

*New Orleans enjoyed the circus*

# The Garrison Case

A Study in the  
Abuse of Power.  
By Milton E. Brener.  
278 pp. New York:  
Clarkson N. Potter. \$6.

By ALEXANDER M. BICKEL

In the fall of 1966, a barrage of criticism was loosed against the Report of the Warren Commission on the Assassination of President Kennedy. Some of the criticism was judicious and well-taken. Much of it was wild, and there was no prospect that it could ever be stilled. But its credibility was obviously enhanced by the doubts of responsible critics. These, in turn, could be dealt with rationally. It appeared for a moment late in 1966 that they would be. A reinvestigation of one sort or another seemed a distinct possibility.

Just at this point, the District Attorney of New Orleans, one Jim Garrison, burst on the scene with an official inquiry. It had all the trimmings, subpoenas, witnesses, charges of conspiracy, and eventually an arrest. Everything else stopped. Garrison was a curious figure of a D.A.—he was known locally as the Jolly Green Giant—but he wielded the legitimate, indeed sovereign, power of a state, and he had a strong claim to priority. He successfully pressed that claim until his increasingly implausible case against his supposed chief conspirator-defendant, Clay Shaw, a retired New Orleans businessman, finally collapsed, following a farcical trial, on March 1, 1969.

In two-and-a-half years, Garrison had succeeded in destroying whatever possibility had ever existed of a rational reinvestigation of the murder of President Kennedy. That is too bad. It is almost certain that Lee Harvey Oswald was the assassin, and that he acted alone, out of unfathomable personal turmoil. It is almost certain. The fact could have been

established with greater certainty, and might have been, but for Garrison's imbecility.

That Garrison's pretensions to having "solved" the Kennedy

Mr. Bickel is a professor of constitutional law at the Yale Law School.

assassination were imbecilic, that his prosecution of Clay Shaw was a groundless persecution, and that the dark accusations he came in time to fling at the C.I.A., the F.B.I., Lyndon Johnson and the late Robert Kennedy were desperate ravings—all that has been made clear in many articles and broadcasts, and in Edward Jay Epstein's short book, "Counterplot."

Milton E. Brener, a New Orleans lawyer with intimate experience of Garrison and of his "investigation," asks the question: What was the motor that drove Garrison—self-delusion, recklessness in the pursuit of political ambition, or a total cynicism?

Mr. Brener is particularly illuminating on Garrison's pre-Shaw case career. It is of a piece entirely with the later one. What makes Garrison tick, Mr. Brener in the end is unable to say. He tends to the hypothesis of self-delusion, but that is rather more symptom than cause. What enabled Garrison to go on ticking, Mr. Brener does know. Prosecutors have immense unchecked power in the American system. We rely on professionalism to impose restraints, but in Garrison's case, this reliance was ludicrous.

We rely also on public opinion, informed by the actions of an independent judiciary, but public opinion in New Orleans is light-headed, and the local judiciary less than rigorously independent. The people enjoyed the circus, and cheered when assorted Christians were thrown to the lions. The responsible organs of public opinion feared the people and their darling. Politicians were in hiding. Fifty businessmen who supported Garrison's oppressions and persecutions with their money (the D.A.'s budget was not enough) must have felt, as Mr. Brener says, that "Garrison was popular. He was obviously going places. The time to tie your fortunes to a rising politician is at the start."

"The Garrison Case" might have been subtitled, "The Demagogue as D.A.," or "Joe McCarthy in Prosecutor's Clothing." It is a cautionary tale, and a terrifying one. It will send shivers up your spine, and thus performs a great public service. On Nov. 9, Garrison won the New Orleans Democratic primary, virtually assuring himself a third four-year term as District Attorney. Only institutional changes in the administration of criminal justice in Louisiana can prevent further abuses of power by Garrison and his like. ■



CIA HAS NO OBJECTION TO  
DECLASSIFICATION AND/OR  
RELEASE OF CIA INFORMATION  
IN THIS DOCUMENT



# Garrison Crossed Racial Lines To Win New Orleans Primary

By ROY REED

Special to The New York Times

NEW ORLEANS, Nov. 9—

Jim Garrison, the controversial District Attorney of New Orleans, won yesterday's election with the kind of populist coalition that Southern liberals must dream about.

An analysis of the returns from the Democratic primary, in which the District Attorney won a clear majority and avoided a runoff, shows that the bulk of Mr. Garrison's support came from Negroes and working-class whites.

With 405 of all precincts reported, Mr. Garrison was ahead of his chief rival, Harry F. Connick, 83,384 to 61,441, with two other candidates way behind. Mr. Garrison had 53 per cent of the vote.

In a 12-man race for Mayor, James E. Fitzmorris Jr. was far ahead with about 35 per cent of the vote. But he will face Maurice Landrien, president of the City Council, in a runoff Dec. 13. Victor H. Schiro, the Mayor of New Orleans, is retiring.

## Election Is Probable

Mr. Garrison's first primary victory virtually assures his election to a third term. He will face a largely unknown Republican opponent in the general election in April. Democrats make up 96.8 per cent of the registered voters in New Orleans.

