



By Henry P. Durkin

INTRODUCTION:

Five and one half years ago a President of the United States was shot down on the streets of an American city, and in an instant the machinery of the Liberal Establishment, as well as the powerful propaganda engines of the Left, began plumping out rumors, half-truths, accusations, all designed to lay the blame for the heinous crime at the door of the political opposition, the Right. Even the Chief Justice of the United States, who was later to oversee the official investigation of the crime, was caught up in the emotion of the moment and blamed right-wing forces.

Within a few hours of the deed a major suspect had been apprehended: Lee Harvey Oswald, a notorious leftist with known connections to Communist Cuba, a man who had once defected to the Soviet Union.

Tens of thousands of man-hours of investigative work—by its own staff, the Dallas Police Department, the FBI, the Secret Service, a variety of other governmental intelligence agencies—were represented when the Warren Commission brought out its Report in 1964. The Commission's conclusions, after examining all of the evidence: Lee Harvey Oswald did it, and there is no evidence of a conspiracy.

In the years following, a cloud of private investigators descended upon Dealey Plaza in Dallas, the National Archives, the pages of the Warren Commission's Report. They found a few oversights, a few outright errors, but mostly they fantasized, providing mind-boggling tales of infamous conspiracies in high places.

A few courageous and patient newsmen have taken the time—an enormous amount of time—to familiarize themselves with the minutiae of the Kennedy assassination and have successfully poked holes through most of the treatises of the Assassination Superbuffs. Among the few persons who have read virtually everything written on the assassination is Henry P. Durkin. Combat asked him to write an appraisal of the assaults on the Warren Commission report, especially its first court test in New Orleans. Clay Shaw may have been in the dock, but the unquestioned defendant was the Warren Commission's conclusion that Oswald committed the crime, and did it alone.—Ed. □

Why Won't the Left Believe That Oswald Killed John F. Kennedy?

For Warren Commission skeptics and conspiracy-seekers, February 17, 1967 was momentous. On that day, the *New Orleans States-Item* reported that the city's district attorney was "pouring out-of-the-ordinary sums of money into a probe of a possible assassination plot" behind the death of President John F. Kennedy.

This was exciting news. A number of books critical of the Warren Commission's findings had stirred public attention by that time, but little if any new evidence was offered in their pages. Their findings, consequently, were arrived at by the not-very-satisfying process of re-juggling the Commission's evidence. Moreover, most of the authors seemed to have an axe to grind.

But the investigation in New Orleans was something else again. Here lay the prospect of important new evidence, new villains, new infamies, and most important of all, the promise that the Kennedy assassination would finally find its way into a court of law. The *States-Item* story was an instant sensation.

In this fashion, New Orleans District Attorney Jim Garrison made his debut, and it carried him to national prominence overnight. He seems to like the limelight.

Two days after the story of his investigation broke, Jim Garrison summoned the press and pledged that he would make numerous arrests of those involved in the plot to kill President Kennedy. "Four or five persons were involved," he said. But, he elaborated two days later, the arrests would not be made for "many months." The following day, at still another news conference, Garrison announced the first premise of his investigation: "I have no reason to believe at this point that Lee Harvey Oswald killed anybody in Dallas on that day."

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Garrison claimed that David Ferrie, a former Eastern Airlines pilot and a homosexual, was an associate of Lee Harvey Oswald. This information was provided Garrison by Jack S. Martin, who told the DA, shortly after Kennedy was killed, that Ferrie had known Oswald and had trained him to use a rifle with telescopic sights.

Later, however, Martin swore, in separate statements to the FBI and to Secret Service agents, that the story had been a figment of his imagination. On Nov. 29, 1963, Secret Service agents Anthony E. Gerrets and John W. Rice, talked to Martin in his New Orleans apartment. Their report stated: "Martin, who has every appearance of being an alcoholic, admitted during the interview that he suffers from 'telephonitis' when drinking and that it was during one of his drinking bouts that he telephoned Assistant District Attorney Herman S. Kohlman and told him this fantastic story about David William Ferrie being involved with Lee Harvey Oswald."

Martin told Garrison a variety of stories linking Oswald to Ferrie. One version was that Ferrie had hypnotized Oswald and sent him to Dallas under a spell; that Ferrie was waiting in Dallas with a get-away plane on Nov. 22, 1963. He also claimed that Ferrie had a rifle identical to the one used by Oswald. Garrison presumably found this all so intriguing that he stayed on the case even after Martin recanted to the FBI and the Secret Service.

