

Transcript: Excerpts of a broadcast by Art Kevin, Art Kunkin, and Andy Getz

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Transcribed by Meagher 3/29-30/69
(Material in parentheses inserted by Meagher)

Kunkin One of the interesting aspects of the case, which I reported in the Free Press several weeks ago, was that right before the trial started the whole trial plan...listing all of the witnesses and listing the substance of their testimony was stolen from Garrison's files and given to the defense attorney by a former...by a young guy who had volunteered for Garrison's staff. Incidentally--and this hasn't been reported in the press--but he'd been on the payroll for four months at that time, when he did this, and when they asked why he did this--by Garrison's office--he said, well, I felt sorry for Shaw. Didn't you feel bad about taking money from the district attorney's office and then doing something for the defense like this? And he said, well I only consider this to be a part-time job...As everybody knows now, Garrison has indicted this young man on the theft charge. Garrison has an affidavit which Tom Bethell, this young man, signed, admitting the theft; but it's a question of whether the judge, in that particular hearing, will allow this affidavit to be entered as evidence; because, unless it is, I certainly ...at this point Tom Bethell probably isn't going to say anything, take the fifth amendment, and the attorney in question, Salvatore Panzeca...will probably also take the fifth, and that case might go under if the affidavit doesn't come through...

Getz Greg Berron just walked in and said he had a question.

Berron Just briefly, Art, what we have here is the acquittal of Clay Shaw and District Attorney Jim Garrison has spent all of his energy for the last number of years in trying to build a case against Clay Shaw and trying to prove a conspiracy. He's lost. You've talked to Jim Garrison. Can you tell us just briefly how he's taking it, and where he'll go from there?

Kunkin Okay. Let me first say...(discusses broadcast to be made on a later night)...I spoke with Garrison on Monday--that is, two days after the trial ended--and I spent the whole day in his office and two hours with him at the New Orleans Athletic Club, and he wasn't at all discouraged, for several reasons: Because, during the trial, he had accomplished a good deal of what he wanted to do...he brought out the relevant testimony about Dealey Plaza...which contradicted and from my point of view destroyed the Warren Commission...

...There were a couple of witnesses that admittedly did not look good in the courtroom, in court, but of the total, of Garrison's 49 witnesses...there were perhaps three that by any stretch of the imagination could fall into the category of being kooks or criminal or unreliable people...

Getz ...Chronicle is KFPK's weeknight public affairs program...With us in the studio: Art Kevin of KHJ, and Arthur Kunkin of the Los Angeles Free Press, both of them in attendance at the Garrison trial in which Clay Shaw was tried for conspiracy to assassinate the President of the United States...Art, what generally--what view did you see of the trial?

Kevin ...Well, I think on your point on Clay Shaw and his relevance to the alleged conspiracy, I would say that Jim Garrison proved that Clay Shaw was innocent, in court, from what I saw unfold in court and from what I heard...On the other hand, I think that Jim Garrison also did more than any other man alive to prove that there was--very probably--a conspiracy to assassinate John F. Kennedy.

Getz Do you think you can use the term "prove"...or was it simply a kind of publicity voice that he gave to the kinds of information which was stockpiled by the people who books and magazine articles...?

Kevin ...I think he came as close as anyone has ever done to proving it in open court ...there's no doubt that a lot of people who have done research on the subject, people like Mark Lane, Vince Salandria or Harold Weisberg, you might say wrote Garrison's script ...by doing a lot of poking into this thing long before the reality ever dawned on Jim Garrison.

Kunkin ... I don't believe that Jim Garrison proved Clay Shaw innocent. Generally the feeling is that Garrison dragged Clay Shaw into this because of the similarity of names with a name that came up two days after the assassination...Dean Andrews said he had received a call from Clay Bertrand...When Clay Shaw was arrested, there was a feeling that Garrison had just hunted around in New Orleans until he found somebody by the name "Clay" who he could pin the rap on, and proceeded to build a circus on those grounds. But I think Garrison's method was much different, because what Garrison showed in the courtroom---and it's unfortunate, Andy, that what you described really developed---that in effect there were two trials...a trial of the Warren Report and a trial of Clay Shaw. And on the Warren Report---the reason that people find it difficult to imagine that Clay Shaw was involved is because they really can't imagine the monstrous character of social development in the United States which is true if the Warren Report really was a fraud. And Garrison developed, I think very clearly, through the showing of the Zapruder film...but on the issue of Clay Shaw, I think, you have to take into account, what is the conspiracy law...Garrison's contention in the courtroom was that whether or not one liked what Perry Russo said, or liked Perry Russo as a witness, that everything that Perry Russo said came true, and on this simple ground he felt able to go into a courtroom...and the conspiracy law is a very unfair law, it is a law that is very much against the accused....

