

The Case Against Jim Garrison

He was the only prosecutor ever to file charges in the JFK murder.

Unfortunately, says the author, his reel story doesn't quite match his real story

I know life is supposed to be full of surprises, but sometimes one comes along that exceeds the limits of what you should have to put up with. I never thought I'd see someone make an all-out effort to rehabilitate Jim Garrison, the six-foot-seven, booming-voiced district attorney of New Orleans during the years I was growing up there, and the only man to prosecute someone for conspiring to assassinate John F. Kennedy. Garrison lost his case after one hour of jury deliberation. The responsible wing of the assassination-conspiracy community—meaning writer-investigators, such as Harold Weisberg and Edward Jay Epstein—has regarded him as an embarrassment for nearly a quarter-century. Although until this past November he was still working in New Orleans, where he served many years as an elected state judge, most people there place him in the same category as the colorful, roguish political figures from Louisiana's past, along with Earl Long.

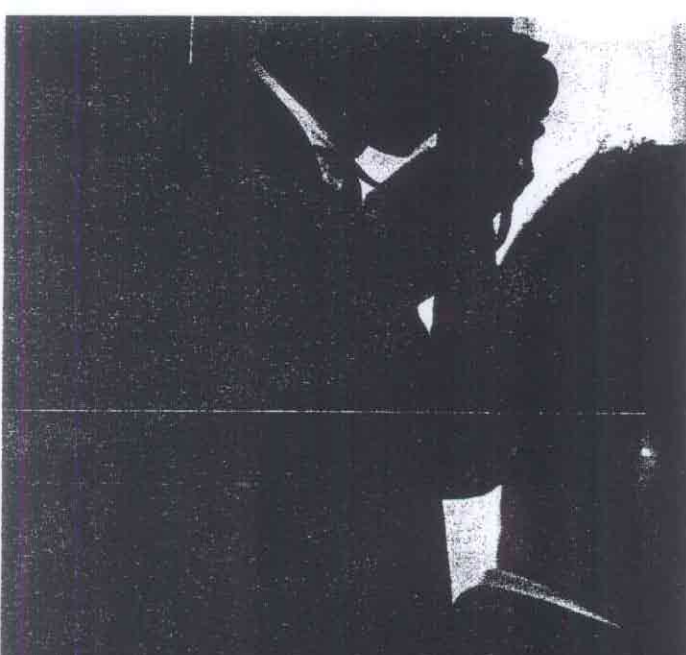
As with Uncle Earl, Big Jim's reputational deliverance has come from Hollywood: In Oliver Stone's movie *JFK*, the Garrison character, played by Kevin Costner, is the hero. *Blaze* at least avoided the mistake of taking Earl Long seriously; *JFK*, from all advance indications (I have not seen the movie as of this writing), will portray Garrison straightforwardly as a hero of the *High Noon* variety—as, in Stone's words, "one of the few men of that time who had the courage to stand up to the Establishment and seek the truth." There are enough good journalists around today who covered Garrison back in his heyday to

By Nicholas Lemann

guarantee that Stone will be called on this. Still, because of the momentum of *JFK*'s publicity, when it opens there will be an unavoidable feeling in the air that, well, by God, Garrison was onto something. It's easy to present the widespread opposition to him as a badge of honor. Courageous visionaries are always unpopular, aren't they?

In this case, though, everyone should face the unappealing truth: Establishment or no Establishment, Garrison was wrong. More than that: Garrison was a pernicious figure, an abuser of government power and the public trust, and if there's a deeper issue in American society that he exemplifies, it is that so many intelligent people prefer conspiracy-theorizing to facing this country's problems head-on.

Jim Garrison, actually Earl-
ing Carothers Garrison, was born in a small town in Iowa and grew up in New Orleans. In the sketchy biographical account he gives of himself in his books (*A Heritage of Stone* and *On the Trail of the Assassins*), he mentions, curiously, the influence of his grandfather but not of his father, and he doesn't say how his family wound up in the Deep South. If his father was a distant, cold or missing presence in his life, it wouldn't surprise me: People who have become fixated on



Garrison began as a reform-minded district attorney. His probe into Oswald's activities put New Orleans in the media spotlight.

