

Garrison and the Warren Report Critics:
Strangeloves and Surprising Coalitions

(Meagher 8/8/67)

The airlines must be quietly rejoicing at the rise in passenger traffic to New Orleans. Since February 1967, when a newspaper broke the story that New Orleans District Attorney Jim Garrison was investigating a conspiracy to assassinate President Kennedy, a steady stream of pilgrims has made the journey to the Parish of Orleans. Journalists, photographers, sensation seekers, busybodies, and even the serious critics of the Warren Report have visited the shrine and enjoyed the personal attentions of the district attorney. Many have been good enough to share their experiences and impressions.

Garrison, they said, was a man of exceptional intelligence and profound conviction; incorruptible and fearless; cultured, a student of Shakespeare and admirer of Lord Russell; energetic, brilliant, productive; handsome, charming, witty, unpretentious; an authority on the contents of the Warren Report and the Hearings and Exhibits---the testimonials were formidable.

The most recently returning of the peripatetic critics has contributed to the rich body of encomiums the new intelligence that Mr. Garrison is a tender father to his adoring youngsters. I am delighted to hear it, but as I am not conducting a study of paternal influence in contemporary family structure I find the information extraordinarily irrelevant. The likelihood that Earl Warren was an exemplary parent has not reconciled the critics to his Report; and it is a fact that Adolph Eichmann was a most sentimental and indulgent sire to his little ones.

I have not made the pilgrimage to New Orleans nor do I intend to make the journey. Testimonials notwithstanding, Mr. Garrison strikes me not as a hero but a master of improvisation. At the outset, however, I was awed by his forthright pronouncements and his apparent professionalism. Although I am embarrassed by the recollection, I must acknowledge that I was exhilarated

when Mr. Garrison repudiated the Warren Report; excited when he said that he had no reason to think that Oswald had shot anyone; uplifted to hear him demand, "Let justice be done, though the heavens fall;" and delighted when he dismissed the comments of a Warren Commission lawyer with the words, "He is a fool." This was irresistible rhetoric; and the sudden mysterious death of his suspect, David Ferrie, invested the loquacious district attorney with great plausibility. Clearly, something seemed to be afoot.

Ironically enough, the very critics who are now Garrison's stubborn adherents were then suspicious of him. They feared that he might be up to no good, and suggested that he might be fronting for the Establishment in order to revive the thesis of a Castro or Communist assassination plot, now that the lone assassin myth was disintegrating. Of all the critics, only Leo Sauvage insisted then, as he does now, that Garrison was a charlatan pure and simple.

My colleagues who were initially sceptical of Garrison changed heart when it became apparent that his suspicions were directed at anti-Castro Cuban exiles and their CIA backers. Many of us had formed the impression from study of the Warren Commission's Hearings and Exhibits volumes that Cuban exiles and their right-wing American supporters were implicated in the murder of the President. That Garrison seemed to have arrived at similar conclusions, working from an entirely different base, was exciting and reassuring. But not for long, so far as I was concerned.

My view of Garrison was drastically altered when he began to unveil his evidence and his witnesses. After proclaiming repeatedly that he had solved the case beyond any doubt and after promising arrests and convictions, Garrison arrested a prominent New Orleans personality, Clay Shaw. Garrison claimed that Shaw was the mysterious "Clay Bertrand" who allegedly had tried to obtain legal representation for Oswald on the day after the assassination; he charged Shaw with conspiring with David Ferrie, Lee Harvey Oswald, and others to assassinate President Kennedy.

The basis for the charge, as it emerged at a preliminary hearing in March 1967, was the testimony of Perry Raymond Russo. Russo alleged that at a party held in Ferrie's apartment in the fall of 1963 he had heard Clay Shaw (using the name "Clem Bertrand"), David Ferrie, and Oswald plotting to assassinate Kennedy.

Russo's story came under attack from some quarters on the ground that it had been elicited under hypnosis and truth drugs. I am more concerned with the inherent implausibility of his allegations. I find it hard to believe that three would-be assassins discussed the logistics of an assassination in the presence of a casual acquaintance and non-participant in their plot. I find it hard to believe that Russo heard three men discuss the modus operandi of a presidential assassination but did not report them to the authorities, then or

even on November 22, 1963. And I find it hard to believe that the assassins had left Russo at liberty to finger them as and when he had the impulse.

