

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

DATE: October 2, 1969

- 1 - Mr. I. W. Conrad
- 1 - Mr. W. A. Branigan
- 1 - Mr. T. N. Goble

TO : Mr. W. C. Sullivan

FROM : W. A. Branigan

Loren M. Bedell

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS

This recommends Cincinnati be instructed to return a color slide to Miss Brookey which she furnished us in November, 1963, as well as correspondence to her from two students regarding the slides, and orally inform her we can offer her no advice as to whether she makes the slide available to the students.

On November 25, 1963, Miss Barbara Brookey, erroneously reported by Cincinnati as Brooke, Columbus, Ohio, furnished an Agent of our Cincinnati Office two color slides of photographs taken by her at the White House on the morning of April 13, 1963, showing pickets present. She had reexamined the photographs and noted one of the three pickets bore strong resemblance to Lee Harvey Oswald. She indicated the slides need not be returned if they were determined to be of interest to the FBI. In accordance with Cincinnati's request, the Mechanical Section made enlargements and returned the slides, negatives, and copies to Cincinnati on December 10, 1963, with copies to Dallas and WFO.

WFO, on November 27, 1963, ascertained there was no picketing at the White House on April 13, 1963, on behalf of the Cubans and no further action was taken with regard to these slides. Investigation disclosed Oswald was in Dallas on April 12, 1963, and made application for unemployment compensation. Due to his unemployment and limited finances, it is highly unlikely Oswald was in Washington, D. C., mid-morning of the following day. No information was developed that Oswald was in Washington on April 13, 1963. A review of copies of Brookey's photographs recently resubmitted by Cincinnati, which are of poor quality, discloses an individual believed to be an Iranian student.

CLASSIFYING

Miss Brookey, by letter dated September 24, 1969, furnished originals of letters she has received from one Gary Richard Schoener, allegedly a student at the University of Minnesota, and Don Olson, allegedly a graduate of Michigan State University, currently residing in Toledo, Ohio, inquiring about her initial interview with the Bureau and indicating their

Enclosure - sent 10-6-69 62-109060 EX-117 REC-77 NOT RECORDED 1-105-82555 (Lee Harvey Oswald) OCT 21 1969

ORIGINAL FILED IN 67-125-341-262

CONTINUED - OVER

Memorandum to Mr. W. C. Sullivan
RE: ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS
62-109060

desire to examine the slides. Olson attached a "To Whom It May Concern" memorandum, suggesting she authorize either of the two to act as her agent in recovering the slides. Miss Brookey, in her letter, indicates she does not know either of these two men and inquires if it would be wise to give her consent for their obtaining the slides. She set out several other questions regarding the handling of the matter and asked for the Bureau's advice regarding the slides.

We have ascertained that our Cincinnati Office has only one slide at this time, the second presumably having been lost in the handling of the file during the past six years. They do have copies of blown-up reproductions of the two slides.

While information concerning the slides was set forth in a report which was furnished to the Warren Commission, the slides themselves were never furnished to it and it never indicated any interest in them.

Bureau files contain no information which can be identified with either Schoener or Olson.

RECOMMENDATION:

1. If you approve, attached is airtel to Cincinnati, instructing Cincinnati to personally contact Miss Brookey and return to her the enclosures to her letter (correspondence from the students Schoener and Olson) in accordance with her request; also to return the remaining slide and a set of photographs made from the slides and inform her that with handling of the file over the years, one slide has been lost; and tell her we cannot advise her as to her disposition of the slide or copies made from her slides.

I would on explanation as to the loss of this slide. H

2. That the Laboratory conduct an examination of Miss Brookey's photographs in comparison with photographs of Oswald to attempt to positively determine whether the individual depicted is or is not Oswald.

Memorandum to Mr. W. C. Sullivan
RE: ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS
62-109060

3. SAC Korgan has conducted an exhaustive search of the files of the Cincinnati Office and has advised he is unable to locate the missing slide. Due to the lapse of time and change of personnel, SAC Korgan is unable to fix responsibility as to the loss of the slide. However, attached airtel to Cincinnati instructs SAC Korgan to obtain explanations from pertinent personnel as to the incorrect reporting of Miss Brookey's name.

Handwritten notes and signatures:
A series of handwritten marks and signatures, including a large checkmark, a signature that appears to be "C.K.G.", and other illegible initials and scribbles.

UNITED STATES GOVERNMENT

Memorandum

[Handwritten signature]

Tolson	<input checked="" type="checkbox"/>
DeLoach	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Bishop	<input checked="" type="checkbox"/>
Casper	<input checked="" type="checkbox"/>
Callahan	<input checked="" type="checkbox"/>
Conrad	<input checked="" type="checkbox"/>
Felt	<input checked="" type="checkbox"/>
Gale	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Sullivan	<input checked="" type="checkbox"/>
Tavel	<input checked="" type="checkbox"/>
Trotter	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holmes	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

TO : Mr. W. C. Sullivan

DATE: October 7, 1969

FROM : Mr. W. A. Branigan

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963,
DALLAS, TEXAS

[Handwritten signature]
[Handwritten signature]

Memorandum 10/2/69 considered an inquiry received from Miss Barbara Brookey, Columbus, Ohio, who on 11/25/63 turned over to an Agent of our Cincinnati Office two color slides of photographs taken by her outside the White House on the morning of 4/13/63. Inquiry of our Cincinnati Office disclosed they have only one slide at this time; the Director noted "I want an explanation as to the loss of this slide."

Under the general supervision of former Special Agent in Charge (SAC) E. D. Mason (retired 1965), SAC William B. Soyars (June, 1965, to August, 1967), and SAC Harry J. Morgan (present), Miss Doris E. Reavis has been the Chief Clerk in the Cincinnati Office. She has overall responsibility for the files of that office. According to Miss Reavis, the two slides originally received were filed in a 1A jacket in the 1A section of the file on the investigation of the assassination of President Kennedy. Over the years this file has been most active because of the numerous inquiries received and it has been charged out by numerous and various personnel since its creation in 1963. In addition, the investigation has been assigned to several Agents of the Cincinnati Office over the years. According to Miss Reavis, the location of the file has been changed on several occasions within the Chief Clerk's office and the filing system has been converted from a cabinet system to one using open shelves.

SAC Morgan noted that the missing slide, which was heavy in weight, could have dropped out of the envelope and been swept up as waste material. Miss Reavis noted that the slide had not previously been reported as missing to her and from this she could only conclude that no employee was ever directed to the specific 1A envelope where the slide was supposed to have been contained.

- 1 - Mr. C. D. DeLoach
- 1 - Mr. N. P. Callahan
- 1 - Mr. W. C. Sullivan
- 1 - Mr. W. A. Branigan
- 1 - Mr. T. N. Goble

WAB:as (6)

62-109060-6879

REC-117

EX-117

NOT RECORDED

167 OCT 21 1969

4 OCT 15 1969 51

67-125341-263

ORIGINAL FILED IN 67-125341-263

[Handwritten initials]

CONTINUED - OVER

Memorandum to Mr. W. C. Sullivan
RE: ASSASSINATION OF PRESIDENT KENNEDY
62-109060

According to SAC Morgan, in view of the numerous persons who had access to the slide and because of the passage of time and the movement of the file within the office, he was unable to affix responsibility for its loss.

In the memorandum of 10/2/69 the Director approved that SAC Morgan obtain explanations from personnel in his office as to the incorrect reporting of Miss Barbara Brookey's name as Miss Barbara Brooke. According to SAC Morgan, Special Agent [redacted] advised him that late during the evening of 11/24/63 he was contacted by a man who identified himself as the brother-in-law of Barbara Brooke, which he spelled. The man stated that his sister-in-law had two photographs which she had taken in front of the White House and she thought that one of the persons in the photograph resembled Lee Harvey Oswald. On 11/25/63 Special Agent [redacted] said he contacted a resident at 101 South Sylvan Avenue, Columbus, Ohio, who responded that she was Barbara Brooke. She did not spell her name at the time and Special Agent [redacted] did not require that this be done.

SAC Morgan stated that under the circumstances he was recommending a letter of censure for Special Agent [redacted] for improperly interrogating Barbara Brookey by not requiring her to spell her name.

ACTION:

1. Explanation of the Cincinnati Office is pursuant to the Director's request. Domestic Intelligence Division concurs with SAC Morgan that in view of the passage of time and personnel, it is impossible to affix responsibility for the loss of the slide.

*This is a very serious matter
of such an important nature.*

2. Domestic Intelligence Division concurs that Special Agent [redacted] be censured for his improper interrogation of Miss Barbara Brookey.

V. [redacted] [redacted] [redacted]

[Handwritten initials]

F B I

Date: 10/17/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-109060)
FROM: SAC, CINCINNATI (62-2758) (RUC)
ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS

Re Bureau airtel to Cincinnati 10/6/69.

Miss BARBARA BROOKEY, 101 South Sylvan Avenue, Columbus, Ohio, was contacted 10/15/69 by SA WILFRED GOODWIN. The documents and photographs enclosed with reairtel were returned to Miss BROOKEY.

Miss BROOKEY was informed that FBI could not instruct her as to whether she should accede to the requests from GARY RICHARD SCHOENER and DON OLSON. She volunteered that she might correspond with the Universities which they claim to represent to determine if they are engaged in research with University sanction, but she was not certain whether she would follow this course or ignore the requests from these individuals.

Miss BROOKEY was also told that one of the two slides had been lost. She was most understanding and found this to be insignificant since photographs were available.

2 - Bureau
1 - Cincinnati

WG:LM
(3)

EX-10
REC-20
62-107060-688
OCT 20 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Memorandum

TO : DIRECTOR, FBI

DATE: 10/21/69

FROM: SAC, TAMPA (62-0)

SUBJECT: FRED G. VOELKER, aka
Fred G. Voelke;
822 Second Ave., North
St. Petersburg, Fla;
MISCELLANEOUS INFORMATION CONCERNING

691024064

Enclosed herewith for the Bureau are two letters postmarked 10/8/69, St. Petersburg, Fla., which were forwarded to the FBI Tulsa, Okla.

The Bureau's attention is directed to Bureau letter to Dallas, 2/29/68, and Bureau file 62-109060, captioned Assination of President John Fitzgerald Kennedy 11/22/63, Dallas, Texas, Miscellaneous Information Concerning, wherein the Bureau requested certain field divisions to conduct indices checks as well as certain investigation relative to FRED VOELKE.

Tampa Division by airtel to Dallas dated 3/6/68, forwarded results of limited inquiries concerning subject VOELKE and that information is being forwarded for information of the Bureau.

Tampa Division has furnished copies of the attached letters locally to U.S. Secret Service, Tampa, Fla., as it appears subject should be of interest to them.

These two letters are being forwarded to the FBI Laboratory as it would appear that subject is a prolific letter writer and the Laboratory may desire to include samples of handwriting in the prolific letter writer file. These letters need not be returned to the Tampa Division as copies have been retained by Tampa.

No additional investigation is being conducted concerning this matter by the Tampa Division.

2-Bureau (Encls. 3), (RM)
2-Tampa
(1-62-455)
DAB:db
(4)

REC-81

60-109060-688

9 OCT 23 1969

ENCLOSURE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

INDEX FOR FILES



5010-108

RECORDING
10/28/69
taw

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: FRED G. VOELKER, aka
Fred G. Voelke;
822 Second Ave., North
St. Petersburg, Fla;
MISCELLANEOUS INFORMATION CONCERNING

File # 62-109060-6881
Lab. # D-691024064 AX

Examination requested by: Tampa (620)

L. 10/21/69

Examination requested: Document

Date received: 10/23/69

Result of Examination:

Examination by: Cadigan

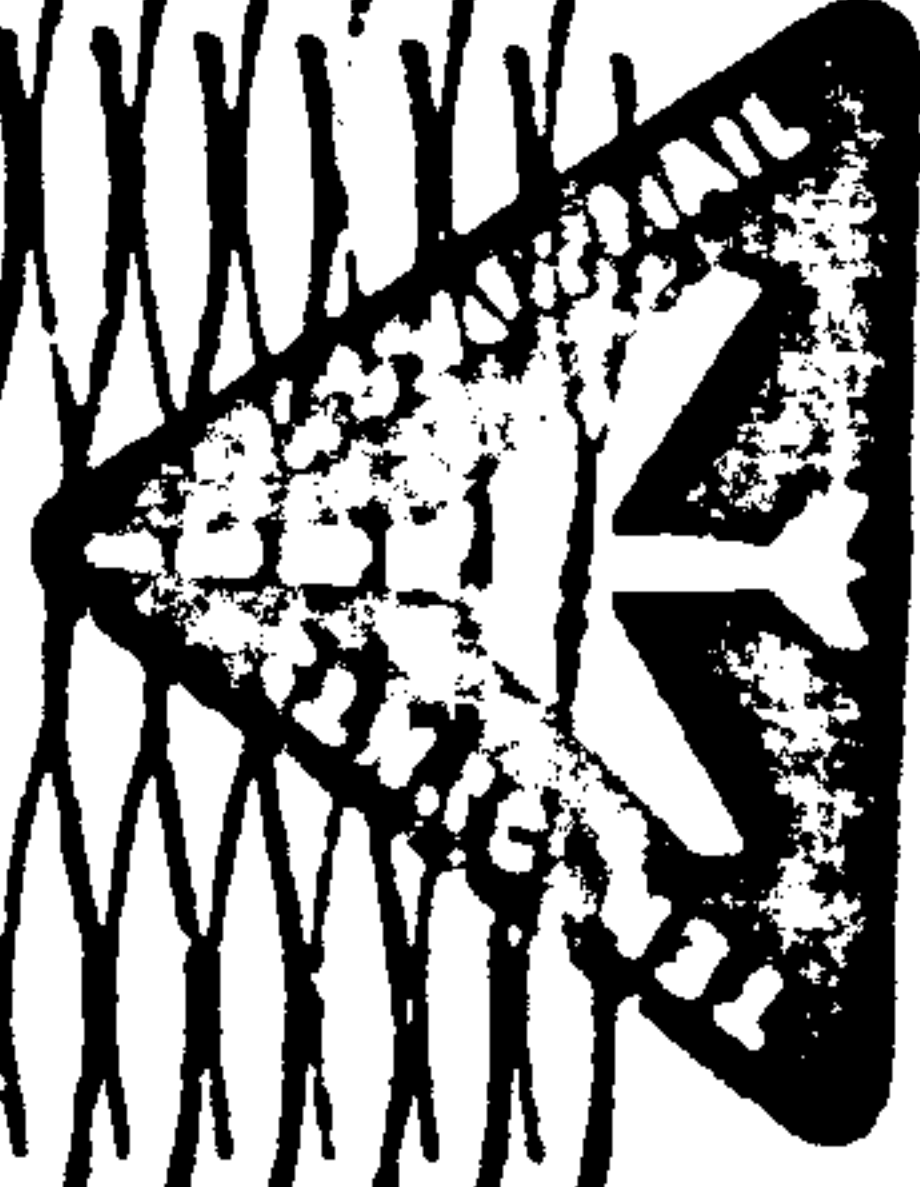
Specimens submitted for examination

- Q631 Envelope postmarked "SAINT PETERSBURG, FL 2A PM 8 OCT 1969,"
addressed "The Federal Bureau of Investigation Post Office
Tulsa Okla."
- Q632 Accompanying handwritten seven-page letter beginning
"Dear Sir. I have written..."
- Q633 Envelope postmarked "SAINT PETERSBURG, FL 2A AM 8 OCT 1969,"
addressed "F.B.I. Post Office Tulsa Okla"
- Q634 Two-page handwritten letter beginning "Dear Sir When you
two..."

