

2007

AFTERNOON OF FEBRUARY 6, 1969

DYMOND'S OPENING STATEMENT

THIS VOLUME IS FOLLOWED BY AN
ALREADY TRANSCRIBED VOLUME ^(2008 Clinton Witnesses) OF
133 PAGES, TO THE END OF THE
AFTERNOON OF THE FIRST DAY.

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1 . . . Pursuant to the recess, the proceed-
2 ings herein were resumed at 1:40 o'clock p.m.,
3 appearances being the same as heretofore
4 noted in the record

5 THE COURT:

6 Gentlemen, I have been requested by Mr.

7 Bob Jones, representing the news
8 media, all angles of it, to take
9 a short recess after Mr. Dymond
10 makes his opening remarks. I told
11 them I would comply with that re-
12 quest.

13 (Jury returned to the box.)

14 THE COURT:

15 Are the State and the Defense ready to
16 proceed?

17 MR. ALCOCK:

18 We are ready.

19 MR. DYMOND:

20 The Defense is ready.

21 THE COURT:

22 Make a note that the Jury is in panel,
23 the Defendant present, and both
24 sides ready to proceed.

25 The status of the case is that the State

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1 has made their opening remarks, and
2 it is the option of the Defense
3 whether they wish to make an open-
4 ing statement or not.

5 MR. DYMOND:

6 May it please Your Honor:

7 Gentlemen of the Jury, as Judge Haggerty
8 has stated, the Defense is not
9 required to make an opening state-
10 ment in criminal court, but it does
11 have that right. We are here exer-
12 cising that right, and while we do
13 not intend to set forth in this
14 opening statement every detail of
15 the defense which we intend to pre-
16 sent, there are certain salient
17 facts in connection with that de-
18 fense which I feel should be men-
19 tioned at this time.

20 THE COURT:

21 Just a second, Mr. Dymond.

22 I notice the reporters straining back
23 there. Would it inconvenience you
24 to take that microphone and hold it
25 up? I think it is a movable micro-

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phone.

MR. DYMOND:

Your Honor, I would rather not carry a microphone around with me. If they want to set one up here, that is all right.

THE COURT:

Set it up.

MR. DYMOND:

Gentlemen, let me say here and now that we are not here to defend the findings of the Warren Commission. In our humble opinion, that is not this case at all, and should not and is not to be confused with the issues in this case. We have neither the inclination nor the desire, nor did we have the money to try to do that. The Warren Commission interviewed some 25,000 witnesses, and we certainly did not have the resources to undertake any such thing as that.

In opening, let me say that although the defendant in a criminal case is not called upon to prove anything, it

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1 is our intention to prove to you
2 that not only did Clay Shaw not
3 engage in a conspiracy with David
4 Ferrie and Lee Harvey Oswald to
5 assassinate President Kennedy, but
6 that he never knew nor ever laid
7 eyes on either of these two indi-
8 viduals.

9 Now, it is our intention in the defense
10 of this case to strike at the very
11 core of the State's case, that is,
12 the alleged conspiratorial meeting
13 between David Ferrie, Lee Harvey
14 Oswald, and Mr. Clay Shaw (indi-
15 cating).

16 We will show you that this alleged meet-
17 ing was never even conceived until
18 after the death of David Ferrie,
19 the last living barrier between the
20 State's hand-picked Defendant here
21 and the tragedy of this prosecution.
22 When David Ferrie died, the roaches
23 came out of the woodwork.

24 Now, in a case of this kind when you are
25 called upon to prove a negative,

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1 which we in effect are, there are
2 two courses of action that can be
3 taken by a defendant ordinarily.
4 One is to prove that he was else-
5 where at the time of the alleged
6 happening.

7 Let me say now that this would be impos-
8 sible. First of all, never at any
9 stage of these proceedings has the
10 State seen fit to set forth any
11 precise date upon which this meet-
12 ing is supposed to have taken place,
13 and even if they had done that, Mr.
14 Shaw would have been called upon to
15 go back three and a half years and
16 account for his whereabouts at a
17 particular time. I don't have to
18 tell you the impossibility of doing
19 such a task as that.

