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CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

.....

STATE OF LOUISIANA	.	198-059
VS.	.	14:26 (30)
CLAY L. SHAW	.	Section "C"

.....

PROCEEDINGS IN OPEN COURT OF
FRIDAY, FEBRUARY 28, 1969

JIM GARRISON'S CLOSING ARGUMENT

BEFORE:

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

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Document I.D. Shaw Trial Proceedings Vol. 47

INDEX

SLIM GARRISON

COPY TO

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Gary Cornwell
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Charlie Mathews
Jim Wolf
Donovan Gay
Jackie Hess
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

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1 THE COURT:

2 Do I understand, Mr. Garrison, you wish
3 to address the Jury?

4 MR. GARRISON:

5 Yes.

6 May it please the Court:

7 Gentlemen of the Jury, I'm not going to
8 dignify Mr. Dymond's personal
9 inferences about my staff, because
10 I think you've seen them for some
11 days, and I think you've seen me
12 here, and I'll leave it to your
13 judgment whether or not we would take
14 advantage of any human being in order
15 to try and get any gain of any sort;
16 and I'll address myself to the
17 remaining issues of the case which
18 have been posed by Mr. Dymond.

19 Now, I know you're very tired. You've
20 been very patient. This final day
21 has been a long day, so I'll speak
22 only a few minutes, and I'll
23 probably make one of the shortest
24 closing arguments that's been made
25 in this Court, because I think most of

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the issues are clear to you, and
I feel that you probably have an
understanding of the case by now.

Mr. Dymond posed, in his last argument,
one final issue which in a sense
raises a question of what we do when
the need for justice is confronted
by power.

So, let me talk to you about whether there
is Government fraud in this case.

Now, a Government is a great deal like
a human being; it's not necessarily
all good, and it's not necessarily
all bad. We live in a good country,
and I love it, and you do, too.

But, we have, nevertheless, a
Government which is not perfect,
and there have been indications since
November the 22nd of 1963, and that
was not the last indication, that
there is excessive power in some
areas of our Government -- that the
people have not received all of the
truth about some of the things that
have happened; some of the

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assassinations that have occurred;
and particularly with regard to the
assassination of John Kennedy.

Going back to when we were children, I
think most of us, probably all of
us here in this Courtroom, thought
that Justice came into being auto-
matically; that virtue was its own
reward; and good would triumph over
evil; that it occurred automatically.
Later, when we found that it wasn't
quite so, most of us felt that,
hopefully, that at least Justice
occurred frequently of its own
accord, but now I think that almost
all of us would have to agree that
there's really no automatic machinery
not on this earth at least, which
causes Justice to happen auto-
matically. Men have to make it
occur. Individual human beings have
to make it occur; otherwise, it
doesn't come into existence, and this
is not always easy. As a matter of
fact, it's always hard, because

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Justice presents a threat to power;
and, in order to make Justice come
into being, you often have to fight
power.

Mr. Dymond raised the question: Why
don't we say it's a fraud, and
charge the Government with fraud,
if this is the case?

Well, then, let me be explicit and make
myself very clear on this point.

The Government's handling of the
investigation of John Kennedy's
murder was a fraud. It was the
greatest fraud in the history of our
country. It was probably the
greatest fraud ever perpetrated in
the history of humankind.

So, that's where I stand on that point.
But that doesn't mean that we have
to accept the continued existence
of the kind of Government which
allows this to happen. We can do
something about it. We're not
forced to either leave this country,
or accept the authoritarianism that's

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1 developed, which tells us that in the 5
2 year 2039 we can see the evidence
3 about what happened to John Kennedy.
4 Government does not consist only of
5 secret police and domestic espionage
6 operations and Generals and
7 Admirals -- Justice consists of
8 people. The Government consists of
9 people, and our Government consists
10 of juries; and cases of murder,
11 whether of the poorest individual,
12 or the most distinguished citizen
13 in the land, should be looked at
14 openly in a court of law, where
15 juries can pass on them, and not
16 hidden; not buried like the body
17 of the victim, beneath concrete for
18 75 years.

19 Now, you men in the recent weeks, have
20 heard witnesses that no one else
21 in the world has heard, and you've
22 seen the Zapruder film. You've seen
23 what happened to your President, and
24 I suggest to you that most of you
25 know right now that in that area at

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least, a fraud has been perpetrated.
That does not mean that our Government
is entirely bad; and I want to
emphasize that. It doesn't mean that
the President is bad. It doesn't
mean that the Supreme Court is bad.
It does mean that in recent years,
through the development of excessive
power, because of the cold war,
forces have developed in our Govern-
ment over which there is no control,
and these forces have an
authoritarian approach to Justice,
meaning, they will let you know what
Justice is.

Well, my reply to them, is we already know
what it is. It is the Jury System.
In the issue which is posed by the
Government's conduct in concealing
the evidence in this case. In the
issue of humanity as opposed to power,
I have chosen humanity, and I will do
it without any hesitation, and I hope
every one of you will do the same, and
I do that because I love my country,

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and I want to communicate to the Government that we will not accept unexplained assassinations, with the casual information that if we live 75 years longer we may be given more data.

