

Thursday, June 1, 1967

I called Ivon the other day and told him that it looked as though I had just about exhausted the material in the Archives. It did not look as though there was any point in staying in Washington any further, I told him. He told me that Garrison was just leaving for New York, and that he would tell Garrison to get in touch with me soon. Yesterday evening, just as I was walking in the door from the Archives, Garrison called. I told him I would like to talk to him, and he told me to come to New York tomorrow. He told me he was staying at the Hilton hotel, and that I should call his room at 10:00 AM.

I flew to New York on the shuttle today, and got a taxi which brought me to the hotel, by coincidence, exactly at 10 o'clock. I called Garrison's room and he told me to come on up. I knocked on his door, and a moment later he opened it—a huge man hulking in the doorway, wearing a dressing gown. I went in after he had made some remark about not recognizing me, it being so long since he had seen me, (and that only once, for a few minutes.) Garrison had a room with a beautiful view over Central Park. He had evidently just finished breakfast in his room. He made some remark about some people from CBS coming to see him in a minute, with some information for him. He said that NBC was preparing an attack on him, which CBS knew about, and therefore CBS were, temporarily at least, allies. In a few minutes there was a knock on the door and a man came in, carrying a brief case. I did not get his name. Evidently he was from CBS. He gave Garrison some documents, which I believe were concerned with the "Gehlen apparatus", as Garrison called it. He spent quite a bit of time talking about this, which is apparently some kind of German offshoot of the CIA. Gehlen was a German intelligence expert, who managed to survive the war, and after the war the CIA moved in on his "apparatus" and took it over. Garrison is immensely interested in the whole subject, but I could not make out its connection with the assassination, nor with his own investigation.

There was some talk about Hall, Howard and Seymour. Later on in the day Garrison told me that they had been assigned code names of Winkin, Blinkin and Nod. (Trouble was, nobody in the DA's office ever knew who was supposed to be who.) After the man had left Garrison asked me what it was I wanted to talk to him about. Evidently Ivon hadn't briefed him, or he had forgotten about it. I told him that I had been through just about everything in the Archives, and that I thought the best thing would be for me to return to New Orleans. Garrison seemed relieved, as though he was afraid I was going to say something else. He then told me that they were beginning to accumulate masses of material in the DA's office, ~~in that~~ that it was all in a fairly disorganised state, and that the best thing would be for me to come back and start working in the office, where I would start a filing system and put the files in shape, etc. I told him that that was fine, and that I would like to do that very much.

Garrison told me that he had an appointment with Life magazine that day, and that I would be welcome to come along with him. The Time-Life Building is only half a block away, and as we walked down Sixth Avenue together I was of course conscious of being with the "headline hungry" DA, and I wondered if people recognised Garrison as we walked along. None seemed to, as far as I could tell. Garrison was talking to me about what he called the "communication problem", and that once he could turn the corner with this problem, everything would be alright. He said it looked as though he might just be beginning to turn the corner. He was not exactly clear as to what he meant by the "communication problem", but I gathered he was referring primarily to the news media. I told him that the Washington Post had been down on him

pretty hard, and cited a recent editorial in which they had jeered at Garrison for interviewing other Oswalds in New Orleans. Garrison said that this was only to be expected as the Washington Post was simply an organ of the Federal Government.

We went up to the thirty-something floor in the Time-Life Building, (someone nodded at Garrison in the elevator,) and into an office where I was introduced to ~~Garrison~~ associate editor Dick Billings, and his assistant, Nancy Haskell. At about this time I brought up the question of the missing photograph, supposedly showing Oswald leaving the Russian Embassy in Mexico. Garrison had subpoenaed Richard Helms, the director of the CIA, and had instructed him to produce this photograph, which Garrison claimed, showed Oswald in the company of a CIA agent. I told Garrison that the photo in question merely showed an unidentified man with the background of the photo trimmed out. It was possible to speculate that this photo, if printed in its entirety, might also show Oswald, but then again it might not. Garrison seemed to dismiss this as a detail which amounted to the same thing.

Billings told Garrison that he had some slides there which he could see, and we looked at some color stills from the Hughes film. I was very anxious to see this, as I had heard that it showed the 6th floor of the Texas School Book Depository just as the Presidential limousine was rounding the corner from Houston onto Elm St. (ie, right under the window where Oswald was supposedly sitting.) Sure enough, the film did show the window at this time, but unfortunately is not quite clear enough to be able to say definitely whether there is anyone there or not. Garrison was confident that there was not. There was more discussion about Hall, Howard and Seymour. We sat around and Billings showed us some more pictures, including a very fine shot by Life photographer Art Rickerby which I had not seen before. (It shows the ~~News~~ Newmans lying on the grass, looking back at the grassy knoll.) Nancy went out to get some sandwiches for us. Garrison had evidently already been round to see Billings, etc., before—several times, I gathered. He had been shown the Zapruder film, which had impressed him very much. At one point I distinctly got the impression, without anything being said, that Billings and Haskell were getting bored with Garrison, had other things to do, and were trying to figure out a way of getting rid of him. Maybe this was not true, but it was my impression.

There was quite a bit of talk about the CIA, and the subject of the CIA's change in role vis-a-vis supporting Cuban exiles in Miami was brought up. I mentioned that Oswald at one point referred to the "now defunct CIA" in his radio interview with Bill Stuckey in New Orleans. This lent some credence to the view that Oswald worked for the CIA. Garrison was impressed by this, and we went into the next room where they had the 26 volumes, and luckily I was able to find the reference fairly quickly. After looking at some more pictures and slides we left. (Around 4 pm.) Garrison said something about seeing Billings again the next day.

Garrison invited me to join him for a drink at a bar on the ground floor of the Hilton. We each had a beer, and Garrison discussed the case in more detail. As far as I can gather, the article by Bill Turner in the current issue of Ramparts is very close to Garrison's present position. I mentioned this to Garrison, and he said that it was true, and surprising, because Turner had not interviewed him, nor gotten his information from the DA's office. I was very curious to know more about Manuel Garcia Gonzalez, who is mentioned in the article as being a suspect in the assassination, and I gathered that this was supposed to be the man passing out leaflets with Oswald, whom neither the FBI nor the Warren Commission had indentified. The information Garrison was not too encouraging. He said something about a Manuel Garcia

Gonzalez having been arrested in New Orleans and charged with carrying a concealed weapon. Garrison was vague about it, however, and there did not appear to be any connection with this arrest and the assassination, or even with his investigation. (I think the arrest was long before his investigation started.)

Garrison has evidently come round to the point of view that the CIA engineered the assassination, with the help of certain Cuban exiles, Minute-men, right-wingers, with paramilitary types like Hall, Howard and Seymour thrown in. He is more or less vague about the whole thing, but I note that Garrison is a very good and impressive talker, and after he has gotten through telling you something it is extremely difficult, in your own mind, to put your finger on any imprecision or cloudiness in his argument. He talks with great persuasiveness and conviction, but nevertheless left me with a good deal of uncertainty in my mind.

What is much more unsettling, however, is that I cannot see any connection between what he was talking about and Clay Shaw. Shaw hardly figured in it at all. Somewhat edgily, I brought up the subject of Clay Shaw. Garrison said that he wasn't particularly interested in convicting Shaw, and that he had really only played a minor role in the assassination. Garrison said he would willingly drop the charges on Shaw, if Shaw would admit his involvement and tell Garrison who the really important people were. I'm afraid that this indicates that Garrison has nowhere near "solved the case." Another thing that bothers me is that I do not see any indication yet that Oswald and Ferrie knew one another. So far, the only such witness is Perry Russo. I shall be most interested to find out if there are any others, when I get back to New Orleans. I hesitated to ask Garrison about this specifically. Nevertheless, it is a crucial point. If in fact there is no evidence that Ferrie and Oswald knew one another (and Russo looks pretty shaky) then it looks as though there may be no basis for the investigation, since this is what the whole thing was predicated on.

Garrison pulled a \$50 bill out of his pocket and paid for the beers. I told him I would finish up in Washington in about a week, and return to New Orleans. I told him I would have to return via Dallas, to get my car. He said that would be fine, and seemed most unconcerned about details of schedule, etc. I got the impression he wouldn't have minded if I had said I would come back via London or Alaska. Garrison said he had to meet some people, and we left.

Later ^{that} evening I called Sylvia Meagher. I told her I had met Garrison-- for only the second time--and continued to have a good impression of him. Sylvia was up in arms about Garrison, and told me so in no uncertain terms. She referred to Garrison as "a charlatan". The main thing that is bothering her is the "code" which came out in the papers a few weeks ago. Sylvia dismisses the code as a transparent ploy by Garrison to implicate Clay Shaw with Lee Harvey Oswald using completely untenable methods. I admit that it is hard to argue round this point. We agreed that undoubtedly one of Garrison's problems is that he is bad about listening to reason and advice. Also, Garrison evidently ~~ix~~ doesn't read things very carefully--eg the Sciambra memorandum of the interview with Perry Russo which evidently Garrison hadn't read. I told Sylvia that I would be returning to New Orleans soon, and she encouraged me to try to get Garrison to pay more attention to detail and to listen to the counsel of others.

I had dinner and caught the 11 o'clock Greyhound bus back to Washington.

Sunday, June 11, 1967

Flew from Washington to Dallas. Buck and Mary Ferrell met me at the airport, and I stayed with them. That evening I met Bill Boxley at the Howard Johnson's motel on the Stemmons Freeway. Garrison had asked me to get together with him. Boxley has recently been hired by Garrison--an ex-CIA man, apparently. We got on fine. Garrison wants us to check out someone called Jim Dodson. Apparently Clay Shaw had a friend called Dodson, and there was a Dodson, or Dotson, who worked in the Vegas Club for Jack Ruby. (We later checked into Dotson, and established that he had no conceivable connection with Clay Shaw.)

Boxley has apparently established that Al Bogard, the Salesman at Downtown Lincoln Mercury who allegedly met Oswald, committed suicide near Shreveport, La., on Feb 14, 1966. He was found asphyxiated with a hose pipe from exhaust to window of his car. (Denn Jones will like this one.)

I spent four days in Dallas on this occasion. One thing that interests me about a possible New Orleans conspiracy is the date Oswald first knew that Kennedy would be going to Dallas. When Oswald was in New Orleans in the summer of 1963, did he know that Kennedy was coming to Dallas? If he did not, then is it plausible to argue that Oswald:

- (a) Conspired to assassinate the President in New Orleans, and
- (b) Moved to Dallas, which was coincidentally the city Kennedy visited?

It is not really plausible. The only way it can be made ~~ix~~ to seem reasonable is by arguing, or demonstrating, that Oswald knew Kennedy was going to Dallas at least before he left New Orleans for Dallas. In fact, Oswald left on Sep 25 and on Sep 16 there was a story in the Dallas Times Herald saying that Kennedy was coming. But it seems very unlikely that Oswald ever saw this story. It was not in the New Orleans newspapers. I was therefore ~~i~~ interested to hear--from Lawrence Schiller in Washington this Spring--that there was an earlier story in the Dallas Times Herald on ~~4~~ April 24, 1963, the day Oswald left Dallas and went to New Orleans. I therefore went to the DTH offices to check this out. Sure enough, on that day there was a page one headline story: "LBJ Sees Kennedy Dallas Visit". I determined that the first edition of the paper comes out at 10:00 am. approx. At this time, ~~Marion~~ ~~and~~ Ruth Paine went over to Neely St, where the Oswalds were then living, to see Marina Oswald, she was surprised to find, was packed and ready to leave the city. Thus almost certainly, Oswald had planned to leave Dallas and go to New Orleans before he could have heard about JFK coming to Dallas. (I suppose it's possible there had been a radio bulletin the night before, but did the Oswalds listen to the radio?) At any rate, it does not seem likely to me that Oswald's move to New Orleans (to join up with conspirators?) was prompted by LBJ's announcement that Kennedy was going to be in Dallas.

