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The Tangled Web: Jim Garrison and the Assassination of President Kennedy

I

Most Americans must have responded with some measure of bewilderment when, on March 1, 1967, they heard the news that one Jim Garrison, district attorney of Orleans Parish, Louisiana, had arrested a leading New Orleans citizen, Clay Shaw, for "conspiring with Lee Harvey Oswald and others to assassinate President Kennedy." At least the vast majority of people who lent credence to the conclusions of the Warren Commission would have wondered what such news could have meant. The Warren Report, published some two and a half years before, had issued an authoritative judgement that Oswald, acting alone, was answerable for the assassination. And although a host of doubts were subsequently raised concerning the adequacy of the Warren Commission's investigation and the reliability of its conclusions, few would have thought credible that the New Orleans district attorney could have, as he now claimed, "solved the assassination ... beyond a shadow of a doubt" and could identify the "key individuals involved." Indeed, the very possibility that a local prosecutor could pursue loose ends which had eluded the investigative

resources of the Federal Government--that he could, in effect, decisively unlock the mystery of Dallas--seemed so remote to most journalists that, soon after the initial stir provoked by Shaw's arrest, news of the "assassination plot" was generally relegated to the back pages and treated with the same casual air as flying-saucer reports.

I for one, however, was prepared to accept just such a possibility as District Attorney Garrison was proposing. In the course of writing my book, Inquest, I had found that the Warren Commission's investigation had been severely constrained by both the bureaucratic pressures operating from within and the deadline limits of time imposed from without. Far from having been the exhaustive and rigorous examination that it was advertised as and taken to be, the Commission's probe was, at certain crucial times, reduced to little more than an exercise in the clarification of superficial evidence. When one delved deeper, knottier problems than those acknowledged by the Commission began to surface. Even members of the Commission's own staff found this to be true. For example, when one staff lawyer suggested late in the investigation that it might be worthwhile to look further in the partially corroborated claim of one witness that Oswald had been associated

just before the assassination with two unidentified Cuban exiles, his superior curtly told him that "at this stage, we are supposed to be closing doors, not opening them." Upon later examination it turned out that some of the doors left ajar but unopened led to possible associates of Oswald's in New Orleans; and it was entirely conceivable to me that the New Orleans D.A. just might have hit upon a useful passageway which the Commission had, for one reason or another, sidestepped.

Consider, for example, a story at the root of Garrison's investigation, which involves a meeting between Oswald and three men--David Ferrie, Carlos Quiroga, and W. Guy Banister--all three of whom the Warren Commission had substantial reason to be interested in. Ferrie, who, according to the testimony of one Commission witness, was Oswald's commander in the Civil Air Patrol, had been arrested in New Orleans shortly after the assassination on a tip that he was involved with Oswald, then released. Carlos Quiroga, a Cuban exile leader, had visited Oswald's home several times in New Orleans for the purpose, he himself alleged, of spying on Oswald's Castroite activities. W. Guy Banister, a private detective, known to be associated with anti-Castro activists in New Orleans, had an office

in a building the address of which appeared on some of the pro-Castro literature Oswald frequently handed out on the streets. All this information was in the hands of the Commission. Yet none of these three men was questioned by the Commission or its staff. Leads such as these, if pursued, could prove a possible bridge between the known and unknown worlds of Lee Harvey Oswald in New Orleans. And once such a bridge was crossed, a whole new set of clues to why Oswald performed the assassination might be found.

Could Garrison have discovered such a threshold? Skeptics tended to dismiss such a possibility on the grounds that Garrison was primarily a flamboyant and extremely ambitious politician. As one such doubter, Aaron M. Kohn, the director of the Crime Commission of New Orleans, noted: "Garrison never lets the responsibility of being a prosecutor interfere with being a politician." The fact that Garrison was politically motivated, however, did not, to my mind at least, diminish necessarily his chances for success. Whereas it was not always in the interests of the Warren Commission, which was concerned as much with dispelling doubts as with ascertaining facts, to pursue leads that might generate further doubts or possibly damage the effectiveness of federal agencies, an ambitious politician would have no reason

not to pursue leads to their conclusion if it meant solving the mystery and winning for himself the attendant rewards. Convinced that it was possible, indeed probable, that Garrison could find a concealed link in Oswald's affairs that the Commission had missed, I went to New Orleans disposed at least to take seriously Garrison's investigation.

A billboard on the way into New Orleans urged "Vote For Jim Garrison," but it offered no clue as to what office the candidate was running for or in which election. In the six years that he has been district attorney, Jim Garrison--he legally changed his given name to Jim from Earling Carothers when he first embarked on his political career--has fought the good fight against prostitutes on Bourbon Street, homosexuals in the Latin Quarter, and the eight criminal court justices who he has repeatedly charged are under "racketeer influence." He has campaigned long and hard against the more vulnerable purveyors of vice who have been something of a permanent fixture around New Orleans, as well as against his own political enemies. But just what Garrison is striving for, like the message of his billboard ad, remains a little vague.

Garrison is popularly referred to in New Orleans as the "Jolly Green Giant"--an image conjured by his imposing

physical stature (6 foot, 6 inches) and his political gladhand. If one anticipates meeting in the man a green-bag Combone, however, the expectation is quickly crossed. In my own experience, his welcome was gracious, if slightly fulsome; he told me, almost solemnly, that it was his reading of my book which first set him thinking about launching an investigation of his own. (Later, I learned that this was a standard greeting extended to almost all critics of the Warren Commission.)

Over a leisurely dinner at Broussard's, Garrison started unfolding a convoluted tale of the conspiracy he had uncovered. It was a diffuse narrative, according to which Oswald was only feigning the role of a pro-Castroite but was in fact part of an anti-Castro assassination team trained by David Ferrie. Ferrie, in turn, was in some important way--though Garrison never explained exactly how--personally involved with Clay Shaw. When the plan to shoot Castro was aborted because Oswald could not obtain a visa to Cuba, the assassination team turned their attention to President Kennedy and, on November 22, 1963, carried out their mission.

How had Garrison discovered this conspiracy? "It's exactly like a chess problem," he explained. "The Warren Commission moved the same pieces back and forth and got nowhere. I made a new move and solved the problem."

The move he meant was the arrest of Clay Shaw. He pointed out that after Shaw was arrested, his staff searched Shaw's home in the Latin Quarter and found in it a cache of new evidence which, he suggested, I should see since it would give me "a new perspective on the case."

Early the next morning I went to the district attorney's office, which is housed, along with the Parish Prison, in the massive Criminal Court Building. Garrison had not yet arrived, but his assistant, James Alcock, told me that Garrison had left word that I should "start going through the evidence." I did so with Jones Harris, a New Yorker of independent means who has devoted the better part of the last three years to a private investigation of the assassination. Five cardboard cartons were brought out containing the personal belongings of Clay Shaw: letters, photographs, financial records, blueprints for renovating houses in the Latin Quarter, the manuscripts of plays he had written years ago, calendars, checkbooks, and addressbooks. In another box was a black costume, a net mask, five whips, and plastic slippers--all of which Shaw has claimed are part of his 1965 Mardi Gras costume. Alcock said that he and the D.A.'s staff had yet to examine all this material and he suggested that Mr. Harris and I look through Shaw's addressbooks and financial records in

hopes of discovering some information that might interest Garrison. We were left alone with the evidence.

Though these materials, so far as I could see, had nothing directly to do with the assassination, the odd way in which Garrison treated them did, on later thought, give me "a new perspective on the case." I recalled that a Judge's order had forbidden the district attorney from discussing or disclosing any of the evidence in the case. The very fact that Garrison allowed to be showed to me, and Mr. Harris, objects seized from Shaw's home and designated "evidence," was a direct violation of that order. Why, I wondered, should the D.A. risk having his case thrown out of court on a technicality, by having writers and outsiders freely go through the evidence?

Moreover, it seemed curious that Clay Shaw's papers had not already been more rigorously scrutinized by Garrison or his staff, especially since Garrison had told several individuals, myself among them, that one of the main reasons for arresting Clay Shaw on March 1 was to prevent him from destroying his personal papers. Six weeks had passed, yet no list was compiled of names appearing in these documents, no analysis was made of Shaw's finances, no attempt was made to reconstruct Shaw's movements from the appointment calendars. In fact, from what I saw, it appeared that there was no real investigation

of Clay Shaw going on at all, but only a search for peripheral characters connected with the late David Ferrie. But why, if Garrison had believed that Shaw had openly conspired to kill the President, was the inquiry into his activities being treated with such apparent nonchalance?

It was, however, a discovery made by Jones Harris, and its aftermath, which afforded the sharpest insight into the nature of Garrison's investigation. What Harris found was a five-digit number that was common to both Shaw's and Oswald's addressbooks. The entry in Shaw's book was "Lee Odom, PO Box 19106, Dallas, Tex"; and in Oswald's book the number 19106 was preceded by the Cyrillic letters DD (which, like the other Russian letters on this page, the Warren Commission assumed were made during Oswald's two-year exile in the Soviet Union). Despite the attendant differences, the coincidence of numbers was striking, and Garrison agreed that further investigation was merited.

It seemed to me that the crucial question to be settled was whether the entry in Shaw's address book was made before or after Oswald's death in 1963. Obviously, if it was made after, this number could not be a direct link between the two men. Although I assumed that Garrison's investigation would follow this line of

inquiry and attempt to ascertain from the Dallas post office when this box number was created and when, if ever, it was assigned to "Lee Odom," Garrison took another course of action. He announced to the press that he had found the entry PO 19106 in both Oswald's and Shaw's addressbook, and that the number was a "non-existent or fictional number," which removes the "possibility of coincidence." Moreover, Garrison said that the number PO 19106 was a code which, when deciphered produced Jack Ruby's unlisted telephone number, WH 1-5601, and "no other number on earth."

The way in which Garrison "deciphered" the code, though necessarily complicated, is worth following. Starting with the "scrambled number" 19106 Garrison "unscrambled" the digits (by choosing the farthest number, then the nearest number, then the next farthest number, etc.) to produce the number 16901. Ruby's number was 15601, so by unscrambling the digits Garrison managed to align the last two digits in both numbers.

The next step was to subtract the arbitrary number 1300 from 16901 and, presto, 15601. Of course, from the start Garrison could have subtracted the difference between the two numbers (3505) and arrived at Ruby's phone number. But the complicated procedure of unscrambling the digits helped divert the eye from the shell.

Finally, Garrison converted the prefix "PO" to "WH", by a system which the prominent cryptographer Irving Mann had noted, yields at least six different prefixes; Garrison chose Ruby's. A code, of course, is only valid if it can be systematically applied; otherwise, no matter how elaborate it is, it boils down to nothing more than an arbitrary game of simple subtraction. And the code that Garrison invented to tie Clay Shaw to Ruby cannot be applied to any other number in Oswald's (or Shaw's) addressbook.

A few days after announcing that he had deciphered the code, Garrison found himself pitted against bloodless bullfight promoter, Lee Odom. Rather than being fictitious, as Garrison claimed, PO Box 19106 was Odom's business address in Dallas in 1966. Odom, it turns out, was introduced to Shaw in 1966 by the manager of the Roosevelt Hotel in New Orleans. He briefly discussed with Shaw the possibility of bringing bloodless bullfights to New Orleans and left his business card--Lee Odom, PO Box 19106, Dallas, Texas--with Shaw. Most definitely, Odom's post office box could not have been the number in Oswald's book because the post office box number 19106 did not exist in Dallas before it was assigned to Odom in 1965.

It was clear, then, that Garrison had done some
questionable interpolation of his own in moving from a

coincidence to a conspiracy. First, he told newsmen that the number in Oswald's book was PO 19106, when in fact it was DD 19106. (When a television interviewer asked him how he had determined the prefix was PO rather than DD, he answered with perfect aplomb, "More or less by looking at it.") Then, without bothering to check with the Dallas post office, he announced that the post office box was non-existent. And, by pure flimflamery, he claimed that the number in Shaw's book was Jack Ruby's number. Garrison had created a fictitious piece of evidence against Clay Shaw and had disclosed it to the press.

The D.A. was not particularly perturbed when caught off-base by Odom's unexpected materialization. When asked on a local television show, "If the post office box didn't exist until 1965, how could it be Jack Ruby's phone number in 1963," Garrison replied, "That's a problem for you to think over because you obviously missed the point." In fact, Garrison counterattacked in a press release, saying: "We are interested in knowing who introduced Mr. Odom to Mr. Shaw, how many bullfights Mr. Odom has actually produced" (as if this fact was relevant to his investigation), and "we are particularly interested in clarifying now why there is also coded in Lee Oswald's addressbook the local number of the Central

Intelligence Agency."

Garrison's decoding of the CIA number involved multiplying the number 1147 in Oswald's book by ten, then subtracting 1700, then multiplying again by 666. In Garrison's words, Oswald's codes were "subjective" in that they varied from number to number. There seemed little point, in Oswald's going through such an elaborate procedure, however, since the CIA number Garrison referred to was openly listed in the New Orleans telephone book.

What was Garrison's purpose in all this? He himself noted in his extended interview in Playboy that pre-trial publicity prejudicial to the defendant "could get our whole case thrown out of court." Yet he had himself jeopardized his case by releasing information which was not only prejudicial to Clay Shaw but false to boot. Evidently, the story about Post Office Box 19106 was not designed to help his court case; otherwise, one presumes, he would have kept it secret from the defense and carefully investigated it.

An isolated instance like this may not be fairly representative of the conduct of the entire case; but it does cause grave questions. And to answer them, it is useful to consider briefly the history and progress of the investigation itself.

II

It was aboard a jet flight between New Orleans and New York in late November of 1966 that the Garrison probe started taking shape. Prompted by a cover story in Life which called for a new investigation into the assassination, three prominent passengers, Senator Russell Long of Louisiana, Joseph M. Rault, Jr., a wealthy New Orleans oil man, and District Attorney Jim Garrison, began speculating about the events of Dallas three years before. As reported in New Orleans magazine, official publication of the city's Chamber of Commerce, all three agreed that, in Rault's words, "it would be almost preposterous to believe that one man, an individual such as Oswald, could have been the only one involved." Senator Long cited deficiencies in the Warren Commission's investigation. "If I were investigating," he said, "I'd find the hundred best riflemen in the world and find the ones that were in Dallas that day." Garrison recalled that three days after the assassination his office had been interested in "a very unusual type of person who made a very curious trip at a very curious time on the day of the assassination" and added that he "might want to now go back into some of those events."

