



MARK LANE

NEW ORLEANS, Aug. 1968— I was at Maggie Field's home in Beverly Hills when Jim Garrison called. He said that he would like me to return to New Orleans as soon as possible. "I just heard that the trial is set for September 10th." I said, Jim replied, "Oh that. Well, you know that they will never let us take the evidence into a courtroom before election day." I asked how Shaw could further delay the trial and he answered, "Well, there is no legal basis but we are dealing with the power of the federal establishment, not with legal niceties. They will certainly find a way."

My trip to New Orleans was delayed by a detour through Boston and New York to appear on a variety of local radio and television programs that had been previously scheduled. When I did arrive Andrew Sciambra and I had lunch at a little French Quarter restaurant, Moo, as he is called by all except perhaps the defendant and his attorneys, has functioned as a full time investigator for Garrison since the assassination inquiry began in New Orleans, although he is a lawyer and an assistant district attorney. In my view the evidence he has uncovered in Louisiana appears to be uncontroversial. This body of evidence is no publicly known as Garrison long ago decided to reserve all reference to it for the trial, which he fears may never come.

Moo told me that Garrison was at the St. Bernard Hospital after just having been operated on for a double hernia. The operation was quite serious and Jim had wanted to see me in advance of it. Garrison is constantly aware of the great trust that he holds and is concerned for the survival of the inquiry in the event of his death due either to natural or arranged causes. I saw Jim at the hospital that evening. He was gaunt and unshaved. He began, "You almost were responsible for ruining the operation, for splitting the stitches." I asked how and he picked up the then current copy

of the Los Angeles Free Press which carried a story I had written about the inadequacies of the FBI Leadership as seen by various FBI agents in Los Angeles. The Keystone Cop aspect of the Bureau probably has never better been illustrated than by the agents' description of the FBI supervised payment of a quarter of a million dollars to a kidnapper and inability of the FBI agents to capture the culprit.

As Garrison review the article his broad smile broke into a painful laugh. When the laughter died down he said, "Can you imagine Grapp (the special agent in charge of the Los Angeles office of the FBI) coming into the office every morning to check up on the number of paper clips used, filing

a report about how he saved the Bureau forty cents one day on carbon paper, a mind filled with petty details of that nature forced to comprehend the fact that he was responsible for the loss of \$250,000."

"Will the trial start on September 10th?" I asked.

"Of course not. How can they let the American people know what we have discovered, this close to the election. It's out of the question. The federal government will find a way to stop us again."

"How? What can they do?"

"Mark, have a little more confidence in them. They can do almost anything. Anything that power can do. Don't ask them to create, to be truthful or to love their fellow man. But, they can do anything else."

Forty-eight hours later I was at the District Attorney's office in the massive stone court house on Tulane Avenue meeting with Jim Alcock, the assistant district attorney who has handled the bulk of the court room work and preparation of the briefs and motions related to pre-trial activity. Tom Bethell, a British enthusiast of American jazz, who originally came to New Orleans to study "Dixieland" or "traditional jazz"

and soon found himself in charge of the assassination investigation files for the office, passed by. He said, "Did you hear the news. The federal court just issued a new injunction. The case cannot be tried on September 10th."

Not for the first time and probably not for the last, Moo, Louis Ivon, the office's chief investigator (who stands watch over the secret and relevant files upon which the trial will be based and who has prevented any curious journalist or itinerant researcher from examining the evidence) and Jim Alcock journeyed to the Federal Courthouse to secure a copy of the injunction.

For some two months a Federal District Court had enjoined Garrison from trying Clay Shaw until it determined whether there was any merit in Shaw's request for a permanent injunction to prohibit Garrison from trying him. On July 23 the Federal Court ruled that Shaw was not entitled to an injunction barring his prosecution. Accordingly, the court at

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that time ordered Shaw's suit dismissed. In the new order the same three federal judges wrote:

"We remain of that view, and nothing has happened to change our opinion, which we herewith reaffirm, that the suit should have been dismissed."

However, the Court noted that Shaw had filed a notice of appeal to the United States Supreme Court and had filed a motion with the District Court for an injunction "pending appeal, restraining further prosecution in the Louisiana State Court until his appeal, can be disposed of by the United States Supreme Court." Therefore, said the judges, "It is ordered that, until such time as the plaintiffs (Shaw) appeal has been disposed of by the United States Supreme Court, the defendants (Garrison) be and they are hereby restrained and enjoined from further prosecution of the case entitled 'State of Louisiana vs. Clay L. Shaw, No. 198-059 of the docket of the Criminal District Court for the Parish of Orleans, State of Louisiana.'"

