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Garrison's Evidence

By Sylvia Meagher, Reply by Richard H. Popkin

In response to Garrison's Case (SEPTEMBER 14, 1967)

To the Editors:

...A critic of the Warren Report, it seems to me, is obliged to apply to Garrison's evidence the same strict and objective tests which he applied to the Commission's evidence. By that yardstick, I find little merit in the testimony of Messrs. Russo and Bundy, although for reasons other than those against which Professor Popkin [*NYR*, September 14] argues. Russo's story, quite apart from the questions raised about resort to hypnosis and sodium pentothal to elicit his story, seems to me inherently bereft of credibility. I can scarcely believe that three conspirators discussed the logistics of a plan to assassinate President Kennedy in the presence of a fourth person, whom they left at liberty to inform on them whenever the spirit moved him—before or *after* the assassination was accomplished. (Other objections to Russo's testimony may or may not be warranted; for example, Professor Popkin concedes that the notes of the first interview with Russo written by Garrison's aide Andrew Sciambra do not include this episode, but he does not explain why it was omitted if, as Sciambra insists, it was discussed. I have heard a number of different explanations from Garrison's supporters among the critics, none of which provided plausible reasons for the omission of what was undeniably the central part of Russo's story.)

As for Bundy's allegations, I am skeptical not because of his drug addiction in the past but because I reject an identification by any witness, however upright, of a person or persons viewed on one occasion, from a distance, almost four years earlier.

Mr. Garrison has not yet revealed the basis for his allegation that Clay Shaw met with and passed money to Oswald and Jack Ruby at Baton Rouge on September 3, 1963. Perhaps his evidence for the Baton Rouge rendezvous will be more substantial than his evidence for the meeting in Ferrie's apartment. But I must remind Professor Popkin that long before the Baton Rouge meeting was mentioned, Mr. Garrison claimed that he had established a link between Shaw, Oswald, and Ruby by decoding identical cryptograms ("P.O. Box 19106") in Oswald's and Shaw's address books which, when decoded, proved to be Ruby's unpublished 1963 telephone number. Professor Popkin's article does not mention this claim by Garrison. Perhaps he shares my view that Mr. Garrison's cryptographic "evidence" is an embarrassment, predicated on a misreading of the Oswald entry and a false assumption about the Shaw entry. If Professor Popkin does accept the "code," it is far more solid than some of the other evidence he has mentioned as indicating that Garrison is on the right track. But even if he does not accept the "code," Professor Popkin should still have mentioned it in his inventory of Garrison's evidence, since it is highly relevant to an evaluation of the district attorney's forensic skill and scruples....

The question is, can Garrison prove the theory correct and sustain his charges that the persons he has accused were indeed parties to the assassination? I am not so impressed as Professor Popkin with Garrison's procedural successes to date, nor do I regard the conviction of Dean Andrews as a triumph, since it leaves unresolved the exact nature of the perjury. Was it that Andrews, knowing that Shaw *was* Bertrand, failed to make a positive identification? Or was it that, knowing that Shaw *was not* Bertrand, Andrews failed to make an explicit denial? And what of Andrews's allegation that the District Attorney asked him over dinner not to make an explicit denial that Shaw was Bertrand? I do not find this necessarily inconceivable; nor do I forget that Dean Andrews insisted, loud and clear, in July 1964, that Oswald did not commit the assassination—

almost three years before Mr. Garrison's public statement that there was no evidence that Oswald had shot anyone on November 22, 1963....

I am willing to wait with Professor Popkin for the trial, but since the *known* evidence on Mr. Garrison's side (the Russo/Bundy testimony, the "code," and the Baton Rouge rendezvous) is, at best, vulnerable, I find no basis for assuming that the still-submerged evidence will be convincing or conclusive. On the contrary, there is more reason to fear that it will be as contrived and insubstantial as the so-called code of Ruby's phone number....

Sylvia Meagher

New York City

Richard H Popkin replies:

Mrs. Meagher finds Russo's story "inherently bereft of credibility." Those who heard it examined in court and before the Grand Jury obviously did not find it so. That the conspirators discussed their plans in Russo's presence—the point that bothers Mrs. Meagher—is I think possible. In Russo's account in court, he stated that Oswald objected to Russo's presence, and was reassured by Ferrie, who vouched for Russo. Some of Russo's other accounts claim that Ferrie, in the summer of 1963, was openly discussing assassination plans with Russo. Their friendship was presumably such that Ferrie felt he could confide in Russo without fear of betrayal (and Russo told the authorities about Ferrie's interest in assassinating Kennedy only after Ferrie was dead.) Some have suggested that Russo might himself have been involved, but this he strongly denies. I find it conceivable that once Ferrie vouched for him, the others present would have gone on with their planning, especially if they knew that Ferrie was talking about the matter with others, and if they trusted Ferrie.