20 The other alternative that a defendant
21 has is to prove that whoever said
22 that he was at such a meeting or
23 committed such an act lies. And,
24 gentlemen, I stand here now and
25 tell you that we will prove that

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the man who claims this, Perry
Raymond Russo, is a liar, a notoriety-
seeking liar whose name does not
deserve to be mentioned in the same
sentence with honesty, justice, and
propriety. We will prove that to
you gentlemen.

Now, gentlemen, I think that at this
stage it would be well for us to go
into the history of Perry Raymond
Russo's rise from obscurity to fame.

MR. ALCOCK:

Your Honor, I am going to object at this
time. This is more an argument than
an opening statement. They are not
outlining the proof that they will
attempt to adduce during the course
of their trial. This is going be-
yond an opening statement.

MR. DYMOND:

If the Court please, I intend to prove --

THE COURT:

I will be glad to hear from you, Mr.
Dymond, but it is bordering on
argument rather than a bird's eye

view of what you hope to prove.

MR. DYMOND:

If the Court please, I said I intend to
prove Perry Raymond Russo is a liar
and --

THE COURT:

That is going to some other matter.

MR. DYMOND:

I am trying to --

THE COURT:

That is going into history.

MR. DYMOND:

Certainly. It is going into the history
of his participation in this case
and pointing out the individual's
history which we intend to prove.

THE COURT:

It is argumentative. I agree that it is
argumentative.

MR. DYMOND:

Your Honor, I am not permitted to present
what evidence I can present to show
this man is lying? Is that your
ruling?

THE COURT:

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1 My ruling is that you can't argue.

2 MR. DYMOND:

3 I am not going to argue.

4 THE COURT:

5 Present whatever you intend to prove.

6 MR. DYMOND:

7 I will say what evidence I intend to
8 prove.

9 THE COURT:

10 You may proceed.

11 MR. DYMOND:

12 We will begin from Perry Russo's first
13 entrance into this case, gentlemen.

14 A few days after the death of David
15 Ferrie, Russo wrote a letter to the
16 District Attorney saying that he
17 knew David Ferrie and some of his
18 friends, "and I am willing to tell
19 you what I know about them."

20 That was Move Number One that we will
21 prove.

22 The following day, which was February 24,
23 1967, Perry Russo was interviewed
24 by a reporter by the name of Bill
25 Bankston who works for the Baton

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1 Rouge State Times, in Baton Rouge.

2 Russo we will show later told a
3 witness that this interview lasted
4 approximately 45 minutes, and that
5 he granted it because he wanted to
6 get down with somebody everything
7 that he knew about the case. We
8 will show that in this interview on
9 February 24 with Bill Bankston,
10 Perry Raymond Russo did not mention
11 Clay Shaw, Clay Bertrand, Clem
12 Bertrand, nor any conspiratorial
13 meeting.

14 We will show that when Mr. Bankston's
15 story appeared in the Baton Rouge
16 State Times, the reporters more or
17 less converged on Russo. He was
18 interviewed by at least three news-
19 men in Baton Rouge. To none of
20 these three newsmen did Perry Raymond
21 Russo mention anything about Clay
22 Shaw, Lee Harvey Oswald, Clay Ber-
23 trand or Clem Bertrand, nor did he
24 say a word about an alleged conspir-
25 atorial meeting.

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1 That gets us up to February 24.

2 Then on the next day, February 25, 1967,
3 we will show that Mr. Sciambra,
4 Assistant District Attorney parti-
5 cipating in this case, went to Baton
6 Rouge to interview Perry Raymond
7 Russo; that the interview lasted in
8 the neighborhood of three to three
9 and a half hours; that Mr. Sciambra
10 returned to New Orleans, and on
11 February 27, two days later, wrote
12 a memorandum consisting of approxi-
13 mately 3,500 words, reporting to
14 Jim Garrison, the District Attorney,
15 the information which he had gotten
16 from Russo.

