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Warren Commission Report: Article on the Investigation Conducted by District Attorney Garrison

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RELEASE

1. We are forwarding herewith a reprint of the article, "A Reporter At Large: Garrison", published in THE NEW YORKER, 13 July, 1968. It was written by Edward Jay Epstein, himself author of a book, ("Inquest"), critical of the Warren Commission Report.

2. The wide-spread campaign of adverse criticism of the U.S., most recently again provoked by the assassination of Senator Robert Kennedy, appears to have revived foreign interest in the assassination of his brother, the late President Kennedy, too. The forthcoming trial of Sirhan, accused of the murder of Senator Kennedy, can be expected to cause a new wave of criticism and suspicion against the United States, claiming once more the existence of a sinister "political murder conspiracy". We are sending you the attached article--based either on first-hand observation by the author or on other, identified sources--since it deals with the continuing investigation, conducted by District Attorney Garrison of New Orleans, La. That investigation tends to keep alive speculations about the death of President Kennedy, an alleged "conspiracy", and about the possible involvement of Federal agencies, notably the FBI and CIA.

3. The article is not meant for reprinting in any media. It is forwarded primarily for your information and for the information of all Station personnel concerned. If the Garrison investigation should be cited in your area in the context of renewed anti-U.S. attacks, you may use the article to brief interested contacts, especially government and other political leaders, and to demonstrate to assets (which you may assign to counter such attacks) that there is no hard evidence of any such conspiracy. In this context, assets may have to explain to their audiences certain basic facts about the U.S. judicial system, its separation of state and federal courts and the fact that judges and district attorneys in the states are usually elected, not appointed: consequently, D.A. Garrison can continue in office as long as his constituents re-elect him. Even if your assets have to discuss this in order to refute--or at least weaken--anti-U.S. propaganda of sufficiently serious impact, any personal attacks upon Garrison (or any other public personality in the U.S.) must be strictly avoided.

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Attachment: 1 unclassified article, per para 1

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A REPORTER AT LARGE

GARRISON

A GREAT many Americans must have responded with some measure of bewilderment when, on March 1, 1967, they heard the news that Jim Garrison, the District Attorney of Orleans Parish, Louisiana, had arrested a prominent New Orleans citizen, Clay L. Shaw, for "participation in a conspiracy to murder John F. Kennedy." The conclusions of the Warren Commission, published some two and a half years before, had offered the authoritative judgment that Lee Harvey Oswald alone was responsible for the assassination. And although a host of doubts were subsequently raised concerning the adequacy of the Warren Commission's investigation and the reliability of its conclusions, it seemed incredible that the New Orleans District Attorney could declare, as Garrison had, "My staff and I solved the assassination weeks ago. I wouldn't say this if we didn't have the evidence beyond a shadow of a doubt." Indeed, the possibility that a local prosecutor had found the answers to questions that had baffled the investigative resources of the federal government seemed so remote to most journalists that, soon after the initial stir provoked by Shaw's arrest, news of the "assassination plot" was generally relegated to the back pages and treated about as seriously as flying-saucer reports.

I, for one, however, was prepared to believe that District Attorney Garrison's claims might have some substance to them. In the course of writing my book "Inquest," I had found that the Warren Commission's investigation had been severely constrained both by bureaucratic pressures exerted from within and by limits of time imposed from without. Far from being the rigorous and exhaustive examination that it was taken to be, the Commission's work was, at certain crucial points, reduced to little more than an exercise in the clarification of superficial evidence. When one delved more deeply, some far more difficult problems than any acknowledged by the Commission began to appear. Even members of the Commission's own staff found this to be true. For example, when one staff lawyer suggested, late in the investigation, that it might be worthwhile to look further into the partly corroborated claim of one witness that Oswald had been associated not long before the assassination with two unidentified Cuban exiles, his superior

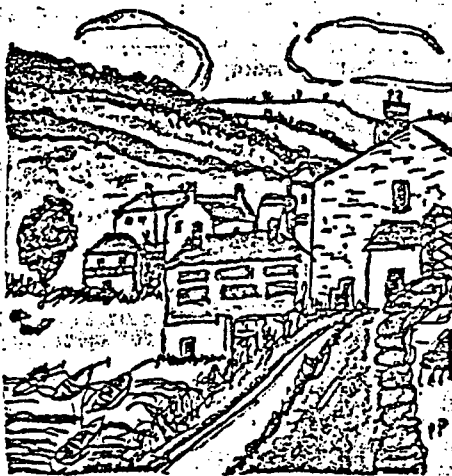
curtly told him, "At this stage, we are supposed to be closing doors, not opening them." It later turned out that some of the doors left ajar but unopened led to associates of Oswald's in New Orleans, so it seemed entirely conceivable to me that Garrison just might have stumbled upon some valuable information that the Commission had, for one reason or another, sidestepped.

Consider, for example, a story at the root of Garrison's investigation, which involved a meeting among Oswald and three men—David William Ferrie, Carlos Quiroga, and W. Guy Banister—all of whom the Warren Commission had had reason to be interested in. Ferrie, who, according to the testimony of one Commission witness, commanded a unit of the Civil Air Patrol in which Oswald may have been a member briefly, had been arrested in New Orleans shortly after the assassination, on a tip that he was involved with Oswald, and then released. Carlos Quiroga, a prominent Cuban exile, had visited Oswald's home several times in New Orleans, for the purpose, he alleged, of appraising Oswald's pro-Castro activities. W. Guy Banister, a private detective known to be associated with anti-Castro activists in New Orleans, had an office in a building whose address appeared on some of the pro-Castro literature that Oswald occasionally handed out on the streets. All this information was in the hands of the Commission, yet none of these three men was questioned by the Commission or its staff. It seemed to me that leads such as these, if they had been pursued, could have provided a possible bridge between the known and unknown worlds of Lee Harvey Oswald in New Orleans. And once such a

bridge was crossed, a whole new set of clues to why Oswald killed the President might have been found.

Could Garrison have discovered such a bridge? Skeptics tended to dismiss the possibility on the ground that Garrison was a flamboyant and extremely ambitious politician. According to Aaron M. Kohn, the managing director of the Metropolitan Crime Commission of New Orleans, "Garrison never lets the responsibilities of being a prosecutor interfere with being a politician." However, the fact that Garrison was politically motivated did not necessarily—to my mind, at least—preclude the possibility that he might be on to something. Whereas it might not always have been in the interests of the Warren Commission, which was concerned as much with dispelling doubts as with ascertaining facts, to pursue leads that might generate further doubts, or possibly damage the effectiveness of federal agencies, an ambitious politician, it seemed to me, might well pursue leads to their conclusion, especially since solving "the case of the century," as Garrison called it, would certainly enhance his reputation. Convinced that it was possible—indeed, probable—that Garrison could find details of Oswald's affairs that the Commission had missed, I went to New Orleans shortly after Garrison announced that he was getting to the bottom of the "assassination plot" and arrested Shaw.

EVER since he was first elected District Attorney, in 1961, Jim Garrison—he legally changed his given name to Jim from Earling Carothers—has been a controversial figure in New Orleans. He has fought long and hard against prostitutes, homosexuals in the French Quarter, and the more vulnerable purveyors of vice, but, according to his critics on the Metropolitan Crime Commission, he has neglected the problem of organized crime in New Orleans. "People worry about the crime 'syndicate,'" Garrison once said, "but the real danger is the political establishment, power massing against the individual." When the city's eight criminal-court justices exercised their statutory right to oversee the financing of his anti-vice campaign, Garrison charged that their actions "raised interesting questions about racketeer influences." A court subsequently convicted Garrison of criminally libelling



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of the Roosevelt Hotel in New Orleans, and had briefly discussed with Shaw the possibility of bringing bloodless bullfights to New Orleans; he had left his business address—PO Box 19106, Dallas, Texas—with Shaw. In fact, Odom's post-office box could not possibly have been the number in Oswald's book, because the post-office-box number 19106 did not exist in Dallas before it was assigned to Odom, in 1965—long after Oswald's death, in 1963. It was clear that Garrison had done some questionable interpolating of his own in moving from a coincidence to a conspiracy. First, he had told newsmen that the number in Oswald's book was PO 19106, although in fact it was D D 19106. (When a television interviewer later asked him how he had determined that the prefix was PO, rather than D D, he answered, with perfect aplomb, "More or less by looking at it.") Then, on the basis of his deductions, he had announced that the post-office-box number was fictional. And, finally, he had converted the number in Shaw's book into Jack Ruby's phone number by rearranging the digits, subtracting an arbitrary number, and changing the letters "PO" to "WH." Garrison had constructed a piece of evidence against Clay Shaw and had disclosed it to the press. Yet the District Attorney did not seem particularly perturbed when questions were raised about the logic of his deductions. When he was asked on a local television show how the number of a post-office box that didn't exist until 1965 could have been used to represent Jack Ruby's phone number in 1963, he replied, "Well, that's a problem for you to think over, because you obviously missed the point." Indeed, Garrison counterattacked in a press conference, saying, "We are very interested in knowing who introduced Mr. Odom to Mr. Shaw, how many bullfights Mr. Odom has actually produced"—as if this fact were relevant to his investigation—and "We are particularly interested in clarifying now why there is also coded in Lee Oswald's address book the local phone number of the Central Intelligence Agency." Using an entirely different system of decipherment, Garrison managed to convert the number 1147, which appeared in Oswald's book, to 522-8874, the C.I.A.'s phone number. Oswald's codes were "subjective," Garrison said, in that they varied from number to number. There seemed little point in Oswald's having gone through such an elaborate procedure, however, because the C.I.A. number that Garrison referred to was—and is—listed in the

New Orleans telephone book.

What was Garrison's purpose in all this? He himself noted, in an extended interview in *Playboy* for October, 1967, that pre-trial publicity prejudicial to the defendant "could get our whole case thrown out of court," yet he himself had jeopardized his case by releasing information that was not only prejudicial to Clay Shaw but unfounded.

IT was aboard a jet flight between New Orleans and New York in late November of 1966 that the Garrison investigation started taking shape. Prompted by a cover story in *Life* that called for a new investigation into the assassination, three prominent passengers—Senator Russell B. Long, of Louisiana; Joseph M. Rault, Jr., a wealthy New Orleans oilman; and District Attorney Jim Garrison—began speculating about the events in Dallas three years before. As their conversation was reported in *New Orleans*, the official magazine of the city's Chamber of Commerce, the three agreed that, in Rault's words, "... it would be almost preposterous to believe that one man, an individual such as Oswald, could have been the only one involved in this thing." Senator Long cited deficiencies in the Warren Commission's investigation. "I think if I were investigating," he said, "I'd find the hundred best riflemen in the world and find the ones who were in Dallas that day." Garrison recalled that in 1963 his office had been interested in "a very unusual type of person who made a very curious trip at a very curious time about the date of the assassination," and the District Attorney added that he "might want to now go back into some of those events."

The individual whom Garrison had in mind was David William Ferrie, and he was, to say the least of it, "a very unusual type of person." Garrison later characterized Ferrie as both an "evil genius" and "a pathetic and tortured creature." To compensate for being completely hairless, Ferrie pasted what looked like clumps of red monkey fur on his head and wore artificial eyebrows. (Explanations of how Ferrie lost his hair have become part of the folklore of the assassination. William W. Turner, author of a so-called "official history" of the Garrison investigation which appeared in *Ramparts*, reported one speculation that the loss might have been "a physiological reac-

tion to exposure to the extreme altitudes required for clandestine flights." He went on to say that Chinese Nationalist U-2 pilots have reportedly experienced the same "hair-loss phenomenon." Fred Powledge, after interviewing Garrison, wrote in the *New Republic* that Ferrie's "interest in homosexuality led him to shave off all his body hair." However, the question was decisively answered by Harold Weisberg, a critic of the Warren Commission, whose stepbrother, Dr. Jack Kety, had treated Ferrie for the disease alopecia, which can render its victims hairless.)

