

The Case of Jim Garrison Versus the Free Press

by Tamara Naccarato

In late 1966, a New Orleans newspaper, the States-Item broke the controversial story about District Attorney Jim Garrison's investigation into a conspiracy to kill John F. Kennedy, and thus began Garrison's battle with the press. Recently, Oliver Stone's movie about the Garrison investigation, *JFK*, has made Stone himself prey to the same critical press Garrison endured from 1966 to 1969. What caused the press to be so critical of Jim Garrison, especially when a 1966 Gallup poll showed that 64% of the population believed more than one man was responsible for the assassination of JFK? Obviously, a majority of the population did not believe the Warren Report, which stated that Lee Harvey Oswald had acted alone in the assassination. Yet at the same time, 63% of this same population did not think there should be another investigation into the assassination, and maybe therein lay the root of an almost overly critical press. <1> However, in order to truly understand what motivated such criticism, it is necessary to go back to the autumn of 1963 ...

For Jim Garrison, the investigation began as a simple inquiry into the activities of Lee Harvey Oswald during his stay in New Orleans prior to the assassination of President John F. Kennedy in Dealey Plaza in Dallas, Texas, on November 22, 1963. What Garrison contends he found soon mushroomed into a full-blown investigation of six overt acts of conspiracy that occurred that fall among Oswald himself: a pilot and known homosexual, David Ferrie; and a respected businessman and representative of the International Trade Mart in New Orleans, Clay Shaw, also a known homosexual although this fact had been conveniently ignored by most.

The evidence which Garrison uncovered demonstrated that Shaw, acting under the alias of Clay Bertrand, met with Oswald and Ferrie on several occasions to plan the assassination of JFK. If what Garrison found could be proved, then his case would render the Warren Commission's findings null and void, for the Commission's report, published in 1964, stated that Lee Harvey Oswald had acted alone when he fired from the Texas School Book Depository on that fateful day. The report also maintained that only three shots were fired, all from Oswald's gun, and that a single bullet hit Kennedy in the back of the head and went on to hit Texas Governor John Connally.

Garrison sought to keep the investigation as quiet as possible, mainly because he simply did not like the press and did not wish to have them around while he was conducting an investigation. However, Garrison also realized the full ramifications of what his case was saying about the U.S. government. Garrison also surmised that Oswald and Shaw may have been carrying out orders from the CIA, the FBI, and the Office of Naval Intelligence. This was further complicated by the fact that Oswald was known to be handing out pro-Castro pamphlets in front of the office of private detective Guy Banister, a former FBI official. He therefore did not wish the government to know about his investigation. Yet, all of that changed when the States-Item ran its article and denounced Garrison for spending \$8,000 of the taxpayer's money secretly. <2>

With the death of David Ferric in February 1967, Garrison's case was severely weakened as now two of his chief conspirators were dead (Oswald being the other). Nevertheless, he arrested Clay Shaw on March 1, 1967. Still, the case did not come to trial until January 1969 because Garrison did not have the evidence he felt he needed to convict Shaw. He had subpoenaed 69 photos and x-rays from JFK's autopsy report, but the head of the National Archives refused to turn them over at the advising of Attorney General Clark. This prompted Garrison, who said during an appearance on the "Tonight Show" that he would die before he let this trial be halted, to motion for a postponement of the trial. However, at the last minute he withdrew the motion and eventually the photos and x-rays were turned over to Garrison anyway.

And so, the trial began on January 21, 1969. Garrison interviewed over 800 perspective jurors in an effort to find people who had not developed any preconceived notions about the assassination, or the Warren Report. <3> Although Garrison himself delivered a 42-minute opening statement, most of the trial work was actually done by James Alcock, an assistant district attorney.

The prosecution's case lay largely on the testimony of four key individuals. The first was Perry Russo, an insurance agent who claimed he had overheard Shaw plotting the assassination with Ferric and Oswald at Ferric's apartment. However, under cross-examination by Shaw's attorney, F. Irvin Dymond, Russo admitted that he had only remembered the details of the meeting after Garrison's staff had hypnotized him and given him Sodium Pentothol or "truth serum."

