

M E M O R A N D U M

July 29, 1968

TO: JIM GARRISON, District Attorney

FROM: TOM BETHELL

RE: EPSTEIN'S ARTICLE IN THE NEW YORKER

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Following is a list of some errors, ambiguities, or misleading statements I have noticed in Epstein's piece. Some are trivial, one or two are serious.

1. In the first paragraph, Epstein states (a) that the Warren Commission "had offered the authoritative judgment that LEE HARVEY OSWALD alone was responsible for the assassination", and (b) refers to "questions that had baffled the investigative resources of the federal government". Therefore, how "authoritative" can that judgment have been? Epstein's posture vis-a-vis the Warren Commission remains ambiguous throughout the article.
2. CARLOS QUIROGA, Epstein reports, "had visited OSWALD's home several times in New Orleans". In fact there is no evidence that he visited OSWALD more than once.
3. Epstein says that Banister's address "appeared on some of the pro-Castro literature that OSWALD occasionally handed out on the streets." The address in question, 544 Camp Street, appeared on the CORLISS LAMONT pamphlets OSWALD had in his possession when he was arrested by the New Orleans police. There is no definite evidence that OSWALD ever distributed these pamphlets on the streets. (Also, 544 Camp Street was not Banister's address, which was 531 Lafayette Street, although both addresses were in the same building.)
4. "However, the fact that Garrison was politically motivated. . ." Epstein never establishes this as a "fact", other than by taking Aaron Kohn's word for it.
5. "According to F.B.I. Reports, MARTIN admitted that he had made up the whole story." F.B.I. reports of interviews with JACK MARTIN are still classified. Epstein is presumably referring to a declassified Secret Service report (Control No. 620)

6. "Cameras were secretly set up across from FERRIE'S apartment."
No cameras ever were set up.
7. Epstein claims that "more than half of the total expenditures" were spent in Miami. This is an extremely misleading statistic, and if the investigation is viewed as whole, far too high. Even if referring only until the end of January, 1967, the figure is too high, as the bulk of the investigative expense would not show up on the Fines & Fees Account - the investigation being largely conducted by regular members of the D.A.'s staff.
8. Out of DEAN ANDREWS' various descriptions of CLAY BERTRAND, Epstein chooses the description most dissimilar from CLAY SHAW, namely a 5'8" "boy" with sandy hair. ANDREWS had given an earlier description to the FBI which was closer to SHAW (6'1" to 6'2", brown hair and well dressed.)
9. By February, 1967, Epstein says, the investigation "seemed to be at a standstill" and "QUIROGA, (according to Garrison) could not be found". Quiroga had been interviewed by Garrison on January 21, 1967.
10. "FERRIE had already been placed under protective custody for two days". (p.42) "Protective custody" is an inaccurate description of the event. FERRIE had requested seclusion from newspaper reporters, and a room at the Fountainbleau was accordingly rented for him. He could have left at any time he wanted, and so it was not a case of "custody".
11. ". . . the photograph is so grainy that it is difficult even to distinguish the curb from the grass." (p. 55) I doubt if any "member of Garrison's staff" can have made such a statement, as the photograph is clear enough to distinguish individual blades of grass, and the line of demarcation between concrete and grass is obvious to anyone with even minimal eyesight.
12. ". . . the seventh member of the assassination team turned out, much to the District Attorney's embarrassment, to be a real person." (p. 56) I don't believe Garrison was embarrassed when I sent the FBI report on BELKNAP down to New Orleans from the National Archives, and I don't see how he can have imagined BELKNAP may not have been "a real person". Moreover Garrison had the FBI report long before he made the statement about the "diversionary action."

