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Jim Garrison is not giving up despite Shaw's acquittal

Free Press Editor Art Kunkin came back from New Orleans on Tuesday with a severe cold and could not write a full wrap-up of the Clay Shaw trial for this issue. Next week his Free Press article will consider such questions as: Why the "Not Guilty" verdict? Is Clay Shaw really innocent? Is Garrison "unfit to hold public office"? Did the communications media report the trial accurately? Do the trial results mean that the Warren Commission is vindicated?

ART KUNKIN

Last Saturday morning a New Orleans jury returned a verdict of "Not Guilty" in the six week trial of retired businessman Clay Shaw for alleged involvement in a conspiracy to kill former President John F. Kennedy.

This verdict was immediately followed by establishment editorials throughout the country that District Attorney Jim Garrison should resign for having conducted a judicial farce. In New Orleans itself, sentiment was expressed during television shows that Clay Shaw should be sent as United States Ambassador to the Paris peace talks or at least inherit the Maharishi's position as guru to American youth.

However, Clay Shaw's sudden personal popularity in New Orleans following his courtroom victory vanished when Jim Garrison, instead of acting crushed and defeated, continued to try to put Clay Shaw in jail.

On Monday, the District Attorney filed charges against Shaw for having committed perjury during the conspiracy trial by denying that he knew David W. Ferrie and Lee Harvey Oswald.

The first Free Press article from New Orleans on the trial, dated February 11, anticipated this latest development by saying then "The first five days of evidence seem to place Clay Shaw in close relationship with persons he has previously denied knowing, including 'Leon Oswald.'... If Shaw takes the stand and still denies having known Ferrie and/or Oswald, he may very well get a perjury conviction... But this week of

testimony... does not seem to prove an overt conspiracy."

Shaw did take the stand (during his trial) to deny that he knew Ferrie or Oswald and did not participate in a conspiracy with them. Although the jury said by their verdict that Garrison had not shown Shaw's involvement in a conspiracy beyond a reasonable doubt, Garrison is very confident that he will get a conviction in a trial where the relatively simple question of lying about personal association is at issue.

(In its editorial of last Tuesday, March 4th, The Los Angeles Times inaccurately said of the New Orleans trial, "As weird a collection of witnesses as ever decorated a courtroom was brought in by the prosecution, only to destroy themselves by their own testimony." The Times may yet have to eat this hasty statement. Of the 49 witnesses brought forward by Garrison many were established and credible citizens who saw Shaw with Ferrie and/or Oswald. The testimony of any one of these, or others whom Garrison can bring forward in a trial which is also not concerned with the complicated question of the errors of the Warren Report, can, and probably will, send Shaw to prison for perjury).

I was with Garrison at the New Orleans Athletic Club last Monday as the city began to react to the filing of perjury charges against Shaw. He received a call from assistant District Attorney "Mumu" Sciambra informing him that a local TV station was demanding a press conference. Garrison turned to me and said with some indignation that the news media have for two years falsely charged him with flamboyance and that, from now on, there would be no more press conferences, only a daily filing of charges against guilty persons.

In line with what Garrison told me on Monday, on Tuesday his office charged a former Garrison investigator, Thomas Bethel, with having unlawfully stolen a memorandum from the District Attorney's office listing the name of each Garrison witness and the substance of the testimony they would give at the Clay Shaw trial.

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This memo was given by Bethel to Salvatore Panzeca, one of Shaw's attorneys, before the trial began.

(The Free Press was the only newspaper to anticipate this development. On Feb. 21 we wrote from New Orleans, "Some poor soul in Garrison's office who felt sorry for Shaw gave all of the trial plans to Shaw's attorneys as the trial began.")

After the theft was discovered, Bethel gave Garrison's office a sworn affidavit testifying as to his actions. Since Bethel will probably not testify against himself now that charges have been filed and Panzeca will remain silent, Bethel's future hinges on whether or not the trial judge will permit the affidavit to be used as courtroom evidence. Garrison's office is now considering additional perjury charges against such key defense witnesses as Dean Andrews as well as charges of interfering with state's witnesses against others.

And while Clay Shaw was a very popular man in New Orleans last weekend after the jury acquitted him of conspiracy, now that he may still face a jail sentence his fair weather friends are again socially shunning him.