

Editor's note

Editor's Note: I am interrupting my series of articles on the Clay Shaw conspiracy trial to print in the allotted space this week New Orleans District Attorney Jim Garrison's closing arguments to the jury on February 28, 1969.

Garrison did not take an active part in the trial. He was ill and examined only two or three witnesses on the stand. The prosecution's closing argument was divided, as was the trial, into two distinct parts: Assistant District Attorney Alcock speaking on Clay Shaw's alleged involvement in the conspiracy and Assistant DA Oser summing up the Dealy Plaza evidence showing that there was more than one gunman. Garrison concluded with the statement on excessive power in government, printed on this page.

In the course of an informal note Garrison sent me with the transcript of his statement, he says: "I thought you might want to have a copy of the enclosed. I am quite aware that it was neither one of the more impelling arguments nor one of the most important parts of the trial, but it was the only place where we had the opportunity to touch, at least, the realities behind the whole affair—after having had to treat the participants as a courtroom version of the Three Stooges for a month."

I can not agree that courtroom procedures automatically compelled treating Shaw as a person with no serious motivation for being involved in a conspiracy. Admittedly, if Garrison could have achieved the extradition of reluctant witnesses from other states and obtained cooperation from governmental agencies in other ways, a much different courtroom presentation could have been achieved. But it is obviously difficult to use the courtroom process permitted by a government to attack that same government; that, of course, is what was really involved in the New Orleans questioning of the methodology and conclusions of the Warren Report on JFK's assassination.

However, I find it very difficult to understand why the attempt was not made in court to question Clay Shaw about his known and acknowledged links with Central Intelligence Agency fronts in Europe: his possible involvement, using the name "Dreyfuss," with the CIA project called Force Three: his possible involvement, according to information in Garrison's files, with other people from New Orleans Trade Mart in a plot to bomb Cuba in 1947 from a Florida airport rented by a "Shaw"; or about his job duties at the Trade Mart which alone make it very probable that he was a government agency operative.

The defense attorneys would certainly have objected to these questions as being immaterial but the judge, who was often liberal in his decisions as to the admissibility of evidence, might have permitted them. In any case, these questions were never even attempted and Shaw's possible political motivations for association with Oswald and Ferrie were not raised by the prosecution.

I believe that the presentation of Shaw as just another personally misguided individual made it impossible for the jury to accept the prosecution charge that Shaw was a conspirator in the murder of JFK. Without proper motivation being established, and particularly political motivation, one could accept as gospel truth all the prosecution evidence regarding Shaw, and still reasonably doubt Shaw's complicity in an actual conspiracy.

By the time this article appears in print, Clay Shaw will have been arraigned in New Orleans on the charge of having lied in court when he said he did not know Lee Harvey Oswald and David Ferrie. This arraignment is to happen Thursday, March 20.

It is my opinion that Clay Shaw will probably be convicted of this charge of perjury even though already judged not guilty of conspiracy. Although the mass media says that Jim Garrison conducted a judicial farce in the original prosecution of Clay Shaw, there were many substantial witnesses at the trial who placed Shaw together with the men he says he did not know. (See last week's FREE PRESS article, for example).

Another late development is the appearance in the New Orleans newspapers of a full page ad signed by 250 people, many of them prominent in Louisiana, supporting Jim Garrison against the calls for him to resign.

In next week's article on the Clay Shaw trial (there will possibly be two or three more such articles because of the wealth of detail in the case) we will go further into the questions of why Garrison did not get a conspiracy conviction and what were Shaw's known and possible connections with the Central Intelligence Agency.

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