

By Jerrold K. Footlick

# 'The Majority Think He Must Have Something'

## Observing Mr. Garrison's Bizarre Investigation Of Kennedy's Assassination

### NEW ORLEANS.

Spring is here. Azaleas show off in lavender, fuchsia, and pink around Jackson Square, and tulips guard the statues with military precision. The sky is a delicate Wedgwood blue with the faintest touch of white.

These are facts, but they are just about the only establishable facts that will appear in this story, for this story is about the investigation by District Attorney Jim Garrison into an alleged conspiracy to murder President John F. Kennedy. The story must be built on rumor and gossip and speculation and innuendo and guesswork.



Mr. Garrison

This is not to say for sure that Mr. Garrison's investigation is built on these fragile premises. It may be and it may not be; the point is, no one—maybe not even Mr. Garrison himself—knows.

New Orleans, where intrigue and conspiracy have bubbled through three centuries of enchanting history, is awither with rumors. On almost every street corner, in almost every home, in the oyster bars and the glamorous Gallic restaurants, the natives are swapping tales. Not one in a hundred has any truth. But who knows which one might?

The first thing everyone says is: What do you think? Then, the inevitable follow-up: What I don't understand is . . .

I had hardly stepped onto the jet for the flight to New Orleans than I met one of the most distinguished citizens of this state, who unfolded a litany of conspiracy that hoggled the imagination. This was no sidewalk tout but a person privy to the secrets of the republic. The tales should have been purest fantasy, but ~~who~~ knows?

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### The News Leaked Out

There are, of course, some facts that should be recorded. Last month, the news seeped out that District Attorney Garrison had been at work for months on an investigation about possible conspiracy in the assassination, challenging the Warren Commission's conclusion that Lee Harvey Oswald was the lone killer and that there was "no credible evidence" to the contrary.

Despite the prevalent skepticism, Mr. Garrison proceeded to announce that he had solved the crime and that there would be arrests before long. The plot thickened when one of those allegedly involved, David Ferrie, a commercial airplane pilot and apparently one of the

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

- The Washington Post \_\_\_\_\_
- Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- Sunday News (New York) \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- World Journal Tribune (New York) \_\_\_\_\_
- The Sun (Baltimore) \_\_\_\_\_
- The Worker \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_

Date MAR 20 1967

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MAR 24 1967

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strongest personalities in the city's teeming world of homosexuality, and in his apartment shortly after being identified as a suspect.

Mr. Garrison called him "one of history's most important figures" and suggested it was suicide. The coroner concluded, however, that death came from natural causes. At any rate, Mr. Garrison said he was not checkmated by this setback.

Then, early this month, he shocked the town by arresting 54-year-old Clay Shaw, a handsome, silver-haired, six-foot, three-inch pillar of the community who had been until 1965 managing director of the International Trade Mart. Mr. Shaw denied the charges of conspiracy.

Last Friday, after a preliminary hearing, three judges ruled there was enough evidence to hold Mr. Shaw for trial.

#### A Key Witness

One of the state's witnesses was a 25-year-old insurance salesman from Baton Rouge, Perry R. Russo. He testified that he had attended a party at Mr. Ferrie's apartment less than two months before the assassination at which Mr. Ferrie, Mr. Shaw, and a third man who was introduced to him as Leon Oswald had discussed the possibility of killing President Kennedy.

Mr. Russo was subjected to scathing cross-examination by attorneys for Mr. Shaw. They questioned his belief in God and his relations with his family. Mr. Russo disclosed that he had furnished some of his testimony to the state during and after hypnosis and with the use of sodium pentothal (popularly known as "truth serum").

When the state later placed the coroner on the stand to testify to Mr. Russo's sanity, and the defense objected, Judge Matthew S. Braniff snapped: "You made the implication that this witness is crazy. Where do you get off objecting now?"

One of the most telling moments came when Irvin Dymond, who is reputedly the sharpest defense lawyer in New Orleans and who once ran unsuccessfully against Mr. Garrison for district attorney, questioned Mr. Russo's accounting of the time of the alleged meeting. "We have proof," said Mr. Dymond, "that Oswald was never in New Orleans after Sept. 25, 1963." This was the finding of the Warren Report.

#### 'You Must Be Kidding'

At that moment, Presiding Judge Bernard J. Bagert leaned back in his chair, pushed his glasses up on his forehead, and said, "You don't mean to tell us that you intend to introduce the Warren Report. You must be kidding."

Mr. Dymond said he intended to do that very thing. As he carried the book to the bench, one of his assistants and a messenger rushed out of the courtroom and returned carrying the 26 volumes of supporting information, which they piled on counsel table. They pointed to the Government Printing Office stamp and Mr. Dymond cited a legal precedent to show that this GPO stamp gave the report au-

The report, of course, "hearsay" in legal terms, because it has not been testified to and subjected to cross-examination in court. Had Mr. Dymond slipped it in, the case would have been over; the report, after all, purports to be the final word on the assassination.