Rather like Oswald, Ferrie was a failure at virtually everything he tried. He trained for the priesthood, and was dismissed from two seminaries as a result of eccentric personal behavior. Later, he became a "bishop" in a quasi-political underground cult called the Orthodox Old Catholic Church of North America. Ferrie ran a service station in New Orleans. His greatest ambition seems to have been to become a fighter pilot. In 1950, he wrote to Secretary of Defense Louis A. Johnson, demanding, "When am I going to get the commission, when the Russians

are bombing the hell out of Cleveland?" In a letter to the commanding officer of the First Air Force, he wrote, "There is nothing I would enjoy better than blowing the hell out of every damn Russian, Communist, Red or what-have-you.... Between my friends and I we can cook up a crew that can really blow them to hell.... I want to train killers, however bad that sounds. It is what we need." Ferrie never received an Air Force commission, but he did succeed in becoming the leader of a unit in the Civil Air Patrol (a civilian organization made up of volunteers), and he also set himself to training youths in jungle-warfare tactics. Oswald, according to a witness before the Warren Commission named Edward Voehel, may have belonged to Ferrie's outfit for a brief time in the nineteen-fifties, when he was a teen-ager. Ferrie was also engaged in a long-term project to discover a cure for cancer, and it was said that at one time he housed thousands of white mice in his apartment in New Orleans. For a while, he was employed as a pilot for Eastern Airlines, but he was suspended, in 1961, as a consequence of an arrest on a morals charge, and later dismissed. After that, he managed to make a meagre living as a free-lance pilot, an independent psychologist, and a private detective.

At about the time of the Bay of Pigs invasion, in 1961, he became associated with some Cuban exiles, and, according to one of them, he flew firebomb raids against Cuba and helped anti-Castro refugees escape. It has also been reported that, in pursuit of his desire to "train killers," he became involved in teaching paramilitary tactics to anti-Castroites in St. Tammany Parish, across Lake Pontchartrain from New Orleans.

In 1963, Ferrie was employed as a private investigator for the law firm then representing Carlos Marcello, who was reputed to be the head of the New Orleans Mafia. Marcello had been deported in an extralegal manner—he was abducted by Justice Department agents and put on a plane to Guatemala. According to one story, Ferrie clandestinely flew Marcello back into this country. On the day of the assassination, Ferrie claimed, he was in court, listening to a judge declare the Marcello deportation illegal. To celebrate the victory, Ferrie drove to Texas on a "goose-hunting" expedition with two friends. Meanwhile, Garrison's office received a tip from a New Orleans private detective named Jack S. Martin to the effect that Ferrie had trained Oswald in marksmanship and was his "getaway pilot." Martin was said to be a member of the same cult in which Ferrie was a bishop. On his return to New Orleans, Ferrie was arrested and questioned, but, according to F.B.I. reports, Martin admitted that he had made up the whole story, and Ferrie was released.

The F.B.I. may not have thought much of Martin's tip, but it was this tip that enabled Garrison to begin his investigation, in December, 1966, with a specific suspect in mind—David Ferrie. Garrison set about his work with the assistance of a small but industrious staff. His chief investigator, a policeman named Louis Iyon, had requisitioned other members of the New Orleans Police Department to do the necessary legwork. William H. Gurchich, a partner in one of the city's largest private-detective agencies, handled interrogations and the extraterritorial aspects of the investigation. Thomas Bethel, a young British writer who was living in New Orleans, was put in charge of research. Assistant District Attorneys Alcock, Andrew J. Sciambra, Richard V. Burnes, and Alvin V. Oser questioned the more important witnesses and prepared the legal groundwork. Other tasks were performed by some of Garrison's personal friends—among them Max Gonzales, a law clerk in the criminal court and a

pilot, who made a number of flights with Ferrie in order to gain his confidence, and Alberto Fowler, a Cuban exile and the Director of International Relations for the City of New Orleans, who made discreet inquiries about Ferrie's activities among anti-Castro exiles. Later, a self-styled intelligence expert using the pseudonym Bill Boxley joined Garrison's staff.

The first step was to compile a dossier on Ferrie. Cameras were secretly set up across from Ferrie's apartment, he was followed everywhere he went, and his friends were questioned about his activities. Little came of this surveillance. For further information, Garrison turned back to Martin, whose tip had first linked Oswald and Ferrie. Martin, who told Secret Service agents that he suffers from "telephonitis" when he has taken a drink and that it was on such an occasion that he telephoned the District Attorney's office about Ferrie, continued to narrate a vast number of disconnected yarns about Ferrie and the assassination. According to a typical one of these, Ferrie hypnotized Oswald and then dispatched him on the assassination mission. According to another, Ferrie had a working association with certain anti-Castro activities conducted by the private detective W. Guy Banister. Garrison found this connection especially provocative, because Banister, up to the time of his death, in 1964, maintained offices in a building at 544 Camp Street, a block from the William B. Reilly Company, where Oswald worked, and one of the questions the Warren Commission had left unanswered was why the address "544 Camp St." appeared as Oswald's headquarters on some pro-Castro literature that he handed out. Since Banister's office was, as Garrison put it, "a mare's-nest of anti-Castro activity," Garrison postulated that Oswald might be an "agent provocateur" in Banister's employ.

Garrison followed up this lead by systematically questioning Banister's former employees. One of them, a shipping clerk and sometime private investigator named David F. Lewis, Jr., added richly to the developing drama. Lewis claimed that he had been witness to a meeting among Banister, Ferrie, the anti-Castro leader Carlos Quiroga, and a person he called Leon Oswald, who he later thought

might be Lee Harvey Oswald. Although Lewis said he was certain that this meeting had occurred in 1962, a time when Oswald was known to be living in Texas, and although Quiroga categorically denied that such a meeting had ever taken place, Garrison intensified his efforts in this direction. He began digging into the activities of anti-Castro Cubans, and discovered the sites of

what had been two secret training camps in St. Tammany Parish. Ferrie was rumored to have used one of them to train his corps of commandos. In the hope of identifying the men under Ferrie's command, Garrison hired Bernardo Torres, a private detective from Miami who claimed to have assisted the Secret Service by spotting potentially dangerous Cubans during a visit President Kennedy made to Miami in 1963. In December, 1966, and January, 1967, the investigation was broadened to include various efforts to track down, with Torres's help, any Cubans in Miami who might have known Ferrie. These efforts turned out to be unproductive but quite expensive—more than half the total expenditures—and Garrison began to suspect that Torres's activity did not justify the expense. Toward the end of January, the Florida manhunt was called off.

But Garrison had other leads to follow—notably an old clue from a New Orleans lawyer named Dean Adams Andrews, Jr. Andrews' original story, which he told to the Secret Service shortly after the assassination, was that Oswald had come to his office a few times during the summer of 1963 in the hope of finding some means by which the "undesirable" discharge he had been given by the Marine Corps could be converted into an honorable one. The day after the assassination, Andrews, who was in the hospital under sedation recovering from pneumonia, said he received a phone call from a man he knew as Clay Bertrand, whom he described as "a lawyer without a briefcase" for local homosexuals. According to Andrews, Bertrand asked him to go to Dallas and defend Oswald. When Andrews was questioned by the F.B.I., he gave several different descriptions of Bertrand, and finally said that the character bearing that name was merely a figment of his imagination. A few months later, he again changed his story, telling the Warren Commission that he had recently seen Bertrand in a bar, and describing him as "a boy" who was "5 foot 8 inches" and had "sandy hair."

No other clues to Bertrand's identity turned up, however, and Wesley J. Lieheler, a Commission lawyer who conducted the investigation in this area, said he was convinced that no such person existed.

Garrison nevertheless now decided to pursue the matter further, and gave Assistant District Attorney Sciambra, a former boxer known by the nickname Moo, a task he referred to as "squeezing" the French Quarter. A crack-down on homosexuals that Garrison had carried out in 1962 was generally thought to have produced a number of informers, but Sciambra was unable to find anyone who had ever heard of Clay Bertrand. Garrison reasoned that Dean Andrews was probably protecting a wealthy client with homosexual associates, and came up with the idea that Clay Bertrand was in reality Clay Shaw, a socially prominent retired director of the International Trade Mart in New Orleans. David L. Chandler, a *Life* reporter who worked closely with Garrison in the early days of the investigation, was present when Garrison first put forward this hypothesis to his staff. According to Chandler, Garrison offered three arguments for it: First, Shaw had the same first name as Bertrand. Second, Shaw was rumored to have friends in the homosexual world. And, finally, Shaw spoke fluent Spanish and, although Andrews had never said that Bertrand spoke Spanish, Garrison was looking for a conspirator involved in anti-Castro activities. Garrison brushed over the fact that Shaw—six feet four and a quarter inches tall, fifty-four years old, and white-haired—hardly fitted Andrews' description of a five-foot-eight-inch boy with sandy hair. He also ignored the question of why Andrews, having given a false description and a false last name to protect his client, would give the client's correct first name.

In any event, Shaw was brought in for questioning in late December, on the pretext that Garrison was attempting to tie up a few loose ends in the Warren Report. According to Chandler, it quickly became apparent that Shaw had no information to offer about Ferrie or his activities, and the matter was dropped. The District Attorney told his staff to "forget Shaw." In January, when asked if he knew the identity of Clay Bertrand by Richard N. Billings, another member of *Life's* staff, Garrison replied, "His real name is Clay Shaw, but I don't

think he's too important." Ferrie was still, at this time, the only suspect.

By February, 1967, the investigation seemed to be at a standstill. Ferrie obviously knew that he was under suspicion, and it was highly unlikely that he would do anything to incriminate himself.

The Cuban-exile trail had petered out in Miami. The Bertrand matter had been shelved. Garrison's chief witness was David Lewis, and, of the four participants in the meeting that Lewis described, Oswald and Banister were dead, Quiroga (according to Garrison) could not be found, and Ferrie unequivocally denied everything.

At this point, Gordon Novel, a specialist in anti-eavesdropping devices, was recommended to Garrison by Willard E. Robertson, a New Orleans automobile dealer who was one of Garrison's political supporters. (Garrison had been so concerned that the F.B.I. might be tapping his telephones that he had made plans a few weeks before to execute a midnight raid on the F.B.I. field office in New Orleans, using a water pistol loaded with a charge of red pepper to disarm the officer on duty; he even invited Chandler, the *Life* reporter, to accompany him on the mission, but for some reason the plan was scrapped.) Upon learning that Ferrie was under suspicion, Novel told Garrison that he knew a good deal about Ferrie's activities in 1961. According to Garrison, Novel claimed that Ferrie, a Cuban-exile leader named Sergio Arcacha Smith, and two unidentified Cubans had been involved in a "pickup" of arms from a bunker in Houma, Louisiana, belonging to the Schlumberger Well Surveying Corporation. Some of the arms were reportedly deposited in the offices of W. Guy Banister. The purpose of the raid was to acquire arms for an anti-Castro militia, and Novel stated that a C.I.A. contact had indulgently provided a key to the bunker. Novel later claimed that one of Garrison's ideas for breaking the stalemate his investigation had apparently reached involved a plot to kidnap Ferrie. According to this story, Ferrie was to be shot with an atropine dart, injected with sodium pentothal, and forced to confess. Novel has said, "Garrison asked me to order him such a dart gun so that it wouldn't appear on his office purchase records" after the District Attorney "had read about the idea in one of the books about the C.I.A."

The entire investigation might have expired quietly for want of

any truly tangible leads if it had not been for some resourceful moves by three reporters for the New Orleans *States-Item*—Rosemary James, Jack Dempsey, and David Snyder. In New Orleans, the financial vouchers of the district attorney's office are a matter of public record. By piecing together information gleaned from these records and through various leaks from Garrison's office, the reporters were able to come up with a fairly accurate picture of the investigation, even though it was still being kept secret. Mrs. James wrote an article on the subject and showed it to Garrison on February 16, 1967. He simply shrugged and told her, "I will neither confirm nor deny it." The next day, the story broke. Garrison's investigation into the assassination of President Kennedy was now a public issue. Garrison charged that the news story had seriously interfered with his efforts; arrests that were to have been made immediately, he claimed, had now to be deferred for months. Moreover, he announced that he would seek private financing in order not to have to conduct the inquiry in a "fish-bowl." Two political allies, Joseph Rault, Jr., and Willard Robertson, thereupon organized fifty New Orleans businessmen into a group that called itself Truth or Consequences, Inc. Its function was to supply Garrison with both funds and moral support. Meanwhile, David Ferrie told a newspaperman that Garrison's investigation, in which he was suspected of being Oswald's getaway pilot, was nothing but "a big joke." He denied that he knew Oswald, and, for good measure, added that he was conducting his own inquiry into the assassination.

