

JFK's Death: The Case of Jim Garrison

This week NBC took a look at the controversial investigation being conducted by New Orleans District Attorney Jim Garrison. Following are excerpts from that program, narrated by Frank McGee.

McGEE: Many Americans doubt the findings of the Warren Commission. Only one has had and used legal powers to investigate those findings. That one is Jim Garrison, the District Attorney of New Orleans. His investigation has made headlines for four months. This is an examination of that investigation.

Four months ago Jim Garrison said he had "positively solved the assassination of President John F. Kennedy." He said a man named David Ferrie was under surveillance. When Ferrie died suddenly he called him "one of history's most important figures."

On March 1 he arrested a New Orleans business man named Clay Shaw and charged him with "participation in the conspiracy." He said there would be more arrests—"a considerable number of them." He said, "The key to the whole case is through the looking glass. Black is white, white is black."

We have no right to prejudge Jim Garrison's case. We can legitimately examine his record up to now. Our starting point is the pre-trial hearing of Clay Shaw.

Garrison had two key witnesses. The first was a 26-year-old insurance salesman named Perry Raymond Russo. Russo testified that in September, 1963, he had gone to a party in David Ferrie's apartment. Among the guests were several Cubans, Ferrie's bearded roommate and a man named Clay Bertrand.

Later, when the other guests had left, he found himself alone with Ferrie, the roommate—whom he identified as Lee Harvey Oswald—and Bertrand. Despite his presence they began to discuss, openly and in detail, a plan to assassinate President Kennedy. Russo was asked if Bertrand was in the courtroom. He said "yes." He was asked to point out Bertrand. He got up from the witness chair, walked over to the defense table and held his hand over the head of Clay Shaw.

Garrison's second key witness was Vernon Bundy, a 29-year-old narcotics addict. Mainly on the testimony of Russo and Bundy, a three-judge panel decided that there was sufficient evidence to establish probable cause that a crime had been committed. In answer to criticism of his witnesses, Garrison pointed out that it was hard to find bank presidents at the scene of this conspiracy. He defended Vernon Bundy.

GARRISON: The question is, is he telling the truth or not? There are many attorneys who are brilliant liars and there are dope addicts who have never learned to lie, and that's the case here. The question is whether he is telling the truth, and the answer is, obviously,

McGEE: VERNON BUNDY HAS BEEN A NARCOTICS addict since he was 13. He has a police record. On March 4, 1967, according to Garrison, Bundy turned himself in to New Orleans Parish prison because he was back on the habit. Bundy says he was first interviewed by Garrison's men the day before he



JIM GARRISON

testified. Two fellow prisoners told NBC News Bundy had indicated to them that his testimony—that he had seen Shaw and Oswald together—was not true. John Cancler, known as John the Baptist:

QUESTION: What's your profession Mr. Cancler?
CANCLER: That was my profession? I was a burglar.

QUESTION: You're in the Parish prison on this burglary rap?
CANCLER: Yes.

QUESTION: And did you meet a man named Vernon Bundy there?
CANCLER: I found out later his name was Vernon Bundy. You see, I didn't know what his name was until I read the paper after this. I only knew him as Legs.

QUESTION: Now what did Legs tell you up there?
CANCLER: He just said, "I wonder whether I should say I saw him on the Esplanade or I saw him on the Lakefront." I said, "Man, I said, it is getting bad when you start talking to yourself too, you know, like some of these guys will go stir bugs, you know." He said, "No man, he said, I am talking about this cat Shaw." And I said, "What are you talking about, man?" He said, "Man I don't know whether it is best for me to say that I saw him on Esplanade St. or the Lakefront."

QUESTION: Did Bundy indicate to you whether the story that he was going to tell in court was true?
CANCLER: Did he indicate? How could he indicate when he would ask me should he say this, or should he say that? If it was the truth he would know what to say.

QUESTION: It was obvious from what he told you that he was going to tell a lie then?
CANCLER: He told a lie.

QUESTION: Did he tell you it was a lie?
CANCLER: Sure, I asked him. I said, "Man, is it the truth?" and he said no. He said, "No it is not the truth."

McGEE: Also in Parish Prison at the time Bundy testified was Miguel Torres, serving a nine-year sentence for burglary. He met Bundy in a prison hospital.

