Jim Garrison's closing argument

Los Angeles Free Press

at the Shaw trial

MR. GARRISON

May it please the Court. Gentlemen of the Jury:

I know you're very tired. You've been very patient. This final day has been a long one, so I'll speak only a few minutes.

In his argument, Mr. Dymond posed one final issue which raises the question of what we do when the need for justice is confronted by power.

So, let me talk to you about the question of whether or not there was governmental fraud in this case—a question Mr. Dymond seems to want us to answer.

A government is a great deal like a human being. It's not necessarily all good, and it's not necessarily all bad. We live in a good country. I love it and you do, too. Nevertheless, the fact remains that we have a government which is not perfect.

There have been indications since November the 22nd of 1963 —and that was not the last indication—that there is excessive power in some parts of our government. It is plain that the people have not received all of the truth about some of the things which have happened, about some of the assassinations which have occurred—and more particularly about the assassination of John Kennedy.

Going back to when we were children...I think most of us—probably all of us here in this courtroom—once thought that justice came into being of its own accord, that virtue was its own reward, that good would triumph over evil—in short, that justice occured automatically. Later, when we found that this wasn't quite so, most of us still felt hopefully that at least justice occurred frequently of its own accord.

Today, I think that almost all of us would have to agree that there is really no machinery—not on this earth at least—which causes justice to occur automatically. Men have to make it occur. Individual human beings have to make it occur. Otherwise, it doesn't come into existence. This is not always easy. As a matter of fact, it's always hard, because justice presents a threat to power. In order to make justice come into being, you often have to fight power.

Mr. Dymond raised the question: Why don't we say it's all a fraud and charge the government with fraud, if this is the case? Let me be explicit, then, and make myself very clear on this point.

The government's handling of the investigation of John Kennedy's murder WAS a fraud. It was the greatest fraud in the history of our country. It probably was the greatest fraud ever perpetrated in the history of mankind.

That doesn't mean that we have to accept the continued existence of the kind of government which

allows this to happen. We can do something about it. We're not forced either to leave this country or to accept the authoritarian ism that has developed—the authoritarianism which tells us that in the year 2039 we can see the evidence about what happened to John Kennedy.

Government does not consist only of secret police and domestic espionage operations and generals and admirals—government consists of people. It also consists of juries. And cases of murder—whether of the poorest individual or the most distinguished citizen in the land—should be looked at openly in a court of law, where juries can pass on them and not be hidden, not be buried like the body of the victim beneath concrete for countless years.

You men in these recent weeks have heard witnesses that no one else in the world has heard. You've seen the Zapruder film. You've seen what happened to your President. I suggest to you that you know right now that, in that area at least, a fraud has been perpetrated.

That does not mean that our government is entirely bad; and I want to emphasize that. It does mean, however, that in recent years, through the development of excessive power because of the Cold War, forces have developed in our government over which there is no control and these forces have an authoritarian approach to justice—meaning, they will let you know what justice is.

Well, my reply to them is that we already know what justice is. It is the decision of the people passing on the evidence. It is the jury system. In the issue which is posed by the government's conduct in concealing the evidence in this case, in the issue of humanity as opposed to power—I have chosen humanity, and I will do it again without any hesitation. I hope everyone of you will do the same. I do this because I love my country and because I want to communicate to the government that we will not accept unexplained assassinations with the casual information that if we live 75 years longer, we might be given more evidence.

In this particular case, massive power was brought to bear to prevent justice from ever coming into this courtroom. The power to make authoritative pronouncements, the power to manipulate the news media by the release of false information, the power to interfere with an honest inquiry and the power to provide an endless variety of experts to testify in behalf of power repeatedly was demonstrated in this case.