PHOTOGRAPHED

OCT 28 1969

SAINT PETERSBURG, FL
AM 8 OCT 1969
PM 8 C.T. 9



G. B. J. Post office
Tulsa
Okla

D-691024064
6633

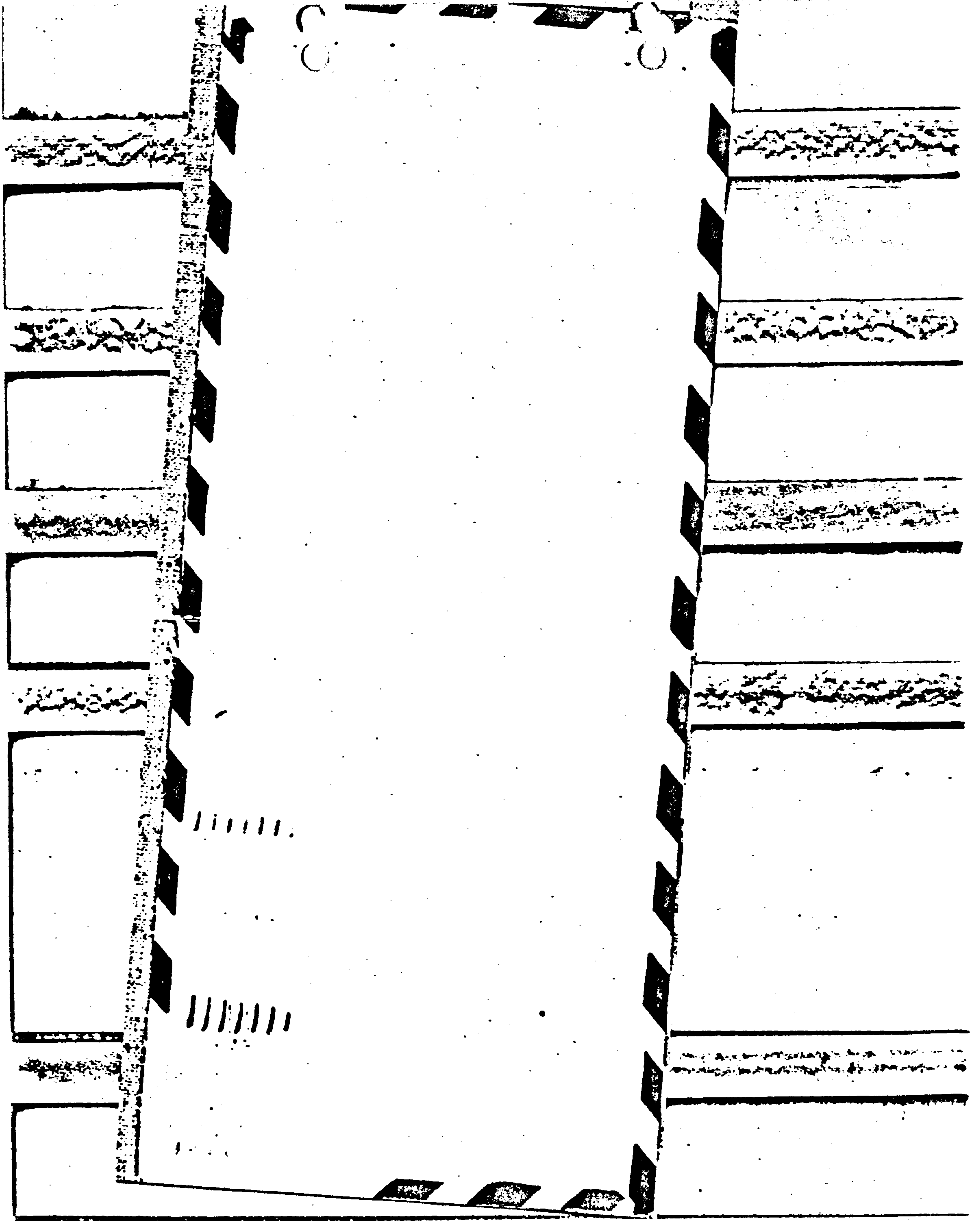
1870

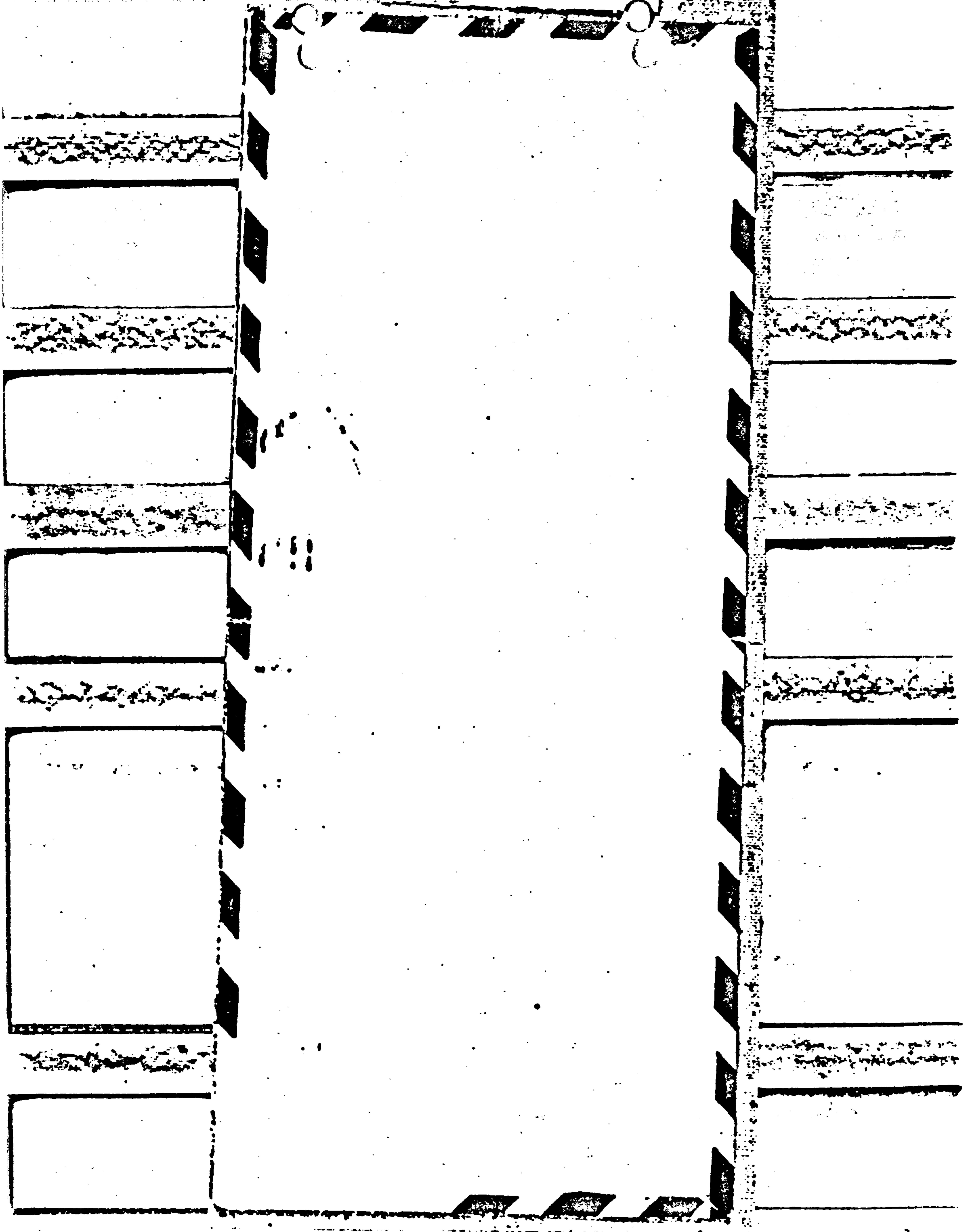


SAINT PETERSBURG, FL 32
PM 8 OCT 1969

The Federal Commission of Citizenship

Mexico





The Federal Bureau of Investigation
Dear Sir,

I have written a letter 2 days ago.
and you people came to see my
beason I write to Sen. Kennedy, why the
Vice President John son, permitted the
Kallens to Kill the President, stood him before
was told a Priest and 3 men to see
Sen. Kennedy left they where afraid to, I also
and locked up in North Elgo, Viet Hospital
one time when the Pfizer killed Big Tom
man for head of Trade Devisision, and
also killing an Trust an American the
Real act of Evil over the whole Viet
also told the Justice Martin, I had a
man locked up there, that it was
William Haver who killed Susan Dusen
+ his new police to see what did and make
me die, the justice Johnson had Central
Government report sent to kill me
on 11/14 I told the Government see elgo
Simon, that my uncle Floyd Mann
was a Master see how was for my
and in Dumbeth, then he turned up the

Gram Hill, I was with Family Kamen
my uncle and 5 men, killed 5 men
working there they earned hundred
Millions of Dollars. I was see in 7
Army 108 Engineers Volunteers, the
Agent wanted to Kill me, The U.S.A.
would not take care of me,
The Facts are that the United States
Government, C.I.A. and United States
Navy Agent, got me locked
Told a 3 Star General see elgo II
July 4th 1936 Japan going to Ann
Pearl Harbor, the Government got
framed and locked, Daniel
Hospital, where over 90% of people
had the SIFs
I went to the Head Dr. Rowle
in his office and told him I
am a counter agent of Japanese Gov

3
and that Japan go in my To
bumb-ken Harber, he called up
the President he ordered to keep
me locked, he sent out a General
The General told me to jump over
The fence had a empty oil drum
put by the fence, told me to jump
over same, people one other side of
fence told me not to do, as I told
Them to for, the got me locked
because Japan wants to burn
Pearl Harber, The wanted me
Then 4 Army Men, U.S. Army
come out of Corn field other
side of fence

4
Pentury then riffs at a
to kill me The people other
side of fence stated if the
fence is mended
locked 45 Months, the
the D. gave me a pass, told
me, not to, the matter with
me, he also wanted to kill me
like another one, called me a
45 DIV. Elk hat had some of
a bitch, go A. N. O. K.
I want thus U.S. to
settle with me, I do not
want to get killed,

Page 5

Expect - thus

As you ment to make a money gift. They can throw money away to the doofers in South Viet. They also refused to take care of my prostate glands put me in a Dark room had a spotee that was on movis taken a punch at me

The Dr got the percent to bite me, and the nurse caught small Brown he was going to attack me with a knife. The nurse asked the orderlies why tho. do

with pro teck me they told here the Dr. wanted him killed there where 3 orderlies who broke. The Pct's of a percent for nothing, he'd of I want some thing

from this gov's ment, with a little bite eat the

And of vor sek esy
822 - Second TR North

St Petersburg Fla

Up Stairs Front

The Federal Bureau of Investigation

Dear Sir

When your two gentlemen came
to see me,

As I stated expect the United States
Government, to give me something
for telling your government that
Japan will come Pearl Harbor, and was
locked 45 months for that, and your
President going to talk my life for
that, and other things done to me
Roosevelt had a General, and 4
Army men, come to Danville Vet Hospital
Portway thru life's at me, to kill me,
but people warned them if they did
they would hold them for murder

Frank G. Volker 62-455-330
-333

822 - Second Ave North
St. Petersburg, Fla.

Q634

D-691024064 AX

FBI

Dear Sam

I expect some of his substitutes
from U.S.A. - They wanted to tell me
I was the people on the outside of fence
to save my life

CC

D-691024064

MRJ

AX

Q634

3-6-68

AIRTEL

AIRMAIL

TO: SAC, DALLAS (89-43)
FROM: SAC, TAMPA (62-455) (LUC)

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
11-22-62, DALLAS, TEXAS
MISCELLANEOUS - INFORMATION
CONCERNING
(OO:DL)

Re Bu airtel to Dallas 2-29-68.

Enclosed for the Dallas Office are the original and 3 copies of a Insert relating to inquiry conducted at St. Petersburg, Fla. with respect to FRED VOELKE, aka, FRED VOELKER.

The pretext telephone call made to [redacted] on 3-5-68 was conducted by SA WALTER B. GRANGER [redacted] concerning VOELKER.

Tampa indices negative regarding FRED VOELKE, or FRED VOELKER.