The individual Garrison had in mind was David

William Ferrie who was, to say the least, a "very unusual type of person." As Garrison himself later characterized him, Ferrie was at once an "evil genius" and "a pathetic and tortured creature." Having suffered from a childhood disease, alopecia areta,* which rendered him in time completely hairless, Ferrie compensated for the loss by pasting on his head clumps of red monkey fur and by painting on his face arched mascara eyebrows. Seldom did he venture out of his apartment except at night. Much like Oswald, he was an almost chronic failure at virtually everything he tried. First he trained for the priesthood, and was dismissed from two seminaries as a result of his eccentric personal behavior. Later, he became a "bishop" in a quasi-political underground cult called "The Old Orthodox Catholic Church of North

* Even such a palpably irrelevant question as why Ferrie lost his hair has become part of the folklore of the plot. William Turner, writing the "official history" of the probe is Ramparts, suggests that Ferrie's hair loss might be "a physiological reaction to exposure to the extreme altitudes required for clandestine" U-2 flights. He reports that Chinese Nationalist U-2 pilots experienced the same "hair-less phenomenon."

In another version of the story, Fred Powledge, after interviewing Garrison, writes in the New Republic that Ferrie's "interest in homosexuality led him to shave off all his body hair." The question was, however, decisively answered by Commission critic, Harold Weisberg, whose stepbrother, Dr. Jack Kety, treated Ferrie for the disease, alopecia areta, which he apparently contracted as a child.

America."

His life's ambition, however, seems to have been to become a fighter pilot. In 1950, he had written to Secretary of Defense Louis Johnson, demanding that the Secretary personally intercede on his behalf. "When am I going to get the commission," he asked, "when the Russians are bombing the hell out of Cleveland?" In another letter to the Air Force, he avowed, "There is nothing I would enjoy better than blowing the hell out of every damn Russian, Communist, Red or what-have-you ... Between my friends and I we can cook up a crew that can really blow them to hell ... I want to train killers, however bad that sounds. It is what we need." Ferrie never received the Air Force Commission but did succeed in forming a Civil Air Patrol unit, known as "Ferrie's Falcons," and set himself to training youths in jungle warfare tactics. Oswald, according to Commission witness Edward Voebel, belonged to Ferrie's outfit for a brief time when he was a teenager.

Ferrie was also engaged in a long-term project to discover a cure for cancer, and at one time he housed thousands of white mice in his apartment. For a while, he was employed as a pilot for Eastern Airlines, but was dismissed in 1961 as a consequence of his arrest on a morals charge.

After that, he eeked out a living as a freelance pilot, independent psychologist, and private detective. In 1961, at about the time of the Bay of Pigs invasion, he became associated with Cuban exiles. Later, he supposedly flew firebomb raids against Cuba and helped anti-Castro refugees escape. Finally realizing his desire to "train killers," he drilled anti-Castroites in paramilitary tactics in St. Tammany Parish, across the lake from New Orleans, as late as 1962.

In 1963, Ferrie was employed as a private investigator for the law firm which represented Carlos Marcello, reputed kingpin of the New Orleans mafia. Marcello had been deported in an extralegal manner--he was abducted by Justice Department agents and put on a plane to Guatemala--and, according to one story, Ferrie was the pilot who clandestinely flew Marcello back across the border. On the day of the assassination, Ferrie was occupied in court hearing a judge declare the Marcello deportation illegal. To celebrate the victory, Ferrie went to Texas on a "goose hunting" expedition with two friends, Alvin Beaubouef and Melvin Coffey. Meanwhile, Garrison's office received a tip from one Jack S. Martin, a New Orleans private detective, to the effect that Ferrie had trained Oswald in marksmanship and was his "getaway pilot." Martin was a member of the same "Old Orthodox Catholic"

cabal in which Ferrie was a bishop. On his return to New Orleans, Ferrie was placed under arrest, questioned by the FBI, and released after Martin admitted that he had trumped up the story because he coveted Ferrie's job working for Marcello.

Garrison began his new investigation by compiling a dossier on David Ferrie. Cameras were secretly located across from Ferrie's apartment, he was tailed everywhere he went, his friends were confidentially questioned about Ferrie's activities. Garrison even attempted to plant an "undercover agent" in Ferrie's private coterie. Little came of this surveillance, however.

For further information, Garrison turned to Jack Martin, the original informant who had first linked Oswald and Ferrie. Martin, though, turned out to be as much a tippler as a tipster, and only too willingly narrated his vast repertoire of disconnected yarns relating to Ferrie and the assassination. According to a typical one of these tales, Ferrie hypnotized Oswald, then dispatched his somnambulatory agent on the assassination mission. According to another, Ferrie and Oswald had a working association in the anti-Castro operations of W. Guy Banister, another private eye. Garrison found this latter connection especially provocative since, before he

died in 1964, Banister maintained offices in a building located at 544 Camp Street, across from the William B. Reilly Coffee Company where Oswald worked; and one of the questions the Warren Commission left unanswered was why the address "544 Camp Street" appeared as Oswald's headquarters on some pro-Cuban literature Oswald handed out. Since Banister's office was, as Garrison put it, a "mare's nest of anti-Castro activity," Garrison postulated that Oswald was an "agent provocateur" in Banister's employ.

Garrison chose to follow up the lead by systematically questioning Banister's former employees. One of them, David L. Lewis, Jr., a shipping clerk and sometime private investigator, enriched the developing drama. Lewis claimed that he had been witness to a meeting among Oswald, Banister, Ferrie, and Carlos Quiroga, a leader of the Cuban Democratic Revolutionary Front, an anti-Castro group. Although Lewis was certain that this meeting occurred in 1962, a time when Oswald was not known to be in New Orleans, Garrison felt confident he was on the right trail.

He began digging into the activities of anti-Castro Cubans and uncovered two secret training camps in St. Tamany Parish. One of them was rumored to have been used

by Ferrie to train his corp of commandos. In the expectation that he could identify the men actually under Ferrie's command, Garrison put on his payroll Bernardo Torres, a Miami private detective, who claimed that the Secret Service had employed him to spot potentially dangerous Cubans during Kennedy's visits to Miami. For the greater part of December and January, the investigation was concentrated on various efforts to track down, with Torres's help, Cuban "tigres" in Miami. As time passed, however, the Miami investigation was growing more expensive and less productive--over \$5,000, more than half his total expenditures on the investigation, was spent on the Miami search--and Garrison began to suspect that he was being conned by Torres, that there was no substance to his claims. Toward the end of January, the Florida manhunt was cut short.

Though he was effectively foiled in Miami, Garrison was not about to give up the quest. He returned his attention to his own home territory and picked up an old clue dropped by a jive-talking New Orleans lawyer, Dean Andrews. Andrews's original story was that Oswald had come to his office a few times during the summer of 1963 hoping to find some means of having his dishonorable discharge from the Marine Corps converted to an honorable discharge. The day after the assassination Andrews was

in the hospital under sedation recovering from pneumonia, when he received a phone call from a certain "Clay Bertrand," whom Andrew vaguely knew as a "lawyer without briefcase" for local homosexuals. "Bertrand" asked Andrews to go to Dallas and defend Oswald.

When Andrews was subsequently questioned by the FBI, however, after giving several different descriptions of "Bertrand," he said that the character bearing that name was merely "a figment of my imagination." A few months later he again recanted and told the Warren Commission that he had recently seen Bertrand in a bar, and described him as a "boy, 5 foot 8 inches, sandy hair." But no other clues turned up, and Commission lawyer, Wesley J. Lieveler, who conducted the investigation in this area, said that he was absolutely certain no such character existed.

Garrison, however, decided to pursue the matter further and gave Andrew "Moo" Sciambra, a resourceful young district attorney and former boxer, the task of "squeezing the Latin Quarter," as he put it. Garrison's crackdown on homosexuals in 1962 had netted a host of informers, but Sciambra was unable to find anyone in the "Gay World" who had ever heard of "Clay Bertrand"; and concluded that there was no such person. (Dean Andrews

told me personally that he had invented the name "Clay Bertrand" to divert the FBI from the real person who had phoned him.)

Garrison reasoned that Dean Andrews was probably protecting a wealthy client with homosexual associates, and in a meeting in his office in December came up with the idea that Clay Bertrand was in reality Clay Shaw, the socially prominent retired director of the International Trade Mart in New Orleans; David L. Chandler, a Life correspondent, who was working closely with Garrison in the early days of the investigation, attended that meeting. Garrison, according to Chandler, gave three reasons for deducing Shaw was Bertrand. First, Shaw had the same first name as "Bertrand"--and Garrison apparently assumed that Andrews had given his client's correct first name and a bogus surname. Second, Shaw was rumored to have friends in the homosexual world. And finally, there was the fact that Shaw spoke fluent Spanish--and, although Andrews never said that "Bertrand" spoke Spanish, Garrison was looking for a conspirator involved in anti-Castro activities.

But there was also good reason to believe that Shaw was not the individual that Andrews referred to in his testimony. Shaw, 6 foot 5 inches tall, 54 years old, with white hair, hardly fits Andrews's description of a

5 foot 8 inch sandy-haired boy. Moreover, if one assumes that Andrews gave a false description and last name to protect his client, there is hardly reason to assume he gave the correct first name.

1966
In any case, Shaw was brought in for questioning in December on the pretext that Garrison was attempting "to tie up a few loose ends in the Warren Report." According to Chandler, when it became apparent that Shaw had no information to offer about Ferrie or his activities, the matter was quickly dropped. The D.A. told his staff "to forget Shaw." Ferrie was still, at this time, the only suspect.

By February, the investigation was all but stymied. Ferrie now knew that he was under suspicion and it was highly unlikely that he would knowingly incriminate himself. The Cuban exile trail had petered out in Miami. The Bertrand matter had been shelved. Garrison's sole witness was David Lewis, and as for the four participants in the meeting Lewis described, Oswald and Banister were dead, Quiroga was missing, and Ferrie unequivocally denied everything.

At this point, Gordon Novel, an electronic eavesdropping specialist, attempted to sell Garrison some "debugging equipment." (Garrison had been so concerned about the FBI tapping his telephones that he had, a few

weeks before, planned to execute a midnight raid on the FBI field office in New Orleans, using a water pistol loaded with a charge of red pepper, to disarm the officer on duty; he even invited Life reporter Chandler to accompany him on the mission, but for some reason, the plan was scrapped.) Learning that Ferrie was under suspicion, Novel told Garrison that he knew a good deal about Ferrie's activities in 1961. In fact, he claimed that Ferrie, Banister, and Quiroga were all involved with him in a raid on a munitions bunker in Houma, Louisiana. The purpose of the raid was to supply arms to an anti-Castro militia and, Novel alleged, it was the CIA which had indulgently provided him with the key to the bunker.

Novel later claimed that one of Garrison's ideas for breaking the stalemate involved an arcane plot to kidnap Ferrie. Novel was supposed to shoot Ferrie with an atrophine dart, take him to a deserted house, inject sodium pentathol in his arm, and force him to confess. Garrison, however, insists that this was Novel's idea, not his own. That such an escapade should have been seriously discussed at all indicates just what sort of pressure Garrison felt himself to be operating ^{under} in his desperate effort to find some more tangible leads.

In fact, the entire investigation was in danger of

quietly expiring at this juncture, and it probably would have, were it not for the resourceful actions of three reporters for the New Orleans States-Item--Rosemary James, Jack Dempsy, and David Snyder. In New Orleans, the financial vouchers of the district attorney's office are a matter of public record. By piecing together information gleaned from these records, together with various leaks from Garrison's office, the reporters were able to draw for themselves a fairly reliable picture of the assassination probe, though it was still being kept secret. Miss James wrote up the article and proceeded to show it to Garrison. He simply shrugged and told her, "I will neither confirm no deny it." The next day the story broke. Garrison's investigation into the assassination of President Kennedy, after three months of semi-secrecy, was now a public issue.

Garrison immediately charged that the news story had seriously set back his efforts; arrests that were to have been made immediately had now to be deferred for months, or possibly years. Moreover, Garrison announced that he would seek private financing in order that he would not have to conduct the inquiry in a "fishbowl." His political ally and patron, Joseph Rault, Jr., promptly organized fifty New Orleans business men, most of whom were among

Garrison's longstanding supporters, into a group which dubbed itself "Truth or Consequences." Its function was to supply Garrison with moral support and necessary funds.

Meanwhile, David Ferrie was telling newsmen that Garrison's investigation was nothing but a "big joke," in which he was still suspected of being Oswald's "getaway pilot." He denied that he even knew Oswald and, for good measure, added that he was conducting his own inquiry into the assassination.

Five days after the States-Item broke the news of Garrison's probe, Ferrie was found dead in his apartment. The autopsy indicated that Ferrie had died of a cerebral hemorrhage caused by an aneurysm, or rupture, of a blood vessel. The coroner, Dr. Nicholas Chetta, ruled out suicide because persons are rarely if ever aware that an aneurysm, or weakspot, exists in a blood vessel, and it would be virtually impossible to self-induce a "blow-out." He also precluded murder on the grounds that if the rupture was caused by an external blow there would necessarily be tissue damage, and none was found. He thus concluded that Ferrie had died of natural causes. But the strange coincidence that a man suspected of having conspired to assassinate the President should have died of natural causes five days after he was publically

implicated in the crime was sensational news, and reporters duly flocked to New Orleans. Adding to the confusion, Garrison without waiting for the results of the autopsy, proclaimed Ferrie's death a suicide and interpreted a somewhat ambiguous letter Ferrie had written to a friend shortly before his death as a "suicide note." But whether suicide or natural causes had accounted for the death of Garrison's only suspect, public attention was now riveted on New Orleans, and Garrison took full advantage of that fact. He designated the dead suspect "one of history's most important individuals" and claimed that Ferrie's arrest had been only days away, conceding "apparently we waited too long."