I remember feeling excited

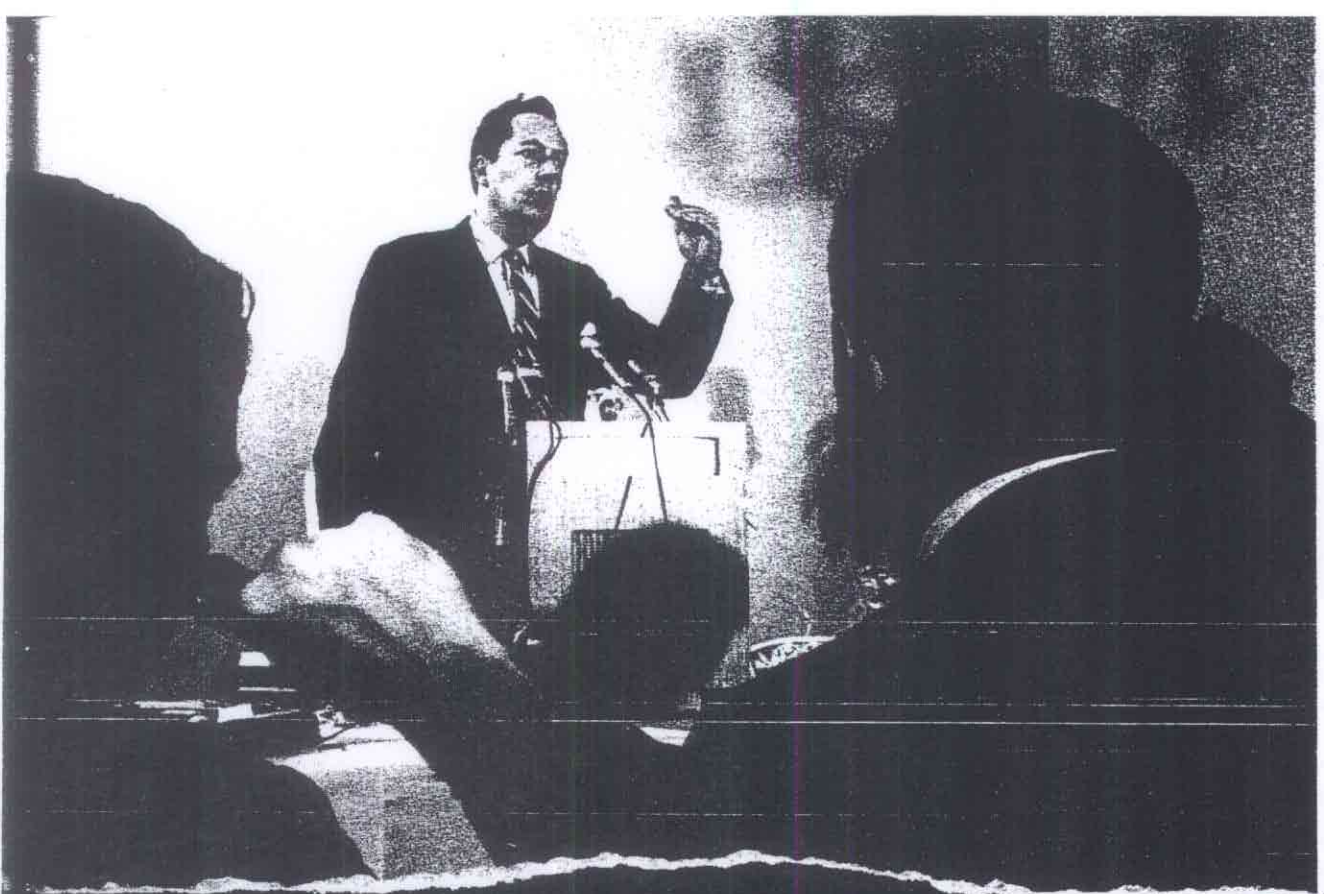
the Kennedy assassination often are engaged in some sort of search for a lost father. Garrison had a generational link to Kennedy, too. He was born four years after Kennedy; served, like Kennedy, in World War II; and was elected district attorney of New Orleans a year after Kennedy was elected president.

In his early years in office, Garrison was a reformer. He got his job by upsetting a mossback incumbent and quickly made a name for himself by cleaning up the long-standing minor-vice rackets in the French Quarter that had existed under the unofficial sanction of the city and state political machines. In those days, New Orleans still thought of itself as the queen city of the South, not yet having succumbed to its present self-concept as a quaint tourist Mecca. Garrison, a young, articulate, handsome, well-read, crusading politician, was the object of quite a good deal of civic pride.

