

Carl Rowan

Fiasco of Clay Shaw Trial

WASHINGTON—Twenty-two months ago I wrote that Jim Garrison's probe of the assassination of President John F. Kennedy was "one of the most bizarre exercises in American history." I said at that time that "it may also be among the most irresponsible."

Such understatement for a columnist!

At the time I feared that Garrison might actually exploit public suspicion and gullibility to propel himself into national power. The Clay Shaw trial has shown that the public is not as gullible as Garrison hoped.

BUT THE mentality of Garrison is such that he is unprepared to accept crushing defeat. He quickly made an end run around the prohibition against double jeopardy and filed perjury charges against Shaw.

There are two issues raised by this action that are worthy of public concern and action.

First, there is the question of adequate checks on the power of public officials to harass and persecute private citizens, especially where there is substantial evidence that the official seeks to further his own political interests rather than those of the public.

One of the tactics Garrison used for years to maintain some public support for his "investigation" and his "plot theory" was the claim that he was fighting a ruthless, crooked, too-powerful federal govern-

ment. From time to time he accused the Central Intelligence Agency, the FBI, President Lyndon B. Johnson, and others of trying to hide the facts of the Kennedy assassination.

There appears to be no clear way to put legislative or administrative restrictions on a district attorney without making life easier for actual criminal elements. But surely the judicial branch ought to blow the whistle on a man like Garrison.

The second question is whether our laws ought to be revised to ease the financial burden on persons accused of serious crimes and subsequently found innocent.

Many a man has been "hanged" financially although he was found innocent of every charge against him.

It surely has cost Shaw a small fortune in legal expenses and fees to escape the trap of Garrison's imagination and ambitions.

IS IT both feasible and just to ask that, when society wrongly accuses a man of a serious crime, society should reimburse the wrongly accused man for the clear, out-of-pocket expense that it has forced him to bear?

The Shaw case is celebrated, but think of the "financial punishment" meted out every day to citizens of ordinary means who turn out to be innocent.

It is a difficult, complex problem, but the Garrison fiasco suggests it is time we did some serious thinking about it.