

By Jerrold K. Footlick

'Jim, Do You Really Believe All This Stuff?'

A Talk With Mr. Garrison, A District Attorney Who Traces Vast 'Conspiracy'

NEW ORLEANS.

Jim Garrison, district attorney of New Orleans, says:

"There is no way that Clay Shaw can get an acquittal."

Edward F. Wegmann, Mr. Shaw's lawyer, says:

"Clay Shaw cannot be convicted. He will be absolutely vindicated."

The contradiction will be resolved in a trial now scheduled to begin here Feb. 14. The charge is that Clay Shaw conspired with others to assassinate John F. Kennedy.

Thus a court of law finally will deal directly with the gnawing discontent, in



Mr. Garrison

do not believe that Lee Harvey Oswald, a demented Communist, was the lone assassin.

some quarters, with the Warren Report. This splits at least two ways. One is dismay among those who believe or want to believe the report, yet believe that this prominent and well-staffed commission left many loopholes and glossed over many obvious difficulties. The other discontent is stronger, and is felt by those who simply

But all of this discontent has become enmeshed, in the year since Mr. Garrison's investigation was made public, in a stupefying maze of accusations and counter-accusations, revelations and denials. So on the eve of the anniversary and the eve of the trial, I came here to confront Mr. Garrison, the much-maligned, much-praised district attorney, and Mr. Shaw, the only man yet indicted for a role in President Kennedy's assassination. And to confront lawyers, investigators, newsmen, some of whom know more about the investigation, or think they do, than a newspaper dares print.

So far, two men have been charged with complicity. One is Mr. Shaw, the 54-year-old former director of the International Trade Mart here and a prominent New Orleanian, who was arrested and indicted last March. The second is Edgar Eugene Bradley, a mysterious public-relations type who works for the right-wing evangelist, Carl McIntire, lives in Los Angeles, and is fighting extradition to Louisiana.

The investigation has also netted a mixed bag of other men who have been

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called by the DA as material witnesses or have volunteered their testimony about the alleged conspiracy. Many of them exist in a shadow world of homosexuality, prostitution and pandering, and petty and major crime.

And the investigation has also attracted other Warren Commission critics. Mr. Garrison, in fact, wrote the introduction for the second of two anticommission books by Harold Weisberg. Perhaps the most prominent of the critics, Mark Lane, the self-styled "defense counsel" for Oswald whose *Rush to Judgment* made the best-seller lists, now lives in a French Quarter apartment here.

Charges of Government Involvement

It has been said by the DA's critics that he makes a new charge every time his investigation seems to bog down. Whatever, the tenor of the charges has been escalating in recent weeks. For example, Mr. Garrison now says, in apparent contradiction to earlier statements, that Oswald was a U.S. Government operative, reporting to the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), or both. At one point, in his office, I tried to put Mr. Garrison on the defensive with this statement: "Then you agree with Marguerite Oswald (Lee's mother) that he was a CIA agent?" I hadn't thought anyone except Mrs. Oswald and perhaps Mr. Lane believed that.

"You know," Mr. Garrison replied, "when I first heard she said that after the assassination I thought, 'Now that's a hot one.'" Then he paused. "You know, she turned out to be right."

If that seems farfetched, there is this

one. The Warren Report states flatly that Oswald and his killer, Jack Ruby, did not know each other. Mr. Garrison states flatly that they not only knew each other, but that they were both co-operating homosexuals. (Mr. Garrison makes the point in considerably more vivid language.)

Still, it remains one thing to assault the Oswalds and the Rubys and quite another to impugn some of the nation's highest officials. More recently, Mr. Garrison has done just that. In a Los Angeles speech in November, he said that he had thought at first the Warren Commission was merely incompetent; now he thinks it intentionally hid facts.

Pointing to the Top

He says that Chief Justice Warren was appointed to the commission to silence potential liberal criticism. And he adds that Allen Dulles, former chief of the CIA, and John J. McCloy, who headed its predecessor, the Office of Strategic Services, were there to protect the spy agency. (Mr. McCloy, though active in military intelligence work in World War II, never headed the OSS.) Finally, he says the man at the top has, to the DA's displeasure, closed some of the commission files for 75 years—"the one man who has profited most from the assassination, your friendly President, Lyndon Johnson."

Mr. Garrison quickly continues that he isn't saying the President is involved in the assassination. "But wouldn't it be nice to know?" he asks. And he won't leave the subject without adding that certain Texans who he says are longtime political backers of Mr. Johnson are being protected.

One could continue the samples indefinitely, but suffice. Most people, it seems safe to say, will not believe most of these charges. In fact, a question one hears frequently after returning from a visit to Mr. Garrison is: "Is he a nut?"

