

Editorial Notebook

Oliver Stone's Patsy

In an unworthy attempt to showcase his personal theories about the murder of John F. Kennedy, a self-promoter named Jim Garrison, the New Orleans District Attorney in

1967, concocted conspiracy charges against a retired local businessman named Clay Shaw. Mr. Garrison alleged that the crime in Dallas had been hatched in New Orleans by Mr. Shaw, Lee Harvey Oswald and another man.

Two years later a jury, after a monthlong trial and a closing oration from Mr. Garrison, took only 50 minutes to acquit. The jurors concluded that, whatever doubts they might have had about the Warren Commission's finding that Lee Harvey Oswald acted alone, Mr. Garrison had utterly failed to link Mr. Shaw to any crime.

A day later the unchastened D.A. filed a perjury case, charging Mr. Shaw with lying when he denied meeting with or knowing his alleged co-conspirators. A Federal judge took the rare step of finding "bad faith" on Mr. Garrison's part and enjoined the second prosecution.

Mr. Shaw died in 1974, thus ending his own suit charging a malicious Garrison prosecution and gross violation of his constitutional rights. He had a strong case of fabricated evidence, perjured testimony and abuse of power over the local legal machinery. In fact Mr. Garrison's sins were worse than that: He had appropriated another human being to make a self-serving political statement.

Oliver Stone's new movie "JFK" not only fails to concede this evil but perpetuates it. About the only suggestion of a moral problem for the prosecutor, played by Kevin Costner, is expressed by his alienated wife, played by Cissy Spacek. She accuses her husband of picking on Mr. Shaw because he's gay and supposedly vulnerable. But by the end of 3 hours and 20 minutes on the screen, she too accepts the "value" of his mission.

Mr. Stone is as careless with the truth as is his hero. He depicts the prosecutor's fabrications as actual events, and adds fabrications of his own. Like the D.A., Mr. Stone is indifferent to the rights of the accused and cynical in denying Clay Shaw his humanity. The movie is ostensibly dedicated to truth; instead it revives a malicious prosecution and, like the prosecutor, uses Clay Shaw

'JFK' Film Revives A Malicious Prosecution

to promote a theory of grand conspiracy.

Allegations of conspiratorial meetings with Mr. Oswald and others, which would have convicted Mr.

Shaw if the jury had believed them, are portrayed on the screen as actually happening. The movie also depicts as true a policeman's contention that Mr. Shaw, after his arrest, admitted using the alias "Clay Bertrand."

Since the shadowy Bertrand was a prime Garrison suspect, Mr. Shaw would hardly have given that incriminating answer. Indeed, the officer's testimony was so preposterous that Judge Edward Haggerty ruled it inadmissible partly because it was unbelievable. That was an astonishing act of incredulity almost unheard of on that particular local bench. Yet the film portrays the judge's action as finicky obstructionism.

These inventions exceed even the questionable liberties enjoyed by television "docudrama." In docudrama, some scenes and even some characters may be created for dramatic reasons or to tell a real-life story more clearly. But it is dismaying to see entire episodes presented as true, especially episodes that have been virtually laughed out of court.

Mr. Stone glosses quickly over the jury's ringing "not guilty," strikes up triumphal music and ends the film with a written epilogue. It says that in 1979 Richard Helms, then Director of Central Intelligence, admitted that contrary to the defendant's testimony, Mr. Shaw had "worked for" the C.I.A., one of Mr. Garrison's perceived conspirators. But all Mr. Helms said was that Mr. Shaw was a C.I.A. "contact," like many businessmen and academics who are sometimes debriefed on returning from abroad.

Lee Harvey Oswald is accurately quoted as contending before he was shot that he was a "patsy" in the Kennedy case, a victim of a frame-up. Prosecutors and historians will long debate whether he was indeed the fall guy arrested to divert attention from a monstrous global conspiracy. What they are not morally free to do is make a patsy out of someone like Clay Shaw to advance those theories and schemes.

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