

also filed with magazines

vised by persons with CIA affiliations. Epstein, whose book was a converted Cornell University master's thesis—the subject was urged upon him by his mentor, Andrew Hacker—has emerged as one of Garrison's most fervid accusers. His vehicle is *The New Yorker*: in the issue of July 13, he delivered a 25,000-word blast at Garrison, calling the DA's investigation a fraud.

The *New Yorker* article had its genesis over a year ago, when the author showed up at Garrison's office in New Orleans. According to Chief Investigator Louis Ivon, Epstein spent about 48 hours in town, some three hours at the office, and hasn't been seen since. Much of what he writes about has occurred since this touch-and-go visit and is obviously hearsay on his part, yet he writes with the authoritative tone of a participant. Undoubtedly this technique is convincing to his audience, which assumedly is unfamiliar with the intricacies of Garrison's investigation. But to those familiar with the facts, the article is badly slanted.

For example, Philosophy Professor Richard Popkin of the University of California at San Diego, author of the book *The Second Oswald* (propounding the theory of an Oswald double) and "Garrison's Case" in *The New York Review of Books* (September 14, 1967), recently commented on the article:

"I found it a queer mix of facts, half-facts, rumors and very dubious information from people hostile to Garrison. Epstein has compressed all this to make it look like everything's on the same level. I think it would take an awful lot of work to disentangle what he's saying on almost any page as to how much of it has a factual base, how much of it is rumor that he has heard from people, how much of it are charges that have been made by people like [William] Gurvich [who volunteered to work on the investigation without pay, passed himself off as the Chief Investigator, then turned on Garrison] against Garrison, which haven't been substantiated anywhere except by Gurvich's statement of them. And also that he tends to take facts and information and rumors and so on that occurred over a year and a half's period, and compress them all into simultaneous events, so that a statement made by Garrison at one time is pounced upon on the basis of information or statements he made a year and a half later in a totally different context.

So I think it's a quite unfair presentation, which has some factual base, but which also has a lot of very dubious elements in it."

One of the dubious elements is Epstein's version of the testimony of Dean Andrews Jr., a colorful attorney who numbers among his former clients Oswald (who wanted his undesirable discharge from the Marine Corps rectified) and the late David William Ferrie, a central figure in the Garrison investigation. The day after the assassination, Andrews told the Commission, he received a phone call from a man he knew as Clay Bertrand, whom he described as a "lawyer without a briefcase" for local homosexuals. Bertrand asked him to go to Dallas and defend Oswald. Garrison contends Bertrand is Clay Shaw, whom he has charged with conspiracy.

According to Epstein, Andrews initially gave the FBI "several different descriptions" of Bertrand, and finally admitted that Bertrand "was merely a figment of his imagination." Later, before the Commission, Andrews stated that he had recently seen Bertrand in a bar and, Epstein says, described him as "a boy" who was "five feet eight inches" and had "sandy hair." "No other clues to Bertrand's identity turned up, however," writes Epstein, "and Wesley J. Liebeler, a Commission lawyer who conducted the investigation in this area, said he was convinced that no such person existed."

An objective reading of Andrews' testimony, however, reveals that he told the FBI that Bertrand was "approximately six feet one inch to six feet two inches in height, brown hair, and well dressed"—a description that closely matches the tall, aristocratic Shaw. As for Bertrand being a figment of his imagination, Andrews declared, "That's what the Feebees [FBI] put on." He recounted that G-men had pestered him to the point where he told them, "Write what you want, that I am nuts. I don't care." As for his later remark to the Commission's Mr. Liebeler that Bertrand was only five feet, eight inches, Andrews explained that "this time I was looking for the fellow, he was sitting down." Nowhere does he refer to Bertrand as a "boy." Epstein was perhaps confused by his exclamation: "I don't play Boy Scout and measure them."

In his superficial examination of Gar-

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[Assassinations]



EPSTEIN'S GARRISON

TWO SUMMERS AGO a tandem attack on the Warren Report all but relegated that work to the fiction section of your local library. The first was Mark Lane's *Rush to Judgment*, which convincingly demonstrated—using the Warren Commission's own evidence—that Oswald could not have done it alone, and drew the first dim outlines of the conspiracy theory. The second was Edward Jay Epstein's *Inquest*, which exposed the rather shoddy inner workings of the Commission and laid bare the tortured logic it finally employed to dispel notions of a conspiracy.

Both books became best sellers, but their authors have since gone different ways. Lane, who shuttered his law practice and struggled for years to get his manuscript published in the United States (it was first published in Britain), has stumped the country in support of District Attorney Jim Garrison's theory that the assassination was carried out by an anti-Castro paramilitary team super-

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rison's case. Epstein evidently failed to check the police records prepared upon Shaw's arrest. Thoroughly shaken by the arrest, Shaw blurted out, according to Patrolman Thomas H. Hinghorst, that he had used the alias "Clay Shaw." The alias was duly entered on the fingerprint card and on the mugshot.

One of the most interesting characters in the story is CIA's Richard Case, who, a former U.S. Intelligence agent who failed to encounter Oswald in Mexico City in 1957, and had been instructed by his superiors to determine if the rumors of an assassination attempt had any foundation. Nagell says he learned that the first attempt against Kennedy was scheduled for September 26 in Washington, D.C., and that Oswald (who crossed the border into Mexico the day before) was to be set up as the "patsy" and shot in front of the Cuban

Embassy in Mexico City. When the anti-Castro paramilitary team could not penetrate the Presidential security in Washington, Oswald got a reprieve. But Nagell, who says he was sure the attempt would come off but failed to get the FBI to listen, faked a bank robbery in El Paso on September 20 so that he would be arrested and in federal custody when the assassination occurred.

Epstein dismisses Nagell as being mentally unbalanced, noting that "court records indicated that Nagell had suffered brain damage in an airplane crash in 1957" and that, following the bank episode, he was "an inmate of a federal institution for the criminally insane in Springfield, Missouri." As he does so frequently throughout the article, Epstein delivers a version which if developed fully would throw a different light on the matter. Nagell was in a plane crash, but he was given Intelligence

training *after* his recovery, indicating that he had no permanent brain injury. Moreover, the fact that he stood trial implies that he was legally sane. Recently, he was released from Leavenworth Penitentiary—he had been at Springfield only temporarily.

The publication of the Epstein article came at an opportune time for Clay Shaw. Obtaining advance copies, his attorneys entered it as evidence before a three-judge federal panel which was hearing arguments that the DA was "conducting a reign of terror" and "persecuting" the defendant. Apparently the panel was unimpressed, for it unanimously rejected the defense's argument and ordered the case to trial.

If Garrison does get his day in court—a day Epstein has struggled to deny him—chances are his case will hold up better than The New Yorker's brief for the defense.

—WILLIAM TURNER