QUESTION: What did he tell you about his testimony that day?
TORRES: Just that when we was cuttin' up about him doin' this and what, he told me about the only reason he did it, was that he knewed that he'd get cut loose. I asked him how much time did he owe the state, he said he owes the state five years. He was out on five years' probation. Then I said, "Well, that's a hell of a thing to do in order to do what you wanta do." He says, "Well, the reason I'm doin' this is because this is the only way I can get cut loose."

QUESTION: In other words, he said to you in effect that he was testifying as he was in the Shaw hearing in order to prevent his probation from being revoked, is that right?
TORRES: From his own mouth.

QUESTION: Did you get the impression that he

knew that his testimony in the hearing had been false?

TORRES: Well, just exactly as I said; he said, "The reason I'm doin' this because it's the only way I can get cut loose," and the impression I got was that, that it was an out front lie.

McGEE: JIM GARRISON TOLD A BBC REPORTER he uses what he calls "objecting tests" to make sure his witnesses are telling the truth. One such test is a polygraph, the lie-detector. On the morning he testified, Vernon Bundy was given a lie-detector test. NBC News has learned that the results of the test indicated that Bundy was lying.

Assistant District Attorney Charles Ward was informed of this. Ward went to Garrison. He told Garrison that in view of the outcome of the lie-detector test, the indication that Bundy was lying, Bundy should not be allowed to testify. Despite this, Bundy was put on the witness stand by Garrison. He testified against Shaw. Partly as a result of that testimony, Shaw was held for trial.

More important than Bundy was Perry Russo. He was, in fact, vital to Garrison's case. He linked Shaw, Ferrie and Oswald. He involved them in the conspiracy to kill John F. Kennedy.

How did he come into the case? By his own account, he wrote a letter to Jim Garrison saying he had some information about David Ferrie's connection with the assassination of President Kennedy. This was on Feb. 22, 1967. That same week he was interviewed by a reporter from the NBC affiliate in Baton Rouge.

QUESTION: What kind of remarks would David Ferrie make about the assassination to you?

RUSSO: Toward the end of September and October I saw him on several occasions and he brought out the fact, and . . . he said that "We will get him," referring to the President, "cause we were on elaborate discussions concerning the President and he said, "We will get the President," referring to Kennedy.

McGEE: In his first public interview, Russo mentioned no party at Ferrie's apartment, no assassination plot, no Clay Shaw or Clay Bertrand. Next, he talked to a reporter from WDSU-TV in New Orleans.

QUESTION: Do you believe in your own mind that David Ferrie might have had anything to do at all with the assassination in any way?

RUSSO: Well, see, that I don't know and I'd be, you know, speculative—just speculation.

QUESTION: Did he ever mention Lee Harvey Oswald's name?

RUSSO: No. No, I never heard of Oswald until the television . . . assassination.

McGEE: TWO WEEKS LATER RUSSO WOULD testify at the hearing. He would positively identify Lee Oswald and Clay Shaw, he would describe in detail the party at which they were present. He would tell about a plot to kill the President. What had happened? We know that Russo was visited in Baton Rouge by one of Garrison's assistants, Andrew Scambra. We know that he spent time on at least three other occasions with a man from Garrison's office, and we now know some additional facts.

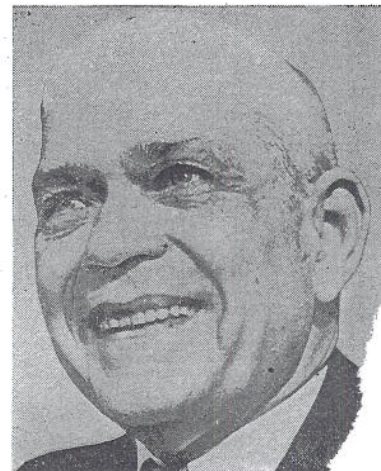
Jim Phelan covered the conspiracy story for the Saturday Evening Post. Nine days before the hearing he met Jim Garrison in Las Vegas. He spent 10 hours with Garrison discussing the case.

QUESTION: Did he give you any documents to read in connection with this?

PHELAN: Yes, he gave me two documents. One of them was a long memorandum written by Mr. Garrison's first Assistant District Attorney, Andrew Scambra, which recounted an interview which he had with Perry Russo in Baton Rouge. This was the first



PERRY RUSSO
Garrison's key witness.



CLAY SHAW
Russo's key witness.

interview that anyone from the DA's office had had with Perry Russo.