2 - Dallas (Encs. 9)
1 - Tampa
WDG:ms
(3)

Granger

SEARCHED
INDEXED
SERIALIZED
FILED

62-455-333

Mr. Cadigan



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Tampa (62-0)

Date: November 6, 1969

Re: FRED G. VOELKER, aka
Fred G. Voelke;
822 Second Ave., North
St. Petersburg, Fla;
MISCELLANEOUS INFORMATION CONCERNING

ST-105
J. Edgar Hoover
REC-128
John Edgar Hoover, Director

FBI File No. 62-109060-6881
Lab. No. D-691024064 AX

Examination requested by: Tampa
Reference: Letter 10/21/69
Examination requested: Document
Remarks:

62-109060-6881
COMM-FBI

6- Ruppel
M

Enclosures (2) (2 Lab report)

JCC:taw (4)

- Tolson _____
- DeLoach _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

JCC

Nov 18 1969

NOV 18 1969 ADMINISTRATIVE PAGE

**REPORT
of the**



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: FBI, Tampa (62-0)

Date: November 6, 1969

Re: FRED G. VOELKER, aka
Fred G. Voelke;
822 Second Ave., North
St. Petersburg, Fla;
MISCELLANEOUS INFORMATION CONCERNING

FBI File No. 62-109060-6881

Lab. No. D-691024064 AX

Specimens received 10/23/69

- Q631 Envelope postmarked "SAINT PETERSBURG, FL 2A PM 8 OCT 1969," addressed "The Federal Bureau of Investigation Post Office Tulsa Okla."
- Q632 Accompanying handwritten seven-page letter beginning "Dear Sir. I have written..."
- Q633 Envelope postmarked "SAINT PETERSBURG, FL 2A AM 8 OCT 1969," addressed "F.B.I. Post Office Tulsa Okla"
- Q634 Two-page handwritten letter beginning "Dear Sir When your two..."

Result of examination:

Q631 through Q634 were not identified in the Anonymous Letter File. Appropriate photographs will be added to this file.

The submitted evidence is retained.

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM TELETYPE UNIT

RECORDING
10/28/69
taw

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE ✓

Re: FRED G. VOLLMER, aka
Fred G. Voelke;
822 Second Ave., North
St. Petersburg, Fla;
MISCELLANEOUS INFORMATION CONCERNING

File # 62-107150-551
Lab. # D-691024064 AX

Examination requested by: Tampa (620)

L. 10/21/69

Examination requested: Document

Date received: 10/23/69

Result of Examination:

Examination by: Cadinan

*No ident off-add
Retain vid*

*Jay
11/4*

Specimens submitted for examination

- Q631 # Envelope postmarked "SAINT PETERSBURG, FL 2A PM 8 OCT 1969," addressed "The Federal Bureau of Investigation Post Office Tulsa Okla."
- Q632 # Accompanying handwritten seven-page letter beginning "Dear Sir. I have written..."
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- Q634 # Two-page handwritten letter beginning "Dear Sir When you two..."

*11/11/69
L. J. ...*

FBI

Date: 10/21/69

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL

AIRMAIL

(Priority)

TO: Director, FBI (62-109060)

FROM: SAC, New Orleans (89-69) (P)

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, 11/22/63
MISC. - INFORMATION CONCERNING
OO: DALLAS

Enclosed for the Bureau are two newspaper articles
appearing in the Times-Picayune, New Orleans newspaper, concerning
above-captioned matter.

One copy each of these newspaper articles is enclosed
for Dallas and Miami.

- 2 - Bureau (Enc. 2)
- 1 - Dallas (89-43) (Enc. 2)
- 1 - Miami (Enc. 2)
- 1 - New Orleans

ECW:bs
(5)

REC 46

62-109060-6882

17 OCT 23 1969

Approved: *[Signature]*

Special Agent in Charge

Sent _____

M

Per _____

3 OCT 31 1960

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

Book Jacket Synopsis

This important book, as absorbing as it is significant, traces the strange, often even weird, tale of the investigation of New Orleans District Attorney Jim Garrison into an alleged New Orleans-based plot to assassinate President John F. Kennedy. This resulted in a series of indictments and eventually in the trial and acquittal of Clay Shaw. This was the Garrison Case. The author of this book is a New Orleans ~~citizen~~ who himself defended one of the people accused by Garrison, and his intimate knowledge of the background and the tempestuous political history of Garrison over the last four and a half years illuminates a narrative that seems scarcely believable, except that it all actually happened. . . .

It tells the story of the large promises and incredible publicity when Garrison first announced, in February, 1967, his investigation into the fancied plot to kill Kennedy, and then the intricate legal maneuvering by which Clay Shaw's trial was put off until January, 1969, when the promised sensational developments never materialized. . . .

THE STRANGE spectacle known as the Kennedy assassination probe of Jim Garrison cannot be fully understood without some understanding of the man himself and his tempestuous political career.

He is physically impressive — six feet, six inches tall, handsome, and well built. His dress is immaculate; his voice is deep and beautifully modulated.

The favorable first impression deepens upon closer contact, for Garrison is blessed with an easy mastery of the language. Humor is his key weapon and he has a deft

ability to parry the most telling criticism with pointed clever rejoinders.

He is possessed of an irresistible confidence in himself and the correctness of his opinion on any matter he deems significant. Contemptuous of details, he is subject to capricious change of opinion on matters not fundamental to his basic convictions. But the fundamentals of these convictions are his most cherished possessions. They yield to no evidence.

He sometimes appears to stand in awe of his ideas in the manner of a sculptor or painter regarding his work. His manner in meeting attacks upon them is not defensive; it is one of restrained outrage.

There is, finally, a quality about Garrison incapable of definition that renders an abiding dislike of the man virtually im-

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

possible upon personal contact. The word "charm" is close, but inadequate. His manner is casual and unhurried.

These were the traits that were quickly apparent when I first met Garrison in the fall of 1956 upon joining the staff of District Attorney Leon Hubert, who was later to serve as Assistant Counsel to the Warren Commission. Garrison was Hubert's Executive Assistant. First Assistant was Malcolm O'Hara, who was later to serve as a judge of the Orleans Parish Criminal District Court. There was nothing in Garrison's performance to presage what was to come. I knew nothing of his past, which was, in fact, unspectacular.

Garrison was appointed Assistant District Attorney for Orleans Parish in 1953. Without question, he was the most impressive of the twenty or so lawyers on the District Attorney's staff.

Like the rest of us, of course, he was

(Indicate page, name of newspaper, city and state.)

PAGE 34

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-19-69

Edition:

Author:

Editor: GEORGE W. HEALY JR

Title:

ASSASSINATION OF
PRESIDENT JOHN F.
KENNEDY, TEXAS

or 11-22-63 AFO

Classification:

Submitting Office:

89-
N.O., LA.

Being Investigated

62

not without fault. He did, it seemed, have a tendency to make snap judgments on insufficient facts. ~~He was~~ prone to oversimplify. His abundant ego could, on occasion, be a cause of annoyance. And it is neither exaggeration nor hindsight to recall that in his humor there could at times be detected traces of cruelty.

Service in the District Attorney's Office in Orleans Parish is under the spoils system, not civil service. The entire force of assistant district attorneys on Leon Hubert's staff suddenly faced (at election time) the prospect of immediate relocation, and Garrison entered the private practice of law.

In 1959 Mayor Morrison ran for Governor against Jimmie Davis and lost. For his support in the campaign, Garrison was appointed Assistant City Attorney, a part-time job paying a nominal salary.

In 1960 Garrison ran with the support of Mayor Morrison against a sitting Criminal Court Judge. Sitting Judges have traditionally been considered unbeatable, a myth that was to remain until destroyed by Garrison himself sometime after his election as District Attorney. Garrison lost by a mere few thousand votes. It is interesting to speculate on the nature of his judicial career had he won.

In 1961 he qualified to run for District Attorney against the incumbent, Richard Dowling.

About a month before the first Democratic primary, there occurred one of the few truly decisive events in New Orleans politics. All of the District Attorney candidates were invited to an open-end panel discussion to be broadcast live on all four

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television stations operating in the New Orleans area. Dowling, acting on the advice of his supporters that he had nothing to gain by offering himself as a live target for the various challengers, bowed out with a prior out-of-town engagement. His absence did little, however, to abate the vigor of his opponents' attacks.

Garrison said virtually nothing until well into the program when, with the calm of a man with little to lose, he began an authoritative discourse about the current narcotics problem, its roots, its scope, and the "incredible" failure of the incumbent to attack it. This was the first exposure of consequence of the people of New Orleans to the beautifully modulated self-assured voice and the superbly effective forensics of Jim Garrison. Garrison looked and spoke like a District Attorney. And he had a captive audience.

The program not only finished Dowling, it all but eliminated Dymond as a major candidate. But Garrison had projected beautifully, and the response was tremendous. Support developed; contributions trickled in and TV appearances were possible. In each of them, more and more voters became fascinated by the image of this giant of a man and his flawless delivery.

In the first primary Dowling fell far short of the needed majority. Garrison was a close second. Garrison won the second primary by about 6,000 votes out of approximately 130,000 cast.

I spoke to Garrison about serving in a part-time position on his staff, one that could be pursued without interference with private civil practice. He responded by appointing me to supervise prosecution of all narcotics cases. In the course of my seventeen months in his office, I was assigned considerably more varied duties, but neither I nor most who had served on his staff could find reason to complain about Garrison as a man to work for. He was appreciative and respectful of each man's efforts.

In May, 1962, Garrison and his staff were sworn into office. The major apprehension being voiced by his political opponents and detractors was the tired complaint that Garrison was lazy. This was going to be a do-nothing administration.

Or so they said.

THE CRIMINAL COURT building in New Orleans is a huge four-story stone building occupying an entire square at the intersection of two large avenues, Tulane and Broad.

The building is often referred to by the criminal practice fraternity as "Tulane and Broad." The pious pronouncement across its imposing facade on Tulane Avenue—"The Impartial Administration of Justice is the Foundation of Liberty"—has been the butt of countless jokes, sometimes crude, sometimes clever, by those familiar with the hit-and-miss nature of the administration of criminal justice within. The building houses many public officeholders and others who aspire to unseat them.

Over the years Tulane and Broad has assumed a character of its own. Those knowledgeable in the petty intrigues and jealousies among its occupants, and with the pressures of public interest in controversial cases, can often sense the rise and fall of tension by merely strolling the crowded hallway. It has also been the scene of many celebrated New Orleans trials, in several of which participants in Garrison's "assassination probe" have taken part.

When Garrison took office as District Attorney in May, 1962, it was with the active support of many in the building and with the goodwill of practically all.

But Garrison despised the system and often appeared to look contemptuously on its members as petty, unprincipled men, unworthy of being treated on an equal basis. His disdain for the other occupants of Tulane and Broad made itself felt in a number of minor but irritating ways. Though he was tactless and a trifle arrogant, I felt, as did most who knew Garrison, that his innate honesty was genuine and beyond question. The seeds for his abuse of office, it would develop, lay elsewhere.

By virtue of his office, the District Attorney is potentially the most powerful of the public officials domiciled at Tulane and Broad. That he is potentially the most powerful in the city can be respectably argued. However, until 1962 the full extent of his strength had been convincingly impressed neither upon the community in general nor upon the politicians themselves. It lay largely unused in the statute books. Not until the advent of Jim Garrison was the realization driven home of the large extent to which the D.A.'s power had remained untapped.

The District Attorney in Louisiana can charge any individual with any crime other than a capital offense by the mere signing

of his name to a bill of information stroke, of the District Attorney's non-lines are made. Individuals are publicly embarrassed and compelled to undergo the financial expense of bail and legal representation and the emotional drain of public trial. This last cannot be fully comprehended, save by those who have experienced it. Likewise, by the signing of his name, the District Attorney can dismiss any charge, including capital charges; he need not seek the permission of the court.

Then there is the Grand Jury, which is, in truth, the District Attorney's toy. It is, in modern America, an anachronism, a relic from the legal Stone Age.

Grand Juries in Orleans Parish are selected for six-month terms by one of the eight judges in the Criminal Court.

They hear all capital cases, as such charges can only be tried upon a Grand Jury indictment. In addition, they may hear any other cases and likewise return an indictment if they feel the evidence so warrants. Proceedings are secret. Only the jurors and the District Attorney or his assistants, without limit as to number, are present to hear the witness.

It is understandable that secrecy of the proceedings is so zealously guarded for, often, they are a travesty.

Except in rare instances, the Jury will hear only those witnesses the District Attorney wishes them to hear. They are preconditioned by what the District Attorney has told them of the matter under investigation. There is no judge to strike any of his remarks as prejudicial. No representative of the defendant or prospective defendant is present; none of his witnesses will be heard, except as the Jury might wish to hear them. In this, as in all other matters, most Grand Jurors will be guided by the advice of the District Attorney.

Hearsay and opinion evidence are the rule, not the exception. There is no one to object. Witnesses deemed hostile or untruthful by the District Attorney, arbitrarily or otherwise, may be pointed out in advance. Most judges will permit only one counsel for a side to cross-examine a witness in the course of a trial. In the Grand Jury room, a witness may be badgered by all 12 jurors, plus the District Attorney and as many of his assistants as happen to be present.

The prospective defendant himself is normally not heard unless he requests it. Most lawyers would stand aghast at any suggestion that a client suspected of crime should voluntarily appear before the Grand Jury. Testimony of a prospective defendant who has not been warned of his right to refuse to answer incriminating questions and to sign a waiver of his rights may result in a dismissal of an indictment brought against him.

Prior to 1962, most District Attorneys used the Grand Jury primarily as a buffer between themselves and adverse criticism

in unpopular matters. Charges against important public official or citizen, or a controversial matter that the District Attorney wanted tried, were usually submitted to the Grand Jury. If indictment followed, no one could criticize the District Attorney. If the public clamored for the filing of criminal charges that the District Attorney felt were not warranted, or were politically unpalatable, the case was submitted to the Grand Jury. If a no true bill was returned, the District Attorney's skirts were clean. Few realized and none dared say publicly that the Grand Jury was, in practice, the puppet of the District Attorney.