13. "Witnesses pictured in his photographs had testified before the Warren Commission." (p. 56-58) This is a false statement, if by "his photographs" is meant the photographs Garrison showed on TV. The only picture clearly shown on the screen was of two men being led away by Dallas policemen. They did not testify before the Warren Commission. ROBERT HOLLINGSWORTH may well have "personally inspected" some photographs he gave to CHAPMAN, and they may well have shown "bystanders. . . being routinely questioned by policemen." But these photographs appear to be unrelated to the ones Garrison alluded to on TV.
14. "But even though NORTON was turned down in July as a possible court witness, Garrison referred to him as a "secret witness" in the October issue of 'Playboy'. (p. 58) Eric Norden came to New Orleans to interview Garrison for Playboy towards the end of June. At that time NORTON had not been "turned down". Later in August, Garrison revised - almost entirely rewrote - the Playboy interview, but Playboy opted to use the original version obtained by Norden in June, at a time when Garrison knew of NORTON'S existence but had not discarded him as a witness.
15. "William Turner ran across an anonymous letter alleging that. . ." (p. 59) The letter was signed.
16. "Checking through a file he keeps on right wing extremists, Turner found an EDGAR EUGENE BRADLEY. . ." (p. 59)

Turner did not do this, as the letter explicitly referred to EDGAR EUGENE BRADLEY, and gave his address. Moreover, Turner had no "Bradleys" in his files.

17. "On the basis of this information, Garrison, who at the time was in Los Angeles raising funds himself, ordered Assistant D.A. Alcock to issue a warrant for BRADLEY'S arrest". (p 68) This is a seriously misleading statement. It is saved from outright falsehood by the vagueness and ambiguity of the phrase "on the basis of". I pointed out, both to Epstein and the New Yorker fact-checker before publication of the article, that, whereas I did not know whether or not Garrison had been "raising funds" in Los Angeles, I did know that he had been investigating BRADLEY with one of his investigators, Bill Boxley. I pointed out that they had developed considerably more information than was contained in the letter, and that it was on the basis of this information that BRADLEY was charged. I expressed concern with the way Epstein had stated the matter, because it created the impression (without actually saying so) that BRADLEY had been charged solely on the basis of the letter. However, the sentence was allowed to remain unchanged. As the error concerns the basis for the arrest of a man charged with conspiring to assassinate the President, it seems to be a serious one.

18. "But only a few of the earwitnesses thought the shots came from the direction of the stone wall." (p. 71) Actually, nearly all of the earwitnesses who thought the shots originated in a spot other than the Book Depository - "more than half the witnesses", as Epstein says - identified the location of the sound as being in the "direction of the stone wall". For example, numerous witnesses standing in front of or inside the Book Depository thought the shots came from "the west" - i.e., towards the stone wall and grassy knoll.
19. ". . . and that the government consequently knows the assassin's identity." (p. 72) Epstein himself is guilty of extrapolation here.
20. "In the year I have been studying Garrison's investigation and and have had access to his office, . . ." (p. 80). Extremely misleading. Epstein has not, at any stage, had "access to his office." I don't think Epstein would be entitled to use this expression to explain his relationship with the office unless he had been in a position to see whatever evidence he wanted to see, and he never was in that position.
21. "Questions such as these have been taken under consideration by a federal court in New Orleans." (p. 81) Hardly, The federal court was not concerned with evidenciary, let alone epistemological, considerations; it concerned itself almost solely with legal precedents.
22. ". . . including Hoke May and Ross Yockey, who at the time were working closely with Garrison on the investigation." (p. 62) Hoke May takes exception to this, and says he had no contact with Garrison before the CIA story came out in the States-Item, (on April 25, 1967). Moreover, he adds that the reporters concerned had been working on that story for several weeks before publication. There is no indication in the story that Hoke May had been in touch with Garrison. It is difficult to see how Garrison can have influenced the publication date of the piece, as it did not include any information specifically released by Garrison. Therefore, it is disingenuous of Epstein to write, "Whether by design or accident, the charges against the CIA effectively overshadowed the Phelan story." A consideration of the nature of the story should have told him that the result was accidental.