

Shaw Case Prosecutor Fails to Deliver

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When District Attorney Jim Garrison rested his case of assassination-conspiracy last week, he left fans and foes alike wondering what the two-year fuss had been about.

Where was the sensational evidence to demonstrate that Garrison had "solved the assassination" of President Kennedy? Where was the proof of a massive, monstrous plot and equally massive cover-up all the way to the CIA and LBJ?

Where was the promised proof that linked Clay L. Shaw, the defendant in this case, with Jack Ruby? Where were the Cubans, the Minutemen, the Nazis, the guerrilla assassination team, the man who fired from a "sewer manhole," and all the other ingredients of a plot that Garrison had unfolded since early 1967?

There is no authoritative explanation why the trial, while far from dull, has delivered so little compared to the buildup. What can be stated is that, measured against its advance billing and even against Garrison's opening statement two and a half weeks ago, the State's case has been a let-down.

Putting aside the question of Shaw's guilt or innocence—which many have been doing for some time—and fo-

cus on Garrison's evidence about the Dallas tragedy of Nov. 22, 1963, the case for multiple assassins was concluded on a weak note.

This is not to say that Judge Edward A. Haggerty Jr. was necessarily wrong to deny the defense motion for a directed verdict of acquittal and to require the defense to put on its side of the case.

As the case is structured, the jury could convict Shaw if it believed what one witness, book salesman Perry Russo, said he heard discussed in New Orleans among persons he identified as Shaw, Lee Harvey Oswald and former airline pilot David Ferrie.

But Garrison's case against Shaw, the only surviving member of that supposed conspiracy based in this city, was a small portion of the burden he undertook when he announced that he had proof of the conspiracy and a solution. His larger task was to demonstrate the how's and why's of the crime of the century.

Instead he produced eye-witness and ear-witness testimony that the shots came from the building, where the Warren Commission said they did; that they came from the railroad bridge where the presidential motorcade was heading, and that they came from the grassy knoll ahead of the procession—all from different witnesses, no one of whom

said they came from more than one direction.

Several explanations, singly or in combination, could be offered for the way the trial has gone: problems of evidence, unpreparedness, incompetence, Federal obstruction and "conspiracy" itself.

Restrictions on evidence have been negligible, except perhaps for Judge Haggerty's outright rejection of a policeman's testimony that he heard Shaw use an alias. Otherwise the Judge has repeatedly said, "I can't tell the State how to run its case," and he has let Garrison's men range widely through Dallas' Dealey Plaza under relaxed rules on hearsay and authentication of exhibits.

Nor has the jury been deprived of learning more of Oswald's assassin, Jack Ruby, because of judicial red tape. Garrison did not even offer his evidence of supposed links to Ruby through a coded address book seized from Shaw's home.

Nor has Garrison failed to call witnesses out of doubts about their credibility. New York tax man Charles I. Spiess, who swore he heard Shaw and Ferrie talk about killing the President, testified he had told Garrison's men about his own lawsuits charging conspiracies to hypnotize him out of business.

Garrison personally handled

the courtroom questioning of Dallas construction worker Richard R. Carr, who said the FBI had told him to keep quiet about his eye-witness account of Dealey Plaza, although two FBI reports, conflicting in detail, are publicly accessible in the National Archives.

Federal opposition to Garrison has been much in evidence and prosecutors' complaints of this permeate their questions to witnesses. The Justice Department consistently opposed turning over autopsy pictures and other assassination material from the Archives, going so far as to appeal a court order to produce them.

However, it is not completely clear why, if Garrison wanted the material so badly, he informed Washington that the issue was dead as soon as he rested his case on Thursday. The material might have come in handy in cross-examination defense witnesses or as rebuttal evidence.

Garrison may score mini-points against the Warren Report in cross-examining witnesses for the defense, but his long awaited case-in-chief is over. Despite the dashed hopes and expectations, Garrison remains an apparent smash hit in New Orleans. What would happen if he took his show on the road is something else.