For two days, shortly after the *States-Item* broke the news of Garrison's investigation, Ferrie was kept under "protective custody," Billings has reported, at the Fontainebleau Motor Hotel in New Orleans. According to a member of Garrison's staff, this was done at Ferrie's request. In any event, he returned to his own apartment on the evening of February 21st. The next day, Ferrie was found dead. An autopsy indicated that he had died of a cerebral hemorrhage caused by the rupture of a blood vessel. The coroner, Dr. Nicholas Chetta, ruled out suicide, because a person is rarely aware that an aneurysm, or weak spot, exists in a blood vessel, and it would be virtually impossible to induce a "blow-out." He also ruled out murder, on the ground that if the rupture had been caused by an external blow there would necessarily

ing before a grand jury meeting in closed session, he requested a preliminary hearing, which takes place before a judge and is public. The purpose of a preliminary hearing under Louisiana law is to determine whether or not the state has sufficient evidence to warrant a trial. Although it is not unusual for the defense to request a preliminary hearing, if only to attempt to compel the state to tip its hand and disclose

vital evidence before the actual trial, such a hearing is rarely, if ever, requested by the prosecution. Why, then, should Garrison, the prosecutor, have elected to disclose some of his evidence before the trial—an apparently gratuitous favor to the defense? Garrison has said that he did so in order to

“lean over backward and give the defendant every chance.” A preliminary hearing, however, has at least one extralegal consequence that a political-minded prosecutor might find advantageous: it provides the prosecution with a dramatic opportunity to reveal publicly far in advance of the trial some of the more sensational aspects of the case, thus helping to stimulate public interest. Whether or not Garrison’s extraordinary move did, as he claimed, enhance the defendant’s prospects for justice, it unquestionably worked to focus national attention on the case.

With a full complement of reporters in attendance, the hearing began on March 14th, before a panel of three judges, with the testimony of Perry Russo. Russo stated that he had attended a meeting at Ferrie’s apartment in September, 1963, at which the assassination of President Kennedy was planned by three men: Ferrie, a man he called “Leon Oswald,” and another he called “Clem Bertrand.” Russo identified Leon Oswald as Lee Harvey Oswald from a photograph. Then Garrison asked Russo whether he recognized the man he called Clem Bertrand in the courtroom. Russo pointed out Clay Shaw. He testified that after the three men had discussed such details as the need for “diversionary tactics,” the “triangulation” of crossfire, and the selection of an appropriate “scapegoat,” they ended the conversation by bickering over various methods of escape.

Under cross-examination the following day, Russo admitted that he had not been able to identify Oswald positively until after an artist in the District Attorney’s office spent six hours drawing different beards on photographs of Oswald. It was also revealed that, before

Garrison interrogated him, he had denied in a number of interviews that he had ever seen Oswald or that Ferrie had ever specifically discussed the assassination of President Kennedy. Many of the details of Russo’s story, it turned out, were developed under hypnosis—a method that Garrison said he used in order to “objectify” testimony. Moreover, it was learned that

Russo had been under psychiatric treatment for eighteen months, ending in late 1960, and had last consulted a psychiatrist just two months before he went to see Garrison.

The District Attorney found his only other witness, Vernon B. Bundy, in the Parish Prison after the hearing had begun. Assistant District Attorney Charles Ray Ward and other members of Garrison’s staff strenuously objected to using Bundy as a witness, but Garrison put him on the stand anyway. Bundy, a narcotics addict and petty thief, testified that in the summer of 1963, while he was preparing to inject the contents of two capsules of heroin into his arm, he saw two men meet on the shore of Lake Pontchartrain, on the outskirts of New Orleans. One, whom Bundy described as “a junkie or beatnik type” with a light growth of beard, he had later recognized from photographs as Lee Harvey Oswald. The other man Bundy identified as Clay Shaw. Like Russo, Bundy had never before told anyone about his encounter with Oswald. The three-judge panel ruled that there was sufficient evidence for a trial. The decision was by no means startling; it merely established that there was evidence that merited judgment. Yet to many people the ruling suggested that Garrison had won some sort of legal victory.

As it turned out, the evidence used at the preliminary hearing was even less sound than it may have appeared at the time. About six weeks after the hearing, James R. Phelan reported in the *Saturday Evening Post* that Russo had told two contradictory stories—one in his first interview with Sciambra, the other in court, after being questioned under hypnosis. Phelan discovered the discrepancy when Garrison, with his customary generosity to journalists, supplied him with a memorandum of Russo’s first interview. Nowhere in this document, which ran to thirty-five hundred words, was the supposed meeting among Shaw, Ferrie, and Oswald mentioned, either directly or implicitly. Yet two weeks later, in court, Russo stated that it had definitely

ly taken place. In his first interview, moreover, Russo did not state that he had ever met Shaw, and he himself made no mention whatever of a Bertrand—either Clay or Clem. Assistant District Attorney Sciambra, who conducted this first interview and wrote up the memorandum, later said that Russo did tell him of the assassination plot but that he forgot to include it in his report.

Yet Sciambra’s own words in the memorandum would appear to belie this explanation: “The next picture that he [Russo] identified was that of Clay Shaw. He said that he saw this man twice. The first time was when he pulled into Ferrie’s service station to get his car fixed. Shaw was the person sitting in the compact car talking with Ferrie. He remembers seeing him again at the Nashville Street Wharf when he went to see J.F.K. speak.” Here Sciambra specifically states that Russo said he saw Shaw twice, and neither occasion involved a rendezvous in Ferrie’s apartment during which Shaw, Ferrie, and Oswald planned the assassination. If Russo went on to describe a third encounter, and that was the only one relevant to Garrison’s case, it is difficult to understand how Sciambra could have neglected to include it in the memorandum. Moreover, according to Billings, Sciambra did not mention the alleged “third encounter” in an oral report he made to Garrison the day after the interview. Sciambra reported that Russo said he had seen Shaw only twice—once at Ferrie’s service station and once at the Nashville Street Wharf. In fact, the first time Billings heard of the third encounter, during which Russo was supposed to have overheard Bertrand, Ferrie, and Oswald planning the assassination in Ferrie’s apartment, was when Sciambra himself told Russo that he had mentioned the name Bertrand and had described the meeting in Ferrie’s apartment. This was after Russo had taken the “truth serum.” And Russo still, at this time, said that he could not remember anyone named Bertrand.

If a witness tells two contradictory stories, external evidence may make it possible to choose between them. In Russo’s case, the corroborative evidence available casts doubt on his second story—the one he told in court. He testified that Oswald was Ferrie’s roommate in early September, 1963, yet there is evidence that at that time Os-

wald was living with his wife and their infant daughter on Magazine Street in New Orleans. Russo described Oswald as having a beard in early and mid-September, yet generally reliable witnesses reported that Oswald was clean-shaven at that time. Russo claimed that

he saw Oswald in Ferrie's apartment in the first week of October, yet Oswald was known to have been in Mexico and Dallas during this period. Russo said that a friend of his, Niles Peterson, was at a party at Ferrie's apartment the night that he saw

Oswald and Shaw there, yet Peterson flatly denies that he saw anyone fitting the description of either Shaw or Oswald. (Peterson did, however, recall a bearded man who was six feet tall and otherwise fitted the description of the man who was known to be Ferrie's roommate at the time—James R. Lewallen.) Russo claimed, further, that a young woman, Sandra Moffitt, accompanied him to Ferrie's apartment the night of the meeting, yet she denies this, and says that she did not meet Ferrie until 1964. In sum, Russo's court testimony appears to be at odds with a great many of the external points of reference he himself provided. After the preliminary hearing, Russo began expressing doubts about his identification of Shaw. He told James Phelan, who had spent more than forty hours questioning him for his *Saturday Evening Post* article, that he wished he could have an "opportunity to talk to Shaw for a few hours so I can be sure he was the right man." He told Richard Townley, a reporter for WDSU-TV, in New Orleans, that he was unsure of his testimony.

The testimony of Garrison's other witness, Vernon Bundy, also raised a number of questions. One of Bundy's fellow-inmates in the Parish Prison, Miguel Torres, told an N.B.C. interviewer that Bundy had admitted to him that he was testifying for Garrison "because it's the only way that I can get out loose"—indicating that unless he did testify, his probation would be revoked and he would have to complete a five-year sentence in prison. Bundy was subsequently arrested on a charge of robbery. Another inmate, John (the Baptist) Cancler, said in an interview that Bundy had told him that his account of the events at Lake Pontchartrain was a fabrication. Of course, felons are not known for their probity, and Garrison dismissed the

statements of Torres and Cancler "in view of their criminal records." But if no credence is to be placed in the testimony of Bundy's fellow-convicts, what of the testimony of Bundy himself?

Garrison's entire case at the preliminary hearing, then, was based on the allegations of two witnesses who had both waited four years before disclosing uncorroborated stories and who both subsequently cast considerable doubt on their own testimony.

A few months after the hearing, there was another legal skirmish that strengthened the appearance, if not the substance, of Garrison's case: Dean Andrews, the New Orleans lawyer who had claimed that shortly after the assassination a shadowy figure named Clay Bertrand appealed to him to go to Dallas and defend Oswald, became involved in perjury proceedings. Andrews, after telling a number of stories about Bertrand, and at one point claiming that Bertrand was a figment of his imagination, had nevertheless stated categorically when Garrison questioned him in December that Shaw was not Bertrand. In late February, after Russo had come forward, Garrison again met with Andrews. According to Andrews, the District Attorney said he had other evidence that Shaw was involved, and asked Andrews not to deny that Shaw and Bertrand were one and the same. Andrews agreed—because, he has said, he was afraid that "otherwise the Jolly Green Giant would pounce on me like a thousand-pound canary." When called before a grand jury in March and asked if Clay Shaw was Clay Bertrand, he replied, under oath, "I can't say that he is and I can't say that he ain't." Three months later, on June 28th, Andrews volunteered to appear again before the grand jury. This time, he told of a "deal" with Garrison and testified that he had never thought for a moment that Shaw was Bertrand. Bertrand, he admitted, was a fictitious name he had used in order to protect a friend of his, a bartender in the French Quarter. Andrews acknowledged that he had perjured himself previously, and said, "It doesn't make any difference to me if I'm convicted. . . . Clay Shaw is not Clay Bertrand. Indict me if you want to."

Andrews was subsequently arraigned, tried, and convicted for perjury. Although the conviction is being appealed, Garrison declared that this represented "a major conviction . . . in connection with this case." It was, if anything, a Pyrrhic victory. Assistant District Attorney Alcock charged that the name Bertrand had been "foisted on the world" by Andrews, but if

Bertrand was indeed a fiction, invented by Andrews after the assassination, how could Russo testify that he had met Shaw before the assassination under the pseudonym Bertrand?

According to the Sciambra memorandum, Russo had not mentioned the name Bertrand in his initial interview. It was only after Sciambra told Russo that he had identified one of the participants at the meeting in Ferrie's apartment as Bertrand while under the influence of sodium pentothal—an identification which, according to Billings, Russo did not recall at the time—and after Russo was allowed to ask leading questions about the case so that, in his own words, he "could figure out what they wanted to know," that the name Bertrand found its way into his story.

AFTER the preliminary hearing, there was a second notable shift in the nature of the investigation. Whereas the first phase had concentrated on the activities of David Ferrie, and the second was devoted principally to efforts to substantiate Russo's allegations about Clay Shaw, the third phase had no single specific objective. It was, in effect, a hunt without a quarry, a search for any information from any source that might relate to any aspect of the assassination. For this desultory pursuit, Garrison reinforced his permanent staff with volunteer recruits from the growing corps of critics of the Warren Commission. A number of these people who might best be described as peripatetic demonologists found in New Orleans an unexpected rallying point; they were attracted to Garrison like the children of Hamelin to the Pied Piper. At the head of the line stood Mark Lane, the author of "Rush to Judgment," who, together with William Turner, a staff writer for *Ramparts*, spent months assiduously combing Garrison's files on the case for new clues and devising ingenious schemes to produce new disclosures. (When one assistant district attorney protested that by making Xerox copies of the evidence Lane might be jeopardizing the case, Garrison replied that Lane and Turner were "writing the official history of the investigation.") Reports on developments in Texas came from Penn Jones, Jr., the editor of the *Midlothian*, Texas, *Mirror* and the author of a series of booklets called "Forgive My Grief," the most celebrated feature of which was a death count of indi-

viduals who were even peripherally connected with the assassination, and from Allan Chapman, a knight-errant in a two-hundred-year-old crusade against the Illuminati (supposedly a worldwide conspiracy of intellectuals who now control the television networks). Harold Weisberg, the author of a numerically consecutive series of books called "Whitewash," was charged with the task of going through the twenty-six volumes of the

Warren Commission's testimony and evidence for new leads relevant to Garrison's investigation. Two specialists in photographic interpretation, Raymond Marcus and Richard Sprague, scanned films of the assassination to detect previously neglected pieces that might fit into what Garrison calls his "jigsaw puzzle." Three trouble-shooters-at-large also assisted—Jones Harris, with whom I had gone through the evidence when I first arrived in New Orleans; Richard H. Popkin, a professor of philosophy at the University of California at San Diego and the author of "The Second Oswald," a conjectural essay originally published in the *New York Review of Books* which suggests that the assassination was performed not by Oswald but by his *Doppelgänger*; and the night-club comedian Mort Sahl. Although these amateur sleuths, who sometimes refer to themselves as the Dealey Plaza Irregulars, have provided Garrison with the bulk of the new "evidence" that he has cited in numerous public appearances—he appeared on numerous radio and television shows in the course of a coast-to-coast tour arranged in connection with the *Playboy* interview—they have occasionally proved a source of friction for the professional investigators on Garrison's staff.