Yet, despite the windfall of publicity Ferrie's mysterious death brought, Garrison had lost his only suspect. And the hundreds of newsmen who had come to New Orleans could hardly be expected to continue reporting Garrison's cryptic comments to the effect that the "key to the whole case is through the looking glass. Black is white. White is black." They demanded answers. Garrison told them that the "case is definitely solved," though he added that arrests might take as long as "30 years." After that, most of the reporters left as suddenly as they came: headlines are made of arrests and deaths, not longterm promises.

Still, the D.A. was not about to renege on his promise that "arrests would be forthcoming." A number of possible suspects were hastily considered. Some were drawn from Ferrie's twilight world of adventurers and secret agents. Others, according to William Gurvich, Garrison's chief aide at the time, were prominent citizens of New Orleans: the president of a local coffee concern, a hotel magnate, a nationally-known physician. It was Perry Raymond Russo, a 25-year old Baton Rouge insurance salesman, who led Garrison to the candidate finally selected for arrest.

Russo wrote Garrison a brief letter soon after he learned of the death of Ferrie, who he claimed to have known. He had previously contacted a number of local reporters but they dismissed his overtures when he admitted that he had never seen Oswald and knew nothing specific about the assassination. Garrison, however, was a good deal more interested in Russo's claim that he possessed useful information on Ferrie. On February 25, the day after Garrison received Russo's letter, Andrew Sciamba was sent to Baton Rouge to question Russo.

The greater part of the interview was confined to uncovering Russo's relationship with Ferrie. Russo told Sciamba that he had first met Ferrie in 1962 when he

attempted to rescue a young friend of his in Ferrie's Civil Air Patrol unit, from the commander's "spell." At one point, after he succeeded in breaking Ferrie's hold over his friend, Russo said that Ferrie threatened to kill him. Later, however, he and Ferrie became personal friends, and worked as partners in selling pornographic films imported from Cuba. Ferrie's main interests, Russo continued, were instructing his Civil Air Patrol outfit in "the art of jungle warfare" and his dark medicinal research-- he was developing an aphrodisiac as well as the cure for cancer. But Ferrie had said very little to him about the question of assassination, other than vague remarks about how easy it would be to shoot a President and flee by airplane to Cuba or Brazil. Russo thought Ferrie probably had in mind either Eisenhower or the President of Mexico. Russo did remember, however, that Ferrie had mentioned a few times in the summer of 1963 that he "would get" Kennedy.

Sciambra then showed Russo three photographs. The first was of Sergio Aracha Smith, a well-known Cuban exile leader. Russo positively identified him as an actor in his pornographic film. "To be perfectly honest," he said, "I looked at the film quite a bit." Russo was mistaken despite his positive identification. Garrison's investigators later ascertained that the actor in the

film was not Smith. The second photograph was of Clay Shaw. Russo said he thought he had seen this man twice before, but he had never met him. The last photograph showed Lee Harvey Oswald. Russo thought this person was a room-mate of Ferrie's who had "a bushy beard."

Two days later Russo was questioned again, this time at Garrison's office. He recalled that "they asked me a lot of questions, then they let me ask them some questions. From the questions I could figure out what they wanted to know." Before the session was over, Russo had implicated Clay Shaw as a co-conspirator with Ferrie.

Garrison then summoned Shaw and interrogated him for two and a half hours. Shaw categorically denied that he knew either Ferrie or Oswald or anything about the assassination. When Garrison asked him to take a lie-detector test, Shaw sent for a lawyer, Salvatore Panzeca. Panzeca agreed to let Shaw take such a test provided that the defense would have the right to approve the wording of the questions and that the test would not be disclosed except at a duly authorized court proceeding. Garrison replied that he need not agree to any conditions. A moment later he declared that Shaw was "under arrest," had him handcuffed, and led him before news photographers to be booked. This move, Garrison later told me, was a "command decision." He said he was apprehensive that if

he released Shaw the suspect might "destroy vital evidence." This explanation, however, made little sense: Garrison could have obtained a search warrant without arresting Shaw; no more cause was required than that he had a confidential informant--Perry Raymond Russo. Moreover, he had questioned Shaw in December, and if Shaw had had incriminating evidence in his home, in all likelihood he would have disposed of it then. But whatever Garrison's motives were, on March 1, 1967, a week after the death of Ferrie, the newspapers finally had a headline: Clay Shaw arrested for conspiring to murder John F. Kennedy.

III

In New Orleans, as elsewhere, after an arrest is made it is customary for the prosecutor to file a formal charge against the defendant and await trial. But in the case of Clay Shaw, Garrison decided to do something that was, in his own words, "virtually unhear^d-of." He requested a pretrial hearing. The purpose of such a hearing under Louisiana law is to decide whether or not the State has sufficient evidence to warrant a trial. Although it is not unusual for the defense to request a pretrial hearing, if only to attempt to compel the State to tip its hand and disclose vital evidence prior to the

actual trial, it is rarely if ever requested by the prosecution--for the ostensible reason that such a hearing could only work to the advantage of the defense.

Why, then, should Garrison, the prosecutor, have elected to disclose some of his evidence before the trial, an apparently gratuitous favor to the opposition. Garrison alleges that he did so solely in order "to lean over backward and give the defendant every chance." A pretrial hearing, however, has an inevitable extralegal consequence, which a politically-minded prosecutor might find advantageous: it provides the prosecution with a dramatic opportunity to reveal publically some of the more sensational aspects of the case far in advance of the trial, helping to stimulate public interest early on. Whether or not Garrison's actions did, as he claimed, enhance the defendant's prospects for justice, his extraordinary move did work to focus national attention on the case.

With a full complement of reporters in attendance, then, the preliminary hearings began on March 14 with the testimony of Perry Raymond Russo. Russo stated that he had attended a meeting at Ferrie's apartment in September, 1963, at which the assassination of President Kennedy was charted by three men: Ferrie, "Leon Oswald, and "Clem Bertrand." Russo then identified "Leon Oswald" as

Lee Harvey Oswald from a photograph. Then Garrison asked Russo whether he recognized the third person, Clem Bertrand, in the courtroom; Russo pointed to Clay Shaw. He testified that after the three men discussed such details as the need for "diversionary shots," the "triangulation of crossfire," and the selection of an appropriate "scapegoat," they ended the colloquy by bickering over various methods of escape.

Under cross-examination the following day, Russo admitted that he had not been able positively to identify Oswald until after an artist in the District Attorney's office had spent six hours drawing different beards on a photograph of Oswald similar to the one he had been shown in court the day before. It was also revealed that, before Garrison had interrogated him, he had denied in a number of separate television interviews that he had ever seen Oswald or that Ferrie had ever specifically discussed the assassination of President Kennedy. Many of the details of Russo's story, it turned out, were developed under hypnosis--an unprecedented method Garrison used to "objectify" testimony. Moreover, it was learned that Russo had been under psychiatric treatment for eighteen months and had last consulted a psychiatrist only two months before he went to see Garrison.

The District Attorney found his only other witness, Vernon B. Bundy, in the Parish Prison after the preliminary hearing had begun. Although Assistant District Attorney Charles Ward, and others on Garrison's staff, strenuously objected to using Bundy as a witness because he failed three lie-detector tests, Garrison put him on the stand anyway, saying, "If he wants to perjure himself it is his business."

Bundy, a narcotic addict and self-confessed thief, testified that in the summer of 1963, while preparing to inject two capsules of heroin in his arm, he saw two men meet on the shore of Lake Pontchartrain on the outskirts of New Orleans. One, who Bundy described as "a junkie or beatnik type" with a light growth of beard, was identified from a photograph as Lee Harvey Oswald. The other man Bundy identified as Clay Shaw. Like Russo, Bundy never before told anyone of his encounter with Oswald; Garrison was the first man to hear of it.

The three-judge panel ruled that there was sufficient evidence for a trial. There was, however, nothing very startling about the decision: it was merely established that there was evidence which merited judgment; judgment was not passed on the witnesses' testimony--and in Louisiana no more than the charge of a law officer is

needed to establish "probable cause" for a trial. That is, Garrison might have established "probable cause" simply by filing a "bill of information," a mere formality. Yet, to many, the ruling would have the delusive effect of making it appear that Garrison had won some sort of legal victory, while he had in fact done little more than employ a highly unorthodox device for charging a defendant. To the general public, not versed in the Napoleonic vagaries of Louisiana jurisprudence, it did seem that Garrison had won some sort of significant judicial point.

As it turns out, the evidence used at the pretrial hearing was itself even less sound than it might have appeared at the time. About a month after the hearing, James Phelan revealed in the Saturday Evening Post that Russo had told two entirely different, and contradictory, stories--one to Garrison's staff, the other in court. Phelan discovered the discrepancy when Garrison, with his customary generosity to interested journalists, supplied him with the original memorandum of Russo's first interview. Nowhere in this 3,500-word document was the alleged meeting among Shaw, Ferrie, and Oswald mentioned either directly or implicitly; yet two weeks later in court Russo stated that it had definitely taken

place. Moreover, in his first interview Russo stated that he had never met Shaw and there was no mention whatever of a "Bertrand."

Andrew Sciambra, the assistant DA who conducted this interview and wrote up the memorandum, now claims that Russo had actually told him of the assassination plot but he "forgot" to include it in his report. But Sciambra's own words in the memorandum would appear to belie this explanation: "The next picture that he [Russo] identified was that of Clay Shaw. He said that he saw this man twice. The first time was when he pulled into Ferrie's service station to get his car fixed. Shaw was the person sitting in the compact car talking to Ferrie. He remembers seeing him again at the Nashville Street Wharf when he went to see J.F.K. speak." Here Sciambra specifically states that Russo said he saw Shaw twice, but neither occasion involved a rendezvous in Ferrie's apartment during which Shaw, Ferrie and Oswald planned the assassination. Surely it strains credulity to suggest that Russo went on to describe a third encounter, which was the only one that was relevant to Garrison's case, and it is that meeting which Sciambra neglected to include in the memorandum.

The fact that a witness tells two contradictory

stories does not, of course, mean that only one is necessarily false. But if one is true, some external evidence is needed to choose between the two stories. In Russo's case, the corroborative evidence available casts doubt on the second story, the one he told in court. He testified that Oswald was Ferrie's roommate in early September 1963; yet there is evidence that Oswald was living with his wife and infant daughter then. He described Oswald as having a "husky beard" in early and mid-September, yet generally reliable witnesses reported that Oswald was cleanshaven at that time. He claimed that he saw Oswald in Ferrie's apartment in the first week of October; yet Oswald was known to have been in Mexico and Dallas during this period. He said that a friend of his, Niles Peterson, was at Ferrie's apartment the night that he saw Oswald and Shaw there; yet Peterson flatly denies that he saw anyone fitting the description of either Shaw or Oswald. (Peterson did, however, recollect a bearded man who was six feet tall and otherwise fit the description of Ferrie's roommate at the time, James Lewallen.) Russo further claimed that a young woman, Sandra Moffit, accompanied him to Ferrie's apartment the night of the meeting; but she denies this, and claims that she did not meet

Ferrie until 1965. In fine, his court testimony appears to be at odds with all the external points of reference he himself provides.

Nor has Russo proved himself to be especially precise about other related matters. It will be recalled that Russo positively identified a Cuban exile leader as an actor in a pornographic film he had seen many times; yet this identification proved spurious. In addition, after the pretrial hearing, Russo began expressing doubts about his own recognition of Shaw. He told James Phelan, who spent more than 40 hours questioning him, that he "wished he had the opportunity to talk to Shaw for a few hours so I can be sure he was the right man." He told Richard Townley, a reporter for WDSU-TV in New Orleans, that he was unsure of his own testimony because at times he found it difficult "to distinguish reality and fantasy." Finally, there were the unacknowledged unexplained improbabilities appearing in the text of Russo's statement in court: Why would three conspirators casually discuss their plans in front of an outsider, and possibly an eventual informer? Why did Russo wait four years to disclose the fact that he heard Oswald and others planning the assassination? And why in earlier interviews had he denied he knew Oswald if, as he later claimed, he was introduced to him by name and had talked

with him on several occasions?

Vexed questions also grew up over the testimony of Garrison's other witness, Vernon Bundy. One of Bundy's fellow inmates in the Parish Prison, Miguel Torres, told the NBC interviewer that Bundy admitted to him that he was testifying for Garrison "because this is the only way that I can get cut loose!---indicating that unless he testify, his probation, which had been violated, would be revoked and he would be constrained to complete his five-year sentence in prison. Bundy, however, was subsequently arrested on a charge of armed robbery. Another inmate, John "The Baptist" Cancler, said in an interview that Bundy had conceded to him that his account of the events at Lake Pontchartrain was a fabrication. Of course, felons are not known for their probity, and Garrison was within the traditional bounds of res judicata when he summarily dismissed the charges of Torres and Cancler "in view of their criminal records." But if doubt is cast on the testimony of Bundy's fellow-convicts, what of the testimony of Bundy himself?

Garrison's entire case at the pretrial hearing, then, was based on the allegations of two witnesses, both of whom had waited four years before disclosing their uncorroborated stories and both of whom subsequently

cast considerable doubt on their own testimony. The master file of evidence, which Gurvich took with him when he resigned in July, plainly revealed that Garrison had neither other witnesses nor other evidence to implicate Shaw at the time of the hearing.