Students of LBJ's speeches will surely be interested in the following quotations from the Dallas Times Herald story, (as, no doubt, will certain assassination theorists.)

"Mr Johnson mentioned the possibility of the presidential visit during an hour long session with executives of the Dallas Times Herald and KRLD AM & FM & TV Tuesday afternoon." (Then the story ~~wich~~ continues with LBJ denigrating those who criticise the President:)

"Once you pick him and you're flying across the water in bad weather don't go up and open the door and try to knock him in the head. He's the only pilot you have, and if the plane goes down, you go with it.

"At least wait until next November before you shoot him down."

Friday, June 16, 1967

Drove back to New Orleans from Dallas.

Monday, June 19, 1967

Went in to the DA's office--my first time there for 5 months, and what a 5 months! Not knowing quite where to go I sat outside in the lobby until Ivon came by. He greeted me in a friendly way and told me to come on in. He has now moved to a different office--next to the steno pool and more in the heart of the office than his former location. Evidently Ivon's office is the nerve center of the investigation. Orders from Garrison are sent to Ivon, who is responsible for their being carried out. Investigators report back to him. Reports and files on the investigation mostly seem to be in Ivon's office, although Ivon said something about there being some other material--originals of documents, etc.--which are kept in a safe. Ivon's desk is pretty much of a clutter, and the last 5 months must have been hectic for him, as he in fact told me they had been. Even now, after things have cooled off, he is kept on the go, investigators, friends and who knows who constantly calling in, and then of course he has to be always available for calls from Garrison.

I asked Ivon if Bill Gurvich was in the office today, and he seemed evasive in his answer. He said that he hadn't seen Gurvich for several weeks and added something about not knowing where he was. He said they were looking for him because ~~he~~ when last heard from he had got Garrison's car, and at present they didn't even know where ~~the~~ the car was. Ivon said also that he was worried about a program that was coming on tonight on channel six, prepared by NBC, which was going to be unfavorable to Garrison. I recall that while in the National Archives I met a girl called Adrienne Zuckert who told me she was doing research for NBC. At that time I told her that CBS had been doing a great deal of research on the assassination, and, I speculated, probably knew quite a lot about the Garrison investigation. I recall that she told me that they may know more about the assassination, but that NBC had more information about the Garrison picture.

Ivon told me that they hoped they would be able to find an office for me soon, where the files of the case would be kept. I would be in charge of the files, and adding to them, etc. Meanwhile, he said, I could start looking at some of the files they had already accumulated. They had files on some of the main characters--Oswald, Ferrie, Shaw, etc.; I felt embarrassed to ask to see the Shaw file immediately and so I started looking at the Ferrie file. It contained very little of interest, and so far I have seen nothing which would lead me believe that Ferrie and Oswald knew one another. The file contained a statement by Joseph S. Newbrough, (dated Dec 19, 1966,) which is of interest. I reproduce a part of it here:

"As an employee, associate, and investigator with Guy Banister, I met David Ferrie who at the time was charged with sodomy or perhaps some other homosexual charge. Ferrie was in Banister's office daily for several months. He became friendly with ~~a person~~ J.S. Martin, Sr., whom I had formerly worked with as a private investigator. Ferrie had all mannerisms of a person with a psychological maladjustment. Physically the most striking thing about the man was that he had lost all of the hair on his head including his eyebrows. In order to cover up this fact, he wore theatrical make-up including crepe hair on his head and eyebrows. He stated on numerous occasions that his hair was lost by his experimentation with radioactive material. I have heard two other explanations. One, that he lost his hair in a dynamite explosion while prospecting for gold in Latin America. Two, that he had his hair purposely removed in order to get fired from Eastern Airlines and then to sue Eastern Airlines for firing him. Ferrie practiced the Roman Catholic religion and was extremely

knowledgeable in Catholic Canonical Law, but in the writer's opinion was carried away to the point that he believed himself to be a saint. I am of the opinion that J.S. Martin put him in contact with a pseudo Orthodox Bishop in Louisville, Kentucky, and that Ferrie went to Louisville and was consecrated a Bishop in this church. In comment, these Bishops scattered throughout the country have no churches, no priests, deacons or congregations. They are self-styled Bishops recognised by none but each other.

At one time Ferrie operated a Gulf filling station on the river side of Veterans Hwy, one block toward Baton Rouge from Metairie Court. I had heard that Carlos Marcello, whom Ferrie had become friendly with had financed this filling station. I have also heard that Ferrie was a confidant of Marcello and a legal adviser.

To my knowledge I have never met Lee Harvey Oswald nor do I think David Ferrie had met him but Ferrie is a linguist speaking Spanish fluently as well as other languages and in that Ferrie knew a number of people connected with the Cuban Freedom Movement in New Orleans, perhaps he did meet Oswald. I am of the opinion that Ferrie is capable of almost anything though I do not believe he is sufficiently politically rabid to perpetrate a crime against the United States. It is further my opinion that Jack Martin's antipathy toward Ferrie could cause him to imagine all types of crimes that Ferrie might take part in. I do not know why Martin dislikes Ferrie but I think that it is chiefly due to the fact that Ferrie accurately described Martin's personality, habits and living conditions to some of Martin's phony bishops. Jack Martin to my knowledge has no current regular income other than his wife's salary. He spends most of his time at home painting pictures and on frequent occasions goes to the corner pub in order to become crooked out of his mind on four bottles of beer. I do not have faith in anything that Jack Martin says regarding anyone currently on Jack Martin's "hate" list."

I note that this statement goes some way towards corroborating my worst fears, namely that there never was any basis for supposing that Ferrie knew Oswald, other than the original allegation by Jack Martin. It looks as though whoever it was who questioned Newbrough on Dec 19th was thinking this too, since he probably ~~was~~ was curious to know why Martin disliked Ferrie, asked Newbrough about it, which is why it finds its way into the statement.

I do not know of any other witnesses who tie Shaw in to the assassination, (other than Russo and Bundy, who testified at the Preliminary Hearing in March) with the exception of a certain Glyde Johnson, some kind of a preacher (another one!) who says he saw Shaw and Ruby together at the Capitol House in Baton Rouge in September, 1963. I can't help feeling very dubious about this.

In the evening I watched the NBC program. I don't know how much of it is true, but it seemed fairly devastating. Also, from NBC's point of view, perhaps not as well done as it could have been. One or two fairly intelligent people I was watching it with thought it a flagrant attack on Garrison, so much so that they tended to ignore the accusations that the program made. Probably would have been more effective if milder in tone. I do note one thing: at one point in the program Dean Andrews ridiculed Garrison for taking seriously two names he had suggested to Garrison, only he had made them up, Andrews claims. They were Ricardo Davis and Manuel Garcia Gonzalez. CD 984 in the National Archives contains information about a Cuban called Rudolph Richard Davis "residing in New Orleans since 1961"-also the Christian Democratic Movement delegate in N.O. (Andrews later said this was just a coincidence, but I doubt it.)

Tuesday, June 20, 1967

I felt a bit embarrassed going in to the DA's office today. It could be that NBC went too far--went overboard, so to speak--for reasons not related to the validity of the Garrison investigation, but I have a subterranean suspicion that what they said may have been the simple truth. Gurvich's disappearance would tend to support this view. At any rate, Russo was called into the office this morning and gave a press conference in Garrison's office. Russo accused Walter Sheridan, investigative reporter for NBC (and ex-Justice Dept. man who was part of Robert Kennedy's "get Hoffa" squad), and Richard Townley, newsman for WDSU-TV (NBC affiliate here) of bribery. According to Russo, these men offered him a job in California, with travelling expenses paid. This press conference apparently had the desired effect, as far as Garrison was concerned. When the States-Item came out today, it emphasized Russo's remarks rather than the allegations NBC made last night. The headline under which the story appeared was: NBC Using Lies

To Rap Case--DA

I was introduced to assistant district attorney Jim Alcock today. He seems more friendly and more intelligent than most, although he seems a bit harassed. Apparently he is the one who has been principally reading the material I have been sending down from the National Archives.

I saw Garrison as well later on today. He seems curiously calm and undisturbed by the NBC attack. Apparently a complaint has already been filed with the Federal Communications Commission, requesting equal time to reply. I asked Garrison if he thought he would get the equal time and he said they would have to give it to him.

I spent some time in Ivon's office reviewing more files. It will be recalled that there was some basis for believing that Ferrie may have known Oswald in the Civil Air Patrol in the 50s. I note from the files that a fair number of ex- CAP cadets were interviewed by Garrison's staff in February and March this year to ascertain whether Ferrie knew Oswald. It seems that the vast majority never met Oswald, or even knew he had been in the CAP, and therefore were unable to say whether Ferrie and Oswald knew one another. The only one, so far, who says they even might have known one another, was Ed Voebel, interviewed by the DA's office on Jan 6th, and even he is not certain. Voebel of course told the same story to the Warren Commission.

There has also been a considerable investigation into Guy Banister's associates, in an attempt to tie Oswald in to the 544 Camp St. picture. Sam Newman, who owned that building on Camp St., was rather cursorily interviewed on January 18, 1967, by George Eckert. Newman says that Guy Banister's files were sold, in 5 filing cabinets, for \$25 to Mrs. Banister. He could not remember the names of his tenants in 1963. In my opinion, Newman should be more thoroughly questioned. The main thrust of the questioning of people who knew Banister was to find out three things: 1. Where are Banister's files. 2. Did you ever see Oswald with Banister? 3. Did you see Banister with Cubans. (In fact, Garrison could not produce one witness to say they had seen Oswald with Banister; nor was Garrison ever able to find Banister's files, although some material from his files somehow fell into Garrison's hands. Several people said they had seen Banister with Cubans.)

I was glad to see, looking through the files, that David Ferrie was interviewed (and the interview tape recorded) by John Volz on December 15, 1966. There is a transcript of this interview, (12 pages, legal size,) in the Ferrie file. It looks like one of the more important documents I have seen so far. At the end, Ferrie says: "I am thinking about Martin's personality. Martin somehow gets to be near the bride at every wedding and the corpse at every funeral. He somehow gets involved in civil and criminal affairs. Martin gets in on all these interesting little things. He tried to get Pershing Gervais on brutality. There was a big mess for a few days. I have sort of been specul-

ating on why I am here and I think I....(line missing due to typist going to bottom of page).....the Warren Report and I think Jack Martin would have seized on this because this is exactly his type of meat. I imagine he would ~~xxx~~ come to someone like Frank Klein, Pershing Gervais or Jim Garrison and sometimes Martin convinces himself on his confessions, sometimes he doesn't. I know he was in the psycho ward in Charity for a while and was in the psycho ward in Texas. He used to run a diploma mill in Texas.
Volz: You feel he is responsible for your being here today?
Ferrie: Yes, I feel it is a possibility...."

Material in the National Archives, which I sent to New Orleans on February 14, 1967, (and thus was not available to John Volz when he interviewed Ferrie,) makes it a certainty that Ferrie guessed right when he attributed his presence in the DA's office to Jack Martin. Volz, of course, may have known that it was true anyway. (The material referred to, a Secret Service report on the steps leading up to Ferrie's arrest in November, 1963, is included separately as an appendix.)

Wednesday, June 21, 1967

In the wake of the NBC program, Judge Haggerty said today, "I fervently hope there will be an end to the charges and countercharges, to the claims and counter-claims by all persons. I demand it under citation of contempt. I will, repeat will, cite persons for contempt when this case is finally concluded." The States-Item commented today that Haggerty "essentially has banned any public comment upon the guilt or innocence of Shaw or upon the quality of the evidence." Haggerty also said that "the American system of justice is on trial."