On March 2, 1967, Garrison announced he had proof that three persons plotted the assassination. In addition to Ferrie and Oswald, Garrison now claimed that Clay Shaw, former director of the New Orleans International Trade Mart, conspired to kill the President. He also claimed that the assassination was the work of anti-Castro Cuban exiles. About the same time, WINS, a New York City radio station, broadcast a report that Garrison believed the order to kill Kennedy actually came from Fidel Castro. Garrison's case was getting out of hand.

Garrison produced his surprise witness against Clay Shaw on March 14, 1967. This witness, Perry Raymond Russo, testified that he attended a meeting at which Ferrie, Oswald and Shaw were present and that President Kennedy's assassina-

tion was discussed in detail. Russo claimed the meeting had taken place in Ferrie's apartment and that Shaw had been introduced to him as "Clem Bertrand" and Lee Harvey Oswald had been called "Leon Oswald."

Russo described Ferrie as the getaway pilot and quoted him as saying that after the assassination they would go to Mexico and refuel "and on to Brazil and then to Cuba." (No explanation was ever forthcoming on why anti-Castroites would seek refuge in Cuba.) Yet, on Feb. 24, 1967, weeks before Garrison presented Russo as his witness, Russo said, in a recorded interview with WBRZ-TV of Baton Rouge, that he had never met Oswald.

At the 1967 hearing Russo testified that he had been unable to link Oswald with Ferrie and Shaw in the plot until Garrison's investigators, after spending six hours painting a variety of whiskers on the chin in photos of Oswald, achieved a successful likeness. Russo claimed that when he met "Leon Oswald" the latter was wearing a slight beard and that he had only seen clean shaven pictures of Oswald, so could not be sure it was the same person.

Under cross-examination in 1967 Russo admitted that he had received psychiatric treatment over an 18-month period ending in late 1960 and that he had talked with a psychiatrist as late as January, 1967, but, he said, not on a professional basis.

In May 1967 the number of assassins jumped to five, and were anti-Castro Cubans, supposedly angered over Kennedy's handling of the Bay of Pigs invasion. Garrison now was saying that Oswald did not kill the President, but that the CIA knew who did. Said the DA: "Purely and simply it's a case of former employees of the CIA, a large number of them Cubans, having a venomous reaction from the 1961 Bay of Pigs episode. Certain individuals with a fusion of interests in regaining Cuba assassinated the President."

Later, in June, the District Attorney filed a 98-point document in the Criminal District Court in New Orleans, listing Jack Ruby as part of the New Orleans-based conspiracy in 1963 to kill the President. Not content with having the plot thicken, Garrison now got it to congeal altogether.

A short time later two Louisiana prisoners accused Garrison of offering them concessions if they would help him prove that President Kennedy was murdered as the result of a conspiracy. Both men had burglary records; one said he was told he might be needed to "put something" into Clay Shaw's home, and charges would be dropped if he did.

The biggest bombshell dropped, however, when William Gurvich, the chief in-



Jim Garrison (r.), New Orleans District Attorney, shown after meeting with Mark Lane, author of "Rush to Judgment," a book about Kennedy's assassination that is highly critical of the Warren Commission. Lane helped Garrison in Clay Shaw trial investigation. UPI Photo.

vestigator for Garrison, told the late Robert F. Kennedy that there was "no basis in fact and no material evidence in Garrison's case for an assassination plot against the late President Kennedy." Gurvich also said, "If there is any truth to any of Garrison's charges about there being a conspiracy, I haven't been able to find it."

Garrison Was Obsessed

Gurvich also said that Garrison had become so obsessed with his inquiry that he had considered raiding the local offices of the FBI because the DA thought the Bureau might have tapped his telephone. Garrison, claimed Gurvich, wanted to stage the raid to find evidence of this; the investigators were supposed to be armed with red pepper guns to immobilize any FBI agent they might encounter during their raid.

In July, 1967, the number of assassins had jumped up to seven, according to an interview Garrison granted *Playboy* that month, and subsequently published in October. In the interview, Garrison elaborated on his reasons for claiming a plot by anti-Castroites: "President Kennedy was killed for one reason—because he was working for a reconciliation with the USSR and Castro's Cuba." Again Garrison brought in the CIA, but this time he claimed that the assassins "were not in the pay of the CIA at the time of the assassination."

Garrison stated that the various critics of the Warren Report, particularly Edward Jay Epstein, Harold Weisberg and Mark Lane "sparked my general doubts about the assassination; but more importantly, they led me into specific areas of inquiry."