Judge Bagert refused to allow the Warren Report as evidence.

#### Not a Real Trial

The hearing took on the aura of a trial, and was frequently referred to by laymen as such. But it was not a trial. All Mr. Garrison did was to establish grounds for a trial without submitting any more evidence than he had to.

The defense for its part tried to force out of the state every shred of evidence it could. It is a common complaint of defense lawyers everywhere that the prosecution tries to hide as much evidence as possible; the defense must then prepare its case blindly and is often surprised at trial.

The cross-examination of Mr. Russo was also significant for what it said about his life expectancy. A recent Supreme Court case held that the testimony of a witness at a preliminary hearing could not be admitted at later trial, when the witness had died, because the defendant had not had a chance to cross-examine him. The negative inference was that if the defense had been given that opportunity, the evidence would have been admissible.

Mr. Garrison, by putting Mr. Russo on the stand now, was "preserving his evidence." The witness was duly subjected to cross-examination.

There is sharp dispute among those who attended the hearing over the veracity of Mr. Russo's testimony. But on one thing there is agreement: He is almost surely not the best witness Mr. Garrison has. (Mr. Garrison's other key witness, at the hearing, was a self-confessed narcotics addict, who said he saw Mr. Shaw and Oswald exchange what appeared to be a roll of money in the summer of 1963.) The thinking here is that the DA used witnesses he felt good enough to ensure a trial, while withholding others who would be stronger later.

#### Three Points of View

This reflects a widely held theory among New Orleanians that Mr. Garrison does, indeed, have something to his case. There are three points of view. One is that the DA is almost irrational, but, though he has enemies who think just that, it is not a common view.

A second is that Mr. Garrison has a phony theory that will blow up on him, or maybe, knowing his case is phony, he will manage to extricate himself after milking all the publicity potential. A third is that he has a case.

Some here argue that there have been instances in his six years as DA when he has created a storm of publicity, managed to look good to the public, but accomplished little. Early in his tenure he began a widely publicized crackdown on the "B-Girls" (girls who solicit customers in bars to buy watered-down drinks at inflated prices) and narcotics pushers in the touristy Vieux Carre, (French Quarter) here. There are those who will argue both sides of this question, depending on their attitude toward Mr. Garrison—that he has significantly lessened these menaces or that he has accomplished next to nothing.

The local attitude toward Mr. Garrison varies from highest respect to near hatred; few are neutral. An imposing man of six-foot, six inches, with a resonant voice and calm demeanor, he is, indeed, a spellbinder. His most agreed-upon trait, it seems, is ambition.

I have been told that Mr. Garrison wants to be governor or U.S. Senator. Some say, however, that trying to clean up the Kennedy assassination isn't such a big thing to many Louisianians, and that his aims are more nationwide. Thus, I have been told, what Mr. Garrison really wants is to run for Vice President on a ticket headed by Robert F. Kennedy.

But it is perhaps fair to say that the majority of the residents of this city think he must have something. Over and over again, I heard variations on this: "Jim Garrison is too smart and too shrewd a politician, too ambitious for other offices, to put himself out on this limb without something to go on."

But those who believe this do not necessarily believe that Mr. Garrison will present an air-tight case on a conspiracy that resulted in the assassination. A few do. But most people think that he may uncover

some kind of conspiracy here, which may or may not have resulted in the assassination.

The operative law is Louisiana Revised Statutes, Title 14, section 26, which says: "Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that . . . in addition to such agreement or combination one or more of such parties does an act in furtherance of the object of the agreement or combination (emphasis added).

Thus, hypothesizing that Mr. Ferrie (now dead), Oswald (now dead), and Mr. Shaw did speak of an assassination plan, as Mr. Russo says, and that two of them did no more about it, but that Oswald look it upon himself to commit the crime, was there a conspiracy?

Idle chatter is no conspiracy. Thus, the events of this case may not amount to a conspiracy. On the other hand, an "act in furtherance of the object of the agreement" was committed. The key is: Was there an agreement?

The testimony of Mr. Russo is not by itself ~~enough~~ to convict Mr. Shaw. What

remains in doubt whether Mr. Garrison will produce stronger evidence of an agreement that might convict Mr. Shaw of conspiracy.

But all this leaves no clearer than before the broader issue of conspiracy. Setting aside for the moment whether Mr. Shaw or anyone else so far mentioned was involved, it must be asked: Were there others involved who have not been mentioned? Is it possible that there were other, entirely separate conspiracies planned here, or elsewhere? Who might have been involved in them—Cubans, anti-Castro Cubans, U.S. right-wingers, left-wingers?