The official Garrison anecdote about how he decided to investigate the Kennedy assassination goes like this: In 1966, he got on a flight from New Orleans to New York and found himself sitting next to Louisiana Senator Russell Long, who told Garrison that he didn't find the Warren Commission's official report on the assassination credible. (Though Garrison doesn't mention this in his books, it seems relevant that Long is the son of an assassinated politician, the circumstances of whose death have always been in dispute.) Because Lee Harvey Oswald had spent the sum-

mer of 1963 in New Orleans, Garrison could, by stretching, claim that investigating the assassination was within his jurisdiction. He and his staff of assistant D.A.'s, along with an eccentric crew of conspiracy theorists from around the country—the stand-up comedian Mort Sahl, for example, and Mark Lane, later famous as an adviser to mass murderer-cult leader Jim Jones—went to work putting a case together (in secrecy, until the *New Orleans States-Item* blew their cover a year later).

The best thing the conspiracy theorists have going for them is the fact that if a lone assassin had shot President Kennedy from a sixth-floor window, he would have to have been a marksman of almost superhuman skill in order to kill Kennedy and wound Texas Governor John Connally Jr. in the few seconds when a clear shot at their car was possible. Without getting into the dense forest of four- and five-bullet (and two- and three-gunman) theories, clearly the most vulnerable point of the Warren Commission report is its contention that Oswald fired three shots and that one of them hit both Kennedy and Connally. The second-best thing conspiracy theorists have going for them is that Lee Harvey Oswald was not merely a loner and a misfit, but a loner and a misfit who had served in the U.S. Marine Corps, defected to the Soviet Union and then undefected and returned home. His extremely weird career involved spending time under the aegis of both superpower govern-



BLACK STAR

about Garrison's crusade...

ments during the Cold War. The mechanics of Kennedy's murder and the details of Oswald's life are twin mother lodes for conspiracy theorists. But bear in mind that there is an enormous difference between, on the one hand, a few discrepancies, coincidences and lacunae and, on the other, actual proof that there was a conspiracy.

When Oswald was living in New Orleans, he worked in a manual-labor job at a coffee plant and, famously, formed a pro-Castro organization called the Fair Play for Cuba Committee, which got a good deal of publicity, considering it was a one-man, desk-drawer operation. To Garrison's mind, all of this was a cover: The real situation was that Oswald was caught in the webbing of a powerful network of right-wing militarists, who had placed him at the coffee company and had manufactured a leftist identity for him, all in preparation for the time when he would be blamed for (but wouldn't actually commit) Kennedy's murder.

It's impossible to explain

Garrison's theory adequately without first saying that the hallmark of the Kennedy-conspiracy theorists is that the burden of proof always lies with the Warren Commission, never with them. The full Warren Commission report takes up twenty-six thick volumes, filled with a mass of evidence and testimony. In addition to the shortcomings in the way

the commission sequenced Oswald's shots, all of this information doesn't comprise a seamless web. There are loose ends and contradictions. On the other hand, the report does manfully shoulder the difficult task of presenting a comprehensive explanation of the assassination. While Garrison capitalizes on every flaw, or imagined flaw, of the report, as if each discovery invalidates the entire twenty-six volumes, he holds himself to a significantly lower evidential standard, where the sketchiest connections are held to prove the existence of the conspiracy and he never has to explain precisely how he thinks Kennedy was murdered or by whom.

So: The Reily Coffee Company was at 640 Magazine Street, on the edge of downtown New Orleans. Two blocks away, at 544 Camp Street, was the office of W. Guy Banister, a former FBI agent and deputy superintendent of police in New Orleans. In 1963, Banister was a private detective and a right-winger involved in anti-Castro activities. And on Oswald's pro-Castro Fair Play for Cuba leaflets was a return address—544 Camp Street! Garrison is a man who thinks in terms of "links," and to him this is a rock-solid one; he had no trouble asserting, as a proven fact, that Oswald and Banister knew each other. (Banister died in 1964, before Garrison began his investigation.)

The next link, also unsubstantiated, is between Guy Banister and a weird character named David Ferrie. In

1963, Ferrie had been fired from his job as an Eastern Airlines pilot and was making a living as a civil-aviation pilot. He was also participating energetically in the underground homosexual life of New Orleans. According to Garrison, Ferrie performed, under Banister's direction, espionage-related piloting missions to Cuba and Central America during the early Sixties. On the fateful morning of November 22, 1963, Ferrie and two male "companions" had driven from New Orleans to Houston for a weekend trip. To Garrison, this was a transparent attempt to establish an alibi; Ferrie's real job had been to transport unnamed conspirators from Dallas to Mexico, in a private plane, a few days later. Ferrie died in 1967, a year into Garrison's investigation.