Hence, if the Grand Jury was of benefit to the District Attorney, it was in a negative sense. The District Attorney is on the firing line; and most wage a constant battle against adverse publicity. The smart District Attorneys have learned to live with the press as they would with an untamed carnivorous animal. It was constantly to be sated and pacified with newsworthy items of a harmless or innocuous nature, and as long as the animal lay sleeping, so much the better. They would not arouse it.

But Jim Garrison did not think defensively. No one had previously sought to use either the news media or the Grand Jury as offensive weapons. But all of that was to change.

3

GARRISON'S CRITICS to the contrary, certain positive accomplishments must be credited to him with respect to the internal operation of his office. His staff has built an impressive record of prosecutions.

Responsibility for the routine administration of the office, which is the prosecution of the thousands of cases, including murder, rape, and robbery, as well as gambling and prostitution, was quickly delegated to others almost in its entirety. For almost immediately upon his entry into office, Garrison demonstrated a preoccupation with matters whose genuine connection with the legitimate function of his office has been hard to discern.

Shortly prior to Garrison's assumption of office, an assistant district attorney of Richard Dowling, the outgoing D.A., dismissed charges in two pending cases without serious explanation. The dismissals were the subject of considerable publicity and the inference by the public of corruption was undeniably strong. However, those who knew

The Author

MILTON E. BRENER was born in New Orleans and was graduated from Tulane Law School in 1952. For almost four years he was a first lieutenant in the Judge Advocate General's Corps, stationed in Korea and Okinawa. After his discharge, he entered the New Orleans District Attorney's office. He has been in private law practice since May, 1958, as a member of Garon, Brener, McNeely and Hart. With his wife and four chil-

en, Mr. Brener resides in New Orleans.

him had little reason to question the assistant's honesty. More to the point, however, there was no evidence of corruption, nor was any developed in the course of the Grand Jury investigation relentlessly pursued by Garrison. Notwithstanding a total failure to develop evidence of bribery, Garrison sought and obtained Grand Jury indictments for "malfeasance in office"—a loosely defined statute well-suited for use, and frequently used, by Garrison during his first years in office, against those he deemed political enemies.

The indictments garnered large headlines. The cases were dismissed by the Court in July, 1962.

In early August, however, there followed nine additional charges of malfeasance against the same former assistant. The purported "malfeasance" consisted of routine dismissals of other prosecutions in none of which had there even been a suspicion of corruption. The new cases likewise were front-page news. Nothing further was heard of these, however, and some were quietly dismissed in the latter part of 1966.

A few days following the multiple indictments of the assistant, Garrison turned his fire on Dowling himself. Dowling was the subject of four Grand Jury indictments based upon routine dismissals of cases by Dowling during his administration as District Attorney, all for reasons apparently deemed insufficient by his successor.

In his public response to the indictments, Dowling suggested that Garrison was seeking publicity.

For several months Garrison's investigators, accompanied by some of his assistants, were staging nightly raiding parties on Bourbon Street while Garrison loudly proclaimed war on vice and vowed to clean up the street. There were many who, almost as loudly, insisted that Garrison was motivated more by a passion for publicity than by revulsion at the rampant B-drinking that flourished along the street.

The Dowling indictments were promptly thrown out as stating no criminal offense recognizable in law. Despite Garrison's announced intention to appeal, no appeals were taken.

Meantime, Garrison's crusade against sin continued with increasing intensity. Nightly raids against honky-tonks and clip joints along a certain segment of Canal Street, the city's main stem, paid off relatively quickly when the clubs folded in the face of repeated arrests of employees and the consequent expense and interruption of business.

The Bourbon Street clubs were more formidable, however, and the attacks were costly. Under the law, one had to improve any expenditure by Garrison from the "fines and fees" fund which was used to

finance this crusade, and Garrison was quite reticent about revealing details of the expenditures. The judges suspended all authorizations of funds until the entire Court returned from vacation in October. Garrison made a personal \$5,000 loan from a local bank to continue the crusade until then.

In October, the judges agreed that no expenditures would be approved except by a majority vote of all judges.

The first inkling I had of the considerable friction that was developing was Garrison's announcement at a staff meeting that he had finally located the trouble at Tulane and Broad. "There is," he said, "a conspiracy among the judges to wreck my administration."

On October 31st Garrison retaliated with a hammer blow. At noon he gave an after-dinner speech to a Jewish Temple Brotherhood. He had had the foresight to invite representatives of the local television stations to be present. That evening, large headlines informed the city of Garrison's after-dinner remarks to the effect that the Parish Prison was becoming dangerously overcrowded with prisoners awaiting trial—the reason being that the eight judges of the Criminal District Court were running a "vacation racket." They were, he said, enjoying 206 holidays a year, not counting legal holidays like "All Saints' Day, Huey Long's Birthday, Memorial Day, and St. Winterbottom's Day," while prisoners languished in jail.

Singled out for special attack was Judge J. Bernard Cocke with whom a bitter feud was developing.

Although most among the Bar and among the politicians and habitués of the building considered the attack to be unjustified, such individuals are relatively few in number and together with relatives and close friends do not constitute a potent factor in any election. The bulk of the 200,000 registered voters of New Orleans, as elsewhere, consists largely of men and women too preoccupied with the daily necessity of earning a living to read beyond headlines. The workings of government and of courts remain a mystery. They are often deeply suspicious of all who constitute a part of this incomprehensible apparatus. The motives and honesty of men in public life are forever suspect to countless citizens who deem them unreal people living in an unreal world known only through newspapers and television.

What was becoming increasingly clear to many was Garrison's remarkable ability to respond to the prejudices and misconceptions of the great mass of voters beyond the circle in which he worked and lived.

The judges, indeed, were in a difficult position. Beyond pointing out that the attack was motivated by their refusal to permit Garrison to "throw money away with both hands" and that he had never com-

plained to the judges personally in the overcrowded conditions in the Parish Prison or excessive vacations, the response was at moderate under the circumstances, gently taking Garrison to task for intemperate statements. They called for an investigation by the Bar Association into the ethics of Garrison's blast.

Judge William O'Hara, who had recently retired from the bench after nearly thirty years of service (and whose vacancy had been filled by his son, Malcolm), issued his own public statement to the effect that any blame for the crowded conditions of the Orleans Parish Prison must rest with the District Attorney. The statement was factual in tone and attempted to explain the operational deficiencies in Garrison's office that were responsible for the increasing backlog of cases.

Garrison responded publicly:

The judges have now made it eloquently clear where their sympathies lie in regard to aggressive vice investigations by refusing to authorize use of the D.A.'s funds to pay for the cost of closing down the Canal Street clip joints. This raises interesting questions about the racketeer influences on our eight vacation-minded judges . . . The efficiency and dispatch with which the judges of the present court stopped my undercover investigation of B-drinking and the resolve which they demonstrated in their uniform opposition to any continued vice investigation by this office would gladden the heart of any efficiency expert.

The judges were infuriated. All eight signed a charge of criminal defamation.

The charge was promptly dismissed by Garrison's First Assistant Frank Klein, Garrison having determined that it was baseless. The judges called in Louisiana's Attorney General, Jack Gremillion, to supersede Garrison and to file and prosecute the charges of defamation. Gremillion accepted the request, claiming that the "integrity of the judiciary is at stake." Judge William Ponder of Many, Louisiana, was assigned to hear the case.

In January, 1963, the trial was held. One by one the judges paraded to the stand to assure the Court and the public that they were not shirking their duties and that they were not at all influenced by racketeers. The cross-examination, badly handled by Garrison's friend and attorney, Donald Organ, was often embarrassing. That it amounted to something less than proof of racketeering influences, or that there was not a whisper concerning such influences on fully half of the judges, was of no moment to most of the public. The judges took their lumps willingly in anticipation of Garrison's own appearance on the witness stand.

On the day the prosecution was to close

of the courtroom. They were undoubtedly a repetition of the Garrison-debate. They were to be surprised and disappointed. Following the Attorney General's announcement that the prosecution rested, Organ was on his feet:

"Your Honor, the defense also rests."

Garrison was ~~not~~ convicted. He was sentenced to pay a fine of \$1,000. But long before his conviction was reversed by the United States Supreme Court in early 1965, it was clear to all, the eight judges included, that he had won and the judges had lost. The Supreme Court reversal followed an affirmation of the conviction by the Louisiana State Supreme Court and was based on the unconstitutionality of the defamation statute insofar as it applied to defamation of public officials, such as the judges. In such cases, said the United States high court, there must be proof of actual malice. Such proof, according to the Court, was lacking.

Meantime, during the pendency of his defamation trial Garrison had turned to two trusty weapons, the Grand Jury and the malfeasance statute, to gain some measure of vengeance against his major antagonist, Judge Bernard Cocke. Cocke had asked a witness in the course of a preliminary hearing in open court if his, the witness's, testimony had been the same before the Grand Jury. For this the Judge was cited for contempt of the Grand Jury. Then shortly following his conviction for defamation, Garrison sent an assistant district attorney with a voucher for undercover work in connection with Garrison's Bourbon Street campaign to Judge Cocke to seek Cocke's signature. Cocke refused and an indictment of malfeasance followed. Judge Cocke was promptly acquitted. The acquittals were expected even by Garrison, but the humiliation to his antagonist of being forced to sit at the bar as a common criminal was apparently sufficient.

I had felt that such almost childish punitive measures and blatant abuse of the Grand Jury would cause wide public condemnation. Again I had overestimated the public and underestimated Garrison. Even the irascible Cocke realized that in the eyes of the public Garrison had undoubtedly won again.

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

THE SUPERINTENDENT of the New Orleans Police Department is Joseph I. Giarrusso, a dedicated, highly competent policeman who reached his position from the ranks. His honesty is beyond question.

The opening salvo in a long and bitter battle between Garrison and Giarrusso was fired at the height of Garrison's Bourbon street campaign when he accused the Department of displaying "monumental disinterest" in his drive against vice. Giarrusso was thus allied with the judges on the side of the racketeering element. Giarrusso responded. In March of 1963 he staged raids on a number of the strip joints and booked owners and employers on charges of obscenity growing out of the striptease performances. Giarrusso referred the evidence to Garrison's office for padlocking action. Garrison responded by terming the cases "the purest garbage."

In words that allowed little room for doubt, Garrison accused Giarrusso of siding with the underworld against his office. The raids, he said, were made purely for the purpose of providing statistics.

Giarrusso's response, like that of the judges, was mild: "I call on him (the District Attorney) to cut out of all this bickering and join me in getting down to work . . . and vigorously prosecute the criminal element."

A LULL in the feud lasted until mid-May at which time Garrison again made headlines by a dinner speech to the Young Men's Business Club during which he announced a crusade against police brutality. Garrison again sensed a conspiracy:

"There exists a pattern of systematic brutality which is not sanctioned by those in official capacities within the New Orleans Police Department. At the same time, there is no apparent organized effort being made to stop this brutality, but rather an organized system of covering up."

Nine policemen were charged in connection with the supposed beating of prisoners; the public reaction, however, was not at all what Garrison had expected. Giarrusso, stuck

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

by his men, refusing to dismiss them, and accused Garrison of double-talk. Many publicly-voiced reactions, including editorials in the local press, queried the extent to which Garrison's craving for publicity was the motivating factor.

But Garrison demonstrated hitherto unknown qualities of reverse-field ability, if not overwhelming confidence in the charges he had filed. He announced his dismissal of the charges and referral of the matter to the Grand Jury. The

chastened Garrison explained that he was doing this for the purpose of demonstrating the impartiality of his office. He decided, he said, that the most effective way to eliminate police brutality was to cooperate with the department. Nothing more was ever heard of the charges.

IN AUGUST, 1963, Executive Assistant Frank Shea was one of the eleven candidates that qualified for a Criminal Court judgeship vacated by the death of Judge Shirley Wimberly. Shea had no support, save that of his boss, Jim Garrison. He led the field in the first primary and entered a second primary with the runner-up, Guy Johnson.

In the second primary, almost to a man, the defeated candidates threw their support to Johnson, who also garnered practically all organized political support, as well as the endorsement of the city's newspapers. Shea's margin of victory was just enough to discourage a contest of the results. Garrison now had a friend on the bench.

This was the first public test of Garrison's popularity. The significance was not lost on the judges.

IN EARLY September, 1963, trial was scheduled for a New Orleans abortionist, one Juliette Paillet. I was assigned the case for trial. The case went to trial in late September, and Mrs. Paillet was convicted.

The trial was my last as-

(Indicate page, name of newspaper, city and state.)

PAGE 25

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-20-69

Edition:

Author:

Editor: GEORGE W. HEALY JR

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63 AFO

or

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

ENCLOSURE 6

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Assignment for Garrison. I and three other assistant D.A.'s left the office the end of September as a result of his new policy prohibiting substantial civil practice by his staff. But it was not the last the public was to hear of the Paillet case. Following the trial and Mrs. Paillet's sentence to a term of seven years, she was released pending her appeal as a result of a reprieve by Governor Jimmie Davis.

The governor ascribed his action to Mrs. Paillet's ill health and the statement of her doctor that she was in need of medical attention. The reprieve was temporary in nature and did not serve to mitigate the sentence which would begin when and if the conviction were affirmed upon appeal.

Garrison retorted: "I will study how an investigation of Governor Davis's bizarre act can be begun. Governor Davis may call it 'an act of human kindness' if he wishes, but it looks like an old-fashioned fix to me."

Mrs. Paillet remained free until her conviction was affirmed on appeal a few months later, whereupon she commenced serving her term in prison.

If anything ever came of the investigation of Governor Davis, or if any evidence was developed of any "fix" it was never made public.

DAVIS' TERM as governor was due to expire in May, 1964, and under the law, he could not succeed himself. In January of 1964 John J. McKeithen was elected to the governorship. Garrison had supported McKeithen and the latter publicly acknowledged his indebtedness. McKeithen's gratitude was such that there was, he said, nothing that Garrison wanted that he would not feel obliged to help him to obtain.