In Garrison's view, Oswald's Communist sympathies were "just a cover for his real activities. I don't believe there are any serious students of the assassination who don't recognize that Oswald's *actual* (emphasis supplied) political orientation was extreme right wing. His associates in Dallas and New Orleans—apart from his CIA contacts—were exclusively right wing, some overt, others covert; in fact, our office has positively identified some of his associates as neo-Nazis. Oswald would have been more at home with *Mein Kampf* than *Das Kapital*."

Naturally Garrison refused to identify these "neo-Nazi" friends of Oswald because he couldn't; they didn't exist. But by making such a declaration the DA contributed further to the Left's thesis that Oswald could not have been a Communist. But the evidence is overwhelming that Oswald was indeed a Communist. He might not have paid dues to the Communist Party, U.S.A., but he considered himself kin.

Like most Communists, Oswald called himself a "Marxist." The Warren Commission itself admits the importance of

Oswald's Communist beliefs: "It seems clear that his commitment to Marxism was an important factor influencing his conduct during his adult years." Oswald's "commitment" went back to his teen-age years. He told Aline Mosby, a reporter who interviewed him after his defection to the Soviet Union: "I'm a Marxist . . . I became interested about the age of 15. From an ideological viewpoint. An old lady handed me a pamphlet about saving the Rosenbergs."

Oswald continued his study of Marxism even while in the Marine Corps. He studied Russian, read a Russian language newspaper and was uncommonly interested in what was going on in the Soviet Union.

After Oswald left the Marine Corps in September, 1959, ostensibly to care for his mother, he almost immediately departed for the Soviet Union, where he renounced his citizenship the following month.

Oswald defected because of his extreme hatred of the United States. This he expressed most clearly in a letter to his brother dated Nov. 22, 1959. "Ask me and I will tell you I fight for communism . . . I will not say our grandchildren will live under communism, look for yourself at history, look at a world map: America is a dying (sic) country. I do not wish to be part of it, nor do I ever again wish to be used as a tool in its military aggression. This should answer (sic) your question, and also give you a glimpse of my way of thinking . . . I have been a pro-communist for years, and yet I have never met a communist, instead I kept silent and observed, and what I observed plus my Marx'ist (sic) learning brought me here to the Soviet Union. I have always considered this country to be my own."

Oswald warned his brother, "In the event of war I will kill any american who put (sic) a uniform on in defence (sic) of the american government—any american."

Soviets Let Oswald Stay

When the Soviet government did not immediately grant him citizenship, Oswald, in a fit of depression, attempted suicide by slashing his wrists. After being released from a Moscow hospital, Oswald went to the American Embassy and presented a written declaration renouncing his U.S. citizenship. "I affirm," he wrote, "that my allegiance is to the Union of Soviet Socialist Republics."

Oswald also stated that he had volunteered to give Soviet officials any information that he had concerning Marine Corps operations.

The Soviet government finally permitted Oswald to stay. The authorities gave him a monthly allowance of 700 rub-

les in addition to his salary from the radio and television factory in Minsk. The 700 ruble subsidy supposedly came from the Soviet Red Cross, but Oswald himself asserted it came from the secret police.

After marrying, after getting fed up with the drab life in the USSR, Oswald returned to the United States and worked diligently to become known in domestic Communist and left-wing circles. In 1962 he subscribed to *The Worker*, the Communist Party's newspaper, and to *The Militant*, the weekly organ of the Trotskyite-Communist Socialist Workers Party. He had his wife, Marina, take pictures of him holding his newly-acquired rifle, wearing his new pistol, and holding up copies of the March 24, 1963 issues of *The Worker*, and the March 11, 1963 issue of *The Militant*.

Cuba Was Primary Interest

Oswald's primary left-wing political activity after his return centered around his interest in Cuba and the pro-Castro Fair Play for Cuba Committee. His first public identification with Fidel's cause was in New Orleans in late May and early June of 1963. Under the name of Lee Osborne he had handbills printed calling for "Hands Off Cuba," and also application forms and membership cards for the New Orleans branch of the Fair Play for Cuba Committee. Vincent Theodore Lee, national director of the Fair Play movement denied, after the assassination, that Oswald was ever a member of his organization. However, Oswald's membership card in the FPCC bore V. T. Lee's signature and full disclosure of Oswald's correspondence with Lee has since been made. FPCC literature excoriated President Kennedy and had only the highest praise for Castro.

The papers Oswald read, *Worker* and *Militant*, reflected a deep anti-Kennedy attitude on the Cuba situation.