It seems to me, however, that in the guise of a concern for justice we have here a subtle encroachment on the rights of the individual. The point is, public comment on the guilt of the accused is one thing, but public comment on his innocence is quite another. A man is to be presumed innocent until proven guilty, and therefore there is no reason why someone, including NBC, should not comment on his innocence, or say he is innocent. What Haggerty really seems to be doing is trying to stifle criticism of the District Attorney.

I went into Garrison's office this afternoon for something and he told me that Edward Jay Epstein, the author of Inquest, was coming in this afternoon, and that as I would probably like to meet him, he invited me to join him for dinner with Epstein that evening at the Vieux Carre restaurant in the French Quarter. I told Garrison I would be glad to come. Meanwhile, Sciambra was dispatched to the hotel where Epstein is staying, in order to go over the "chronology" (of events leading up to Shaw's arrest,) in such a way as to make this chronology, and the memorandum omitting reference to a conspiracy meeting, compatible with a legitimate charge against Shaw. (I don't really know, but this hardly seems possible. At any rate, it is the toughest problem facing the office, I think.) Sciambra currently has an explanation which goes something like this: He started to write the memorandum on February 27, but had to break it off for the Sodium pentothal session. He then included the relevant details in the sodium pentothal memo, and when he returned to the first memo, it was no longer necessary to include the conspiracy details, because they had already been written down in the other memo.

I met Ed Epstein at the bar of the Vieux Carre restaurant. I had met him once before, in early February in the National Archives. A tall person, with large mop of black hair, one year older than me. He has a breathy, vague sounding voice, but a keen mind. He was drinking a bloody mary, and I joined him. He said he had seen Sciambra, and seemed disposed to consider Sciambra's explanation plausible. However, I am sceptical that this really represents his

opinion. Ed told me that he was doing an article on the Garrison investigation for The New Yorker. He had seen William Shawn, the editor, about it and Shawn had recommended that he come down to New Orleans. Epstein stressed that the New Yorker does not commission articles, which means that there is no guarantee that anything he writes for them will be published. He also repeatedly said that He didn't know what approach to take on the subject, but that he thought he might do a piece on the "counterattack" by NBC, etc. (This is what Garrison had told me that Epstein had told him he was doing.) I am not inclined to believe this either. Most probably, Epstein wants to do a straight piece on the investigation, explaining what happened.

Epstein started to urge me to do a piece, or a book, on the investigation. He said that the best thing for me to do would be a memoir. He said that he was in touch with agents, etc. in New York, and if I wanted to get it published, I should get in touch with him. He said if I wrote anything to get in touch with him as he would be glad to make recommendations, and even to write a foreword for it.

He explained the concept of the "structured interview", as he calls it, which he used in Inquest. It consists basically of having a set of 3 by 5 cards with a set of questions on it. He has a different card for each person he is interviewing. Basically, he asks each person the same questions (in as far as it is relevant to do so.) Thus, if different people answer the same question differently, discrepancies are revealed if the interviewees are trying to hide something. I told him that I was going to be basically in charge of the files, and he recommended some kind of a card index system for that.

Epstein alluded to the forthcoming series on CBS, which he said he had been interviewed. He shrugged his shoulders about the whole thing, as though it was really all just a waste of time. "They can do all these tests and demonstrations to show that Oswald could have fired all the shots, but still everyone will say, 'Aw, I don't believe that.'" True, no doubt.

We had had at least two drinks by the time Garrison arrived, rather late. We all three then went upstairs to a table. Conversation, with Garrison doing most of the talking, was rather rambling, and what with the drinks, etc., I do not recall a lot of it. Later on, in the middle of the meal, we were joined by Moo Sciambra. I do recall one significant episode, however. Epstein had earlier (before Garrison had arrived) asked me on what evidence it had been concluded that Clay Shaw was Clay Bertrand. I had said that this was a question that had puzzled me. I knew (from Bob Richter, of R CBS.) that Garrison believed that Shaw was Bertrand long before Russo surfaced, but on what evidence I did not know. At any rate, the subject came up again at dinner. Epstein, I noticed, had hardly been paying attention to Garrison as he talked on about his theories, occasionally just saying "yes" or "I see". I was interested therefore when Garrison said that they were looking for Clay Bertrand early on in the investigation, and that he had assigned to Moo Sciambra the task of looking for him in the French Quarter, where Sciambra hung out a lot and had a lot of friends. Garrison said that Sciambra had "squeezed the Quarter" tight in a search for Bertrand, but was unable to find him. Garrison himself then concluded that Clay Shaw was Clay Bertrand because of the same first name. (Garrison put it in a more round about way than that, but that essentially was what he said. He conceded the fact that the first name was the significant factor.) I sort of pretended not to hear and looked over at Epstein. He looked as though he hadn't heard either, and showed no expression at what Garrison had said. I am not sure if he caught it. (Later on Epstein called me up and frequently asked me if I knew what was the basis for the original suspicion of Shaw. However, when his book Counterplot came out had remembered the bit about "squeezing" the Quarter, but not the admission that the first name led Garrison to Shaw. Epstein found this out, however, from

Life reporter David Chandler, who apparently was with Garrison when he first proposed the hypothesis that Clay Shaw was Clay Bertrand. ~~in time~~

After dinner, Garrison and Sciambra went off together and I went down Bourbon Street with Epstein. Looked in on Preservation Hall just before it closed, and then up to my apartment where I showed him the Secret Service report from the National Archives. He had not seen it before. Talked about the investigation some more, with Ed urging that I do a book on it. Although he says he's doing a piece on the "counter-attack", it's quite obvious that he places little or no credence in Garrison. We agree to meet for breakfast the next day before going in to the office--he's staying at the Bourbon-Orleans, just round the corner--and I let him take with him a copy of a memo I sent Garrison while at the Archives, which considered the implications of accepting alternatives to the Warren Report. (No indication that Garrison has read this, by the way.)

Thursday, June 22, 1967

Went to breakfast with Epstein around 9 am. He said he'd read the memo, enjoyed it, and made a few comments about it. During breakfast he said he'd been thinking about the Garrison investigation last night and made the following observation: that Garrison, by saying that Oswald was not involved, had thereby let his own suspect, Clay Shaw, off the hook. The only connection between the alleged conspiracy Russo overheard and the assassination was Oswald's presumed participation in the assassination. Saying Oswald is innocent disconnects the whole thing from the assassination entirely. Good point, and I told Epstein I'd bring it up with Garrison today. We went in to the office, and Epstein did a "structured interview with Richard Burnes, one of the assistant DA's. He got his 3 x 5 card out and asked some questions, taking some notes as Burnes talked. (Epstein took nox notes with Garrison last night.) I was in the room, and listened to Burnes' answers with interest. I note that he evaded most of the questions. Some of the questions were, "What date did you first get interested in Clay Shaw?" "What caused your interest in Shaw?" "What date did you first start working on the probe?" "What was the initial lead in the probe?" etc. Most of these questions were either not answered at all, or answered in a roundabout way which gave very little information. Later on, in the afternoon, Epstein went in the back to see Garrison, and I went in with him. While we were there, a photographer for the National Enquirer was taking pictures of Garrison. His name was Damon Runyon, Jr., and he told us he was Damon Runyon's son. As Garrison was talking about ~~the~~ conspiracies, etc., Runyon suggested, from behind his camera, that there had been a Communist conspiracy, and Oswald was a Communist. Garrison handled it tactfully, bearing in mind this is the opposite of what he believes. (Damon Runyon Jr. later committed suicide by jumping off a bridge in Washington, DC.)

At one point in the discussion a couple of police cars went howling down Tulane Avenue, outside the curtained windows of Garrison's office. Garrison paused as the sirens wailed past the building, and made a remark--sotto voce, just audible but as though thinking aloud--about our living in a police state.

Garrison showed Epstein a copy of a recent memo about the Rev. Clyde Johnson, the preacher in Baton Rouge who says he saw Shaw and Ruby together in 1963. Epstein looked through it and said "interesting..." in a voice which trailed off a bit. Garrison also gave him a copy of ~~him~~ a memo listing all investigative expenses for the first few months of the investigation. Epstein looked at this with considerably more interest, and Garrison allowed him to keep it, which surprised me a little, as it is the kind of thing Epstein can utilise to the fullest.

I brought up Epstein's objection regarding Garrison's remarks about Oswald

being innocent, and its implications as far as Shaw was concerned. Garrison, who was sitting in a tall-backed upholstered chair which swivels and rocks, listened to me and when I had finished rocked back in his chair, looking up towards the ceiling with an expression of thought. "Well, I didn't say Oswald was innocent," he said, "I said he didn't fire a shot. I certainly don't claim that Oswald was innocent." Good answer, and in fact consistent with his public statements, I believe, but I got the impression that he was improvising, nevertheless. Maybe just making it all up as he goes along.

Garrison talked on further, and Epstein, sitting in the corner of the room, made a few notes. We left at about 5:30. Epstein invited me to join him for dinner. We went to Galatoire's. I asked Epstein what he thought of Garrison. I said I thought he was intelligent, and a distinctly unusual person to be holding the office of District Attorney. Epstein said, "Yes, well everyone's intelligent, really." He said that he couldn't complain; Garrison had been nice to him, sent Scimabra out to see him, made a hotel reservation for him and had been free with his time. "But then it's easy to be nice," he added. I think it's clear that if Epstein does a piece on the investigation it will not be favorable. He started looking at the expense sheet and noted the date when Garrison ordered the 26 volumes from the Government Printing Office, pointed out that this resulted in a discrepancy with something Garrison had said at some point about finding out something (early on in the investigation) by reading it in the volumes. I pointed out that at that time they were getting xerox copies of some of the testimony from the set in the New Orleans Public Library. I asked Epstein if he had heard from Liebeler lately, or had contacted him. "No," he replied. "I don't need him any more."

After dinner Epstein said that while he was here he ought to try to interview some more people, but he wanted to get back to Boston. One person he said he ought to talk to was Dean Andrews. I said that Andrews was no working a couple of blocks down the street, as a sort of M.C. at a new jazz hall that has just opened. We therefore went on down Bourbon Street, and just as we went past the hall, Andrews came out onto the street. I introduced Epstein to Andrews (who did not indicate whether or not he remembered me,) and Andrews, when he heard that Ed was a writer, said that if he could get someone to collaborate with him he would have a lot to tell, or words to that effect.

We asked Andrews who the "real" Bertrand was. (NBC, in their program on Garrison, had said they had found out from Andrews who this man was and had given his name to the Justice Department.) Andrews said he could tell us his name, but that he ran a bar, which he described as being "1/4 blocks that way, and 2 blocks that way," (pointing.) We talked some more, and Andrews gave us (out of his head) the docket number of the case in which Mamuel Garcia Gonzalez had been charged with carrying a concealed weapon. Ed and I then walked back up Bourbon Street, more or less as a joke, to see if we could find the bar with "Clay Bertrand" in it. There was a bar on the corner Andrews had indicated. Epstein looked in and said, "I see someone who looks like Clay Bertrand..." (A week later it was ~~the~~ revealed that the man Andrews was talking about was Gene Davis. He did run a bar, but not the one Andrews directed us to, although it was only a block away.)

Shortly after, Epstein took a cab to the airport. Other developments today: the Metropolitan Crime Commission, (Managing Director, Aaron Kohn,) has called on the Louisiana attorney general, Jack Gremillion, to launch an exhaustive investigation into the manner in which Garrison is conducting his probe. Garrison, in turn, called for Kohn to take his charges before the grand jury. "I will request the foreman to call him," Garrison said. He added: "It happens that we already have machinery for inquiring into wrongdoing on the part of public officials. This organization is made up of citizens without any political commitments of any kind and is known as the grand jury."

