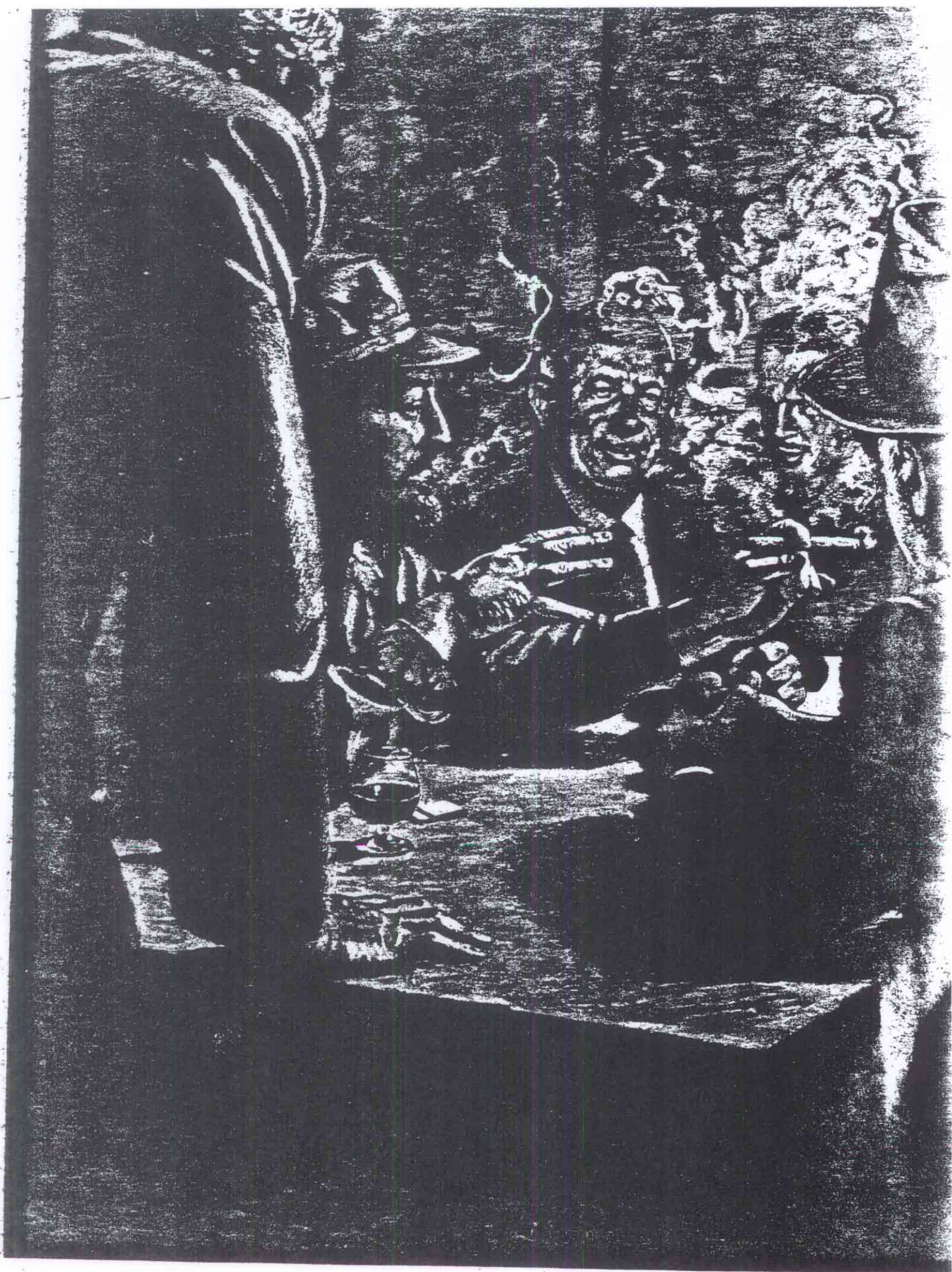


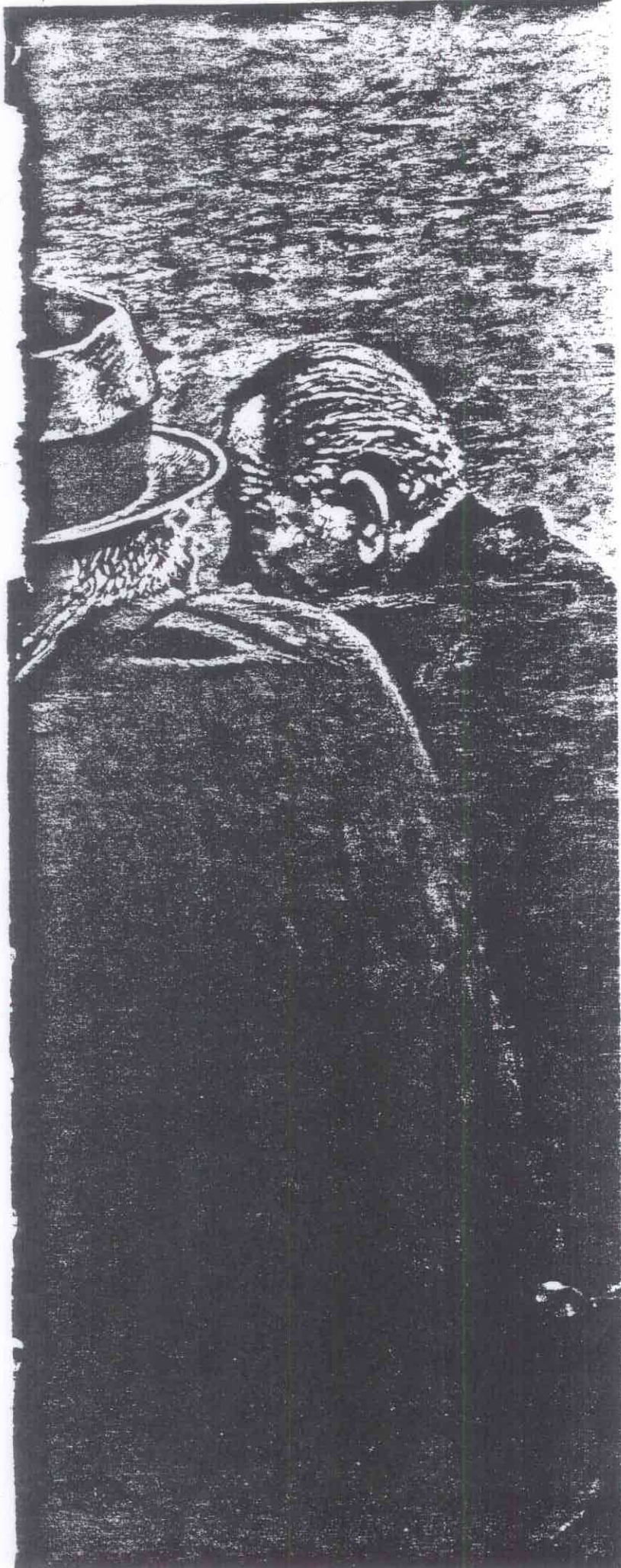
March, 1992

Mr. Weisberg -

The attached
article from February
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Deane Martin





