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Shaw verdict: Garrison out, investigation on

By William Turner
Liberation News Service

Now that the New Orleans jury has failed to convict Clay Shaw of conspiring to murder John F. Kennedy, District Attorney Jim Garrison's investigation appears to have stalled indefinitely. A number of critics of the Warren Report hoped that the Shaw trial would force Congress to look into the assassination, or that Garrison would be able to widen the scope of the investigation in the trial.

But Garrison was so boxed in by the government, by the refusal of the FBI and the National Archives to cooperate, by his inability to operate outside his New Orleans jurisdiction, and by the way in which he has been treated by the press, that he never had a chance.

Now Jim Garrison, the only public official in the U.S. with the guts to state that John Kennedy was killed by conspiracy and to seek out the men involved, is finished. This does not mean the investigation of the Kennedy assassination is at an end—there are people all over the country carrying it on—but Garrison has been neutralized.

The vultures circling Garrison for the last two years now alight upon their prey. The Metropolitan Crime Commission of New Orleans, which opposed Garrison's probe all along, has asked for an investigation of Garrison. There is a rumor that the American Bar Association will do likewise.

The prosecution against Shaw was not frivolous. Garrison presented enough evidence to convince first a grand jury, then a three-man panel of judges at a preliminary hearing, and finally the trial judge, that he had a prima facie case against Shaw. And the evidence presented in court against Shaw was not half so flimsy as the press would have us believe. Highly respectable witnesses testified to a connection between Shaw, Lee Harvey Oswald and David Ferrie.

Garrison's case was far from air-tight, but convictions are often brought in on much less evidence.

(Indicate page, name of newspaper, city and state.)

15 Guardian

New York, N.Y.

Date: 3-22-69

Edition: Weekly

Author: William Turner

Pub.: Weekly Guardian

Title: Ian Associates, Inc.

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Character: FORMER SPECIAL

AGENT SF 67-15407

Classification: 67

Submitting Office: SF

Being Investigated

The national press reporting the Shaw trial tried as hard to convict Garrison as Garrison tried to convict Shaw. For example, on Perry Russo's testimony that he had overheard Shaw, Ferrie and Oswald conspiring to kill Kennedy, the press reported loudly that on cross examination, Russo admitted he didn't know whether this was serious talk or "just a bull-session."

What the press didn't point out was that one of the participants in this "bull-session," Oswald, later showed up in Dealey Plaza when the President was killed and another, Ferrie, went to Houston on the same day and waited at an ice skating rink to receive a phone call and then left.

The testimony of Dean Andrews suffered the same distortion in the press. Andrews, a New Orleans lawyer, originally stated two years ago that on Nov. 23, 1963, the day after the assassination, he received a phone call from a man who identified himself as Clay Bertrand, asking him to represent Oswald in Dallas. At the Shaw trial, Andrews changed his story completely and insisted under oath that the name "Clay Bertrand" was a figment of his imagination.

What the press didn't report was that only a few days prior to Andrews' testimony, FBI agent Regis Kennedy had testified at the Shaw trial that he and the FBI had been looking for a Clay Bertrand long before Andrews reported the phone call to anyone. Kennedy was not asked at the trial how the FBI got the name Clay Bertrand in connection with the assassination in the first place, and this question remains unanswered.

The name Clay Bertrand is important because of Andrews' original statement that "Bertrand" had referred Oswald to his office earlier in the summer of 1963 on matters related to his Marine Corps discharge and to his wife's American citizenship.

The name is also important for Russo's testimony on the conspiratorial discussion. Russo says the man he overheard talking to Oswald and Ferrie was "Clem Bertrand," and Russo subsequently identified Clem Bertrand as Shaw. Clay Shaw denied at his trial that he ever used such an alias, but Garrison produced two witnesses to testify to the contrary:

Shaw also denied that he knew Oswald or Ferrie. In the first days of the trial, however, Garrison introduced three very credible witnesses from the town of Clinton, La.: CORE worker, a registrar of voters, and a barber—all of whom testified that Shaw had brought Oswald into town and put him in a voter registration line. Oswald stuck out like a sore thumb in this small town because he was the only white in line during a black registration drive.

