

SERIALIZATION OF EXCERPTS FROM THE BOOK

# The Garrison Case

A Study in Abuse of Power

**THE SUPERINTENDENT** of the New Orleans Police Department is Joseph I. Giarrusso, a dedicated, highly competent policeman who reached his position from the ranks. His honesty is beyond question.

The opening salvo in a long and bitter battle between Garrison and Giarrusso was fired at the height of Garrison's Bourbon street campaign when he accused the Department of displaying "monumental disinterest" in his drive against vice. Giarrusso was thus allied with the judges on the side of the racketeering element. Giarrusso responded. In March of 1963 he staged raids on a number of the strip joints and hooked owners and employers on charges of obscenity growing out of the striptease performances. Giarrusso referred the evidence to Garrison's office for padlocking action. Garrison responded by terming the cases "the purest garbage."

In words that allowed little room for doubt, Garrison accused Giarrusso of siding with the underworld against his office. The raids, he said, were made purely for the purpose of providing statistics.

Giarrusso's response, like that of the judges, was mild: "I call on him (the District Attorney) to cut out of all this bickering and join me in getting down to work . . . and vigorously prosecute the criminal element."

A LULL in the feud lasted until mid-May, at which time Garrison again made headlines by a dinner speech to the Young Men's Business Club during which he announced a crusade against police brutality. Garrison again sensed a conspiracy:

"There exists a pattern of

systematic brutality which is not sanctioned by those in official capacities within the New Orleans Police Department. At the same time, there is no apparent organized effort being made to stop this brutality, but rather an organized system of covering up."

Nine policemen were charged in connection with the supposed beating of prisoners; the public reaction, however, was not at all what Garrison had expected. Giarrusso stuck

## One of a Series

**TO READERS:** These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

by his men, refusing to dismiss them, and accused Garrison of double-talk. Many public-voiced reactions, including editorials in the local press, queried the extent to which Garrison's craving for publicity was the motivating factor.

But Garrison demonstrated hitherto unknown qualities of reverse-field ability, if not overwhelming confidence in the charges he had filed. He announced his dismissal of the charges and referral of the matter to the Grand Jury. The chastened Garrison explained that he was doing this for the purpose of demonstrating the impartiality of his office. He decided, he said, that the most effective way to eliminate police brutality was to cooperate with the department. Nothing more was ever heard of the charges.

IN AUGUST, 1963, Executive Assistant Frank Shea was one of the eleven candidates that qualified for a Criminal Court

judgeship vacated by the death of Judge Shirley Wimberly. Shea had no support, save that of his boss, Jim Garrison. He led the field in the first primary and entered a second primary with the runner-up, Guy Johnson.

In the second primary, almost to a man, the defeated candidates threw their support to Johnson, who also garnered practically all organized political support, as well as the endorsement of the city's newspapers. Shea's margin of victory was just enough to discourage a contest of the results. Garrison now had a friend on the bench.

This was the first public test of Garrison's popularity. The significance was not lost on the judges.

IN EARLY September, 1963, trial was scheduled for a New Orleans abortionist, one Juliette Pallet. I was assigned the case for trial. The case went to trial in late September, and Mrs. Pallet was convicted.

The trial was my last as

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assignment for Garrison. I and three other assistant D.A.'s left the office the end of September as a result of his new policy prohibiting substantial civil practice by his staff. But it was not the last the public was to hear of the Pallet case. Following the trial and Mrs. Pallet's sentence to a term of seven years, she was released pending her appeal as a result of a reprieve by Governor Jimmie Davis.

The governor ascribed his action to Mrs. Pallet's ill health and the statement of her doctor that she was in need of medical attention. The reprieve was temporary in nature and did not serve to mitigate the sentence which would begin when and if the conviction were affirmed.

upon appeal.

Garrison retorted: "I will study how an investigation of Governor Davis's bizarre act can be begun. Governor Davis may call it "an act of human kindness" if he wishes, but it looks like an old-fashioned fix to me."

Mrs. Pallet remained free until her conviction was affirmed on appeal a few months later, whereupon she commenced serving her term in prison.

If anything ever came of the investigation of Governor Davis, or if any evidence was developed of any "fix" it was never made public.

**DAVIS' TERM** as governor was due to expire in May, 1964, and under the law, he could not succeed himself. In January of 1964 John J. McKeithen was elected to the governorship. Garrison had supported McKeithen and the latter publicly acknowledged his indebtedness. McKeithen's gratitude was such that there was, he said, nothing that Garrison wanted that he would not feel obliged to help him to obtain.

Shortly thereafter, the D.A. was back in action. In early 1964, three men, Sidney Hebert, James Martin, and John Scardino, were sentenced by Judge Malcolm O'Hara to serve three and one-half year terms in the state penitentiary for the crime of simple kidnapping. Twenty-eight days later, after having served but 13 days of their sentences. Hebert and Martin were paroled by the State Parole Board. Scardino was also serving time as a narcotics violator and was ineligible for parole. The Parole Board consists of five men, all appointees of the governor, and sits in Baton Rouge well outside of Garrison's jurisdiction. However, the D.A. was not to be deterred.

