

# DA Touched On Points Prescribed

By JACK WARDLAW

District Attorney Jim Garrison's case against Clay L. Shaw, unfolded during 10 days of testimony, generally touched the bases set out in the DA's opening statement. Whether it convinced the jury is another matter.

The case may never get to the jury. Judge Haggerty has promised a ruling at 9 a.m. tomorrow on the defense's motion for a directed verdict. If it is granted, Shaw will go free. If not, the defense

will begin calling witnesses to refute the state's case.

SHAW, 55, is on trial before Judge Edward A. Haggerty Jr. on charges of conspiring to kill President Kennedy, who was shot to death in Dallas Nov. 22, 1963.

Garrison's case against Shaw can be divided into three parts:

1. Shaw, under the alias of Clay or Clem Bertrand, consorted with Lee Harvey Oswald and David William Ferrie here during the summer of 1963. Shaw denied knowing either man.

2. On at least two occasions, Shaw actually discussed the assassination with either Ferrie, Oswald or both, and of the three at least Ferrie said he was determined to kill Kennedy. Shaw had denied any knowledge of a plot to kill the president.

3. Kennedy was shot to death in Dealey Plaza, not by one man as the Warren Com-

mission concluded, but caught in a crossfire with the fatal shot coming from the front.

If shots were fired from anywhere except the sixth floor window of the Texas School Depository, the Warren Commission's account of the slaying falls apart. If shots came

from more than one direction, obviously some sort of conspiracy existed.

TO ATTEMPT to prove the first point—that Shaw knew Oswald and Ferrie—the state put on a series of witnesses from Clinton, La., who put the three together there in the summer of 1963. The witnesses included both local officials and civil rights workers.

The state also produced Vernon Bundy Jr., a clothes presser, who said he saw Shaw and Oswald together on the lakefront here in 1963 while Bundy was preparing to give himself a fix of heroin.

On the Bertrand matter, the state produced a hostess at the VIP Room at New Orleans International Airport who said she saw Shaw sign the register as Bertrand. Also, a mailman testified he delivered mail addressed to Bertrand to an address where Shaw received mail.

ON THE SECOND point—the conspiracy itself—the state produced only two witnesses—Charles Spiesel and Perry Raymond Russo. Spiesel testified he heard the assassination discussed at a French Quarter party in June, 1963, at which Ferrie and Shaw were present. Russo, the state's star witness, said he heard Shaw, Ferrie and Oswald discussing the assassination at a party at Ferrie's

apartment here in September, 1963.

In cross-examining Spiesel, the defense brought out the witness feels he is the victim of a conspiracy involving Communists, New York police and others to hypnotize him, deprive him of a living and prevent him from having normal sex relations.

Russo testified he never heard Shaw or Oswald actually say they would kill Kennedy. Only Ferrie did that.

ON THE THIRD point, events in Dealey Plaza, the state produced its most spectacular bit of evidence—a film of the assassination taken by Dallas dress manufacturer Abraham Zapruder. It shows Kennedy apparently falling backward after he was hit by the fatal shot, a circumstance which Garrison says proves he was hit from the front. Others have attributed the movement to a sudden acceleration of the car.

Otherwise, Garrison produced a spate of witnesses to the assassination, mostly people questioned briefly or ignored completely by the Warren Commission and who differed with the commission on the source of the shots, the number of the shots and other matters.

In questioning jurors, chief prosecutor James L. Alcock said the state would show a meeting among Shaw, Oswald and Jack Ruby in Baton Rouge. This was omitted from the state's opening statement and was never referred to in testimony. Ruby shot Oswald to death in Dallas two days after the assassination.

GARRISON'S office went to great lengths to get two pieces of evidence it never used. It subpoenaed former Gov. John B. Connally of Texas, who was riding in the car with Kennedy, and never called him. (Connally has now been subpoenaed as a defense witness.)

Also, the DA's office threatened to call off the trial if it couldn't get the Kennedy autopsy records from the National Archives. After a federal judge ordered them to New Orleans for the trial, the state rested without introducing them. (The Justice Department had said it will appeal the decision.)

The Shaw case marks the first time the Kennedy slaying has been before a court of law. The Warren Commission was a special presidential body with no conventional legal standing.

Only Shaw is on trial. The jury cannot convict the Warren Commission and it cannot convict Shaw for using an alias. It must render a guilty verdict if it believes the state has proved a conspiracy involving Shaw existed, and that at least one overt act was committed in furtherance of the conspiracy.