It now seems certain that this unprecedented action by a federal district court will prevent the trial from taking place this year and may in fact prevent it from taking place for a very long time. It appears that the target date for the defense and its powerful allies in November, 1969, when Jim

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Garrison's term expires and when he must seek re-election if the case has not yet been tried and if he wishes to bring it before a jury. Rumors about a powerful candidate to run against Garrison, about a huge fund to be made available to defeat him, and about some federal criminal indictment against Garrison to be handed down before election day do not concern him at all. "The people know. They understand and they will not be fooled," he responds.

Garrison's rapid recovery and his desire to be at his telephone and near his files resulted in his quick departure from the hospital. I saw him at his home the evening the new injunction had been handed down. "Congratulations on the accuracy of your prediction" I said. "I didn't predict that it would be Sprio T. Agnew. I still don't believe it is. I don't think there is anyone by that name. I suspect it's an oversize plastic toy, designed not to offend anyone."

"Not that prediction. The federal injunction."

"That was obvious. You know they can't let us try the case. Can we expect another article in Time saying that we are not ready and that we are delaying the case again?"

"Jim, do you mind if I put the tape recorder on. I never can remember half of what goes on here," I asked.

"Sure. Put it on," he answered. "You know you don't have to ask for permission. The only problem is that the children will probably be attracted to it."

Recorder is switched on.

GARRISON: Here they come now. Snapper, you can look at that machine but don't touch it. OK.

LANE: Jim have you read the injunction and order?

GARRISON: No. The subject is

power, the words don't make any difference. They might just as well put a hoof print on the paper.

SCIAMBRA: Actually, the first paragraph is rather good. It's very much in our favor.

LANE: Yes, you won the first paragraph, but you have some problems with the ensuing paragraphs.

If the man had been charged with stealing a loaf of bread I presume he would have been to

trial by now. They don't fool around with that kind of character.

GARRISON: Yes. And he wouldn't get too much sympathy from these guys either. They don't fool around with that kind of character. You know they're interested in law and order too.

LANE: It is incredible. With the assistance of a federal district court, a defendant need never go to trial.

GARRISON: You can sum it up in a sentence. A live President is much more important than a dead President. A dead President has the same power as a dead cockroach. They know that. They didn't go to law school for nothing. The subject is power.

LANE: Do you think there will be an effort to enjoin the trial until the next election for District Attorney?

GARRISON: I don't think it will ever come to trial.

LANE: Yes, but what do you think the tactics will be?

GARRISON: Confidentially, not to be dramatic, I don't think that they have any alternative but to try and find a way to remove me one way or the other.

I don't think they have any alternative. I just put myself in their place time and again. And I'm not trying to be dramatic nor do I worry about it. But I think they just have no other alternative. They have been showing great concern over our steadily becoming more aware of the role of the CIA. Somewhere along the line they became aware that the facades no longer fool us.

Anybody who has looked at the Kennedy assassination has seen what federal funds and the CIA operation can produce when it has to. It does what it has to. They are working on a project now. They have a desk set up—probably here in this city—just to counter this operation. They have several programs. For example, a discrediting program with the

national press. Ultimately if they can't do it any other way they'll use their final approach. This is the greatest power in the world. It is bent upon imperialism. All that it wants is merely control of the world. That's all. They are insane. Power does this to men.

LANE: What do you think the Supreme Court will do with the application for an injunction?

SCIAMBRA: Do you think that we ought to move to have Warren removed from considering the case?

GARRISON: Yes. And Fortas too. Fortas played an active role in helping to conceal the truth from the American people, for it was he who helped work out for the President the creation of the Warren Commission whose findings have now been totally discredited. Why Fortas would not be free to look at the case objectively, nor would any other man who received his judge's robes from Johnson. As for Warren, he played corner linebacker for the President's defensive unit back in 1964, and the American people are still trying to find the ball.

SCIAMBRA: Then I suppose we should make a motion to recuse in the next few days.

GARRISON: Yes. I'll get to work on the phraseology soon. What will the Supreme Court do? I don't know. With Warren and Fortas out of the case the Court might surprise a lot of people. They have come up with some important and sound decisions lately. They may just be the last hope we have."