

# Garrison's Case

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## At Long Last, the Shaw Trial

NEW ORLEANS — Last Tuesday, Irvin Mason, a 48-year-old employe of the Freeport Sulphur Company of New Orleans, was asked in court if he believed that President Kennedy's assassination in 1963 was planned in New Orleans. Well, said Mr. Mason, he had always thought that New Orleans District Attorney Jim Garrison "had more than he's shown." If Mr. Garrison does not, Mr. Mason added, then he "is out on a very long limb."

After this precise summing up of the situation, Mr. Mason, a Negro, was selected as the first juror in the trial of Clay L. Shaw, accused by Mr. Garrison of plotting Mr. Kennedy's murder. By the end of the week, the jury selection process was still running slowly and only half the panel had been seated.

The charge against Mr. Shaw alleges that he, Lee Harvey Oswald, and David W. Ferrie, now dead, met in Mr. Ferrie's apartment in September, 1963, and agreed that they would murder President Kennedy. In furtherance of this plan, the charge claims, one or more of them committed at least six overt acts:

(1) Mr. Shaw, Mr. Ferrie and Oswald met in Mr. Ferrie's apartment in late September, 1963, and discussed the proposed

(2) At this meeting, there was a specific discussion as to methods of murder, including the use of high-powered rifles, a planning of escape routes by the assassins to refuge outside the continental United States, and the planning of alibis.

(3) In October, 1963, Mr. Shaw went to the Capitol House Hotel in Baton Rouge where he delivered a sum of money to Oswald and Jack Ruby, later convicted of Oswald's murder and now himself dead.

(4) Mr. Shaw took a trip to the West Coast of the United States in late November, 1963. (Mr. Shaw concedes this but says the trip had nothing to do with Oswald, Ruby, Ferrie or an assassination.)

(5) Mr. Ferrie went to Houston, Tex., on Nov. 22, 1963, a matter of public record.

(6) On or before Nov. 22, 1963, Oswald took a rifle from the garage of Mrs. Ruth Paine in Irving, Texas, to the Texas School Book Depository in Dallas. (Something that Warren

Report also asserted.)

In questioning prospective jurors, Assistant District Attorneys James L. Alcock and Alvin V. Oser have emphasized that they do not have to prove all six of the "overt" acts to establish a legal case against Mr. Shaw, nor even that the "conspiracy" resulted in the death of President Kennedy.

They have stressed that the state, under Louisiana law, "did not have to connect the conspiracy with the actual death of John F. Kennedy... The state need only prove that one of the conspirators committed an act in furtherance of the conspiracy" to murder the President, even if that conspiracy came to nothing.

The prosecution, further, has maintained to the jurors that an "overt act" could actually be something quite innocent unless it could be connected with the alleged conspiracy. Thus, for example, Mr. Shaw's trip to California only becomes important as an "overt act" and thus something through which he can be convicted if the state proves that the trip had some connection with a plan to kill the President.

If Mr. Garrison and his staff face problems in proving their case, the defense also faces a problem of no less magnitude. It feels that it must establish that a conspiracy involving Mr. Shaw did not exist. "And it is awfully hard sometimes to prove a negative," said one of Mr. Shaw's attorneys.

Mr. Shaw's name first cropped up in the conspiracy investigation in late February, 1967, after Mr. Ferrie was found dead in his apartment. New Orleans attorney, Dean A. Andrews Jr., had testified before the Warren Commission in 1964 that the day after President Kennedy was killed, a Clay Bertrand, whom Andrews knew as a protector of young homosexuals—and who Mr. Garrison says is really Clay



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**ON TRIAL:** New Orleans District Attorney Jim Garrison says that millionaire-businessman Clay Shaw conspired to murder John F. Kennedy with Lee Harvey Oswald and others in 1963. Last week, Mr. Shaw, above, went to court to hear Mr. Garrison present the case against him.

Shaw—had called him and asked him to go to Dallas to defend Oswald. Andrews said that he had seen Oswald in the summer of 1963 in the company of several "gay kids" in New Orleans.

Andrews later was convicted of perjury for making conflicting statements as to whether he knew Bertrand's real name and whether he recognized Mr. Shaw as Bertrand.

How—and whether—Mr. Garrison can pull all these lines together and prove that a conspiracy to murder John Kennedy really did take place in New Orleans, and that Clay Shaw was one of the participants, may begin to emerge in the next few days when the jury is complete and the taking of testimony begins.

—MARTIN WALDRON