(1969: It took me some time to realise how disingenuous this comment by Garrison about the grand jury was. In fact, as far as I could make out, the grand jury just about did what it was told by Garrison. When I returned to New Orleans in June, 1967, there was considerable talk in the DA's office about how "good" this particular grand jury was--it served from March to September, 1967--meaning, apparently, that they went along with everything Garrison proposed. The grand jury was always treated tactfully and carefully, and not infrequently they were entertained royally. Garrison and some of his staff would take them out to lunch soon after being sworn in, and on subsequent occasions. One evening Garrison, Sciambra, Alcock, Oser etc. all went out with their wives--and the grand jury and their wives. I met them all at the Touche Bar of the Royal Orleans. At the DA's office party in December, 1967 there were at least two members of the current grand jury present--two that I met--not to mention Judge Edward Haggerty.

Seen in this light, and in the way Garrison used the grand jury to obtain perjury indictments, his invitation to Aaron Kohn to take his accusations before the grand jury is not so much an invitation as a threat.)

Friday, June 23, 1967

I was sitting in Jim Alcock's office this morning discussing something when someone came in with a sheaf of AP tickertape in his hand--news hot off the press. Bill Gurvich, "chief private investigator for Jim Garrison" has met with Bobby Kempdy in Washington, and says that there is no basis to the probe. Apparently he met Kennedy on June 8th, without Garrison knowing about it. Gurvich makes a distinction between saying that there is nothing to the investigation and calling it a hoax. He says it is not a hoax--ie Garrison believes what he is doing.

Panic in the office. People start flying around, consultations and conferences, etc. Reporters start besieging the place. Obviously, this is a very serious set-back to the office, and the reaction in the office is not so much resentment of Gurvich so much as the practical one of how the problem is to be handled. Did not see Garrison today. It is difficult to see how the investigation can survive many more setbacks like this--first the NBC attack and now Gurvich.

The Attorney General of Louisiana, Jack Gramillion, said today that he refuses to probe the Garrison investigation, as Kohn had suggested.

Saturday, June 24, 1967

I went in to the office in the afternoon, and at one point met Garrison. He invited me to join him and some others for dinner tonight at the Royal Orleans Rib Room. I walked over there (two blocks from my apartment) and most of the guests had already arrived (in a private room.) I was introduced to Jones Harris, an independent investigator of the assassination from New York, and Richard Popkin, the author of The Second Oswald, neither of whom I had met before. Also present were Bill Turner and Eric Norden; Turner, who did the Ramparts article ~~for~~ on Garrison, is on his way to Mexico to do an article on the Kaplan Foundation. Norden is from Playboy, and is doing a Playboy interview with Garrison. Garrison was in splendid form, remarkably enough. He talked fluently and coherently, charming everyone at the table. He is evidently well-read, and talked very well about Graham Greene, quoting him at length. Norden, who did the Mark Lane interview for Playboy, is obviously most impressed by Garrison. A nice man, too, urbane and polite, though by no means an expert on the assassination, as he is the first to admit. Jones Harris was very cordial to me, said he was glad I had met Ed (Epstein), and in general treated me as an long lost friend. Popkin, who came down with Jones Harris, was the only one who seemed at all worried. He occasionally asked a few questions which indicated that he might be a bit disturbed about the

investigation. At one point he asked me if I had come across any indications of a "second Oswald" while looking through the material in the Archives. I told him that there were quite a few, in the sense that there are many reports of people claiming to see Oswald before the assassination at places where the real Oswald obviously was not--eg Nebraska. What I did not tell Popkin was that there are so many of these reports that it becomes the most plausible explanation simply to dismiss them all as cases of mistaken identity. In his book he concentrated his attention on the few cases which were taken seriously by the FBI--because there was a real chance that Oswald himself was there, eg the Downtown Lincoln-Mercury episode. However, the effect of all these other cases all over the country is actually to weaken the likelihood that the "interesting" cases are cases of impersonation.

Towards the end of the evening Jones Harris surprised me by becoming extremely insulting about Mark Lane, and even rude to Eric Norden. It was quite embarrassing, but Garrison took it in his stride. Apparently Harris disapproved of Lane's tactics in Dallas, and did his best to disrupt the course of Lane's investigation there. Norden remained good humored about it. Apparently he has already done some taped interviews with Garrison, which he says were good.

Jan Sunday, June 25, 1967

I saw Matt Herron again today, for the first time since December. He is a photographer for the Black Star agency, and worked with Jim Phelan on the Saturday Evening Post article which revealed the discrepancy between Russo's courtroom testimony and the memo which Andrew Sciambra wrote describing his first interview with Russo. There were several other people present at Herron's home, (315 Pine Street.) Matt told me that he was favorably disposed towards the investigation, and wants to see it succeed. He thinks there was a conspiracy and is a friend of and thinks along the same lines as Vincent Salandria, (a Philadelphia lawyer who has been working independently on the assassination.)

Matt told me that Jim Phelan interviewed Perry Russo in Baton Rouge after the Preliminary Hearing. Matt was present at this meeting, as was Russo's room-mate. Phelan asked Russo twice during this interview if it was true that he, Russo, had not mentioned a meeting between Shaw, Ferrie and Oswald until he came to New Orleans, (and had been given sodium pentothal.) According to Herron, Russo agreed that he did not mention such a meeting until his arrival in New Orleans. As Herron remembers it, Phelan asked Russo a question something like: "Perry, you didn't mention the conspiracy meeting until you came to New Orleans, did you." Russo's answer was, "I guess not." (As Herron recalls it.)

Herron, and the group he was with, seemed to believe that Shaw was definitely innocent. "I think you've got the wrong man, Tom," Matt said to me. (1969: Something made Matt Herron later change his mind. I saw him in the courtroom on the last day of the trial of Clay Shaw. At the end of Dymond's closing argument I saw Matt standing alone and I asked him if he believed that Clay Shaw was guilty. He simply said, "Yes.")

Herron added (June 25, 1967) that Jim Phelan is "still working on the case," and that he, Phelan, would submit affidavits at the trial testifying to the above mentioned meeting. I asked Herron why Phelan was still working on the case and he said that Phelan "is interested in detective stories." He also said that it had been his impression from talking to Phelan recently that he had been collaborating with Bill Garvich. Matt said that if called upon, he will testify to this meeting he will do so, as he was there. However, he does not want to ~~put~~ "put anything in writing" at this stage. He told me he was telling me this because he wanted the probe to be successful in its outcome.

Later that evening we watched the first installment of the CBS series on TV.

Matt said that he believed that an aspect of Russo's personality was that he liked to please everyone.

Monday, June 26, 1967

Today Gurvich came back to New Orleans and came into the DA's office. He was blocked out in the lobby by Louis Ivon, who told him he couldn't come in until he had gotten approval from the boss. Gurvich told Ivon that he didn't take orders from Ivon, only from Garrison. Reporters were crowding around. Then Alcock came out and took Gurvich back into the main part of the office. Reporters tried to force their way in (carrying TV cameras, etc.) and Alcock had to yell at them to keep them out, and slam the door in their faces. Gurvich went into Alcock's office, and I don't know what was said. Later, Gurvich told reporters that he had phoned Garrison and officially resigned. He also said that charges against Clay Shaw should be dropped.

I told Moo Sciambra about my conversation with Matt Herron. Sciambra is obviously a little concerned at this possible corroboration of the Phelan article, and said he would have to talk to Herron about it. I also told Moo about Herron's comment re Russo's desire to please. Sciambra very much agreed that Russo was like this, and always tried to oblige everybody. (Hardly a re-assuring trait, under the circumstances.)

Another visiting journalist here is Paris Flammonde, who works for some kind of news agency in New York. He wants to get an interview of Garrison for radio. Lille Turner and Eric Norden, he seems to be very sympathetic to Garrison. Watched CBS part II on the Warren Report this evening.

Tuesday, June 27, 1967

Bill Gurvich, and his two brothers Leonard and Louis, as well as WDSU news director Ed Planer, were subpoenaed to testify before the grand jury tomorrow. The intention behind the Planer subpoena is to find out who NBC's Clay Bertrand is.

Governor McKeithen announced he will not investigate the Garrison investigation. "I'm leaving matters concerning Mr. Garrison's investigation up to the state's attorney general," he said. "I don't feel the situation warrants an investigation by my office." (McKeithen neglected to add that the La. attorney general has already said he will not investigate Mr Garrison either.)

Dick Popkin and Jones Harris were in the office today. Popkin strikes me as a kind man, who is obviously disturbed about a possibly disastrous outcome to Garrison's investigation. Popkin asked me at one point if I had come across anything about Richard Case Nagell in the Archives. The name rang a bell with me, and I then recalled an FBI report which had struck me as slightly comical, which I had copied into my notebook. I read it out to Popkin, (CD 197, El Paso.) Richard Case Nagell, in prison in the El Paso County Jail for bank robbery advised: "For the record he would like to say his association with OSWALD was purely social and that he had met him in Mexico City and Texas." Nagell refused to comment further.

Apparently Garrison, and Popkin, have been taking this man seriously. Bill Martin, an assistant DA hired by Garrison just for the probe, has been to Kansas several times to interview Nagell in a Federal jail there, but has not got very much out of him. He claimed to know something about the assassination, but only after he had been jailed for firing a gun into the ceiling of a bank, and, I believe, only after the assassination. He cannot therefore be taken seriously unless he comes up with some solid proof that he knows what he is talking about, which he has not done. It is dismaying that office time and money should be wasted on this.

Jones Harris somehow seems to have the run of Garrison's private office, and while he was in there he came across a number of red folders which con-

tained sheafs (sheaves) of letters sent to the DA's office within a week or two of it breaking in the papers. Lorraine Schuler, Garrison's private secretary, said that after the probe broke in the papers they were getting great sacks full of mail every day, perhaps four or five hundred letters a day for a while. She said it was quite possible that many of these, if not most, had not been read, as there were not enough people in the office to do all the work that was piling up at that time. Therefore, Jones Harris and I spent some time going through these letters today. There were a few snippets, but little of real importance. The most interesting thing was a letter from Wiley Yates, who knew Loran Hall when he was in Dallas. He might be able to shed some light on the Hall-Howard-Seymour business.

The question of whether Bill Gurvich really was the chief investigator is beginning to be raised in the office. Garrison says he only performed menial chores, and Ivon said he was not the chief investigator. I don't really know the truth here, but the trend is obviously to minimize Gurvich's role and importance in the investigation. The local papers seem to be concurring in this. Ross Yockey, States-Item reporter who seems to be fairly pro-Garrison, made some points in his story about Gurvich not having an office of his own, and always being in a different office when Yockey saw him.

In the evening I watched the third part of the CBS series in Eric Norden's hotel room in the Royal Orleans. Bill Turner was also there, and while there made a phone call to Warren Hinckle, telling him that he would like to do another piece on the investigation for Ramparts, etc. Norden had some supper sent up, and it was rather embarrassing for us to sit there at the table as Bill Gurvich came on the program and said a few things which, I think, must have made us all blush, eg., a plan to raid the local FBI office, and a decision to beat up two ~~newsmen~~ newsmen. When asked about Clay Shaw, he said he would "save it for the grand jury." Nevertheless, Norden is still clearly impressed by Garrison, and it looks as though the interview will probably cast him in a favorable light.

After dinner an English girl staying for a few days, Belinda Heathcote-Amory (her father was a cabinet minister of some kind,) joined us for drinks, first at the Touche Bar. Turner was talking about what a magnetic personality Garrison was. Although he had sworn off police work after he left the FBI, Turner said, he would "strap on a gun" for Garrison at any time, if Garrison wanted him to. Eric Norden then took us to the Playboy Club on Iberville St where we had a couple of drinks.

Wednesday, June 28, 1967

Aaron Kohn and Ed Planer went before the grand jury today. Monk Zelden and Dean Andrews were also seen in the courtroom house. Andrews says that he plans to try and quash the perjury indictment against him in view of NBC saying that there is a Clay Bertrand in New Orleans (and not Clay Shaw.) (1969: In fact, this was the day Dean Andrews went back before the grand jury and told them that Clay Shaw definitely was not Clay Bertrand. He told them he had earlier equivocated on the matter because he had made a deal with Garrison not to say that Shaw was not Bertrand. However, Garrison had broken his part of the deal when he charged Andrews with perjury. It was this June 28th statement to the grand jury--that Shaw was not Bertrand--which formed the basis of Andrews' subsequent perjury conviction.)