A few months after the Shaw hearing, there was another legal skirmish which strengthened the appearance, if not the substance, of Garrison's case: the perjury trial of Dean Andrews, the New Orleans lawyer who had claimed that shortly after the assassination, a shadowy figure named Clay Bertrand, had appealed to him to go to Dallas and defend Oswald. Later Andrews had insisted that Bertrand was only a figment of his imagination, and still later he described him as a 5 foot 8 inch sandy-haired "boy". When Garrison questioned Andrews in December, he stated categorically that Shaw was not Bertrand. A few months later, after Russo came forth, Garrison again met with Andrews. According to Andrews, the D.A. said that he had other evidence that Shaw was involved and asked Andrews not to deny that Shaw and Bertrand were one and the same. Andrews agreed, he professes, because he was afraid "otherwise the Jolly Green Giant would pounce on me like a thousand-pound canary." When called before the Grand Jury, and asked if Clay Shaw were Clay Bertrand, he

replied under oath: "I can't say that he is and I can't say that he isn't." Three months later, on June 28, Andrews volunteered to appear once again before the Grand Jury. This time he told of his "deal" with Garrison and testified that he never had the slightest doubt that Shaw was not Bertrand. Bertrand, he admitted, was a fictitious name used to protect his friend, Eugene Davis, a bartender in the Latin Quarter. Andrews recognized that he had perjured himself previously and said: "It doesn't make any difference to me if I'm convicted ... Clay Shaw is not Clay Bertrand. Indict me if you want."

Andrews was subsequently arraigned, tried, and convicted for perjury. Although Garrison declared that this represented "a major conviction ... in connection with the case," it was, if anything, a pyrrhic victory. For if Andrews had perjured himself when he implied that Shaw could have been Bertrand (and knew he wasn't), it would seem likely that Russo had also perjured himself when he said he was introduced to Shaw under the name of "Bertrand." Assistant D.A. Alcock charged that the name "Bertrand" had been "foisted on the world" by Andrews. But, again, if "Bertrand" was indeed a fiction, invented by Andrews after the assassination, how could Russo testify that he met Shaw before the assassination under the pseudonym "Bertrand"? According to the Sciambra

memorandum, Russo had not mentioned the name Bertrand in his initial interview. It was only after he was brought to Garrison's office a few days later, was allowed to ask leading questions about the case, and, in his own words, "could figure out what they wanted to know," that the name of "Bertrand" found its way into his story.

IV

After the pretrial hearing was concluded there was a notable shift in the nature of the investigation. Whereas the first phase had concentrated on the activities of David Ferrie, and the second was principally devoted to efforts at substantiating Russo's allegations about Clay Shaw, the third phase was more dimly defined and had no single specific objective. It was, in effect, a hunt without a quarry, a search for any information from any source which might relate to any aspect of the assassination. To execute this desultory pursuit, Garrison reinforced his permanent staff with volunteer recruits from the growing corps of Warren Commission critics and peripatetic demonologists, who found in New Orleans an unexpected rallying point and who found themselves attracted to Garrison like the children of Hamelin to the Pied Piper. At the head of the line stood Mark Lane, author of the best-selling Rush to Judgment, who together

with William Turner, staff writer on the assassination for Ramparts magazine, spent months assiduously combing Garrison's files on the case for new clues and devising ingenious schemes for new disclosures. (When one assistant D.A. protested that by xeroxing evidence Lane might be jeopardizing the case, Garrison replied that Lane and Turner were "writing the official history of the investigation.") Penn Jones, Jr., crusading editor of the Midlothian, Texas, Mirror, and author of the Forgive My Grief series, the most celebrated feature of which is a death count which keeps tabs on suspicious demises of individuals who are even peripherally connected with the assassination, and Allan Chapman, a right-wing knight-errant in the two-hundred-year-old crusade against the Illuminati (an imaginary worldwide conspiracy of intellectuals who, Chapman believes, now control the television networks) were enlisted to report on development from the Texas front. Harold Weisberg, author of the numerically consecutive Whitewash books, was charged with the task of poring through the 26 published volumes of Warren Commission testimony and evidence for new leads relevant to Garrison's probe. Photographic interpreters Raymond Marcus and Richard Sprague scanned films of the assassination to locate hitherto neglected pieces that might fit into

what Garrison calls his "jigsaw puzzle." And Richard Popkin, a professor of philosophy and author of The Second Oswald, a conjectural essay originally published in the New York Review which proposes that the assassination was performed not by Oswald but by his doppelganger, Mort Sahl, a nightclub comedian, and Jones Harris were appointed trouble-shooters-at-large. Although this group of amateur sleuths (who sometimes refer to themselves as "The Dealy Plaza Irregulars") have provided Garrison with the bulk of the "new evidence" that he has cited in his numerous public appearances--he appeared on radio and television shows in the course of his coast-to-coast pretrial tour financed by Playboy--they have occasionally proven a source of friction for the professional investigators on Garrison's staff.

Tom Bethell, who has worked as Garrison's staff assistant since the inception of the investigation, has written, "One of Mark Lane's lieutenants has a bad habit of steering Garrison into crackpot directions, such as the "Storm Drain Theory," to which Garrison tends to be susceptible. The trouble with these third-rate students is that the only way they can make a strong impression on Garrison is by coming up with flamboyant nonsense, and thus hope to be hired as someone with original ideas. They therefore represent a serious threat to the sanity of

the investigation." And the more of these parvenu experts who advocate a certain "original idea," the more susceptible Garrison apparently becomes. When Allan Chapman, the Illuminati specialist, lent his support to the theory that a shot was fired from a storm drain in Dealy Plaza, Garrison obliged by stating on television that the bullet that killed President Kennedy "was fired from a sewer." Thus, the D.A. added a sixteenth man to his presumed assassination team and a fifth location from which he said the shots were fired. Six months before, Garrison had theorized that there were only two assassins--one in the Texas Book Depository and one on the Grassy Knoll. After discussing the case with Weisberg, who believes there was another rifleman in the nearby Dal-Tex Building, he accomodatingly added a third rifleman in that location. When Marcus came along with a blowup of some trees and shadows on the Grassy Knoll which he claims reveals four gunmen in cowboy hats, and Garrison added four more assassins to the band (two of them, Garrison suggests, were there to pick up stray cartridge cases). Next, Jones Harris showed Garrison a blowup of a truck parked behind a picket fence, and the "commando team" grew by two. Finally, after discussing the matter at some length with Professor Popkin, Garrison posited a "second Oswald" who was sent to impersonate the first Oswald at the scene.

(This understandably disconcerted some members of his staff since the presence of a "second Oswald" would tend to vitiate the legal case against Clay Shaw: Did Shaw conspire with Oswald, as he is charged with doing, or with an impersonator?)

Although the exact number of assassins varied between ten and sixteen, depending on when and where Garrison spoke, the "forces behind the conspiracy" grew almost geometrically. In the early stages of the investigation, Garrison had told Senator Russell Long that only a few insignificant men were involved. Then, after Ferrie's death, Garrison began to specify the guilty parties, identifying them as a band of perverts and renegade Cubans. With the arrival of the demonologists, however, the conspiracy was rapidly escalated to include Minutemen, CIA agents, oil millionaires, anti-Castro Cubans, Dallas policemen, munitions exporters, the "Dallas Establishment," Jack Ruby, White Russians, and certain elements of "the invisible Nazi substructure."

On just what sort of evidence was this lavish conspiracy predicated? Garrison's means of deducing the last member of the team is perhaps indicative. The figure of the sixteenth assassin is extrapolated from two photographs taken about ten minutes after the

assassination. The first shows a man in a dark suit apparently examining a curb near the spot where President Kennedy was shot; two policemen are shown looking on. Garrison claims that he can detect in this photograph a pebble-like object partially concealed by the heavily-matted grass, an object he states is a .45 caliber bullet "which killed John Kennedy, which has markings on it which would show that the automatic gun from which it came [was a] handgun." The bullet, of course, is ~~hardly~~^{not} readily visible to the naked eye; in fact, according to one member of Garrison's staff, the photograph is so grainy that it is difficult even to differentiate the curb from the grass. The other photograph, taken seconds later, shows the man in the dark suit walking away with his hands closed. Flashing this photograph in front of the television cameras in Dallas, Garrison declared that the man (who from his appearance, Garrison somehow surmises, is a "federal agent") "Got the bullet clutched in his hand, the bullet that killed John Kennedy." How Garrison could determine from a photograph that a bullet is being held inside a man's closed fist--indeed discern the exact caliber--defies explanation. Nonetheless, this was the "evidence" that Garrison used to support the Chapman

theory that an assassin was in a sewer and his own charge on television that "the bullet which killed John Kennedy, which fell in the grass with pieces of the President's head, was in the hands of the federal government 10 minutes after the President was dead ... This means that the federal government knowingly participated in framing Lee Oswald. Lyndon Johnson had to know this."

While most of the other assassins were similarly identified from pictures of trees and shrubbery, appearing only as projections of connected dots in photographic enlargements, the man who Garrison identified in Playboy as the seventh member of the assassination team turned out, much to Garrison's embarrassment, to be a real person. Garrison alleged that this seventh man "created a diversionary action in order to distract people's attention from the snipers. This individual screamed, fell to the ground and simulated an epileptic fit, drawing people away from the Knoll just before the President's motorcade reached the ambush point."

Garrison further described this man as an anti-Castro Cuban paramilitarist, clad in green combat fatigues. As it happens, however, the person Garrison was talking about is Jerry Boyd Belknap, an employee of the Dallas

Morning News who had fainted in Dealy Plaza about twenty minutes before the motorcade arrived. Belknap explained to the FBI that he had frequent fainting spells since he had suffered a serious head injury in an automobile accident in 1960 and had been receiving daily medication to prevent these spells. When Garrison learned in July that the man who fainted was not the "paramilitarist" he presumed him to be, he admitted to his staff that he had been following a false lead. Yet, in his public statements, he continued to say that he had "located" this seventh member of the commando team.

Another rich source of evidence for Garrison has been the mail. Any sensational murder case inevitably attracts its share of crank letters, spurious confessions, and bogus tips. But whereas most district attorneys find such mail a nuisance and reading it a waste of valuable time, Garrison has industriously mined his mail for possible new witnesses. Although it is doubtful that any of them will ever testify in court, these epistolary volunteers do provide the D.A. with a useful fund of "secret witnesses" whose testimony is serviceable in his public statements. The case of one Donald Philetus Norton illustrates the advantage to which the testimony of such "secret witnesses" can be put in the open arena

of public opinion. Norton, a 34-year-old night club hypnotist known on the Georgia circuit as "Norton the Mystic, Servant of Yogi and Master of the Power of Suggestion," wrote Garrison in June of 1967, claiming that he had been a CIA courier, and had delivered \$50,000 to Oswald in Mexico in 1962 and had received a \$150,000 "pickup" from David Ferrie. He said further that he would like to work as an investigator for Garrison. Norton was promptly brought to New Orleans from Vancouver, where he was living at the time, and was interrogated by Garrison's "intelligence expert," Bill Boxley. Though he was more than willing to identify Oswald, Ferrie, and even Shaw as CIA agents, his story contained so many inner contradictions and implausibilities, that Boxley and other staff members concluded that Norton had to be lying and would be totally ineffective as a witness. No report was ever filed on Norton: it was later revealed that he was a convicted bank embezzler with a prison record. Even though Norton was jettisoned as a possible court witness in July, Garrison used him as a "secret witness" in his September Playboy interview. "We have evidence that Oswald maintained his CIA contacts ... and that Ferrie was also employed by the CIA," he announced.

"In this regard, we will present in court a witness-- formerly a CIA courier--who met both Ferrie and Oswald officially in their CIA connection." The courier he had in mind, of course, was Donald Norton.

Another such witness found in the mail, with Professor Popkin's assistance, was Richard Case Nagell, an inmate at a federal institution for the criminally insane in Springfield, Missouri. Nagell had been arrested while attempting to rob a bank in El Paso, Texas in September, 1963, and was sentenced to ten years in prison. After the assassination, he claimed that he had purposely gotten himself arrested in order to provide himself with an alibi for the assassination: his part in the conspiracy, he said, was to kill Oswald, who was the "patsy." Although the court records indicated that Nagell had suffered organic brain damage in an airplane crash in 1957 and had spent most of his life since then in various mental hospitals, Garrison thought the allegation worth pursuing. He sent a former assistant district attorney, William R. Martin, to Springfield to question Nagell. Nagell insisted that he had proof of the conspiracy in the form of tape recordings stashed away in a steamer trunk in California. When the trunk proved empty, however, Nagell told Martin, "They've

stolen the tapes," and refused to discuss the matter any further. And though Nagell, like Norton, was rejected as a court witness, Garrison continued to use his story as "evidence" to bolster his public case. Explaining Oswald's role as a "patsy" in the conspiracy, Garrison stated in his Playboy interview: "We have evidence that the plan was to have him [Oswald] shot as a cop killer in the Texas theatre while resisting arrest." The evidence, which Garrison said he was unable to divulge at the time, was simply one of Nagell's tales.

Another confidential witness with whom Garrison has spent a good deal of time is a Dallas ex-convict, who was recently under suspicion in Texas for attempted murder. According to Bethell this witness "drops into the office at fairly frequent intervals and readily identifies almost anyone you show him a photograph of." But he has proven more cooperative than accurate. Nor are such instances atypical. Of the thirteen new witnesses found through the mail or with the help of the irregulars assisting Garrison, at least a dozen have proved to have criminal records or have been under psychiatric care.

The "mailbag," as it is called around the D.A.'s office, however, has led to one arrest. William Turner, the Ramparts reporter (and an FBI renegade), ferreted out

an anonymous letter alleging that a Californian named Eugene Bradley had once made inflammatory comments about President Kennedy. Checking through his file on right-wing extremists, Turner found an Edgar Eugene Bradley, who raises the funds for the nationally-syndicated radio show "20th Century Reformation Hour," and who happens to have been in Texas on the day of the assassination -- though in El Paso, not Dallas. On the basis of this information, Garrison, who was in Los Angeles at the time raising funds of his own, telephoned his office in New Orleans and ordered Assistant District Attorney Alcock to file a bill of information against Bradley, charging him with conspiracy to kill President Kennedy. Bethell reported confusion among the staff members: there was nothing in the files on Bradley except the anonymous letter, and no one in the office had even heard of Bradley as a suspect. But the bill of information was issued anyway, and Bradley was arrested in Los Angeles-- though he was later released in his own recognizance. When he returned to New Orleans, Garrison remarked that he saw "little prospect of Bradley ever being extradited by Governor Reagan." (Ex-staff member William Gurvich has noted, "Jim has a philosophy about national headlines. He believes that everyone reads the headlines concerning

arrests and charges, but few people read denials or correcting statements.")