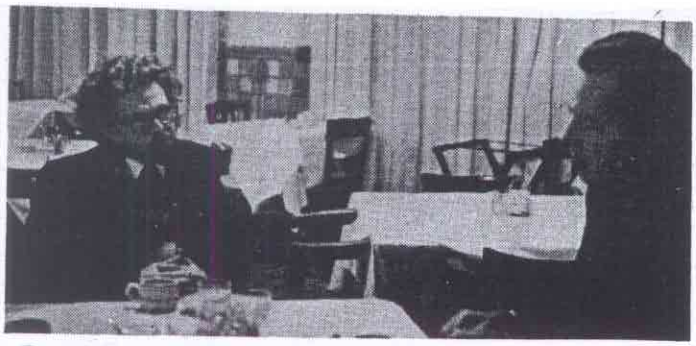
The American people have yet to see the Zapruder film. Why? The American people have yet to see and hear from the real witnesses to the assassination. Why? Because today in America too much emphasis is given to secrecy with regard to the assassination of our President and not enough emphasis is given to the question of justice and to the question of humanity.

These dignified deceptions will not suffice. We have had enough of power without truth. We don't have to accept power without truth or else leave the country. I don't accept either of these two alternatives. I don't intend to leave the country and I don't intend to accept power without truth.

I intend to fight for the truth. I suggest that not only is this not un-American, but it is the most American thing we can do—because if the truth does not endure, then our country will not endure.

In our country the worst of all crimes occurs when the government murders truth. If it can murder truth, it can murder freedom. If it can murder freedom, it can murder your own sons—if they should dare to fight for freedom—and then it can announce that they were killed in an industrial accident or shot by the "enemy" or God knows what.

In this case, finally, it has been possible to bring the truth about the assassination into a court of law—not before a commission composed of important and powerful and politically astute men—but



Free Press Editor ART KUNKIN and JIM GARRISON at the New Orleans Athletic Club.

before a jury of citizens.

Now, I suggest to you that yours is a hard duty, because in a sense what you're passing on is equivalent to a murder case. The difficult thing about passing on a murder case is that the victim is out of your sight and buried a long distance away, and all you can see is the defendant. It's very difficult to identify with someone you can't see, and sometimes it's hard not to identify to some extent with the defendant and his problems.

In that regard, every prosecutor who is at all humane is conscious of feeling sorry for the defendant in every case he prosecutes. But he is not free to forget the victim who lies buried out of sight. I suggest to you that, if you do your duty, you also are not free to forget the victim who is buried out of sight.

You know, Tennyson once said that "authority forgets a dying king". This was never more true than in the murder of John Kennedy. The strange and deceptive conduct of the government after his murder began while his body was warm, and has continued for five years. You have even seen in this courtroom indications of the interest of part of the government

JIM GARRISON

power structure in keeping the truth down, in keeping the grave closed.

We presented a number of eyewitnesses as well as an expert witness as well as the Zapruder film—to show that the fatal wound of the President came from the front. A plane landed from Washington and out stepped Dr. Finck for the defense, to counter the clear and apparent evidence of a shot from the front. I don't have to go into Dr. Finck's testimony in detail for you to show that it simply did not correspond with the facts. He admitted that he did not complete the autopsy because a general told him not to complete the autopsy.

In this conflict between power and justice—to put it that way—just where do you think Dr. Finck stands? A general, who was not a pathologist, told him not to complete the autopsy, so he didn't complete it. This is not the way I want my country to be. When our President is killed he deserves the kind of autopsy that the ordinary citizen gets every day in the State of Louisiana. And the people deserve the facts about it. We can't have government power suddenly interjecting itself and preventing the truth from coming to the people.

Yet in this case, before the sun rose the next morning, power had moved into the situation and the truth was being concealed. And now, five years later in this courtroom the power of the government in concealing the truth is continuing in the same way.

We presented eyewitnesses who told you of the shots coming from the grassy knoll. A plane landed from Washington, and out came ballistics expert Frazier for the defense. Mr. Frazier's explanation of the sound of the shots coming from the front, which was heard by eyewitness after eyewitness, was that Lee Oswald created a sonic boom in his firing. Not only did Oswald break all of the world's records for marksmanship—but he broke the sound barrier as well.

