial accident
25 or shot by the enemy, or God knows

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1 what.

2 But in this case finally it has been
3 possible to bring the truth about
4 the assassination into a court of
5 law, not before a commission com-
6 posed of important and powerful
7 and politically astute men, but
8 before a jury of citizens.

9 Now I suggest to you that yours is a
10 hard duty, because in a sense what
11 you are passing on is equivalent
12 to a murder case. It has the same
13 essential characteristics, and the
14 difficult thing about passing on a
15 murder case is that the victim is
16 out of your sight and buried a long
17 distance away, and all you can see
18 is the defendant, and it is very
19 difficult to identify with someone
20 you can't see; and sometimes it is
21 hard not to identify to some extent
22 with the defendant and his problems.

23 In that regard, every prosecutor who is
24 at all humane, is conscious of feel-
25 ing sorry for the defendant in every

1 case he prosecutes. But he is not
2 free to forget the victim who lies
3 buried out of sight, and I suggest
4 to you that if you do your duty you
5 also are not free to forget the
6 victim who is buried out of sight.

7 You know, Tennyson once said that author-
8 ity forgets the dying king. This
9 was never more true than in the
10 murder of John Kennedy. The strange
11 and deceptive conduct of the Govern-
12 ment after his murder began while
13 his body was warm and has continued
14 for five years. In a sense, you
15 have seen in this courtroom indi-
16 cations of the interest of some
17 part of the government power struc-
18 ture in keeping the truth down, in
19 keeping the grave closed.

20 We presented a number of eye-witnesses,
21 as well as an expert witness, as
22 well as the Zapruder film, to show
23 that the fatal wound of the Presi-
24 dent came from the front. A plane
25 landed from Washington and out

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1 steps Dr. Finck for the defense,
2 to counter the clear and apparent
3 evidence of a shot from the front.
4 I don't have to go into Dr. Finck's
5 testimony in detail for you to see
6 that it simply did not correspond
7 with the facts. He admitted that
8 he did not complete the autopsy
9 because a general told him not to
10 complete the autopsy.

11 Now, in this conflict between power and
12 justice -- to put it that way --
13 just where do you think Dr. Finck
14 stands? A general, who was not a
15 pathologist, told him not to com-
16 plete the autopsy, so he didn't
17 complete it. This is the way I
18 don't want my country to be. When
19 our President is killed, he deserves
20 the kind of autopsy that the ordi-
21 nary citizen gets every day in the
22 state of Louisiana. We can't have
23 government power suddenly inter-
24 jecting itself and preventing the
25 truth from coming to the people.

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1 But in this case, before the next
2 morning when the sun rose, power
3 had moved into the situation and
4 the truth was being concealed.
5 And five years later in this court-
6 room it is continuing in the same
7 way.

8 We presented eye-witnesses who told you
9 of the shots coming from the grassy
10 knoll. A plane landed from Washing-
11 ton and out came ballistics expert
12 Frazier for the defense.

13 MR. DYMOND:

14 Object to this, if the Court please.

15 Mr. Frazier was subpoenaed here
16 as a State witness.

17 THE COURT:

18 He testified for the Defense. He was
19 called by the Defense, Mr. Dymond.

20 MR. DYMOND:

21 He was subpoenaed here from Washington
22 as a State witness.

23 THE COURT:

24 It makes no difference who subpoenaed
25 him; it is who put him on the

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1 and most of you probably have in
2 the Service -- you were shooting
3 rifles in which the bullet traveled
4 faster than the speed of sound, and
5 I ask you to recall if you ever
6 heard a sonic boom. If you remember
7 when you were on the firing line
8 and they would say, "Ready on the
9 left, ready on the right, ready on
10 the firing line, commence firing,"
11 you heard the shots coming from
12 the firing line to the left of
13 you and to the right of you, and
14 if you had heard, as the result of
15 Frazier's fictional sonic booms,
16 firing coming at you from the pits,
17 you would have had a reaction and
18 you would still remember it. It
19 simply doesn't exist. It is a
20 part of the fraud, a part of the
21 government fraud, and the best way
22 to make this country the kind of
23 country it is supposed to be is to
24 communicate to the government that
25 no matter how powerful it may be,

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1 we do not accept fraud, we do not
2 accept false announcements, we do
3 not accept the concealment of evi-
4 dence with regard to the murder of
5 President Kennedy.