His story was not only inherently illogical but it was in conflict with the story he had volunteered to the press two days after Ferrie's death. Russo had said at that time only that he knew Ferrie and had heard him talk about assassinating Kennedy. (More recently, Russo has alleged that former President Eisenhower and President Lopez-Mateo of Mexico were also on Ferrie's list.) Russo explicitly disavowed any acquaintance with Oswald and he said nothing about "Clem Bertrand" or about the party to which he testified only a few short weeks later.

A second witness who testified against Shaw at the preliminary hearing was Vernon Bundy, a prison inmate and former drug addict. Bundy identified Shaw as the man he had seen in the company of Lee Harvey Oswald on the shore of Lake Ponchartrain on one occasion almost four years ago, from his vantage point in a boat on the lake.

Since my colleagues and I had rejected the identification of Oswald by witnesses to the assassination and the Tippit shooting on various grounds, including the passage of time between the original circumstances and the subsequent identification of a stranger seen only fleetingly and from a distance on a single occasion, I naturally rejected Bundy's identification of Clay Shaw and Oswald. I was alarmed that Garrison offered as serious evidence against Shaw the testimony of Vernon Bundy, on top of the highly dubious allegations by Russo.

Even more astonishing was the instant acceptance and championing of Garrison's two witnesses by my colleagues, including those critics who had been passionately convinced from the first of Oswald's complete innocence. ~~THEIR COMMITMENT TO THE~~ Their commitment to the thesis of Oswald's innocence was so uncompromising that, for example, that they had withheld cooperation from Edward Jay Epstein and criticized him bitterly, because while his book was very damaging to the Warren Commission and its Report, it did not dispute Oswald's guilt. On another occasion, they had scorned and denounced a "second generation" critic for having taken almost three years to come to the realization that Oswald might be entirely innocent.

But this purism and passion did not survive the advent of Jim Garrison, who had not even read the Warren Report--much less challenged it--until late 1966. When Garrison charged, on the "evidence" of such witnesses as Russo and Bundy, that Oswald as well as Shaw and Ferrie had conspired in the assassination, the Emile Zolas suddenly began to sound like Arlen Specters. It's too bad, I was told, but much as we believed Oswald was innocent, we have to face the facts, it's sad, but there it is.

I have faced "the facts" elucidated by Mr. Garrison, and I find them no less hollow and no less soiled than "the facts" proclaimed by the Warren Commission. Yet the very critics who had displayed the whitest fury against the injustice done to an innocent man, who had performed superhuman labor and made a brilliant and devastating attack on the Warren Report, needed only one word from Garrison to become converts to the thesis of Oswald's complicity and even guilt. The intelligence, energy, and dedication which had been invested in the attack against the Report were now utilized in sorry efforts to rationalize, justify, and dignify the Garrison "investigation."

When Garrison began to proliferate error and absurdity, the high standards of logic and objectivity which his adherents among the critics had manifested went into cold storage. I will mention a few examples.

Garrison charged that page 47 of Oswald's address book (Commission Exhibit 18) had been suppressed by the Warren Commission. Actually, page 47 was published together with the other pages of the address book in Volume XVI of the Exhibits. The allegation that this page was suppressed was based on an error in a list of classified documents at the National Archives, which included "page 47" of the address book. Had Garrison been less impulsive or as careful a student of the official exhibits as his admirer's claim, he might have avoided making this foolish allegation. Still, it was an innocent and understandable error, and need only have been retracted.

But his partisans, including the most authoritative and meticulous of the critics, hotly denied that Garrison could be mistaken. Maybe it was another address book, not the one in Volume XVI. When it was pointed out that the whole notebook, and not just page 47, had been suppressed, if that was so, the answer was that anything was possible, so many documents had been withheld, how did we know. Yes, anything was possible, except that Garrison was incorrect, reckless, or irresponsible.

"Page 47" was only a prelude to a far more preposterous and unjustifiable claim by Garrison. Now he announced that he had decoded, from identical notations in both Clay Shaw's address book and Oswald's, the unpublished 1963 telephone number of Jack Ruby. Photocopies of the respective pages attached to Garrison's press release showed the notation, "Lee Odom, P. O. Box 19106, Dallas, Texas," in Shaw's notebook; and in Oswald's, the notation (Garrison asserted) "P.O. 19106." But in fact, Oswald's notation was "D D 19106;" Garrison had misread the Cyrillic letter "D" as a "P" and an "O" although there was much internal evidence in the notebook that indicated the real nature of the notation and, moreover, that it was written while Oswald was in the Soviet Union and before any clandestine link with Ruby (or Shaw) could have been formed.

