

8/19/70

Dear Ed,

I've read the chapter from Mark Star (would you like me to return it so you can have the complete book again?). It is, in many ways, very interesting. It is, for example, a pattern to be followed later, in sometimes fine detail.

The political commentary is accurate. I think it is probably accurate in presuming the reason for whoever desired change in Cuba so desiring. I have forgotten so much of those countries and that period. I was then a sort of Latin America expert. To me, the glaring and missed clue is the absence of one obvious charge: violation of the neutrality laws. From that I do draw a few tentative conclusions.

Not that the government was behind the plot, for had they been, there'd not have been the raid. It think it more likely they were secretly sympathetic to those who were.

The Falange in Latin America was in some cases the overseas branch of the Spanish fascist party. However, the term was also applied to right-wingers not so attached. It is an oversimplification to say this was a Spanish plot, and I doubt Franco ever threw that kind of U.S. money around.

In those days we had no agency like the current CIA. I think it then had just been formed by Truman. The OSS had been disbanded and they didn't do this kind of thing, anyway.

The fake lumbering operation was exactly duplicated by Ricardo Davis, in 1963, even to the establishment of a company.

Guatemala, I think by then, but possibly not until a little later, had a popular-front government, with some land redistribution, and you know what our government did there. Is it possible this was an earlier gesture, unofficial?

So much is so like what was later the reality, the parallels are striking. The remaining question is what, if anything, does it mean?

Thanks,

LAPP

Editor's note 3/69

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 Orleans 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 attorneys 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 Orleans 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