THE QUESTION OF WHO KILLED
J.F.K.—AND WHY—REMAINS
A VIVID SCAR IN OUR HISTORY.
JIM GARRISON, THE NEW ORLEANS
DISTRICT ATTORNEY WHO
PROSECUTED THE CONSPIRACY
AND COVER-UP, TAKES US
THROUGH THE LATEST
THINKING ABOUT THE
PLAYERS AND THE EVENTS
THAT STILL HAUNT
US AFTER 30 YEARS

THE CONSPIRACY THAT WON'T GO AWAY

article By CARL OGLESBY

WE ARE IN a screening room atop the Westin Hotel in New Orleans. It is July 1991 and Oliver Stone is in town filming *JFK*, his latest assault on establishment sensibilities, a movie with the premise that we do not yet know the truth about the assassination of President John F. Kennedy in Dallas on November 22, 1963.

Stone has already filmed the Dallas scenes. He has brought his company to New Orleans because *JFK* is based on the work of Jim Garrison, a young and aggressive district attorney at the time of the J.F.K. murder. The lights dim and an image flickers to life on the screen. The clapper board reads JFK. SCENE 30. We are in a cell in the Dallas County Jail. It is June 1964, seven months after Dealey Plaza.

The prisoner is Jack Ruby, a stocky, nervous

Each of the men pictured here harbored powerful reasons to oppose, even to hate John F. Kennedy. They are, from left, standing, Allen Dulles, Fidel Castro, Nikita Khrushchev, Lee Harvey Oswald, Sam Giancana and Lyndon Johnson. The enduring question is whether or not any of them had a hand in his assassination.

middle-aged man whom the whole world watched murder accused J.F.K. assassin Lee Harvey Oswald on live TV two days after Oswald's arrest. Facing Ruby across a table, erect

closely on the heavy, solemn figure of Warren and, for a moment, it almost is Warren, the right age, the right look of stolid pride.

But the figure isn't Warren at all, of course. It's Jim Garrison. Not Kevin Costner, who plays the part of Garrison in the film, but Garrison himself, the real Garrison,

all six and a half feet of him. No soul in all creation stands more opposed to Warren on the question of what

CONSPIRACY?

Jack Ruby's murder of Oswald was basic to the J.F.K. cover-up. Despite Ruby's ties to the Mafia and his frantic hints of conspiracy, the Warren Commission insisted on treating him as another lone nut, like Oswald.

and somber in a black suit, sits Earl Warren, Chief Justice of the Supreme Court and the reluctant chairman of the Report of the President's Commission on the Assassination of President John F. Kennedy.

It is a tense moment. Ruby has insisted on testifying even though no one wants him to, least of all Warren himself. "Do you understand that I cannot tell the truth here in Dallas?" Ruby says. "That there are people here who do not want me to tell the truth?"

But Warren says only, "Mr. Ruby, I really can't see why you can't tell us now."

Ruby's desperation is palpable. "If I am eliminated," he says, "there won't be any way of knowing." He waits for a reaction, but Warren seems a genius at not getting on Ruby's wave length. He does not ask, "Knowing what?"

Finally, exasperated, Ruby blurts it out: "A whole new form of government is going to take over our country," he says, "and I know I won't live to see you another time. My life is in danger here. Do I sound screwy?"

And Warren's voice resonates in its most mournful basso, the words lingered over, tasted, given all their weight: "Well, I don't know what can be done, Mr. Ruby. Because I don't know what you anticipate we will encounter." Now the camera turns more

GARRISON: DOGGED D.A.

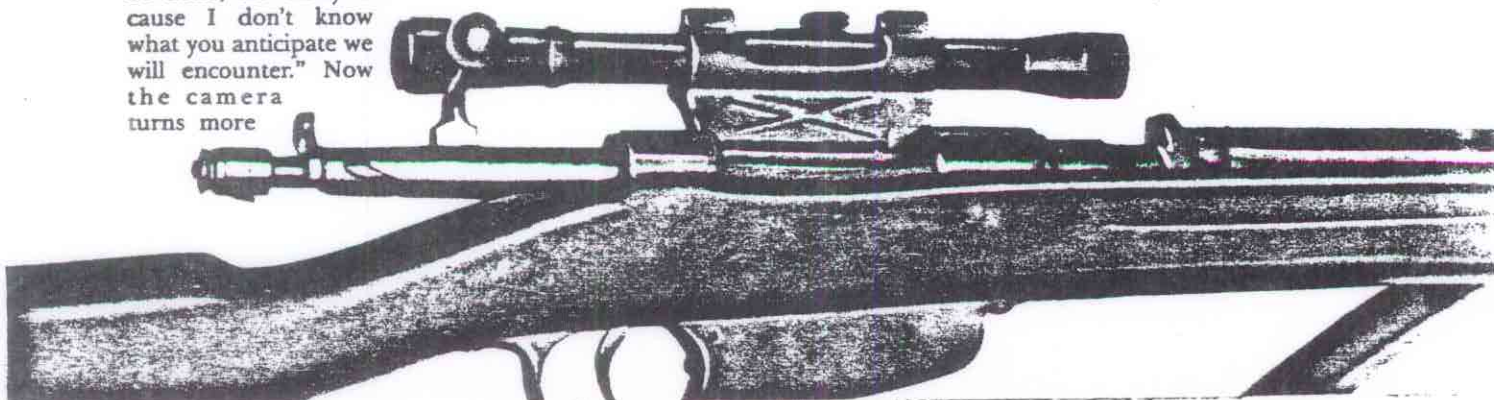


Retired Louisiana judge Jim Garrison is the only prosecutor to bring a J.F.K. assassination case to court. Although he lost the case, he did convince most members of the jury that J.F.K.'s death was, in fact, a coup. In part because of his work, the

Warren Commission's theory that Lee Harvey Oswald was the lone assassin was quickly discredited. Garrison's 1967 belief that Oswald was set up by renegade elements of U.S. intelligence has emerged as the theory favored by most current investigators.



