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THE DEVIL'S D.A.

The chair of devil's advocacy goes by tradition and default to those who are tough enough, tenacious enough, and concerned enough to occupy it. To District Attorney Jim Garrison, it's a natural fit — and a ringside seat from which to referee the organized crime donnybrook he himself touched off.

By David Chandler

"I am disgusted with politics and I am leaving politics for private practice." — District Attorney Jim Garrison, September, 1966.

"Me quit? Oh, no! People are talking about running me for governor if McKeithen's second-term bid fails. It's a possibility." — Same chap, October, 1966.

THE STORY GOES that the two magazine photographers walked into the New Orleans district attorney's office, pestered their equipment bags and tripods on the floor and told the receptionist: "Hi. We're here to shoot Jim Garrison." She looked at them cynically. She told them, "Hurry up." In the offices of Louisiana's most glittering crime crusader that attitude has prevailed since the investigative genius, Pershing Gervais, left one year ago. The bitterness begins with Garrison and it spreads.

From 1961 through 1965, when Pershing was around, Garrison got national applause for fighting organized crime and political machines in New Orleans. In last year's hot re-election fight with Malcolm O'Hara, Pershing expediently resigned as chief investigator. Garrison won, then spent an uncharacteristic eleven months of joyless anonymity until recently he had stripteaser Linda Brigitte pardoned of an obscene dancing conviction. Now, the prestigious Metropolitan Crime Commission accuses Garrison of protecting organized crime. Has Big Jim sold out? Who backed O'Hara's torrid fight which unsated Pershing? Is Pershing a Rasputin who still runs the district attorney's office? And how about organized crime? Are the crime commission and the U. S. Attorney correct that it flourishes in New Orleans? Or is Jim right, that it doesn't?

1. The Roller Coaster. Begin in 1960, the crucial year in Garrison's life. It set him on the path he's walking. Richard Dowling, a machine politician, desired re-election as district attorney. Five penurious attorneys campaigned against him. They were Garrison, Frank Klein, Frank Shea, D'Alton Williams, and Dennis Barry. They called themselves "The Nothing Group" because, says Jim, "We had no money, no organization,

nothing." They agreed that whichever of the five became the most popular before the campaign would be the candidate. Garrison worked hardest of all. It surprised everybody. Since leaving the Army as a combat pilot in 1946, he had spent his life casually wandering between bureaucratic posts and private practice, with a brief stint as an FBI agent. He had a reputation for coming to work at noon and leaving at two. When the late Mayor Chep Morrison complained, Garrison shrugged him off, "I keep late hours." He did. In white dinner jacket, his six-and-a-half-foot-tall grand figure was a Bourbon Street institution.

Why the 1960 burst of public spirit and energy? "I was furious about how Dowling had allowed his office to be corrupted," says Garrison. "I was determined one of us would replace him. I didn't care which of us." The explanation is sincere, but I think there's a more personal factor involved. Garrison is intelligent and idealistic—and intensely interested in himself. Men of that nature review their lives constantly, most severely at the age of forty. He was turning forty in 1960. The review was meager. He acted.

With little money, he devised a campaign tactic new to New Orleans: the television blitz. His theory: ignore the support of politicians and political machines. If they help, you owe them a favor. (Also he couldn't get their help in 1960.) Spend the dollars on television ads. If you have \$100, spend \$90 on ads the day before election. The impact is greater. You reach the people directly and you bypass the machines. With this theory and a Sheriff Matt Dillon image, he won. Then he hired Pershing Gervais to head his investigation force which was to clean up New Orleans. Pershing Gervais? "My God!" screamed the crime commission. "My God!" screamed the police and mayor. "Don't do it," the TIMES PLEASE ordered.

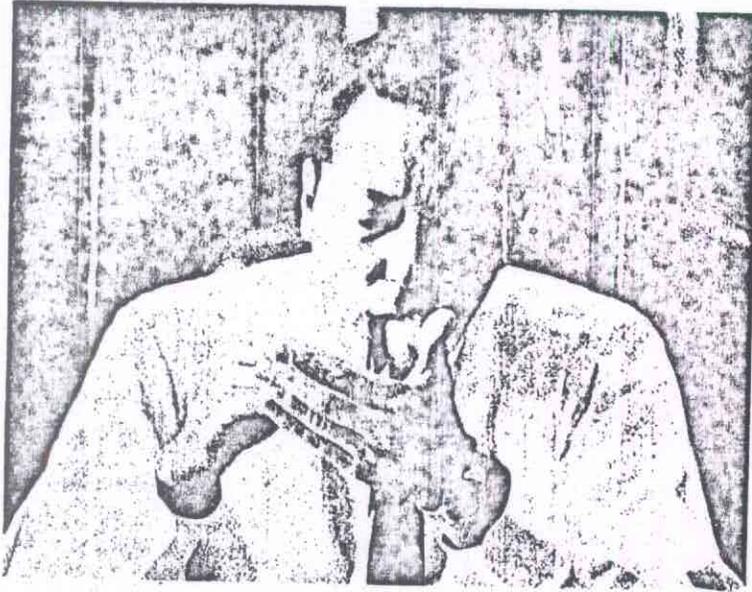
They had some justification, for on the surface of it Pershing was not the most likely agent to protect goodness and virtue and motherhood. He has a scrawny face, enormous physical strength, and a candor that makes Adam Clayton Powell seem cautious.