A member of Garrison's staff who has worked on the investigation since its inception has described the contribution of the amateurs this way: "The trouble with these third-rate students is that the only way they can make a strong impression on Garrison is by coming up with flamboyant nonsense, thus hoping to be hired as someone with original ideas. They therefore represent a serious threat to the sanity of the investigation. One of them has a bad habit of steering Garrison into crackpot directions, such as the 'Storm Drain Theory,' to which Garrison tends to be susceptible." When Allan Chapman, the Illuminati specialist, lent his support to the theory that a shot had been fired from a storm drain

in Dealey Plaza that day in Dallas, Garrison stated on television that the bullet that killed President Kennedy was "fired by a man standing in a sewer manhole." Thus, Garrison added a sixteenth man to the team that he claims carried out the assassination and a fifth spot from which he has said the shots were fired. Six months before, Garrison had theorized that there were only two assassins—one in the Texas School Book Depository Building and one on the so-called grassy knoll, just beyond the building and on the same side of the street. After discussing the case with Weisberg, who believes that there was another rifleman in the nearby Dal-Tex Building, Garrison accommodatingly added a third rifleman there, and also exonerated Oswald from having fired any of the shots. Then Marcus came along with a blow-up of some trees and shadows on the grassy knoll, claiming that this revealed four gunmen in cowboy hats, and Garrison added four more assassins to the band. (Two of them, he has suggested, were there to pick up stray cartridge cases.) Next, Jones Harris showed Garrison a blowup of a truck parked behind a picket fence, and the "commando team" grew by two. By mid-June, Garrison was saying that the assassination was performed by a fourteen-man team of Cuban guerrilla fighters. Finally, after discussing the matter at some length with Professor Popkin, Garrison posited a "second Oswald," who was sent to impersonate the first Oswald at the scene. (This understandably disconcerted some members of his staff, since the presence of a second Oswald would tend to vitiate the legal case against Clay Shaw: Did Shaw conspire with Oswald, as he is accused of doing, or with an impersonator?) The assassins were supported, according to Garrison, by Jack Ruby and some members of the Dallas Police Department.

Although the exact number of assassins changed from one public statement to the next, the "forces behind the conspiracy" grew steadily. In the early stages of the investigation, Garrison told Senator Russell Long that only a few insignificant men were involved. Then, after Ferrie's death, Garrison began to specify the guilty parties, identifying them as a band of perverts and anti-Castro Cubans. With the arrival of the demonologists, however, the conspiracy was rapidly escalated to include Minutemen, C.I.A. agents, oil millionaires, Dallas policemen, munitions exporters, "the Dallas establishment," reactionaries, White Russians, and certain elements of "the invisible Nazi substructure."

On what sort of evidence was this extraordinary conspiracy predicated? Garrison's method of deducing the last member of the team is perhaps indicative. The figure of what may be reckoned as the sixteenth assassin was extrapolated from two photographs taken about ten minutes after the assassination. The first shows a man in a dark suit apparently examining a curb near the spot where President Kennedy was shot, with two policemen shown looking on. Garrison claims that he can detect in this photograph a pebblelike object partly concealed by the heavily matted grass, and he states that this object is a .45-calibre bullet "which killed John Kennedy, which has markings on it that would show [that] the automatic gun from which it came [was a] handgun." The bullet is not readily visible to the naked eye; in fact, according to one member of Garrison's staff, the photograph is so grainy that it is difficult even to distinguish the curb from the grass. The other photograph, taken seconds later, shows the man in the dark suit walking away with his hands closed. Flashing this photograph in front of television cameras in Dallas, Garrison declared that the man (from his appearance Garrison has somehow surmised him to be a "federal agent") had "got the bullet clutched in his hand, the bullet that killed John Kennedy." Garrison has never explained how he could determine from a photograph that a bullet was being held in a man's closed fist—and even discern its calibre. However, this was the "evidence" that Garrison cited in support of the theory that an assassin was in a sewer, and of his own charge on television that "the bullet which killed John Kennedy, which fell in the grass with pieces of the President's head, was in the hands of the federal government ten minutes after the President was dead." And Garrison went even further. "This means that the federal government knowingly participated in framing Lee Oswald," he said. "Lyndon Johnson had to know this."

Although most of the assassins were identified only as projections of connected dots in enlargements of photographs of trees and shrubbery, the man whom Garrison identified in *Playboy* as the seventh member of the assassination team turned out, much to the District Attorney's embarrassment, to be a real person. Garrison alleged that this seventh man "created a diversionary action in order to distract people's attention from the snipers," explaining, "This individual screamed, fell to the ground, and simulated an epileptic fit, drawing people away from the vi-

cinity of the knoll just before the President's motorcade reached the ambush point." Garrison further described this man, presumably one of a number of anti-Castro Cuban paramilitarists, as being clad in green combat fatigues. As it happened, however, the person Garrison was talking about was Jerry Boyd Belknap, an employee of the Dallas *Morning News*, who had fainted in Dealey Plaza about twenty minutes before the motorcade arrived. Belknap explained to the F.B.I. that he had had frequent fainting spells since he suffered a serious head injury in an automobile accident in 1960, and that he had been receiving daily medication to prevent these spells. When Garrison learned that the man who fainted was not the paramilitarist he had presumed him to be, he told his staff to forget about the matter. Yet in his public statements he continued to say that he had located this seventh member of the commando team.

"A prosecutor who wants to insure that the story of his investigation remains newsworthy must produce new evidence constantly. Garrison's corps of Irregulars proved helpful not simply in digging out new evidence but, on occasion, in finding opportunities for Garrison to present it. When Mort Sahl appeared on the Johnny Carson television show last January and complained about the coverage that the various media had given the District Attorney and his case, Carson agreed to have Garrison on his program, provided that he would not merely reiterate old charges but would present new evidence. Garrison telegraphed Carson accepting the impromptu offer. And on the evening of last January 31st Carson devoted most of his show to an interview with Garrison. When Carson asked Garrison to reveal the new evidence that he claimed he had, Garrison reached into a black leather portfolio he held in his lap and pulled out some photographs, which, he said, showed suspects being arrested immediately after the assassination. "Here are the pictures of five of them being arrested," he said, "and they've never been shown before." He went on to say, "Several of these men arrested have been connected by our office with the Central Intelligence Agency." The new evidence. Garrison presented that night had been found by Allan Chapman some weeks before, in the photographic department of

the Dallas *Times Herald*. Robert Hollingsworth, managing editor of the *Times Herald*, has told me that he personally inspected with a magnifying glass the photographs given to Chapman, and that they showed nothing more than some bystanders, two of whom were employed in the building in which Oswald worked, being routinely questioned by policemen. Carson, who was, of course, seeing the pictures for the first time, had no way of knowing who the individuals in the pictures were or whether they were in fact "being arrested," and he had no way of challenging Garrison's claim that they were connected with the C.I.A. What Garrison presented to the public that night, then, was not actually new evidence—witnesses pictured in his photographs had testified before the Warren Commission—but a new and totally unsubstantiated interpretation of old evidence.

Any sensational murder case attracts its share of crank letters, publicity seekers, and bogus tips, and, whereas most district attorneys regard such offers of help as a nuisance, Garrison found them a rich source of new witnesses, ready to provide allegations and disclosures of the sort required to keep his story current in the press. Although it is extremely doubtful whether any of these volunteer witnesses will ever testify in court, the case of a man named Donald Philetus Norton illustrates the use to which the testimony of such "secret witnesses" can be put in the open arena of public opinion. Norton, a thirty-four-year-old night-club entertainer, got in touch with Garrison in June, 1967, claiming that he had been a C.I.A. courier, and that he had delivered fifty thousand dollars to a man who was "a dead ringer for Oswald" in Mexico in 1962 and had received a hundred-and-fifty-thousand-dollar "pickup" from David Ferrie in 1958. He said, further, that he would like to work as an investigator for Garrison. Norton was immediately brought to New Orleans from Vancouver, where he was living at the time, and was interrogated by Garrison's pseudonymous intelligence expert Bill Boxley. Though Norton was more than willing to identify Oswald, Ferrie, and even Shaw as C.I.A. agents, his story contained so many contradictions and implausibilities that Boxley and other staff members concluded that he would be totally ineffective as a witness. (It was later revealed that he

was a convicted bank embezzler with a prison record.) But even though Norton was turned down in July as a possible court witness, Garrison referred to him as a "secret witness" in the interview that appeared in the October issue of *Playboy*. "We have evidence that Oswald maintained his C.I.A. contacts... and that Ferrie was also employed by the C.I.A.," he announced. "In this regard, we will present in court a witness—formerly a C.I.A. courier—who met both Ferrie and Oswald officially in their C.I.A. connection." This "courier" was subsequently identified by a member of Garrison's staff as Norton.

Another witness who was found in the mail—this one with Professor Popkin's assistance—was Richard Case Nagell, an inmate of a federal institution for the criminally insane in Springfield, Missouri. Nagell had been arrested while he was attempting to rob a bank in El Paso in September, 1963, and had been sent to prison. After the assassination, he claimed that he had purposely got himself arrested in order to provide himself with an alibi for his involvement in the assassination conspiracy; his part in it, he said, had been to kill Oswald, who was the "patsy." Although the court records indicated that Nagell had suffered brain damage in an airplane crash in 1957, Garrison thought his story worth pursuing, and sent a former assistant district attorney, William R. Martin, to Missouri to question him. Nagell insisted that he had proof of the conspiracy in the form of tape recordings stashed away in a steamer trunk in California. When no recordings could be found, however, Nagell told Martin, "They've stolen the tapes," and refused to discuss the matter any further. Though Nagell, like Norton, was rejected as a court witness, Garrison continued to use Nagell's story to bolster his case in public. Explaining Oswald's role as a patsy in the conspiracy, Garrison stated in his *Playboy* interview, "We have evidence that the plan was to have him [Oswald] shot as a cop killer in the Texas Theatre 'while resisting arrest.'" Garrison said he was unable to divulge the evidence at the time, but the whole thing was one of Nagell's tales.

Another confidential witness with whom Garrison has spent a good deal of time is a Dallas ex-convict who was recently under suspicion in Texas for attempted murder. According to Thomas Bethell, this witness "drops into the office at fairly frequent intervals and readily identifies almost anyone you show him a photograph of." He has proved more cooperative than accu-

rate. Of thirteen new witnesses found through the mail or with the help of the Irregulars assisting Garrison, nearly all have turned out to have criminal records or to have been under psychiatric care.

The "mailbag," as all of the unsolicited tips and offers to testify are called around the District Attorney's office, has led to one arrest. William Turner, the *Ramparts* staff writer (and a former employee of the F.B.I.), ran across an anonymous letter alleging that a Californian named Eugene Bradley had once made inflammatory comments on President Kennedy. Checking through a file he keeps on right-wing extremists, Turner found an Edgar Eugene Bradley, who raised funds for a radio program called "20th Century Reformation Hour," and who happened to have been in Texas on the day of the assassination—though in El Paso, not in Dallas. On the basis of this information, Garrison, who at the time was in Los Angeles raising funds himself, telephoned his office in New Orleans and ordered Assistant District Attorney Alcock to issue a warrant for Bradley's arrest, charging him with conspiracy to kill President Kennedy. Bethell, reported concern among the staff members; there was nothing in the files on Bradley except the anonymous letter, and no one in the office had even heard of Bradley as a suspect. The warrant was issued anyway, and Bradley was arrested in Los Angeles and then released in his own recognizance. When Garrison returned to New Orleans, he remarked that he saw little prospect of Bradley's ever being extradited by Governor Reagan. After leaving Garrison's staff, William Gurvich said, "Jim has a philosophy about national headlines. He believes that everyone reads the headlines concerning arrests and charges but few people read denials or correcting statements."