The biggest puzzle: Clockwise from upper left: Richard Nixon left Dallas a few hours before J.F.K. was shot. A Dallas newspaper that day quoted him as speculating that J.F.K. might drop L.B.J. from the 1964 ticket. New Orleans Mafia boss Carlos Marcello despised and feared J.F.K. and his brother Robert, the Attorney General. Clay Shaw defeated Jim Garrison's attempt to expose him as a CIA agent but five years later was identified as such by CIA official Victor Marchetti. David Ferrie, an associate of Marcello's, was also an agent of the CIA involved in anti-Castro plots. Ferrie was often seen with Oswald in New Orleans in the summer of 1963, when Oswald gave the appearance of being pro-Castro. CIA Director Richard Helms was chief of operations in 1960 when the CIA explored the possibility of hiring Mafia hitmen to kill Castro. H. L. Hunt, the powerful and reactionary oil man, believed that J.F.K. was a traitor, a view common in Dallas in 1963.



happened in Dallas than does Garrison, the embattled naysayer of New Orleans, who was one of the first to hold that J.F.K. was felled by conspiracy, that the same conspiracy acted through Ruby to kill Oswald and thus prevent a trial, and that the commission to which Warren gave his name was the front line of the most serious cover-up in American history.

"Warren must have spun madly in his grave," mused Garrison the next afternoon as we talked about this scene. "I can only hope the afterlife has sharpened his taste for irony."

Yet Stone was not just indulging his own taste for irony in casting Garrison in this role. "Between adversaries," Stone told me, "there can sometimes be great respect." Had Stone not seen in Garrison that respect for the adversary, his casting move could easily have backfired. Let Garrison's portrayal of Warren seem the least bit vindictive and the entire movie could come out looking like a cheap shot.

Garrison leaned forward with delight. "I'll swear I never said it," he remarked in his soft New Orleans drawl, "but I think it was a minor stroke of genius for Oliver to offer me this role. The great thing about it is that the screenplay uses Warren's words. And the more I studied them, the more I could see that Warren had developed such empathy with Ruby that he couldn't control himself completely. Although I've never forgiven Warren for what he did, he was a basically warm human being. You could tell he felt sorry for Ruby even as he evaded him. And in that final line, he told him more than he intended to. He confessed his own weakness."

His smile brightened. "And I think I was just the actor to bring this out. If Warren could see it, I think he'd smile."





Garrison's enactment of Warren seems a perfect summation of a career that has



The alleged murder weapon was an early-Forties-vintage 6.5mm Mannlicher-Carcano, with a stiff bolt action and a misaligned sight. Many experts tested it, but no one could duplicate the feat that Warren had imputed to Oswald, who was an indifferent marksman while in the Marines.

ROUND UP THE USUAL SUSPECTS

Who killed JFK? there are as many theories as theorists. these are the classics

suspect	theorist	scenario	motive	strong point	drawback
	L.B.J., Earl Warren, James Jesus Angleton, some right-wingers	K.G.B. recruited Oswald to make the hit	Retaliation for setback in Cuban Missile Crisis	Explains the Warren cover-up, since discovering a K.G.B. hand in J.F.K.'s death meant war with the U.S.S.R.	Would the K.G.B. trust Oswald? Would the U.S.S.R. risk war to promote L.B.J.?
	Jack Anderson, mafioso John Roselli, U.S. Ambassador to Mexico Thomas Mann	Castro recruited Oswald to hit J.F.K.	Retaliation for CIA-Mafia attempts to assassinate Castro	Castro threatened that CIA attempts on his life might "boomerang"	Castro liked J.F.K., disliked L.B.J., had no access to Oswald, faced destruction if caught
	Assassinations Committee, G. Robert Blakey, John H. Davis, David Scheim	Mafia recruits Oswald, maybe also a second "nut"	Stop J.F.K.'s anticrime campaign	Many Mafia threats against J.F.K. are on record. L.B.J. was softer on crime	Mafia had hit men more expert than Oswald, could not have insured cover-up
	Jim Garrison, Fletcher Prouty, Mark Lane, Robert Groden, David Lifton, Jim Marrs and Peter Dale Scott	Disaffected U.S. agents formed cabal, set up Oswald, planted clues pointing to Cuba, U.S.S.R., Mafia	J.F.K. was soft on communism, had lost Cuba, was losing and threatening to pull out of Vietnam	Explains failure of official investigation, frame-up of Oswald	Cannot be proved until government is willing to risk its own legitimacy

WHERE WAS THE FBI?

On November 17, 1963, the FBI was warned that J.F.K. would be murdered in Dallas. Early on November 24, it was warned that Oswald would be murdered that morning. Yet the House Assassinations Committee found that "conspiracy was a blind spot in the FBI's investigation," and that the FBI's work, in this respect, was "seriously flawed."

been to an uncommon degree shaped by irony, by a relationship with the mass media predicated on equal parts of mutual need and rejection. *JFK* is based on Garrison's 1988 memoir, *On the Trail of the Assassins*. This in itself is satisfying to Garrison, now a retired Louisiana appeals-court judge. He finds it satisfying to see himself portrayed by an actor as convincing and warm as Kevin Costner in a movie directed with the artistry and drive of Oliver Stone.

But the mere news that Stone was making this movie was enough to reawaken the media furies that have bedeviled Garrison since he first joined the great hunt for the J.F.K. conspiracy in 1966.

As early as last May, when Stone had barely begun production, *Chicago Tribune* columnist Jon Margolis angrily assured his readers that *JFK* was going to be not just a bad movie but an evil one, "morally repugnant" because it sympathetically treated Garrison's "fantasies" that a conspiracy was responsible for the J.F.K. assassination and that federal agents were probably involved. George Lardner of *The Washington Post* entered the fray with two long diatribes in which he grudgingly admitted that "a probable conspiracy took place," while insisting that this was "not an acknowledgment that Garrison's investigation was anything but a fraud." Then came *Time* magazine to dismiss Garrison as somewhere "near the far-out fringe of conspiracy theorists."

A man less confident of his vision may have been shaken, but Garrison long since has become inured. "Being attacked with such vehemence from so many sides and for such a variety of reasons, I admit, is not conclusive proof that one is right," he says with a smile and a shrug. "But surely it goes a long way."

The controversy that rages around Garrison is set against the fact that he started out so all-American. He was born in 1921 in Denison, Iowa, to a family of tall lawyers that soon moved to New Orleans. At the age of 19, in 1940, he joined the U.S. Army and, in 1942, was commissioned as a lieutenant in the field artillery. He volunteered for flight training and spent the war on the European front flying light airplanes on low-level and often-dangerous spotter missions. He saw combat in France and Germany and was present at the liberation of Dachau.

He came back to New Orleans, earned his law degree at Tulane and joined the FBI, which sent him to Seattle to check out the loyalty of defense employees, a job he soon found "greatly boring." He left the FBI and re-

turned to New Orleans to go into private practice as a trial lawyer. Then he went to work in the district attorney's office. He ran for a judgeship in 1960 and lost, but then, in 1961, quarreled publicly with Mayor Victor Schiro—whom he accused of "laxity in law enforcement"—and District Attorney Richard Dowling, whom he called "the great emancipator" because he "lets everyone go free."