Mr. Garrison has heard the question too and he talks casually about it. A few weeks ago a news story reported that Mr. Garrison had received a medical discharge from the Army in 1951 for psychiatric reasons, adding that he was reinstated into the National Guard in 1955 (he retired as a lieutenant colonel last spring because the investigation was taking so much time). But the story caused little ripple here because similar accusations had been made by Judge Malcolm O'Hara in his vain election campaign against Mr. Garrison for district attorney in 1965.

A Plausible Explanation

Mr. Garrison says he will refuse to answer the charges publicly and asked that this lengthy part of our conversation be kept off the record. It can be reported only that he offers a plausible explanation that the incident involves physical, not mental, problems dating back to World War II (when he was a decorated combat officer), and that the matter was cleared up to the satisfaction of a military medical team later. I have not studied the records.

Setting aside that matter, it should be

said that Mr. Garrison is a pleasant and bright conversationalist. He sprinkles his views with pertinent literary allusions and his interests seem catholic. He likes good liquor and good food and good music.

He also likes pretty girls. It is hardly surprising that they are attracted to him for he is, at age 46, not only a celebrity but a man of striking physical appearance, 6 feet, 6 inches in height, 225 pounds, with hazel eyes and a full head of chestnut hair. While we chatted one evening in a swinging little French Quarter bar called La Boucherie, young women fairly paraded to our table, mainly to tell him how much they (and their fathers, they added in most cases) admired him. He charmed them all.

Mr. Garrison says that the investigation occupies his entire schedule, seven days a week, so that he has turned over all other matters in his office to an assistant. He has six staffers working on the case, besides whatever help he receives from private investigators. There are several of them working for him on the West Coast, mainly volunteers.

He says that he works so hard because he must solve the assassination mystery, not for any political ambitions of his own. "I never intend to seek any other political office," he says with some

vehemence, not now that I have seen the cynicism of the nation's media."

How far he has progressed toward "solving the mystery" no one (unless it is Mr. Garrison) seems to know. He speaks of right-wing extremists, of Nazis, Cuban emigres, and Texas oil men. He says that he is checking all the leads that the Warren Commission overlooked.

"When I mentioned a few weeks ago that the area under Dealey Plaza [the assassination site] was webbed with a sewer system that men could get around in, I wasn't saying that was how the assassination took place. I'm not assuming any burden of proof I don't have to. All I want to know is why the Warren Commission didn't tell us that."

Mr. Garrison is not troubled by a listener's skepticism. He concedes that all this may be hard to believe, but he insists it is true. At one point I wondered if he thought it logical that the CIA would have hired all the questionable characters he says it did. "Ask the CIA, not me," he replied. "They hired them."

After hearing on tape a seemingly preposterous story told by one of his witnesses, I suggested that the witness, because of his admitted background, would be eminently impeachable. Mr. Garrison's answer: "Pimps are less likely to lie than lawyers."

A Prosecutor's Job

Mr. Garrison maintains that he has done what a district attorney is supposed to do, investigate a case within his jurisdiction—he says the alleged conspiracy was hatched in New Orleans—and bring those he thinks were involved to trial. He has produced one indictment and says he will get others.

There is real doubt, though, about what

he expects to prove and what, in law, he has to prove. This is the statute under which Mr. Shaw was indicted:

"Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that . . . in addition to such agreement or combination one or more of such parties does *an act in furtherance of the object* of the agreement or combination [emphasis added]."

Mr. Garrison's star witness at the preliminary hearing on the Shaw case last spring, Perry Russo, testified that he attended a meeting in the apartment of David Ferrie at which Ferrie, and a young man he identified as Leon (sic) Oswald, and Mr. Shaw discussed an assassination plot. Hypothesizing that this be so, if two of them did no more about it, but Oswald took it upon himself to commit the crime, was there a conspiracy?

Idle chatter is no conspiracy. Thus these events may not amount to a conspiracy. On the other hand, if Oswald shot President Kennedy, an "act in furtherance of the object of the agreement" was committed. The key is: Was there an agreement?

Oswald a 'Patsy'?

But what if, as Mr. Garrison has said, "Oswald didn't shoot anybody that day in Dallas." Does this wipe out that "conspiratorial meeting?" Or does Mr. Garrison expect to prove that the meeting was part of a conspiracy plot, to be executed by others? And that Oswald was a "patsy." But then, did Oswald know he was to be a "patsy?" One can go around and around.

Those who look most favorably on Mr. Garrison's investigation think he may have found evidence of a conspiracy. But it is not clear if what he may have found actually led to the assassination. Also, it is thought by some, even if Mr. Garrison has not found a real assassination conspiracy, he has turned up evidence of some other serious law violations—gun-running to anti-Castro Cubans, for example. But where does that leave the



Mr. Shaw: 'It's hard to believe.'

case against Mr. Shaw, who unequivocally denies any guilt?