Shortly thereafter, the D.A. was back in action. In early 1964, three men, Sidney Hebert, James Martin, and John Scardino, were sentenced by Judge Malcolm O'Hara to serve three and one-half year terms in the state penitentiary for the crime

of simple kidnapping. Twenty-eight days after having served 1 1/2 years of their sentences, Hebert and Martin were paroled by the State Parole Board. Scardino was also serving time as a narcotics violator and was ineligible for parole. The Parole Board consists of five men, all appointees of the governor, and sits in Baton Rouge well outside of Garrison's jurisdiction. However, the D.A. was not to be deterred.

Dusting off a seldom-used statute authorizing the District Attorney to conduct an "open hearing" whenever he "shall have been informed that a crime or crimes has been committed," Garrison petitioned for such a hearing, alleging that he had been informed that money changed hands in a conspiracy to arrange two quick paroles. Judge Edward A. Haggerty, later to preside at the trial of Clay Shaw, quickly made known the nature of the hearing that was to come. Objections by attorney Sam "Monk" Zelden, representing the board members, that the hearing was a "vicious proceeding whereby the District Attorney can go on a fishing expedition" were met by the judge with the retort that Zelden had no standing to object or to be heard.

The Parole Board members were witnesses only, said the Judge, and he, Zelden, had no right even to address the Court. No one would have a right to cross-examine any witness produced by the State, nor to object to any evidence to be admitted, for there were no defendants, only witnesses in this hearing. The State Supreme Court refused to interfere, and the hearing commenced.

Garrison called his surprise witness, John Scardino.

THE UNTESTED charges of Scardino was sensationalized in the press. Encouraged, Garrison announced plans to subpoena the governor, clearly impossible under state law due to executive immunity. Attorneys for the hapless board members and the alleged lawyer intermediary returned to the Supreme Court the following day again seeking a form of help known by lawyers as "extraordinary writs."

The flagrant nature of the testimony prompted a more serious appraisal of the implications by the Supreme Court. A

divided Court finally agreed to allow the hearing to continue.

However, in permitting the hearing to continue, the Court's majority imposed a series of procedural rules to be followed. All witnesses were to have the right to counsel; no witness was to give hearsay testimony; every person accused was to have the right to be confronted with the witnesses against him; should there be evidence showing the commission of a crime by a named person being investigated, then such person would have a right to be heard.

Garrison's response was delivered as concluding remarks to Judge Haggerty in open court. He was, he announced, shifting his probe to the secrecy of the Grand Jury. There was more testimony to obtain from Scardino, said Garrison, but he was too much in fear of his life to testify publicly.

Further, said Garrison, there was a second reason for removing the matter to the secrecy of the Grand Jury room:

"... The Louisiana Supreme Court has added a fantastic new galaxy of ground rules which, in effect, means the end of open hearings in Louisiana. . . . They have the effect of completely destroying the investigative effectiveness of the open hearing."

"Your Honor, the District Attorney's Office does not intend to be further obstructed after all the other obstacles we have encountered by this legal destruction of the open hearing."

If any evidence was ever developed as a result of the Grand Jury investigation, it was never made public. There were no convictions, trials, charges, or arrests.

IN JUNE Garrison was briefly back in the headlines. Following certain general and perfunctory criticism of the State Pardon Board by the local press, he intended, he said, to subpoena the Attorney General and the Lieutenant Governor, both ex-officio members of the Board (a distinct entity from the Parole Board), to explain their actions publicly.

It appeared that, once again, Garrison had sensed a conspiracy: "We see the outline

of a hydra which is made up of public officials who have invisible alliances with each other and who maintain in effect an invisible mutual resistance pact."

As far as is known, there was never an investigation.

LATER, Rudolph Becker, a veteran criminal attorney and former Assistant District Attorney, ran for the judgeship of Division "E" of the Criminal District Court in opposition to Judge Cocke. A number of Becker's newspaper advertisements, as well as his campaign literature, bore the unmistakable imprint of Garrison's clever and fertile creativity. Toward the end of the campaign, Garrison actively and openly supported Becker, who entered a second primary with Cocke. Cocke was ultimately defeated. Becker became the second judge to be elected with Garrison's support.

For a number of months thereafter, it was mercifully quiet.

If Garrison's repeated and dramatic assaults on high office produced little by way of results, he nevertheless captivated the public with his daring. He was now unquestionably one of the most powerful political figures in the State—certainly the most feared by politicians. But Garrison wore his crown precariously. It would be defended violently against even the mildest attacks. There would be a vigorous reaction to the faintest sign of hostility from whatever quarter.

CORRECTION

In Sunday's installment, Chapter 3, it was erroneously stated that: "The cross examination, badly handled by Garrison's friend and attorney, Donald Organ, was often embarrassing." It should have read: "ABLY HANDLED."

5

IN MARCH, 1966, a vacancy was created on the Criminal Court Bench by the retirement of Senior Judge George Platt. Under State law, Governor McKeithen could fill the vacancy with his own appointee. At the urging of the District Attorney, the Governor selected Matthew Braniff, a close friend of Garrison. He was the third man

to ascend to the bench through Garrison's efforts.

One day in early January, 1967, I was standing in the reception room of the District Attorney's office. I was approached by a former assistant district attorney under Garrison, one whose departure from the office coincided with mine in September, 1963. He obviously had something to say.

"The more things change around here, the more they stay the same." His tone was a mixture of amusement and disbelief. "Do you know what Garrison's investigating now? The assassination of Kennedy!" The incredulity I felt must have shown clearly, for my friend continued, as though trying to convince me. "He has investigators going all over—to Miami, San Francisco, Dallas—he's supposed to be trying to find some kind of conspiracy."

"Where is the press?" was my first reaction. Of all of the trivia that finds its way into print, I wondered, why hadn't this been exposed? I assumed that one good blast of publicity would suffice to end whatever spectacular was in the making.

The publicity was not long in coming. On February 17th, 1967, the States-Item ran large headlines and a lead story about the investigation. But it was not the end of the matter at all. Once again I had grossly underrated Garrison's instinctive insight into the public temper.

(Chapters to follow cover the Garrison Kennedy assassination "conspiracy.")

F B I

Date: 10/23/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: Director, FBI (62-109060)
FROM: SAC, New Orleans (89-69) (P)

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, 11/22/63
MISC. - INFORMATION CONCERNING
OO: DALLAS

Enclosed for the Bureau are newspaper articles appearing
in The Times-Picayune, New Orleans, Louisiana, concerning above-
captioned matter.

One copy each of these newspaper articles is enclosed
for Dallas and Miami.

[Handwritten signature/initials]

- ② - Bureau (Enc. 2)
 - 1 - Dallas (89-43) (Enc. 2)
 - 1 - Miami (Enc. 2)
 - 1 - New Orleans
- ECW:bs
(5)

10/23/69

62-109060-6883

8 OCT 25 1969

59 NOV 4 1969

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

IN AN INTERVIEW published in Playboy magazine in October, 1967, Garrison explained how his investigation into the assassination of John F. Kennedy began:

“... There's a tremendous amount of esprit among our staff and an enthusiasm for looking into unanswered questions. That's why we got together the day after the assassination and began examining our files and checking out every political extremist, religious fanatic, and kook who had ever come to our attention. And one of the names that sprang into prominence was that of David Ferrie. When we checked him out, as we were doing with innumerable other suspicious characters, we discovered that on November 22nd he had traveled to Texas to go “duck hunting” and “ice skating.”

The naked facts are considerably more prosaic. It had started with a telephone call to an assistant district attorney two days after the assassination, Sunday, Nov. 24th, 1963. The party calling was Jack Martin. The message:

Ferrie had been in Dallas about two weeks previously; Ferrie had been corresponding with Oswald; Ferrie taught Oswald how to shoot.

Martin was employed as an assistant to Guy Bannister, one of two partners of Guy Bannister Associates, Private Investigators. Bannister himself had been a former Assistant Superintendent of Police until he was dismissed from the department in 1957 for pulling a pistol in a French Quarter bar in the course of a quarrel. Bannister was in the Newman Building at the corner of Lafayette and Camp. It bore two municipal addresses, 542 Camp Street and

531 Lafayette Street. Bannister's company used the Lafayette Street address.

Martin subsequently admitted to both the Secret Service and

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

the Federal Bureau of Investigation that the alleged connection of Ferrie with Oswald was a figment of his imagination. He acknowledged that he was drunk, a not infrequent occurrence, and that when drunk he frequently suffers from “telephonitis.” To others he has denied the incident occurred at all.

In fact, Ferrie had not been to Dallas, as far as is known, for at least six years. Nor has any connection with Oswald ever been reliably established.

The motive for the call? Many have speculated. Some say merely that Jack Martin needed no motive. Others maintain that he was piqued at having been excluded by Ferrie and Bannister and by a criminal law attorney, G. Wray Gill, from any involvement in the investigative phase of the defense of Carlos Marcello, reputed boss of the Louisiana branch of the underworld, on charges of illegal entry into the country. Ferrie was an investigator for Gill who, with New York lawyer Jack Wasserman, represented Marcello.

According to Martin himself, he hatched the idea upon hearing on TV that Oswald was once in the Civil Air Patrol in 1955 or 1956, an organization

which Ferrie was quite active. Whether Martin knew that Ferrie had left with two companions that night for a week-end in Texas following the Marcello trial, has never been clear. It is doubtful, for he did not relate this fact to the District Attorney's staff.

AND DAVID FERRIE? In 1963 he was forty-six, a former airline pilot by profession, having been fired by Eastern Airlines in 1961 for misconduct.

In 1958, while still with Eastern Airlines, he became Senior Executive Officer of the Cadet Squadron at the New Orleans Lakefront Airport, one of two Civil Air Patrol units located in the New Orleans area. Lee Harvey Oswald served for a few weeks in the summer of 1955 or 1956 in one of the two squadrons; no one has been able to prove with certainty whether in Ferrie's or in the other, located at Moisant International Airport.

In early 1961 Ferrie became associated with a group of Cuban expatriates whose purpose was counterrevolution in Cuba. There were several organizations of these refugees from Castro at this time and membership frequently overlapped.

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One group known as the Crusade to Free Cuba was headed by one Sergio Arcacha Smith. It had been formed in early 1961 by Smith with the assistance of a New Orleans public relations man, Ronnie Caire. Caire was successful in recruiting as financial supporters many prominent and affluent New Orleans-

(Indicate page, name of newspaper, city and state.)

PAGE 14

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-21-69
Edition:
Author: GEORGE W. HEALY JR
Editor:
Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS
Character: 11-22-63 AFO
or
Classification: 89-
Submitting Office: N.O., LA.
 Being Investigated

62-109266-613

ans of conservative persuasion. The nucleus of the group was about a dozen or so Cubans who were allowed to frequent the office of Guy Bannister and to use his telephone and other office services. Bannister was never a member.

Another organization active in 1961 was the Cuban Revolutionary Democratic Front. Locally, the group was not as well organized or financed as the Crusade; however, it was but part of a large apparatus operating in several cities, including Miami. Smith apparently exercised leadership in this group also.

In early 1961 Ferrie persuaded Smith that he, Ferrie, could render valuable service to the cause. The two became friends, and Ferrie was active, probably in both groups, but certainly in the Democratic Front.

SOMETIME in early 1961 a number of the group journeyed to Houma, Louisiana, about 60 miles south of New Orleans to an ammunition bunker of a company known as Schlumberger Well, a surveying corporation with home offices in Texas. The purpose of the journey was to pick up a quantity of explosives and deliver them to New Orleans for further transportation to Miami for use in the Bay of Pigs invasion. The invasion itself commenced April 17th, 1961.

Among the group journeying to Houma with Sergio Arcacha Smith and Ferrie were a twenty-six-year-old electronics expert specializing in bugging equipment, a sometime bar operator named Gordon Novel, his fiancée, Marlene Mancuso, to whom he was later married and divorced, two young men, Ranier Ehlinger and Andrew Blackmann, and a younger man, then only nineteen, unknown to most of the others, who seemed to wander around Ferrie's home as though lost while the balance of the group made plans. He was Layton Martens, a music student who had become acquainted with Ferrie while serving as a member of his Civil Air Patrol Unit. Although the intricacies of the operation are still somewhat shrouded, it appears clear that Schlumberger Well's bunker is serving that night as a

transfer point for explosives with the quiescence of its manager either here or in Texas with officials of the United States Government, including, presumably, the Central Intelligence Agency.

In October, 1961, Carlos Bringuier, a Cuban expatriate and attorney, asked Smith if he might meet with Ferrie; for from the things he had heard, said Bringuier, he did not think that association with Ferrie would do Smith or the Cuban cause any good. Shortly thereafter, Ferrie's association with the group ended.

In February, 1962, the Crusade to Free Cuba disbanded. Smith, in considerable disfavor with the Cuban community, left New Orleans for Texas, settling first in Houston and ultimately in Dallas.

The activities of the Cuban community in New Orleans, if there were any, through the balance of 1962 and early 1963 apparently have left little impression on the memories of those close to the scene. There remains no evidence of any activity of significance, and such conjecture as has been forthcoming has made no mention of specific ventures.

IN THE FALL OF 1963, Layton Martens had returned to New Orleans because of a serious illness suffered by his mother. Upon her discharge from the hospital in mid-November, 1963, he stayed for two weeks with Ferrie, who now resided in an upper apartment on Louisiana Ave. Parkway.

Following Marcello's acquittal, Ferrie had attended a victory party at the Royal Orleans Hotel. Immediately thereafter, about 9:00 P.M., he and two companions drove first to Vinton, La., to attend to certain business for Gill, then to Houston and Galveston for a short vacation. The trip had been

planned for some time and was to take place when the trial ended.