The States-Item reports today that Bill Gurvich was never paid but that two or three weeks ago Garrison had told him that he (Garrison) would get a lot of money soon, and assured him he would be paid.

Went through more of the old mail with Jones Harris today. I asked one member of the ~~the~~ DA's staff today what the reaction was in the office when Ferrie died. I was told that everyone was pleased, expecting Garrison to get out of

the investigation. I got the impression, without being exactly told, that they were appalled when Garrison went on with it and arrested Clay Shaw.

Watched last portion of CBS, and then to Rib Room again, with Jones Harris, where Norden was again entertaining Garrison. I told Garrison I had just watched the last CBS episode about the Warren Report, and he indicated it was just a waste of time to watch it. Norden has been doing so much entertaining lately that he is running out of expense money. He had to appeal to Garrison to help him with the bill, and said he would have to phone Hugh Hefner to get some kind of additional expense money approval.

Thursday, June 29, 1967

Yesterday Dean Andrews revealed that the real ~~name~~ Clay Bertrand was, according to him, a bar owner named Gene Davis--supposedly a homosexual bar, on Iberville Street. Davis was rapidly called into the DA's office. He showed up with his lawyer, G. Wray Gill--who is also Carlos Marcello's lawyer.

Needless to say, the charge that someone other than Clay Shaw is Clay Bertrand is extremely threatening to the DA's office. If for instance, Davis had admitted that he had used the name, the case against Clay Shaw would have collapsed then and there. Therefore there was a good deal of relief, I imagine, when Davis said that he had never used the name. I was in the office (Ivon's office,) when he was questioned--primarily by Andrew Sciambra, who fired a series of questions at Davis and hardly gave him time to answer. ~~Andrew said~~ Davis admitted that he knew Dean Andrews, and had known him for some time, but he denied ever using the name Bertrand. He also denied ever knowing Lee Harvey Oswald, or suggesting to Dean Andrews that he go and defend Oswald in Dallas. Davis said he had been interviewed in the last day or two by two FBI agents, and he told them the same thing, and, he said, they told him that they believed him. Davis was very annoyed at the accusation by Andrews, and said that the publicity would be bad for his business. He was ready and eager to sign a sworn statement, part of which read: "I want to state unequivocally for the record that I have never used the name Clay Bertrand nor have I called Dean Andrews in reference to representation of Lee Harvey Oswald." (One question Gene Davis was not asked was whether he had ~~xxxx~~ called Dean Andrews at the Hotel Dieu after the assassination. We shall come to this later in the diary.)

Yesterday, it turns out, others who were called before the grand jury were States-Item reporter Ross Yockey, to give evidence suggesting that Gurvich may not have been the chief investigator, Ed Planer, who was presumably asked who NBC's Clay Bertrand was, Bill Turner, to express his views on the events of Nov 22, 1963, and Bill Gurvich: it would be interesting to read his grand jury testimony.

The foreman of the jury, Albert V. Labiche, emerged at 9:30 after the session and announced: "The grand jury, in its continuing investigation of the Kennedy conspiracy case, and the many charges claimed by various principals in the news media, heard testimony, and has concluded that as of 9:30 pm this date, no new evidence has been produced to confirm any of the allegations that have been made to date."

Why is it necessary, however, to conduct this investigation, whether into the "Kennedy conspiracy case," or into the allegations about Garrison, etc., in the secrecy of the grand jury?

Saturday, July 1, 1967

Today a headline story about me came out in the States-Item: 'DA Aide Cites Hidden CIA Data on Oswald' read the headline. The story was written by Ross Yockey. It came about in this way. While in the Archives I compiled a list of all the classified Commission documents there. Only the titles are

available, of course, from the List of Basic Source Materials, a 170-odd page index of all the Commission Documents in the National Archives. Anyone can read—or purchase a copy of—this document, and it is a simple matter to go through it and write out the classified documents, which are marked with an X at the side of the page. I did this over two months ago, and sent the extract of approx 300 classified document titles to Garrison. They give date, agency of origin (FBI, CIA etc.) and brief title, as well as office of origin.

A few days ago, Garrison requested me to prepare a further extract from this list of some of the classified CIA documents—of which there are 51 altogether—write them up in memo form and explain the whole thing to Ross Yockey. I did this, and added a introduction explaining that there was evidence that the CIA knew about Oswald before the assassination, as is indicated in the affidavit of State Department officer James D. Crowley.

When Garrison told me to do this he more or less made it clear that he was doing this as a form of rebuttal to the criticism he has received in the last ten days. Yockey came over to the DA's office, and I explained the whole thing to him, going into some detail about way the material in the Archives is organised, etc., and the reasons given for classifying documents.

The story duly appeared on the front page of the paper, together with ~~x~~ the list of 29 CIA documents which I had selected. There are one or two inaccuracies in the story, eg I am referred to as a London schoolteacher, which is not entirely correct as I have never taught school in London, although I am from London and have taught school. More serious is the statement in the paper that these classified documents are "vital to an investigation of President John F. Kennedy's assassination." I have no way of knowing whether they are vital or not. My guess would be that they are not, because if the CIA has suppressed vital information about the assassination I don't believe they would type up reports about it and send these reports to the National Archives, whether classified or not. There would always be the danger that typists and archivists would see it.

Commenting on the story on a more general level, it is worth noting that this is not really a news story at all, even though it did make front page headlines. It was merely a piece of research in the Archives—which the States-Item reporters could have done themselves simply by mailing off for a copy of the List of Basic Source Materials—and it is questionable how relevant this research is to the investigation. About the only newsworthy item is Garrison's comment that he is "highly interested in the Bethell list," and Yockey's own addition--invention, I'm afraid—that these documents are "vital".

Sunday July 2, 1967

I had been told that Garrison held staff meetings on Sunday mornings, and so I went in today. Present were Jim Alcock and Richard Burnes, both assistant DA's, Moo Siambra and Bill Martin (also both asst. DA's, though Martin only pro-tem, I think,) myself, Louis Ivon and Jim Garrison. It was conducted in a most informal manner, with Garrison doing most of the talking, and seemed to be mainly a forum for Garrison to air his ideas and theories. He talked some more about the "communication problem" which had been severe lately, he said, but now that it looked as though we were going to ~~z~~ have Playboy on our side, it looked as though we may be beginning to solve the problem. Most of the staff just sat around and listened, saying very little. At one point the subject of Jack Ruby came up, and I thought it was time for me to say that as far as I could see, there was no reason for believing that he was a part of any conspiracy. Alcock murmured something in agreement. Garrison treated my remark very casually, and said that I hadn't had a chance to see the whole picture yet, but that I would in time. After

the meeting, during which no real agenda was discussed, Jim Alcock came up to me and said that he agreed with my remark about Jack Ruby, which I appreciated.

It will be recalled that at the trial of Clay Shaw, two witnesses testified that they overheard Clay Shaw discussing the assassination of President Kennedy. They were Perry Russo and Charles Spiesel. I did not make a note of the exact date, but it was at approximately this time that Charles Spiesel contacted the DA's office for the first time. I went into Garrison's office one day and he was in a good mood, announcing that he had recently spoken to a chartered accountant in New York, who said that he had seen Shaw and Ferrie together and they were discussing assassinating the President. It was encouraging news.

Some time later, Jim Alcock was dipatched to New York to interview Spiesel. He returned with the following report: that Spiesel "made a good appearance", and would undoubtedly "make a good witness" from that point of view. He told of attending a party at an apartment on Esplanade Avenue, near Dauphine Street, (which is very close to where Shaw lives,) and there he met Clay Shaw. He had been taken to the party by David Ferrie, whom he had met that night at a bar in the French Quarter. Later in the evening, the assassination attempt was discussed.

However, Alcock added on his return from New York, he did not see how we could use Spiesel as a witness, as he was a "nut", to use Alcock's word. He told me that Spiesel was a paranoid character, who was in the habit of finger-pointing his own children because he believed that Federal agents were making a practice of substituting exact duplicates of his children to deceive him. He also said that Spiesel thought that people hypnotised him against his will. Nevertheless, at a later date the decision was made to use Spiesel as a witness.

Monday, July 3, 1967

The judge in Columbus Ohio ruled today that our extradition papers on Gordon Novel are insufficient. There are defects in them, he said, which were pointed out to the authorities in Louisiana, but were not corrected.

Wednesday, July 5, 1967

The state filed a motion today for a speedy trial in the Clay Shaw case. Alcock told a newspaper reporter that this was done "so we can get this thing out of the TV studios and into the court room where it belongs." The motion filed by the state complained that "Newsweek, the National Broadcasting Company and the Saturday Evening Post have carried material prejudicial to prospective jurors," and that statements carried in those media "were known to be false and intended to hamper the investigation as well as intimidate its witnesses." It added that "false charges and statements designed to wreck this case have been made by Government officials. The above actions, if allowed to continue unchecked, can only have a harmful effect. Therefore the state is compelled to seek an early trial in this case."

The District Attorney of Jefferson Parish, Frank Langridge, announced today the resignation of Dean Andrews as assistant D.A. of Jefferson Parish. Andrews has been charged with perjury by Garrison.

Not much in the office today. They are still talking about giving me an office, which will house the files on the case. Meanwhile, the files are kept in Louis Ivon's office. I continue to go through them, slowly, and I don't ask too many questions.

Thursday, July 6, 1967

I spoke to Jim Alcock briefly today. He mentioned the motion for a speedy trial. He said, "Man, after that program by NBC attacking us, and broadcast all over the country, we could have gotten a continuance just like that. But what does Jim do? Files a motion for a speedy trial!" He said it in a tone of amused incredulity. Without actually saying so, Alcock made it pretty plain to me that he is not looking forward to the Shaw trial—and he will be the chief prosecutor in the case.

Friday, July 7, 1967

Grand Jury subpoenas were issued today for Bill Gurvich and John (the Baptist) Cancler. Cancler, a convicted burglar in Parish prison said on the NBC program that he had been asked by a member of the DA's office (not named) to break into Clay Shaw's house and place something in it. He said he refused to do it when he found out whose house it was. (When asked by the NBC interviewer what his profession was, Cancler calmly said, "Burglar.")

Assistant DA Richard Burnes said of the Gurvich subpoena that "this time we want the grand jury to hear him out on a put up or shut up basis, to draw out the evidence, if he has any." Reporters asked Burnes if the grand jury heard anything significant from Gurvich last week. Burnes said, "I really wish I could tell you about that, but the secrecy of the grand jury must be preserved."

Today also, Walter Sheridan was charged with public bribery of Perry Russo. Sheridan was the principal reporter and fact gatherer for NBC. He formerly worked for the Justice Department, and was a key member of Bobby Kennedy's "get Hoffa" squad. The Bill of Information filed by the DA's office—a means of charging someone which circumvents the necessity of getting a grand jury indictment—says that Sheridan tried to bribe Russo on or about June 11 by making Russo the following offers: Lodgings in California; payment of attorney's fees for extradition proceedings; protection and immunity from

the state of Louisiana and the DA's office; guaranteed employment or job security in California.

Of course, I have no way of knowing at present whether these allegations are true. (1969: Epstein, in his book 'Counterplot' deals with this point. He writes: "Garrison himself had taken considerable pains to bait the trap. he told me himself that he had directed Russo to speak to the reporters over a monitored phone and inquire what protection they could offer him if he were to change his testimony. The purpose was, as he put it, 'to give NBC enough rope to hang itself'!")