Since I wrote my article, I have been able to read the Sciambra memorandum purporting to give an account of the first interview with Russo by Garrison's office on Feb. 25, 1967. (Mr. James Phelan sent me a copy of the document.) This, as Phelan has said, raises serious questions, since no mention appears of the famous conspiratorial meeting. Russo told me he definitely discussed the meeting when he talked to Sciambra. If so, I think some more complete explanation is required to reconcile Sciambra's report with Russo's testimony. It is to be hoped that this will be clarified when Russo testifies at the trial (now postponed at the defense's request until February 1968), so that we will be in a better position to judge the credibility of Russo's story. It seems to me that Russo, at the time of the Sciambra memo (if it accurately reports their conversation), was almost exclusively concerned with Ferrie, who had just died, and was only anxious to describe Ferrie's views, his plans to kill Kennedy, etc. Russo may have been so overwhelmed by Ferrie, that at first he could only recall the events of the summer of 1963 according to what Ferrie was saying and doing. This memo may be of significance in assessing Ferrie's activities at the time.

The code matter bothers me in several ways. It seemed extremely suggestive that the same number, 19106, appeared on the "o" page of Oswald's address book, and in Shaw's address book as the P. O. Box of a Lee Odom of Dallas, Texas. The fact that there was no P. O. 19106 in Dallas in November 1963 obviously made Garrison suspicious, as probably did the entry above it in Oswald's book, which looks like "18206." So he worked out his code, which he has claimed fits other entries as well. As far as I can see, since Mr. Odom exists, and only rented the P. O. Box long after Oswald's death, there can't be any connection between the two numbers, and it must be accounted just an amazing coincidence. If Garrison has found a code that interprets various entries in Oswald's book in a meaningful pattern, this may be important. But, at the moment, like Mrs. Meagher, I'm unconvinced by this item. Clues that look very important, and then peter out, occur in most investigations, and there are no doubt many in Garrison's effort. The code theory is not central to his case as it has been presented so far. What will be important is whether the final showing of evidence does or does not make a convincing legal case and a satisfactory explanation of the events that culminated in Dealey Plaza on November 22, 1963.

As for Andrews: in going over the evidence, I am forced to conclude that Andrews's original story was true: that Oswald was his client, that Oswald was involved with homosexuals and Latins, that Oswald had a powerful patron, Clay Bertrand, who wanted to help him *after* the assassination, and that Andrews knows something about who the mysterious Bertrand is. This, in addition to items mentioned in the new book, *Plot or Politics* by Rosemary James and Jack Wardlaw, seems to indicate that Oswald's New Orleans period was much different from the Warren Commission's Version, and that this alone should lead to a new public investigation. If Oswald was linked to Ferrie and to Bertrand, up to the time of Oswald's death, then Oswald was certainly not the Warren Commission's loner, and was involved with at least one person who was conspiring and plotting to kill the President—Ferrie.

I, for one, am waiting anxiously for the public presentation of Garrison's case. From what I have heard, he seems to have gotten much further than the Warren Commission in unraveling the events that led to Kennedy's assassination. Whether he has a convincing case that Mr. Shaw was actually involved, we will have to wait and see. Only then will we know if Mrs. Meagher's fears are confirmed, or whether Garrison has found important and reliable new data.

Finally, Mr. Phelan has asked me to say that he has not refused to repeat his allegations before the New Orleans Grand Jury. He states he has not received any official invitation, and hence has not refused. He was in New Orleans after his article appeared, and he says he notified two of Garrison's close friends that he was there. He talked to Russo then, who he says told him that he had informed Garrison's office of his presence and his whereabouts. Phelan also tells me that later on he saw Garrison in Monticello, New York, and talked to him for two hours, and nothing about his testifying before the grand jury was mentioned. So, according to Mr. Phelan, he has not been avoiding appearing before the grand jury. I apologize if I gave such an impression. He was challenged by Mr. Sciambra to appear, but according to Mr. Phelan's letter he has never officially been asked by the grand jury to appear.