I suggest to you, that if any of you have shot on a firing range—and most of you probably have in the service---you were shooting rifles in which the bullet traveled faster than the speed of sound. I ask you to recall if you ever heard a sonic boom. If you remember when you were on the firing line, and they would say, "Ready on the left; ready on the right; ready on the firing line; commence firing", you heard the shots coming from the firing line—to the left of you and to the right of you. If you had heard, as a result of Frazier's fictional sonic boom, firing coming at you from the pits, you would have had a reaction which you would still remember.

Mr. Frazier's sonic boom simply doesn't exist. It's a part of the fraud—a part of the continuing government fraud.

The best way to make this country the kind of country it's supposed to be is to communicate to the government that no matter how powerful it may be, we do not accept these frauds. We do not accept these false announcements. We do not accept the concealment of evidence with regard to the murder of President Kennedy.

Who is the most believable: a Richard Randolph Carr, seated here in a wheelchair and telling you what he saw and what he heard and how he was told to shut his mouth—or Mr. Frazier with his sonic booms?

Do we really have to actually reject Mr. Newman and Mrs. Newman and Mr. Carr and Roger Craig and the testimony of all those honest witnesses—reject all this and accept the fradulent Warren Commission, or else leave the country?

I suggest to you that there are other alternatives. One of them has been put in practice in the last month in the State of Louisiana—and that is to bring out the truth in a proceeding where attorneys can cross-examine, where the defendant can be confronted by testimony against him, where the rules of evidence are applied and where a jury of citizens can pass on it—and where there is no government secrecy ... Above all, where you do not have evidence concealed for 75 years in the name of "national security".

All we have in this case are the facts--facts which show that the defendant participated in the conspiracy to kill the President and that the President was subsequently killed in an ambush.

The reply of the defense has been the same as the early reply of the government in the Warren Commission. It has been: authority, authority, authority. The President's seal outside of each volume of the Warren Commission Report—made necessary because there is nothing inside of these volumes... men of high position and prestige sitting on a Board, and announcing the results to you, but not telling you what the evidence is—because the evidence has to be hidden for 75 years.

You heard in this courtroom in recent weeks, eyewitnesses after eyewitness after eyewitness and, above all, you saw one eyewitness which was indifferent to power—the Zapruder film. The lens of the camera is totally indifferent to power and it tells what happened as it saw it happen—and that is one of the reasons 200 million Americans have

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Closing argument

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not seen the Zapruder film. They should have seen it many times. They should know exactly what happened. They all should know what you know now.

Why hasn't all of this come into being if there hasn't been government fraud? Of course there has been fraud by the government.

But I'm telling you now that I think we can do something about it. I think that there are still enough Americans left in this country to make it continue to be America. I think that we can still fight authoritarianism—the government's insistence on secrecy, government force used in counter-attacks against an honest inquiry--and when we do that, we're not being un-American, we're being American. It isn't easy. You're sticking your neck out in a rather permanent way, but it has to be done because truth does not come into being automatically. Justice does not happen automatically. Individual men, like the members of my staff here, have to work and fight to make it happen—and individual men like you have to make justice come into being because otherwise it doesn't happen.

What I'm trying to tell you is that there are forces in America today, unfortunately, which are not in favor of the truth coming out about John Kennedy's assassination. As long as our government continues to be like this, as long as such forces can get away with such actions, then this is no longer the country in which we were born.

The murder of John Kennedy was probably the most terrible moment in the history of our country. Yet, circumstances have placed you in the position where not only have you seen the hidden evidence but you are actually going to have the opportunity to bring justice into the picture for the first time.

Now, you are here sitting in judgement on Clay Shaw. Yet you, as men, represent more than jurors in an ordinary case because of the victim in this case. You represent, in a sense, the hope of humanity against government power. You represent humanity, which yet may triumph over excessive government power—if you will cause it to be so, in the course of doing your duty in this case.

I suggest that you ask not what your country can do for you but what you can do for your country.

What can you do for your country? You can cause justice to happen for the first time in this matter. You can help make our country better by showing that this is still a government of the people. And if you do that, as long as you live, nothing will ever be more important.

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 court-room 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 Orlean's 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 attornies 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 Orlean's 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.

Art Kunkin