Next link: David Ferrie and Lee Oswald. Garrison asserts, again with no hard evidence, that the two men were in the same Civil Air Patrol squadron in New Orleans and that Ferrie taught Oswald to fly and to shoot a high-powered rifle. Just before Ferrie died, the *New Orleans States-Item* broke the story that Garrison was investigating the Kennedy assassination, on the public's dime. (Afterward, a group of right-wing New Orleans businessmen funded the investigation privately.) The publicity increased the pressure on Garrison to produce a suspect, but the conspirators he had been focusing on—Oswald, Banister and Ferrie—were all dead. A final link was called for, and Garrison produced it: In March 1967, only a few days after the *States-Item* had blown his cover and Ferrie had died, Garrison arrested Clay L. Shaw, the retired director of the International Trade Mart in New Orleans.

Most of Garrison's suspects and witnesses were real fly-by-nighters, but Clay Shaw was a respectable figure. He was a tall, dignified, well-dressed white-haired man who, as head of the Trade Mart, had run a chamber of commerce-like organization. He wasn't rich or powerful, but he was settled, well-known and upper middle class. He was also gay. It would have been inconceivable at the time for an openly gay man to hold the job Shaw had, so he necessarily had a secret life. At least part of the time, he traveled in the kind of social circles where people didn't use their last names and otherwise kept their participation quiet. This gave him just enough of a shadowy edge to make him useful to Garrison. In fact, a good part of Garrison's case had an aspect of persecution of homosexuals about it; he had relied on the closeted nature of gay life to lend plausibility to his vision of an underground world of conspirators.

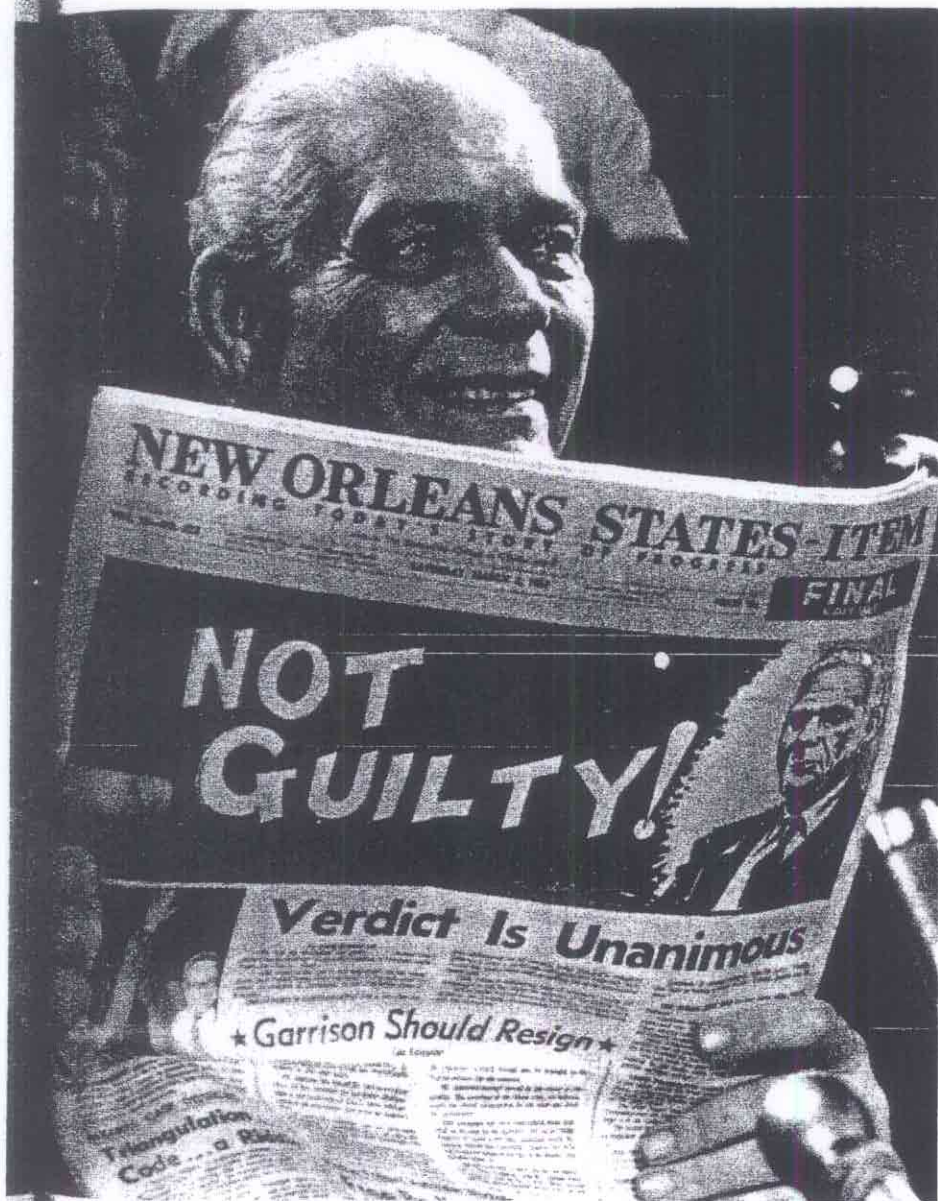
Garrison asserted that Shaw had known Ferrie and Oswald; that Shaw had helped recruit Oswald to his role as the fall guy in the assassination; and that Shaw's ironclad alibi for November 22—he was in California making a speech—only strengthened the case for his involvement in the conspiracy. Remember, it has never been proved to the satisfaction of anyone, except Garrison and his admirers, that Lee Oswald, Clay Shaw, David Ferrie and Guy Banister even knew one another. It's a testament to Garrison's manipulative skills that he was able to turn this weakness into a strength by spending Shaw's entire trial endeavoring to prove that the four men *had* known one another, as if that