Clay Shaw says: "It is still hard to believe this has happened. I think about it 24 hours a day. Often when I go to parties my friends will try not to talk about it. But inevitably before very long the conversation gets around to it. So I usually try to put my friends at ease by talking about it myself."

Mr. Shaw in person is, like the DA, a giant—6 feet, 4 inches, 215 pounds, a few more pounds than he would like. He has silver hair, a deep tan, dresses impeccably. His tastes are sophisticated. He delights in fine sea food and dines frequently at places like Brennan's, Galatoire's, and Antoine's.

Rebuilding the Quarters

Mr. Shaw joined the Trade Mart after World War II and left almost as his own monument its sparkling new skyscraper home, the pivot for the rebirth of the Canal Street water front. But his impact on the city went further: "Years ago the French Quarter was run down. I began to buy houses, restore them, sometimes live in them awhile, then sell them, about one a year for 16 years. I wanted to adapt the old traditions to modern living. I put the first swimming pool in the Quarter and there was a lot of trouble about that with the Vieux Carre Commission. I asked them if they wanted me to put in a nine-foot-deep lily pond; they said they did, so I put it in. Now there are pools all over the Quarter."

Mr. Shaw's own home in the Quarter charms the visitor with reds and whites, silvers and golds, in carpeting, drapes, and accessories; the furniture is antique yet comfortable and remarkably scaled to his size.

Two years ago he retired, to indulge himself in writing and travel. Now, he says, the expense of his defense will force him to go back to work. "I don't know what it will be," he says, "but I'll have to raise money somehow. For one thing, I am keeping a journal of everything that has happened in the last year that I hope will become a book.

"I read a lot now and I am doing some writing. Years ago I wrote two one-act plays that were performed—one still is. I am reading *The Confessions of Nat Turner* and Albee's *A Delicate Balance*. I read everything about the assassination. Before this happened, I had the same reaction most people did—I believed the Warren Report, believed in the people who produced it. Now I read all the 'scavengers,' but they haven't changed my mind."

A Detailed Defense

Mr. Shaw's legal team, headed by Mr. Wegmann and with Irvin Dimond, reputedly New Orleans' best criminal attorney, as chief court strategist, has spent months preparing the defense. It is the defense, rather than the prosecution, that has been largely responsible for the delay in the trial.

To the question of why so much effort is necessary for a man so clearly innocent, Mr. Wegmann replies: "In most criminal cases the accused knows where he was at the time, how he might have been involved, whether he is guilty or innocent. In this case the charges are so ridiculous that we didn't know how they came about. Civil law provides for discovery procedures so that the parties are not surprised. In our criminal procedure, we do not have that. We have to check every possible lead because we don't know what the district attorney will come up with."

Certain things are clear. One is that the defense has a copy of Mr. Garrison's medical record. Another is that they are prepared to assault the integrity and memory of Perry Russo, whose testimony was largely responsible for the indictment. (Mr. Garrison, when queried about Mr. Russo, snapped: "The country owes him a debt of gratitude." Others hold a contrary view.)

The Homosexuality Issue

Whether Mr. Garrison relies on Mr. Russo or others in the trial, it seems clear that to gain a conviction he must link Mr. Shaw to David Ferrie, an apparently multitalented individualist who was a prominent figure in the world of New Orleans homosexuals. Ferrie died last February of a mysterious brain injury shortly after being named in the investigation. Mr. Shaw's friends fear that the district attorney will attempt to "poison the air" with the homosexuality issue.

Mr. Wegmann says: "Clay Shaw has

lived his life with dignity."

Clay Shaw's public record was, until last spring, untainted; in a city like New Orleans, most people don't know what he did or didn't do in private, and don't care. Thus the defense, in weighing the decision about whether to seek a change in venue, as it well might, must balance the dangers of prominent publicity here against the dangers of facing the homosexuality issue at trial in a less cosmopolitan area like the Cajun country of southwest Louisiana or farm country upstate.

After days here, one finds that studying the Shaw case specifically and the whole investigation generally is like grappling with quicksilver. After we had been together for several hours, I risked with Mr. Garrison the question that had been stirring in my mind throughout:

"Jim, do you really believe all this stuff?"

The district attorney smiled at that. This was the answer: "Would I spend all my waking moments working on this thing, would I take all the criticism I'm getting, would I use so much of my staff and so much money on the investigation, and try to put people in jail, if I didn't believe it?"

This may or may not be considered a direct answer. Even if it is construed as a simple "yes," Mr. Garrison may be wrong. But it does seem evident that he intends to pursue—wherever it might lead—his investigation into a possible conspiracy to assassinate John F. Kennedy.

—JERROLD K. FOOTLICK