Kevin ...I would submit that a lot of that evidence that developed from Perry Russo, and any of the other witnesses, was also very tenuous, in that Russo's whole credibility became a factor in the Sciambra memo...

Kunkin But I got the impression, speaking to Sciambra outside of the courtroom environment, and speaking to Mark Lane about the credibility of Perry Russo, I got the feeling that this was a mistake, which had disastrous effects in the courtroom presentation, but I...personally I remain convinced that Sciambra did hear from Perry Russo at that first meeting that there was this plot, and this discussion---

Kevin That's what bugs me, though, throughout the whole trial---that an assistant DA should have made that kind of an error, that kind of a goof, and that so many major goofs were made---

Kunkin Both of us recognize it...

Getz ...Well this says something about the whole Garrison organization---that they will go through the trouble of bringing a man like Perry Russo into town, to go through an enormous investigative procedure with him, to interrogate him, to use drugs, to go on and on and on, without ever committing to writing, without ever committing to previous tape recording, the kind of testimony that induced them to go through this kind of thing. You get a general impression of the kind of operation which Garrison was running, and it's this kind of sleppiness that may have cost him the conviction of Clay Shaw.

Kunkin You have to remember, though, that...aside from some volunteer help which proved very costly...that Garrison carried on the whole investigation with four assistant DAs doing the investigative work...

Catza ...Committees...were organized in support of Garrison's investigation, which donated large sums of money...large numbers of volunteers among the rabid anti-Warren people, among the people who had written books and had done studies of their own, so you would get the impression that he had had a good deal of outside support...in addition to the regular funds which are available to a district attorney...How then can we say that everything was done so poorly, that he had so little help, that we ended in a trial that clearly lacked investigative support.

Kevin That's a good point...Andy...they brought in donations from waiters and busboys and that sort of thing...Possibly there occurred a number of errors--errors of a tactical sense, which Garrison himself has admitted...

Kunkin ...I submit...that the Government...would make efforts to see that Garrison got wrong information...

Kevin Oh, I don't know, Art...To say that the continued darts that were hurled at Garrison during the last two years would have had to have come from a level of the Federal Government which is not that small group that could have...allowed the Warren Commission to issue a phoney report. One, I think, could be a small group, but the other would have to be a huge group...

(Taped interviews of Mrs. Phil Willis and
Roger Craig played and discussed)

(Telephone calls from listeners are then invited)

Question I was just wondering if you've ever read Six Seconds in Dallas?

Kevin Yes, yes, both of us have.

Question What did you think of the book?

Kevin Well, I thought it was a very good, a very articulate book. I felt there were a few misrepresentations of fact which Dr. Thompson made. I don't believe he did it knowingly, I think there were just some misstatements of fact as to directions, angulations, heights, but there were not major blunders in the book, and I think by and large the book stands as a tremendously well researched version of what he believes happened in Dallas.

Kunkin I think the book was very well researched but the conclusion of the book was that although there was more than one gunman at Dealey Plaza, there was no conspiracy, and I find that hard to accept logically--that a number of men could have been present at Dealey Plaza, at least two and probably three gunmen, or sets of gunmen...firing within a six-second interval--Thompson can't have it both ways. I think that by trying to have it both ways, that he didn't perform a service to the American people. I think--to try to give him the benefit of the doubt--I would think that his point of view would be, well, there may have been a couple of nuts there, but he says no conspiracy because he doesn't think it was a high-level conspiracy, but, however, we have just seen and we have just been going through a period of very convenient political assassinations, and it's highly improbable that men have been killed whose death has meant a change in American foreign policy and in American internal policy and this has just been a series of inconsequential nuts doing this. I think Thompson, by this fact, by saying there was no conspiracy, didn't do the country any service.

