

THE GARRISON IMPROVISATIONS.....Sylvia Meagher

In music, a fine composer or instrumentalist can take a single theme as foundation and fashion a complex series of variations or improvisations on this base. The artist gifted with true musicality and endowed with creative integrity can thus produce a coherent structure, unified by one dominant motif whose variant phases or aspects receive sequential exposition and exploration. The contrasting alternations first achieve individuality; and ultimately, synthesis, as a single many-faceted polished gem. Thus, we have the diverting, witty, and charming Enigma Variations of Elgar; and the awesome mathematically structured genius of the Goldberg Variations of J.S. Bach.

The technique of variation on a theme is found also in such arts as painting, though less formalistically, and ballet (where it may derive from variations in the music, as in Balanchine's Liebeslieder Waltzes).

Has the technique any valid place in the mathematical or social sciences? A case for improvisation perhaps could be made in such endeavors as correctional and rehabilitation programs; and perhaps also in the medical arts, in some instances. But it is difficult even to conceive

of any legitimate utilization of improvisation or variation in the strictly regulated areas of societal relationships, where the individual is protected from the arbitrary exercise of power on the part of the State by laws, statutes, and codes both explicit and binding upon the parties.

In criminal investigation and prosecution, the rules assume paramount importance: they must protect society from malefactor, and, even more, they must protect the individual from unjust accusation or punishment.

The enforcement of these rights and the administration of these protections of course depend upon the human agent. In the criminal sciences, both the historical and contemporary records are burdened with many examples of the misuse of power by the State, through the agency of its police, its prosecutors, or its judiciary. Men have been wrongfully executed, or saved at the eleventh hour from becoming victims of legal murder by the uncovering of evidence of their innocence. Much or most such injustice has been characterized by common economic features (the obscurity and lack of funds of the accused) or ~~political~~ political elements (the unpopularity of convictions, associations, or activities of the accused).

These miscarriages of justice have occurred despite the protection *provided by* the laws and the procedures designed to prevent them. In the case of Lee Harvey Oswald, passionate feeling has been aroused--in a tiny but articulate segment of the public--by the manner in which he was stigmatized as a lone assassin of an American President who stood high in the affection and admiration of the people of the country and the world. He was tried and condemned posthumously, without benefit of an advocate, ~~with~~ The full power of a frighteningly powerful Government <sup>was</sup> devoted to "proving" him guilty.

Those who came to the defense of Oswald in the wake of the cunning and fraudulent Warren Report verdict of his lone guilt worked, in the first years, without a murmur of support from the press or from any official source. Late in 1966, however, there erupted in the news media a long-delayed consternation about the Warren Commission and its Report, and many demands for a reexamination of the whole assassination evidence.

At about this same time, Jim Garrison, District Attorney of the Parish of Orleans in Louisiana, quietly launched his own investigation of the assassination and in particular of Oswald's activities and associations in the City of New Orleans in the summer of 1963. I learned about this

hopeful and exciting development late in January 1967, when I had a confidential visit from a Garrison investigator. Soon afterward, the Garrison investigation became public as the result of headlines in a New Orleans newspaper. Garrison showed anger at what he then claimed was the premature disclosure of his probe; he went so far as to hold a press conference in a private place, from which he excluded the reporters from the newspaper in question, who would <sup>not</sup> have ~~had~~ *been excluded from a press* ~~to be admitted if the~~ conference ~~was~~ held in any public installation.

Some months later, reporter Rosemary James disclosed in a book which she co-authored (Plot or Politics? ) that she had gone to Garrison before breaking the story of his assassination probe and had given him the opportunity to stop the story. He had in no way tried to stop it nor had he indicated that publication would be prejudicial to his investigation. If Miss James is correct--and her version has not been denied by Garrison--he did not wish to avoid publicity, and his show of displeasure when the story broke as well as his vindictiveness toward the reporters in question were nothing more than a pretense. The pretense was the opening scene of the Garrison performance which, in the next twelve months, made his name famous throughout the country and in much of the world.

(8/30/71 - I never get back to this - dm)