If this was not damning enough to the alleged "code," it next developed that Lee Odom was a real person who had approached Clay Shaw on a business project on one occasion, and that Odom at that time had held a post office box in Dallas, numbered "19106." When these objections were raised with Garrison, he brushed them aside and said that he had deciphered three more coded numbers in Oswald's notebook--the telephone numbers of the FBI and the CIA offices in New Orleans, and Clay Shaw's telephone number. But when he explained how he had "decoded" these new numbers, it became clear that the cryptographic system was not "invariable" or "rigid" (as he had claimed when he issued the original cipher "P.O. 19106") but utterly capricious. Aware that he was offering wild fluctuations where he had promised rigid formula, Garrison had a ready alibi: Oswald, he said, was subjective. When it was pointed out that it seemed unlikely that Oswald (whose mathematical talent was at a level that caused him to add 20 and 20 in writing) should have memorized a complicated, many-stepped mathematical procedure to encode and decode the number of the FBI's local office, which was published in the telephone directory, Garrison had another quick explanation. Oswald liked to "play" cops and robbers, or was it cloaks and daggers?

The fanciful "code" really taxed the loyalty of Garrison's adherents among the critics. They tended to concede that the "P.O." was really a "D D," but they argued the astronomical odds against the presence of the same five digits ("19106") in both Oswald's and Shaw's notebooks. This could not be an innocent coincidence, and Garrison must have something there, even if it was not (as he claimed) Ruby's phone number. One critic who discussed this with Garrison personally reported back that it had been an innocent mistake, made in (Garrison's) good faith, and therefore it would not be publicly retracted. And the critic in question condoned this. He has not yet suggested, however, that he exonerates the Warren Commission for any of the errors which it may have made in so-called "good faith."

Another critic who discussed the "code" with Garrison quite recently had a different report: he said that Garrison is convinced that the code is valid. He himself does not accept the code, but he is remarkably unperturbed by Garrison's position.

By what rationale do the critics applaud and defend Garrison for perversions of fact no less outrageous than those of the Warren Commission? Are they helpless victims of his overpowering charisma? Has their formidable intelligence and their passion for justice dissolved on contact with Southern hospitality? Or was the passion for justice and truth only illusory in the first instance?

One critic justified his fealty to Garrison, even after returning from New Orleans "discouraged" and "even dismayed" by his examination of the "evidence" and the realization that Garrison, for all his grandiose boasts, had no case. He (the critic) said that he was working for a better country.

I suggest that the country will in no way become "better" if we merely substitute a new set of liars and hypocrites for those who are now in power. I would have thought that this was self-evident. Perhaps the real explanation lies in the apologia which spokesmen for the Administration have rendered for the men running our client-states: "They may be bastards, but at least they're our bastards."

The very same critic who was dismayed to find that there was no real case against Clay Shaw nevertheless asked me indignantly what made me so sure that Shaw was innocent. I would not have believed that I would live to hear one of my colleagues ask me to justify my presumption that an accused person is innocent. He also suggested pointedly that "there should be no attacks on Garrison." I had already gone on record as having the most serious reservations about Garrison's methods and motives, although I had been forced by limitations of time and available space to state my position with great brevity. The recommendation that I should keep my opinion of Garrison to myself called to mind what Leo Sauvage had written in the introduction to his book, The Oswald Affair:

Before publication of the Warren Report, there was the irresistible reaction against the audacity of those who loudly proclaimed the dead man's guilt but asked those ~~men~~ who had doubts to keep silent. After the Report, there was something even more irresistible: the feeling that, in this case, silence would give consent to injustice.

I am not indifferent to the displeasure of my fellow-critics, some of whom are my closest and most valued friends. But I have no intention of betraying everything for which we have worked, independently or in cooperation, for three years, and I will not be silent. I hope that my colleagues will henceforth spare me the shock of hearing, from them, advice to say nothing negative about Garrison. It is for the Louis Nizers of the world to despise the facts and demand total faith in prosecutors and police. The critics of the Warren Report have worthier work to do.

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