Question I was wondering--what did you think of the photographic evidence?

Kunkin Well, as far as the photographic evidence--much of that was done by other people to whom Thompson only gave passing credit to. As a matter of fact, there are people right here in Los Angeles who as matter of fact are in the KPFP building at the time, who did the photographic evidence on which Thompson based his whole theory--who did the analysis of the Zapruder frames and the analysis of other photographs...

Question ...Was his measurement of the films...accurate do you think?

Kevin Yes, I think Thompson's measurements by and large were honest and true. There were some errors, but they were minimal--minimal enough not to make any major difference in his conclusion.

Question What I was specifically wondering about was the accelerations that he computed...the exact amount is not important but the direction is and when it occurred.

Kevin

Kunkin There was very clear testimony at the trial that when the shots were fired the motorcycle officers in front of the car slowed down, and therefore the car itself was forced to slow down. Nobody before the trial--and this is of the values of the trial, that it helped to bring out a number of details which are corroborative of others--nobody before the trial knew exactly why that car had slowed down, and the Zapruder film itself doesn't show that.

Question It doesn't show the car slowing down, does it?

Kunkin Yes--it does. I mean, you can't, it's very hard just from watching to see that, but you can see...that the car is slow enough for him (the Secret Service man) to run up to and step on the bumper.

(End of this segment of the broadcast)

Getz ...The stated goal, the official goal and the legal goal of that trial was presented by the district attorney of New Orleans, who was trying Clay Shaw, contending that he was a part of that conspiracy. Art, since this was really the formal, official reason for the trial at all, do you think that they came anywhere near proving that he (Shaw) was a part of that conspiracy?

Kevin Absolutely not, in my opinion, Andy. As I think I mentioned last week, in my humble opinion I think that Garrison only proved Clay Shaw innocent, in court...what unfolded in court, legally and as a matter of fact and as a matter of law, did nothing to prove Shaw guilty of anything...Nothing provable, nothing substantive, ever came out of that--and I'm going to use the word--fiasco, to my mind...it was a fiasco. I would not say that about the other half of the trial which related to the people concerned with the Warren Commission Report....but I would say to you, yes, the Shaw part of the trial was a complete fiasco--it was utter nonsense, utter pap.

Kunkin I disagree, very much, with Art Kevin on this question...(discusses Russo testimony, taking the position that everything Russo alleged was said at Ferrie's apartment actually came true later--Shaw was on the West Coast, etc.--as if on the premise that Russo told his story before 11/22/63 instead of in 1967, when in fact he first made allegations about the "conspiratorial conversation" and included elements which were in the past, not in the future, circumstances of Shaw, Ferrie, Oswald, etc.--Meagher)...Garrison did prove, I think, beyond reasonable doubt so far as I'm concerned, that he (Shaw) did know Lee Harvey Oswald, he did know David Ferrie, which of course Shaw denied in court and now he's up on perjury charges for denying it. I think there was a technical case of conspiracy proven, but I

can very well understand the feeling of jurors who voted against (sic) Shaw...

Kevin Arthur, I find it a difficult position that I find myself in tonight, in relationship to what we have just said in the first few minutes of the program, and that is this: that I am speaking as a fellow who believes that John F. Kennedy died as a result of a conspiracy, and yet on the other hand I'm going to try to knock down what I saw in the courtroom. The points you brought up about Perry Raymond Russo...because Russo...was Garrison's star witness...The thing that bothers me...is that he came into the case...after Garrison had held several press briefings saying that he had solved the case of the assassination of President Kennedy, saying that people would be arrested, that nobody would get away, that this was it, that he had the bacon, he had the goods...and all he had to do was bring it to court. Russo came into the case after Garrison had made that announcement. In other words, he was a surprise witness even to Garrison, and a very convenient surprise witness, I might add...So Garrison brought up a fellow named Russo that he had had to be hypnotized to recall, and sodium pentatholized...he brought up a narcotics addict who saw some kind of an alleged vision, of Shaw and Oswald...remembered it the night before he testified in court, you know, another great stroke of luck. Well, when this trial unfolded, Arthur, what bothers me is that from all we've heard about what really was there against Clay Shaw, about what really was solved about this conspiracy, by Jim Garrison --it never came about...I ask you, Art...could it be enough to involve Shaw in the mechanics of the assassination...?