On the last day of the trial, a musicians union official

and his wife testified that David Ferrie, who was giving their son flying lessons, had introduced them at the airport to Clay Shaw. Yet almost all of this testimony, except that of the union official, was softpedaled or omitted in national press reports.

But even if the jury did believe from the evidence Garrison presented that Clay Shaw used the alias Clay (or Clem) Bertrand, and that he knew David Ferrie and Lee Harvey Oswald, the prosecution had to prove two elements beyond a reasonable doubt to convict Shaw on a conspiracy charge: first, that the defendant conspired, and second, that he performed an overt act to further the conspiracy.

On the first point, Garrison introduced Russo's testimony. At the time of the assassination, Shaw took a trip to San Francisco's International Trade Mart, apparently to "be in the public eye" in accordance with Ferrie's instructions, also drawn from Russo's testimony. This trip was introduced as evidence of an overt act.

In the matter of an overt act, Garrison's evidence was especially weak. He could have introduced, as a witness, Rev. Clyde Johnson, a backwoods preacher who in 1962 was conducting a rather quixotic campaign for governor of Louisiana and who, at that time, was violently anti-Kennedy.

Johnson claimed that in September 1962, Shaw (using the name Alton Bernard) visited him twice, once at the Roosevelt Hotel in New Orleans, and once in the Capitol House Hotel in Baton Rouge. At the second meeting, he says, Shaw gave him a substantial sum of money to induce him to step up his attacks on Kennedy.

Johnson alleges that Shaw stated that if Kennedy were attacked hard enough in the South, he would have to come down there to mend his political fences. If Johnson's story is true (Garrison's office determined that he did deposit the stated sum of money in the bank around the time he gives for the second meeting), then this scheme to lure Kennedy into the South would seem to constitute a stronger "overt act" than the trip to San Francisco.

The date Johnson gives for the meeting with Shaw is a year before the meeting Perry Russo says he overheard, but there is no reason to suppose a conspiracy was not already afoot in 1962. Garrison did use Johnson's testimony in a court hearing to retain possession of Clay Shaw's notebook, but in the trial itself his testimony was not introduced.

Not a central figure

The case against Shaw was clearly weaker than other cases that could have been brought against people involved in a conspiracy to kill Kennedy. Garrison never did consider Shaw a central figure. He didn't think Shaw was unconnected, but the roles of other people were clearer in his mind—David Ferrie for one. But Ferrie was dead and the others were not in New Orleans, so Garrison had no way of bringing them to trial.

The Monday morning quarterbacks can say now that it was a mistake for Garrison to bring Clay Shaw to trial at all. But we must place the whole matter in the

context of two years ago, when Shaw was first indicted.

In 1967, Garrison felt he was the only public official willing and able to do something about the Kennedy assassination, and that it was his duty to make the first move. From long conversations I have had with him, it was clear that he felt that, once the investigation got underway, the federal government would take over and the whole conspiracy would be laid bare, including any role Clay Shaw might have played.

Thus Garrison intended the indictment of Shaw as more than a spark to trigger a major investigation. But the day after Shaw's arrest, Attorney General Ramsey Clark announced precipitously that the FBI had "investigated" Clay Shaw and "found him clear."

Shaw's attorneys were able to delay the trial for two years. Meanwhile, the national press launched a campaign of vilification against Garrison which most likely colored the jury's minds.

More important, however, was that the federal government obstructed Garrison's investigation at every turn. Garrison understood the government's attitude only after he had indicted Shaw.

Shaw's acquittal and the press coverage of the trial has made it more difficult to convince the public of the truth about the Kennedy assassination and the Warren Report. Nevertheless, what we have in evidence for the existence of conspiracy is solid. Garrison may be finished, but there are others of us who intend to find a way to bring the evidence out.

The author is a senior editor of Ramparts magazine and a member of the board of directors of the recently formed Committee to Investigate Assassinations, which intends to investigate the murders of John and Robert Kennedy and Martin Luther King. The views in the above article do not necessarily represent those of the committee.



The antagonists:
Clay Shaw (left),
Jim Garrison (right).

