

## TRIALS

### More than a Man in the Dock

For two headline-filled years, New Orleans District Attorney Jim Garrison has made it clear that his assassination-conspiracy case against Businessman Clay Shaw involves another, unnamed defendant: the Warren Commission. To prove his contention that Shaw and others had been part of a plot to shoot President Kennedy, Garrison needed to disprove the commission's findings that Lee Harvey Oswald had acted "alone and unassisted" on November 22, 1963. He also hinted often that elements of the Federal Government itself—particularly the CIA—were somehow involved in the assassination. Last week, as testimony in the case finally started, Garrison won the right to put on trial both of his defendants—the named and the unnamed.

The breakthrough for Garrison came in what will probably be one of his few courtroom appearances, since he leaves most trial work to assistants. While the jury and two alternates were being chosen (an all-male group with eleven whites, three Negroes, only two college graduates among them), Garrison entered the Orleans Parish Criminal courtroom just once, and then only as a spectator. With the jury finally sworn in, Garrison wanted to make certain that the trial started off with all the scope and drama that he deems appropriate. He went to the front of the dimly lit, 38-ft.-high courtroom, drew himself up to all of his 6-ft. 6-in. height and confidently intoned a 42-minute opening statement.

**Feel for Pageantry.** "We will later offer evidence concerning the assassination in Dealey Plaza in Dallas," said Garrison, "because it confirms the existence of a conspiracy and because it confirms the significance and relevance of the planning which occurred in New Orleans." Defense Attorney F. Irvin Dymond immediately objected that "the actual assassination has no place in this case." He was quickly overruled by Judge Edward Haggerty, a raspy-voiced jurist who has displayed as much feel for sweep and pageantry as Garrison; he had introduced the jurors to the press by parading them around a motel swimming pool. Said Haggerty: "I can't tell the state how to run its case, if they want to overprove it."

The only Garrison eyewitness who bore any relevance to a conspiracy was Perry Russo, who is an insurance agent. In a preliminary hearing, Russo claimed to have overheard Shaw, who is the retired managing director of the New Orleans International Trade Mart—and was named the Outstanding Citizen of New Orleans in 1965—discussing the assassination with Oswald and the late David Ferrie, a former airline pilot who is also accused in Garrison's case. As a star witness, Russo left something to be desired: he did not remember some of the most incriminating details until after he had been hypnotized



CHARLES SPIESEL

*Trying some unnamed defendants too.*

and shot with truth serum by Garrison's investigators.

**Arresting Testimony.** Suddenly, the state had a "mystery witness." He was Charles Spiesel, a New York tax accountant who told of sitting around a kitchen table at a French Quarter apartment in June 1963 and listening to a group of men, including Shaw and Ferrie, talk of shooting Kennedy. Shaw, said Spiesel, "seemed to be amused at the conversation" and at one point speculated that "somebody could probably fly him [the killer] out." It was arresting testimony—or at least it would have been if Spiesel, in more than two hours of withering cross-examination, had not revealed a few erratic episodes in his own past.

They included the filing of lawsuits against the city of New York, a psychiatrist, the Pinkerton detective agency and several policemen for putting him under "hypnotic" spells. In one suit, Spiesel said this harassment had caused him to sell a business under duress and prevented him from engaging in normal sexual relations. At the defense's request, Spiesel led the jury, judge, defendant, attorneys and a mob of 350 newsmen and spectators on a hunt for the apartment where he alleged that he met Shaw. After examining two buildings, he testified in court that one "was similar if not the same."

The state's most convincing performance was an attempt to place Shaw, Ferrie and Oswald together in the small town of Clinton, La. (pop. 1,568) in late August or early September, 1963. Employees of the East Louisiana State Hospital testified that Oswald tried to get a job there. Presumably to better his chances, according to the town registrar, he tried to register as a voter in Clinton, which was then the center of

a Negro voting-registration drive. Both Town Marshal John Manchester and Corrie Collins, a Negro who was leading the voter drive, testified that they had seen Oswald in a Cadillac limousine that also carried Shaw and Ferrie. Their neatly corroborative testimony was in absolute conflict with the defense contention that Shaw "never knew nor laid eyes on" either Oswald or Ferrie. It also seems to have cleared some common ground for two men who had little in common in 1963: Marshal Manchester and ex-Civil Rights Leader Collins drove off from court together.

**Slow Goes On.** Still, the evidence from Clinton hardly proves the existence of a conspiracy. Garrison promised to back up his contention that Shaw was part of a plot with "documentary and photographic" evidence—plus testimony from witnesses to the assassination, possibly including Texas' ex-Governor John Connally, who was wounded in the gunfire that killed Kennedy. That kind of drama is precisely what the defense—which needs only to raise doubt about a single man's participation in a plot—tried unsuccessfully to avoid. It may also be what the jury is most interested in hearing. At any rate, as Garrison's show got on, Clay Shaw, chain-smoking and intently taking notes, studied the proceedings with the gaze of a man who has not yet figured out what has happened to him.