THE principal consideration operating to restrain a duly elected district attorney from making indiscriminate arrests and charges—aside from normal ethical considerations—is fear of exposure by the press if supporting proof should not be forthcoming. Yet, despite cogent evidence of malfeasance on Garrison's part reported by a number of journalists, public-opinion polls indicate that there has actually been a substantial increase in the number of people, not only in Louisiana but throughout the country, who share Garrison's belief in a conspiracy. If in fact his case is based on little more than wild rumors

and the unsubstantiated testimony of unstable witnesses, why has the press been so ineffective in checking Garrison? In his study of the late Senator Joseph R. McCarthy, Richard H. Rovere demonstrates how a certain kind of demagogue, when he is assailed by the press, can turn the hostile criticism to his own advantage. Such a demagogue builds his political base on the systematic exploitation of inchoate fears, and sets about organizing a popular flight from reality. To him, even the most vocal censure, however adverse its ostensible effect, represents useful publicity, for the more rigorously he is assaulted by the press, the more prominently he figures in the popular imagination. A false charge has to be repeated if it is to be refuted, and if the charge happens to be more appealing than the truth it is entirely possible that it, rather than its refutation, will win general credence. This is especially likely to occur if the demagogue's charge offers a more or less plausible explanation of disturbing events, and if its refutation depends on the word of government officials, since the people most apt to accept conspiratorial interpretations of history are those who are most suspicious of both complexity and authority. As Rovere points out with regard to McCarthy, the demagogue soon learns that "the penalties for a really audacious mendacity are not as severe as the average politician fears them to be, that, in fact, there may be no penalties at all, but only profit."

In a sense, the man who exploits popular fears builds his reputation on the prestige of his adversaries. The more impressive the list of detractors he can cite, the more important his charges appear to be. "Why are they trying to destroy me?" the demagogue asks. But the surest benefit he derives from being publicly criticized is the "right to reply"—a right that is greatly enhanced by the demands of day-to-day reporting, which cause the press to focus more directly on the individual under attack than on the general issue at stake. If the demagogue is challenged on radio or television, he can demand "equal time" to respond. And, of course, his reply need not restrict itself to a defense of his original position. Indeed, to obfuscate the issue further and mitigate the attack on him, the demagogue may strike out in an altogether different direction. For he is, typically, concerned not with substantive issues but with ways of manipulating the emotions of the electorate.

One way Garrison has re-

sponded to attacks made on his thesis that there was a conspiracy to kill President Kennedy has been by talking about a second conspiracy that grew out of the first one—a conspiracy of secrecy dedicated to concealing

the truth about the assassination. As in a speech he gave last December in New Mexico jocularly entitled "The Rise of the Fourth Reich, or How to Conceal the Truth About an Assassination Without Really Trying," Garrison often seems more deeply preoccupied with exposing an insidious misprision on the part of federal authorities than with establishing the facts of the assassination itself. To be sure, such an obsessional concern with governmental suppression is not a new phenomenon, nor is it limited to the assassination issue. The political sociologist Edward Shils has pointed to a highly suggestive link between the generalized fear of secrecy and the Populist tradition in America. In his book "The Torment of Secrecy," he argues that a repugnance toward secrecy is so deeply ingrained in American political life that even in matters involving national security secrecy is tolerated only as a necessary evil. To exploit this fear of secrecy, a truly Machiavellian politician could be expected to portray himself as engaged in a life-and-death struggle to wrest secrets from some powerful élite that controls the government and the news media, and to interpret all criticism levelled against him as part of a plot to conceal the dark truth from the populace.

The first full-scale criticism of Garrison came in the last week of April, 1967, in the *Saturday Evening Post*, when, in an article entitled "A Plot to Kill Kennedy? Rush to Judgment in New Orleans," James Phelan revealed that the crucial part of Russo's testimony—the section incriminating Clay Shaw—was contradicted by a statement Russo had made earlier to Assistant District Attorney Sciambra. The day Phelan's story appeared, a bold headline in the *New Orleans States-Item* announced, "MOUNTING EVIDENCE LINKS CIA TO 'PLOT' PROBE." The article under this head, which implied that the C.I.A. was attempting to block Garrison's efforts, because former agents were involved in the conspiracy, had been prepared by several *States-Item* reporters, including Hoke May and Ross Yockey, who at the time were working closely with Garrison on the investigation. Whether by design or by accident, the charges against the C.I.A. effectively overshadowed the Phelan story, at least in

New Orleans.

Two weeks later, in an article written by Hugh Aynesworth, *Newsweek* reported that a friend of David Ferrie's had been offered a three-thousand-dollar bribe to implicate Clay Shaw in the conspiracy. The offer had been secretly tape-recorded by the witness's lawyer. Although the tape left it unclear whether the money was to be in payment for true information or false, it was damaging under any circumstances. (At one point, Garrison's representative said, "We can change the story around.") When Garrison learned of the impending *Newsweek* disclosure, he prepared a memorandum on C.I.A. participation in the assassination; this document promptly found its way into the hands of Yockey and May, who wrote it up in an exclusive story in the *States-Item*. Upon being asked about the *Newsweek* charges, Garrison answered by confirming the *States-Item* report on the C.I.A. "The federal agents who concealed vital knowledge regarding President Kennedy's assassination, and their superiors who are now engaged in a dedicated effort to discredit and obstruct the gathering of evidence, are guilty of being accessories after the fact to one of the cruellest murders in our history," he declared, and he went on to warn that "the arrogant totalitarian efforts of these federal agencies to obstruct the discovery of truth is a matter which I intend to bring to light." An article in the *New York Times* the following day attested to Garrison's success in blurring issues; although the *Times* article focussed on the *Newsweek* report, the headline read, "GARRISON CHARGES C.I.A. AND F.B.I. CONCEAL EVIDENCE ON OSWALD."

Garrison continued his offensive by issuing a subpoena for Richard Helms, the director of the Central Intelligence Agency, demanding that Helms produce a photograph showing Oswald in the company of a C.I.A. agent in Mexico. Subsequently, it was made plain that Garrison had no reason to believe that a photograph showing Oswald with a C.I.A. agent had ever existed, but Garrison's subpoena drew national coverage and tended to dilute further the effect of the *Newsweek* story. It is worth noting that before Garrison subpoenaed the director of the Central Intelligence Agency he had considered another move—arresting Regis Kennedy, an F.B.I. agent in New Orleans who had taken part in the government's investigation of the assassination. Garrison explained to Gurvich that although the agent would deny the charge, the denial

would only add to the effect of criminally charging an F.B.I. agent. But Garrison had second thoughts about attacking the F.B.I. and, according to Gurvich, chose the C.I.A. because, as Garrison himself put it, "they can't afford to answer."

On the evening of June 19th, N.B.C. devoted an hour to a critical examination of Garrison's investigation, entitled "The J.F.K. Conspiracy: The Case of Jim Garrison." The first part of the program dealt with Russo's allegation that he had seen Oswald, Shaw, and Ferrie plotting the assassination at a party in Ferrie's apartment in September of 1963. The N.B.C. reporters demonstrated that at least one other person present at the party had not seen Shaw or Oswald there and that Ferrie's bearded roommate, who Russo claimed was Oswald, had been identified by other people at the party as James Lewallen. The program then concentrated on Garrison's investigative methods, and a parade of witnesses was presented to allege that Garrison representatives had attempted to bribe or intimidate them. In addition, N.B.C. revealed that both of Garrison's key witnesses, Russo and Bundy, had failed lie-detector tests before testifying at the preliminary hearing. Frank McGee, the N.B.C. anchor man, concluded, "The case he has built against Clay Shaw is based on testimony that did not pass a lie-detector test Garrison ordered—and Garrison knew it." The lie-detector evidence that N.B.C. used to cap its case against Garrison was almost certainly the weakest part of that case. The lie-detector test carries a certain authority in the popular imagination, because it appears to give an unambiguous answer—the man is either lying or telling the truth—and *Newsweek*, the *Chicago Tribune*, and the Hearst Headline Service also used lie detectors to demonstrate that Garrison's case was based on untruths. But the lie detector is in fact merely a device for measuring the emotional stress that a witness is undergoing while he is being questioned. Such stress may indicate nervousness over deception or it may indicate any of a number of other emotional responses. J. Edgar Hoover had informed the Warren Commission in a memorandum that lie-detector tests were unreliable and of dubious value. N.B.C. had assembled a good deal of cogent, if complex, evidence to show that Russo's allegation was untrue. But for it to resort finally to a simple indictment based on evidence drawn

from a source as dubious as lie-detector tests left the program's conclusions open to serious criticism.

Garrison, however, did not bother with serious criticism of the program's content; instead, he launched his counterattack by denouncing N.B.C. as a party to an "Establishment" conspiracy to destroy him. "All of the screaming and hollering now being heard is evidence that we have caught a very large fish," he proclaimed the morning after the N.B.C. show. "It is obvious that there are elements in Washington, D.C., which are desperate because we are in the process of uncovering their hoax." To account for N.B.C.'s interest in his investigation, he told an interviewer that the network "is owned by Radio Corporation of America, one of the top ten defense contractors in the country." (It is actually twenty-seventh, according to the Department of Defense.) Garrison added, "All of these ladies of the evening are very much alike—the preferred customer is the one with the big bankroll and any position he suggests is eagerly assumed." Moreover, Garrison implied that the program had been secretly financed by the C.I.A.

Garrison demanded equal time, and N.B.C. granted him a half hour of prime evening time on July 15, 1967, to reply to the charges. Once on the air, however, he said, "I am not even going to bother to dignify the foolishness which *Newsweek* and N.B.C. and some of the other news agencies have tried to make you believe about my office," and went on to denounce the media for manipulating the news. After giving five specific examples of "suppressed news," he presented his familiar argument that the attacks on his case attested to its validity: "... if our investigation was as haywire as they would like to have you think, then you would not see such a coordinated barrage coming from the news centers in the East." And he concluded, "... as long as I am alive, no one is going to stop me from seeing that you obtain the full truth, and nothing less than the full truth, and no fairy-tales." Garrison had an audience of some twenty million, and for that, he said in his

Playboy interview, he was "singularly grateful to Walter Sheridan," one of those who had prepared the N.B.C. critique of his case.

Garrison's gratitude was less than total. Not long after the N.B.C. program, he issued warrants for the

arrest of Sheridan and also Richard Townley, who had assisted in the preparation of the show, charging them with attempted bribery. Specifically, Garrison alleged that they had offered Perry Russo a free trip to California. But if this offer technically constituted an act of bribery, Garrison himself had taken considerable pains to bait the trap. He told me himself that he had directed Russo to speak to the reporters over a monitored phone and inquire what protection they could offer him if he were to change his testimony. The purpose was, as he put it, "to give N.B.C. enough rope to hang itself." In his public statement on the matter, Garrison charged that the N.B.C. program "will probably stand for many years to come as a symbol of the length to which some powerful outside interests are willing to go in order to interfere with state government." The cases are still pending.

Shortly after Garrison's skirmish with N.B.C., William Gurvich resigned as one of his investigators, after telling Senator Robert F. Kennedy that there was no basis in fact and no material evidence in Garrison's case. Gurvich's private detective agency had conducted most of the lie-detector tests that Garrison had ordered, and at the time of his resignation Gurvich had in his possession a master file of the principal evidence in the case. This defection not only made for embarrassing headlines but opened up the possibility that Garrison's fund of confidential information—or his lack of such a fund—would be made public. In a statement to the press, Garrison described Gurvich's resignation as "the latest move from the Eastern headquarters of the Establishment to attempt to discredit our investigation." It was all part of a coordinated plot against him. In another press release, he said, "All they are doing is proving two things: first, that we were correct when we uncovered the involvement of the Central Intelligence Agency in the assassination; second, that there is something very wrong today with our government in Washington, D.C., inasmuch as it is willing to use massive economic power to conceal the truth from the people." Later, in his *Playboy* interview, Garrison implied that Gurvich had been a C.I.A. infiltrator from the start. He also charged Gurvich with petty larceny, claiming the file that he had was worth nineteen dollars. And, for good measure, he charged on the A.B.C. "Page One" television show that Senator Robert Kennedy "has made a real effort to stop the investigation."