In other words, the Garrison investigation has caused people here—and elsewhere—to ask again the same old questions that were asked immediately after the assassination and have been asked with increasing frequency in the past few months.

Almost anyone here has a ready answer, or, rather, a ready theory. In my first day here, I compiled a list of rumors that numbered in the dozens. Many of them are libelous, of course, and cannot be printed; truth would not serve as a defense, for they simply aren't true.

But sifting through the list, to offer a few illustrations, I have been told, with more or less sincerity, the following: It was a plot by Fidel Castro in revenge for an alleged assassination attempt upon him. It was a plot by anti-Castro Cubans angered at the failure of the Bay of Pigs invasion. It was a plot by an organized crime syndicate angered at Robert Kennedy and at the Kennedy Administration's threats to crack down on organized crime.

#### The 'Daddy Warbucks' Theory

Then there is the "Daddy Warbucks" theory that big landholders in Latin America, who feared that President Kennedy's Alliance for Progress would cause too much change, wanted him eliminated. There is even a view that the Central Intelligence Agency was at the center of an inter-governmental plot to change the direction of American policy.

Spun out of all these theories and dozens more are individual vignettes. One of New Orleans' best-known strippers, Linda Brigitte, was arrested and convicted of lewd dancing last fall. Before she went to jail, she was pardoned by Gov. John McKeithen at DA Garrison's request.

One outgrowth of this is a story that Miss Brigitte once danced at a Dallas strip club owned by Jack Ruby and offered some information to Mr. Garrison, which caused him to help her. This is unconfirmed—Miss Brigitte won't talk—but it is offered without qualification by some residents of the Quarter.

There is another story making the rounds that a prisoner in Orleans Parish (county) Jail has been whisked back and forth between jail and Mr. Garrison's office several times. Some people hold that he is the key to everything, but no one seems to know who he is.

Many of the stories and theories—even when they conflict with each other—revolve around Mr. Ferrie. He is emerging as a man of powerful personality, fluent linguistically, well read, a skilled pilot. A man who wore a red-mop wig and false eyebrows, he seemed to have wielded considerable influence among the "gays"—the local term for homosexuals—in the Quarter.

Mr. Ferrie and Oswald have one important thing in common: They are dead. The Ferrie death was called natural

by the coroner, resulting from severe brain damage, but this is not universally believed. One of the most bizarre stories I heard centers on one of the many men who have been talked about here. This man, so the story goes, told a friend of a plot to kill his own father, and in going to hypnotize his father, and inject drugs with a needle in his head, which would, after some time, cause brain damage and make the death appear natural. This man apparently knew Mr. Ferrie; Mr. Ferrie died of brain damage.

Stories like this merely emphasize that people here do believe that something is amiss. "There is all this evidence on one side," a lawyer told me seriously the other day, "and on the other side there is only the Warren Report."

That says something in itself. In this man's mind, the Warren Report is nothing more than evidence, and questionable evidence at that. The Warren Report was supposed to be, let us remember, the last word.

The U.S. Government seems not to be helping. Almost the first thing Ramsey Clark did after his appointment as Attorney General was to mock the investigation here. He said, for instance, that Clay Shaw had been investigated and cleared by the FBI.

It now appears that this isn't so. The FBI looked for and didn't find a man named Clay Bertrand, who supposedly had tried to line up a lawyer for Oswald after the assassination. Mr. Russo says that "Bertrand" was an alias used in private life by Mr. Shaw. Anyway, the

FBI didn't find Bertrand and didn't look for Mr. Shaw. Why they didn't is perhaps one question; why Mr. Clark said what he did is another.

A prominent New Orleansian said one night last week: "Jim Garrison has got something. I don't know if he's got enough to convict Clay Shaw, but whether he does or not he's going to convince the American people that the Warren Report is not the whole story."

Whether this might be Mr. Garrison's doing, or the combined work of all the doubters, it seems a reasonable guess that the American people are daily becoming more uncertain about the Warren Report. A Government official even predicted to me last week that in a few months President Johnson would be forced to re-open the investigation, with Federal agents taking part and with Mr. Garrison in charge.

Then there was another man, largely responsible for achieving one of the most important criminal convictions of recent years, who was here to do some private investigating. "The whole thing's a hoax," he said. "He hasn't got a thing."

When I inquired how Mr. Garrison would risk this investigation with no hard evidence, the man smiled and said: "Remember a fellow named Joe McCarthy?"

My only predictions are that New Orleans will be glorious this spring, that the city will be hot and muggy in a few weeks, that a lot of tourists are going to blow a lot of money on watered-down drinks in the French Quarter tonight, and that we'll be hearing more about the Garrison investigation before it's over.

—JERROLD K. FORTICK