Kunkin (Points out that Garrison had difficulty extraditing witnesses; Cuban refugees, CIA, and blah, blah, blah) When Garrison first made an announcement of the case, David Ferrie was still alive, and presumably--although this frankly is a point of mystery to me also--presumably Garrison had some substantial evidence against Dave Ferrie directly. Now I must confess that the day after the trial I spent time in Garrison's files, and I read what seemed to me to be the complete Ferrie file...there were folders all over the office and I may have missed some critical ones, but the folders I saw didn't have any critical evidence relating Dave Ferrie to the conspiracy, so that troubles me.

(Discussion of Ferrie's death, Garrison's claim that there were caustic marks around his lips which he said were caused by poison but which Dr. Chetta said were caused by coffee...Discussion of whether or not Garrison had a 24-hour watch on Ferrie, and if not, why not)

Getz This may relate to the same thing we were talking about before, that is, a very critical lack of funds and disorganization within the office, which may have caused a lot of this sort of problem. We may not be talking about specifically mistakes which were stupid...that cost enormous chunks of the trial, and we may not be talking about mistakes which were not mistakes at all but which were white lies told to the press in advance of the trial--we may just be talking about ~~manana~~ the most horrendous disorganization of all time, and the most critical lack of funds...which caused an inability to supply the kind of manpower needed for a 24-hour surveillance.

Kevin But it seems like a Mickey Mouse explanation...to believe that all these errors were compounded in this space of time, on a case of this enormity, is, I'm sorry, beyond belief, because Garrison is an attorney, a district attorney...a man who had funding available, a man who if he would have had what he said he had could have had, I think, the co-operation of the State of Louisiana...of the nation, of each state...what I'm getting at is that if you've really got it, if it's really there, then nothing is going to get take away from your presentation of it, you don't need white lies, you don't need...my goodness, if you've got it...it's there and it's not going to disappear...

Kunkin ...I too wonder about Ferrie. As a matter of fact, the first time I met Garrison, here in Los Angeles, I was a little dismayed. This was about, a complete year before the Clay Shaw trial, and Garrison at that time said to the people in the room, Well, I don't think Clay Shaw, this case will ever come to trial, because I wonder if Clay Shaw will die. And it just occurs to me that this was the man who was supposed to be responsible for Clay Shaw's life, and it seemed to me a very bad way of approaching it. And I always have thought that Ferrie's death was due to Garrison...(Kunkin then discusses his belief that Clay Shaw was a CIA operative)...When you get into the area of CIA operations, obviously you are getting into an undercover, a very shadowy kind of world, where it's very difficult to get firm facts.

Kevin That's the beauty of it, you see, that's the beauty of this whole web, it seems to me, Arthur, that Garrison has weaved. He has taken the disbelief of many people, from the allegedly more literate climate of our country, that believe that President Kennedy died as a result of a conspiracy, and once you attach that conspiracy to the shadowy CIA-type operation, anything becomes possible...

This to me also bespeaks an illness that has grown and nurtured in this country since the days of the late Joe McCarthy. We come into the area of innuendo and guilt by innuendo and association...I think Garrison has done exactly that with Clay Shaw...what does it prove? Suppose he knew Oswald and Ferrie, and suppose he was a homosexual...it still doesn't carry into the realm of provable fact...of a conspiracy to kill a president...

Kunkin ...As a matter of fact, Garrison told the defense attorneys before the trial opened, as Mark Lane told it to me, that he would not raise Shaw's homosexuality, he was not going to conduct a trial on that level--

Kevin If, IF, Shaw was a homosexual--Remember, we really don't know yet...all we've got is innuendo to say that Shaw was homosexual...

Kunkin ...In my perusal of the Shaw and Ferrie files...there is absolute...there are photographs, there are innumerable corroborative testimony...

Getz At least for purposes of discussion, we can make that assumption anyhow...