was tantamount to nailing down their involvement in a conspiracy to kill the president. Virtually all of Garrison's oeuvre—meaning the Shaw trial, Big Jim's handful of lengthy interviews with sympathetic reporters, his two books about the Kennedy assassination and, presumably, *JFK*—is concerned with these "links," and nowhere does Garrison reveal how his four conspirators actually accomplished the murder or who fired the fatal bullets. (While we're on the subject of "links," I should mention, before Garrison or Stone does in a letter to the editor, that I have several of my own to the whole affair. My father and his brother are partners in a New Orleans law firm. One of the firm's long-standing clients is the very same Reily Coffee Company that had employed Lee Harvey Oswald. Another was the late Edith Stern, a liberal philanthropist, who was a friend and prominent supporter of Clay Shaw's. Also, my uncle worked on Garrison's campaign when he was first elected district attorney. And for twenty years, I've been a friend of Tom Bethell, a former investigator for Garrison who defected to the other side just before the Shaw trial began. To me, the lesson here is that, taking the "links" approach, just about everybody is a potential suspect.)

Garrison has always been similarly vague about the identity of the assassination plot's mastermind. In one typically Garrisonian locution on the subject, in a 1967 interview, he said "At midday on November 22, 1963, there were many men in many places glancing at their watches." Who were they? Who knows! Over the years, he has made dark, knowing references to the involvement of the FBI, the military-industrial complex and the oil business in the conspiracy, but his suspicions have centered on the CIA. There is much, much less than meets the eye to Garrison's conclusion that the CIA did it. All his evidence consists either of wild leaps of faith—David Ferrie is "linked" (to Garrison's satisfaction, though not to many others') to the CIA, therefore the CIA killed Kennedy—or rank speculation. When, exactly, did the CIA decide to assassinate the president? Who gave the order? How was the job carried out and then covered up? Garrison never comes anywhere near giving the answers to these questions.

In his more recent book, *On the Trail of the Assassins*—on which *JFK* is based—Garrison says the assassination "was instigated and planned long in advance by fanatical anti-communists in the United States intelligence community." Well, who were they? A few pages later, Garrison says there is no evidence that the FBI's J. Edgar Hoover, Chief Justice Earl Warren, the CIA's Allen Dulles or President Lyndon Johnson "had any prior knowledge or involvement in the assassination, but I would not hesitate to classify all of these men as accessories after the fact." Why? What did they do? And how were the real planners of the assassination able to carry out their fantastically detailed conspiracy without the head of the agency's noticing?