Garrison's second big witness came to be known as the "mystery witness" because Garrison refused to divulge his identity until he was called to the witness stand. Charles Spiesel, a New York tax accountant, claimed that he had sat with a group of men, including Shaw and Ferric, who were conversing about killing JFK. Spiesel even noted that at one point Shaw commented that "somebody could fly the killer out." <4> However, Spiesel's testimony was rendered irrelevant when under Dymond's questioning, Spiesel admitted that he believed that he himself was the victim of a conspiracy by the city of New York, a psychiatrist, and the Pinkerton Detective Agency. He claimed they had put him under hypnotic spells at least fifty times and that their harassment had forced him to "sell a business under duress and prevented him from engaging in normal sexual relations." <5>

Finally, there was the testimony of two men who stated that they had seen Shaw, Ferric, and Oswald together in the small town of Clinton, Louisiana, that fall. Town Marshall John Manchester and the leader of a local voter registration drive, Corrie Collins, stated they had seen Oswald, Shaw, and Ferric together in a Cadillac limousine. Their testimony, which was very corroborative, was in direct conflict with Shaw's defense that he never knew Ferric or Oswald.

Still, despite the testimony of Manchester and Collins and forty days of trial, Shaw was acquitted on March 1, 1969, exactly two years to the day after his arrest. It took the jury less than an hour to reach a verdict, and when it was all over Clay Shaw was broke and

his reputation lay in ruins. Yet, his was not the only reputation to be ruined. Jim Garrison's reputation had also been destroyed by an extremely critical press.

The Case Against Him

Among those most critical of Garrison were *Newsweek*, *Time*, and NBC. However, CBS, the *New York Times Magazine*, *New Republic* magazine, and *Look* magazine were none too nice either. *Newsweek's* reporter Hugh Aynesworth was perhaps Jim Garrison's biggest critic, aside from Walter Sheridan of NBC. Aynesworth and *Newsweek* proceeded to assail Garrison on almost every issue they could find. The March 3, 1967 issue labeled the investigation and the arrest of Clay Shaw a "carnival," and called Jim Garrison "ambitious and investigation-happy." The article then proceeded to style David Ferric's apparent suicide a "freakish coincidence in a bizarre sideshow" (the coroner later ruled Ferric had died of natural causes).

Later, in May of that same year, *Newsweek* ran an article entitled "JFK 'Conspiracy'" which was extremely harsh on Garrison, claiming he bribed a witness and calling David Ferric a "pathetic suspect anyway." The article states that Garrison admitted helping to kill Ferric and pictured Garrison as "thrashing around for evidence to keep himself in the spotlight." It also contends that Garrison's theory has undergone too many permutations to be credible and maintains that the entire investigation is a "travesty of justice."

On February 17, 1969, an article entitled "Mardi Gras Season" compared the trial to carnival season in New Orleans, styling that the "flamboyant D.A." introduced his "mystery witness to supplement the exotic array of stars who trotted out for public showing." In fact, *Newsweek* became so critical of the Garrison trial of Clay Shaw that it even turned on its fellow members of the press, criticizing various magazines and newspapers for not being critical enough. At the top of its list were New Orleans own *Times Picayune* and the *States-Item*. However, both newspapers feared to editorialize because of a court injunction preventing them from printing anything which might jeopardize the objectivity of the jurors. Therefore, both newspapers waited until after the trial to editorialize.

In point of fact, Garrison's own personality did not help his relationship with the press. A big man who stood six feet six inches tall, he was quickly labeled "Big Jim" and later the "Jolly Green Giant." Garrison was often gruff and abrupt and in his efforts to accommodate the press by revealing everything he turned up, he alienated them. This led many members of the press to assert that Garrison was "grasping for straws" and fabricating evidence.

Time magazine was equally as captious as *Newsweek*. An article run on January 31, 1969, entitled "Sideshow in New Orleans" stated that Garrison's evidence was as "insubstantial as a Louisiana bog," calling Garrison's efforts "circus tactics." The article also asserted what is very difficult to discern, that "what is really on trial here is the Warren Report, not Clay Shaw." A later article claims the entire case was the result of Garrison's "feel for pageantry" and cites the fact that he and Judge Haggerty "paraded the jurors to the press

around a motel swimming pool." <6> Of Garrison's closing argument, *Time* said, "Garrison tried to wrap up with sheer demagoguery what he had been unable to deliver in fact." <7> Another article goes on to declare, "The only clear-cut aspect of the conspiracy against retired New Orleans businessman Clay Shaw was the verdict." <8>

NBC's Walter Sheridan was so hypercritical that he was ordered to allow Jim Garrison air time for a right of reply. CBS, although not as openly critical of Garrison himself, did devote four hours of air time to an investigation into the findings of the Warren Commission. However, the entire program upheld its findings.