(Discussion of the "mysterious deaths")

Kevin ... You know, the list is agonizingly long and strange, and it's part of what makes me believe that there was a conspiracy to kill the President and that it's a continuing on-going conspiracy. But nevertheless I'm very let down and blue about the whole Garrison affair, because I'm afraid that, I'm afraid we were taken in, those of us who believed in this man, we were taken in by what may be the most paranoid conspiracy of all time...(Discussion of Garrison's extradition problems and of Gordon Novel, as to whether or not he was actually a CIA agent)...There's a possibility of the tie existing there, but again we come down to the innuendo, to the allegation, to the inference. It makes for good copy...for great conjecture, but here we are faced in cold open court again and it just wasn't there---everything that we'd been led to believe never surfaced.

Kunjin Well, I think that in a case like this, and after last Monday night's program we went over to my house with Ray Marcus, who is one of the noted critics of the Warren Report, and Ray's feeling was that you can't expect to get a conspiracy, a high-level conspiracy, fully documented in court, where every effort's going to be made to stop the evidence from getting to court.

Kevin But then don't say you've solved it, don't say that nobody's going to get away. Ray Marcus...is to be commended...But my God, Garrison...(he said) I have solved it, nobody will get away...wait until I get into court, and puffo, he fell right over. You know--Nothing. Nobody expected thick documentation, Art...just something that could legally have some substance..

Kunjin Well, I think that when Shaw gets convicted, as I suspect he will on the perjury charge, that this will, hopefully, keep the case going...I mean...I remember when we were sitting on the courthouse, you and I and some other people were talking, and we decided that Kennedy (the Kennedy assassination controversy) really was dead, that there was going to be no further investigation. Those of us who thought there was a conspiracy were unhappy with what happened in New Orleans...that this was the end, the finish. But I think that that's a little bit too pessimistic...One of the things that disappointed me in the course of the case in New Orleans...here you had a group of Southern lawyers, of Southern government lawyers...probing into what all of them firmly believed was a conspiracy in which there was government involvement. And I think that they were having--during the trial I'm sure that they must have been having a sense of personal--just not knowing how far to go, a certain perhaps even reluctance...on getting into areas of conjecture...I was very disappointed when during the trial they didn't question Shaw about his possible CIA involvements...There was a witness who had a very bad criminal record, who testified in affidavits to Garrison that he saw Jack Ruby and Clay Shaw together, in the Carousel Club, and that Jack Ruby and Clay Shaw tried to recruit him to be a gunman and kill President Kennedy --now I saw the affidavits when I was going through the file, and we had heard about this witness during the trial, and everybody was--you and I and Mark Lane had some discussions about the need to bring forward a man of this kind, even if he was, did have a big criminal record, because this was tying Shaw up with Dealey Plaza. Well, Garrison's staff--I understand against Garrison's right (sic), Garrison wanted to bring this man forward--and Garrison's staff did not want to bring forward a man with a long criminal record. They felt, honestly, Alcock, and Sciambra, in particular...that they were presenting enough to convict Clay Shaw in the courtroom...

Kevin Well, after Russo and Speisel!...and then what? ... I found a guy down there two years ago...he told a fantastic story...same type story...the only point I'm trying to make is that there are a lot of people who say they saw a lot of things, and some of them are credible, maybe, and I'm afraid the biggest part are incredible and unbelievable and not to be believed, because they are men who unfortunately are on that sub-rosa area where they want to get into the limelight and are willing to say and beg anything to win the favor of the DA and the press or of a job--men clutching for that one moment...

Kunjin ...That really is why Garrison subjected all of his witnesses...to truth serum and to hypnosis and to everything else, to make sure that they weren't just publicity seekers. He's been criticized for that...criticized, or he's said to have pumped information into witnesses when they were under hypnosis. But from knowing Garrison, I really believe that he's not that type...

(Discussion of Clinton witnesses
and Charles Speisel)

Kunkin ...We brought some more tapes...

Kevin ...an interview with Mark Lane...Remember that this was done during the trial...we were talking about the outcome, not knowing what it would be...

(Tape of Lane interview is played)

Kevin What do you think the mood of the trial is, especially with regard to Shaw's guilt?

Lane Well, judging from the news reports...and the radio and television reports...the mere fact that I haven't been in the courtroom at all should not prevent me from being qualified to report on what's taking place, because as I do read the transcript on occasion I note almost no relationship at all between what takes place in the courtroom and...what I see in the newspapers, and what I hear on the air or see on television... Unfortunately I think the country is not at all prepared for the possibility that Clay Shaw may be convicted. The jury unfortunately has been encumbered by the evidence and they haven't had the opportunity to hear the interpretation by David Brinkley or Walter Kronkite, and therefore they may reach a very different opinion as to what the evidence shows...