Monday, July 10, 1967

On an order signed by ~~district~~ Judge Matthew Brabiff, Garrison today subpoenaed David Ferris's bank records. I note that this actually rated a ~~full~~ page one headline in the States-Item, right across the page. I wonder about this. Garrison has been accused of being a "headline-hunting DA", and his admirers dismiss this sort of accusation as a smear tactic. And yet I heard a conversation in the office the other day--at which Garrison was not present, I should add--which lent some credence to the accusation. They were talking about the timing of news releases from the office, in a semi-joking way, and saying things like, "Did you make the peach edition, Dick?" It was a joking kind of a conversation, but I suspect that more thought goes into the timing of news stories than one might guess. There was also some talk about Friday being a good day for headlines, because the news tends to linger over the week-end that way.

Still, this kind of thing only works if you can get co-operation from the papers. I must say I am very surprised that anyone at the S-I thought the bank record subpoena was worth a full, page one headline.

Tuesday, July 11, 1967

Richard Townley was charged with public bribery today. He is a newscaster for WDSU-TV, the NBC affiliate here. He is accused of bribing Perry Russo, on a similar basis to the Sheridan charge, and also Marlene Mancuso, Gordon Novel's former wife. Garrison released a sworn statement from Mancuso, saying that Townley had told her, in an effort to entice her to appear on the NBC program, that Garrison would be "destroyed", and would "go to jail". The charge against Townley is that he used "violence, force and threats upon Marlene Mancuso, with intent to influence her conduct in relation to her duties as a witness."

~~Since~~ I left for a week's vacation today--to Minneapolis with the Kid Thomas band and George Lewis.

Wednesday, July 12, 1967

(In Minneapolis) Shaw's lawyers came into court today with a motion to prevent Garrison's appearance on NBC this coming Saturday. Haggerty denied the motion, saying that he could not anticipate possible violations of his guidelines and halt Garrison's TV appearance.

John Cancler came before the grand jury today, according to a story in the States-Item. He was asked to repeat his story about being asked to plant evidence in Shaw's house, and refused to do so. The story in the S-I reads: Cancler took the 5th amendment and grand jury Foreman Albert V. Labiche trooped Cancler and the jurors before Judge Bernard J. Bagert, who hastily convened court. Again Cancler refused to tell his story. Bagert found him guilty of contempt and sentenced the man to six months in jail, and a \$500 fine." This seems very high-handed. Supposing the story is true--and I have no reason to believe it is. If he had repeated it before the grand jury, I imagine there is a good chance he would have been charged with perjury.

Friday, July 14, 1967

(In Minneapolis) There is an interesting story in today's States-Item which only rated page 5, I note. Gurvich apparently took a lie detector from the John Reid outfit in Chicago. His responses were those of a person normally telling the truth. In this test he made the following allegations: that on May 17th Garrison ordered the arrest of Walter Sheridan and Richard Townley, and also ordered them to be handcuffed and physically beaten. Gurvich says that Jim Alcock opposed the arrests on legal grounds, and Garrison replied, "don't be so legalistic." Alcock also apparently said to Gurvich that if he and Gurvich had been in New Orleans at the time, Shaw would never have been arrested. Charlie Ward, Garrison's chief assistant, apparently said to Gurvich was done on "raw political power" only. Garrison also discussed his desire to extend the term of the Orleans Parish grand jury for another six months, but Ward told Garrison that there was no way it could be legally extended. Also, according to Gurvich, Ward, Alcock and Oser all opposed the use of Vernon Bundy at the Preliminary Hearing. (This last item I had heard from another source—Bob Richter of CBS—while I was in the National Archives. Richter was in New Orleans with Garrison before the case broke in the papers, and for some time CBS were quite thick with Garrison. After the Preliminary Hearing, Richter came back to D.C. and told me that the vote in the DA's office had been unanimous not to use Bundy—with the exception of Garrison.)

Saturday, July 15, 1967

I watched Garrison's reply to the NBC attack this evening in Minneapolis. He was given half an hour. He talked easily and sometimes amusingly, but I was slightly disappointed—especially by his refusal to "dignify" any of NBC's charges by replying to them. In fact he replied to them facetiously. However, he ~~did~~ said nothing to dispel the accusations that have been made, and nothing which really strengthened his case. A couple of friends, watching with me, grew restless and one of them accused Garrison of being "another Huey Long."

Tuesday, July 18, 1967

I returned from Minneapolis yesterday, and came back into the office today. Bill Boxley is back in the office, having returned from Texas. The main item today is that there was a new potential witness in the office—Donald P. Norton, a night club entertainer from Vancouver. Norton apparently got in touch with the office a week or so ago, and Charlie Ward was dispatched to Canada to interview him. Norton was in the office today, together with a sort of body-guard friend who said almost nothing, but just glowered at everyone.

Norton was interviewed in Alcock's office. He claims to have been in the pay of the CIA, to the tune of \$500 a month. He claims that he was paid to inform on sexually deviant officers and personnel while stationed at Fort Benning. He then became a "bagman" for the CIA, he says. Sometime in 1962 he claims to have delivered money to a Hugh Pharris at the Atlanta airport. He now identifies Hugh Pharris as David Ferris. He says he also delivered money to Lee Oswald in Mexico in September, 1962. After he had gone over these incidents, Bill Boxley came into the office and made Norton go over it again. Boxley's interrogation of Norton was impressive, and dispelled whatever doubts I may have had about him (Boxley) having worked for the CIA. He asked Norton a lot of detailed questions about the way the money was transferred on these occasions, what kind of brief case was handed over, what kind of brief case he got back in return, etc. Norton, clearly, was not equal to this kind of questioning, and his story more or less fell apart. After he left, Boxley concluded that his story did not merit credence. We then found out that

Norton had tried to get a job working for Garrison as an investigator. Without anything being said, it was tacitly understood all round that Norton would be of no value as a witness.

Today new perjury charges were filed against Dean Andrews, based on his June 26 grand jury testimony. I overheard Dick Burnes saying something about this. He said that he was very grateful for Andrews' new testimony, (in which he came right out and said that Clay Shaw was not Clay Bertrand,) because, on the basis of his earlier testimony, there was not a clear-cut case against Andrews. Now, however, there was.

Walter Sheridan was in the courthouse today, posting bond on his bribery charge, and while there he was handed a grand jury subpoena by the DA's office. It looks as though they're trying to get him on perjury as well as bribery!

Wednesday, July 19, 1967

Subpoena for Sheridan to appear before the grand jury stayed today by Judge Bagert after Sheridan's lawyer, Milton Brenner, appeared in court with a motion requesting that Garrison be removed as advisor to the grand jury. Garrison replied to this as follows: (Sheridan had accused Garrison of trying to stifle the freedom of the press.)

"Mr Walter Sheridan insults the concept of freedom of the press when he attempts to use it to make himself look heroic. Freedom of the press does not include the right to destroy a state's case so that a defendant can escape justice.

"This program (NBC's) will probably stand for years as a symbol of the lengths to which some powerful outside interests will go in order to interfere with state government."

Thus, I note, Garrison appeals to the states' rights element in order to muster support for his case. He added that Walter Sheridan is a "known intimate" of Robert Kennedy.

Thursday, July 20, 1967

William Gurvich said yesterday that the grand jury was "handpicked" by Jim Garrison, and "came right out of the locker room of the New Orleans Athletic Club." I don't know how much truth there is to this, but I increasingly get the impression that the grand jury does exactly what Garrison wants, especially this grand jury, to judge by the favorable comments about it that I hear flying around the office.

Friday, July 21, 1967

On a motion to quash the grand jury subpoena of Sheridan, subpoenas were issued to all grand jury members, Jim Garrison, Charles Ward, Bill Gurvich, and three members of the Orleans Parish Jury Commission.

Sunday, July 23, 1967

I forgot to mention that the other day, (before going to Minneapolis,) I went to David Ferrie's apartment with one of Garrison's investigators, Lynn Loisel, as well as Richard Popkin and Paris Flammonde. The purpose was to look through Ferrie's belongings in the hope of finding something which would link him to the assassination. This had been done before, I gathered, but it was felt that not a thorough enough search had been made, eg. between the pages of books, etc. It turned out to be a fruitless search, as well as a rather heartbreaking experience.

Nothing had been touched since Ferrie's death in February, and cobwebs and dust was accumulating everywhere. The whole apartment was a terrible mess. I spent some time going through books, (of which Ferrie had hundreds,) in a back room. I was continually distracted from my task by the extraordinary

variety of books on the shelves: Gray's Anatomy, Sight Without Glasses by Dr. Peppard; volumes of St. Thomas Aquinas, and Farroll's A Companion to the Summa; David Copperfield; Dolciani's Modern Algebra. Many volumes on flying, including Human Factors in Air Transportation. War and Peace. Back numbers of the Scientific American in profusion. The Harvard Classics, volumes of Guy de Maupassant. It was the library of an educated man.

On the wall is a caption, 'People are No Damn Good'. The floor is littered with papers, dust, dirt and broken glass. In the living room there is a piano, and on a coffee table Ferrie's pilot's hat, with newly formed cobwebs clinging to it. There are model steam engines on sideboards, crucifixes and microscopes. On the floor are heavy dumbbells. In the kitchen, an unopened bottle of Bourbon whiskey stands on the table—brought by George Lardner of the Washington Post on the night Ferrie died?

The bedroom is a mess, and on the dresser a makeshift altar has been erected, with various religious artifacts. Priests vestments are spilling out from the half opened drawers, and on the wall by the dresser, a mess on the wall caused, Lynn Loisel told me, by the daily use of some fixative when Ferrie put on his wig.

There is a framed diploma on the wall which reads: "Phoenix University. David William Ferrie Doctor of Philosophy in Psychology with all rights and privileges pertinent to such distinction, signed and sealed this first day of August, 1957."

There is nothing to connect Ferrie to the assassination, and nothing to connect him to Oswald. I have so far seen no evidence that Ferrie knew Oswald, other than Perry Russo's testimony.

Friday, July 28, 1967

The Louisiana Supreme Court today granted Walter Sheridan a stay in his appearance before the grand jury. The other Sheridan pleas, that Garrison be recused as an adviser to the grand jury, and that the foreman supply the questions in advance, were denied by Judge Bagert.

Saturday, July 29, 1967

Vincent Salandria, the lawyer from Philadelphia, arrived in town today. He is staying at his friend Matt Heron's house. (Matt is away on vacation in California.) Salandria is interested in looking through the evidence, especially the evidence against Clay Shaw. In the evening I met Salandria and we were later joined by Jim Garrison at the Vieux Carre restaurant. Garrison did most of the talking as usual, claiming that the fact that he has been attacked by CBS and NBC proves that the Government is really worried about what he might come up with. Salandria is in agreement with this. He sees the whole thing as a CIA operation, in fact he feels that almost all policy decisions in the country are made basically by the CIA, under whatever name. He showed me some of the manuscript he is working on with Tom Katen, supposedly a "model", as he calls it, which proves the involvement of the CIA. However, as far as I can see, the ms contains no hard evidence at all—just a lot of guess work and quotes culled from the New York Times, etc., Presidential pronouncements, most of it about Vietnam.

Garrison and Salandria both agreed that Clay Shaw's role in the case was similar to that of George DeMohrenschildt in Dallas. This is seen as a "custodial" role over Oswald, as though DeM and Shaw were Oswald's "superior officer", to whom he had to report from time to time.

After dinner we all went round the corner to Moran's restaurant for a drink. Garrison, in a genial and expansive mood, seemed to know everyone, and five minutes would not go by without someone coming up to him, shaking his hand, and telling to keep going and not to let anyone stop the investigation.