As soon as Oswald was captured and his Communist beliefs became known the Communist Party, through its official spokesman Arnold Johnson, issued a press release in which it declared: "We categorically deny all insinuations or declarations by anybody that the suspect now arrested, Lee Harvey Oswald, has any association with the Communist Party." Later, however, Marina Oswald turned over to the FBI letters that the same Arnold Johnson had sent her husband. When Johnson was called to testify before the Warren Commission he was represented by John Abt, attorney for the Communist Party, and the very lawyer Oswald requested to defend him after his arrest in a Dallas theater.

Oswald had written to Johnson several times, and informed the Communist lead-

er, proudly, that he had formed a Fair Play for Cuba Committee chapter in New Orleans. He asked for Communist Party literature to be sent to him and sent honorary membership cards in his local FPCC chapter to Gus Hall and Ben Davis, top Communist leaders, whom Oswald called "those fighters for peace." Oswald also sent Johnson an honorary membership card as a token of his esteem.

His associations, his activities, the hate-filled literature Oswald soaked himself in, all marked him as a convinced militant leftist. The charge that Oswald's leftist activities were a cover for his right-wing leanings, just doesn't hold water. The Warren Commission announced that it had been "unable to find any credible evidence that Oswald had direct contact or association with any of the personalities or groups epitomizing or representing the so-called rightwing . . . Oswald's writings and his reading habits indicate that he had an extreme dislike of the rightwing, an attitude most clearly reflected by his attempt to shoot General (Edwin A.) Walker."

Though Mark Lane tried hard to show that Oswald was really a rightist, he finally gave up and admitted in an interview (*Playboy*, Feb. 1967), "I'm inclined to believe he was a sincere leftist."

Couldn't Produce Evidence

Jim Garrison talked a good rightwing plot, but he never produced any evidence. He never once substantiated any of his charges about Oswald's rightwingism.

An interesting look at the Liberal mind at work was provided in a candid declaration by Harvard Professor H. Stuart Hughes:

"What most of us at first thought (was) that the crime had been committed by a Southern racist. Indeed, if we look deeply into our souls, I think many of us will recognize that we were disappointed to learn that such was not the case . . . Had the assassin been a Southern extremist, it would have fitted our own prejudices and our own political commitment. Our grief would have been tinged with a spirit of hatred and revenge. This way our sorrow is pure: there is not hate in our hearts."

One reason the Left has trouble digesting any suggestion that Oswald killed Kennedy is the nature of the Assassination Superbuffs—those who write and talk and concoct theories and point the way. The Superbuffs are an odd lot.

Both Mark Lane and Harold Weisberg worked with Garrison on his case against Clay Shaw. Lane has a substantial left-wing record. He floated his first theories about the assassination in the pages of the *National Guardian*. Weisberg's record goes back to 1940 and a plot to frame the

chairman of the old House Un-American Activities Committee. Authors Thomas Buchanan and Joachim Joesten, who write about the assassination from Europe, have old connections to the Communist parties of the U.S. and Germany, respectively. Sylvia Meagher and Paris Flammonde are flying saucer fans.

In July, 1968 Garrison made headlines again. This time he revealed he was exchanging information with an unnamed foreign intelligence agency, which, he said, had "penetrated the forces involved in the assassination." It finally turned out not to be an intelligence agency at all, but rather, a book, at that time in manuscript form, by an author who used the pseudonym, "James Hepburn."

The book is now in print as *Farewell America*, and is published by a strange company chartered in Liechtenstein apparently for the sole purpose of producing the book. "James Hepburn," it develops, is really "a group of European and American researchers," according to the head of the French company marketing the book.

The latest and perhaps best study of Garrison's activities is Edward Jay Epstein's *Counterplot*. Epstein, a Superbuff himself, went to New Orleans "prepared to believe that District Attorney Garrison's claims might have some substance to them," but he quickly became disillusioned by Garrison's methods of operation.

One example (Epstein cites many) should suffice here:

Garrison's investigator, Jones Harris made a discovery while going through some of Clay Shaw's papers: a five-digit number that was common to both Shaw's and Oswald's address books. Shaw's entry was "Lee Odom, PO Box 19106, Dallas, Tex." In Oswald's book, the number 19106 was preceded by the Cyrillic letters □ □. Though the coincidence of numbers proved nothing, Garrison decided it merited further investigation.

Shortly thereafter the DA announced to the press that the entry 19106 in both Oswald's and Shaw's address books was a "nonexistent or fictional number," which removed "the possibility of coincidence."