Garrison consistently gets himself off the hook of questions like these by implying it's miraculous that he, a lone



It took the jury an hour to acquit Clay Shaw of conspiring to kill the president.

being "part of the warfare machine"; this thought hovers in the background of Garrison's unintentionally hilarious description of the depredations visited upon him when he appeared on *The Tonight Show*, which, in his retelling, is meant to make us wonder whether Johnny Carson was entirely uninvolved in the events of November 22.

Garrison presents the masterminds of the Kennedy assassination as being extremely far-reaching and clever—and yet, oddly enough, they were constantly making little mistakes that allowed Garrison to pick up their trail. Take the Clay Shaw trial. The obvious question was, Why didn't the conspirators entrust the hit to a more reliable crew? Garrison's key witness against Shaw, Perry Russo, was a young insurance salesman—cum-grifter who claimed to have overheard Shaw and Ferrie discussing the assassination at a party. Another witness, named Charles Speisel—a paranoid accountant who regularly fingerprinted his own children and claimed to have been hypnotized by people on the street dozens of times—told a

crusader, has been able to chip away even some of the smooth façade presented by the immensely rich and powerful conspirators; he can hardly be expected to have gotten all the answers. And when he's going after big fish, he's maddeningly elusive about exactly what accusation he is making. In his books, there is the implication, for example, that the big news media are somehow tied in to the conspiracy, but he's never actually said so directly. Back in the early days of the investigation, an editor from *Life* made friendly overtures to Garrison. A while later, as Garrison tells the story, the editor "suddenly flew in from New York. He seemed amiable enough, but he appeared to have lost a great deal of weight. He had deep circles under his eyes. His Ivy League clothes hung loosely on his thin frame. He informed me that *Life* would no longer be able to support me and work with me. . . ." We're supposed to think, aren't we, that the editor was tortured in some *Darkness at Noon*-style editorial dungeon. But Garrison doesn't say so. NBC's hostile coverage of the investigation is explained by its

similar story about overhearing Shaw and Ferrie casually planning Kennedy's murder at a different party. It's not like the CIA, as Garrison describes it, to be so sloppy as to allow such conversations to take place. A third witness, prison inmate Vernon Bundy, testified that while preparing himself a heroin fix on the well-traveled banks of Lake Pontchartrain, he had seen Shaw handing money to Oswald. Wouldn't it have been wiser for them not to have made this transaction in a public place?

I remember feeling excited about Garrison's crusade, in the early days: Finally, something of national import was happening in New Orleans. In the late Sixties, the word "Sunbelt" had not yet been coined, but there was an unmistakable sense that, one century later, the South was finally going to stop obsessing about the Civil War and transform itself. It was also clear that while cities such as Atlanta and Houston had jumped into this process with both feet, New Orleans was attracted in some deep way to eccentricity and torpor and endless sifting through the past. Thus, when the

true nature of Garrison's inquest became apparent, there was a powerful reverberation: The trial's aftermath seemed like a metaphor for the state of the city—that the attention we were attracting because of the Shaw trial was going to be censorious, not admiring; that what we had on our hands, civically, was a tremendous embarrassment; that New Orleans was becoming known as the weirdo capital of the United States.

Almost immediately after the Shaw trial's humiliating end, Garrison began to downplay its importance. His first book, *A Heritage of Stone* (1970), barely mentions Shaw, and Russo, Speisel and Bundy not at all, and presents the trial as really having been an excuse to dispute the Warren Commission report in a public forum. "We saw the verdict as pointing up the impossibility of presenting an espionage case in an American court of law," he says, explaining why he lost. Lately, Oliver Stone has begun to sound this note, too. "Yes, the jury returned a verdict of not guilty on Clay Shaw," he wrote in *The Washington Post*, but he went on to praise "the larger accomplishment of the trial." A second front in defense of Garrison's conduct opened up in 1975, when the renegade former CIA agent Victor Marchetti revealed that Shaw (who had lived very quietly in New Orleans from the time of his acquittal until his death, in 1974) had once been affiliated with the agency's Domestic Contact Division, which debriefed civilian businessmen who regularly traveled overseas. Both Garrison and Stone discuss this as if it's important new evidence.

Shaw's possible connection to the CIA is another illustration of the problem with Garrison's whole way of thinking: Even if Shaw had been a career CIA agent, that fact alone does not implicate him in the Kennedy assassination. Garrison still hasn't presented any convincing evidence of that. (Similarly, Garrison and Stone like to cite the conclusion of the House Select Committee on Assassinations, in 1979, that Kennedy "probably was assassinated as a result of

trial when, by his own admission, he knew he didn't have a real case. With his use of innuendo, his carelessness in flinging the gravest charges at people, his belief that individual liberties (at least, Clay Shaw's individual liberties) are less important than his attack on what he imagines to be a vast conspiracy destroying America, Garrison does have a forebear, but it isn't Orwell or Kafka. It's Joe McCarthy.