Ferrie's companions were with Alvin Beauboeuf, nineteen, whom he met as a cadet in his Civil Air Patrol Unit, and Mel-Jack Martin had passed on to Vin Coffee, an engineer at the National Aeronautics and Space Administration Facility at Michoud. The first night Ferrie took care of his business in Vinton, then drove to Houston where he and his companions registered at the Alamotel about 4:30 A.M. on Saturday, the 23rd. Late that

afternoon they went to the door Winterland Skating one of the few in this the country. Three and one years later, Garrison was to claim that Ferrie did not even put on a pair of skates, but that he stood by a telephone.

This was obviously the "communications center," Garrison was to claim. According to Beauboeuf and Coffee, however, Ferrie went ice skating, then talked to the manager about the possibility of opening a rink in Baton Rouge, Louisiana. Ferrie had recently received a substantial sum of money from Eastern Airlines as a result of his severance in 1961 and he was seeking a venture in which to invest. The night of the 23rd was spent at the Driftwood Motor Hotel in Galveston.

According to Ferrie, they went hunting the next morning, which was Sunday.

At about this time came Jack Martin's telephone call. The information was passed on to the First Assistant D.A., Frank Klein, who thereafter conducted the operations. Five investigators were assigned to watch the Louisiana Avenue Parkway apartment. Garrison left two telephone numbers, one for the New Orleans Athletic Club and the other for the local Playboy club, with instructions that he should be called if any thing developed.

The investigators went to Ferrie's apartment. No one was there. Martens himself spent very little time at home that weekend. Finally, the investigators called G. Wray Gill, Marcello's attorney and Ferrie's employer.

Later that day Ferrie and his companions decided to go to Alexandria, La., where Beauboeuf had relatives. They decided to stay two or three days, but Ferrie thought it wise to call Gill and advise him of his whereabouts. Gill told Ferrie that he had better get back at once as the D.A.'s men were looking for him.

"For what?" asked Ferrie.

"It has something to do with the assassination of the President," responded Gill. Gill narrated the information that the D.A.'s office concerning Ferrie's supposed acquaintance with Oswald.

FERRIE DECIDED that he was not yet ready to be arrested. Upon arriving in New Orleans, shortly after midnight on

the 24th, he dropped Beauboeuf at his, Ferrie's, apartment with instructions to remove certain items that had best not be there if the apartment was raided — specifically, certain lewd photographs and a number of hypodermic needles that he might need. Ferrie, as far as is known, did not use narcotics, but injected himself with various drugs for numerous ailments with which he was constantly plagued.

Martens was in the apartment, an upstairs duplex, when Beauboeuf entered. After removing the photographs and needles, Beauboeuf was greeted at the bottom of the stairs by the D.A.'s men. "Let's go upstairs, son," said one. Beauboeuf and Martens were arrested. They were booked with being "fugitives from Texas."

Meantime, when Ferrie realized what had happened, he fled to Hammond. He returned the following day and, accompanied by his attorney, surrendered to the District Attorney's Office. He was asked if he knew Oswald. Ferrie replied that he did not. The D.A.'s aides decided this was a lie and booked him with being a fugitive from Texas.

On Monday night, Martens and Beauboeuf were released to the Federal Bureau of Investigation. The F.B.I. had been contacted by Garrison's office and advised of possible implications by the two men, as well as Ferrie. The F.B.I. as well as the Secret Service questioned Ferrie following his release by the District Attorney. Ferrie's movements and whereabouts in Texas were corroborated fully. Satisfied with Ferrie's story, the Bureau did not thereafter contact Beauboeuf or Martens. The conclusion of the Secret Service: Martin was apparently an alcoholic and was totally unreliable.

The purpose of the trip, the business in Vinton, the gloomy

sojourn to Galveston, all were later to be characterized by Garrison as clever fabrications to cover a major involvement in a plot to assassinate the President. The repeated protestations and minute accountings by Ferrie, Beauboeuf, and Coffee were dismissed as lies, or perhaps, in the case of Beauboeuf and Coffee, as naive interpretations of the events by men intended to be pawns in the sinister affair.

This was the fall of 1963, and Garrison turned to more important things. For the time being, the matter was closed.

NEXT—How two imaginary characters, "Clay Bertrand" and "Manuel Garcia Gonzales" got into Jim Garrison's "conspiracy" case.

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

By Milton E. Brenner

THE EXACT TIME of the re-birth of Garrison's interest in the assassination is hard to determine with any degree of precision. Much has been made of a conversation alleged to have occurred in November, 1966, between Garrison, United States Sen. Russell Long of Louisiana, and a wealthy New Orleans businessman named Joseph Rault. Supposedly, while en route to Washington, the trio, fellow passengers by chance, discussed the Warren Report. All three were skeptical.

GARRISON quickly concluded that Ferrie was a key factor in the assassination. Obviously, he knew Oswald and had plotted the assassination with him. The true purpose of his trip, namely, some planned participation in the assassination, would have to be established, and the identity of those who knew this purpose and knew the exact nature of Ferrie's role in the plot were in turn known to the DA. It was now a matter of extracting the truth.

found no evidence of deception. It didn't matter. Obviously, Martens was lying.

In the meantime, there was another starting point—a short, rotund, black-haired, jovial, wise-cracking 44-year-old lawyer. His name was Dean Andrews.

In May of 1963, Lee Harvey Oswald, according to Andrews, appeared in Andrews' office. He was with some "gay" kids. They were "Mexicanos," says Andrews. He declares he saw Oswald three to five times thereafter over the next few months and that Oswald usually had one particular "Mexicano" with him, a "gay" kid with a "butch" haircut.

It is practically certain that by November Garrison had already begun to take note of the mounting vocal public dissatisfaction with the Report's conclusion and with the by now popular cliché that "one man could not have done it alone."

Certainly by November he had already taken note of the fact that Oswald had been in Dallas less than two months at the time of the assassination. For the previous five months, Oswald had been in New Orleans

and Garrison meant to inquire into the activities of Oswald while in "my jurisdiction." Garrison set out to determine whether there was a conspiracy hatched during that period. To any who know him, it is not surprising that he found that there was.

Garrison first immersed himself in the growing body of literature on the subject, not only the Warren Report, but also the names of the critics.

Before he was through, he was to tilt at windmills in such a fashion that Sancho Panza himself would have taken a good deal of abuse for glancing at them.

In late November or early December, Vivian Beauboeuf was asked to come into the DA's office where he was again questioned about the details of the trip to Texas. Beauboeuf obliged. They had gone ice skating.

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

ing and hunting, he repeated. He knew nothing about the assassination or any other involvement of David Ferrie. Beauboeuf was questioned repeatedly by the DA's office. Then the investigators started coming to his home.

Martens, too, was called back into the office to "complete the file." He was asked again about Ferrie, his acquaintances and his activities, about Martens' own involvement in them. He responded freely. He did not know Oswald and had never seen him in company of Ferrie. He was asked to take a lie detector test and readily agreed. The New Orleans Police Department polygraph operator advised the DA's office that he

He says that he assumed that Oswald had been sent by a French Quarter bar owner of many years acquaintance who frequently referred "gay" kids to him for legal services. The name of the bar owner was Eugene Davis. Circumstances strongly suggest that Andrews may never really have laid eyes on Oswald.

The day after the assassination, Andrews was confined in a New Orleans hospital, Hotel Dieu, under sedation undergoing treatment for pneumonia. He thought of the fame and glory that would be his if he could

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represent the man charged with committing the crime of the century. He received a call from his friend, Eugene Davis. He certainly would like to represent Oswald, said Andrews. Andrews is not certain Davis

(Indicate page, name of newspaper, city and state.)

PAGE 4

SECTION 2

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-22-69

Edition:

Author:

Editor: GEORGE W. HEALY JR

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

or Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

65-11700-105

replied in all. At the end, it was with a vague and offhand remark to the effect that he would see what he could do.

The following day, still hospitalized, Andrews called an attorney friend, Sam "Monk" Zelden. "I may get to represent Oswald," said Andrews. Later in the conversation, Zelden asked Andrews to hold the phone while he investigated the cause of a disturbance at the scene being shown on his television set. A moment later, Zelden advised Andrews that his client Oswald had been shot.

ON NOV. 25TH, 1963, Andrews advised the local F.B.I. office that Oswald had been in his office that summer. He was interviewed that day by two agents—"ficebees," as Andrews calls all F.B.I. agents. In the course of explaining his relationship with Oswald, Andrews could not resist informing the agents that he had been "asked" to defend him in Dallas.

"Who asked you?" inquired the agent.

In fact, no one had asked him. He had asked Davis. Once, several years previously, an acquaintance had introduced Davis to Andrews at an affair that Andrews termed a "tag wedding reception," unaware that the two were longtime friends. Davis was introduced to Andrews as "Clay Bertrand." People in "gay" circles frequently hide their true identity to outsiders, as well as to each other. Andrews had laughed and said, "That's not Clay Bertrand. That's Gene Davis."

Now Andrews had no desire to direct the F.B.I. to Davis.

"His name is Clay Bertrand," said Andrews.

Andrews did finally tell the F.B.I. that Bertrand was a figment of his imagination.

By and large, Garrison received little information from Andrews that was not contained in the Commission Report. Garrison was primarily interested in the names of some of the "Mexicanos" or other Latins who were seen by Andrews in the company of Oswald.

The two men met on a number of occasions throughout November and into December. Andrews could furnish Garrison with no more information concerning the mysterious Clay Bertrand than was available in the Commission Report.

Finally, however, pressed by Garrison from his companions reached the blue and replied:

"Manuel Garcia Gonzales." Garrison promptly charged one Manuel Garcia Gonzales with selling narcotics, an extremely serious offense under Louisiana law. Of course, there was no evidence of any offense, and not the slightest conception as to who Manuel Garcia Gonzales might be.

Shortly thereafter Garrison and Andrews again met and Garrison informed his friend that Manuel Garcia Gonzales had been arrested in Miami. As Andrews was further to explain to a television audience, he didn't know which Manuel Garcia Gonzales had been arrested in Miami, but if it was the same one that he, Andrews, had mentioned to Garrison, then Garrison "had the right ha ha, but the wrong ho ho."

Garrison was to become convinced that Manuel Garcia Gonzales was one of the assassins in Dallas and, apparently, for a time believed that he was the leader of the group and the prime culprit. Writing for Tempo magazine, an Italian publication, in April, 1967, Garrison stated he would gladly give up Clay Shaw if he could but get hold of the true assassin—Manuel Garcia Gonzales.

BUT WHO was Clay Bertrand? The question intrigued Garrison. Bertrand must be located. There were certain clues. He lived in the French Quarter. He spoke Spanish. He was well known to many deviates. Who, Garrison asked his staff lived in the French Quarter, and spoke Spanish? He would, perhaps, be someone well known, for he seemed to be a leader in "gay" circles.

"Clay Shaw," said one of Garrison's assistants.

The assistant was joking; Garrison was deadly serious.

Clay Shaw not only had the same first name as the mysterious Bertrand, but he did, indeed, speak Spanish. He did have a fine house in the New Orleans French Quarter and the nature of the acquaintances of the fifty-four-year-old bachelor had, at times, been the subject of idle gossip.

Shaw is widely liked and respected. He has served on numerous civic boards or agencies. He was a close friend of

Morrison. Those close to him state that he is liberal in view with regard to politics and admirer of the late President Kennedy.

Like Garrison, he is tall, 6 feet 4 inches, dignified, and distinguished in appearance. Like Garrison, it is hard to mistake the sharp-featured, silver-haired Shaw for anyone else.

In December, Shaw was asked to come into Garrison's office and was thereupon questioned extensively. He had assumed initially that the basis for the questioning was the distribution by Oswald on August 16th, 1963, of pro-Castro leaflets in front of the Trade Mart Building at Camp and Common Streets. Oswald and his companion had left before Shaw arrived on the scene and he did not see Oswald at all.

SHAW WAS ADVISED by his interrogators that Oswald knew a "Clay" who lived in the French Quarter. Could it have been he? Shaw replied, as he was many times to state thereafter, that he did not know Oswald, had never seen him, and to his knowledge, did not know anyone who did.

Garrison again spoke to Dean Andrews. He had discovered Bertrand's identity. It was Clay Shaw. Could he, Andrews, identify Clay Shaw as the Clay Bertrand he knew? No, said Andrews, he could not. Garrison didn't believe him. He tried to inspire his reluctant friend. According to Andrews, he said, "We will ride to glory together." Andrews still balked. "We have other witnesses who can identify him," said Garrison.

Andrews' version of his subsequent conversations with the D.A. is that he agreed with Garrison that while he would not identify Clay Shaw as Bertrand, that he would not say that he was not Bertrand. As Andrews was later to tell it to me: "I never believed that Jim would go through with a frame-up."

Garrison would need investigative help and he turned to William Gurvich, one of three Gurvich brothers making up the Gurvich Detective Agency, an established and reputable firm. No investigator worth his salt was going to turn his back on the opportunity to assist in gathering evidence that would convict the murderers of President Kennedy. And if Garrison said that he was solving the as-

ASSASSINATION, WHO WAS THE VICTIM TO doubt if Garrison was, after all, the District Attorney and would not make such statements unless some proof existed.

And Garrison was indeed well on his way to "solving the assassination." And the solution?

The pro-Castro activity of Oswald was a sham as was his entire purported Marxist orientation. He was, in truth, working with the anti-Castro Cubans, deliberately trying to disguise himself as a Marxist so that the Marxists and Communists would receive the blame for the deed that was plotted by his right-wing friends.

The motive for the assassination? The Cubans, who, according to Garrison, were actively and vigorously training throughout 1962 and 1963 for an invasion of their homeland, felt themselves betrayed by Kennedy's avowed peaceful intentions toward Cuba and his detente with world Communism, including Premier Castro. Thereafter, according to the D.A., their wrath was turned toward Kennedy and his doom was sealed.