After it had become quite clear that criticism of Garrison's case could be used to generate a spectre of conspiracy, Garrison took the logical next step and started creating pseudo-attacks on himself. When reporters in Tokyo asked Chief Justice Earl Warren his opinion of the Garrison investigation, he replied, "I want to skirt this very carefully, because the case could someday come before the Supreme Court." Pressed as to whether Garrison possessed any evidence that might contradict the findings of the Commission he had headed, the Chief Justice answered, "I've heard that he claims to have such information, but I haven't seen any." Garrison immediately characterized this "new counterattack" as "heavy artillery whistling in from Tokyo," and said in a press release, "It is a little disconcerting to find the Chief Justice of the United States on his hands and knees trying to tie some sticks of dynamite to the case. However, the Chief Justice is a practical man and I expect he knows what he is doing. . . . The last time he was called into action to perform a service was when the President of the United States was assassinated by men who had been connected with the Central Intelligence Agency." Garrison predicted a new broadside from the federal authorities: "Judging from the careful coordination which the Establishment showed in its last offensive against the case, it is safe to expect that other elements of the federal government and national press will now follow up with a new effort to discredit the case and the prosecution."

Another example of Garrison's technique involved Gordon Novel, the electronics expert, who had told him about Ferrie's participation in a "pick-up" of munitions from the Schlumberger Well company, in Houma, Louisiana. Novel rapidly advanced from advising Garrison on anti-eavesdropping techniques, the business that had first brought him to Garrison's attention, to become a witness against Ferrie and, at least in Garrison's mind, an "investigator." Then, according to one account, Garrison was told that his investigator had been furnishing information to N.B.C. reporters, and Novel was subpoenaed to appear before a grand jury. Instead of appearing, Novel left the state and went to Ohio. Garrison filed burglary charges against Novel, alleging that he had participated in the conspiracy to steal arms from the Schlumberger Well company in Houma, and he

was arrested in Ohio. After some initial reluctance, Governor James Rhodes, of Ohio, finally agreed to extradite Novel to Louisiana if Garrison would complete the papers within sixty days. Garrison, however, did not take the steps that were necessary. As the deadline approached, Assistant District Attorney Alcock asked if he should return the papers to Ohio, and Garrison told him not to bother. And yet in the *Playboy* interview Garrison insisted, "The reason we were unable to obtain Novel's extradition from Ohio . . . is that there are powerful forces in Washington who find it imperative to conceal from the American public the truth about the assassination." He went on to indicate that Novel was now a material witness in his case and, according to attorneys for Novel, implied that his former "investigator" was somehow connected with the conspiracy. (Novel is suing Garrison and *Playboy* for ten million dollars in punitive and compensatory damages.) And in a speech to the Radio and Television News Association of Southern California, in Los Angeles, Garrison cited his failure to obtain Novel's extradition as evidence that President Johnson was putting pressure on local officials to secrete witnesses from him. He went on to accuse President Johnson of preventing "the people in this country from seeing the evidence," and asserted, with the logic of *cui bono*, "... the fact that he has profited from the assassination most, more than any other man, makes it imperative that he see that the evidence is released, so that we can know that he is not involved. . . ."

GARRISON's technique in expounding the so-called second conspiracy is typical of what Richard Hofstadter has classified as "the paranoid style in American politics," to which "the feeling of persecution is central," and which is "systematized in grandiose theories of conspiracy." Still, the fact that Garrison expresses his ideas in a paranoid style does not of itself rule out the possibility that there is substance to his claims. Is the C.I.A., for example, really concealing some involvement of its agents in the assassination, as Garrison has claimed? In May, 1967, Garrison declared on the A.B.C. "Issues and Answers" television program, "Of course the Central Intelligence Agency had no role in the planning or intending the assassination of President Kennedy. I think that would be a ridiculous position for anyone to take."

He has, however, taken precisely that position on several occasions. His allegations regarding the culpability of the C.I.A. have varied widely. On May 9, 1967, the C.I.A. was accused of merely concealing evidence; by May 18th, Oswald and Ruby were themselves identified by Garrison as C.I.A. employees; on May 21st, the District Attorney stated that the C.I.A. knew "the name of every man involved and the name of the individuals who pulled the triggers;" on May 24th, he added that the C.I.A. was presently hiding the killers' whereabouts; on November 14th, he decided that "employees—a limited number—of the Central Intelligence Agency of the U.S. government are involved in the assassination;" on January 31, 1968, he said on the Johnny Carson show that "the Central Intelligence Agency was deeply involved in the assassination;" and in February he said in an interview filmed for Dutch television that "President Kennedy was killed by elements of the Central Intelligence Agency of the United States government," going on to explain, "The Central Intelligence Agency... had worked for a long time creating the tableau—the cover scene—beforehand. This is standard for a Central Intelligence Agency assassination. As a matter of fact, the C.I.A., when it conducts an assassination, describes it as an executive action. This takes the sin out of it. As a matter of fact, to the C.I.A. employees, the sin then becomes failing to do your job properly, in the executive action. Of course, even as I describe it, I'm conscious of the parallels with regard to Germany under Hitler. What I'm talking about is nothing less than Fascism, which has arrived in America..."

Just how solid the basis for these charges is can be deduced from Garrison's twenty-six-page interview in *Playboy*, which is doubtless the fullest and most coherent single presentation of his case to date. When he was pressed by *Playboy's* interviewer, Eric Norden, for the evidence on which his charges of C.I.A. complicity were based, Garrison mentioned eight specific items: (1) a missing C.I.A. photograph that shows Oswald in the company of a C.I.A. agent in Mexico before the assassination, (2) classified files on David Ferrie, which "would indicate the existence of a conspiracy involving former employees of the C.I.A. to kill the President," (3) suppressed autopsy X-rays and photographs of President Kennedy's body and "other vital evidence," which also reveal that former C.I.A. agents took part in the murder, (4) C.I.A. files

that reveal, it is implied, that Oswald was involved in the C.I.A.'s U-2 project, (5) the fact that the C.I.A. destroyed a document that the Warren Commission had requested, (6) the identification of Oswald's C.I.A. "babysitter," (7) the identification of a C.I.A. "courier," and (8) "the consistent refusal of the federal government" to provide Garrison with "any information" about the role of the C.I.A. in the assassination. This last piece of "evidence" Garrison calls "the clincher."

At least half of the "evidence" on which Garrison's repertory of charges against the C.I.A. is based is itself deduced from evidence that Garrison has never seen. He has accomplished this trick by simply sketching in on the *tabula rasa* of missing (or nonexistent) evidence facts that appear to incriminate the C.I.A. If the evidence is missing, a revelation of its contents is not, of course, easily refuted. And the old suspicion of secrecy qua secrecy also plays a part. "If there's nothing to hide," people wonder, "why is the thing missing in the first place?" Consider Item No. 1, the missing C.I.A. photograph, on which Garrison based his original charge that the C.I.A. was concealing vital evidence. When Garrison subpoenaed Richard Helms, the director of the C.I.A., he instructed him to produce a photograph that C.I.A. agents had taken in Mexico City about seven weeks before the assassination and that, Garrison claimed, showed Oswald in front of the Cuban Embassy in the company of a C.I.A. agent. The supposed facts conveyed by this missing snapshot were what led Garrison to assert that the C.I.A. knew the identity of Kennedy's assassins and was concealing the truth. But how had this information been deduced from a missing photograph, which Garrison admits that he has never seen?

Actually, the story of the C.I.A. photograph had its origin in an incident I myself first reported, in my book "Inquest," as a means of illustrating the problems that the Warren Commission lawyers faced in communicating with the C.I.A. According to my account, a man in front of the Cuban Embassy in Mexico City before the assassination had been routinely photographed by a hidden C.I.A. camera and identified as Lee Harvey Oswald; the information had subsequently been forwarded to the

F.B.I. However, as it turned out, I continued, the man in the photograph (which was published in Volume XX of the Warren Commission's testimony and evidence) was obviously not Oswald but a heavyset individual who could not be identified. The staff lawyer Wesley J. Liebeler, who was trying to clarify the incident for the Warren Commission, inquired of the C.I.A. whether a photograph showing Oswald in Mexico City did in fact exist. He never received an answer. Garrison postulated that the C.I.A. had forwarded the picture of a man who was not Oswald and had withheld a photograph that *did* show Oswald leaving the Cuban Embassy. Furthermore, he conjectured that the most likely reason for suppressing such a photograph was that it revealed Oswald to be in the company of another man—and since the identity of this man was being concealed, he must have been working for the C.I.A. It seems unlikely that Garrison had any knowledge of this photograph other than what he gathered from the account of it in my book, because he repeats the details of that account, including a certain erroneous detail. As Liebeler, who originally told me the story, pointed out a few weeks after "Inquest" was published, the picture in question had been taken of a man in front of the Soviet Embassy in Mexico City, not the Cuban Embassy. Yet Garrison repeated the erroneous information (my own) to contrive an ominous piece of "evidence" that was not simply "missing" but nonexistent.

Garrison relied on a similar device in his second and third items of "evidence," asserting that files on Ferrie and the President's autopsy X-rays and photographs and other vital evidence were classified because they "would indicate the existence of a conspiracy involving former employees of the C.I.A." Exactly how Garrison could specify what would be indicated by evidence he had never viewed is left problematical, but again the *tabula rasa* of missing evidence gives him an opportunity to sketch in unverifiable details of a C.I.A. conspiracy. (Every once in a while, the evidence proves to be existent and Garrison is caught in the act. For example, he stated in his *Playboy* interview that four frames of a film taken of the assassination—frames 208-211—were missing from the frame-by-frame reproduction of the film in the testimony

and evidence published by the Warren Commission, and he went on to claim that these frames "reveal signs of stress appearing suddenly on the back of a street sign" and to suggest that "these signs of stress may very well have been caused by the impact of a stray bullet on the sign." But frames 208-211, while missing from the Warren volumes, are not missing from a copy of the film that *Life* holds, and they reveal no "signs of stress.")

In his fourth item, Garrison supposedly reveals the contents of classified C.I.A. documents in the National Archives. These documents were prepared for the Warren Commission by the C.I.A. And although the title of each of these reports—usually referring to the general topic on which Commission lawyers requested that the C.I.A. provide information or answer queries—is listed in the index of Commission documents, the reports themselves are classified, as are all C.I.A. reports containing the names of operatives, informers, and foreign sources. Garrison customarily rattles off the titles of the "suppressed C.I.A. files," as he calls them, and then sets forth their "contents" in his own terms. For example, in *Playboy* he cited Commission Document No. 931, entitled "Oswald's Access to Information About the U-2," and then ominously suggested that Oswald was involved in the U-2 program. He amplified on this "evidence" in a speech he made after the *Playboy* interview appeared, stating, "The reason you can't see that [Commission Document No. 931] for many years is because you will then realize that Lee Oswald was then working for the United States government, as a C.I.A. employee, and they don't want you to know that." Garrison used this classified document, which, of course, he had not seen, to substantiate the charge that Oswald acted as a C.I.A. agent. Yet testimony in the Warren Report indicates that it may well contain information on what Oswald heard when, during his stay in the Soviet Union, he dropped in on the trial of the U-2 pilot Francis Gary Powers. In any event, it seems highly unlikely that if the C.I.A. were indeed as sinister as Garrison alleges, it would admit in a report to the Commission that Oswald was a C.I.A. agent, especially since its reports were to be read by lawyers working for the Commission who were not (as my own interviews with them demonstrate) particularly inclined to be

secretive.

The fifth item of evidence—that the Warren Commission was never able to obtain "a secret C.I.A. memo on Oswald's activities in Russia" that was attached to a State Department document, because the memorandum had been "destroyed" the day after the assassination—is simply untrue. While it is true that one copy of this memorandum was destroyed while being photocopied, another copy was duly forwarded to the Commission on May 8, 1964, as is evident from Volume XVIII of the Commission's testimony and evidence. When Sylvia Meagher, who has indexed the twenty-six volumes of the Warren Commission testimony and evidence, and has tried earnestly to correct the mistakes of the critics as well as those of the Commission, pointed out to Garrison that his charge was based on a fallacy, he acknowledged the error, but, even so, he went on using the non-fact to support his charge that the C.I.A. was "incinerating" evidence.