17 We will show, gentlemen, that nowhere in
18 the report of this interview is
19 there any mention of Clem Bertrand,
20 Clay Shaw, a conspiratorial meeting
21 -- nothing whatsoever! We will show
22 that this man, Russo, was asked by
23 Mr. Sciambra whether he had ever
24 seen Clay Shaw. He was shown a
25 picture of Clay Shaw. He said, "Yes,

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I have seen him twice, once at the Nashville Avenue wharf and once in an automobile at David Ferrie's filling station" -- no mention, gentlemen, being made of any contention that he had seen him at a conspiratorial meeting at David Ferrie's apartment, no mention whatsoever of the very heart of this case against Clay L. Shaw, that is, a meeting between Mr. Shaw, Ferrie, and Oswald, wherein a conspiracy to kill President Kennedy was hatched. It will show none of those things.

Shortly after the memorandum of February 27, which was based on the February 25 interview, Perry Raymond Russo testified in the preliminary hearing in connection with this case, giving a very vivid description of a conspiratorial meeting, placing Clay Shaw there, saying that he had seen Shaw three time now -- once at the Nashville Avenue wharf, once at Ferrie's filling station, and at

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1 this conspiratorial meeting. That
2 came out in the preliminary hearing.

3 Now, after the preliminary hearing, and,
4 more specifically, on March 21, 1967,
5 Perry Raymond Russo admitted to a
6 reporter for a nationally syndicated
7 magazine that the first time that he
8 had ever mentioned this alleged
9 conspiratorial meeting was after he
10 came down here to New Orleans, after
11 he had given a 3,500-word account
12 of what he knew to Mr. Sciambra.

13 These things, gentlemen, will be shown
14 to you by competent evidence.

15 Now, in April of 1967 this reporter,
16 noting the peculiarities of Russo's
17 statements, had many conversations
18 with him during this month of April.
19 We will show that during one of
20 these conversations Russo told this
21 man in effect these words: "If
22 Garrison knew what I told my priest
23 after the hearing, he would go
24 through the ceiling." The reporter
25 didn't press him, but the man went

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1 on and volunteered what he had told
2 his priest. He told the priest that
3 he would like to get alone with Mr.
4 Shaw in a room and hear him -- in
5 his words "talk and breathe, so that
6 I can resolve some of the doubts
7 that are in my mind about his iden-
8 tification."

9 When this was told to the reporter,
10 gentlemen, we will show you that the
11 reporter volunteered to set up such
12 a meeting, and did tentatively
13 arrange such a meeting between the
14 Defendant Clay Shaw and Perry Ray-
15 mond Russo. We will show that at
16 the last minute Perry Raymond Russo
17 cancelled the plans for this meeting,
18 telling the reporter that he was
19 afraid to participate in it because
20 if Garrison ever heard about it he
21 would hit the ceiling.

22 We will then show that later on Perry
23 Russo admitted to this reporter,
24 "I have lied to you about why I
25 didn't go through with the meeting.

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I was afraid to get with Mr. Shaw
for fear I would find out that I
was mistaken." He said, "If I
should find that out, I don't know
what I could do. I could go to
Mexico, I could go to California
and become a beatnik, but I couldn't
run away from myself."

So he would not go through with this
meeting.

Later on this same reporter had a conver-
sation with Russo in which Russo
admitted to him that he does not
know the difference between truth
and fantasy. We will prove that by
the testimony of a competent witness.

The final meeting that this reporter had
with Perry Russo was on May 28, 1967,
here in New Orleans. At this meet-
ing the reporter pointed out to
Russo the many inconsistencies in
his statements, the past things
that Russo had said to him, and
Russo replied, "I can't argue with
any of that. It has been bouncing

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1 around in my head, but I don't know
2 what to do. I have no way out
3 without getting clobbered. If I
4 stick to my story, Shaw and the
5 lawyers will get me, and if I change
6 my story, Garrison will ruin me."

7 We will show you, Gentlemen of the Jury,
8 that that is the type of witness
9 with which the State hopes to prove
10 this conspiratorial meeting.

11 There is another witness whose name was
12 mentioned in connection with an
13 alleged happening on the New Orleans
14 Lakefront. I am going to generalize
15 on this witness and merely assure
16 you that we will show to you and
17 prove to you that this witness is
18 totally unworthy of belief by any
19 jury or anyone else, and certainly
20 not the type of person on whom any
21 conviction of any kind could ever
22 be based.