This was the first burst of controversy in his career and it immediately propelled him to a higher orbit. He campaigned for D.A. in 1961, without the backing of the Democratic Party and without a big war chest. But he had the strong support of both blacks and blue-collar whites, a unique coalition in the South of the early Sixties. "To my surprise and to the astonishment of many others," he says, "I was elected."

He moved immediately to make good on his election promises. "If this entailed raising the level of confrontation," he recalls, "my attitude was, well, let the good times roll." He clamped down on organized gambling and prostitution, made Bourbon Street safe for tourists, challenged police corruption and criticized eight criminal-court judges for refusing to approve funds for his fight against racketeering. The judges sued him for defamation of character and won a judgment of \$1000; but he appealed, arguing that elected judges were not exempt from public criticism. He won a reversal.

Jim Garrison was on the map.

So was Fidel Castro.

Castro overthrew Cuban dictator General Fulgencio Batista and took power in 1959. He announced a communist program. Cubans opposed to his government began flocking to Miami and New Orleans. Many of them formed counterrevolutionary organizations with such names as Alpha-66, the Cuban Revolutionary Council, Free Cuba, the Cuban Expeditionary Force and the Cuban Brigade. All were sponsored by the CIA.

Their aim was to reverse Castro's revolution. This was the objective of their major military assault, Operation Zapata, organized by the CIA and the U.S. military. The world came to know Operation Zapata better as the Bay of Pigs fiasco of April 1961. This attempted invasion failed to inspire the mass uprising that was its major strategic premise. The Zapata guerrillas were pinned down on their beachheads without a chance to declare a provisional government. Instead of sending in U.S. military support, J.F.K. opted to cut his losses, standing by as the invasion force was captured and paying a

humiliating ransom to rescue the prisoners. An angry self-pity soon gripped the anti-Castro militants and their U.S. supporters. They blamed Operation Zapata's failure on Kennedy. He had put them on the beach, then fled.

Then J.F.K. betrayed them again, as they saw it, in October 1962, when a spy plane revealed Soviet missile bases under construction in Cuba. In the year and a half since the Bay of Pigs, the CIA had helped the exiles stage a series of commando raids against a variety of Cuban targets. But in the secret deal that ended the Cuban Missile Crisis with the dismantling of the Soviet bases, J.F.K. promised that this activity would end.

This arrangement deeply affected an ultra-right-wing acquaintance of Garrison's named W. Guy Banister, a key player in the anti-Castro games of New Orleans. Banister served in the office of Naval Intelligence during World War Two and after the war joined the FBI, rising to head its Chicago bureau. He left the FBI to become deputy chief of police in New Orleans, then resigned in 1957 to set up a private detective agency. *Forced out*

In 1962, at the time of the Cuban Missile Crisis, Banister was involved in running a CIA training camp for anti-Castro Cuban guerrillas on Lake Pontchartrain, north of New Orleans. Garrison had no idea at the time that Banister was involved in this activity. But he did know that Banister was not just another gumshoe for hire. *bold* *could* *know* *"the lake"*

Guy Banister Associates, Inc., hung out its shingle, according to Garrison, "across the street from the building that housed the local offices of the CIA and the FBI. And across from that building was the New Orleans headquarters of Operation Mongoose." Operation Mongoose was an array of anti-Castro projects being run by the CIA, the Defense Department and the State Department under the coordination of Air Force Major General Edward G. Lansdale. Its CIA component, called Task Force W, was dedicated to the assassination of Castro. Its deepest secret was the fact that the CIA had contracted out his murder to the Mafia. Its headquarters was the meeting place for Cuban exiles coming in from Florida. "They were sleeping in the hallways," says Garrison. *It was not as we need*

Banister's key associate in these anti-Castro operations was a peculiar man named David Ferrie. Ferrie was an ace pilot, a kitchen-sink scientist, an omnivorous reader in the occult, a well-known denizen of the New Orleans gay scene, a militant activist against Castro and a great hater of J.F.K. His on-the-job homosexual activities had cost him *not* *in* *the* *way*

(continued on page 145)

THE CONSPIRACY

(continued from page 78)

his pilot's job at Eastern Airlines, but he had flown several clandestine flights to Castro's Cuba and was part of the training staff at the Lake Pontchartrain guerrilla camp. A rare chronic disease (*alopecia praecox*) having taken all his hair, he wore a wig made out of mohair and drew on his eyebrows with a grease pencil. He worked out of Banister's office, but he also served as a free-lance investigator for G. Wray Gill, a lawyer who represented Carlos Marcello, the Mafia godfather of New Orleans. Ferrie reputedly flew Marcello back into the United States after his deportation by Robert Kennedy in 1961. On the day of J.F.K.'s murder, Ferrie was with Marcello in a New Orleans court as Marcello won a verdict against R.F.K.'s effort to deport him again.

But far stranger still among Banister's associates in the summer of 1963 was a young ex-Marine named Lee Harvey Oswald.

At first look, Oswald seems to be a creature of contradictions. On closer examination, the contradictions become complexities.

There was, on the one hand, the patriotic Oswald, a true-blue if emotionally mixed-up American kid raised in and around New Orleans, New York City and Fort Worth by his widowed (and twice-divorced) mother with the help of aunt Lillian and uncle "Dutz" Murret, a bookie in the Marcello gambling net. As a teenager in New Orleans, Oswald joined the local Civil Air Patrol and there met David Ferrie, its commander, in 1955. He tried to join the Marines but was rejected for being underage. He went home and memorized the Marine Corps manual, and came back to try again as soon as he reached 17 in October 1956, this time succeeding.

Oswald served his three years ably, rated "very competent" and "brighter than most" by his officers. The Marines cleared him for access to the performance characteristics of the top-secret U-2. They put him in a program of Russian-language training and instruction in the basics of Marxism-Leninism, as though he were being prepared for intelligence work. Indeed, a Navy intelligence operative named Gerry Hemming had thought as far back as 1959 that Oswald was "some type of agent." The House Select Committee on Assassinations noted that "the question of Oswald's possible affiliation with military intelligence could not be fully resolved."

On the other hand, there was Oswald the traitor. With only three months to go in the Marines, rather than await the normal discharge process, he applied for a hardship discharge for no good reason

(citing a minor and already-healed injury to his mother's foot), then hurried to the Soviet Union. After two and a half years of Soviet communism, Oswald recanted. Now with a Russian wife and a daughter in tow, he returned to the United States, explaining in a written statement that "the Soviets have committed crimes unsurpassed even by their early-day capitalist counterparts."

So was he a good patriot again? No, now he announced himself to be a member of the Communist Party and became the founding and sole member of the New Orleans chapter of the Fair Play for Cuba Committee, three times passing out pro-Castro leaflets in New Orleans.

