

# Some New Questions On Garrison's Case

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Long before he brought his Kennedy conspiracy case into a court of law, Jim Garrison, the flamboyant New Orleans district attorney, already had rendered his own verdict. Before an audience of millions around the world, he became prosecutor, juror and finally judge of what he called, with typical flourish, the "case of the century."

Not only had he solved the assassination beyond the shadow of doubt, he said, but he also proceeded to pronounce sentence on as impeccable a group as ever became connected with a crime. He implicated, by flat assertion or innuendo, a president, leaders of the judiciary and the congress, the most sensitive and powerful executive agencies, the nation's news media, and that illusive but always convenient target, "the Establishment."

All bore, in one way or another, part of a terrible guilt. To Garrison, they either had contributed to the circumstances of John F. Kennedy's murder, or had willingly covered up for the actual criminals. Here, surely, was the frame work of history's most audacious conspiracy. Even Shakespeare, who relished bloody plots against king and country, would have been impressed.

By making sensational charge after sensational charge and by feeding on the suspicions of a credulous public, Garrison succeeded in keeping his case alive—and in convincing millions that, somewhere, there must be substance in the midst of so much allegation and action. Certainly, it seemed beyond belief that a public prosecutor would make such serious accusations and risk so much personally without a reasonable legal case.

Yet that is the suggestion in the actual trial of Clay L. Shaw in New Orleans. And now, with the publication of two new books on the Garrison investigation, even more serious questions are being raised about the district attorney's methods and motives.



JIM GARRISON

"Conspiracy" by Paris Flammonde (Meredith Press) is a pot-boiler, couched in a breathless and erratic style. It is full of dark allusions and rhetorical sentences. Like the case itself, its tone is ominous. While it is superficial and misleading (it often takes a work out of context to "prove" a conspiratorial point), it is, by its very ineptness, worthy of some note.

The second book is another matter. In "Counterplot" (Viking), Edward Jay Epstein sketches a careful—and devastating—portrait of Garrison and his case. The district attorney to Epstein is a demagogue of breathtaking proportions, as a man who has deliberately disregarded facts, distorted testimony, and violated individual rights—all for personal gain.

If Epstein is correct, Jim Garrison deserves a place among the more spectacular demagogues of our times.

Epstein's severe criticism is ironic in one sense, for it was Epstein who became the first serious critic of the Warren Commission findings. His earlier book, "Inquest," among other things had shown the Commission's investigation to be hurried, perhaps superficial, and far from the definitive study of John F. Kennedy's death.

When Garrison announced two years ago that he had "solved" the Kennedy assassination, Epstein naturally turned toward New Orleans and the new investigation. He was, as he says, "prepared to believe that District Attorney Garrison's claims might have some substance to them." Soon after that first announcement, Epstein went to New Orleans, where he was immediately welcomed expansively by Jim Garrison.

## A Pot-Boiler

One of the books, "The Kennedy

"He told me," Epstein recalls, "almost solemnly, that it was his reading of my book that 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.)"

Garrison then offered to let Epstein "start going through the evidence" with the idea that he could be useful in proving the case. The next day six cardboard cartons were brought out containing personal belongings of Clay Shaw that had been seized in Shaw's home. Epstein and a friend, Jones Harris, were left alone with the evidence.

"Though none of these materials, as far as I could see after examining them, had anything directly to do with the assassination," Epstein writes, "the odd way in which Garrison treated them did give me, when I thought about it later, 'a new perspective on the case.' I recalled that a judge's order had forbidden discussion or disclosure of any evidence in the case. The very fact that Harris and I were allowed to examine objects seized from Shaw's home and designated 'evidence' seemed to be a direct violation of that order.

"Why, I wondered, should the District Attorney risk having his case thrown out of court on a technicality by letting outsiders go freely through the evidence? Moreover, it seemed curious that Clay Shaw's papers had not already been rigorously scrutinized by Garrison or his staff, especially since Garrison had told several people, including me, 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, and yet from what I saw it appeared that no real investigation of Clay Shaw was going on at all—but only a search for peripheral characters connected with David Ferrie."

From that point, Epstein's doubts rose. As he tells in quiet, scholarly fashion, the more he delved in Garrison's "evidence" the more spacious, if not outright fallacious, it became.

Piece by piece, Garrison's case began to unravel under Epstein's eyes. As he tells the story, Garrison's case is an almost unbelievable account of duplicity. It becomes, in this telling, a classic miscarriage of justice. Shaw, Epstein contends, was arrested "on the basis of an unsubstantiated (and altered) story of a single witness, and

then, after arresting Shaw (Garrison) sought evidence that would corroborate the story in court."

Spurred on by the demonologists who thrive on such sensations, and aided by his exposure nationally over television and in the press, Garrison reached out ever wider in his statements. From the "few insignificant men" whom he first said were involved in the conspira-

cy, he then began accusing pervers, anti-Castro Cubans, and, finally, Minutemen, CIA agents, oil millionaires, Dallas policemen, munitions exporters, "the Dallas Establishment," reactionaries, White Russians, and certain elements of "invisible Nazi substructure" as being involved in the conspiracy.

What is particularly disturbing about all this, is that, according to Epstein, Garrison was making these accusations without a shred of factual evidence. Even more disquieting, is Epstein's account of how Garrison would build his case.

First, he says, quoting a former member of Garrison's staff, the district attorney would befriend "potential witnesses." After obtaining some leading information or incriminating statements, he would then "put the screws on them." When the witnesses had no other alternative open to him, Garrison next "would offer to make out some sort of 'deal' for the witnesses 'co-operation.'"

In the meantime, Garrison would keep fueling the public appetite for more sensation by further public statements. Epstein quotes William Gurvich, once a key Garrison aide, as saying of his former boss, "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."

## Two Central Points

That statement underscores two central points about Garrison's investigation. One involves the powers of American district attorneys. Epstein, now a teaching fellow at Harvard, raises a question not only about extra-legal means of conducting an investigation (charges of bribery, intimidation, etc.); he also questions whether the "legitimate powers of a district attorney's office may not be too sweeping."

The other point involves the press.

If it does nothing else, Jim Garrison's investigation poses fundamental questions for the American press. Garrison, like others before him with an instinct for the media, has demonstrated that the press

can be used to perpetuate a point of view, to influence opinion, to build—or break—a reputation, indeed, to try a case in public.

There is still one school that believes in the "objective" reporter who merely acts as a piece of litmus paper, or a human tape recorder. His role is to pass on, factually and without interpretative analysis, the statements of an official.

There may have been a time when that method was adequate, but it certainly is not in a Garrison-type case. A press that does not challenge the statements, or least attempt to put them in larger perspective, becomes an equal partner in a public deception. Unhappily, the media record in that respect in the Garrison case is mixed. The press itself shares some of the responsibility for contributing to a growing belief in conspiracies within America, to a lessening of faith in government and national leaders, and the institutions serving the public.

In the end, the public is left not knowing whom to believe. That, in the Garrison case, is probably the ultimate harm. No matter what verdict is reached in a court of law, because of the nature of Garrison's case millions of Americans will always have doubts about the death of the 35th President of the United States.

As Edward Jay Epstein puts it: "A demagogue who demonstrates a willingness to alter elements of a story when it serves his purpose may temporarily excite public opinion, but he can never establish his version of the event as the truth." Never, that is, to all of the people.