The only constraint operating on a duly-elected district attorney's use of indiscriminate arrests and charges--aside from normal ethical constraints--is the fear of exposure by the press, should supporting proof not be forthcoming. Yet, despite cogent evidence of malfeasance on Garrison's part reported by such journalists as James Phelan, Gene Roberts, and Walter Sheridan, and despite the more ill-informed backbiting which has appeared from time to time in various newspapers, public-opinion polls would seem to indicate that there has actually been a substantial increase in the number of people who share Garrison's belief in a conspiracy, not only in Louisiana, but throughout the country. Yet, if in fact his case is based on little more than wild rumors and the unsubstantiated testimony of unstable witnesses, why has the press been so uniformly ineffective in checking Garrison?

V

In his trenchant study of the late Senator Joe McCarthy, Richard H. Rovere demonstrates how a certain kind of demagogue, when assailed by the press, can turn the hostile criticism to his own advantage. Such a

demagogue builds his political base on the systematic exploitation of inchoate fears and sets about organizing a popular flight from reality. Even the most vocal censure, however adverse its ostensible effect, represents useful publicity to him. For the more intensely he is assaulted by the press, the more prominently he figures in the popular imagination. A false charge has to be repeated to be refuted, and if the charge happens to be more appealing than the truth, it is entirely possible that it, rather than its earnest refutation, will win general credence. This is especially true if the demagogue's charge posits a more plausible explanation of events, and if its refutation depends on the word of government officials, since those people most vulnerable to the conspiratorial interpretation of history are, characteristically, most suspicious of both complexity and authority. As Rovere observes with regard to McCarthy, the demagogue soon learns that "the penalties for a really audacious mendacity are not as severe as the average politician fears them to be, than, in fact, there may be no penalties at all, but only profit."

The demagogue's attack itself arouses, or can be used to arouse, certain anti-Establishment sympathies: "Why are they trying to destroy me," the demagogue asks,

"if there is no substance to my charges?" In a sense, the man who exploits popular fears builds his own reputation on the prestige of his adversaries. The more impressive the list of detractors he can cite, the more important his charges appear to be. But the surest benefit the demagogue derives from being publicly traduced is the "right to reply"--a right greatly enhanced by the demands of day-to-day reporting, which constrain the press to focus more directly on the individual under attack than on the general issue at stake. If the demagogue is challenged on radio or television, he can demand "equal time" to respond. And, of course, his reply need not restrict itself to a defense of his original position. Indeed, to obfuscate the issue further and mitigate the attack on him, the demagogue may strike out in an altogether different direction. For he is, typically, concerned not with substantive issues, but with manipulating the emotions of the electorate.

Jim Garrison has responded to deprecation by returning calumny for calumny; and has countered by projecting an image of a second conspiracy which has followed in the wake of the first one to assassinate Kennedy, a conspiracy of secrecy, one dedicated to concealing the truth about the assassination. As in

a New Mexico speech entitled "The Rise of the Fourth Reich or How to Conceal the Truth About an Assassination Without Really Trying," Garrison often seems more preoccupied with exposing an insidious misprision of felony on the part of federal authorities than with the facts of the assassination itself. To be sure, such a phobic concern with governmental suppression is neither a new phenomenon nor one limited to the assassination issue. Political Sociologist Edward Shils has pointed to a highly suggestive link between the generalized fear of secrecy and the populist tradition in America. In his book The Torment of Secrecy, he argues that a repugnance towards secrecy is rooted in the solid distrust of aristocracy and elites, which has persisted in American political life since the Revolution, and which manifests itself in the populist demand that all areas of political life be opened to public scrutiny. For any enclave in the government or special interest group that veils its activities in secrecy is suspected of harboring an elite or of itself conspiring against the interests of the common people. In this tradition, even in matters involving national security and raison d'etat, secrecy is tolerated only as a necessary evil.

Jim Garrison, who is described in what he calls his "official history" in Ramparts magazine as a "Southern

populist anchored in very traditional ideas about justice and truth," expressed this sentiment clearly in the text of his response to the NBC expose of his investigation, which he delivered to a national television audience on July 15, 1967.

The people of this country do not have to be protected from the truth. This country was not built on the idea that a handful of nobles, whether located in our federal agencies in Washington, D.C., or in the news agencies in New York, should decide what was good for the people to know and what they should not know. This is a totalitarian concept which presumes that the leaders of our federal government and the men in control of the powerful press media constitute a special elite which by virtue of their nobility and their brilliance empower them to think for the people. Personally, I would rather put my confidence in the common sense of the people of this country.

Implicit in such a statement is a preternatural fear-- that there is some shamanical power in secrets, that an elite, by concealing the truth from the populace, can appropriate to itself increased political influence. To exploit this fear, one would expect a truly Machiavellian politician to interpret criticism levelled against him as an enemy attack in his war against secrecy; portraying himself as engaged in a life-and-death struggle to pry loose the truth from some powerful elite, which uses its control over the ^{state} police, the mass media, and governmental agencies to protect a dark

secret and so perpetuate its power.

The first full-scale attack on Garrison came on April 24, 1967 in the Saturday Evening Post. James Phelan revealed there that the crucial part of Perry Russo's testimony, the section incriminating Clay Shaw, was contradicted by an earlier statement made by Russo to the D.A.'s office. The same day that the story of Phelan's revelation appeared, bold headlines on the New Orleans States-Item announced, "Mounting Evidence Links CIA to Plot Probe." The article under this head, which implied that the CIA was attempting to block Garrison's efforts because former agents were involved in the conspiracy, drew mainly on Garrison's own pet theories; it was prepared by two States-Item reporters, Hoke May and Ross Yockey, who were at the time working closely with Garrison on the investigation. Whether by design or accident, the charges against the CIA effectively worked to overshadow the Phelan story, at least in New Orleans. Garrison had succeeded in screening himself with an even more newsworthy decoy of his own.

Two weeks later, in an article written by Hugh Aynesworthy, Newsweek reported that a friend of David Ferrie's had been offered a \$3,000 bribe to implicate Clay Shaw in the conspiracy. The offer had been secretly

tape-recorded by the witness's lawyer, and although the tape was damaging under any circumstances--at one point, Garrison's representative said, "We can change the story around"--it was unclear in context whether the money was to be submitted in payment for true information or false.

When Garrison learned of the impending Newsweek disclosure, he prepared a handwritten memorandum on CIA participation in the assassination; this document promptly found its way into the hands of reporters Yockey and May, who wrote it up in an exclusive story in the States-Item. When asked about the Newsweek charges, Garrison answered by confirming the States-Item report on the CIA: "The federal agents who concealed vital evidence regarding President Kennedy's assassination," he declared, "and their superiors who are now engaged in a dedicated effort to discredit and obstruct the gathering of evidence, are guilty of being accessories after the fact to one of the cruelest murders in our history." And he went on to warn that "the arrogant totalitarian efforts of these federal agencies to obstruct the discovery of truth is a matter I intend to bring to light." The article in the New York Times the following day attested to Garrison's success in blurring these

charges with his own; though the Times article focused on the Newsweek report, the headline read, "Garrison charges the CIA and FBI concealed evidence on Oswald."

The next day, Garrison continued the offensive by issuing a subpoena for Richard Helms, the director of the Central Intelligence Agency, demanding that Helms produce a secret photograph showing Oswald in the company of a CIA agent in Mexico. Though, as was subsequently made plain, the photograph never existed in the first place, Garrison's extraordinary ruse did draw national coverage, which tended to dilute the effect of the Newsweek story. It is worth noting that before Garrison subpoenaed the Director of the Central Intelligence Agency, he had considered another move--arresting Regis Kennedy, an FBI agent in New Orleans who had taken part in the government's investigation of the assassination, and charging Kennedy with "withholding evidence." Garrison explained to William Gurvich that "of course he is going to deny it" but that would only add to the effect of criminally charging an FBI agent. But Garrison had second thoughts about attacking the FBI, which does have effective public-relations facilities. Gurvich said that Garrison finally chose the CIA because, as Garrison himself put it, "they can't afford to answer."

Later in May, when his claim that the notation of a Dallas post-office box in Clay Shaw's addressbook was actually Ruby's encoded telephone number was debunked by the appearance of the owner of the box, Garrison, it will be recalled, responded by charging another coded number in the book proved that Oswald was a CIA agent. Then expanding this charge on a local New Orleans television show a few days later, he said that the CIA knew the names of the other assassins, but he was "blocked by this glass wall of this totalitarian, powerful agency which is worried about its power."

On the evening of June 19, NBC devoted an hour to critical examination of Garrison's investigation, entitled The JFK Conspiracy: The Case of Jim Garrison. A parade of witnesses, which included a professional thief, a narcotics addict, and a self-described "party girl," alleged that Garrison had in one way or another attempted to bribe or blackmail vulnerable individuals who he thought might prove useful to him. The NBC reporters also disclosed that both of Garrison's witnesses in the pretrial hearing, Bundy and Russo, had failed to pass "lie detector" tests. To be sure, some of NBC's charges were questionable: Most of its own deponents either had criminal records or had previously made false statements in the case (although they were,

after all, people Garrison himself had located); and even J. Edgar Hoover admits that lie detectors cannot really detect lies.

But rather than dispute the content of the program, Garrison launched his counter-attack by denouncing NBC itself as a party to the "establishment conspiracy" to destroy him. "All of this screaming and hollering now being heard is evidence that we have caught a very large fish," he proclaimed the morning after the NBC show. "It is obvious that there are elements in Washington, D.C., which are desperate because we are in the process of uncovering their hoax." To account for NBC's interest in his investigation, he noted that the network "is owned by Radio Corporation of America, one of the top ten defense contractors in the country. All of these ladies of the evening are very much alike--the preferred one is the one with the big bankroll and any position he suggests is eagerly assumed." Moreover, he asserted that the program had been secretly financed by the CIA with "taxpayers' money."

Garrison wrote the Federal Communications Commission demanding "equal time," and NBC granted him one-half hour of prime evening time to reply to the charges. Once on the air, however, he said, "I am not even going to

bother to dignify the foolishness which Newsweek and NBC and some other news agencies have tried to make you believe about my office." Instead, he denounced the media for manipulating the news and practicing "thought control." After giving five specific examples of "suppressed news," he inversely reasoned that the attacks on his case attested to its validity: "If our investigation was as haywire as they would like to have you think then you would not see such a coordinated barrage coming from the news centers in the East." And he concluded "as long as I am alive, no one is going to stop me from seeing that you obtain the full truth, and nothing less than the full truth, and no fairy tales." Garrison had an audience of some twenty million viewers and for that, he later commented in Playboy, he was "singularly grateful to Walter Sheridan," the man who prepared the NBC critique of his case.

Garrison's gratitude was, however, less than total. Three weeks after the NBC confutation was aired, Garrison issued a warrant for the arrest of Sheridan and Richard Townley, who assisted in the production of the show, charging them with attempted bribery. Specifically, the D.A. alleged that the NBC reporters had offered Perry Russo a free trip to California. If this offer

technically constituted an act of bribery, however, Garrison himself had taken considerable pains to bait the trap. He told me personally 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." In his public statement on the matter, Garrison charged that the NBC attempt to wreck his case "will probably stand for many years to come as a symbol of the length to which some powerful outside interests are willing to go in order to interfere with state government."

Shortly after his skirmish with NBC, Garrison suffered another contretemps. One of his chief investigators, William Gurvich, resigned from the D.A.'s staff after first having told Senator Robert Kennedy that there was "no basis in fact and no material evidence in Garrison's case." Gurvich's private detective agency had conducted most of the lie-detector tests that Garrison had used to "objectify" testimony and, at the time of his resignation, Gurvich had in his possession a master file of the principal evidence in the case. Not only did his defection make for embarrassing headlines, then, it opened up the possibility that Garrison's fund of confidential information--or the absence of such a fund--

would be made public.

In a statement to the press, Garrison described Gurvich's resignation as "the latest move of the Eastern headquarters of the Establishment to attempt to discredit our investigation." It was all part of a "mysteriously coordinated" plot against him. In a second press release issued the following day, he went on to cite that putative plot as evidence of a "second conspiracy": "All they are doing is proving two things; first, that we were correct when we uncovered the involvement of the Central Intelligence Agency in the assassination; second, that there is something wrong with our government in Washington, D.C., inasmuch as it is willing to use massive economic power to conceal the truth from the people." Later, in his Playboy interview, Garrison suggested that Gurvich had been a CIA infiltrator from the start. And for last licks, he turned to Senator Kennedy, whom Gurvich had earlier contacted, and charged on New York television that the Senator was "without any question of a doubt ... interfering with the investigation of the murder of his brother" and making "a real effort to stop it."

When he saw that the assaults on his case could be effectively used to generate a specter of a greater conspiracy, Garrison took the logical next step and started

creating pseudo-attacks on himself. Thus when Chief Justice Earl Warren was asked in Tokyo by reporters his opinion of the Garrison investigation, he replied: "I want to skirt this very carefully because the case could someday come Before the Supreme Court." Pressed as to whether Garrison possessed any evidence that might contradict the findings of the Warren Report, the Chief Justice judiciously answered, "I've heard that he claims to have such information, but I haven't seen any." But Garrison, the next day, characterized the "Warren counter-attack" as "heavy artillery whistling in from Tokyo," and said in a press release, "It is a little disconcerting to find the Chief Justice of the United States on his hands and knees trying to tie some sticks of dynamite to the case. However, the Chief Justice is a practical man and I expect he knows what he is doing ... The last time he was called into service was when the President of the United States was assassinated by men who had been connected with the CIA." Garrison went on to predict a new broadside from the Federal authorities: "Judging from the careful coordination which the Establishment showed in its last offensive against the case, it is safe to expect that other elements of the federal government and national press will now follow up with a new effort to discredit the case."