Kevin (suggests there are really three trials taking place---the trial of Shaw in the press, the trial of Shaw in court, and the trial as to what really happened in Dallas)

Lane Well, actually the only thing that is really being tried in the courtroom--I think your analysis is correct but the only question that will be put to the jury is whether or not Clay Shaw is innocent or guilty of conspiracy to assassinate President Kennedy...I think the basic question now, to be determined by the jury, obviously, is whether or not the conspiracy to kill President Kennedy is one in which Clay Shaw took part. They have heard the evidence and I think the American people are going to have to rest upon the decision that that jury makes...The Commission said that it was unable to find any evidence of a conspiracy...If a jury after listening to the evidence presented on both sides, and after hearing the cross examination of the witnesses...In the trial here the rules of evidence are being applied as they were written a long time ago and as they should be applied...and I think that the problem for the jury is whether or not there was a conspiracy, whether or not Clay Shaw was related to it, and whether or not there was an overt act...

Kevin ...For several days running, between Perry Russo, Mr. Speisel of New York City, and Vernon Bundy, there came to be three days or four days of testimony of what I'd like to call "marginal" witnesses...Are these the strongest people, in your opinion, that they have against Clay Shaw...and if so, are these the type of witnesses that can and should convict a man?

Lane Well, whether or not they're the type of witnesses that can convict a man, we'll know when the jury reaches its verdict, and whether or not they're the kind of witnesses that should convict a man will be a determination made by the jury. And I for one am willing--for five years I've wanted to see this matter presented in a courtroom, presented to a jury, and it will be presented to the jury very, very soon, and I for one am willing to allow that decision to speak for the evidence, and I just hope that the rest of America is willing to take the same position.

(End of Lane interview)

Getz ... If we assume that there was a conspiracy to assassinate the President and that Garrison is now in the process of revealing it, and that the perjury trial will help keep it alive, can we then talk about a conspiracy to suppress and destroy information, and kill and intimidate witnesses, and that sort of thing, or can we simply say that Garrison was disorganized?

Kunkin ... I think that if there had been a conviction of Clay Shaw, the way the press was reporting the thing, it would have made no fundamental difference... They would have said that Shaw's conviction meant no conspiracy in Dealey Plaza, proved nothing about that and proved nothing about conspiracy in New Orleans, but that Garrison had just railroaded an innocent man...

(Segment in which phone-calls from the public were received and answered)

Kevin ... Just maybe summing up--do we have a minute or two, Andy?

Getz We have about two minutes, and I was going to ask you what you expect to see in the future, but sum up yourself.

Kevin Well, all right, maybe just summing it up, I'm afraid that the Garrison trial, in my mind, leaves a lot of unanswered questions, as messy as the assassination did. My own feeling is, as I said at the beginning of this discussion, that there was a conspiracy. I do believe it firmly but I don't believe that Jim Garrison has that conspiracy, I believe that he may have uncovered one speck of it, I believe that his own ineptitude as a district attorney and his own immorality as a human being, from other aspects of the case... led to the case not ever surfacing properly. What's for the future? I think that legitimate inquiry into the assassination is stifled--dead, if you will, as dead as the President, for the next three to five years, and I think that's been a major disservice by Jim Garrison.

Kunkin Well, all I have to say about what's going to happen, and I can just give you a personal feeling--today I got hold of a book which was put out in East Germany... Who's Who in the CIA, and it lists something like 3,000 presumed operatives of the CIA and theaters of operations... interesting dossiers on some astounding people in the liberal movement and in Washington... As I said before, whichever way the trial in New Orleans went... there still would be speculation, there still would be a lot of room to look into this thing further... If this was a low-level conspiracy, if it was just Oswald, or just Oswald, Shaw and Ferrie, then it doesn't matter too much, there's not much difference between three men and one man, if they're all just local nuts or just local insignificant people. But if it is a high-level conspiracy, I think eventually the facts have to come out, eventually some records have to be released or obtained, and hopefully the future will bring us more news.

Getz ... I want to thank you, Art Kunkin...