When Pershing was a police sergeant in the 1950's, for example, "the captains used to hand out the graft envelopes at roll call each Friday in the district stations. So one Friday I come in a few minutes late, and everybody's in the roll call room. The captain's office is deserted and on his desk, what's this? I see the box of graft envelopes. So I take 'em." He flies to New York and he quickly spends the \$9,000 of graft on high living. "I had the best table at El Morocco," says Pershing. "I think maybe it was the \$50 tips." He returns to New Orleans, goes to work, and the police arrest him for theft. "What'd I steal?" Pershing asks. "Detail it to me; like, who owned it?" Charges dropped.

Three weeks later, Pershing comes in late again; a box of envelopes is unguarded again; and Pershing wings back to New York, first class. "When I returned the second time they just transferred me to a boondock district with only one other policeman and no boxes." Pershing left the department in the late fifties after some talk about policemen cracking safes, but Pershing says, "It's mostly because I knew where the bodies were buried and I don't hesitate to dig them up."

Garrison regards Pershing, who quit school in the eighth grade, as having an intellect of soaring genius. The two have had an intense symbiotic friendship since sharing Army chores in World War II. For Pershing, Garrison with his good Protestant family background, is an entree to WASP establishment. For Garrison, Pershing is an intellectual companion with fresh wit and instinct to microscopically assess people and their motives — which Garrison lacks. It is a good combination and Pershing, with his unorthodox ethics, would not betray Garrison. "Jim," says Pershing, "is the one guy I know who's honest — and not stupid. Anyway, why does everybody holler about my being chief investigator? If you want to catch a crook, whadda you do? You get a better crook."

With Pershing installed, Garrison swung. The Bourbon Street clamp began. Nightclubs that hustled whites, blackmailed businessmen and beat up customers were padlocked. Political and clamp tactics were wholly new.



times fiercely argued between Garrison, Pershing, D'Alton Williams, and the politically astute assistant Frank Klein. The STATES ITEM began trumpeting, "maybe we got us a real, honest, crusading district attorney." The SATURDAY EVENING POST, PAGEANT, TIME, NEWSWEEK, NATIONAL OBSERVER, and the NEW YORK TIMES joined. Garrison was rare, an articulate and witty do-gooder who could describe Mayor Victor Schiro as so indecisive that, "not since Hamlet tried to decide whether or not to stab the King of Denmark has there been so agonizing a political decision." Who said predecessor Dowling was, "the Great Emancipator — he let everybody go free."

Ward The criminal element, with friends in high places because of campaign contributions, and the political establishment struck back.

Eight criminal court judges, led by then-judge Bernard Cocke, controlled finances of the DA's office. They cut off Jim's funds, and Cocke warned him not to embarrass office-holders in the press. "Bring them to trial," said Cocke, "if you have evidence, which I doubt."

Exhilarated by conflict, Garrison joined the issue. The judges, he said, "are like the sacred cows of India . . . rushing to the defense of their institutions." The judges convicted him of defamation and fined him \$1,000. Garrison took it to the U. S. Supreme Court and won an historic reversal: public figures such as judges and, pointedly, district attorneys are open to severe public criticism, said the court. Gervais wanted to take the \$1,000 saved and commission a scary portrait of Judge Cocke to hang in Jim's office. Jim favored the idea, but Klein argued them out of it.

More campaigns followed, always

based on investigations headed by Pershing. For the first time in modern New Orleans, every known lottery owner in the city was jailed. Restrictions were placed on bail-bond operation, and the bondsmen replied with legislation that would, in effect, allow them to avoid forfeiting, say, \$500, if a suspect failed to appear for trial. Garrison said the Legislature was being bribed. The Legislature met eight hours and formally censured him — but the legislation failed. Another victory. Heady days.

It was 1963 and a campaign began to elect Garrison governor. Jim said no, and instead worked feverishly to elect then unknown John McKeithen. "I met this guy," Jim said the day after, "and he impressed me with his honesty and sincerity. He's like a religious man." McKeithen credits Garrison with, "electing me governor. Jim was the only support I had in the first primary. He got me into the runoff." He has since spent many nights in the governor's elegant new mansion. Says Jim, "I got up one morning and walked into the governor's bedroom and looked out the window. It was a nice view. You know? I could grow to like it." McKeithen promised Garrison there would be reforms — oil lease reforms, prison reform, government waste reform.

