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(5 Beekman Street, New York, N.Y. 10038)

What's what ??in the Garrison case ???

It took just 50 minutes for the jury in New Orleans Criminal Court to declare Clay Shaw innocent of Jim Garrison's charges that he conspired with Lee Harvey Oswald, David William Ferrie and others to assassinate President Kennedy in 1963. Considering the evidence that Garrison presented in court, we have no argument with the jury's decision. Witnesses, of varying credibility, testified that Shaw was "Clay" or "Clem Bertrand" and that Shaw was present when Oswald and Ferrie discussed plans for assassinating Kennedy. None of the prosecution testimony was conclusive, and although Assistant D.A. Alvin Oser made a strong case that Kennedy was killed by a triangular crossfire, this did not implicate Clay Shaw.

Yet Shaw's "innocence" after this "trial" has little to do with the Garrison assassination conspiracy investigation and Garrison's handling of the case raises more questions than the jury decision answers. If it was a basketball game, we'd say that the fix was on, that Garrison dumped. Most of the witnesses Garrison presented, including his "star witness" Perry Russo, were *not* part of Garrison's initial investigation. They made their knowledge of the case known to Garrison *after* the case first became publicized in February 1967, and *after* Shaw was formally indicted on the conspiracy charge, and *after* Garrison stated his investigation had solved the assassination plot. In other words, Garrison initially had absolutely no evidence on which to charge Shaw and others or he deliberately kept this evidence out of the courtroom.

Readers familiar with WIN's special Garrison investigation issue know that the heart of the Garrison investigation had to do with Oswald's friendship with Ferrie and his involvement; through Ferrie, with the militant anti-Communist and anti-Castro Cuban exiles who had headquarters at 544 Camp Street in New Orleans. We stated that Garrison had questioned many of these Cuban exiles, as well as friends of Ferrie and Oswald and that their testimony would provide the meat of the evidence. We also stated that Ferrie, an employee of New Orleans Mafia leader Carlos Marcello, served as liaison between the Mafia and the exile groups and that on the day of the assassination he made a suspicious trip to Houston, Texas, where he was in telephone contact with Marcello's office and then went to Galveston where word may have been passed through intermediaries to Jack Ruby, also involved with Mafia and right wing Cuban groups.

None of these witnesses were called to give testimony by the prosecution except for Chuck Rolland, the operator of the Winterland Skating Rink in Houston. Rolland verified that Ferrie and two male friends stopped at his rink, did not skate, and received a telephone call on the rink's pay phone. But the prosecution made no attempt to link this incident to the case against Shaw or the conspiracy as a whole. Despite Garrison's effort to keep the lid on the story of Oswald's and Ferrie's activities in New Orleans, certain facts did emerge from the trial.

Marina Porter, Oswald's wife, testifying as a defense witness, stated that Oswald was fired from his job with the William B. Reilly Company in September, 1963. Oswald's supervisor on that job testified that he was fired July, 19. Where did Oswald spend his days during the time his wife erroneously thought he was working? And how did he earn an income? It is WIN-Special Edition's assertion, based on Garrison's own investigation, that Oswald was spending most of his time at 544 Camp St., active in the beehive offices of the militant anti-Castro right wing.

Another defense witness, Oswald's New Orleans landlady, testified that she did not know Dave Ferrie. But when Shaw's attorney routinely showed her Ferrie's picture, she unexpectedly identified him as the man who, posing as an FBI agent, came to inspect Oswald's apartment around the time of the assassination. She refused to let him in because he lacked identification. This startling revelation was unexplicably ignored by the prosecution and never followed up.

Perry Russo acknowledged that he had often seen a man, identified as Guy Bannister, in the company of Ferrie. Bannister operated a Detective Agency at 544 Camp St. His office served as a meeting place for right wing militants. With Ferrie he was involved in the Bay of Pigs invasion of Cuba. Several of Bannister's employees had seen Oswald and Ferrie together, but none were called as witnesses. The prosecution made no attempt to explain who Bannister was or what his importance was to the case. They merely let the name drop.

In the WIN-Special Edition report of the Kennedy conspiracy, Shaw had only a fringe role. We identified him as "Clay Bertrand," (based on the principal conclusions of Garrison's investigation, which were never presented to the court . . . the New Orleans jury did not rule on the Shaw-"Bertrand" identity issue, but found him not guilty of conspiracy) a mysterious person involved socially with Ferrie and Oswald but without right wing or anti-Castro connections. Bertrand's part in the case stems from a telephone call he supposedly made to lawyer Dean Andrews, asking him to go to Dallas to defend Oswald. Garrison failed to prove that Shaw was Bertrand, but Dean Andrews testimony that he made the whole story up to gain some publicity, that Clay Bertrand never phoned him in the first place, is as suspect as all his other versions of Clay Bertrand's identity and in no way explains how Oswald chose him for his New Orleans attorney. Already convicted for perjury on testimony dealing with Bertrand's identity, and with other perjury indictments pending, Andrews remains unconvincing proof that no Clay Bertrand exists.

It is our contention that Garrison can prove a conspiracy without implicating Shaw, and in fact very little of the WIN-Special Edition issue dealt with the specifics of the Shaw case. We have no explanation for why Garrison chose to indict Shaw in the first place and we find his new indictments of Shaw (for two counts of perjury, based on Shaw's testimony that he did not know either Oswald or Ferrie) a shocking misuse of power. We on the left are familiar with the ways district attorneys abuse their authority. Shaw has already been under indictment for two years, and his defense has cost him a small fortune. Garrison had his day in court and blew it. There is absolutely no reason to continue his vendetta against Shaw. Justice will not be served by putting Shaw in jail on a perjury rap. Justice will only be served by Garrison making public the facts of his investigation.

It may already be too late. Garrison's credibility gap is reaching Johnsonian proportions. Unless he makes some startling revelations soon he is sure to be thrown out of office in the November elections. WIN magazine has more pressing duties than to become professional assassination buffs a la Mark Lane. We published our Garrison edition because we believed in what we wrote and because we had faith in Garrison, but none in the overground press. Garrison has disappointed us.

Garrison has not presented the results of his investigation to the courts or the press. The writers and investigators of the WIN-Special Edition do not plan to let the matter rest. Readers of WIN are by now aware that the case for a conspiracy had little semblance to that which Garrison presented in court. No sentence in that issue of WIN has been disputed factually by Garrison, Shaw, Marcello, or the executors of the Ferrie estate. We raised many questions and expect many individuals will be called upon to stand up to the issues at first raised and then so quickly buried by Jim Garrison.

—Sandy Hochberg, Marty Jezer,
Jim Valliere

WIN reconstruction sent
4/7/69 to

Savage
Bethell
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