Garrison explained that "PO 19106" was a code that, when deciphered, produced Jack Ruby's unlisted telephone number, WH 1-5601, and "no other number on earth." He seemed undeterred by the fact that "decoding" so few digits without the key is hopeless.

Garrison started with this "scrambled" number and proceeded to "unscramble" it as follows: by choosing the nearest digit, then the farthest, then the next nearest, etc., to arrive at 16901. Ruby's phone number was 15601, so by *not* unscrambl-

ing those digits Garrison was able to match the last two digits in the two numbers. The next step was to subtract the arbitrary number 1300 from 16901, and—presto!—15601. Finally, Garrison converted the prefix "PO" to "WH" by a system that, according to cryptographer Irwin Mann, yields at least six different prefixes. Garrison chose Ruby's.

A few days later, though, it was learned that the number 19106 in Shaw's address book did exist. PO Box 19106 had been, as Shaw's book indicated, the mailing address in Dallas of a man called Lee Odom. Odom had been introduced to Shaw in 1966 and had briefly discussed with him a possibility of bringing bloodless bullfights to New Orleans. Odom left his post office box address with Shaw. Investigation also disclosed that Odom's post office box could not possibly have been the number in Oswald's book, because the post office box number 19106 did not exist in Dallas before it was assigned to Odom in 1965—two years after Oswald was dead.

What Garrison did, says Epstein, was to "construct" a piece of evidence against Clay Shaw and disclose it to the press.

Garrison also charged that another coded number appearing in Oswald's address book was that of the CIA. Using an entirely different (naturally) deciphering system—multiplying the number by 10, rearranging the digits, subtracting 1700, and then remultiplying—Garrison managed to convert the number in Oswald's address book, 1147, to 522-8874! But then, as the DA put it, Oswald's codes were "subjective" and varied from number to number. Which is convenient if you're manufacturing evidence, not so if you're trying to encode.

After many postponements, the trial of Clay Shaw opened on Jan. 21, 1969. After weeks spent in selecting a jury, in early February the testimony began. Almost as soon as Garrison offered his witnesses at

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the trial, he ran into trouble.

A New York accountant, Charles I. Spiesel, testified he heard Clay Shaw discuss assassinating President Kennedy—at a party in the French Quarter in June 1963. Under cross-examination Spiesel admitted to being hypnotized many times, said he had had "hypnotic illusions" over a period of 15 or 16 years, and had filed a \$16 million dollar law suit against a New York psychiatrist and others.

Garrison's next witness, Vernon W. Bundy, Jr., alleged that he had seen Shaw give Oswald a roll of money at a meeting on the shore of Lake Pontchartrain. Bundy yawned frequently during his testimony and declared that he was trying to break the heroin habit. He denied making up the story of the Shaw-Oswald meeting in an effort to reduce a year's sentence he was serving. Still yawning and volunteering testimony, Bundy, asked what reactions he had after taking heroin, said, "I get drowsy and do a lot of talking."

Shaw's star witness, really, was Perry Raymond Russo, but when he got to the stand—besides admitting a series of hypnotizing sessions under Garrison's supervision—Russo changed his whole story. He'd never met Oswald, the sinister meeting and discussions "had all the characteristics of a bull session," and he admitted to being under continual heavy pressure from Garrison to stick to his story. Other Garrison witnesses were cut from the same cloth.

After years of trying the case in the press, Garrison really had nothing to put up. His witnesses were addicts, liars, subjects of hypnosis—he had been two years long on theories and claims, and woefully short on corroboration. He should have stopped with Jack S. Martin, and his tales from the bottom of a bottle.

On March 1, 1969, in the early hours of the morning, Clay Shaw was acquitted. The jury had deliberated only fifty minutes.

The "Day in Court" was over: not only for Jim Garrison, but for the Leftists who flocked to him, trying to prove a right-wing conspiracy killed John F. Kennedy. With the DA, Mark Lane, Harold Weisberg, Joachim Joesten, Sylvia Meagher, Penn Jones Jr., Leo Sauvage, Paris Flammonde and others all got their hearing in a court of law, and lost.

But conspiracies die hard. Garrison has already announced that Shaw perjured himself in his testimony. And one of Garrison's leftist ex-supporters publicly surmised that it was "conceivable" that Garrison was actually a CIA agent—why else would he have made such a shoddy case? And so the lines are drawn for a new plot to conceal the conspiracy that committed the crime of the century. □