

For the Defense

Editor's note: Nicholas Lemann's essay "The Case Against Jim Garrison" [January] inspired more letters than any article we have published in recent years, almost all of them critical of Lemann's argument. The most comprehensive of these letters is the following, from journalist and screenwriter Zachary Sklar.

EVIDENTLY GQ HAS forgotten one of the fundamental rules of American journalism: Give the readers both sides of the story. The case for Jim Garrison is not to be found in your pages.

Lemann's glib charges are so sweeping that it's impossible to respond to all of them in a letter. I suggest anyone interested in Garrison's case read *On the Trail of the Assassins*, the former New Orleans district attorney's own account of his investigation. As the editor of this book, and coscreenwriter of Oliver Stone's *JFK*, I take issue with several of Lemann's unfounded assertions.

1. Lemann portrays Garrison as "a pernicious figure, an abuser of government power and the public trust," a D.A. who brought Clay Shaw to trial when "he knew he didn't have a real case," a D.A. who "engaged in a [McCarthy-like] witch-hunt."

The only evidence Lemann presents to support these accusations is that the jury found Clay Shaw not guilty of conspiring to kill the president. Yes, Garrison lost his case, but every D.A. in America loses cases. Garrison, three-term D.A. of New Orleans, and later a judge on the Louisiana state court of appeal, went through the proper legal channels when bringing charges against Shaw. A grand jury of twelve citizens voted to indict him. In a pretrial hearing, a panel of three judges ruled that Garrison had presented enough evidence to bring Shaw to trial.

What happened next is like what happened to Hemingway's old man, who caught a huge fish but found it eaten away by sharks before he could get it to shore. Garrison's investigation was sabotaged by the federal government. According to documents released years later per the Freedom of Information Act (FOIA), the D.A. was followed everywhere by the FBI. His phones were tapped, his offices bugged. Every request for extradition of witnesses from



Oliver Stone

other states was denied—something that had never happened in his five previous years as D.A. His attempts to obtain important evidence, such as Lee Harvey Oswald's tax records and intelligence files, as well as photos and X rays from the Kennedy autopsy, were rebuffed. The U.S. attorney in Washington refused to serve subpoenas on CIA officials Allen Dulles and Richard Helms. Key witnesses died under mysterious circumstances (David Ferrie, Eladio del Valle, Rose Cheram and Lee Bowers, to name a few), and others were threatened (Dallas Deputy Sheriff Roger Craig, Jim Hicks). Some of the D.A.'s files and a summary of his witness list were handed over to the defense before the trial, and the CIA was helping Shaw during it, according to Victor Marchetti, former executive assistant to CIA director Helms.

Some members of the national media jumped all over Garrison long before Shaw was found innocent, and we see their reckless charges recycled time and again—that Garrison bribed witnesses, that he was in cahoots with the Mafia, that he fondled little boys and so forth. Not one of these charges was ever proved, and to Lemann's credit, he didn't trot them out again.

These fabricated stories suggest Garrison was the victim of an old-fashioned smear campaign. A CIA memo dated April 1, 1967, and released under the FOIA, in 1977, lays out a strategy for discrediting critics of the Warren Commission. It urges agency operatives "to employ propaganda assets [writers and editors] to answer and refute the attacks of the critics. Book reviews and feature articles are particularly appropriate for this purpose." The memo goes on to suggest that the critics be labeled "politically interested," "financially interested," "infatuated with their own theories" and "hasty and inaccurate in their research." Sound familiar?

Garrison was attacked so vehemently in the press because he presented a message that most people were unwilling to accept in 1967: The CIA was involved in the assassination of the president. Today, after the revelations of Vietnam, Watergate, the Church Committee, the Iran-Contra scandal, BCCI, etc., it is far easier to accept such a frightening possibility. But many in the mainstream press still cling to the Warren Commission's lone-gunman fairy tale, and they are the most vicious in attacking Jim Garrison.

2. Lemann says Garrison's case had "an aspect of persecution of homosexuals about it. . . ." This is untrue. Shaw was a homosexual, but Garrison, who made a name for

himself as a defender of gay rights when he refused to prosecute a bookseller for carrying James Baldwin's *Another Country*, went out of his way never to mention this in public or at the trial. Garrison considered Shaw's homosexuality irrelevant.

3. Lemann claims there is no evidence linking Oswald, Guy Banister, David Ferrie and Clay Shaw. Again, this is untrue. Four witnesses from Clinton, Louisiana, testified under oath at Shaw's trial that they had seen Oswald, Ferrie and Shaw together in Clinton the day of a voter-registration drive in September 1963. Delphine Roberts, Guy Banister's secretary, told the House Select Committee on Assassinations that Oswald and Ferrie worked out of Banister's office at 544 Camp Street. Jack Martin and David Lewis, both investigators who worked for Banister, confirmed this. Six witnesses told the House Committee that Oswald was in David Ferrie's Civil Air Patrol unit. Several homosexuals, whom Garrison chose not to call to the witness stand precisely to avoid the issue of Shaw's private life, signed sworn affidavits stating that they had seen Shaw and Ferrie together. Shaw denied under oath that he knew Oswald, Ferrie or Banister. The jury evidently believed him. But Judge Edward Haggerty, who presided at the trial, stated publicly that he believed Shaw lied and pulled a "con job" on the jury.