Garrison also created an intentional problem in the case of Gordon Novel, a problem for which he later blamed President Johnson. Novel, who had been assisting Garrison in his investigation, told the D.A. that in 1961 he had acted as an intermediary for the CIA in the Bay of Pigs invasion, and had participated with David Ferrie in arms theft from the Schlumberger-Welles Munitions Company in Houma, Louisiana. When Garrison subpoenaed Novel before the Grand Jury, after the death of Ferrie, Novel suspected that Garrison was "double-crossing" him, and he fled to Columbus, Ohio. Garrison filed burglary charges against Novel, alleging that he had stolen arms from the munitions bunker in Houma, and he was arrested in Ohio. Governor Rhodes of Ohio agreed to extradite Novel to Louisiana and asked Garrison to complete the necessary papers within sixty days. Garrison, however, made no effort to complete the extradition papers. As the July 3 deadline approached, Assistant D.A. Alcock asked if he should return the papers to Columbus and Garrison told him "not to bother." Still, in the Playboy interview, Garrison insisted, "The reason we were unable to obtain Novel's extradition from Ohio is that there are powerful forces in Washington who find it imperative to conceal from the American public the truth about the

assassination." And in his speech to the Radio and Television News Association of Southern California, Garrison cited the failure to obtain Novel's extradition as evidence that President Johnson was putting "pressures" on local officials to secrete witnesses from him. He went on to accuse President Johnson of preventing "the people in this country from seeing the evidence," and intimating with the logic of cui bono, "the fact that he has profited from the assassination most, more than any other man, makes it imperative that he see that the evidence is released, so that we can know that he is not involved, rather than assuming it."

VI

Garrison's technique in levelling such counterblasts is typified by what Richard Hofstadter has called the "paranoid style of politics," to which "the feeling of persecution is central," and which is, Hofstadter says, "systematized in grandiose theories of conspiracies." Simply because Garrison expresses his ideas in a paranoid style, however, does not of itself preclude the possibility that there is substance to his claims. Is the CIA concealing the involvement of its agents in the assassination? Does the press furtively control the news as a means of suppressing known facts about the

President's murder? Is the Federal Government, through its agents, Lyndon Johnson, Robert Kennedy, J. Edgar Hoover, Earl Warren, and Ramsay Clark, involved in a sinister plot to quash Garrison's probe? To answer these questions, it is necessary to consider the sort of evidence upon which Garrison predicates the charges from which they are inferred.

The D.A.'s allegations regarding the culpability of the CIA have varied widely. On April 25, the CIA was merely an "accessory after the fact;" on May 7, "former employees of the CIA were involved;" by May 18, Oswald and Ruby were themselves identified by Garrison as CIA agents; on May 22, the D.A. stated that the CIA knew "the names of every man involved and the names of the individuals who pulled the triggers;" on May 24, he added that the CIA was presently hiding "the killers's whereabouts" from him; and on November 16, Garrison decided that "employees--a limited number--of the Central Intelligence Agency of the U.S. Government are involved in the assassination. A number of them have been identified." All of these accusations, however, are based on very elusive "evidence."

Just how elusive it is can be discerned from Garrison's 26-page Playboy interview, which is doubtless

his fullest and most coherent presentation of his case to date. When pressed by Playboy interviewer Eric Norden for the basis for his charges of CIA complicity, Garrison listed eight specific items of evidence: 1) A missing CIA photograph which shows Oswald in the company of a CIA agent in Mexico prior to the assassination; 2) Classified files on David Ferrie which show that "former employees of the CIA conspired to kill the President;" 3) Suppressed autopsy X rays and photographs of President Kennedy's body and "other vital evidence" which also reveal that former CIA agents took part in the murder; 4) "Top secret" CIA files which reveal Oswald was involved in the CIA's U-2 project; 5) The fact that the CIA destroyed a document which the Warren Commission had requested; 6) The identification of "Oswald's CIA babysitter;" 7) A CIA "courier" who delivered money to Oswald before the assassination; and 8) "The consistent refusal of the Federal Government" to provide Garrison with "any information" about the role of the CIA in the assassination, which "evidence" Garrison calls the "clincher." And this comprises virtually all the proof on which Garrison's repertory of charges against the CIA is based.*

*Garrison also lists examples of CIA interference in his investigation in Playboy: The CIA paid Alvin Beauboef's trip to Washington (although NBC has vouchers to show it in fact paid the expenses); The CIA has employed "most" of the lawyers for the defendants and hostile witnesses (although all the lawyers hotly deny this charge and some are threatening to sue Playboy); and that his telephones are being monitored by the CIA (although Garrison himself was so sure earlier that the FBI was doing this that he planned to raid their office at Midnight with pepper guns.)

At least half of this "conclusive evidence" is itself deduced from evidence that Garrison himself has never seen. This trick is accomplished by simply sketching in facts that incriminate the CIA on the tabula rasa of missing (or non-existing) evidence. If the evidence is missing, of course, a revelation of its contents is not easily refuted. The ploy also plays on a fear of secrecy qua secrecy: "If there's nothing to hide," people wonder, "why is the document missing in the first place." Consider proof #1, the missing CIA photograph on which Garrison predicated his original charge that the CIA was concealing vital evidence.

When Garrison subpoenaed Richard Helms, the Director of the CIA, he instructed him to produce a photograph taken by CIA agents in Mexico City about seven weeks before the assassination, which Garrison claimed, showed Oswald leaving the Cuban Embassy in the company of a CIA agent who was acting as "Oswald's CIA babysitter." The supposititious facts conveyed by this missing snapshot were what led Garrison to assert that the CIA knew the identity of Kennedy's assassins, but was concealing the truth. But how had this information been deduced from a missing photograph, which Garrison himself admits he has never seen?

In fact, the story of the CIA photograph takes its origins from an incident I myself first reported in my book Inquest, as a means of illustrating the problems the Warren Commission lawyers faced in communicating with the CIA. I noted that before the assassination a man leaving the Cuban Embassy in Mexico City had been routinely photographed by a hidden CIA camera; a source within the Embassy had identified the man in the picture as Lee Harvey Oswald, and the information was subsequently forwarded to the FBI. As it turned out, however, the man in the photograph was incorrectly identified as Oswald. Staff lawyer Wesley J. Liebeler, who was trying to clarify the incident for the Warren Commission, inquired of the CIA whether perhaps another photograph of Oswald in Mexico City did, in fact, exist. He never received an answer.

Garrison assumed that there was such a photograph of Oswald leaving the Cuban Embassy and that it had, for some reason, been suppressed. It seems unlikely that Garrison had outside knowledge of this photograph, other than the account of it in my book, because he repeats the details of that account--including a certain erroneous detail. As staff lawyer Liebeler, who originally told me the story, pointed out a few weeks after Inquest was published, the picture in question had been taken of a

man leaving the Soviet Embassy in Mexico City, not the Cuban Embassy. Yet Garrison repeated the erroneous information (my own!) to contrive an ominous piece of "evidence" which was not simply "missing" but, in point of fact, non-existent.

Garrison relied on a similar artifice in his second and third proofs, asserting that "the President's autopsy X-rays and photographs and other vital evidence" are classified because "they would indicate the existence of a conspiracy involving former CIA employees." Exactly how Garrison could predict just what would be indicated by evidence he had never viewed is left problematical, but again the tabula rasa of "missing evidence" provides for Garrison the details of a CIA conspiracy.*

Garrison employs such a strategem in his fourth proof, as well, where he reveals the contents of classified CIA documents in the National Archives. These documents

*Every once in a while Garrison gets caught in the act when the evidence proves to be existent. For example, he stated in his Playboy interview that four frames of the film taken of the assassination, frames 208-211, were "deleted" from the frame-by-frame reproduction of the film in the Warren Report; and goes on to claim that these deleted frames "reveal signs of stress on a street sign" and suggests that a bullet from the Grassy Knoll "may well have" struck the sign. Frames 208-211, however, are not missing from the original film which Life magazine holds, and they reveal no "signs of stress."

were prepared for the Warren Commission by the CIA. And although titles of each of these reports, which usually refers to the general topic on which Commission lawyers requested the CIA to provide information or answer queries, is listed in the index of Commission documents, the contents of the reports themselves are classified (as are all CIA reports containing the names of operatives, informers, and foreign sources).

Garrison is wont to rattle off the titles of the "suppressed CIA files," as he calls them, and then set forth their content. For example, in Playboy, he cited Commission Document #931 entitled "Oswald's Access to Information About the U-2," and then ominously suggested that Oswald was involved in the U-2 program. He amplified further on this "evidence" in a speech he made after the Playboy interview appeared, stating: "The reason you can't see that [Commission Document #931] for many years is because you will then realize that Lee Oswald was then working for the United States Government, as a CIA employee, and they don't want you to know that." This classified document, which Garrison had of course not seen, was used to substantiate the charge that Oswald acted as a CIA agent. Testimony in the Warren Report indicates that it more likely contains information as to what

Oswald may have heard when he dropped in on the trial of U-2 pilot, Gary Francis Powers, while he was living in the Soviet Union. In any event, if the CIA was indeed as sinister as Garrison alleges, it seems highly unlikely that the Agency would admit in a report to the Commission that Oswald was a CIA agent, especially since these documents were to be read by lawyers working for the Commission who were not (as my own interviews with them demonstrate) particularly inclined to be secretive.

The fifth element of evidence, that the Warren Commission was never able to obtain a "secret CIA memo on Oswald's activities in Russia" attached to the State Department because it had been "destroyed" the day after the assassination, is simply untrue. While it is true that one copy of this document was destroyed while being photocopied, another copy was indeed forwarded to the Commission on May 8, 1964, which is evident from Volume XVIII of the Warren Report. When Mrs. Sylvia Meagher, who indexed the 26 volumes of the Warren Commission evidence and testimony and who has tried earnestly to correct the mistakes of the critics as well as those of the Commission, pointed out to Garrison that his charge was based on fallacy, he acknowledged the error, but, even so, repeatedly used the non-fact

to support his charge that the CIA was "incinerating" evidence.

The sixth bit of evidence, the identity of "Oswald's CIA babysitter," was extrapolated from a purchase order for ten Ford trucks that were to be used in the Bay of Pigs invasion in 1961. Oscar Deslatte, who wrote up the order on January 20, 1961, listed the purchaser of the trucks as "Oswald" (no first name given) and said the individual with "Oswald" called himself Joseph Moore. When asked by FBI agents about the incident, Deslatte added that he could "neither describe nor identify either of the men." Garrison believes, however, that the purchase was made for the CIA, and that Moore, who has never been located, was in fact Oswald's CIA chaperone. It is possible, of course, that Moore was some Oswald's "babysitter," because in 1961, when the purchase order was filled out, Lee Harvey Oswald was working at the Byelorussian Radio and Television factory in Minsk, Russia.

The penultimate piece of evidence, the CIA courier, is none other than the bank embezzler, Donald Philuts Norton, alias "Norton the Mystic, Servant of Yogi," who was thoroughly discredited as a witness and had been jettisoned by the D.A. himself even before he gave the

Playboy interview.

As for Garrison's "clincher," the fact that the government has not revealed to Garrison any evidence of the CIA's complicity in the assassination, it would seem at most reflects Garrison's very peculiar kind of logic in which the fact that he has not found or been given any evidence of CIA complicity is itself cited as proof that the CIA is withholding evidence of its guilt.

It thus seems clear that Garrison's case of a CIA conspiracy is artfully fabricated out of imaginary evidence, untruths which Garrison is well aware of, a spurious identification of Oswald, and a play upon the public's fear of secrecy.

Garrison's charges against the news media are more difficult to answer directly than those levelled against the CIA, since they have typically been little more than vague phillipics with Orwellian overtones. Consider, for instance, his charge that: "Behind the facade of earnest inquiry into the assassination is a thought control project in the best tradition of 1984. Because of their failure to conduct an effective inquiry, major news agencies have a vested interest in maintaining public ignorance." In his half-hour NBC rebuttal, however, Garrison did give five specific examples of news suppression, which are worth examining in detail. Referring to

"powerful news agencies," Garrison alleged:

(1) "They do not tell you that Lee Harvey Oswald's fingerprints were not found on the gun which was supposed to have killed the President."

(2) "They do not tell you that nitrate tests exonerated Lee Oswald from the actual shooting by showing that he had not fired a rifle that day."

(3) "They do not tell you that it was virtually impossible for Oswald to have taken his fingerprints off the gun, hidden the gun and gone down four flights of stairs by the time he was seen on the second floor."

(4) "They did not tell you of the overwhelming eye witness testimony, that shots were coming from behind the stone wall on the grassy knoll."

(5) "You have not been told that Lee Oswald was in the employ of U.S. intelligence agencies, but this was the case."

It is true enough that the public had not been told of any of these things, except by Garrison and occasionally by Mark Lane, but there is good reason for that. All five of the charges are either false or captious.

Fingerprints were indeed found on the rifle "which was supposed to have killed the President," but the prints could not be positively identified. Sebastian F. Latona, a nationally-recognized fingerprint expert, testified before the Warren Commission that because of the poor finish of the rifle, which allowed it to absorb

moisture, it was highly unlikely that an identifiable fingerprint would have been left on the weapon. Contrary to the popular impression regarding fingerprints, Latona noted that they are usually discernable only on highly polished weapons. What Garrison does not say is that a palmprint was discovered on the barrel of the rifle in question which three different experts positively identified as Oswald's.

Garrison's assertion that the nitrate tests "exonerated Oswald" was equally questionable. In the tests to which Garrison referred, the Dallas police made paraffin casts of Oswald's hands and right cheek, and these casts were then essayed for traces of nitrates. The nitrates were found on the casts of both Oswald's hands but not on the cast of his cheek. The test, however, in no way indicates whether Oswald did or did not fire a rifle. The nitrates found need not have come from gunpowder; almost any oxidizing agent--tobacco, matches, paint, or urine--will leave such residues. Conversely, the absence of nitrates would indicate just as little since a rifle (which, unlike a revolver, has no gap between the chamber and barrel) rarely leaves nitrate traces on the cheek. In fact, the rifle in question was experimentally fired six times

by FBI agents and no traces of nitrate were detected on the agents's cheeks. According to FBI expert Cortlandt Cunningham, the so-called paraffin test is completely unreliable and its principle use in police work is simply to intimidate suspects; it produces more apprehension than valid evidence. For Garrison to have suggested that such tests could have proved that Oswald "had not fired a rifle that day" represents a play on the gullibility of the general public regarding the reliability of scientific-sounding data.

