

Shaw Trial Directed at Warren Study

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NEW ORLEANS — What began here four weeks ago as the trial of Clay L. Shaw is no longer that. An abrupt shift occurred last week which has changed the entire thrust of the prosecution's case.

On trial here now is not the man Dist. Atty. Jim Garrison charged two years ago with conspiring to assassinate President John F. Kennedy. Shaw has been relegated to a secondary role. As the trial begins its fifth week Monday he is little more than another spectator.

What Garrison now is prosecuting here is the Warren Commission Report, and, in a very real sense, the credibility of the U.S. government.

Of enormous irony in the present situation is the fact that the team of lawyers representing Shaw, a private citizen, has been thrust into the tricky position of having to defend the Warren Report.

Focus Shifts

To understand their predicament, one must go back to Thursday, when the assassination—rather than Shaw—became the focus of courtroom interest.

That's when the youthful prosecuting team set up three exhibits: a cardboard mockup of Dallas' Dealey Plaza, an aerial photo of it and a topographical drawing of it.

The exhibits absorbed the jurors.

Then jurors and specta-

tors alike sat on the edge of their seats when Abraham Zapruder's film of the assassination was shown for the first time publicly and Zapruder himself described what he had witnessed.

Telling Point

The prosecution obviously made a telling point with the film, run twice for jurors at normal speed and once frame-by-frame.

When what appears to have been the second shot hit the President his body was flung backward.

This is the basis of Garrison's argument that the fatal shot came from the front, but while it bulwarks the district attorney's case it hardly is conclusive. An FBI analyst pointed out later that "fragments flew forward on a vertical line from the President's head," indicating that the bullets struck him from behind as the Warren Commission contends.

But Garrison's lieutenants take advantage of every opportunity to rerun the grim film for the jurors. Their explanation is that they want to establish where each new Dallas witness was at the time the gunshots were fired. But their real intent is transparent: to burn into each juror's mind the picture of the President's head and body snapping backward. XXX

Defense Fear

Shaw's attorneys fear that the jury will convict Shaw simply because of what it has seen and heard about Dallas.

The defense dilemma was created when Judge Edward Haggerty Jr. permitted the prosecution to introduce the Dealey Plaza events as "corroborative evidence" because they might show "intent."

The judge ruled testimony about Dealey Plaza admissible even though he had said previously: "Mr. Garrison can criticize the Warren Report all he wants—but we are not

going to try it here." —What actually had to do with Clay Shaw, 55-year-old retired managing director of the International Trade Mart, came early in the prosecution and was shot with incongruities.

Among the latter:

—While repeating his oft-told story about hearing Shaw plot the assassination at a party in September, 1963, star witness Perry Raymond Russo was trapped by inconsistencies under cross-examination.

It was Russo's story of overhearing Shaw, the late David Ferrie and Lee Harvey Oswald concoct the plot that led to Garrison's charging Shaw and to Shaw's subsequent indictment.

—Andrew J. Sciambra, the assistant district attorney who first heard Russo's story, testified that his memo to Garrison on it was riddled with omissions and inaccuracies.

—A curious little man, New York accountant Charles I. Spiesel, told of hearing Shaw and Ferrie plot the killing in a French Quarter apartment as early as June, 1963, thus stealing some of Russo's thunder.

But his testimony, in summary, dealt more with a conspiracy he believed himself to be the victim of rather than an assassination conspiracy.

—Former Dallas County Dep. Sheriff Roger Craig told a now familiar story which the Warren Commission debunked. He claimed after the assassination, he saw a man he later identified as Oswald run from a slope, and hop into a car driven by a man who appeared to be watching for him. The car, he said, sped off.

—Judge Haggerty admitted a transcript of testimony taken from a now dead coroner about a plot story Russo told while under Pentathol Sodium two years ago, even while conceding that the dead doctor's declarations during Shaw's preliminary

hearing in March, 1967, were fraught with "hearsay."

And so it goes in New Orleans, as what now must be considered the trial of the Warren Commission Report is about to enter its fifth week.

Because the massive report has now become the defendant, it is likely that many more inconclusive weeks lie ahead.

Smoke Puff at Knoll Described in Trial

NEW ORLEANS (UPI)

A former Dallas railroad man testified Saturday in the Clay L. Shaw conspiracy trial that he saw a puff of smoke rise from a grassy knoll in front of the Presidential motorcade moments after President John F. Kennedy was shot.

"I heard three shots and I looked to see where the shots came from," James L. Simmons of Mesquite, Tex., said. "Underneath the trees I detected what appeared to be a puff or whiff of smoke."

The Kennedy motorcade was traveling toward the trees when the President was fatally shot Nov. 22, 1963, in Dallas. The Warren report said Mr. Kennedy was shot from the rear by Lee Harvey Oswald, sitting at a sixth-floor window in the Texas School Book Depository.

Shaw, 55, is charged with conspiring with Os-

ward and David W. ... to assassinate the President. Oswald was killed by Jack Ruby.

The trial was recessed until Monday when Dist. Atty. Jim Garrison said he would call former Tex. Gov. John Connally and his wife to the stand. Connally was wounded in the gunfire which killed Mr. Kennedy. Both he and his wife were riding in the presidential car.