In this particular case, our efforts to look into it, and it was our duty when we found out that part of the assassination finally occurred in New Orleans, massive power was brought to bear to prevent Justice from ever coming into this Courtroom as it has. The power to make authoritative pronouncements; the power to manipulate the news media by the release of false information; the power to interfere with an honest inquiry; the power to provide an endless variety of experts to testify in behalf of power, was demonstrated in this case. The American people have yet to see the Zapruder film.. Why? The American people have yet to see and hear from witnesses about the

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assassination. Why?

Because, today in our Government, we have a problem area in which too much emphasis is given to secrecy with regard to the assassination of our President, and not enough emphasis has been given to the question of Justice; to the question of humanity.

These dignified deceptions will not suffice. We have had enough of power without truth. We don't have to accept power without truth, or leave the country. I don't accept that alternative. I don't intend to leave the country, and I don't intend to accept power without truth. I intend to fight for the truth, and I suggest that not only is this not un-American, but it is the most American thing we can do, because if the truth does not endure, then our country will not endure -- not in the way it was supposed to... In our country the worst of all crimes is when the Government murders truth.

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If it can murder truth, it can murder freedom. If it can murder freedom, it can murder your own sons, if they should dare to fight for freedom, and then announce that they were killed in an industrial accident, or shot by the enemy, or God knows what.

But, in this case, finally it has been possible to bring the truth about the assassination into a Court of Law; not before a Commission composed of important and powerful and politically astute men, but before a Jury of citizens.

Now, I suggest to you that yours is a hard duty, because in a sense what you're passing on is equivalent to a murder case. It has the same essential characteristics, and the difficult thing about passing on a murder case is that the victim is out of your sight, and buried a long distance away, and all you can see is the Defendant, and it's very difficult to

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1 identify with someone you can't
2 see; and sometimes it's hard not to
3 identify to some extent with the
4 Defendant and his problems.

5 In that regard, every Prosecutor who is
6 at all humane, is conscious of
7 feeling sorry for the Defendant in
8 every case he prosecutes. But, he
9 is not free to forget the victim
10 who lies buried out of sight, and I
11 suggest to you that if you do your
12 duty, you also are not free to forget
13 the victim who is buried out of
14 sight.

15 You know, Tennyson once said that authority
16 forgets a dying king. This was never
17 more true than in the murder of John
18 Kennedy -- the strange and deceptive
19 conduct of the Government after his
20 murder began while his body was
21 warm, and has continued for five
22 years. In a sense, you have even
23 seen in this Courtroom indications
24 of the interest of some part of the
25 Government power structure, in keeping

the truth down; in keeping the grave closed.

We presented a number of eye witnesses, as well as an expert witness, as well as the Zapruder film, to show that the fatal wound of the President came from the front. A plane landed from Washington, and out stepped Dr. Finck for the Defense, to counter the clear and apparent evidence of a shot from the front. I don't have to go into Dr. Finck's testimony in detail for you to see that it simply did not correspond with the facts. He admitted that he did not complete the autopsy, because a General told him not to complete the autopsy.

Now, in this conflict between power and Justice -- to put it that way -- just where do you think Dr. Finck stands? A General, who was not a Pathologist, told him not to complete the autopsy, so he didn't complete it. This is the way I don't want my country to be. When our President is killed,

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1 he deserves the kind of autopsy that
2 the ordinary citizen gets every day
3 in the State of Louisiana. We can't
4 have Government power suddenly
5 interjecting itself and preventing
6 the truth from coming to the people;
7 but in this case, before the next
8 morning when the sun rose, power had
9 moved into the situation, and the
10 truth was being concealed. And,
11 five years later, in this Courtroom,
12 it's continuing in the same way.

13 We presented eye witnesses who told you
14 of the shots coming from the grassy
15 knoll. A plane landed from
16 Washington, and out came ballistics
17 expert Frazier for the Defense.

18 MR. DYMOND:

19 Object to this, if the Court please.

20 Mr. Frazier was subpoenaed here as
21 a State witness.

22 THE COURT:

23 He testified for the Defense. He was
24 called by the Defense, Mr. Dymond.

25 MR. DYMOND:

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He was subpoenaed here from Washington
as a State witness.

THE COURT:

Makes no difference who subpoenaed him;
it's who put him on the stand.

MR. DYMOND:

We didn't have anything to do with his
coming here on a plane from
Washington.

MR. GARRISON:

Now, the issue I'm getting to, as I'm
sure every one of you understands,
is whether or not the Government has
created a fraud, and I call to your
attention that Mr. Frazier's
explanation of the sound of shots
coming from the front, which was
heard by eye witness after eye
witness and after eye witness'-- his
explanation is that Lee Oswald
created a sonic boom in his firing.
Not only did Oswald break all of the
world's records for marksmanship,
but he broke the sound barrier as
well.