As for Garrison's statement that it was "virtually impossible" for Oswald to have been on the second floor of the Book Depository a few minutes after the assassination, it too is specious. It took a Secret Service agent, simulating Oswald's movements, one minute and eighteen seconds to reach the second floor from the sixth. In any case, it is impossible to ascertain exactly what time Oswald was seen on the second floor. (It could have been as long as five minutes after the assassination.)

Garrison's next assertion, that there was "overwhelming" eyewitness testimony that the shots came from behind a stone wall, is also somewhat sophistical. To my knowledge, none of the hundred or so Warren Commission witnesses who testified on the matter or were questioned by the FBI said that they saw a rifle being fired, from

behind the stone wall. The earwitness testimony, which is undependable in determining the source of any shots where there is the possibility of echoes, was more divided. Over half the witnesses thought the shots originated in some location other than the book depository, but only a few of the earwitnesses thought the shots came from the direction of the stone wall.

Finally, the assertion that Oswald was a CIA agent has already been shown to have been based on Garrison's own private interpretation of "missing" or classified documents that he had never seen. Of the five examples of "news suppression" Garrison cited, then, none was based on accurate information. Moreover, it is hard to believe that Garrison was not aware of the sophistry in his charges. As a practicing district attorney, he surely understood both the limits of so-called scientific evidence and its usefulness for the purpose of impressing the general public. Some 20 million viewers watched the program; and those who accepted Garrison's specious premise that "scientific evidence" such as the paraffin test could determine the guilt or innocence of Oswald were in a predicament: For, even if they rejected Garrison's interpretation of the evidence, they might still wonder why then they had not previously heard of

this scientific evidence if it indeed proved Oswald guilty. But whether or not Garrison's choice of spurious examples was calculated, the "news" that Garrison charged was suppressed turns out to be on examination no more than a series of untruths.

It would be difficult to gainsay Garrison's imputation of Federal obstruction if he were merely to have charged that the government was hindering his case. Certainly, federal agencies have been less than cooperative, and important federal officials, including Attorney General Ramsay Clark, have openly (and often gruffly) criticized the New Orleans investigation. But Garrison's allegations have gone far beyond the charge of interference in this sense: He has accused the federal government of conspiring to wreck his investigation specifically because it harbors a motive of its own in concealing the truth about the assassination. He has stated as much in no uncertain terms: "The reason that the U.S. Government--meaning the present administration of Lyndon Johnson--is obstructing the investigation--it has concealed the true facts to be blunt about it¹⁵ to protect the individuals involved in the assassination of John Kennedy." In other words, the government knows the truth and, in concealing it, is itself conspiring

to protect the conspirators.

So far Garrison has offered only two specific pieces of "evidence" to support such a charge. The first item is that photograph of the assassination site showing a man with a closed fist, which Garrison surmises conceals the bullet that killed the President. And from this conjecture he goes on to postulate that the man in the photograph is a federal agent, the bullet has been turned over to the federal government, and the government consequently knows the assassin's identity. The second item is a putative telegram that was sent to J. Edgar Hoover before the assassination. Garrison charged at a news conference in New Orleans last December that this telegram, which he has been unable to obtain, shows that Lee Harvey Oswald telephoned the Dallas field office of the FBI five days before the assassination and he gave the details of the plot which were then forwarded by interbureau telegram to Hoover in Washington. This was proof, Garrison claimed, that President Johnson had "actively concealed evidence about the murder of his predecessor." When a reporter asked him what evidence he had that such a telegram ever existed, he answered, "If you and I were in a closed room, I could prove it. But I'm not going to allow any evidence to get out now." His evidence, it later turned out, was simply a story

told to him by Mark Lane. Aside from such multiple guesses by Garrison and Lane, the charge of Federal complicity is based almost solely on the fact that there is government secrecy. According to his logic, the government would not classify information pertinent to the assassination unless it has something to hide. In the best paranoid style, then, Garrison has persistently exploited the popular fear of secrecy, pointing an accusing finger at those who would draw the greatest benefit from the maintenance of such secrecy. For example, noting that part of the Warren Commission's documents are classified in the National Archives, Garrison recently claimed on a Texas television show, "They destroyed evidence in every possible way. The President of the United States, the man who has the most to gain, the man who gained more than any other human from the assassination, is the man who issued the executive order concealing vital evidence for 75 years so that we can't look at it, so that you can't look at it, so that no American can see it for 75 years. Now this was an executive order by Lyndon Johnson, the man who gained the most from the assassination."

Garrison was unconcerned that, in fact, no such executive order had ever been issued. Investigative

files are automatically classified for 75 years--a number arbitrarily selected to exceed the lifespan of persons likely to be mentioned in the reports--in order to protect confidential informers and to avoid incriminating innocent persons incidentally mentioned. Indeed, in the case of the Warren Commission's documents, McGeorge Bundy, acting on behalf of President Johnson, submitted a special request that the 75-year ban be waived and the material be opened to the public as soon as possible. According to the guidelines set forth by Bundy, all agencies involved in the investigation were to review their files and declassify everything, with the exception of pages containing the names of confidential informers, information damaging to innocent parties, and information about the agencies' operating procedures which, if disclosed, could prove damaging. There then was to be a periodic review by all the agencies concerned until the documents were entirely declassified. By the time Garrison had begun his own investigation, virtually all the documents which could, according to these guidelines, be declassified, had been opened to public scrutiny. The evidence that Garrison complains is still suppressed consists of the 51 CIA documents, which the super-secret agency says contain information on their operational

procedures and confidential sources, and of selected pages of FBI reports, which mention some of Ferrie's homosexual associates. Garrison's claim in Playboy that "any document the CIA wanted classified was shunted into the Archives without examination" by the Commission is simply untrue. All the documents in the Archives were sent there by the Warren Commission after the Warren Report was published. Most of the CIA reports were prepared to answer specific questions posed to the agency by Commission lawyers, and there is no reason to assume that they went unread (especially since, unlike the plethora of FBI reports, there were so few of them submitted). It is perhaps worth noting that Garrison's tactic of claiming that the proof which supports his charges has been ensconced in classified documents is hardly an original one. In 1950, Senator Joe McCarthy testified before the Tydings Committee that his celebrated charge of 81 card-carrying Communists working in the State Department was supported by classified evidence in FBI files, and he vehemently demanded to know why the Truman administration was keeping secret vital evidence that would show the extent of the Communist conspiracy in the State Department. Taking unprecedented action, President Truman waived executive privilege and

ordered the files made available to the Tydings Committee. When it became abundantly clear that these files were concealing no evidence to support McCarthy's charges, the Senator simply declared that the files had been "raped and rifled" and continued to demand that the "real files" be released. (McCarthy also attacked the CIA as the "worst situation of all" well before the days of Ramparts and Garrison; and consistently denounced the media conspiracy against him.)

The distinguishing mark of the paranoid style, Hofstadter writes is "the curious leap in imagination" between fact and phantasy, which is made at some critical point in an argument. Consider in this light the following remarks by Garrison included in one of the many speeches he delivered in his nationwide lecture tour:

Is this a great society which allows innocence to be butchered as Oswald was? with no concern, no interest, which allows the guilty, the murderers to walk the street, knowing without any question who they are, knowing what happened, is this a Great Society? Is it a Great Society which causes blackouts in news centers like New York, when there is a development in the case ... Is this a Great Society which monitors your phone if it has the slightest bit of curiosity about you. This is not a Great Society--this is a Dangerous Society, a society which despite the lip service to populism ... is so morally threadbare, that the futures of your children are in danger.

Here the "curious leap in imagination" is made between the fact that some investigative files are still classified and the phantasy that the government is protecting the assassins by turning off the lights in news centers, monitoring telephone calls, and threatening the future of children. (It is also worth noting incidentally that the image of "innocence ... butchered as Oswald was" creates complications in the case of Clay Shaw, who is, after all, charged with "conspiring with Lee Harvey Oswald and others to murder John F. Kennedy.") In his charges against the CIA, a saltatory move is made between missing or non-existent evidence and the fluid phantasy of CIA complicity in the assassination; and, in his case against the news media, the critical leap is made between the fact that the media failed to broadcast some untruths about the assassination and the Orwellian phantasy of a conspiracy to suppress the news. Running through Garrison's vision of this tripartite conspiracy is the "torment of secrecy" theme. The CIA epitomizes all that is feared in governmental secrecy: an invisible government, answerable to no one, with unlimited resources and power. Since all its acts are veiled in secrecy, it may be postulated to be the "real force" behind any event. The media conspiracy is merely

the other side of the coin. For by withholding facts and suppressing news, it permits dark secrets to be kept; and Garrison warns in Playboy, "the clever manipulation of the mass media is creating a concentration camp of the mind that promises to be far more effective in keeping the populace in line." The Federal Government uses its power to enforce secrecy, and thwart any attempts to expose its secrets. The government, Garrison claims, "is the CIA and the Pentagon," an elite which perpetuates its power by concealing the truth about the assassination. Progressively, Garrison has become increasingly obsessed with governmental secrecy, and less directly concerned with the issues of his court case.

Garrison's obsession with his "second conspiracy" might be more easily dismissed as hallucinatory, or simply mad, were it not for the fact that a considerable portion of the population appears to be taken in by his claims. The extent of his popular support leads one to wonder whether there is not some method to Garrison's apparent madness, something politically calculated about his choice of chimeras.

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VII

If the public-opinion surveys administered by the Lou Harris Associates are an accurate gauge, Garrison would appear to have enjoyed considerable success in his efforts to change Americans' minds about the Kennedy assassination. In February 1967, before the New Orleans investigation became public knowledge, a Harris poll indicated that some 44% of the American people thought the murder of President Kennedy was the work of a conspiracy. Though this was a sizable increase over the number of Americans who entertained the same opinion before the appearance en masse of Warren Commission critics in the summer and fall of 1966, the figure still represented a minority. By May 1967, however, shortly after Garrison announced that he had uncovered a plot, went on to arrest Clay Shaw, and charged the CIA with being an "accessory after the fact," there was a dramatic shift in public opinion. A new Harris survey indicated that 66% of the American public now believed that the assassination had been carried out by a conspiracy.

Nor was this merely a temporary "peak" in public opinion. A third Harris survey, taken in September, revealed that despite the fact that Garrison's inquiry had in seven months produced few tangible results and no

definite answers, 60% of the people still believed that Kennedy had been killed by a conspiracy.

That Garrison was chiefly responsible for effecting this remarkable change in public opinion is, to be sure, open to question. It can be argued that a considerable number of people are naturally predisposed to hold a conspiratorial interpretation of any event. So historically momentous as the assassination of a President. Indeed, earlier Harris surveys confirm that at least 30% of the population believed from the outset that Oswald had not acted alone, and continued to believe this even after the Warren Commission rendered its verdict. Moreover, Lou Harris concluded from the questionnaires filled out by his respondents immediately after the Warren Report was issued that 11% of the population tended to be "chronic doubters" who believe that "the 'real' story about almost any important public event is never quite told." The fact that there was a marked increase (from 31% to 46% according to the Harris survey) in the number of people who believed in a conspiracy after the Warren Report became the subject of heated controversy in the latter half of 1966, may reflect a certain intolerance on the part of the general public for accepting a purported "truth" which is neither clear-cut nor, ostensibly,

irrefutable. The very idea that points in the Warren Report were subject to dispute or that its facts could be otherwise interpreted, probably led many people to reject, or at least doubt, the conclusion, which the Commission had so authoritatively offered.

Still, one would expect that most of those people predisposed to the conspiracy theory, or reluctant to accept the contingencies in the Warren Report's version of the event, would have rejected the lone-assassin theory, or at least have been "not sure" about it before, not after, Garrison appeared on the scene. Yet, between February and May of 1967, Harris surveys indicate that nearly half (16 out of 35%, to be exact) of the people who did believe that Oswald was the lone assassin were now changing their minds. In other words, some thirty million Americans who, apparently, had previously been neither predisposed to believe in a conspiracy nor moved by earlier criticism of the Warren Report were having second thoughts on the question of a lone assassin once Garrison began issuing his charges.

Unfortunately, the public-opinion polls provide no real insight into the reasons why people changed their minds. The nature of Garrison's appeal can, perhaps, be better inferred from the sort of responses he has drawn in the mail. After his Playboy interview appeared in

September of 1967, the magazine received what one editor described as "an exceptionally large number" of letter on the issue--almost 90% of which were favorable to Garrison. The writers of these letters were, characteristically, concerned less with discussing the facts of the assassination than with denouncing the "secrecy" with which the government has somehow veiled the truth. Repeatedly, they asked, "Why is so much information classified top secret?" The following passages gleaned from several of them are indicative:

It is now up to the American people to force President Johnson to open the National Archives. ... The public-be-damned attitudes of some of our government officials and agencies must come to a stop ... I'm scared! I'm beginning to think the Mafia and Cosa Nostra is tame compared to our government agency, the CIA ... the CIA appears to be an organization dedicated to the fact that the true course of America's destiny lies not in the three basic bodies of government, but in a handful of cloak and dagger phantoms ... What really amazes me is the fact that such people as Governor Rhodes of Ohio and the President, who could open the files in the National Archives for investigation, choose to sit on this vital information ... Even the Kennedy assassination fades into insignificance against the more important issues. Whether there was actual or incidental collaboration between mass media and government agencies, whether dishonesty, corruption, lying and secrecy pervade the government as strongly as Mr. Garrison insists ... the web [of suppression] has reached into the sacred depths of our national institutions, not the least of which is our mass-communications media.