McKeithen quickly had a chance to show his thanks. Two months before he took office, Garrison clashed with the state parole board.

"The Louisiana Board of Paroles," he said, "repeatedly has turned loose upon the city of New Orleans hardened criminals convicted of every conceivable offense — including possession of a sub-machine gun, white slavery, selling narcotics, and cutting off a man's head." Armed with a prize informer that Per-

shing found in Angola state prison, Garrison held a public hearing. His sarcastic prosecution and the informer's testimony indicated that either paroles could be bought in Louisiana, or that the board was incredibly ignorant of its jobs. Jim said the board must resign, but lame-duck Governor Jimmie Davis said, no, it would be an admission of guilt.

The hearing and the embarrassment of the board outraged John Fournet, chief justice of the Louisiana Supreme Court. He said Garrison was cruelly harassing the board. Garrison, not the board, should quit.

Fournet's temper is evidenced by a 1965 fist fight with fellow justice Walter B. Hamlin in the Supreme Court Building. The nature and, in-lead, the fact of the quarrel, were quickly hushed up.

Garrison replied, "The chief justice complains that this hearing is a fishing expedition. If it is a fishing expedition, then it occurs to me, the thrashing and the turbulence indicate that we have caught hold of a very large fish." McKeithen stepped in and made the conflict moot. He was going to appoint a new board anyway. He did.

Another victory. Garrison had advanced himself politically. He had strengthened his image as an incorruptible crusader for justice. Which (blush) he is. He really is. But he also is a naive babe in the woods when it comes to criminal investigation and, incredibly, a clumsy politician. In 1964, he was soon to lose his two top advisors, Pershing and Frank Klein. So far he had only political ups. But roller coasters always come to a halt at the bottom. Had he finished his ride?

2. Was It Lyndon? After McKeithen took office in May, 1964, he treated Jim nicely and conferred on appointing a new mineral (oil lease) board, prison administration, and parole board. Furthermore, appointments to state jobs in New Orleans would be supervised by Garrison and Willard Robertson — Garrison's financial backer who has made himself a millionaire selling Volkswagens. They would give state appointments to the most qualified men, McKeithen supporters having priority. That's what John said. It ain't what John done. "I quickly found that Marshall Brown and Clarence Dupuy (McKeithen supporters) were making the appointments and I had nothing to say about it," said Jim. "Well," Garrison rationalized, "it's not McKeithen's fault. Brown and Dupuy are doing him in, and he doesn't know anything about it."

The months passed. Organized crime — usually recognized by flagrant prostitution, gambling, and narcotics operations, seemed / *continued on page 90*

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suppressed. Garrison went to Denver, to New York, to Miami, responding to speaking invitations before national organizations. Pershing went to San Francisco, to buy wiretapping equipment. Klein ran the office. The legal part, that is, Pershing kept firm control of his investigators. In Jim's absence, friction grew. Klein gave orders. Gervais countermanded. Klein told Garrison, "Either put Pershing in his place or I quit." Garrison did nothing. Klein quit. After he left, there was only one assistant who would tell Garrison he was wrong, Pershing.

They entered the 1965 re-election campaign together.

Klein announced himself as an opponent to Garrison. Then—surprise! So did Criminal District Judge Malcolm O'Hara. It shocked Jim. Stunned him. Malcolm O'Hara had been their only friend in the fight with the eight judges. He had always helped. "He was a friend of the office," said Jim. "He knew our innermost secrets." O'Hara was securely in office as judge. Why did he think he could beat Jim? "Doesn't surprise me," said Pershing. "Let's get him." Instead, Malcolm got Pershing.

The puzzling thing about O'Hara's fierce campaign against Garrison was his financing. He spent an estimated \$50,000 on campaign ads. Garrison, the popular incumbent, could only raise \$27,000. "I racked my brain trying to figure where his support came from," said Garrison. "We found that some people close to the Johnson administration were helping Malcolm. I said, 'That's it! (Senator Allen) Ellender is collecting a favor from Lyndon Johnson to beat me now so I can't run against him for the Senate.'"

O'Hara centered his barrage on the police-scandals background of Gervais. Gervais quit, Garrison won. "Funny thing about Malcolm's campaign," says Gervais. "We thought the money was coming from Lyndon, but we found out it came from the McKeithen administration." Holy Zok! A betrayal. Is it true?

3. Where's the Action? "I don't know," says Garrison. "I go to John's office in Baton Rouge, and I tell him what is wrong and what I suspect about Marshall Brown and Dupuy and many things. And he is surprised. He looks me in the eye. He looks at me like a preacher. He is sincere and he says, 'Jim, I wouldn't betray you,' and he almost has tears. He shows me his governor's chair and says if I suspect him to take the chair. And I leave believing in him again. All the way back to New Orleans."