The sixth item of evidence, the identity of Oswald's C.I.A. "babysitter," was extrapolated from a purchase order for ten Ford trucks. Oscar Deslatte, the assistant manager of a New Orleans Ford agency, who wrote up the order on January 20, 1961, subsequently reported to the F.B.I. that his customers told him the trucks were to be used by an organization known as "Friends of Democratic Cuba." Deslatte listed the purchaser of the trucks as "Oswald" (no first name given) and said that the individual with "Oswald" called himself Joseph Moore. When F.B.I. agents asked Deslatte about the incident, he said that he could "neither describe nor identify either of the men." Garrison believes, however, that the purchase was made for the C.I.A., and that Moore, who has never been located, was in fact Oswald's C.I.A. chaperon. It is possible, of course, that Moore was the C.I.A. "babysitter" of some Oswald, but in 1961, at the time the purchase order was filled out, Lee Harvey Oswald was working at the Belorussian Radio and Television Factory in Minsk.

The seventh item of evidence, concerning a C.I.A. "courier," refers to Donald Philetus Norton, the bank embezzler and night-club entertainer who had been thoroughly discredited as a witness and was jettisoned by Garrison himself even before he gave the *Playboy* interview.

Garrison's "clincher," the assertion that the government has not revealed to him any information of the C.I.A.'s complicity in the assassination, is a perfect example of Garrison's own brand of logic, in which the fact that he has not found or been given any evidence of C.I.A. complicity is itself proof that the C.I.A. is withholding evidence of its guilt.

GARRISON has also charged that the press has furtively controlled the news as a means of suppressing known facts about the assassination. "Behind the façade of earnest inquiry into the assassination is a thought-control project in the best tradition of '1984,'" he has written. "Because of their role in the Establishment and their failure to conduct an effective inquiry, major news agencies have a vested interest in maintaining public ignorance." Most of what Garrison has had to say on this subject has been vague philippics, but in his half-hour N.B.C. rebuttal he did give five specific examples of news suppression, and they are worth examining in detail. Of "powerful news agencies," Garrison alleged:

"They do not tell you that Lee Harvey Oswald's fingerprints were not found on the gun which was supposed to have killed the President."

And they do not tell you that nitrate tests exonerated Lee Oswald from the actual shooting by showing that he had not fired a rifle that day.

And they do not tell you that it was virtually impossible for Oswald to have taken his fingerprints off the gun, hidden the gun and gone down four flights of stairs by the time he was seen on the second floor.

Above all they do not tell you of the overwhelming eyewitness testimony that shots were coming from behind the stone wall on the grassy knoll....

You have not been told that Lee Oswald was in the employ of U.S. intelligence agencies, but this was the case.

It is true that the public had not been told any of these things, except by Garrison, but there is a good reason for that. All five of the charges are either false or capricious.

Fingerprints were found on the rifle "which was supposed to have killed the President," but the prints could not be positively identified. Sebastian F. Latona, a nationally recognized fingerprint expert, testified before the Warren Commission that because of the unpolished finish of the rifle, which allowed it to absorb moisture, it was highly unlikely that an identifiable fingerprint would have been left on the weapon. Contrary to the popular impression regarding fingerprints

Latona noted, they are usually discernible only on highly polished surfaces. What Garrison does not say is that a palmprint was discovered on the underside of the barrel of the rifle in question and that three different experts positively identified it as Oswald's.

Garrison's assertion that the nitrate tests "exonerated" Oswald is equally questionable. In the tests to which Garrison referred, the Dallas police made paraffin casts of Oswald's hands and right cheek, and these casts were then checked for traces of nitrates. Nitrates were found on the casts of both hands but not on the cast of his cheek. The test, however, in no way proves that Oswald did or did not fire a rifle. The nitrates found need not have come from gunpowder; many other substances—tobacco, matches, or urine—will leave such residues. Conversely, the absence of nitrates indicates just as little, because a rifle (which, unlike a revolver, has no gap between the chamber and the barrel) is not as likely to leave nitrate traces on the cheek. In fact, the rifle in question was experimentally fired three times by an F.B.I. agent and no traces of nitrates were detected on his hands or cheek. According to one F.B.I. expert, Cortlandt Cunningham, the so-called paraffin test is completely unreliable, and its principal use in police work is simply to intimidate suspects; it produces more apprehension than valid evidence. Garrison's suggestion that such tests could have proved that Oswald "had not fired a rifle that day" plays on the gullibility of the general public regarding the reliability of scientific-sounding data.

As for Garrison's statement that it was "virtually impossible" for Oswald to have been on the second floor of the Depository Building a few minutes after the assassination, it, too, is specious. A Secret Service agent, simulating Oswald's movements, reached the second floor from the sixth in one minute and eighteen seconds. In any case, it is impossible to ascertain exactly what time Oswald was seen on the second floor; it could have been as long as five minutes after the assassination.

Garrison's next assertion—that the press failed to report that there was "overwhelming eyewitness testimony" that the shots came from behind a stone wall—is also sophistical. None of the hundred or so Warren Commission witnesses who testified on the matter or were questioned by the F.B.I. said that they saw a rifle being fired from behind the stone wall. The eyewitness testimony, which is undependable in determining the source of any shots where there is a possibility of echoes, was divided. More

than half the witnesses thought the shots originated in some spot other than the Depository Building, but only a few of the eyewitnesses thought the shots came from the direction of the stone wall.

Finally, the assertion that Oswald was a C.I.A. agent, as has already been shown, was based on Garrison's own private interpretation of "missing" or classified documents that he had never seen. Of the five examples of "news suppression" that Garrison cited, then, not one was based on accurate information.

ANOTHER of Garrison's sweeping charges about a "second conspiracy" is that the federal government—through its agents Lyndon Johnson, Robert Kennedy, J. Edgar Hoover, Earl Warren, and Ramsey Clark—has been involved in a sinister plot to quash his investigation. It would have been difficult to gainsay Garrison's imputation of federal obstruction if he had charged merely that the government was hindering his case. Certainly federal agencies have been less than cooperative, and important federal officials, including Attorney General Clark, have openly (and often harshly) criticized the New Orleans investigation. But Garrison's allegations have gone far beyond the charge of interference in this sense. He has accused the federal government of conspiring to wreck his investigation specifically because it harbors a motive of its own in concealing the truth about the assassination, and he has levelled his accusation in no uncertain terms: "... the United States government—meaning the present administration, Lyndon Johnson's administration—is obstructing the investigation—any investigation. It has concealed the true facts—to be blunt about it—to protect the individuals involved in the assassination of John Kennedy." In other words, he is charging that the government knows the truth and, in concealing it, is itself conspiring to protect the conspirators.

So far, Garrison has offered only two specific items of "evidence" to support this charge. The first item is the photograph of the assassination site showing a man with a closed fist, which by Garrison's surmise conceals the bullet that killed the President. From this conjecture he goes on to postulate that the man in the photograph is a federal agent, that the bullet has been turned over to the federal government, and that the government consequently knows the assassin's identity. The second item of evidence he mentions is a

telegram that was supposedly sent to J. Edgar Hoover before the assassination. Garrison charged last December that this telegram, which he has been unable to obtain, proves that Oswald telephoned the Dallas field office of the F.B.I. five days before the assassination and gave details of the plot, which were then forwarded by interbureau telegram to Hoover in Washington. This, Garrison claimed, was proof that President Johnson had "actively concealed evidence about the murder of his predecessor." When a reporter asked him what evidence he had that such a telegram ever existed, he answered, "If you and I were in a closed room, I could prove it. But I'm not going to allow any evidence to get out now." His evidence, it later turned out, was simply a story that Mark Lane had told him.

Apart from such speculation by Garrison and Lane, the charge of federal complicity is based almost solely on the fact that there is government secrecy. According to Garrison's logic, the government would not classify information pertinent to the assassination unless it had something to hide. Garrison has persistently exploited popular suspicions about secrecy, accusing those who would, in his estimation, benefit most from the maintenance of such secrecy. For example, after noting that part of the Warren Commission's documents are classified in the National Archives, Garrison claimed on a Texas television show last December, "They destroyed evidence in every possible way. The President of the United States, the man who has the most to gain, the man who gained more than any other human from the assassination, is the man who issued the executive order concealing vital evidence for seventy-five years so that we can't look at it, so that you can't look at it, so that no American can see it for seventy-five years. Now, this was an executive order by Lyndon Johnson, the man who gained the most from the assassination."

No such executive order has ever been issued. Many investigative files are withheld from use by law for seventy-five years—a number arbitrarily selected to exceed the life-span of persons likely to be mentioned in the reports—in order to safeguard confidential information (such as tax returns), to protect confidential informers, and to avoid embarrassing innocent persons mentioned incidentally. But in the case of the Warren Commission's documents McGeorge Bundy, acting on behalf of

President Johnson, sent a special request to the Archivist of the United States that the seventy-five-year ban be waived wherever possible and much of the material be opened to the public. Following guidelines approved by Bundy, all the agencies involved in the investigation were to review their files and declassify everything except pages containing the names of confidential informers, information damaging to innocent parties, and information about the agencies' operating procedures. There was to be a periodic review by all the agencies concerned. By the time Garrison had begun his own investigation, virtually all the documents that could be declassified according to these guidelines had been opened to public scrutiny. Garrison's claim in *Playboy* that "any document the C.I.A. wanted classified was shunted into the Archives without examination" by the Commission is simply untrue. All the relevant documents relating to the inquiry which are now in the Archives were sent there by the Warren Commission after the Warren Report was published. Most of the C.I.A. reports were prepared to answer specific questions put to the Agency by Commission lawyers, and there is no reason to assume that they went unread.

The distinguishing mark of the paranoid style, Ho-stadter writes, is "the curious leap in imagination" between fact and fantasy which is made at some critical point in an argument to cover a gap in reasoning. Consider in this light the following remarks by Garrison, taken from one of the many speeches he delivered during the fall of 1967:

Is this a Great Society which allows innocence to be butchered as Oswald was, with no concern, no interest? Which allows the guilty, the murderers to walk the streets, knowing without any question who they are, knowing what happened, is this a Great Society? Is it a Great Society which causes blackouts in news centers like New York when there's a development in the case? ... Is this a Great Society which monitors your phone if it has the slightest bit of curiosity about you? This is not a Great Society—this is a Dangerous Society, a society which despite the lip service to populism ... is so morally threadbare that the futures of your children are in danger.

Here "the curious leap in imagination" is made between the fact that some investigative files are still classified and the fantasy that the government is protecting the assassins by censoring the news, monitoring telephone calls, and threatening the futures of children. (It is worth noting, incidentally, that the image of "innocence ... butchered as Oswald was" creates complications in the case of Clay Shaw, who was, after all, indicted for a conspiracy that in-

involved Lee Harvey Oswald.) In Garrison's case against the news media, a leap is made between the fact that the media failed to broadcast some truths about the assassination and the fantasy of a conspiracy to suppress the news. In his charges against the C.I.A., a saltatory advance is made from missing or nonexistent evidence to the fantasy of C.I.A. complicity in the assassination. For Garrison, the C.I.A. epitomizes all that is feared in governmental secrecy: an invisible government, answerable to no one, with unlimited resources and unlimited power. Since all its acts are veiled in secrecy, it may be postulated to be the "real force" behind any event. The government, Garrison claims, "is the C.I.A. and the Pentagon"—an élite that perpetuates its power by concealing the truth about the assassination, and creating, through the "manipulation of the mass media," what he calls "a concentration camp of the mind."

AS his investigation continued, Garrison appeared to become increasingly obsessed with governmental secrecy, and less directly concerned with the issues of his court case. His obsession with the "second conspiracy" might be more easily dismissed if it were not for the fact that a considerable portion of the population appears to believe his claims. The extent of his popular support leads one to wonder if there may not be some political calculation behind his choice of chimeras.