Dusting off a seldom-used statute authorizing the District Attorney to conduct an "open hearing" whenever he "shall have been informed that a crime or crimes has been committed," Garrison petitioned for such a hearing, alleging that he had been informed that money changed hands in a conspiracy to arrange two quick paroles. Judge Edward A. Haggerty, later to preside at the trial of Clay Shaw, quickly made known the nature of the hearing that was to come. Objections by attorney Sam "Monk" Zelden, represent-

ing the board members, that the hearing was a "vicious proceeding whereby the District Attorney can go on a fishing expedition" were met by the judge with the retort that Zelden had no standing to object or to be heard.

The Parole Board members were witnesses only, said the Judge, and he, Zelden, had no right even to address the Court. No one would have a right to cross-examine any witness produced by the State, nor to object to any evidence to be admitted, for there were no defendants, only witnesses in this hearing. The State Supreme Court refused to interfere, and the hearing commenced.

Garrison called his surprise witness, John Scardino.

**THE UNTESTED** charges of Scardino was sensationalized in the press. Encouraged, Garrison announced plans to subpoena the governor, clearly impossible under state law due to executive immunity. Attorneys for the hapless board members and the alleged lawyer intermediary returned to the Supreme Court the following day again seeking a form of help known by lawyers as "extraordinary writs."

The flagrant nature of the testimony prompted a more serious appraisal of the implications by the Supreme Court. A

divided Court finally agreed to allow the hearing to continue.

However, in permitting the hearing to continue, the Court's majority imposed a series of procedural rules to be followed. All witnesses were to have the right to counsel; no witness was to give hearsay testimony; every person accused was to have the right to be confronted with the witnesses against him; should there be evidence showing the commission of a crime by a named person being investigated, then such person would have a right to be heard.

Garrison's response was delivered as concluding remarks to Judge Haggerty in open court. He was, he announced, shifting his probe to the secrecy of the Grand Jury. There was more testimony to obtain from Scardino, said Garrison, but he

was too much in fear of his life to testify publicly.

Further, said Garrison, there was a second reason for removing the matter to the secrecy of the Grand Jury room:

"The Louisiana Supreme Court has added a fantastic new galaxy of ground rules which, in effect, means the end of open hearings in Louisiana. . . . They have the effect of completely destroying the investigative effectiveness of the open hearing.

"Your Honor, the District Attorney's Office does not intend to be further obstructed after all the other obstacles we have encountered by this legal destruction of the open hearing."

If any evidence was ever developed as a result of the Grand Jury investigation, it was never made public. There were no convictions, trials, charges, or arrests.

**IN JUNE** Garrison was briefly back in the headlines. Following certain general and perfunctory criticism of the State Pardon Board by the local press, he intended, he said, to subpoena the Attorney General and the Lieutenant Governor, both ex-officio members of the Board (a distinct entity from the Parole Board), to explain their actions publicly.

It appeared that, once again, Garrison had sensed a conspiracy: "We see the outline of a hydra which is made up of public officials who have invisible alliances with each other and who maintain in effect an invisible mutual assistance pact."

As far as is known, there was never an investigation.

**LATER**, Rudolph Becker, a veteran criminal attorney and former Assistant District Attorney, ran for the judgeship of Division "E" of the Criminal District Court in opposition to Judge Cocke. A number of Becker's newspaper advertisements, as well as his campaign literature, bore the unmistakable imprint of Garrison's clever and fertile creativity. Toward the end of the campaign, Garrison actively and openly supported Becker, who entered a second primary with Cocke. Cocke was ultimately defeated. Becker be-

came the second judge to be elected with Garrison's support.

For a number of months thereafter, it was mercifully quiet.

If Garrison's repeated and dramatic assaults on high office produced little by way of results, he nevertheless captivated the public with his daring. He was now unquestionably one of the most powerful political figures in the State—certainly the most feared by politicians. But Garrison wore his crown precariously. It would be defended violently against even the mildest attacks. There would be a vigorous reaction to the faintest sign of hostility from whatever quarter.

#### CORRECTION

In Sunday's installment, Chapter 3, it was erroneously stated that: "The cross examination, badly handled by Garrison's friend and attorney, Donald Organ, was often embarrassing." It should have read: "ABLY HANDLED."

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IN MARCH, 1966, a vacancy was created on the Criminal Court Bench by the retirement of Senior Judge George Platt. Under State law, Governor McKeithen could fill the vacancy with his own appointee. At the urging of the District Attorney, the Governor selected Matthew Braniff, a close friend of Garrison. He was the third man

to ascend to the bench through Garrison's efforts.

One day in early January, 1967, I was standing in the reception room of the District Attorney's office. I was approached by a former assistant district attorney under Garrison, one whose departure from the office coincided with mine in September, 1963. He obviously had something to say.

"The more things change around here, the more they stay the same." His tone was a mixture of amusement and disbelief. "Do you know what Garrison's investigating now? The assassination of Kennedy!" The

incredulity I felt must have shown clearly, for my friend continued, as though trying to convince me. "He has investigators going all over—to Miami, San Francisco, Dallas—he's supposed to be trying to find some kind of conspiracy."

"Where is the press?" was my first reaction. Of all of the trivia that finds its way into print, I wondered, why hadn't this been exposed? I assumed that one good blast of publicity would suffice to end whatever spectacular was in the making.

The publicity was not long in coming. On February 17th, 1967, the States-Item ran large headlines and a lead story about the investigation. But it was not the end of the matter at all. Once again I had grossly underrated Garrison's instinctive insight into the public temper.

(Chapters to follow cover the Garrison Kennedy assassination "conspiracy.")