6 Who is the most believable -- a Richard
7 Randolph Carr seated here in a
8 wheelchair and telling you what
9 he saw and what he heard and how
10 he was told to shut his mouth, or
11 Mr. Frazier with his sonic booms?

12 Do we have to actually reject Mr. Newman
13 and Mrs. Newman and Mr. Carr and
14 Roger Craig, and the testimony of
15 all those honest witnesses --
16 reject that and accept the fraudu-
17 lent Warren Commission, or else
18 leave the country?

19 I suggest to you that there are other
20 alternatives, and one of them has
21 been put in practice in the last
22 month in the State of Louisiana,
23 and that is to bring out the truth
24 in a proceeding, where attorneys
25 can cross-examine, where the

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1 defendant can be confronted by
2 testimony against him, where the
3 rules of evidence are applied,
4 and where a jury of citizens can
5 pass on it, and where there is no
6 government secrecy, where you do
7 not have evidence concealed for
8 75 years in the name of national
9 security.

10 All we have in this case are the facts --
11 facts which show that the defendant
12 participated in the conspiracy to
13 kill the President, and that the
14 President was subsequently killed
15 in ambush.

16 The reply of the defense has been the
17 same as the earlier reply of the
18 government in the Warren Commission,
19 has been authority, authority, the
20 President's seal outside of a
21 volume of the -- each volume of the
22 Warren Commission, made necessary
23 because there is nothing inside of
24 these volumes. Men of high position
25 and prestige sitting on a board and

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1 announcing the results to you but
2 not telling you what the evidence
3 is, because that has to be hidden
4 for 75 years.

5 You heard in this courtroom in recent
6 weeks eye-witness after eye-witness
7 after eye-witness, and, above all,
8 you saw an eye-witness which was
9 indifferent to power -- the Zapruder
10 film. The lens of the camera is
11 indifferent to power, and it tells
12 you what happened, and that is one
13 of the reasons two hundred million
14 Americans have not seen the Zapruder
15 film. They should have seen it
16 many times. They should know
17 exactly what happened. They should
18 know what you know now. Why hasn't
19 this come into being if there hasn't
20 been government fraud? Of course
21 there has. But I am telling you
22 that I think we can do something
23 about it. I think that there are
24 still enough Americans left in this
25 country to make it continue to be

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1 America. I think that we can still
 2 fight authoritarianism: the govern-
 3 ment's insistence on secrecy, the
 4 government force used in counter-
 5 attacks against an honest inquiry;
 6 and when we do that we are not being
 7 un-American, we are being American,
 8 because it isn't easy, and you are
 9 sticking your neck out in a rather
 10 prominent way, but it has to be
 11 done, because truth does not come
 12 into being automatically. Justice
 13 does not happen automatically.

14 Individual men, like the members
 15 of my staff here, have to work and
 16 fight to make it happen, and indi-
 17 vidual men like you have to make
 18 justice come into being, because
 19 otherwise it doesn't happen.

20 And what I am trying to tell you is that
 21 there are forces in America today,
 22 unfortunately, which are not in
 23 favor of the truth coming out about
 24 John Kennedy's assassination. As
 25 long as our government continues

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1 to be like that, as long as such
2 forces can get away with these
3 kind of actions, then this is no
4 longer the country in which we
5 were born.

6 The murder of John Kennedy was probably
7 the most terrible moment in the
8 history of our country. Yet circum-
9 stances have placed you in the posi-
10 tion where not only have you seen
11 the hidden evidence, but you are
12 actually going to have the oppor-
13 tunity to bring justice into the
14 picture for the first time.

15 Now, you are here sitting in judgment
16 on Clay Shaw, but you as men repre-
17 sent more than jurors in an ordinary
18 case, because of the victim in this
19 case. You represent, in a sense,
20 the hope of humanity against govern-
21 ment power. You represent humanity
22 which yet may triumph over excessive
23 government power, if you will cause
24 it to be so in the course of doing
25 your duty in this case.

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1 I suggest that you "ask not what your
2 country can do for you but what
3 you can do for your country."

4 What can you do for your country? You
5 can cause justice to happen for
6 the first time in this matter.
7 You can help make our country
8 better by showing that this is
9 still a government of the people;
10 and if you do that, as long as you
11 live nothing will ever be more
12 important than that.

13 Thank you.
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