THERE WERE, to be sure, several problems. One was the question of dates. The activity of the Cubans and their frequency of the building at 544 Camp, according to the evidence at hand, had occurred in 1961 and had terminated by February, 1962. Aracelis Smith left New Orleans about eight months later, and it had never been established that he ever returned. Oswald was not in New Orleans at all in 1961 or 1962. He had been in Russia since 1959. Upon his return to the United States in June, 1962, he lived in Fort Worth and

Dallas until his move to New Orleans in late April, 1963. The Warren Commission, after an exhaustive investigation, could find nothing to connect Oswald to the Camp Street address even in 1963.

NEXT — Garrison develops the assassination plot but finds reliable witnesses hard to come by.

October 6, 1969

Airtel

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan
- 1 - Mr. W. A. Branigan
- 1 - Mr. T. N. Goble
- 1 - Mr. I. W. Conrad

OST

To: SAC, Cincinnati (62-2758)

EC 44

From: Director, FBI (62-109060) - *4884*

[Handwritten signature]

**ASSASSINATION OF PRESIDENT KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS**

EX-113

Reference is made to Bureau phone call 9/29/69, regarding slides of photographs taken of the White House, showing picketing in progress, by Miss Barbara Brookey on the morning of 4/13/63.

You are instructed to promptly contact Miss Brookey and return the enclosed correspondence which she furnished to the Bureau as enclosures to her letter dated 9/24/69. You should also return the remaining slide and a set of photographs made from her slides to Miss Brookey and explain to her that in the handling of the file over the past six years, one of the two slides has been lost.

You should also inform Miss Brookey that we can offer her no advice as to whether or not she should accede to the requests from the students Gary Richard Schoener and Don Olson for permission to examine the slide. This is a decision for her to make.

Enclosed for Cincinnati is a Xerox copy of the correspondence from Schoener and Olson, as well as a copy of Miss Brookey's letter to the Bureau.

You should obtain explanations from pertinent personnel regarding the incorrect reporting of Miss Brookey's name and furnish same to Bureau, together with your recommendations for administrative action.

Enclosures - 7

1 - 105-82555 (Lee Harvey Oswald)

BST:mkl (9)

NOTE: See memorandum W. A. Branigan to Mr. W. C. Sullivan, captioned as above, dated 10/2/69, prepared by BST:mkl.

UNRECORDED COPY FILED IN

SEARCHED _____
 SERIALIZED _____
 INDEXED _____
 FILED _____
 OCT 10 1969
 FBI - CINCINNATI

MAIL ROOM TELETYPE UNIT

Sept. 24, 1969

U. S. Dept. of Justice
Federal Bureau of Investigation
Washington, D. C. 20535

Gentlemen:

This letter is in regard to 2 slides which I turned over to the FBI in 1963 because they were of picketers in front of the White House, one of which resembled Lee Harvey Oswald. The local office sent those slides evidently to you. (report enclosed).

Just December, I received a letter from a Gary Richard Schoener from the University of Minnesota, requesting that I send him these slides because he was doing research on Oswald, and wanted to examine these slides. (this letter enclosed) I answered his letter on January 9, 1969, informing him I had turned them over to the FBI, and had no knowledge of their whereabouts.

He wrote me again on January 26, 1969, enclosing copies of FBI reports pertaining to these slides, and requesting again that I send for the release of them for his use. I failed to answer this letter.

REC 44 62-107060-2864

Thus, on September 9, I received a long distance phone call from a Don Olson of Toledo, Ohio. He said he was a friend of this Gary Schoener, and was calling

CORRESPONDENCE

(2)

for their use of these slides.

He said he would send me a letter which would authorize himself and Gary to obtain these slides from you.

On September 11, I received such a letter. (enclosed)

My reason for writing you is this.

I don't know these 2 men from Adam. Would it be wise to give my consent for their obtaining the slides? Is this legally permissible for them to make such a request?

Would you release the slides to these 2 men if I give my written consent?

Would you suggest I obtain the slides myself, and let them obtain them from me then, or have them sent directly to them?

They claim they do not want to use these slides for any personal or commercial purposes, but only for research.

Would it be necessary for me to check out these 2 before I act upon their request?

I may sound like I am making much more out of this than I need it, but I would feel bitter about it if I have your advice on the above.

③
Yours truly,

Barbara Brooker

P.S. Unless you find need for the enclosures, it would appreciate it if you returned them to me.

FBI

Date: 10/17/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: *gss* DIRECTOR, FBI (62-109060)
FROM: *W* SAC, DALLAS (89-43) (P*)
SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING

OO: DALLAS

On Sunday night, 10/12/69, retired Dallas, Texas Chief of Police JESSE B. CURRY appeared on the local television program on WFAA TV called "Face to Face with Murphy Martin". This is a half-hour interview show and the entire interview dealt with a book written by CURRY soon to be released, dealing with his part in the assassination investigation.

On 10/15/69, MURPHY MARTIN of WFAA TV made available a copy of CURRY's book for perusal by SA ROBERT P. GEMBERLING. The title of the book is "Retired Dallas Police Chief Jesse Curry Reveals His Personal JFK Assassination File". Mr. MARTIN advised that this book was published by the American Poster and Printing Company, Inc., of Dallas, Texas, the president of which is HARRY L. KAPLAN who, with one BRADFORD J. LANGERS assisted Chief CURRY in the preparation of the book. Mr. MARTIN advised Dallas city officials are somewhat disturbed about the forthcoming release of this book in that Chief CURRY used material obtained in his official capacity as Chief of Police.

The review of this book by SA ROBERT P. GEMBERLING reveals it is very poorly written, includes numerous photographs and has many errors in grammar and spelling. In this book, Mr. CURRY does not set forth any of his conclusions but does set forth specific questions and it would appear that readers of this book will raise additional questions. During Chief CURRY's appearance on the television program he revealed he might at a later date write another book which would set forth his own conclusions.

*1st Dallas
10/28/69*

2 - Bureau
1 - Dallas

RPG/pd

Approved: *(Signature)*

Special Agent in Charge

REC-81

62-109060

6885

Sent

17 OCT 23 1969

Per

(Handwritten initials and numbers)

DL 89-43

Chief CURRY also appeared on the CBS Merv Griffin Show on Monday evening, 10/13/69, to promote his book.

The above is furnished the Bureau for its information in the event it receives any inquiries.

SAC, Dallas (89-43)

10/28/69

REC-81

Director, FBI (62-109060) **6885**

1 - Mr. Raupach

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING
OO: DALLAS

Handwritten signature/initials

Rourairtel 10/17/69.

Since the book written by former Dallas Chief of Police Jesse E. Curry has been made available to the Dallas Division and reviewed, a detailed review of this book is to be submitted to the Bureau. If a copy of this book is available, it should be submitted with the review.

Specifically the review should cover any points or discussions concerning the FBI and its participation in the investigation. If there are any criticisms made concerning the Bureau, these should be pointed out and true facts, as contained in your files, set forth.

It was mentioned in referenced airtel that former Chief Curry did not set forth any conclusions but did set forth specific questions. Dallas should spell out what those particular questions are. Since it was indicated that readers of Curry's book will raise additional questions, it is suggested Dallas advise the Bureau what questions could logically arise.

EMR:sm/bab (1)

SEE NOTE PAGE TWO. . . .

MAILED 7
OCT 28 1969
COMM-FBI

- Tolson _____
- DeLoach _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

Handwritten signatures

NOV 4 1969

MAIL ROOM TELETYPE UNIT

NOTE:

Dallas has advised that former Chief of Police Jesse Curry appeared on a local television program to promote a book he had written concerning his part in the assassination investigation. A copy of this book was made available to our Dallas Office where it was reviewed. It was indicated it was poorly written, included numerous photographs, and had many errors. Although there were no conclusions made by Curry, he apparently set forth specific questions which would raise additional questions from the public. We desire to know what questions Curry did raise and especially if there was any criticism of the Bureau.

F B I

Date: 10/27/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: Director, FBI (62-109060)
FROM: SAC, New Orleans (89-69) (P)

0
ST

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, 11/22/63
MISC. - INFORMATION CONCERNING
OO: DALLAS

Enclosed for the Bureau are newspaper articles appearing
in the Times-Picayune concerning above-captioned matter.

One copy each of these newspaper articles is enclosed
for Dallas and Miami.

Times-Picayune

REC-62

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SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case**A Study in Abuse of Power**

By Milton E. Brener

VERY EARLY, in his probe, Garrison became convinced of the involvement in the assassination plot of Cuban exiles interested in the overthrow of Castro.

On December 28th, 1966, a newsman friendly to Garrison was introduced to Carlos Quiroga at the Moisant Airport as Quiroga and his friend, Carlos Bringuier, awaited the landing of certain Cuban Americans recently arrived in this country via Miami.

On Jan. 20, Quiroga was subpoenaed to appear in Garrison's office. Garrison was now armed with a revised Code of Criminal Procedure effective Jan. 1, 1967, which permitted him to subpoena witnesses to his office rather than to the Grand Jury, and to compel their testimony to Garrison privately. Quiroga was one of the first to be so subpoenaed. He brought with him a scrapbook on the

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as these in the complete book.

Crusade to Free Cuba, the organization which had disbanded in February, 1962. Quiroga, unlike Dean Andrews, did not know Garrison, arrived on time, and consequently was obliged to wait in one of the outer offices approximately four hours.

Finally, after being searched for weapons, Quiroga was ushered into the office of Jim Gar-

rison. Without Quiroga's knowledge, the conversation between him and Garrison was recorded and transcribed. Garrison asked Quiroga about Oswald's presence in the camp across the lake. Quiroga replied that Oswald had no connection whatever with the camp across the lake. Garrison became angry and demanded the truth on pain of subpoena before the Grand Jury. He announced that his office had discovered that Lee Harvey Oswald was not at all a Marxist but was a dedicated anti-Castroite. Quiroga found this ludicrous and so told the D.A.

On Jan. 21 an investigator called and asked Quiroga again to come into the office. Garrison now confided in Quiroga, among other things, that he had proof that Manuel Garcia Gonzales, the true assassin, was in Dallas on Nov. 22, 1963.

QUIROGA told Garrison that he should investigate the people who were giving him this completely false information.

THE INVESTIGATION was by no means limited to interrogation of witnesses in New Orleans. Beginning in early January an intensive systematic operation was instituted. Assistants and investigators were sent far and wide to run down all possible leads.

Meanwhile, Ferrie was becoming increasingly beset by rumors of impending arrest.

On Feb. 5 arrangements were made with a resident across the street from Ferrie's Louisiana Avenue Parkway upper apartment to conduct a continuous surveillance. His acquaintances and former acquaintances were besieged for information. Garrison was patient. Sooner or later Ferrie

would break and tell the true story.

ON FEB. 17, 1967, the story of the Garrison probe broke with large headlines in the local press.

Garrison broke his silence the following day. He claimed that the premature publicity had hurt his probe and that the lives of his witnesses were now endangered. Both reporters who

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authored the copyrighted story of the 17th, however, claimed that Garrison was shown the story in advance and told of its imminent publication. Garrison termed them liars. Garrison assured his public, however, that not only was he in fact conducting an investigation, but that there would be arrests and convictions.

GARRISON had become increasingly convinced of massive attempts by the F.B.I. and other components of the federal apparatus to monitor his office. He was, after remains, suspicious that telephone taps and other forms of bugs are everywhere. He needed someone proficient in bugging and anti-bugging equipment to assist.

He turned to Willard Robertson, a businessman. He did, indeed, know a man who was an electronics expert who specialized in bugging and anti-bugging equipment.

On Feb. 21 Robertson introduced him to Garrison and the two men struck up a friendship that was to come to an abrupt end a month later. The name of the electronics expert was Gor-

(Indicate page, name of newspaper, city and state.)

PAGE 4

SECTION 2

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-23-69

Edition:

Author:

Editor: GEORGE W. HEALY JR.

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

or

Classification: 89-

Submitting Office: N.O., LA.

[] Being Investigated

MICROFILM

peace.

on Novel.

Garrison ~~spoke~~ to Novel that day at length. He quickly learned to his delight that Novel

had been quite close to Garrison's No. 1 suspect, David Ferrie.

Some way had to be found to break down the preposterous story of the ice skating and hunting trip to Texas following the assassination.

IN THE weeks that followed, Novel was a ready and apparently limitless source of information. Very little that Garrison required by way of information could not be furnished by Novel in short order. Novel's fertile imagination worked overtime, supplying Garrison with many of the details he requested and, to compound the charade, Novel was in contact with the mischievous Andrews, who had once done legal work for him.

Garrison was to have the last laugh, however. Both men, Novel and Andrews, were later to become targets of the D.A.'s wrath and would pay heavily

for their short period of merriment at Garrison's expense.

On the night of Feb. 21 Ferrie sat alone in his room staring into space as he had done on many other occasions. Later he was interviewed by George Lardner, a columnist for the Washington Post, who arrived about midnight. The columnist remained until about 4:00 a.m. Sometime later that morning the tormented Ferrie found

GARRISON immediately pegged the death as suicide: "The apparent suicide of David Ferrie ends the life of a man who, in my judgment, was one of history's most important individuals."

Said the D.A.: "Evidence developed by our office has long since confirmed he was involved in events culminating in the assassination of President Kennedy."

Several of Garrison's assistants suggested that it might be the better part of discretion to now announce his regret at the death of Ferrie and to explain that the investigation had centered around this eccentric and, further, that while Garrison had expected to establish his involvement in the assassination, that his sudden death was at

least temporarily, impeding any further progress in the probe. It was further suggested to Garrison that he might now let the matter die quietly while he was ahead. Garrison agreed. As usual, his resolve lasted until his next exposure to the press.

NEXT — Garrison reports that the assassination plot—or plots—are solved and all the plotters will be arrested.

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

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On Feb. 24 Garrison was on stage again:

"My staff and I solved the case weeks ago. I wouldn't say this if I didn't have evidence beyond a shadow of a doubt. We know the key individuals. . . There were several plots. . . Ferrie might not at all be the last suicide in the case. The only way they are going to get away from us is to kill themselves."

