

GARRISON vs. vs. THORNLEY: PART II

Last week Open City ran the first part of a two-part discussion of the Kerry Thornley case by David Lifton. Lifton told how Thornley, a Marine who wanted to be a writer, met Lee Harvey Oswald in the spring of 1959 at El Toro Marine Base near Los Angeles.

The following fall, Oswald defected to Russia and Thornley decided to write a book based on much of what Oswald had told him about Marine duty in which the hero, Johnny Shellburn, defects to Russia. The book was to be called "The Idle Warriors."

In the fall of 1963 Thornley lived in New Orleans and was in that city during a two week period when Oswald was also there. Thornley says he never saw Oswald during this time. District Attorney Jim Garrison claims he has witnesses who say they saw the two together.

Thornley has been charged and arraigned for perjury because of this disagreement.

After the assassination of President John F. Kennedy, Thornley changed "The Idle Warriors" into a book called "Oswald" which told of his relationship with the accused assassin. The book did very poorly on the market.

Later Thornley gave a quantity of deposition for the Warren Commission and, during his testimony, said he had once heard Oswald speaking Russian with another Marine whose name he could not remember.

After the hearing a commission attorney named Jenner suggested that the other Marine's name might be Heindel and Thornley said he thought that WAS the name.

John R. Heindel, a former Marine, lives in New Orleans. His nickname in the Marines was "Hidell," the same name which appears on the order Oswald supposedly placed for the "assassination rifle."

The Warren Report said that the name Hidell was no more than a fictitious alias used by Oswald and made no mention of the existence of a real Hidell.

Lifton met Thornley in 1965 and they discussed the Hein-

del matter. In September of 1967 Lifton called Jim Garrison's office in New Orleans and told them what Thornley had told him about Heindel. Garrison called Heindel in for questioning and told Lifton that the man had "been lying through his teeth." He wanted to pursue the matter further and met with Lifton for 15 hours in September, 1967.

During the conversation Garrison told Lifton that the truth is whatever a jury decides it means and that "after the fact there is no truth... only what the jury decides" ... This quote got a bit scrambled in last week's Lifton story.

Lifton's conversations with Garrison had mostly to do with Thornley and Lifton's theories of Heindel's possible involvement as a "co-patsy" with Oswald in a two-gunman assassination plot which went awry at the last minute.

Garrison told Lifton he wanted Thornley to come to New Orleans as a prosecution witness whose statements would help him indict Heindel for perjury. He wanted Thornley to repeat the statement he had given Garrison regarding Heindel and then get Heindel to read HIS written statement to the jury. The two statements contradicted each other and Garrison told Lifton he then planned to charge Heindel with perjury. This is where the first installment of Lifton's story ended last week.

by DAVID LIFTON

(Part 2 of a Two-part series)

There was only one thing wrong. Kerry never did like Garrison; it was only with reluctance that he had agreed to go ahead with the notarized statements about Heindel. I knew that he would have objections to going to New Orleans. Kerry knew Garrison from New Orleans. He had once been his waiter when he was there. Kerry had done me a favor, but I knew he just didn't want to go any further.

But Garrison insisted. "You tell Thornley," he said, "That if he cooperates with me, we can throw a couple of bricks through the windows of the establishment."

Garrison was insistent. "Tell Thornley," he said, "that I am a libertarian. Tell him that I read Evergreen Review." It was such an odd boast.

I finally got Kerry to agree to respond to a telegram that Garrison would send him in Tampa, Fla.

Garrison left town, and I expected to hear about the arrest of John Heindel in hours. Garrison had bragged to me that he could charge a man right there from that hotel room, by phone. He mused aloud that the New York Times would handle the story of "John Renee Heidnel, alias Heindel, being arrested by DA Garrison in the continuing investigation of Kennedy's assassination (I confess to a considerable amount of after-the-facts shame, for not having recognized this for what it was at the time, and for continuing to have anything to do with this man.)

That night, I succeeded in locating another Marine who had witnessed the incidents in which Oswald spoke Russian with Heindel. His description of the other person involved cast doubt on the validity of Thornley's identification of Heindel. I immediately sent a telegram to Garrison explaining the matter, as I had no intention of being responsible for a false arrest. I followed that up with a phone call the next day.