QUESTION: And what was the second document?
PHELAN: The second document was a hypnotic interrogation of Russo. I believe it was four days after the first interrogation.

QUESTION: Did Russo tell the same story in both of these documents?

PHELAN: He did not.

QUESTION: As a witness Russo said he was at a party in David Ferrie's apartment and present when Ferrie, Clay Shaw and Lee Harvey Oswald plotted to kill President Kennedy. Did he tell this story in his first interview?

PHELAN: He said nothing whatever about a party or a plot in the first interview.

QUESTION: Was he able to identify Oswald?

PHELAN: They made an identification after they sketched a series of beards on the picture of Lee Oswald. I think they drew 13 or 20 of them before he finally came up with the identification.

QUESTION: When did Russo first describe the details he testified to as a witness at the pre-trial hearing?

PHELAN: He first mentioned the plot and the party and the presence of Shaw, Oswald and Ferrie in a deep hypnotic trance when he was hypnotized by Dr. Esmond Fatter.

QUESTION: Did he remember Shaw and an assassination plot immediately under hypnosis?

PHELAN: He did not. He volunteered no information about the party or the plot.

QUESTION: When did he begin to remember?

PHELAN: He began to remember when Dr. Fatter asked him a series of leading questions. I would say it went beyond that. Dr. Fatter set the stage for him. He told him that he would be present in Ferrie's apartment and that Shaw, Oswald and Ferrie would be there and that they would be discussing assassinating someone and then Dr. Fatter said, "Now tell me about it."

QUESTION: Am I correct in reading this from the record? Quote, Dr. Fatter saying, quote, "Anytime you want to you can permit yourself to become calm, cool and collected. You will be amazed at how acute your memory will become in the next few weeks."

PHELAN: That's correct.

QUESTION: How did Russo appear when you saw him testify?

PHELAN: He was calm, cool and collected.

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QUESTION (BBC): WHY DO YOU FEEL THAT you had to use extraordinary methods, like truth drugs and hypnosis, to get these people to give their evidence?

GARRISON: We decided to give him objectifying machinery to make sure he was telling the truth. We gave him the truth serum in order to make sure. Now it seems to me this is rather unusual, a prosecution, a prosecuting office which has a pretty good case making its witness take objectifying tests to make sure they're telling the truth. We did it for this reason. We did, we used hypnosis for the same thing. Just to make sure he was telling the truth.

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McGEE: TO "OBJECTIFY" THE TESTIMONY OF Perry Russo, whom Garrison described as "a very stable young man," Russo was submitted to sodium pentathol, hypnosis and on March 8th, six days before he testified, to a lie-detector test. NBC News has learned the following facts about this test:

Russo's answers to a series of questions indicate in the language of the polygraph operator, "deception-criteria." He was asked if he knew Clay Shaw, he was asked if he knew Lee Harvey Oswald. His "yes" answer to both of these questions indicated "deception-criteria." Russo's general reaction to this series of questions led the polygraph operator to suspect a "psychopathic personality." At least one investigator and one assistant district attorney in Garrison's office were present. The list of questions was taken away from the polygraph operator. He was told not to say anything.

Despite the incomplete tests, the preliminary indications of "deception-criteria," six days later Russo was put on the stand as the chief witness against Clay Shaw.

The core of his testimony was his description of a party some time in September, 1963. He said Ferrie, Oswald and Shaw were there. Russo also said several of his friends were present in the early part of the evening. Sandra Moffitt, Kenny Carter, Lefty Peterson. We talked with Lefty Peterson.

QUESTION: Did you ever know a man named David Ferrie?

PETERSON: Yes I did.

QUESTION: And how did you meet Ferrie?

PETERSON: I met him at Perry's house. About four of us stopped in. We stayed about 20-25 minutes then we left.

QUESTION: All of you left?

PETERSON: No. Perry stayed there I think. He didn't leave.

QUESTION: When was this?

PETERSON: September, 1963.

QUESTION: Describe that occurrence.

PETERSON: We was comin' from some kind of sports event—football game, I think.



A television film showed Lee Harvey Oswald (second from left) handing out pro-Castro leaflets in New Orleans.

QUESTION: Do you remember who played?

PETERSON: No sir.

QUESTION: Was that the Tulane game?

PETERSON: Yessir, Tulane, yessir.

QUESTION: You're pretty sure it was a football game through?

PETERSON: Positively.

QUESTION: What makes you think it was in September?