Yet, paradoxically, Oswald's frequent companion that summer in New Orleans was the militant anticommunist David Ferrie, with whom he had joined in loud public condemnations of Castro and J.F.K. During this same period, Oswald also spent time with Banister. He stamped Banister's office address on his pro-Castro leaflets and stored his extra copies there. He and Banister twice visited the campus of Louisiana State University and made themselves conspicuous in discussions with students in which their main theme was that J.F.K. was a traitor. Not once during this time did Oswald associate with anyone actually sympathetic to Castro.

Oswald left New Orleans on September 25, 1963, and on the next day in Mexico City, according to the Warren reconstruction, registered as O. H. Lee at the Hotel del Comercio, a meeting place for anti-Castro Cuban exiles. He spent the next several days trying to get visas for travel to Cuba and the Soviet Union. In the process, he got into a prolonged row with a Cuban consular official.

The CIA had the Soviet and Cuban embassies staked out. It was later able to produce several photos of Oswald taken at these sites—as well as to supply tapes of several phone conversations between a Soviet embassy official and a man calling himself Oswald. There was a problem with the photos: They showed a large, powerfully built man in his mid-30s not in the least resembling Oswald. And there was a problem with the tapes: The CIA destroyed them, and the transcriptions contained garbled Russian, whereas Oswald was considered to be fluent in Russian. Even the row with the Cuban official presented a problem: Interviewed by the Select Committee on Assassinations in 1978, the official said his Oswald was not the same one as the man arrested in Dallas. Moreover, two CIA spies working inside the Cuban consulate in 1963 agreed that "the real Oswald never came inside." They told the House Committee that they sensed "something weird was going on" in the Oswald incident.

There is also abundant evidence that Oswald was often impersonated quite

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apart from the alleged Mexico City trip.

Item: An FBI memo dated January 3, 1960, noted that "there is a possibility that an impostor is using Oswald's birth certificate." The real Oswald was in the Soviet Union at this time.

Item: Two salesmen at the Bolton Ford dealership in New Orleans were visited on January 20, 1961, by a Lee Oswald in the company of a powerfully built Latino. Oswald was looking for a deal on ten pickup trucks needed by the Friends of Democratic Cuba. On this date, Oswald was in the Soviet Union.

Item: On September 25, 1963, a man calling himself Harvey Oswald showed up at the Selective Service office in Austin to request help in getting his discharge upgraded from undesirable. On this date, Oswald was supposedly in transit to Mexico City.

Item: A highly credible Cuban *émigrée*, Sylvia Odio, told the Warren Commission that she was visited in Dallas by Oswald and two other men recruiting support for the anti-Castro cause. On the date of this encounter, the Warren Commission placed Oswald either in New Orleans or en route to Mexico.

Item: On November 1, 1963, a man later identified by three witnesses as Oswald entered a gun shop in Fort Worth and made a nuisance of himself while

buying ammunition. The Warren Commission had evidence that Oswald was at work in Dallas that day.

Item: On November 9, 1963, when Warren Commission evidence placed Oswald at home in Irving, Texas, a man calling himself Lee Oswald walked into a Lincoln-Mercury showroom in Dallas and asked to take a car for a test drive. The salesman found the ride unforgettable in that Oswald reached speeds of 70 miles an hour while delivering a harangue about capitalist credit and the superiority of the Soviet system. Oswald, in fact, did not know how to drive a car.

Curiouser and curiouser, this Oswald who was all over the map and all over the political spectrum, in New Orleans and Fort Worth and Austin and Mexico City all at once, here a radical and there a reactionary. What to make of this man?

"This question became a very practical one for me," says Garrison, "on the day the President was killed and Oswald's picture was flashed around the world. As his résumé filled in over the next day and we found that he'd spent that summer in New Orleans, it became my duty as D.A. to see what we could find out about him."

Garrison soon discovered Oswald's ties to Ferrie. He brought Ferrie in for

questioning on Monday the 25th, the day after Ruby murdered Oswald, then turned Ferrie over to the FBI for further questioning. "In those days," Garrison recalls, "I still believed in the FBI. They questioned Ferrie, found him clean and released him with a strange statement to the effect that they wouldn't have arrested him in the first place, that it was all my idea. Then they put a SECRET stamp on their forty-page interrogation report. But what did I know? I had burglaries and armed robberies to worry about. I went back to the real world. I was happy to do so."

Garrison's happy life in the real world came to an end for good about three years later. He at first saw no problem when the Warren Report was published in September 1964, holding that Oswald was a lone nut and Ruby another one. "Warren was a great judge and, one thought, wholly honest." Here and there a few spoilsports—Mark Lane, Edward J. Epstein, Harold Weisberg, Penn Jones, Sylvia Meagher, Josiah Thompson—were discovering problems with Warren's double lone-nut thesis, but Garrison was inclined as most Americans were to go along with it. "It seemed the easiest position to take," he says, "especially since the war in Vietnam was getting nasty and Americans of critical spirit were now caught up more in the mysteries of Saigon than in those of Dealey Plaza."

Then in 1966 came a fateful chance meeting with Louisiana's Senator Russell Long. The conversation turned to the Kennedy case. Long astounded Garrison by saying, "Those fellows on the Warren Commission were dead wrong. There's no way in the world that one man could have shot up Jack Kennedy that way."

Garrison immediately ordered the Warren Report plus the 26 volumes of its hearings and exhibits. He plunged in, dedicating his evenings and weekends to the case.

He expected to find "a professional investigation," he says, but "found nothing of the sort. . . . There were promising leads everywhere that were never followed up, contradictions in the lone-assassin theory that were never resolved."

In particular, he was troubled by evidence that:

- Shots were fired from the so-called grassy knoll to the front and right of J.F.K. as well as from behind.

- The maximum number of shots the alleged murder weapon could have fired was inadequate to account for the total number of bullet holes found in Kennedy and Texas Governor John Connally (who barely survived) unless one of the bullets had magically changed its direction in mid-flight.

- Nitrate tests performed on Oswald when he was arrested supported his



claim that he had not fired a rifle in the previous 24 hours.

• Oswald appeared to have been trained as an intelligence agent in the Marines, which implied that his awkward display of sympathy for communism was phony.

Any one of these possibilities, Garrison realized, was enough to reduce the Oswald-acting-alone theory to ruins. "I was stunned," he says. "There were nights I couldn't sleep."

Finally, in November 1966, as he puts it, "I bit the magic bullet." Basing his jurisdiction on Oswald's 1963 summer in New Orleans, he secretly opened an investigation into the President's murder.

• Of the four New Orleanians of primary interest to Garrison, the most interesting of all was Oswald himself, since Oswald had in a sense become Garrison's client. But he was dead. Next most interesting was Guy Banister, clearly at the center of New Orleans' anti-Castro scene. But Banister had died, too, of a heart attack in 1964.