Meanwhile, Garrison and Thornley had a failure of communication. Thornley had, in effect, told Garrison to shove off.

Garrison was furious, and by November 6, Kerry had been taken from the Garrison's star-witness-to-be list and transformed into a culpable defendant, the object of investigation.

Unknown to me, Garrison had formulated an entirely new theory about Thornley, since Thornley's "insult." When he

came back to Los Angeles a few weeks later, I met with him at his room at the Century Plaza Hotel.

Whereas the man who was staying there as Frank Marshall in October wanted Thornley as a prosecution witness, it was apparent that Claude Culpepper (the Nov 19 alias) was an entirely different individual; truculent, suspicious, and annoyed. I didn't believe that Claude Culpepper and Frank Marshall were the same Garrison.

"Thornley lied," he said. He stretched out the word lied, by pausing on the "i" sound for about a second or two.

"Why?" I asked.

Pause.

"Thornley lied," he repeated as if to gain validity. "Thornley lied when he said he didn't know Oswald in September 1963." Again, I was dumbfounded. I felt that I had been "used" to mislead or trick Garrison by giving him false information about Heindel. I politely offered the thought that I would go wherever the evidence led; what evidence did he have that this was the case?

"We have so many witnesses who saw them together at that time we have stopped looking for more," said Garrison.

Then, another pontifical pronouncement:

"Thornley's with the CIA."

"But why do you say that, Jim?" he asked.

"Thornley worked at a hotel in Arlington, Virginia."

"So what?" I asked.

He said nothing but seemed to be thinking: "Fool don't you realize what this means?"

When I left the hotel room, I drew up a set of notes on what had just transpired. (A third party who accompanied me was a witness to this scene.)

In January, Kerry was subpoenaed to appear before the New Orleans Grand Jury. Before he went, I made out a complete statement on the ideas Garrison had expressed to me on November 19 and had it notarized. The statement shows that Garrison's theory about Thornley preceded his grand jury appearance by several months.

Garrison now did to Kerry Thornley what he had intended to do to John Heindel.

Garrison had a theory about Heindel, a theory which presupposed Heindel's involvement in the assassination, at least after the fact. Garrison thought Heindel "knew something" and was "hiding" it.

The method for "breaking" Heindel was to get Heindel to testify and then to get Thornley to testify, establishing a conflict of testimony. Then Heindel was to be charged with perjury, with Kerry (and presumably others) being the witnesses against Heindel.

Now, Garrison called Kerry to New Orleans to do the same thing to him. Kerry, in order to prove he had nothing to hide, went voluntarily and testified. The trap was triggered.

When Kerry said he had not had anything to do with Oswald in their two week overlap period in New Orleans in September, 1963 - which, - as far, as Kerry is concerned is the truth, with absolutely no qualification - there was then established a conflict in testimony with another witness who said otherwise. Kerry committed the crime of giving testimony that is in stark contrast to Garrison's theory concerning the assassination which "proves" his involvement.

In New Orleans, that crime is known as perjury. On Feb 22, two weeks after he testified, and without the Grand Jury having reviewed the testimony, voting on the matter, and returning an INDICTMENT for perjury signed by its foreman, Garrison personally filed a "CHARGE" of perjury against Thornley. He then issued a warrant for his arrest on a felony charge, which was teletyped to Tampa, causing Kerry to be slapped in jail the next morning until he could scrape together \$3,000 bond.

The "other witness" whose testimony Thornley's contra-

dicts, (if not the key witness) is Barbara Reid, an alleged practitioner of witchcraft in the French Quarter. And the sad thing about it is that Garrison will probably have "evidence" against Thornley, just as he would have had "evidence" against Heindel, had he chosen to prosecute in that direction.

For to understand where Garrison's witnesses come from is to understand that his "investigation" should be more accurately termed a "Witness Recruitment Program" in which his investigators, many of whom have now become low grade Warren Report critics, armed with assassination theories to which they are deeply committed, go out and roam the French Quarter and other areas of New Orleans and try to convince people, 4 years after the assassination, that way back in September 1963 they just may have witnessed part of the crime of the century being plotted before their eyes in a restaurant, bar, or some other place.