Of the mail sent directly to Garrison's office, the same themes of secrecy and suppression run paramount. Tom Bethel, who reads through the barrage of correspondence for Garrison's staff, has observed that incensed letter-writers are most often occupied with the notion that the government and the news media are systematically withholding facts about the assassination. To be sure, such mail ~~is~~ necessarily represents a biased sample, and at best only a hint at the sorts of emotions being tapped, but even so, they do indicate that the amount of public concern appears to have grown in extent and intensity since Garrison provided a focal point for its expression.

In his concerted battle to win popular approval, Garrison has enjoyed some decisive advantages over previous critics of the Warren Commission. The first, and most obvious, is simply the authority of his office; he is the district attorney of a major American city. Garrison can make news at will merely by submitting charges, issuing subpoenas, and making arrests. When Garrison explained on national television how scientific tests had exonerated Oswald, few members of his audience were in a position to know that the "evidence" and the "tests" he described with such positive assurance were, in fact, spurious. When the District Attorney quoted from an official document which appeared in the Warren

Report, few suspected that he altered the words in the text to make his point. (This, however, is precisely what he did in quoting a "Supplemental Investigative Report" in Playboy.) Nor would one expect that an elected prosecutor's carefully worded "factual" statements-- for example, that "at 12:45 P.M. on November 22nd, the Dallas police had broadcast a wanted bulletin for Oswald"-- were demonstrably false. Unquestionably, the most important benefit Garrison derives from being a state's prosecutor with a case pending is his right to refuse to divulge the evidence on which his charges are based. And Garrison has exercised this prerogative with stunning effect, particularly in the Playboy interview. Take, for example, his statement that "we know from incontrovertible evidence in our possession who the real Clay Bertrand is--and we will prove it in court"-- an important claim, since Garrison has charged that Clay Shaw used the alias of Clay Bertrand. Though the question of the identity of Clay Bertrand was a central issue in the perjury trial of Dean Andrews, which took place well after the Playboy interview was conducted, Garrison failed to introduce any evidence at that time verifying Bertrand's existence. Later, a source in Garrison's office suggested that the only evidence to which Garrison possibly could have been referring in Playboy was a

library card, taken out under the name "Clay Bertrand," which had Clay Shaw's former business address on it. This card, however, hardly qualifies as incontrovertible evidence. For one thing, the card turned up well after Shaw was arrested and bore no date of its issuance or expiration--which is an obvious anomaly. For another, the signature on the card was definitely not written in Clay Shaw's hand--as Garrison's own office confirmed. In other words, someone other than Clay Shaw filled out a library card under the alias that Garrison has claimed Shaw used, and has even gone so far as to put Shaw's former business address on it. (The affair is discussed at some length by William Turner in the "official history" of the case in Ramparts; Turner, however, elects not to divulge the fact that the library card is a fraud.)

Garrison has also enjoyed the advantage of what might be called strategic plausibility. As Hannah Arendt points out in her essay, "Truth and Politics," the liar is usually more persuasive than the truth-teller simply because he can fashion his facts to meet his audience's expectations. Since Garrison is under no compulsion to reveal his evidence, there is nothing to prevent him from contriving an eminently plausible, if captious, explanation of the assassination. Whereas neither the Warren Commission nor its critics could

offer a definite motive for the murder of Kennedy, Garrison can. He states categorically in Playboy: "President Kennedy was killed for one reason: because he was working for a reconciliation with the U.S.S.R. and Castro's Cuba." And he goes on to explain that this is not mere speculation, insisting, "We know enough about the key individuals involved in the conspiracy--Latin and Americans alike--to know that this was their motive for the murder of John Kennedy." To those who expect a momentous event to have some significant cause, Garrison's explanation surely sounds more logical than the explanation that a lone assassin, for reasons of his own disaffection, killed the President.

Moreover, Garrison has found ready allies, eager to proselytize on his behalf, among political writers in the anti-Establishment press. His charge that there is a conspiracy between the government and mass media to conceal the truth from the people does, after all, accord perfectly with what such journals perceive to be their very raison d'etre. It is, therefore, hardly surprising to find his speeches printed verbatim in such anti-Establishment papers as the Los Angeles Free Press and The Berkeley Barb, and to find his portrait on the cover of Ramparts magazine, with a caption asking:

Who appointed Ramsay Clark, who has done his best to torpedo the investigation of the case? Who controls the CIA? Who controls the FBI? Who controls the Archives where this evidence is locked up for so long that it is unlikely that there is anybody in this room who will be alive when it is released? This is really your property and the property of the people of this country. Who has the arrogance and brass to prevent the people from seeing that evidence? Who indeed? The one man who has profited most from the assassination--your friendly President, Lyndon Johnson.

But anti-establishmentarianism tends to make for strange bedfellows. Also counted among Garrison's most avid supporters is The Councilor, bimonthly official journal of the Citizens' Council of Louisiana, which claims a circulation of some 260,000 and which actively campaigns against Communism, the suppression of news by the mass media (which is supposedly controlled by Zionist interests), race mongrelization (a plot aided by the CIA and Rothchilds), and the insidious intrusion of federal authority into the sacred domain of states' rights. That Garrison has been "fought by the Sterns, Newhouse papers, and Agnes Meyer" (i.e., the NBC affiliate in New Orleans, WSDU-TV; the Times-Picayune and States-Item; and the Washington Post and Newsweek) was for the Councilor sufficient reason to lend Garrison its enthusiastic support. The logic of Ramparts has not been significantly different; William Turner concluded his second article

on Garrison in the magazine by saying that the anti-Garrison tactics of NBC and the daily press "smack of desperation--and indicate that there is much to hide."

The Councilor subscribes to most of the details of the plot theory outlined in Ramparts, differing only in its belief that New York Communists, rather than rightwing extremists, were behind the conspiracy.

(Perry Russo, always accomodating, had told the Councilor in an exclusive interview that David Ferrie was really a "marxist" and a follower of Che Guevara.)

Garrison's cause has also found its champions in more respected journals, which specifically pride themselves on their "intellectual" credentials--notably, The New York Review of Books. Though Professor Noam Chomsky has suggested in that same journal that "The Responsibility of the Intellectuals" is "to speak the truth and expose lies," this precept seems to have been eschewed in the case of the assassination: Whereas the New York Review rejected the Warren Commission's conclusions because the Commission's investigation was defective (and not supposedly because those conclusions were handed down under the auspices of the Johnson Administration), Garrison's investigation has been embraced despite its even more glaring defects.

Professor Richard Popkin's lengthy defense of Garrison's investigation in the New York Review is the case in point. Professor Popkin argues that Garrison should be given a "fair hearing" in court and not have his case "prejudged" by the press. He claims that while Garrison has "studiously avoided any discussion of Shaw and the specific evidence against him," the press has interviewed "potential witnesses," evaluated the evidence, made "charges against the District Attorney and his office," and, in effect, tried "the case out of court." The "wave of attacks in the press and TV" against Garrison, Popkin contends, will "surely prejudice a fair trial." He concludes that no investigation of Garrison is necessary for "if the evidence is as contrived and cockeyed as the press and TV allege, they should expect that twelve jurors along with Judge Haggerty will see through it."

To be sure, the right of a defendant not to be prejudged is a fundamental principle of jurisprudence. And pretrial publicity can certainly, by prejudicing public opinion, deny the defendant his right to a fair hearing. Jim Garrison, however, is not the defendant. Clay Shaw is! To extend this right of a fair hearing to the prosecutor, as Professor Popkin would have us do, is to make the spurious assumption that some sort of parity exists between prosecution and defense. The

rights of the defendant are designed precisely to counterbalance the powers of the State. Popkin's plea that the press (and the Louisiana Attorney General as well) suspend criticism and scrutiny of the methods by which Garrison is gathering evidence and bringing the case to trial, if taken to heart, would undermine the defendant's legitimate protection against the possibility of the prosecutor's using his power and resources to fabricate evidence and intimidate witnesses.

Moreover, Professor Popkin's contention that Garrison has "studiously avoided" discussing the evidence is disingenuous at best. In fact, the D.A. himself had an interview with Perry Russo, his star witness against Clay Shaw, arranged for Popkin while the professor was writing his New York Review defense of the New Orleans probe. And it was Jim Garrison who told reporters that he had found Jack Ruby's coded telephone number in both Shaw's and Oswald's addressbooks, and repeated the allegation on television and to newspaper reporters, even after it was shown to be false. It was Jim Garrison who allowed Mark Lane and William Turner to photostat evidence in his files, and Turner did make extended reference to one such piece of "evidence," the Clay Bertrand library card with Clay Shaw's address on it, in his article in

Ramparts--though this evidence too was fraudulent. And it was Jim Garrison who, in his Playboy interview, and on the subsequent coast-to-coast publicity tour financed by Playboy, made numerous references either to evidence in the Shaw case or to Shaw himself (including the admitted falsehood that Shaw was with President Kennedy "on an airplane flight in 19~~6~~3"). Since June, Garrison has gone on and on about the case in speeches, radio talk shows, television programs, press conferences, and interviews almost non-stop. It is true that most of the evidence that Garrison discussed was, like the "coded phone number," spurious, but surely that too can be prejudicial to the defendant, especially if as Popkin suggests, the press waives its critical responsibility and allows Garrison free reign to fabricate whatever evidence and tell whatever lies he pleases.

Popkin's way of dismissing the charges levelled against Garrison is similarly cavalier. He chides the New York Times for accepting at face value, and printing on its front page, the story of allegations made against Garrison by the convicted burglar, John Cancier; Popkin points out that when the Grand Jury later questioned Cancier about the accusations, he invoked the Fifth Amendment. The fact that Cancier exercised his constitutional

right to protect himself against self-incrimination, Popkin concludes, affects the "credibility" of his charges. But is the Professor being strictly logical? Cancier had charged that a fellow prisoner, Vernon Bundy, confided to him that he was going to give perjured testimony at Clay Shaw's pretrial hearing, testimony which would inculcate Shaw. If this is true, Cancier was an accessory before the fact in the perjury, and might indeed have incriminated himself by revealing this to the Grand Jury. Besides, the mere fact that Cancier took the Fifth Amendment, though it may have signalled a want of courage on his part, surely cannot be said to affect in itself the man's credibility. Would Professor Popkin extend his doubts to cover those among the so-called Liberal community who, exercising their Constitutional rights, found themselves wont to invoke the Fifth Amendment in the early 'fifties?

Finally, Popkin's notion that there is no need for the press to scrutinize Garrison's techniques for recruiting witnesses and assembling evidence because, if evidence was contrived, a judge or jury would see through it and "destroy Garrison at the trial" betrays a somewhat uncritical confidence in the infallibility of the legal process. While it is true that a judge or jury can detect contradictions in testimony or other

incongruous evidence, there is scant possibility that they can uncover in court perjury which has been systematically induced, with one perjurer corroborating another's testimony, or artfully fabricated "facts" purposely designed to fit into the pattern of evidence. Exposure of such a systematic fraud would, in fact, depend on an outside investigation into the prosecutor's means and methods. New York Times reporter Gene Roberts and NBC's Walter Sheridan, in separate inquiries, discovered at least six witnesses who said that they had been offered bribes, blackmailed, or otherwise coerced by Garrison's investigators: all were, in one way or another, vulnerable people. William Gurvich said that while he was working for Garrison he saw how "to intimidate and coerce witnesses, to forcibly extract information that would support his [Garrison's] theories, regardless of the truthfulness of this information." Professor Popkin intimates in his piece that Sheridan and Gurvich may have had some ulterior motive in revealing information about Garrison's operation. But such rationalization is wholly unnecessary: in the nine months that I have had access to Garrison's office, the only evidence I have seen or heard of in the Clay Shaw case has been fraudulent--some, like the codes, devised by Garrison himself, and

some, like his witnesses's testimony, cynically culled from criminals or psychotics. To fail to report this information (which is, after all, a form of news suppression) as Professor Popkin suggests so that Garrison might have a "fair hearing" in court, might preclude the possibility of the defendant's ever receiving his fair hearing.

To assume that the assassination issue is so special and is of such overwhelming import that the juridicial rights of the defendant may be neglected, the constitutional rights of witnesses disdained, the hostile criticism and scrutiny of the press suspended, and the methods of the State's prosecution overlooked, is to involve oneself in a curious sort of situational ethics. It implies that, in factfinding, means can, on occasion, be disregarded in the ends--the facts!--are of great enough consequence. Fred Powledge writing in the New Republic, suggests the dilemma: "I had the irrational feeling that he [Garrison] was on to something. I had the equally startling feeling that it did not really matter if Garrison were paranoid, opportunistic, flamboyant, or if his witnesses were not candidates for The Defenders. Was he right?" But can the process of establishing the truth ever be separated from its end product, the truth. No fact is self-evident. Facts must be selected, interpreted, and arranged in the

context provided by other information before they take on meaning. Nor is there any such thing as an unambiguous fact. For factual evidence can only be established as truth, as Hannah Arendt points out, "through testimony by eyewitnesses--notoriously unreliable--and by records, documents, and monuments, all of which can be suspected as forgeries." If one has reason to doubt the process by which "facts" have been ascertained or confirmed, one can never be certain that they bear any relation to the truth, or even that the "facts" themselves are not outright fabrications. That this is more than a mere epistemological distinction can be seen from Mr. Powledge's example of a paranoid, opportunistic district attorney's searching for the "right" answer. If a prosecutor is suffering from delusions of persecution (i.e., if he is paranoid), one cannot be sure that the testimony he elicits from witnesses in the course of his investigation is not affected by these delusions. And if a D.A. is willing to use court cases as means to another political end (i.e., if he is opportunistic), one can never be certain that testimony drawn from prison convicts, homosexuals, and other vulnerable people under his jurisdiction has not been used to further that other end. In Garrison's case, so many people with outside interests have had their hands on the evidence

that I, for one, could never be sure it hadn't been trifled with. What I am suggesting here is that one can never believe "the facts" without having faith in the process by which they have been established. In view of the Warren Commission's failure, it becomes apparent that there is no easy way to devise such a process for ultimately answering such complex and elusive historical questions as those provoked by the Kennedy assassination. Indeed, there can be no certainty that such a process is even within our institutional means; but there can be certainty that a demagogue who foresakes means for ends will never discover it.