Third came David Ferrie, quite alive in 1966. Garrison's investigators started compiling a portrait of Ferrie as a talented and impassioned anticommunist, a far-right soldier of fortune whose relationship with the reputedly procommunist Oswald during the summer of 1963 posed a question crucial to the clarification of Oswald's purposes—namely, as Garrison puts it, "What the hell were these guys doing together?"

By reconstructing the 1963 relationships of Oswald with Ferrie and Banister, Garrison hoped finally to make sense of the bundle of contradictions that was Oswald. But he never got a chance to do a proper job of it.

A bright young reporter for the *New Orleans States-Item*, Rosemary James, was routinely nosing through the D.A.'s budget in February 1967 when she noticed some unusual expenses. Garrison's men had spent some \$8000 during the previous three months on such things as trips to Texas and Florida. What could they be up to? A few questions later and she had the story.

D.A. HERE LAUNCHES FULL J.F.K. DEATH-PLOT PROBE read the headline on the February 17 *States-Item*. MYSTERIOUS TRIPS COST LARGE SUMS. James's lead ran, "The Orleans parish district attorney's office has launched an intensive investigation into the circumstances surrounding the assassination of President John F. Kennedy."

In the ensuing pandemonium, Garrison found himself under enormous pressure from city hall and the media. He felt he had begun to build a strong conspiracy case against Ferrie in that Ferrie clearly hated J.F.K. and clearly had a tie to Oswald, but that it was still not time to arrest him. His staff was meeting to debate the timing of Ferrie's

arrest when word came that Ferrie had been found dead in his apartment, killed by a brain aneurysm. The coroner ruled the cause of death as natural, but Garrison saw indications of suicide: an empty bottle of Proloid—a medicine that could have pushed the hypertense Ferrie's metabolism over the red line—plus two typewritten and unsigned suicide notes.

Within hours came a report that Ferrie's militant anticommunist comrade, Eladio del Valle, had been found in a car in Miami, shot point-blank through the heart and with his head hatched open.

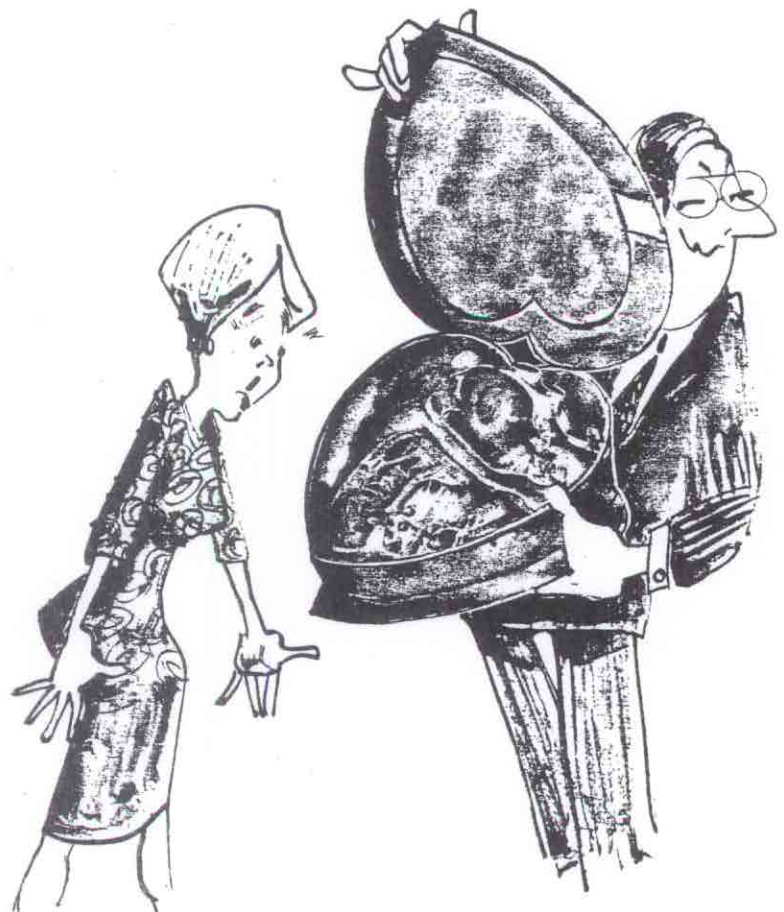
Now what? The stage was filled with enough dead bodies for an Elizabethan tragedy, and two of Garrison's key suspects were among them. Just one other was left.

• Clay Shaw, born in 1913, was one of New Orleans' best known and most impressive citizens, a charming, richly cultivated and cosmopolitan businessman, a much-decorated Army officer during World War Two detailed to the Office of Special Services and a founder and director of the International Trade Mart, a company specializing in commercial expositions. Shaw retired in 1965 to pursue interests in the arts, playwrighting and the restoration of the French Quarter, where he lived. He was a silver-

haired, handsome *bon vivant* with high cheekbones, a ruddy complexion and an imposing six-foot-four frame.

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More important, one of the D.A.'s assistants, Andrew Sciambra, had discovered an Oswald-Shaw link in Clinton, a rural Louisiana town. Dozens of people had seen Oswald in Clinton on two occasions in early September 1963, once as a passenger in a battered old car driven by a young woman and later in a shiny black Cadillac with two other men who waited for hours while Oswald, the only white in a long line of blacks, tried unsuccessfully to register to vote. Five Clinton witnesses testified that the men with



claim that he had not fired a rifle in the previous 24 hours.

• Oswald appeared to have been trained as an intelligence agent in the Marines, which implied that his awkward display of sympathy for communism was phony.

Any one of these possibilities, Garrison realized, was enough to reduce the Oswald-acting-alone theory to ruins. "I was stunned," he says. "There were nights I couldn't sleep."

Finally, in November 1966, as he puts it, "I bit the magic bullet." Basing his jurisdiction on Oswald's 1963 summer in New Orleans, he secretly opened an investigation into the President's murder.

Of the four New Orleanians of primary interest to Garrison, the most interesting of all was Oswald himself, since Oswald had in a sense become Garrison's client. But he was dead. Next most interesting was Guy Banister, clearly at the center of New Orleans' anti-Castro scene. But Banister had died, too, of a heart attack in 1964.

Third came David Ferrie, quite alive in 1966. Garrison's investigators started compiling a portrait of Ferrie as a talented and impassioned anticommunist, a far-right soldier of fortune whose relationship with the reputedly procommunist Oswald during the summer of 1963 posed a question crucial to the clarification of Oswald's purposes—namely, as Garrison puts it, "What the hell were these guys doing together?"

By reconstructing the 1963 relationships of Oswald with Ferrie and Banister, Garrison hoped finally to make sense of the bundle of contradictions that was Oswald. But he never got a chance to do a proper job of it.