The witness recruitment program for Kerry Thornley is now on in full force. Barbara Reid and Harold Weisberg are now turning up "witnesses."

Fringe benefits for such testimony include the dropping of charges, plus one fantastic ego trip on the witness stand, as you chip in your portion of Garrison's solution to the assassination.

Having dredged the depths of New Orleans for his witnesses, Garrison then modestly points out that it is not his fault if the plot he has uncovered wasn't witnessed by bank presidents.

The question, unfortunately, is not why bank presidents didn't witness these incidents, but whether the incidents exist at all!

Garrison has become the victim and the creature of his

own techniques and associations.

It would be unduly malevolent to describe the Thornley affair as a dirty and calculated frameup. That would be to ignore the tragi-comical aspects of a phenomenon that is at work here that is probably inconceivable in most situations:

- 1) An unsolved murder of President Kennedy with vast political implications.
- 2) The presence of the accused assassin of Kennedy, viewed by the critics of the Warren report as some type of CIA agent, in New Orleans for several months before the assassination.
- 3) A Cuban exile colony in New Orleans complete with its own cast of characters and its non-assassination related connections to the U.S. government.
- 4) District Attorney Jim Garrison, the Warren Report critic in action.

If Garrison does not bring high enough standards of analysis to this situation, it is extremely easy to forgive him because he is in hot pursuit of a "solution" to the "crime of the century." The basis for the solution eventually may turn out to be nothing more than a mass of totally irrelevant and peripheral threads, left behind from an inadequate and incomplete investigation done by the Warren Commission of Oswald's activities in New Orleans, threads which lead into the nowhere-land of militant right-wing activities.

Garrison has taken the time not only to acquaint himself with the published literature critical of the Warren Report, but also with the authors of the various books and articles involved.

He is capable of making a fairly good presentation of it before the press, or in debate, or on TV.

As he himself admits, he is a frustrated playwright and actor. Flamboyance is his forte. Unfortunately, it is no substitute for evidence, rationality, and justice. Garrison's public performances have little to do with any evidence he may or may not have in his capacity as DA of New Orleans, a law enforcer who claims to have solved the assassination of President Kennedy by discovering a conspiracy.

Garrison's political credentials as DA do not imply the ex-

istence of correspondingly valid intellectual credentials. And it is by the standard of the intellect that his case must be judged, not by the applause level of a sympathetic crowd, screaming for the scalp of anyone Garrison's office calls "assassin."

Nor should Garrison's theories be prejudged as valid, simply because he precipitates such a violent reaction on the part of the establishment. That entity, because of the way it is structured, would react the same way no matter who claimed to have found a right wing plot, whether or not the man's case was a valid one.

The DA of New Orleans, unfortunately, now wears a three sided hat. He is a Warren Report critic, an actor who is filling a role in a script he is constantly rewriting, and DA with the power of subpoena. This is dangerous, no matter how psychologically satisfying it may be to those who want to see the establishment's foggy minded equanimity given a thorough jolt.

From what I have seen in the case of Kerry Thornley, when a gap exists between what Garrison wants to prove and what the evidence justifies that gap is petulantly bridged with the flamboyant use of unjustified charges, grandiose statements preceded by the phrase "our office has shown that..." and recruited witnesses who appear out of the woodwork.

Meanwhile, an important segment of the community of Warren Report critics have suspended judgement of Mr. Garrison, as they anxiously await his day in court. A mystique has been created. Garrison can do no wrong.

There is nothing but one exception allowed after another, where Garrison is concerned, to the very high methods and standards brought by this same group of people to the just criticism of the Warren Commission and its Report.

The motto seems to be: "Rally round the plot, boys. It's not much of a plot, but it's the only plot we've got." My apologies to Max Shulman. My regrets to Mr. Garrison. My sympathies to Kerry Thornley.

(Open City plans to carry future developments in the Thornley case.)

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