PETERSON: Well, it was the first game of the season. The first or second game of the season, one of the two.

McGEE: TULANE PLAYED TWO HOME GAMES this year. One Oct. 4th, the other Sept. 20th. Under hypnosis Russo said the party took place Sept. 16th. Under oath he said the party took place sometime, he wasn't sure when, in mid-September. Kenny Carter remembers going to a game with Russo. He thinks it was the Miami game on Oct. 4th. The date is crucial. Is it possible that Lee Harvey Oswald could have been present wearing a beard and looking like a beatnik on those dates? If not, Garrison's case collapses. Where was Lee Harvey Oswald on Sept. 20th?

Two witnesses say Lee Harvey Oswald could not have been living with David Ferrie on Sept. 20. Oswald was living at home in New Orleans on Sept. 20th. On Oct. 4th, the date of the Miami-Tulane game, he was in Dallas. He registered with the YMCA. He called Ruth Paine on the telephone. At 2 in the afternoon he was interviewed for a job by Ted Cangel of the Padgett Printing Corporation. Could he have been Ferrie's roommate at any time in September, 1963?

QUESTION: You arrived at the party at David Ferrie's house. Who answered the door, do you remember?

PETERSON: His roommate.

QUESTION: Describe his height, his general build.

PETERSON: He's about 6 or 6-1 about 170 pounds, I would say, 165-170 pounds.

QUESTION: Was he quite a bit taller than you?

PETERSON: O yeah, he was taller than me.

QUESTION: How tall are you?

PETERSON: 5-9.

QUESTION: So, how much taller than you would he have been?

PETERSON: About 2 or 3 inches.

McGEE: Lee Harvey Oswald was exactly 5 foot 9 inches tall. Exactly as tall as Lefty Peterson.

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QUESTION: YOU WERE, IN 1963 FROM THE period of at least September through November, closely associated with David Ferrie.

LAYTON MARTENS: That's correct.

QUESTION: You knew practically everyone that was associated with him at that time, is that right?

MARTENS: That's correct.

QUESTION: If someone lived in his house more than two or three days during that period of time who might have been there long enough to have been considered a roommate, would you have known about it?

MARTENS: Yes, certainly.

QUESTION: There's been testimony [by Russo] recently about a roommate of Ferrie's who was unkempt, and wore a beard and was unshaven. Do any of the people you are talking about, would any of them fit the description?

MARTENS: James Lewallen, could possibly fit that description very well. I remember at that time Lewallen did have some sort of beard and, I wouldn't necessarily call him unkempt, but to some people this might represent being unkempt. But one of the things I noticed, remembering Lewallen, he bears a striking resemblance to this marked picture of Oswald.

QUESTION: Could he have been considered a roommate of Ferrie's?

MARTENS: Yes he could have possibly. I think he and Ferrie did room together sometime maybe prior to that, maybe around that time.

QUESTION: Did you know anyone at that time associated with Ferrie named Leon?

MARTENS: Well, er, Jim Lewallen's last name. Sometimes people would address him as, hey, Lou ... or Lee or something like that.

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McGEE: THE FACTS ARE THESE: RUSSO SAID that Oswald, dirty and with a beard, was at the party. That he was Ferrie's roommate. He said the party took place in mid-September. He said Lefty Peterson was there. The two possible dates Peterson gives for the party, Nov. 20th and Oct. 4th, make it impossible for the man to have been Oswald. Russo speaks of the roommate's beard. People who knew Oswald say he never had a beard. Peterson says the roommate was at least two inches taller than he. But we know Oswald was Peterson's height, and we know that Russo denied knowing Oswald only three weeks before he testified ...

We cannot say that the murder of John F. Kennedy did not happen the way Jim Garrison says it did. We cannot say he does not have the evidence to prove it. We can say this:

The case he has built against Clay Shaw is based on testimony that did not pass a lie detector test Garrison ordered — and Garrison knew it. One prospective witness admitted he was going to lie.

Members of Garrison's staff, in trying to strengthen the case against Shaw, have threatened and offered inducements to potential witnesses.

The results of his four months of public investigation have been to damage reputations, to spread fear and suspicion and worst of all, to exploit the nation's sorrows and doubts about President Kennedy's death.

Jim Garrison has said: "Let justice be done though the heavens fall. We seek the truth in this case." So do we.



JAMES LEWALLEN
 Does he resemble Oswald?