4. Lemann engages in some amusing armchair psychology. According to him, Stone believes in a conspiracy because Kennedy was killed a year after his parents' divorce; Garrison believes in a conspiracy because he's searching for a cold, distant father; and Senator Russell Long believes in a conspiracy because his own father was assassinated. Rather than try to dream up some psychological reason for each of the 73 percent of Americans who now believe there was a conspiracy, wouldn't it be easier for Lemann to admit that most people don't buy the Oswald-lone-gunman explanation because it just doesn't make sense?

5. Lemann worries about the "tremendous embarrassment" Garrison supposedly brought on New Orleans, "that New Orleans was becoming known as the weirdo capital of the United States." Evidently, most citizens of New Orleans do not agree with Lemann's view. After the Shaw trial, Garrison was reelected as D.A. by his biggest margin ever. Later, he was twice elected as a state court of appeal judge. If I were a resident of New Orleans, I'd be proud that my D.A. was the only elected prosecutor in America who had the guts to say the Warren Commission (continued on page 34)

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(continued from page 32) was wrong and conduct his own investigation.

6. Lemann is upset that Garrison hasn't provided all the answers to who killed the president. Well, who has? Certainly not the Warren Commission, which had millions of dollars and a huge staff. Not the House Select Committee on Assassinations, which concluded there was a "probable conspiracy" but did not name names.

Isn't it a bit unfair of Lemann to ask Garrison to do what these governmental investigators could not do? He had a small staff, was forced to battle the government and the press at every turn and had no access to secret government files. None of us, including Garrison and Stone, would have to speculate if those files were opened.

7. Lemann complains that Stone should have made a film about "a real problem... like economic decline or racial tension," instead of a "made-up problem," such as a conspiracy to kill the president, which involved elements in our defense and intelligence Establishments. While Lemann obviously does not agree with Stone's hypothesis, surely he must see that a society dominated by wildly inflated military spending,

covert operations and government lying and cover-ups is a real problem.

Martin Luther King Jr., as early as 1967, recognized that domestic problems such as economic decline and racial tension are directly linked to the vast amounts of money we spend on war and defense. It's too bad that so many otherwise intelligent people still don't get it.

Zachary Sklar
New York City

Nicholas Lemann replies: In my dealings with the assassination-conspiracy community, I've persistently had the feeling that we see the world in such fundamentally different ways that it would actually be impossible to settle an argument. This feeling came back to me with the very first line of Zachary Sklar's letter: Printing both sides of the story has never been a fundamental rule of magazine journalism. Magazines are supposed to be feisty and opinionated. So it's with a sense of futility that I rebut Sklar's points.

1. Even if you accept Sklar's fantastic notion of a massive government effort, including several murders, to subvert Garrison's case (and of course I don't), it still doesn't prove that Shaw conspired to kill Kennedy.

2. Saying Garrison defended that bookseller

doesn't disprove my contention about the Shaw case. Because they were gay, Shaw and Ferrie had a secret life, and Garrison used this to make them look like assassination conspirators. If they had been straight, he wouldn't have had even the flimsy case that he brought to trial. Does Sklar claim that the prancing, mincing Shaw in the movie JFK, so different from the real Shaw, isn't a gay stereotype?

3. I said "it has never been proved" that Oswald, Ferrie, Banister and Shaw knew one another—and indeed, it hasn't been proved. There are no photographs, no letters—only an odd series of brief, onetime alleged sightings by people who didn't know them.

4. I engaged in armchair psychology because I think it's weird to make the leap—as Sklar once again does here—from the idea that the Oswald-lone-gunner theory may be implausible to the idea that therefore the CIA, the FBI, the Pentagon, LBJ and a cast of thousands must have conspired to kill Kennedy. That thought process reveals more about the thinkers than about assassination.

5. If someone has won the favor of the voters of New Orleans, believe me, it does not prove that the person is not embarrassing. To use just the closest at hand of many possible examples, the current governor of Louisiana has twice stood trial on corruption charges, and even though he just won an election, I'm still embarrassed, and I don't think his electoral success proves he has guts.

6. Sklar's script is much more courageous than Garrison's books, because Sklar does actually lay out a theory of the assassination—something Garrison has never done publicly. It's not that Garrison doesn't provide all the answers—it's that he provides none of them.

7. I still don't think JFK addresses a real political issue. Surely, with the end of the Cold War, Sklar doesn't believe that our society is dominated by the military today. In fact, the Sklar-Stone idea that it's healthy for Americans to regard the federal government with profound suspicion and mistrust is a perfect fit with Reagan Republicanism, which I doubt is the stated ideology of the makers of JFK.

CORRECTION

The January GQ contained an article that implied that safety and privacy consultant Gavin de Becker regularly speaks publicly about his clients. Our research confirms that Mr. de Becker and his firm have consistently honored the confidentiality of his clients. Statements about Mr. de Becker were made by a source our writer believed to be reliable but whose credibility and motives have now been called into question. GQ recognizes that Mr. de Becker is a reputable expert in his field.



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