Sunday, July 30, 1967

We had a staff meeting in Garrison's office this morning. It included an extremely odd performance by Garrison. Scimbra and Burnes launched into an interesting, and to my mind important, discussion of the forthcoming Dean Andrews trial. They were talking about the Judge (Shea), his likely reactions to this and that, how to approach the trial, what witnesses to use, etc. Garrison paid almost no attention at all, as though the whole subject was too boring to talk about, which is what I think he really thought. He kept interrupting the legal discussion, bringing the subject round to his own theories about the possible involvement of various peripheral individuals he has been reading about in the 26 volumes, eg Bruce Ray Carlin. The lawyers would stop when Garrison chimed in, pay respectful attention to what he had ~~sawak~~ to say, murmur something non-committal or inaudible, and then resume their discussion of legal tactics.

I said that I would like to say something (intending to throw my support in with Burnes and Alcock,) and prefaced my remarks by saying, "I realise I am not a lawyer, but it seems to me that..." Garrison firmly interrupted. "That's all right. Law is just common sense. You don't have to know anything about law..." and then he diverted the conversation again. Not very much was accomplished in the end, and once again I got the impression that Garrison likes to hold these staff meetings mainly to try and convert the staff to his theories and way of thinking.

Monday Tuesday, August 1, 1967

Salandria has for the past two days been going through all the files of the case in Louis Ivon's office. He bluntly told me at the end of this research that the case against Clay Shaw looked extremely weak, and he seemed quite worried about it. He said he would try to talk to Garrison about this. I quite agree with Salandria's evaluation. There appear to be no witnesses against Shaw other than Russo and Bundy, both of whom already testified at the Preliminary Hearing. There is also the business about Clyde Johnson, the preacher who claims to have met Shaw under the alias Alton Bernard. However, I gather that Johnson (whom I have not met) is not taken too seriously by Garrison's staff. The news media know all about him anyway, and I get the impression that when Garrison leaks information of this type to the media, it means that he does not intend to use the witness in the trial. There are one or two other communications from convicts in the Shaw file, but I don't see how anyone can even pretend to take these seriously.

There is also some "propinquity Factor" material, which I don't think can be included under the heading of evidence. For instance, James Lewallen, (who looks somewhat like Oswald with the beard, incidentally,) a friend of David Ferrie, lived at 1309 Dauphine Street from 1960 till 1964, is practically next door. Lewallen says he was once invited into Shaw's apartment to have a drink. Jim Alcock, in a memo he wrote of an interview with Lewallen on Feb 19, 1967, said: "James Lewallen has never seen Clay Shaw with David Ferrie nor has he ever heard Clay Shaw or David Ferrie refer to the other in any conversation. During this time JL saw DF in his words 'infrequently'."

Most of the material in the files relating to Shaw, and Ferrie for that matter, is purely negative—as the above Lewallen interview. In my view, if the Clay Shaw trial were to be held tomorrow it would be a disaster for Garrison. One thing is clear. At the time Shaw was arrested, the only witness Garrison had was Perry Russo. Apart from Vernon Bundy, I don't know of any others at present. Interviews with Layton Martens, Alvin Beaubouef and Melvin Coffey, as well as Lewallen, have produced no ~~more~~ evidence whatsoever to link Ferrie to the assassination, or Shaw to Ferrie or Oswald.

(196): In fact, by this time, Andrew Scimbra was already making trips to Clinton, La., to interview potential witnesses there. Several were eventually developed, but at this time there was nothing relating to Clinton in the files.)

Thursday, August 10, 1967

The Dean Andrews trial is now underway. Preliminary motions are now being heard in Judge Shea's tiny courtroom on the third floor of the court house. Today Judge Shea denied a motion to quash which Andrews filed on the grounds that the grand jury which indicted him in March was improperly selected. Judge Bagert, who selected the grand jury, testified that there was only one wage earner on the jury. Andrews is also trying to get Garrison recused from prosecuting him. In the process, he called as witnesses two policemen who testified that on September 19, 1966, they arrested a man identified as Manuel Garcia Gonzalez on Decatur St. He was allegedly carrying a concealed. This, then would seem to be the source of Garrison's claim that a Manuel Garcia Gonzalez was involved in the assassination—as Andrews has claimed. The man arrested was not ~~finger~~ fingerprinted or photographed, however, according to the officers' testimony, and therefore there seems to be no basis for Garrison's assertion that this is the same man as the one passing out leaflets with Oswald. However, I can't see the relevance of this to Andrews' defense or recusal motion.

Dean Andrews is defending himself, and one can't help feeling sorry for him, nor is it easy to avoid concluding that the whole reason for bringing him to trial is to negate the effect of his statement that Clay Shaw is not Clay Bertrand. Obviously, it is necessary for the state to invalidate this claim by Andrews, if the case against Shaw is to have any viability. Dean Andrews also feels this way. In front of the grand jury last March, he said: "I get the impression you all want me to identify Clay Shaw as Clay Bertrand—I'll be honest with you, that is the impression I got..." The assistant DA questioning him replied, "Well?" "And I can't," said Andrews. "I can't say he is and I can't say he ain't." The basis for the new perjury indictment of Andrews is that this statement is in conflict with his later one that Shaw is not Bertrand. But which statement is a lie? In order to obtain a valid perjury conviction, you can't just parade two conflicting statements by the same man made three months apart. All the indications are that the state is going to argue that the first statement—"I can't say he is and I can't say he ain't,"—is the lie. In order to demonstrate that the second is a lie, the state is going to have to produce witnesses who will say that Shaw is Bertrand. But who? Russo again?

Jones Harris is down from New York again. He is taking a considerable interest in the trial, and argues that a conviction is mandatory if Garrison's case is to survive. No doubt he is right.

Friday, August 11, 1967

The trial proper started today. Andrews' recusal motion was denied by Judge Shea at the outset of the day's proceedings. The five man jury was then selected. (Apparently the U.S. Constitution does not specify how many people must be on the jury. One juror admitted having a fixed opinion on the case, but he was admitted to the jury anyway, which struck me as being untenable. There followed almost immediately a mistrial motion, arising out of a remark by asst. DA Jim Alcock that he was going to proffer to the court some "inculpatory statements made by the defendant." The motion for mistrial was denied by the judge. Andrews is now represented by Harry and Cecil Burglass, while the state's case is being handled by Jim Alcock and Richard Burnes.

The elements of the state's case began to appear today. Essentially, two points were established: Dean Andrews testimony before the Warren Commission in 1964 was introduced into evidence, and the circumstances surrounding Andrews' March grand jury testimony were brought into the record. This the basis for a perjury conviction was laid down: In 1964 Dean Andrews gave a physical description of Clay Bertrand ~~which was~~—very dissimilar to Clay Shaw, which therefore means that in March 1967 he would have had no reason to

say that he was unable to say whether Shaw was or was not Bertrand. In other words, what the state is saying is that Andrews very well ought to have been able to say that Shaw was not Bertrand. This may make Andrews a perjurer, but it certainly militates against the state's case against Shaw. The press does not seem to have noticed this astonishing weakness in the state's case.

Saturday, August 12, 1967

The state, in its continuing presentation of its case, again established two principal points today. One: that Dean Andrews, on June 23, identified Gene Davis as Clay Bertrand, and Two: on the same day testified before the grand jury that Clay Shaw was not Clay Bertrand. There is obviously no conflict between these two statements. But both are in conflict with Andrews' earlier statement in which he says he is unable to say whether or not Shaw is Bertrand. Thus, the state is again arguing, Andrews' earlier statement is a lie. This was made explicit when the following portion of Andrews' June grand jury testimony was read into evidence:

Q "When you testified before the grand jury March 16, you know Bertrand was Davis?"

(Andrews:) So I lied. I committed perjury. I don't know what I said. The man is Eugene Davis."

The state rested at the end of today's presentation, and the defense then moved for a directed verdict, claiming that the state had not demonstrated a 'Corpus Delicti', i.e. a basis in fact that a crime has been committed, other than from Dean Andrews' own mouth. The judge is considering this point and will rule on it tomorrow. Meanwhile it is worth considering the state's case: they have only established that Andrews lied at one point—during his March 16 grand jury testimony. All of Andrews' other statements—his Warren Commission testimony, his statement that Shaw is not Bertrand, and his identification of Bertrand as Gene Davis are consistent. It is therefore worth examining the implications of the state charging Dean Andrews with perjury for lying during his grand jury testimony on March 16th. Once again, it is argued that Andrews lied when he said of Shaw, "I can't say he is and I can't say he ain't (Bertrand)". Why is this a lie? Because, the state has argued, Dean Andrews knew very well that Clay Shaw was not Clay Bertrand. Surely, therefore, if the state considers it has the right to call Andrews a perjurer because he knew very well that Clay Shaw was not Clay Bertrand, then the state itself must be accepting the position that Shaw is not Bertrand. By claiming that Andrews lied when he said "I can't say he is and I can't say he ain't," the state is implicitly accepting that Andrews told the truth when he said that ~~Andrews~~ Gene Davis is Bertrand. Now, how can Garrison claim that Shaw is Bertrand, and at the same time accept that Andrews told the truth when he said that Davis is Bertrand? For the state to sustain its belief that Shaw is Bertrand, they ought to have argued that Andrews lied when he said that Davis is Bertrand. They ought to have also repudiated Andrews' statement that Shaw is not Bertrand. But they made no attempt to do this. Thus, while the state may have in fact established a valid perjury case against Andrews, they at the same time practically destroyed their own case against Shaw. The press does not seem to have commented on this at all, and certainly no one has drawn attention to this remarkable state of affairs. The state introduced no witnesses to testify that Shaw was Bertrand. If they had approached Andrews' contradictory statements from this direction, they could not only have equally demonstrated perjury by Andrews, but also saved their own case against Shaw. But they did not do this. Why not? Because, in fact, there are no witnesses (other than Russo) who can say that Shaw is Bertrand. Thus the state's case seems to be little more than a sleight of hand operation designed to discredit Dean Andrews by convicting him of perjury,

even at the expense of their own case against Shaw.

Monday, August 14th, 1967

Dean Andrews was convicted on three out of the five counts of perjury late last night, (ie early this morning.) The summing up arguments by Alcock and Burnes were much more effective than that by Harry Borglass for the defense, which was a sloppy performance. He argued that Dean Andrews was "a good feller," everyone likes him, and he hasn't really done anything wrong. (A judgment echoed by Martin Waldron of the NY Times, incidentally. He saw me outside the courtroom at one point and commented that Dean hadn't really done anything wrong, and did not deserve to be convicted.) Borglass did make one good point, however: why doesn't the state bring in witnesses showing proof that Shaw is Bertrand? Other than that, his arguments were weak, eg: "I don't have to tell y'all that Dean Andrews told the truth."

I saw Alcock today in the corridor of the DA's office and told him that the whole thrust of the Andrews case had been very injurious to the Shaw case, and he said, "I know, it hurts us, but what else could we do?"

At one point in the proceedings yesterday, the defense attempted to introduce evidence from Hugh Aynsworth of Newsweek. The day after Andrews was arrested, Aynsworth said, he talked to Garrison, and Garrison said, "Andrews doesn't know anything but he's been bullshitting me for weeks now and I'm going to get him." However, this testimony, given while the jury was out, was ruled hearsay by the judge and the jury never heard it. Also, Prentiss Davis, Dean Andrews' investigator, testified unexpectedly that Clay Bertrand was a name that Andrews would frequently use when he wanted to disguise the true name of the person he was talking about. Judge Shea promptly admonished the jury to ignore the remark.