Oliver Stone's parents split up when he was 16, in 1962. "The news of their divorce came as a total shock," he told *Time* five years ago. ". . . And when they were divorced, my father gave me the facts of life. He told me that he was heavily in debt. He said 'I'll give you a college education, and then you're on your own. There's literally no money.' "

A few months ago, Stone wrote in *The Washington Post*, "The murder of President Kennedy was a seminal event for me and millions of Americans. . . . It was a crushing blow to our country and to millions of people around the world. It put an abrupt end to a period of innocence and great idealism."

It doesn't take a particularly venturesome foray into the realm of armchair psychology to see a parallel in the way that Stone describes these two almost simultaneous tragedies, one private and one public. That his own secure world suddenly came apart in the early Sixties might help explain why Stone would be drawn to the view that the Kennedy assassination had the same effect on national life—and why he was later drawn to Garrison. Like many demagogues before him, Big Jim has the ability to conjure up a simpler, better national past, which he equates with the innocence of childhood; the assassination ended those wonderful times, and tracking down the murderers holds out the larger promise of restoring (in his words) "the America I knew as a child."

The rational (or, more accurately, quasi-rational) accompaniment to this powerful emotional logic is the idea, fervently embraced by both Garrison and Stone, that John F.

JFK's murder was a tragedy

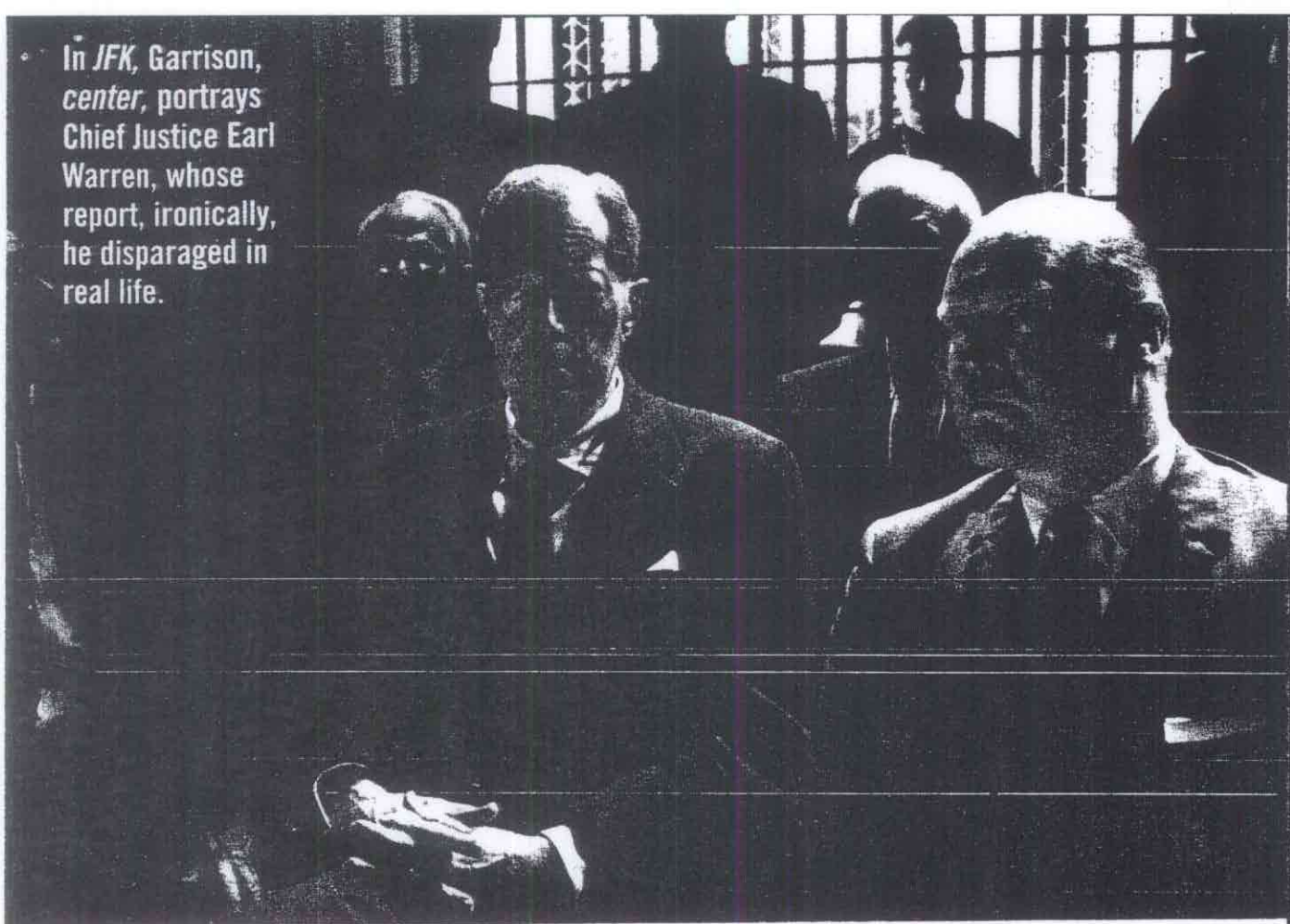
a conspiracy," as proof that "the federal government" now agrees with them—but the House committee was an independent investigative operation; it didn't solve the case either, and it certainly didn't implicate Clay Shaw in the assassination.)