A bright young reporter for the *New Orleans States-Item*, Rosemary James, was routinely nosing through the D.A.'s budget in February 1967 when she noticed some unusual expenses. Garrison's men had spent some \$8000 during the previous three months on such things as trips to Texas and Florida. What could they be up to? A few questions later and she had the story.

D.A. HERE LAUNCHES FULL J.F.K. DEATH-PLOT PROBE read the headline on the February 17 *States-Item*. MYSTERIOUS TRIPS COST LARGE SUMS. James's lead ran, "The Orleans parish district attorney's office has launched an intensive investigation into the circumstances surrounding the assassination of President John F. Kennedy."

In the ensuing pandemonium, Garrison found himself under enormous pressure from city hall and the media. He felt he had begun to build a strong conspiracy case against Ferrie in that Ferrie clearly hated J.F.K. and clearly had a tie to Oswald, but that it was still not time to arrest him. His staff was meeting to debate the timing of Ferrie's

arrest when word came that Ferrie had been found dead in his apartment, killed by a brain aneurysm. The coroner ruled the cause of death as natural, but Garrison saw indications of suicide: an empty bottle of Proloid—a medicine that could have pushed the hypertense Ferrie's metabolism over the red line—plus two typewritten and unsigned suicide notes.

Within hours came a report that Ferrie's militant anticommunist comrade, Eladio del Valle, had been found in a car in Miami, shot point-blank through the heart and with his head hatcheted open.

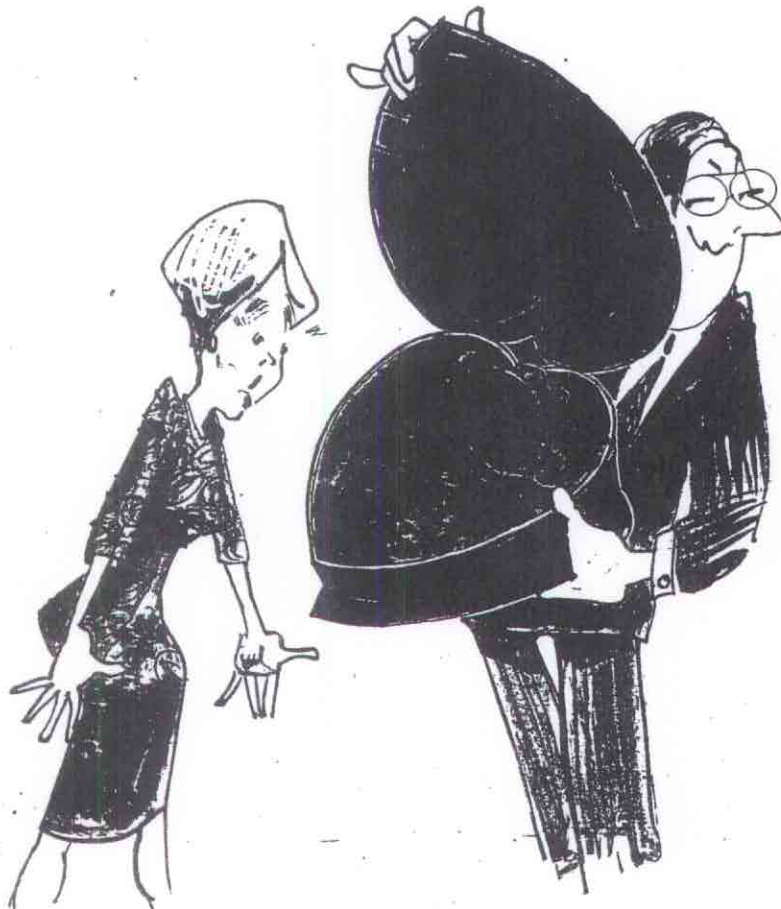
Now what? The stage was filled with enough dead bodies for an Elizabethan tragedy, and two of Garrison's key suspects were among them. Just one other was left.

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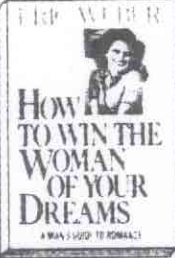
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Oswald were David Ferrie and Clay Shaw. The local marshal, curious about strange Cadillacs in town, traced the license plate to the International Trade Mart. He talked to the driver and later, at the trial, identified him as Shaw.

Garrison knew that such fragments didn't add up to an airtight conspiracy case. When I asked him if he was surprised to lose, he said, "Not really. I'm too good a trial lawyer. So why did I go to trial against Clay Shaw? Because I knew that somehow I had stumbled across the big toe of someone who was involved in one of the biggest crimes in history. And I was not about to become the person who did that and then let go and said, 'Oh, I might be violating a regulation.'"

Looking back, does he think this was an error?

"If it was an error, then it was an error that I was obliged to make."

But Garrison did not leap blindly into the prosecution of one of New Orleans' leading citizens. He first presented his evidence to a panel of three judges. They told him he had a case. Then he presented the evidence to a 12-member grand jury. The grand jury also ruled that there was sufficient evidence to try Shaw. And at that point, the decision was out of Garrison's hands: The law required him to proceed. Shaw's lawyers went all the way to the Supreme Court with an argument that the case should be thrown out, and they lost. After Shaw was acquitted, he filed a \$5,000,000 damages suit against Garrison for wrongful prosecution; the Supreme Court dismissed it.

But Garrison's case ran into many strange problems. One of his assistants provided the list of state's witnesses to Shaw's attorneys. An FBI agent with detailed knowledge of anti-Castro projects in New Orleans refused to testify for the prosecution, pleading executive privilege. The U.S. Attorney in Washington, D.C., "declined" to serve Garrison's subpoena on Allen Dulles, CIA chief at the time of the Bay of Pigs, who was in a position to clarify the relationship between Ferrie, Banister, Shaw and the CIA. The governors of Ohio, Nebraska and other states refused on technical grounds to honor Garrison's requests for the extradition of important witnesses. A federal agent told Garrison privately—but refused to testify—that Ferrie, Shaw and Banister were involved in handling Oswald. A witness critical to establishing that Shaw used the alias Clay Bertrand, a key issue, was not allowed to present his evidence.

Some of these difficulties may have arisen because, as later became known, both Shaw and Ferrie were contract agents of the CIA. This was revealed in 1974 when a former aide to CIA director Richard Helms, Victor Marchetti, noted he had heard Helms wonder aloud if the

CIA were giving Shaw and Ferrie "all the help they need."

Without this knowledge, the jury got the case on March 1, 1969, two years to the day after Shaw's arrest. It took a little less than an hour to conclude unanimously that Shaw was not guilty of conspiring to kill Kennedy. In posttrial interviews, some jurors said Garrison convinced them that a conspiracy existed but not that Shaw had been a part of it. The Garrison who two years previously had promised, "We are going to win this case, and everyone who bets against us is going to lose his money," could now sit down for a long, slow chew.