Garrison took the occasion to announce the formation of a group consisting of approximately 50 wealthy backers and admirers called "Truth and Consequences." The purpose was to furnish the D.A. with private funds for which there need be no accounting. Three principal members were Joseph Rault, Willard Robertson, and

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Cecil Shilstone, owner of a chemical firm. The identities of other members of the group were not revealed.

LITTLE noted amidst the press reports of Garrison's pronouncements was an item published on Feb. 25 to the effect that his investigators were questioning a 25-year-old insurance salesman from Baton Rouge, La. His name was Perry Raymond Russo.

Meanwhile, Orleans Parish Coroner Nicholas Chetta, who conducted exhaustive tests in

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conjunction with the autopsy on David Ferrie, concluded that Ferrie had died of natural causes, a cerebral aneurysm. Garrison persisted, Chetta's tests notwithstanding, that Ferrie was a suicide.

AT APPROXIMATELY 5:30 p.m. March 1 Gurvich called newsmen for a press conference. He read from a printed statement bearing Garrison's name:

"The first arrest has been made in the investigation of the New Orleans District Attorney's office into the assassination of President John F. Kennedy.

"Arrested this evening in the District Attorney's office was Clay Shaw, age 54, of 1313 Dauphine St., New Orleans, La.

"Mr. Shaw will be charged with participating in a conspiracy to murder John F. Kennedy."

About a month before the arrest of Shaw, the First Assistant D.A., Charles Ward, told reporters he doubted that Garrison's investigation would turn up anything new. On Feb. 26, three days before the arrest, Garrison told reporters that arrests were months away. What had happened between Feb. 26 and March 1? What had happened was the appearance on the scene of a dark-haired, dapper, well-spoken 25-year-old man named Perry Raymond Russo.

In 1962 Russo made the acquaintance of David Ferrie. His introduction to Ferrie, like that of many other young men, was through the Civil Air Patrol unit.

IN FEBRUARY, 1967, Russo wrote the Orleans Parish D.A. and said that "I had occasion to meet Ferrie and some of his friends and I am willing to tell you what I know about them."

The following day, Russo was interviewed for approximately three hours by Anthony Sciambra, one of Garrison's assistants. Sciambra prepared for the District Attorney a 3,500-word summary of the interview.

RUSSO WAS shown a picture of Clay Shaw, whereupon there followed the memorandum's most significant passage:

"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 who was sitting in the compact car talking with Ferrie. He remembers seeing him again at the Nashville Avenue wharf when he went to see J.F.K. speak."

NOWHERE in the entire memorandum is there any material expanding on the passage quoted above, wherein Russo specified that he had seen Shaw twice. Nowhere in the memorandum is there any mention of the name Clay Bertrand or any indication by Russo that he knew Clay Shaw by any name whatever.

Russo also mentioned a roommate of Ferrie whom he had seen at Ferrie's apartment two or three times between May and October, 1963.

(Indicate page, name of newspaper, city and state.)

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Section 4

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 10-24-69

Edition:

Author:

Editor: George W. Healy

Title: Assassination of

President John F.

Kennedy, 11-22-63

Character:

or

Classification: 89-

Submitting Office: New Orleans

Being Investigated

1186

the roommate, none other than Lee Harvey Oswald according to Russo, was repeatedly described by Russo as bearded, disheveled, unkempt and dirty.

RUSO had two suggestions for Sciambra with regard to an Oswald photograph. The first was that if Sciambra were to draw a beard on the picture and show it to certain acquaintances of Ferrie's they would undoubtedly identify the picture as Ferrie's roommate. Weeks later this was done. None could make the identification.

The second suggestion was that if he were to be hypnotized he might have total recall on names, places, and dates.

"OBJECTIFYING" tests began on Feb. 27 at Mercy Hospital in New Orleans. Present with Russo were Sciambra, Al Oser, Dr. Nicholas Chetta, and two other doctors. The group gathered in the operating room,

and Russo was administered sodium pentothal, commonly known as truth serum.

Under the influence of the drug, Russo was again questioned by Sciambra, as he had been on Feb. 25 without the benefit of the sodium pentothal.

"I then asked him (wrote Sciambra in a memo) if he could remember any of the details about Clay Bertrand being up in Ferrie's apartment and he told me he was in Ferrie's apartment with Clay Bertrand and Ferrie and the roommate. He remembers Ferrie telling him that 'we are going to kill John F. Kennedy' and that 'it won't be long.' He said Ferrie again repeated his earlier statement that he could plan the perfect assassination of the President because he could fly anything that had wings on it and the perfect availability of exits out of the country. When I asked him who Ferrie was referring to when he said, 'we,' he said, 'I guess he was referring to the people in the room.'"

"Bertrand" had now been placed in Ferrie's presence when the latter spoke of assassination!

It was the following morning, March 1, that the instant subpoena was issued for Clay Shaw. At 5:30 that evening, Shaw was arrested.

Sometime later the night of March 1, Russo was taken to the office of the coroner at Tulane and Broad, where he underwent yet another objectifying process. Dr. Esmond A. Fatter, a private medical practitioner, Dr. Chetta, Sciambra, and a cousin of Russo's were present. Russo was to be hypnotized by Dr. Fatter.

THE USE of suggestion during hypnosis and the phenomenon of posthypnotic suggestion are matters well known to laymen. Less widely understood is the basic nature of the hypnotic state itself as one of dramati-

cally increased suggestibility.

G. H. Estabrooks, a doctor of philosophy in the field of educational psychology, states in his volume "Hypnotism" that "... In fact, suggestion appears to be the key of hypnotism. It is the method by which the hypnotist first gains control and unseats the normal conscious mind. After this, he finds that his only way of controlling the subject is again through suggestion, for the subject, left to himself, will generally do nothing at all. . . ."

Dr. Fatter had been briefed by the District Attorney's office on the "facts" of the conspiracy. He spoke with Russo about his background and asked Russo had he ever been hypnotized before. Russo replied that he had.

According to the doctor, Russo reached a "moderately deep trance-state."

This was not the last time Russo was to be hypnotized before the preliminary hearing in mid-March, nor was it the last objectifying process he was to undergo.

A WEEK later Russo was dispatched with an assistant district attorney and an investigator to the office of a qualified polygraph operator. After being alone with Russo in the polygraph room, the operator emerged and informed the D.A.'s men that the machine indicated evidence of deception, and that in his, the operator's, opinion Russo was not telling the truth.

The operator was instructed to stop the test and the D.A.'s men departed with Russo.

(Mount Clipping in Space Below)

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

By Milton E. Brener

The next morning Shaw appeared before Judge Bernard Bagert, serving that day as committing magistrate. The purpose of the arraignment before the committing magistrate is to advise arrested persons of their rights to refuse to answer the questions of the police or other representatives of the state to demand the presence of a lawyer, if desired in the event of questioning, and to enable the accused person to request a preliminary hearing if desired.

The "preliminary hearing" is a hearing held in open court to determine whether the state possesses "probable cause" upon which to hold the accused person. Broadly speaking, "probable cause" means exist-

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ence of some evidence tending to show commission of a crime by arrested persons. It is something more than suspicion, but something less than proof such as is required in a trial.

The preliminary examination may be requested either by the accused or by the district attorney. It is almost always requested by the accused, and practically never by the state.

AT THE arraignment of Clay Shaw on March 2, however, before any formal motion could be made by the defense, the assistant district attorney formally moved for a preliminary hearing.

The preliminary hearing, when available, is invaluable to the defense, for the examination is a means of discovery, a rare opportunity to see the cards held by the state. There is, in the usual case, every advantage and no disadvantage to the defendant in a preliminary hearing. In a sense, no defendant ever loses a preliminary hearing. There is no determination of guilt, only a determination of probable cause to hold him for trial.

News stories concerning the coming preliminary hearing in the matter of Clay Shaw were trumpeted to a fever pitch almost approaching frenzy. The public was not concerned about "technicalities." There would be a determination by the court. There would be a winner and a loser.

THUS, one week after Shaw's arrest his attorneys decided that the price of the preliminary hearing was too high. They moved to set aside the order granting the hearing. They also filed with Judge Bagert an "application for particulars," seeking to be informed as to certain specifics concerning the charges against Shaw.

The motion to set aside the order for the preliminary hearing was denied. The requests for information were likewise denied.

Thus the defense would be obliged to enter the hearing without the "vaguest" conception as to the time of the supposed conspiracy, not even the year, much less the month or day, would be known.

ON MARCH 14 the hearing began as scheduled.

Following testimony and arguments by counsel the court retired for a little over half an hour and announced its decision:

"This court finds sufficient evidence has been presented to establish probable cause that a crime has been committed and, further, that sufficient evidence has been presented to justify bringing into play the further steps of the criminal process against the arrestee, Clay L. Shaw. The defendant is released on his present bond."

On March 22 Russo appeared before the Grand Jury, which thereupon formally indicted Shaw for conspiring "between Sept. 1 and Oct. 10, 1963" to murder John F. Kennedy.

ON JUNE 16, 1967, Police Detective Edward O'Donnell, one of the most experienced polygraph operators in the New Orleans Police Department, was contacted by the district attorney's office and asked to administer a polygraph test to Russo. It was explained to him by one of Garrison's assistants that the operator who had given the previous test had antagonized the witness and that therefore the results were not satisfactory. The assistant explained that Russo would like to meet O'Donnell before the test was given as Russo wanted "to see what kind of person" O'Donnell was. O'Donnell agreed.

About 3 p.m. Russo appeared in O'Donnell's office. O'Donnell attempted to deter-

(Indicate page, name of newspaper, city and state.)

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Section 1

THE TIMES-PICAYUNE

NEW ORLEANS, La.

Date: 10-25-69

Edition: Morning

Author:

Editor:

Title: George W. Mealy
Assassination of

President John F. Kennedy, 11-22-63

or

Classification: 89-

Submitting Office: New Orleans

Being Investigated

10-25-69

62 1-7-69 10-25-69

One of a Series

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mine a pattern by asking routine questions of Russo. This test, referred to as a pneumogram, was impossible, however, as the reading obtained was entirely too erratic. By agreement, Russo returned three days later on June 19 in the early afternoon. O'Donnell again attempted to administer a test, but was forced to stop due to erratic readings.

THE OFFICER suggested to Russo that he relax and that the two of them discuss the entire matter informally. The crucial questions to be asked, explained O'Donnell, involved the subject of Clay Shaw's presence at the party at Dave Ferrie's home.

Russo replied that he was confused.

O'Donnell patiently explained to Russo that he simply

wanted to know whether or not Clay Shaw was present at the party that he had testified about at the preliminary hearing. Russo first stated that he wasn't sure if Shaw had been present or had not been. O'Donnell was not satisfied.

Russo then told the officer that if he were forced to say yes or no, that he would be obliged to say no.

O'Donnell also wanted to know from his subject whether the discussion at this party had been a serious conspiracy or simply a bull session.

RUSSO responded candidly that in his opinion it had just been a bull session.

Russo left O'Donnell immediately went to Garrison's office, spoke to the D.A., and advised him of everything that had transpired. Garrison became enraged and fumed that "they" had gotten to Russo. O'Donnell returned to his office and shortly thereafter received word through a D.A. investigator that he, O'Donnell, should "keep his mouth shut."

O'DONNELL had been on the police force 16 years and did not take kindly to such advice. He immediately typed a full report of everything that had transpired and forwarded a copy to Garrison. There the matter rested for approximately one month.

In mid-July O'Donnell was told that Russo was coming for the polygraph test and the officer was asked to come to Garrison's office. Upon arriving he was asked to enter a room where Russo was waiting alone. O'Donnell strongly suspected that the room was "bugged" and waited outside.

Finally, a number of other assistant D.A.'s were called into the room. He noticed several of them carrying briefcases, and he wondered about the presence of recording equipment in them. Finally he entered the room with the assistants and Russo. Also present were Garrison and one of the D.A.'s secretaries who transcribed the meeting that ensued.

Garrison gave a copy of O'Donnell's report to Russo and asked him to examine it and determine if it were correct. Russo read the report and stated that the report was correct except for one small item. The item? His inability to identify Clay Shaw.

DURING the course of the discussion that followed reference was made to Russo's statement that he did not know what had been discussed at the party he had described at the preliminary hearing. Replied Russo to the assembled group: "I have been telling you all along I don't know what was said at that party." The remark was ignored by Garrison and his assistants.

The balance of the meeting was largely spent in a concerted effort on the part of Garrison and his assistants to convince O'Donnell that a supplemental report should be rendered clearing up the one small error in the original report.

O'Donnell advised the group that his original report was quite correct.

Russo never submitted to the polygraph examination. The entire matter was dropped.

On March 5, Layton Martens asked to see me. He expected to be called as a witness

13 in the Shaw preliminary hearing. He asked that I contact the district attorney's office on his behalf and appear with him at any hearing.

Martens was not called during the preliminary hearing. The next I heard from him was that he had been subpoenaed to appear as a witness before the Orleans Parish Grand Jury on March 29.

I thought of Dean Andrews and I reflected on the thorough interrogation to which Martens had submitted on March 12, his third on the same subject matter. There was little doubt but

that Martens was being set up for a perjury charge.

HE SUBSEQUENTLY went before the Grand Jury and was questioned for about 90 minutes. He was badgered consistently about the trip to Houma in 1961 and at one point was told by an irate juror: "Do you know you're implicated in a burglary! I, of course, was not present. The remark would have been a signal to any attorney to advise silence to any further questions. Martens did not perceive this clear right to refuse to respond to further questions and, under the circumstances, could hardly be expected to have the presence of mind to react properly in any event. He had no way of knowing that lurking in Garrison's mind was the thought of using the Houma episode as a means of charging some of the participants with burglary for the purpose of exerting pressure and maintaining

a hold on them — the same purpose that underlay his charge of sale of narcotics against the fictional Manuel Garcia Gonzales.

Martens, of course, had not been advised of his constitutional rights by Garrison or any of his assistants. They had little interest in such niceties.