

A Look at 2 Trials

Clay Shaw: Lone Issue in Case Against Shaw Is Whether He Plotted JFK's Death

By John P. MacKenzie
Washington Post Staff Writer
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—“We’re not trying the Warren Report. We’re not trying the death of President Kennedy. You’re going into something that may or may not be part of this case.”

So saying, Judge Edward A. Haggerty Jr. rejected the motion of Clay Shaw’s defense counsel to dismiss for bias a prospective juror who admitted to an “impression” that President Kennedy’s murder was the work of conspirators.

Since Shaw, a 55-year-old retired trade promotion specialist, is on trial for conspiracy to murder John F. Kennedy, attorney F. Irvin Dymond said the prosecution would be “part of the way home” with a juror who was inclined to credit the conspiracy theorists.

“Which conspiracy are you talking about?” the judge asked. With another juror

he declared that the State “must prove a conspiracy that started in this jurisdiction.”

Thus, only in the Criminal Court for Orleans Parish, where Shaw faces up to 20 years in prison if found guilty, is it held that the Warren Commission and its report are not on trial.

In the world outside, people acknowledge that the Clay Shaw trial is part of District Attorney Jim Garrison’s attack on the Warren Commission’s central finding, that Lee Harvey Oswald was the lone assassin.

Garrison has claimed that he “solved” the assassination. At times he has claimed that the panel headed by Chief Justice Warren went so far astray as to identify the wrong man as the murderer. The present charge, which has embroiled the court in a week of only partially successful jury selection, is that Shaw conspired with Oswald and

another dead man to commit the crime.

Garrison is on the spot to prove something after two years of talking, issuing subpoenas, summoning a weird array of witnesses and pressing charges. But he has certain advantages growing out of the difference between two kinds of conspiracy.

It is possible, for example, that he can win a verdict that Shaw conspired to murder Kennedy without having to prove that the President was actually killed by conspirators. Since conspiracy is the charge and is a crime in itself, the State need not prove that the alleged plot succeeded. Yet a verdict of conspiracy guilt would not have such a limited, technical meaning in the world at large. It would be a short jump, especially in the minds of those receptive to conspiracy theories, from a Louisiana murder

conspiracy to the consummation of the murder itself.

Since the final verdict, a month or two from now, will be a general “guilty” or “not guilty,” there might be no way of telling just how much of Garrison’s case the jury believed. Garrison must prove one of six alleged overt acts in furtherance of the illegal agreement, but a general verdict of guilty would not reveal which act or acts the jury accepted as proved.

The alleged acts include a discussion among Shaw, Oswald and the late David Ferrie, a free-lance pilot, over murder and getaway techniques, and a meeting of Shaw, Oswald and — of all people — Jack Ruby, who later killed Oswald.

Also cited are freely admitted trips by Shaw to the West Coast in November, 1963, and by Ferrie to Houston on Nov. 22, 1963, the day of the Dallas tragedy. Another alleged act, easier to prove as a fact than to

link to a conspiracy, is Oswald’s carrying a rifle on Nov. 22 from his residence to the Texas School Book Depository, where he worked. The Commission called this the action of a misfit and a loner that culminated in his unaided rifle attack on the presidential motorcade.

While Garrison need only prove one of these acts, he may offer evidence on all of them, which is what gives him his chance to strike blows at the Warren Report.

And although Garrison’s prosecutors are not saying so to the jury candidates, they are taking other steps aimed at introducing extensive evidence on the shooting itself.

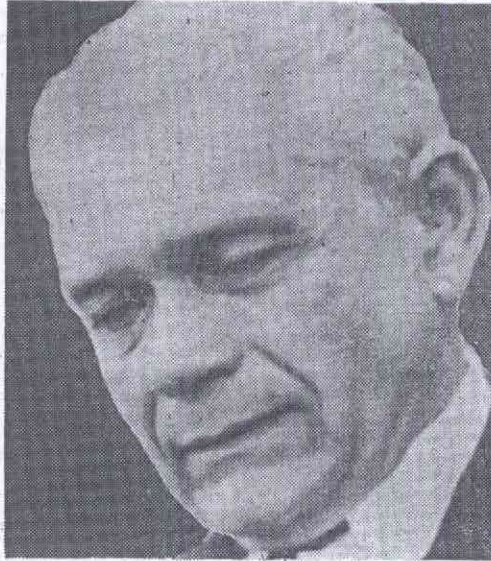
In seeking witnesses, documents and exhibits from other states and the Nation’s Capital, the prosecutors, by way of showing that their requests are not frivolous, assert among other things that they now have “substan-

tial evidence” that the needed material will show Kennedy was shot from two directions.

Another assertion, in Garrison’s second request for material in the National Archives, is that Kennedy’s clothing, Oswald’s rifle, bullet fragments and other items are needed “for the purpose of proving the cause of death of John F. Kennedy.” This is one of the things the prosecutors are stressing in Criminal Court that they need not prove.

This means that Garrison intends to try to offer whatever evidence he can get on the subject. Eight days ago his office announced that it could not go forward with the case without autopsy material the Justice Department refused to turn over. A plea for postponement was later dropped.

If nothing else is accomplished, the tone of the trial may be vastly improved as the result of Garrison’s attempts to get evidence else-



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Shaw after being booked on conspiracy charge.

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where, including the testimony of two FBI agents and a retired Secret Service man.

Garrison's home-grown eyewitnesses, displayed at Shaw's preliminary hearing two years ago, included an insurance salesman whose memory had been jogged by hypnosis and truth serum and a convict who testified about a conspiratorial conversation he overheard between heroin fixes. The two men are again on the District Attorney's witness list.

Whatever verdict may be forthcoming from a jury chosen for its lack of information about the assassination and its controversies, there will be another verdict based on the public's view of the quality of Garrison's evidence. Both Garrison and the Warren Commission are on trial with Shaw.

DI 7