The loss didn't hurt him at the polls. He recorded his most lopsided victory ever in the elections of 1969.

But the story wasn't over.

Garrison had just risen from his breakfast and was still in his pajamas and robe when the doorbell rang. It was a posse of IRS men, there to arrest him on a charge of allowing pinball gambling in exchange for a bribe.

This was June 30, 1971. About two years later, in August 1973, the trial was held, Garrison arguing his own case (with the donated help of F. Lee Bailey). His defense revolved around one powerful basic point, namely, that the government's star witness against him, his former wartime buddy and colleague, Pershing Gervais, had been bribed by the government to make the accusation.

Garrison was acquitted of the bribery charge as well as of a follow-up charge of tax evasion the government pressed against him in 1974. "A thing like that," he says, "can be enjoyable if you have a cause and you're wrapped up in it. I'd say it was one of the high spots of my life. It was nothing to feel sorry about. I never went to bed with tears on my pillow."

But another kind of attack on Garrison began about this time, most often in the work of other conspiracy theorists who began to wonder why Garrison said nothing about Mafia involvement in the J.F.K. hit. There were Mobsters all around Jack Ruby. The New Orleans godfather, Carlos Marcello, was right in Garrison's back yard. A Marcello lawyer worked with Ferrie. Ferrie was with Marcello the day J.F.K. was shot. Yet Garrison seemed to ignore all this.

The charge is raised by writers (notably G. Robert Blakey and John H. Davis) who champion a Mafia-did-it theory of the crime and who themselves spend little ink on the evidence pointing to renegade federal agents. But Garrison's position on Mafia involvement was reflected in the 1979 report of the Select Committee on Assassinations (Blakey was its chief counsel), which stated that "the national syndicate of organized crime, as a group, was not involved in the assassination." As for the presence of individual Mobsters, Garrison was

among the first to see it. An FBI memo of March 28, 1967, reported that "Garrison plans to indict Carlos Marcello in the Kennedy assassination conspiracy because Garrison believes Marcello is tied up in some way with Jack Ruby." According to another FBI memo, June 10, 1967, "District Attorney Garrison believes that organized crime was responsible for the assassination," the memo going on to explain Garrison's fear that the Mafia wanted to blame the crime on Castro and thus spark a U.S. retaliation that would lead to restoration of the Mafia's control of Cuban casinos.

More recently, Garrison has written that "Mob-related individuals do figure in the scenario." After all, the CIA and the Mafia shared an interest in Castro's overthrow, as is evident in their murderous alliance of Task Force W.

But Garrison does not believe that the Mafia could have set up Oswald, controlled the investigation of the crime and influenced the conclusions reached by the Warren Commission. "The CIA hired the Mafia," he points out, "not the other way around. If Carlos Marcello had killed J.F.K. on his own, he would never have gotten away with it."

The merits of the CIA-vs.-Mafia debate aside, however, this was not a great time for Garrison. He lost a close race in the next election, and in 1974 left the D.A.'s office after 12 years of service. He spent the next few years in what he calls his interregnum, a period of relative quiet in which he wrote his one novel, *The Star-Spangled Contract*, a fictional treatment of his view of the J.F.K. hit. That period ended in his successful campaign for a seat on the Louisiana court of appeals in 1977. He was inaugurated to a ten-year term in 1978 and reelected in 1987. He reached mandatory retirement age of 70 in November 1991.

During the Seventies, the J.F.K. case suddenly shot forward. Watergate and the resignation of President Nixon had already put the country in a mood to listen to conspiracy theories when Mafia boss Sam Giancana was shot down in his home on June 19, 1975, five days before he was to testify to a Senate committee. On July 28, 1976, mafioso John Roselli was asphyxiated, dismembered and dumped into Miami's Dumfoundling Bay. Giancana and Roselli had both been deeply involved in the CIA-Mafia plots. The atmosphere created by these events persuaded the House of Representatives by a vote of 280-65 to enact H.Res. 1540, which established the Select Committee on Assassinations.

That was September 17, 1976. Two and a half years and \$6,500,000 later, this committee reported its findings: that conspiracy was "probable" in the death of J.F.K. and a "likelihood" in the 1968 death of Martin Luther King, Jr. In neither case could the House committee

offer a solution.

But then came the Reagan years. The new Justice Department found the conspiracy evidence unconvincing and decided not to bother about it. And there the case has stood for the past decade—"stuck," as Garrison says, "not for want of something to do but for want of a government with the will to do it."

But Garrison is not resigned.

"Who killed President Kennedy?" he demands, just as though he still expected an answer. "That question is not going to disappear, no matter what the government does or does not do. It may fade into the background sometimes, but something will always evoke it again, as Oliver's movie is about to do now. It's basic to who we are as a people. We can no more escape it than Hamlet can escape his father's ghost."

But what can Hamlet do three decades later?

"There's a lot to do," says Garrison, "and since well over half the American people still gag on the lone-nut theory, there would appear to be a supportive constituency."

Garrison's program:

"First, open the files that the Warren Commission and the House committee classified as secret until the year 2039.

"Second, declassify the House committee's so-called Lopez Report, a 265-page document on Oswald's supposed trip to Mexico. Lopez himself has said he believes Oswald was set up. Why is this report still secret?

"Third, declassify all the files on Operation Mongoose and the CIA-Mafia murder plots. The Mongoose group seems to be at the center of the J.F.K. conspiracy. We need to know every detail about it.

"And, no, these steps will not crack the case, but they will help us understand it better, and we can move on from there."

Someone else who had put so much into such a cause and who had so often been abused for his pains might feel defeated to have to settle for such small demands as these, and to realize that, small as they are, they are almost certainly not going to be met.

But Garrison doesn't see it that way. "The fight itself has been a most worthy one," he says quietly. "Most people go through their lives without the opportunity to serve an important cause. It's true that I've made some mistakes and had some setbacks. But who knows? To manhandle a line from *The Rubiyat*: The moving finger has not stopped moving on yet. The full story's not in."

His smile becomes a beam. A light dances in his eyes.

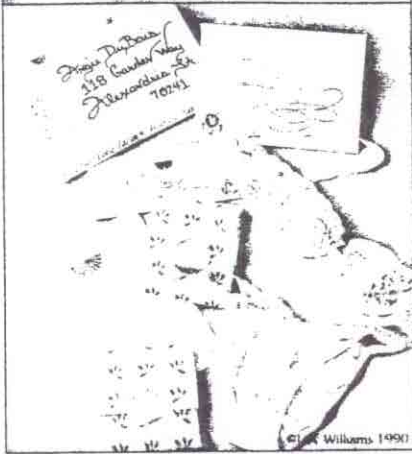
"Clarence Darrow lost the Scopes trial," he says. "But who remembers that today?"



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