23 Now, gentlemen, there are other witnesses
24 who will be presented, to whom Russo
25 has made admissions as to the

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falsity of his testimony. They will
be presented to you during the course
of this trial.

Now, in closing, I would like to touch
briefly upon three of the alleged
overt acts. I say three of them,
because two of them are necessarily
embodied in the Russo contention
which I feel has been adequately
covered. The overt acts to which
I have reference are, first, the
trip by Mr. Clay L. Shaw to the
West Coast of the United States.

Let me say here and now that we will not
try in any way to dispute the fact
that this trip was taken. It was
taken. We will present evidence
to you that this trip was taken
in the course of Mr. Shaw's employ-
ment. He went on a speaking engage-
ment for the World Trade Conference,
not at his solicitation but at the
solicitation of the person in charge
of arranging speakers at this World
Trade Conference.

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In this connection we will further point
out that as the State contends
there was need for an alibi for Mr.
Shaw, there is no way in the world
of feeling that an alibi could be
necessary. We will show that he
was employed at the Trade Mart and
engaged in his occupation every day,
associating with upper echelon
people who could certainly account
for his whereabouts at any time.
We will next get onto the trip by David
Ferrie to Houston on the night of
the assassination. Actually we
will show you that had David Ferrie
wanted an alibi, he went from a
real good alibi to a not so good
alibi. David Ferrie on the day of
the assassination was actively
engaged, as we will prove to you,
as an investigator on the staff of
G. Wray Gill, a local attorney who
was handling the case of the United
States versus Carlos Marcello. We
will show that it had been a pro-

longed case, that Mr. Ferrie had
been in attendance at that case.

The case ended on the day of the
assassination, and what better wit-
ness as to his whereabouts than a
Federal Judge and Federal Court
first of all. We will show that
Ferrie went to a party after the
Marcello case ended on that day.
We will also show that there was
no way of telling when the case
would end.

With respect to the overt act concerning
Oswald taking the gun from the
residence of Mrs. Paine to the Book
Depository in Dallas, gentlemen, it
is our sincere belief that there is
no need whatsoever for us to go into
this. Clay Shaw, as we will prove
to you, did not even know Lee Harvey
Oswald. It is our firm and sincere
contention that what went on in
Dallas, Texas, had nothing to do
with this case.

Before closing, I would merely like to

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remind you gentlemen that we are
not trying the Warren Report in
this courtroom, and I will ask that
you be careful, scrutinize yourselves
so as not to permit the pageantry of
the presentation of evidence con-
cerning what happened in Dealey
Plaza to obscure the actual issues
in this case. I implore you to be
careful about that, and I feel con-
fident that after having heard all
of the evidence, your one alternative
will be a verdict of not guilty.

Thank you.

THE COURT:

Now, Sheriff, take the Jury upstairs.
At the request of Mr. Jones, I am
going to take a ten-minute recess.
We will reconvene at 2:15. Take
the Jury upstairs.

(Whereupon, a brief recess was taken.)

AFTER THE RECESS:

(Jury returned to the box.)

THE COURT:

Are the Defense and the State ready to

proceed?

MR. DYMOND:

We are ready.

MR. ALCOCK:

The State is ready.

THE COURT:

Mr. Dymond, I notice Article 765 of the
Code of Criminal Procedure states:

"The normal order of trial shall be as
follows:

"Number 1. The selection and swearing
of the jurors.

"Number 2. Reading of the indictment.

"Number 3. Reading of the defendant's
plea on arraignment."

Could we have it in the record?

MR. DYMOND:

Your Honor, as we have previously agreed,
if we have not heretofore done so
we now enter a plea of not guilty
and waive all delays after that plea.

THE COURT:

I just wanted to show you that if you
forget to do it there are cases in
point that it is not reversible

error. I just wanted the record
to show.

MR. DYMOND:

We agreed to do that before anyway.

THE COURT:

Is the State ready to proceed, Mr. Alc

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

Call your first witness.

MR. ALCOCK:

The State calls Mr. Lee McGehee.