Tuesday, August 15, 1967

Dean Andrews was sentenced to 18 months in jail. His case is being appealed, and he remains free on bond pending his appeal. Looking back on the trial, what an extraordinary confused mess of evidence it was! The jury ~~made~~ mainly drowsed their way through it, I noticed, and can hardly have had the slightest idea what was going on. Legally, it seems to me that there is probably genuine doubt as to whether Andrews was legitimately convicted, and I will not be at all surprised if the case is overturned at a higher level. As for the implications of the case as they affect the rest of the Garrison investigation, they hardly bear thinking about. The Dean Andrews trial just about ~~lets~~ lets Clay Shaw off the hook, or it ought to. However, Garrison has got one big thing going for him, I now realize: confusion. The case is now getting so confused that even newsmen are having a hard time keeping track of the implications of what is going on. Certainly the general public can hardly be aware of the implications of the Andrews trial, especially if they are relying on the Times Picayune. The Picayune and the States-Item had yards and yards of coverage every day for the trial, but the level of reporting merely served to add to the confusion. No attempt was made to explain anything.

Saturday, August 19, 1967

I talked to Jim Alcock today. He seems to be the most intelligent, and most communicative person in the office. He said several things, some of them astonishing. First, he told me that Gene Davis did call Dean Andrews at the Hotel Dieu. I asked him how he knew that and he said that Davis had called him and admitted it. It now looks as though Gene Davis really is Clay Bertrand, inasmuch as anyone is. Alcock suggested that Dean might have just made up the

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Insert

Wednesday, August 23, 1967

Yesterday I moved into a small office in the DA's office—the one John Volz interviewed me in last December. In it is a desk, bookcases ~~with~~ containing two sets of the 26 volumes and most of the books on the assassination, and one large filing cabinet into which the files on the case are being transferred. The files are in salmon folders labelled 'Rackets Division' on the front. All of the major figures in the case have a separate file, and some, eg Ferrie and Gordon Noval, have two. One or two of the major files (eg Shaw) are being kept in Louis Ivon's office, at my suggestion. There are other files on organisations, eg CIA, FBI, and places, eg the training camps north of Lake Ponchartrain.

On the door has been painted: 'Archives T. Bethell, esq.' I note that the door to Louis Ivon's office simultaneously has also been repainted. It now reads, 'Louis Ivon, Chief Investigator.'

Thursday, August 31, 1967

John Cancler's contempt conviction (stemming from his remarks on NBC and his refusal to repeat them before the grand jury,) was set aside today at the request of the DA's office. The curious reason given was that the DA's office feared that the conviction would be reversed because of recent trends in Federal Court rulings on criminal appeals.

Tuesday, Sep 5, 1967

Garrison is in New York, and last night he attacked Earl Warren's remark about not having seen any new evidence to justify concluding that his report had been wrong. Garrison characterised Warren's remark as "heavy artillery whistling in from Tokyo." Note: today Life magazine published the second article about organised crime in Louisiana.

Wednesday, Sep 13, 1967

In response to the Life articles, Garrison subpoenaed 16 officials of the Metropolitan Crime Commission. He has said publicly that he will resign "if organised crime is found to be flourishing" in Orleans Parish.

Friday, Sep 15, 1967

Gov McKeithen said that the Life stories were a "smear" of the state, "possibly resulting from the indictment of this fellow Sheridan. They know they can take Carlos Marcello and smear anybody." The Sheridan indictment, McKeithen said, "gave a lot of enthusiasm to the people who came here from Life. There's no question this state has been terribly smeared...whoever gave that story to Life did this state a terrible dis-service." Implying that it was the MCC, he said, "they should be ashamed and leave the state."

It has also been revealed recently (in a Federal court hearing in Chicago on a Hoffa appeal) that one of the criminal judges here, Malcolm O'Hara, has been travelling around with Zachary Strate, a teamster official who was convicted along with Hoffa. O'Hara admitted in Federal court that he tried to get Edward Grady Partin, the chief witness against Hoffa, to sign an affidavit stating that wiretapping evidence had been used against Hoffa. McKeithen is now saying that he "had never said he would" investigate Judge O'Hara, and has no power to remove him from office. Asked if he planned to look into it, McKeithen said, "I will if I am asked to."

The grand jury today questioned Aaron Kohn, Managing Director of the Crime Commission, and then ironically went to Judge O'Hara's court to file its report: No findings.

Insert

Friday, Sep 22, 1967

Yesterday Garrison said in New York that "elements of the Dallas police force were deeply involved in the assassination of President John F. Kennedy." He said the assassination was ordered and paid for "by a handful of oil rich psychotic millionaires. Some members of the Dallas white Russian community also played a part. John Kennedy was assassinated by armed ultra-militant para military elements who were patriotic in a psychotic sense." He added that the CIA is a "fascist appendage to our country."

Asked why Life would want to "smear" Louisiana, McKeithen said, "it could be they felt Louisiana was getting too much favorable publicity lately. They just wanted to knock a poor southern state down." But when told that the editors of Life would be willing to show him their data on organized crime in the state, McKeithen said he was "anxious" to see it. Pershing Gervais, Garrison's ex-chief investigator (from time to time you still see him in the office,) called Life "a new comic book," and dismissed the MCC as a "lunatic fringe."

Monday Sep 25, 1967

Third article published in Life, this time occasioned by McKeithen's and Garrison's offer to resign if organized crime exists in the state. In the evening Alcock and Ivon made an anxious trip to the news stand, to read about the new allegations.

Tuesday, Sep 26, 1967

Life has documented charges that Carlos Marcello called Aubrey Young (a McKeithen aide) at the Governor's office many times in an attempt to set up a meeting with Edward Partin, to get him to change his testimony against Hoffa. McKeithen (who has now flown to New York to see the editors of Life,) said that Young "is presently in our institution in Mandeville." However, he is still saying that the articles have "something to do with Sheridan." (Sheridan, of course, is relevant to the accusations by Life, in that he was the one who developed Partin as a witness against Hoffa. However, it is obvious that the Life articles were in the works long before Sheridan was indicted by Garrison on a bribery charge.)

Wednesday, Sep 27, 1967

Publicly, Garrison said: "I am astonished by Governor McKeithen's apology to Life magazine. I do not intend to apologize to Life or anyone else in Washington. Least of all do I intend to work with Aaron Kohn, as the Governor has suggested...In my opinion, Aaron Kohn is a professional liar who lives in a fanciful world surrounded by mobsters and racketeers." He added that Kohn was "the major law enforcement problem in Louisiana."

Wednesday, October 11, 1967

The other day Jim Alcock told me that he had been to see a Saints football game at Tulane. A number of people from the DA's office were there, he said, in a box. Pershing Gervais also came along. "And who did he bring with him?" said Alcock in exasperation. "Red Strate." (Who was convicted with Hoffa, and was the contractor who built the Fountainbleau Motor Hotel.)

(insert)

Wednesday, January 17, 1968

Today Jim Alcock and I went down to the property room and checked through several boxes of Clay Shaw's property. Alcock had been saying that we ought to do this for some time now, and we finally got around to it today. Mainly it consisted of items about insurance of property, old bills and general business paraphernalia. There was nothing there which might remotely connect him with the assassination, Lee Harvey Oswald, David Ferrie, or use of the name Clay Bertrand.

(Insert)

Thursday, April 4, 1968

Yesterday evening Jones Harris called me up after I got back from work. He said that he was in New Orleans, and that the boxer whom he and Norman Mailer and one or two others have shares in (or own, or something) was fighting in New Orleans tonight. He and Norman Mailer were having dinner at Arnaud's restaurant, and Jones invited me to join them and then go on to the fight.

About half an hour later I went into the restaurant and was introduced to the group sitting at a round table—Jones Harris, Norman Mailer and two or three others—very Irish looking, evidently ex-boxers and now trainers, etc. The wife of one of them was also there. Jones introduced me to everyone. Mailer, looking rather portly and dressed conservatively in a three piece suit was cordial and slightly reserved. He surprised me—not at all what I had expected. For some reason I had this image of him with hair sticking up all over the place and the party a boisterous one with the booze flowing and Mailer probably shouting and throwing bread about. But he sat there placidly, hair smoothed down, hands folded calmly across his stomach, and he was wearing small, wire rimmed glasses, which gave him a mild, out-of-date, slightly Pickwickian look.

He expressed interest that I was working for Garrison, let me know that the subject was one which interested him, but at the same time made it clear that it didn't exactly absorb all of his attention. Jones urbanely steered the conversation into other directions. It was a pleasant relief for me to come across this sense of proportion—something that has been lacking in the last year. (Sometimes, with Garrison, I ache for him to talk about something else, almost always to no avail. A pity, as Garrison can talk well on other subjects and his preoccupation—to the point of obsession—with the assassination is not only unattractive, it is a bore.)

There was quite a lot of boxing talk, and Mailer and his friends were obviously having a case of pre-fight nerves. There were silent pauses when it was evident that that was what was on ~~the~~ ~~everyones~~ everyones minds. Their boxer—ironically named Shaw—has done very well in professional bouts, and I think Jones said has not lost, or maybe only once. Anyway, apparently they have had some trouble getting opponents for him.

Mailer has evidently just visited or given a speech at some university, Wisconsin or somewhere similar, and he is full of admiration for the kids in college and the younger generation. He said what a change from the fifties, and how refreshing. He said that sentiment in this country at the time of the Korean war just did not compare with the present sentiment over Vietnam. He referred to the young people in this country several times, in terms of great admiration.

We left to go to the fight, down Bourbon to St. Peter, and then over to the Municipal Auditorium. I led the way with Jones Harris, who was wearing his inevitable straw hat. He asked how "Big Jim" was, talked a bit about the probe. His attitude to the subject is curious. He hobnobs socially with some of ~~Shaw's~~ Clay Shaw's friends, must surely have no illusions about Clay Shaw, but seems to enjoy the investigation as a kind of mental exercise in which pieces are moved around—tried here and tried there—just for the fun of it. Maybe the Cordell Hull Foundation fits like this, and the CIA like that, Oswald here and the Second Oswald there, Ruby this way and the Second Ruby (yes!) that way.

We had ringside seats for the fight. The auditorium was nearly full, mostly a Negro audience. Sitting opposite us, on the other side of the ring, were Louis Ivon, Jim Alcock and Moo Sciambra. Jones went over to say hello. The main fight started, Shaw v. Percy Pugh, a local boxer. Somehow Shaw could never really get going, although he looked the stronger fighter. After the fight the judges decisions came in. I definitely thought Shaw had won but the verdict went 2-1 for Pugh. There was a lot of yelling and screaming for the home town

(Insert 2, Mailer)

boy. We all trooped back-stage to wait for Shaw to get ready to leave. There was dejection among the camp followers, and Mailer said very little. At one point he came over to me and said in a philosophical tone that it had been "a home town decision." I agreed. Soon Shaw came out, looking slim and trim in a sports coat and slacks, and without a trace of a bruise or a cut, and we were ready to leave.

I was hoping Shaw would win, if only to see a change of mood come over Mailer, but it was a rather morose and preoccupied group that went over to the Press Club for a drink. Mailer was sitting next to me having a drink, and at one point a young reporter whom I had seen occasionally around the courthouse came over to him and told him how much he had enjoyed 'The Naked and the Dead'. He went on for some time about it, and said he hoped Mailer would write more books in that genre. I felt slightly awkward at this (Mailer's work is so full of self-conscious reflection on personal direction and development,) and after the reporter had left (Mailer took it very quietly--hardly said a word,) I asked him whether it bothered him to hear this. After all, 'The Naked and the Dead' was his first book, written in his early twenties, etc. No, he said, it didn't bother him. He said that it was always nice to hear praise, and to meet people who had nice things to say, even if they weren't perceptive about the author's personal direction, etc. I told him that I had enjoyed his non-fiction--i.e. reporting--writing more than anything, and that in view of his current interest in the younger generation, college kids, etc, he might consider doing a kind of top to bottom study of American university--what was going on at all levels of one particular institution. He said he thought it might be worth doing but he wasn't too enthusiastic about it as it would involve a vast amount of preliminary work.

Mailer said he had to catch an early plane back to New York the next day and the party soon broke up. Jones and I went off down the street for a nightcap.

In the DA's office the next day Alcock and Ivon admitted they thought Shaw had won. Sciambra wasn't so sure.