It is only in recent months that Garrison admits to friends his disillusionment with his hero McKeithen. "I have

seen too many promises broken; I have seen too many little people stepped upon; I am disgusted with politics, and I am leaving for private practice."

I went to his office in September, my first visit there since Pershing quit. The old atmosphere of excitement, of the dynamic cutting of red tape to get things done, was gone. Instead, I found a typical, tired organ of bureaucracy. Jim included. I asked why there hadn't been any crime-fighting crusades in the past year. "Why bother?" he replied. "I cleaned up Bourbon Street and I didn't get any credit. I never get any credit." I said this was untrue and maybe he was a bit paranoid about it. He lived up to "Paranoiac! Paranoiac!" He picked up the phone and told Klein's successor, Chief Assistant Charles Ward, to come in. "Chandler says I'm paranoiac because I say I don't get credit. Do I get credit? Am I paranoiac?" Charlie said Chandler was wrong.

Pleased, Garrison went on: "Another reason we don't have fights anymore, is because we've beaten the people trying to stop justice in New Orleans. This is the way it would have been from the beginning, if the judges, the legislature—which met for eight hours to censure me but can't reapportion (it's true)—the police, had not tried to block us. I am in no fight because I have no opponents. I am tired of politics and I am quitting it."

The words had the martyred ring of a man who has seen the truth. Life will be uncomplicated. He will be a businessman. He will raise his five children and be good to his wife. Life will be free of conflict and anxiety. Jim was in a bad mood about it.

We talked about a rackets investigation squad Garrison has begun under direction of Police Sergeant Fred Williams. "Loan sharks, fraudulent house repair companies—these exist solely to exploit the ignorant and poor, usually Negroes. They wait for payments to be missed so they can steal the only thing these people have—their property." Jim's mood was improving. He has an intense awareness of injustice. He is revulsed by it. From his idealistic heights, he sees the world in sharply defined terms of good and bad. He believes deeply that his goal in life is to protect the good and help the weak. I think that is the decision he made for his fortieth birthday.

Two weeks after that interview, Aaron Kohn of the Metropolitan Crime Commission leaped on Garrison's back and gouged with his spurs. Garrison wanted a pardon for stripper Bigette; then Garrison was protecting organized crime.

Kohn defines "organized crime" as criminal activity that has political protection. By that he means whores, lottery, narcotics operating openly, secure that police won't arrest them.

They do not operate openly in those

traditional areas in New Orleans because police will and do arrest them. However, when Kohn and the U.S. Attorney refer to New Orleans, they seem to mean metropolitan New Orleans—which includes Jefferson Parish. Political protection exists in Jefferson, manifest in the fact that for years few whores, gamblers, and narcotics agents have been brought to trial. Using Kohn's own definition there isn't organized crime in the political limits of New Orleans. There is in the metropolitan area.

But, the interests that once financed brothels and lotteries in New Orleans may have turned to more subtle operations. Garrison's office is prosecuting a finance company that signs illiterate Negroes to usurious contracts that eventually cheat them of their houses. Other rackets prosecutions, however, move slowly. Thirty to forty complaints are received daily, and there is a backlog of nearly one thousand cases. Why? Some of Garrison's assistant district attorneys seem to oppose investigation of loan companies, fraudulent contractors, and even cheating air conditioning repairmen. The argument is that these are all businesses and Garrison shouldn't interfere. If a guy signs a bad contract, "he's just a victim of his own stupidity." Garrison is unaware of most of this because nobody tells him bad news since Pershing left.

Based on the complaints, and Grand Jury indictments, it seems there is criminal activity in the rackets. And little prosecution. The inference? Protection. And Garrison was diverted from inspecting the rackets by the Kohn quarrel. The new fight exhilarated him. He says now he's certainly not quitting politics and, "people are talking about running me for governor if McKeithen's second-term bid fails."

Meanwhile, as he oscillates between quitting politics and maybe running for governor, he has facing him the task of speeding his bogged-down rackets prosecution. He wants victims to come to his office with complaints. He wants to reduce the 1,000-case backlog. The rackets probe already has caused some office dissension. Considering the general sluggishness, Jim has a hard job ahead. And few laughs to relieve it.

The laughs left with Pershing: like the Great Paperweight Caper. Pershing for months had on his desk a copper thing shaped like a starfish. People would come in, finger it, toy with it, and ask Pershing what it was. He smiled. He said, "That is an electric chair skull cap used to electrocute five men at Angola." It really was.

In one of his absences, it was stolen. Pershing brooded for weeks. Separately, he called in each investigator, each attorney. Suspiciously, he'd tell them, "Why would anyone want something like that? Huh? He's gotta be a pervert."