

JURY SEATED, SHAW TRIAL BEGINS

Burden of Proof Falls on Garrison

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NEW ORLEANS — Now Jim Garrison must prove his case.

He must demonstrate beyond any reasonable doubt in the minds of nine of the 12 jurors that Clay Shaw, a prominent and respected New Orleans businessman, a liberal and admirer of John Fitzgerald Kennedy, a decorated World War II veteran and patron of the arts, conspired to kill the 35th president more than five years ago in Dallas.

Today, nearly two years after he startled the world with his claim that he "solved" the Kennedy assassination, the New Orleans district attorney begins to present his formal legal case. The selection of a second—and final—alternate juror completed the panel yesterday, permitting the actual opening of the case.

Garrison says the Warren Commission appointed by former President Lyndon B. Johnson to investigate the Kennedy assassination was wrong in its central conclusion that Lee Harvey Oswald, acting alone, planned and executed the President's murder.

Garrison charges that Shaw conspired with Lee Harvey Oswald, David W. Ferrie "and others" to kill the President. Since both Oswald and Ferrie are dead, the case rests on secondary testimony.

Warrant Filed

In a warrant filed at the time of Shaw's arrest on March 2, 1967, part of the substance of Garrison's case became public. The warrant read, in part:

"Affiant has evidence that meetings were held in the apartment of David W. Ferrie at 3330 Louisiana Ave. Parkway (in New Orleans) and the people present were David W. Ferrie, Clay Shaw (alias Clay Bertrand), Lee Harvey Oswald, an informant, and other persons. The meetings were held in September, 1963, and the above individuals were discussing how they would kill John F. Kennedy, president of the United States.

"At these meetings there was an agreement and combination

between Clay Shaw (Clay Bertrand), Oswald, Ferrie and others to kill John F. Kennedy. At these meetings there was discussion and agreement to carry out this plan."

One of the many misconceptions surrounding this case involves the criminal code under which Shaw is charged. Shaw is being tried for criminal conspiracy, not for the murder of John F. Kennedy. In fact, whether Shaw, Oswald, Ferrie or others actually committed the murder makes no difference, legally.

Point Explained

"President John F. Kennedy could be alive today and the defendant could still be seated right where he is today," Asst. District Atty. James Alcock pointed out yesterday.

Under Louisiana statutes, a criminal conspiracy consists of two principal parts. First, there must be a meeting of minds, or, as the code puts it, an "agreement or combination of two or more persons for the specific purpose of committing any crime."

Even if that, alone, is proved, it is not sufficient for conviction. The state must prove further at least one overt act designed to carry out the agreement to commit a crime.

The state has been using this analogy: If three men sat around and decided to kill the president that, alone, is not a crime. But if one of them then went out and bought a rifle with the intention of carrying out the conspiracy agreement, and if that could be proved in a court of law, a crime has been committed.

Terms Outlined

Here, conviction under that statute carries imprisonment at hard labor for not less than one nor more than 20 years.

Shaw has denied the charges. He has said he did not know Oswald, nor anyone who knew him. And, he has stated: "I have not conspired with anyone at any time or any place to murder our late and esteemed President John F. Kennedy, or any other individual. I have always had only the highest and utmost respect and admiration for Mr. Kennedy."

At the time of Kennedy's assassination on Nov. 22, 1963, in Dallas, Shaw was in San Francisco to fulfill a speaking engagement in the San Francisco World Trade Center. That point never has been at issue. Shaw, 6-foot-4-inches tall, with high cheek bones and silver hair, was then the managing director of the International Trade Mart in New Orleans.

His trial brings into the legal arena a lengthening controversy surrounding the facts of Kennedy's murder. The assassination already has taken its place in mythology. Self-appointed critics and investigators have combed the available information for new light on the death.

Sensational books and articles have been written, speeches and charges have been made, new theories have been advanced.

But until Jim Garrison entered the picture, the criticism remained out of legal jurisdictions. Garrison's investigation and his subsequent statement of Feb. 22, 1967, that "my staff and I solved the assassination weeks ago" and that he had "the evidence beyond the shadow of a doubt" added an official dimension.

Garrison is no stranger to controversy. The adjective most often to describe him is "flamboyant." Garrison is just that.

Standing 6 feet 6, his hair often ruffled, an intense look on his face, he had been a colorful figure in New Orleans. There had been a time when he could be seen on many nights moving through the night-spots in the French Quarter, often wearing a white dinner jacket.

As his case began to unfold, it seemed to fit peculiarly well into the exotic setting of New Orleans, a place of strip joints, watered drinks, prostitution, and often cheap commercialism, along with its more genuinely gracious atmosphere. Garrison alluded to homosexuality, clandestine meetings with anti-Castro Cubans, and the shadowy figures of the Central Intelligence Agency as being factors in the case.

He has said publicly he first became interested in the

Kennedy assassination after talking with Louisiana's Sen. Russell Long in the fall of 1966. Long, Garrison said, "expressed grave doubts about the Warren Commission's conclusion that Lee Harvey Oswald was the lone assassin."

Garrison then began looking into the case, after studying the Warren Commission findings, he said:

"It's impossible for anyone possessed of reasonable objectivity and a fair degree of intelligence to read those 26 volumes and not reach the conclusion that the Warren Commission was wrong in every one of its major conclusions . . ."

For the past two years, he has taken his case to the public, through the press. Now a jury of 12 men — three of them are Negroes, two bachelors, a machine operator, a truck driver, two mechanics, a high school civics teacher, an assembly shift supervisor, a petroleum engineer, a housing inspector, a postal worker, a finance unit company manager — will begin hearing the actual case.

They will decide whether what Jim Garrison has been saying will stand up in a court of law.