What's much more important, though, is the chilling line of argument Garrison and Stone are using to defend the trial. Garrison's writing is full of self-congratulatory references to George Orwell and Franz Kafka, but the essence of those writers' vision is that the most profound wrong a government can commit is to turn its powers against an innocent individual in order to advance a larger cause. Garrison was a public official who had prosecutorial power in his hands, and he used it to bring a man to

Kennedy was a man of peace who was planning to abort the Vietnam War. The CIA or the military Establishment or the defense contractors or whoever became seriously alarmed about Kennedy when he signed the Nuclear Test-Ban Treaty with the Soviet Union, in the summer of 1963, and when he signaled his intention to bring our troops home from Vietnam, they decided he had to be rubbed out.

Most of the evidence in support of the Kennedy-as-dove theory comes from books written after the assassination by the president's advisers, especially Arthur Schlesinger Jr. and Kenneth O'Donnell. Of course, what Kennedy would have done if he had lived is speculative, though Garrison doesn't treat it that way. But it's fair to say that the overall thrust of historical writing about Kennedy, in recent years, has been that he was a Cold Warrior at heart—certainly not someone with ambitious plans to dismantle the military-

In *JFK*, Garrison, center, portrays Chief Justice Earl Warren, whose report, ironically, he disparaged in real life.



industrial complex and to effect, in Garrison's words, "a reconciliation with the U.S.S.R. and Castro's Cuba." Robert Kennedy, who was probably in a better position than anyone else to know what his brother's intentions in Vietnam were, had this to say on the subject in an in-depth, off-the-record interview conducted for the historical record in

point in American history—which it wasn't. Garrison, for all these years, has been engaged in a witch-hunt, not a genuine attempt to solve a crime. Like all witch-hunts, his has been based on the idea that some vast, mysterious evil force has society in its grip. If the sense of pervasive corruption isn't there, then Garrison's mission (and, even more,

but not a turning point.

1964, the year after his brother's death:

INTERVIEWER: Did the president feel that we would have to go into Vietnam in a big way?

KENNEDY: We certainly considered what would be the result if you abandon Vietnam, even Southeast Asia, and whether it was worthwhile trying to keep and hold on to.

INTERVIEWER: What did he say? What did he think?

KENNEDY: He reached the conclusion that probably it was worthwhile. . . .

Not only is the Garrison-Stone case for the greater importance of the Kennedy assassination essentially a fantasy, it's strange that they feel it has to be made at all. Even if Kennedy wasn't planning to end the Vietnam War, his death was still a great tragedy. Garrison and Stone are trying to make it into something more: the main turning

his method) somehow completely loses its aura of virtue.

There is plenty that is wrong with American society, and Oliver Stone is one of the few directors with the clout and the interest in politics to be able to address it in mainstream films. Instead of going after a real problem, though, like economic decline or racial tension, he has chosen to pursue a made-up problem: a conspiracy that killed a president in order to heat up the Vietnam War and transform America from a sylvan, virtuous land into a military state. Stone won't get more than a handful of opportunities to make an important statement about this country. Too bad he wasted this one.

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