Early in 1967, before the New Orleans investigation became public knowledge, a poll conducted by Louis Harris and Associates indicated that some forty-four per cent of the American people thought that the murder of President Kennedy was the result of a conspiracy. In May, 1967, shortly after Garrison had announced the discovery of a plot, had gone on to arrest Clay Shaw, and had charged the C.I.A. with concealing evidence, a Harris survey indicated that sixty-six per cent of the American public now believed that the assassination had been carried out by a conspiracy. A third Harris survey, taken in September, revealed that despite the fact that Garrison's inquiry had produced no tangible results, sixty per cent of the people still believed that Kennedy had been killed by a conspiracy. To be sure, it is by no means clear that Garrison was chiefly responsible for effecting this remarkable change in public opinion. It can be argued that a considerable number of people are naturally disposed to make a conspiratorial inter-

pretation of any event as historically momentous as the assassination of a President. Indeed, earlier Harris surveys showed that at least thirty per cent of the population believed from the outset that Oswald had not acted entirely alone, and continued to believe this after the Warren Commission rendered its verdict. Moreover, Harris concluded from the questionnaires filled out by his respondents immediately after the Warren Report was issued that eleven per cent of the population may be considered "chronic doubters who tend to feel that the 'real' story about almost any important public event is never quite told." The fact that there was a marked increase—from thirty-one per cent to forty-four, according to Harris surveys—in the number of people who believed in a conspiracy when the Warren Commission became the subject of heated controversy, owing to the publication in the latter half of 1966 of a number of books and articles by critics of the Report, may reflect a certain resistance by the general public against accepting a purported "truth" that is neither clear-cut nor obviously irrefutable. The idea that even a few points in the Warren Report were subject to dispute, or that even a few of its facts could be differently interpreted, probably led many people to reject, or at least doubt, the over-all conclusion that the Commission had put forward so emphatically. In any event, the change in public opinion seems to have been substantial after Garrison appeared on the scene. Between February and May of 1967, Harris surveys indicated nearly half (sixteen out of thirty-five per cent, to be exact) of the people who had believed that Oswald was the lone assassin were now changing their minds. In other words, once Garrison began issuing his charges some thirty million Americans who had apparently been neither predisposed to believe in a conspiracy nor moved by earlier criticism of the Warren Report started having second thoughts on the question of a lone assassin.

In presenting to the public his own conclusions about the assassination of President Kennedy, Garrison has enjoyed some strong advantages over all other critics of the Warren Commission. The first and most obvious is simply the authority of his office: he is the district attorney of a major American city. Garrison has been able to make news at will, merely by submitting charges, issuing subpoenas, and

making arrests. Moreover, to many people it must seem almost inconceivable that an elected prosecutor's carefully worded "factual" statements—for example, that "at 12:45 P.M. on November 22nd, the Dallas police had broadcast a wanted bulletin for Oswald"—could be demonstrably false. Still another important benefit that Garrison derives from being a public prosecutor with a case pending is the right to refuse to divulge the evidence on which his charges are based. And Garrison has exercised this right with stunning effect, particularly in the *Playboy* interview. Take, for example, his statement that "we know from incontrovertible evidence in our possession who the real Clay Bertrand is—and we will prove it in court." Since Garrison has charged that Clay Shaw used the alias of Clay Bertrand, this is an extremely important claim, but although the question of the identity of Clay Bertrand was a central issue in the perjury trial of Dean Andrews, which took place well after the *Playboy* interview was conducted, Garrison failed to introduce any evidence at that time concerning it. Later, a source in Garrison's office suggested that the only evidence to which Garrison could have been referring in the *Playboy* interview was a library card taken out under the name Clay Bertrand and bearing Clay Shaw's former business address. This card hardly qualifies as incontrovertible evidence. For one thing, the card turned up well after Shaw was arrested, and, for some reason, bore no date of issuance or expiration. For another, the signature on the card was definitely not in Clay Shaw's hand—a fact that Garrison's own staff confirmed. In other words, it appears that someone other than Clay Shaw filled out a library card under the alias that Garrison has claimed Shaw used and put Shaw's former business address on it.

Garrison has also enjoyed the advantage of what might be called strategic plausibility. As Hannah Arendt points out in her essay "Truth and Politics," the liar is usually more persuasive than the truth-teller, simply because he can fashion his facts to meet his audience's expectations. Since Garrison is under no compulsion to reveal his evidence, there is nothing to prevent him from contriving his own explanation of the assassination. Whereas neither the Warren Commission nor its critics could offer a definite motive for the murder of the President, Garrison can. He states categorically in *Playboy*, "President Kennedy was killed for one

reason: because he was working for a reconciliation with the U.S.S.R. and Castro's Cuba." And he goes on to declare that this is not mere speculation, insisting, "... we know enough about the key individuals involved in the conspiracy—Latins and Americans alike—to know that this was their motive for the murder of John Kennedy." To those who expect a momentous event to have some significant cause, Garrison's explanation naturally sounds more logical than the explanation that a lone assassin acted out of personal disaffection.

Moreover, Garrison has found ready allies, eager to proselytize on his behalf, among dissident political writers. His charge that there is a conspiracy between the government and the mass media to conceal the truth from the people accords perfectly, after all, with what such journals see as their *raison d'être*. It is therefore hardly surprising to find his speeches printed verbatim in such papers as the Los Angeles *Free Press*, and to find his portrait on the cover of *Ramparts*, with the words:

"Who appointed Ramsey Clark, who has done his best to torpedo the investigation of the case? Who controls the C.I.A.? Who controls the F.B.I.? Who controls the Archives where this evidence is locked up for so long that it is unlikely that there is anybody in this room who will be alive when it is released? This is really your property and the property of the people of this country. Who has the arrogance and the brass to prevent the people from seeing that evidence? Who indeed? The one man who has profited most from the assassination—your friendly President, Lyndon Johnson!"

Among Garrison's most ardent supporters is the *Councilor*, the bimonthly official journal of the Citizens' Council of Louisiana, which claims a circulation of some two hundred and sixty thousand, and which actively campaigns against Communism, the suppression of news by the mass media (supposedly controlled by Zionist interests), race mongrelization (a plot aided by the C.I.A. and the Rothschilds), and the insidious intrusion of federal authority into the sacred domain of states' rights. That Garrison had been "fought by Sterns, Newhouse papers, and Agnes Meyer" (i.e., the N.B.C. affiliate in New Orleans, WDSU-TV; the *Times-Picayune* and *States-Item*; and the *Washington Post* and *Newsweek*) was for the *Councilor* sufficient reason to lend Garrison its enthusiastic

support. The logic of *Ramparts* has not been significantly different; William Turner concluded one of his articles on Garrison in the magazine by saying that the anti-Garrison tactics of N.B.C. and the daily press "smack of desperation—and indicate that there is much to hide." The *Councilor* goes along with most of the details of the plot theory outlined in *Ramparts*, differing only in its belief that New York Communists, rather than right-wing extremists, were behind the conspiracy. (Perry Russo, always accommodating, told the *Councilor* in an exclusive interview that David Ferrie was really a "Marxist" and a follower of Che Guevara.)

Garrison's cause has also found champions in more highly respected journals that pride themselves on their intellectual credentials—notably, the *New York Review of Books*, which has rejected the Warren Commission's conclusions because the Commission's investigation was defective but has embraced Garrison's investigation despite its far more glaring defects. Professor Richard Popkin, in a lengthy defense of Garrison's investigation in the *New York Review*, argues that Garrison should be given a "fair hearing" in court, and not have his case "prejudged" by the press. He claims that, while Garrison has "studiously avoided any discussion of Shaw and the specific evidence against him," the press has interviewed "potential witnesses," evaluated the evidence, made "charges against the District Attorney and his office... in effect, trying the case out of court." The "wave of attacks in the press and TV" against Garrison, Popkin contends, "surely prejudices a fair trial." He concludes that no investigation of Garrison is necessary, for "if the evidence is as contrived and cockeyed as the press and TV allege, they should expect that twelve jurors along with [the judge] will see

through it." It is true that the right of a defendant not to be prejudged is a fundamental principle of jurisprudence. And pre-trial publicity, by prejudicing public opinion, can certainly deny the defendant his right to a fair hearing. Jim Garrison, however, is not the defendant. Clay Shaw is. The rights of the defendant have been established precisely to counterbalance the powers of the state. Popkin's plea that the press suspend scrutiny

and criticism of the methods by which Garrison is gathering evidence and bringing the case to trial would, if it were taken to heart, undermine a defendant's legitimate protection against the possibility of a prosecutor's using his power and resources to fabricate evidence and intimidate witnesses. Moreover, Popkin's contention that Garrison has "studiously avoided" discussing the evidence is disingenuous, at best. The fact is that an interview that Popkin had with Perry Russo, Garrison's star witness against Clay Shaw, was arranged by the District Attorney himself. It was Garrison, too, who told reporters that he had found Jack Ruby's coded telephone number in both Shaw's and Oswald's address books, and repeated the allegation on television and to newspaper reporters even after it was shown to be false. It was Garrison who stated in the *National Observer*, "There is no way that Clay Shaw can get an acquittal." It was Garrison who allowed Mark Lane and William Turner to photostat evidence in his files. And it was Garrison who, in his *Playboy* interview and on his subsequent coast-to-coast tour, made numerous references either to evidence in the Shaw case or to Shaw himself (including the demonstrable falsehood that Shaw was with President Kennedy "on an airplane flight in 1963"). Indeed, Garrison has gone on about the case in speeches, radio talk shows, television programs, press conferences, and interviews almost without pause. Of course, most of the evidence Garrison has discussed is spurious, but surely that makes it all the more imperative for the press not to waive its responsibility for examining it closely.

Popkin's notion that there is no need for the press to scrutinize Garrison's techniques for recruiting witnesses and assembling evidence because if the evidence is contrived a judge and jury will see through it and "destroy Garrison at the trial" shows an unusual confidence in the legal process. While it is true that a judge and jury can detect contradictions in testimony and other incongruous evidence, there is no certainty at all that they can uncover perjury that has been systematically arranged for, with one perjurer corroborating another's testimony, or that they can recognize artfully fabricated "facts" purposely designed to fit into the pattern of evidence. Exposure of such systematic fraud would, in fact, depend on an outside investigation of the prosecutor's means and methods. Gene Roberts, of the *New York Times*, and

Walter Sheridan, of N.B.C., have stated that in separate inquiries they discovered at least six witnesses who said that they had been offered bribes, blackmailed, or otherwise coerced by Garrison's representatives. All were, in one way or another, vulnerable people. William Gurvich said that while he was working for Garrison he saw the way the powers of a district attorney's office could be used "to intimidate and coerce witnesses." Popkin intimates that Sheridan and Gurvich may have had some ulterior motive in revealing information about Garrison's mode of operation. One can, as the British philosopher A. J. Ayer points out, always sustain one's beliefs in the face of apparently hostile evidence if one is prepared to make the necessary ad-hoc assumptions, and in this case supporters of Garrison seem all too ready to assume that everyone who criticizes Garrison's conduct is part of a plot to conceal the truth. But such rationalization explains nothing. In the year I have been studying Garrison's investigation and have had access to his office, the only evidence I have seen or heard about that could connect Clay Shaw with the assassination has been fraudulent—some devised by Garrison himself and some cynically culled from criminals or the emotionally unstable. To fail to report this information so that Garrison might have a "fair hearing" in court could preclude the possibility of the defendant's ever receiving his fair hearing in court.

To see the issue of the assassination as of such overwhelming importance that the juridical rights of the defendant may be neglected, the Constitutional rights of witnesses disdained, the scrutiny and criticism of the press suspended, and the traditional methods of the state's prosecution ignored is to accept a curious sort of ethics. It is to say that in a search for facts the means can be disregarded if the ends—the facts—are of enough consequence. Fred Powledge, writing in the *New Republic*, suggests the dilemma: "...I had the irrational feeling that he [Garrison] was on to something. I had the equally startling feeling that it did not really matter if Garrison were paranoid, opportunistic, flamboyant, or if his witnesses were not candidates for *The Defenders*. Was he right?" But can the process of establishing the truth ever be separated from its end product—the truth? Facts must be selected, interpreted, and arranged in the context provided by other information before they take on meaning. Factual evidence can be established as truth, as Hannah

Arendt points out, only "through testimony by eyewitnesses—notoriously unreliable—and by records, documents, and monuments, all of which can be suspected as forgeries." If one has reason to doubt the process by which "facts" have been ascertained or confirmed, how can one ever be certain that they bear any relation to the truth, or even that the "facts" themselves are not outright fabrications? Questions such as these have been taken under consideration by a federal court in New Orleans. On May 28th, United States District Judge Frederick Heebe, after considering a forty-five-page complaint from Clay Shaw's attorneys alleging that Garrison had conducted a "reign of terror by the misuse and abuse of the powers of the public office," issued a temporary restraining order that prohibited Garrison from any further prosecution of Clay Shaw until a federal court has had the opportunity to decide the merits of the charges filed against Garrison.

In view of the shortcomings of the Warren Commission's investigation, it becomes apparent that there is no easy way to devise a process for ultimately answering such complex and elusive historical questions as those provoked by the assassination of President Kennedy. Indeed, there can be no certainty that such a process is even within our institutional means. But there *can* be certainty that as long as the means by which an investigation has been conducted remain suspect the truth will never be fully established.

—EDWARD JAY EPSTEIN

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