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1 And I suggest to you, that if any of you
2 have shot on a firing range, and
3 most of you probably have in the
4 Service, you were shooting rifles in
5 which the bullet traveled faster
6 than the speed of sound, and I ask
7 you to recall if you ever heard a
8 sonic boom. If you remember when
9 you were on the firing line, and
10 they'd say, "Ready on the left;
11 ready on the right; ready on the
12 firing line; commence firing;" you
13 heard the shots coming from the
14 firing line, to the left of you and
15 to the right of you, and if you had
16 heard, as a result of Frazier's
17 fictional sonic booms, firing coming
18 at you from the pits, you would have
19 had a reaction, and you would still
20 remember. It simply doesn't exist.
21 It's a part of the fraud -- a part
22 of the Government fraud -- and the
23 best way to make this country the
24 kind of country it's supposed to be,
25 is to communicate to the Government

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that no matter how powerful it may be, we do not accept fraud. We do not accept false announcements. We do not accept the concealment of evidence with regard to the murder of President Kennedy.

Who is the most believable -- a Richard Randolph Carr, seated here in a wheelchair, and telling you what he saw and what he heard, and how he was told to shut his mouth -- or Mr. Frazier, with his sonic booms?

Do we have to actually reject Mr. Newman and Mrs. Newman and Mr. Carr and Roger Craig, and the testimony of all those honest witnesses -- reject that and accept the fraudulent Warren Commission, or else leave the country?

I suggest to you that there are other alternatives; and one of them has been put in practice in the last month in the State of Louisiana; and that is to bring out the truth in a proceeding where attorneys can

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cross-examine; where the Defendant can be confronted by testimony against him; where the rules of evidence are applied, and where a Jury of citizens can pass on it, and where there is no Government secrecy. Where you do not have evidence concealed for 75 years in the name of National security.

All we have in this case are the facts -- facts which show that the Defendant participated in the conspiracy to kill the President, and that the President was subsequently killed in an ambush.

The reply of the Defense has been the same as the early reply of the Government in the Warren Commission; has been authority, authority. The President's Seal outside of the volume of the -- each volume of the Warren Commission -- made necessary because there's nothing inside of these volumes. Men of high position and prestige sitting on a Board, and

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announcing the results to you, but
not telling you what the evidence is,
because that has to be hidden for
75 years.

You heard in this Courtroom in recent
weeks, eye witness after eye witness
after eye witness, and, above all,
you saw an eye witness which was
indifferent to power -- the Zapruder
film. The lens of the camera is
indifferent to power, and it tells
what happened, and that is one of the
reasons 200,000,000 Americans have
not seen the Zapruder film. They
should have seen it many times. They
should know exactly what happened.
They should know what you know now.
Why hasn't this come into being, if
there hasn't been Government fraud?
Of course, there has. But, I'm
telling you that I think we can do
something about it. I think that
there's still enough Americans left
in this country to make it continue
to be America. I think that we can

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1 still fight authoritarianism -- the
 2 Government's insistence on secrecy;
 3 Government force used in counter-
 4 attacks against an honest inquiry --
 5 and when we do that, we're not being
 6 un-American -- we're being American,
 7 because it isn't easy, and you're
 8 sticking your neck out in a rather
 9 permanent way, but it has to be done,
 10 because truth does not come into
 11 being automatically. Justice does
 12 not happen automatically. Individual
 13 men, like the members of my staff
 14 here, have to work and fight to make
 15 it happen, and individual men like
 16 you have to make Justice come into
 17 being, because otherwise it doesn't
 18 happen.

19 And, what I'm trying to tell you is that
 20 there are forces in America today,
 21 unfortunately, which are not in favor
 22 of the truth coming out about John
 23 Kennedy's assassination. As long as
 24 our Government continues to be like
 25 that; as long as such forces can get

Reference copy, JFK Collection: HSCA (RG 233)

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away with these kind of actions,
then this is no longer the country
in which we were born.

The murder of John Kennedy was probably
the most terrible moment in the
history of our country. Yet,
circumstances have placed you in the
position where not only have you
seen the hidden evidence, but you
are actually going to have the
opportunity to bring Justice into the
picture for the first time.

Now, you are here sitting in judgment on
Clay Shaw; but you, as men,
represent more than jurors in an
ordinary case, because of the victim
in this case. You represent, in a
sense, the hope of humanity against
Government power. You represent
humanity which yet may triumph over
excessive Government power, if you
will cause it to be so, in the course
of doing your duty in this case.

I suggest that you ask not what your
country can do for you, but what you

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can do for your country.

What can you do for your country? You can cause Justice to happen, for the first time in this matter. You can help make our country better by showing that this is still a Government of the people; and if you do that, as long as you live nothing will ever be more important than that.

Thank you.

...oOo...

I, Eileen T. Hebert, transcribed the above from the tape recording of the proceedings, this date, New Orleans, Louisiana.

5 March 1969

Eileen T. Hebert
Eileen T. Hebert

Reference copy, JFK Collection: HSCA (RG 233)

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24
25

Routing Slip

NO. 000052

DATE 8/15/77

Document I.D. Shaw Trial Proceedings Vol. 48

INDEX

CHARGE to JURY

Verdict

COPY TO

Robert Blakey
Gary Cornwell
Kenneth Klein
Charlie Mathews
Jim Wolf
Donovan Gay
Jackie Hess
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

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