Mr. Garrison made it clear on television last night that he regarded yesterday's vote as an expression of confidence in the handling of his investigation of the assassination of President Kennedy.

He said the investigation was finished, but added that he still intended to prosecute Clay L. Shaw on a charge of perjury. businessman, was acquitted in a jury trial last March of a charge of conspiring to kill Mr. Kennedy.

Mr. Shaw testified during his trial that he had not known David Ferrie, another figure in the Garrison conspiracy inquiry. Mr. Garrison contended Mr. Shaw did know Mr. Ferrie, "who is now dead, and charged Mr. Shaw with perjury. No trial date has been set.

## 'He Goes to Trial'

Asked by a television interviewer where yesterday's election left the Shaw affair, Mr. Garrison replied, "He goes to trial. He goes to trial."

Political analysts here say that Mr. Garrison's primary



United Press International

Jim Garrison, New Orleans District Attorney, at a post election celebration.

victory was due to a variety of factors ranging from anti-establishment sentiment to Mr. Garrison's strong identification with the memory of President Kennedy.

Among working class whites, he is popular for "standing up" to the Federal Government. He charged repeatedly during his two-year investigation that the Government, particularly the Central Intelligence Agency, was trying to thwart his effort to discover the truth.

Mr. Connick, whose appeal was largely to middle and upper-class whites who thought the Garrison investigation was irrational, became a victim of this anti-Government sentiment.

## The Government's Man

Mr. Garrison subtly portrayed Mr. Connick, a former assistant United States attorney here, as the Government's man perhaps actually put in the race secretly by Government forces.

Mr. Garrison was actively supported by a number of influential political organizations in the black and the poor white communities.

Black precincts voted for him even heavier than the poor white precincts did and probably gave him the edge he needed to avoid a runoff.

Mr. Garrison was well known in the black community and his opponents were not. He had a reputation for being friendly to Negroes, although he was not regarded as a civil rights liberal.

Perhaps the greatest reason for his popularity among blacks, observers here believe, was his reputation—deserved or not—for trying to solve the murder of President Kennedy, one of the most beloved white men in black America.

When it became known that his chief challenger, Mr. Connick, had gained the support of a large number of wealthy businessmen as well as both daily newspapers here, an unwitting alliance of the poor of both colors against "the establishment" became likely. The analysts note that this is an exceptionally class-conscious city.

A NATIONAL REVIEW INC. Publication

# combat

- **GARRISON CALLS JFK KILLING CIA COUP D'ETAT:** New Orleans DA Jim Garrison, in France, is airing as fact those weird theories he can't prove in court. He now blames CIA for slaying President Kennedy, Sen. Robert F. Kennedy, and Martin Luther King, and turning U.S. over to military-industrial complex. European Left is having a field day. Leftwing Paris paper Combat (no kin to COMBAT) runs long Thomas Buchanan story on Garrison speculations. (Buchanan has admitted CP membership in past.) Westinghouse Broadcasting's Bernard Redmont used broadcast July 29 to repeat DA's claim of a CIA coup d'etat. (Redmont was named as CP member in Congressional testimony; left U.S. after Soviet spy courier Elizabeth Bentley named him as one of her sources.) Discrediting CIA and FBI is a major project of Soviet intelligence.
- **ARMY STILL SEEKING INTELLIGENCE LEAK:** Pentagon sources tell COMBAT that the Army is still searching for the person who leaked copies of the Army Intelligence Command's daily summary to leftists in the Washington area (see COMBAT, June 1, 1969). Army spokesman tells COMBAT that story in May 17 issue of Guardian ("independent radical newsweekly") by Sheila Ryan of Liberation News Service, was essentially accurate in quotations for teletyped summaries prepared at Army intelligence center, Ft. Holabird, Md. Army says basic Guardian story contained several errors, including claim summaries are "top secret." Military classifies the report at low level category, "For Official Use Only," but mere fact its communications system has sprung a leak is cause for concern. COMBAT was told: security measures have been reviewed and tightened, the case is still under active investigation; the Army does not know who is responsible.

SAN ANTONIO, TEX.

EXPRESS

M - 78,032

EXPRESS NEWS

NOV 11 1969

## New Orleans Voters' Taste

Jim Garrison's nomination for a third term as New Orleans district attorney reflects the gullibility of voters in that city.

Apparently Garrison's bizarre handling of his "investigation" of the "conspiracy" to assassinate President John F. Kennedy won him more votes than it cost him. He also charges that the federal government has and is trying to block his "investigation."

New Orleans businessman Clay Shaw was charged as a conspirator in 1967, four years after Kennedy's death. He was acquitted by a jury last summer. During the time between arrest and trial, Garrison flamboyantly expanded his "case" to include the CIA, the Warren Commission and others. He uses many questionable legal tactics and made his escalating charges in the press, on television and everywhere he could find a forum.

Sadly, these tactics were endorsed instead of repudiated by the voters. Garrison is certain to win another term in the general election next year. And he is busy with another scenario, preparing to try Clay Shaw for perjury during his trial. Perhaps he will stumble so badly in this charade that the voters will wake up before the general election.