Also taking a stand against Jim Garrison were *New Republic* magazine and the *New York Times Magazine*. *New Republic* called Garrison's evidence a "motley collection of flimsy and perhaps fraudulent claims." An article entitled "What Garrison Proved" admits that Garrison did make some good points against the Warren Report but notes that the Warren Report was not on trial. In fact, the article even goes so far as to claim that "even if the jury believed every word of the prosecution, they probably would have still acquitted Clay Shaw." It contends that the trial was the result of Garrison's paranoid fantasies and declares that Garrison himself is just the newest demagogue in a state known for its political corruption. <9>

An article in *New York Times Magazine* written by Edward Jay Epstein is critical of the Warren Report and Jim Garrison. He says that what began as a question of the credibility of the evidence ended as a question of the credibility of the investigators. Still, he calls the New Orleans investigation a complete "fiasco" and criticizes the press for forgetting the whole case too quickly. <10>

Finally, *Look* magazine not only criticizes Garrison's case but even investigates Garrison's background. A New Orleans native, Warren Rogers, wrote an article about "The Persecution of Clay Shaw." In the article, Rogers claims that the "people of New Orleans love fantasy more than any other people," and the Shaw trial is part of it. He compares Garrison to Huey Long and further states that Garrison was dismissed from the Army in 1952 because he was mentally ill. Rogers also says that Garrison fabricated a case in order to have a forum to prove the Warren Report wrong and that Shaw was just a patsy. He quotes Garrison as saying, "This won't be the first time I've arrested somebody and then built my case afterward." The article compares Garrison's tactics to McCarthyism where one is guilty by association. He builds Garrison as a paranoid psychotic, who for all his denials that there is no mob in New Orleans, is himself connected with the mafia. Rogers questions the propriety of Truth and Consequences, Inc., an organization created and funded by private individuals for the purpose of supporting the investigation, after public criticism of expenditures for the investigation threatened to end it. Rogers alleges that the trial was nothing more than a forum to criticize the Warren Report, but in the end it did exactly the same thing as the Warren Report.

It has been said that the Warren Commission began with the premise that Oswald was guilty and then set out to find the evidence to prove it. Why not do the same thing? Why not beat the Warren Commission at its own game? <11>

Although Garrison's tactics may have been a bit unorthodox, much of what he is criticized for is unsubstantiated. In fact, many of the press's allegations are just as unsubstantiated as they claim Garrison's evidence is. Accusations that Garrison was connected with the mafia have not been proved nor has the "impropriety" of Truth and Consequences ever been satisfactorily revealed. There has never been any verification that Garrison actually bribed witnesses nor that his paranoia was unwarranted. However, it does seem likely that Jim Garrison was a man who set off to find out what Lee Harvey Oswald was doing in New Orleans prior to his assassination of JFK and wound up stumbling upon what looked to be a conspiracy. At any rate, it did seem highly unlikely that the Warren Report was true. Upon learning of the CIA and FBI connections, it is not hard to believe a government cover-up may have been instigated. If all this was indeed the case, it certainly seems likely that a conspiracy of some sort had occurred. Given these theories, it is even more easy to understand how the Shaw trial could escalate to a trial of the Warren Report.

The Case for Him

In point of fact, when one reads about the investigation, one does begin to wonder what the photos and x-rays of JFK's autopsy have to do with Clay Shaw. After all, Garrison was not trying to prove Shaw actually killed JFK. He was only supposed to prove that Shaw was part of a conspiracy to kill the president. Some magazines such as *Ramparts*, the *L.A. Free Press*, the *New York Review of Books*, and *Playboy* did give Garrison the benefit of the doubt. In fact, an article in *Ramparts* even went so far as to show why the photos and x-rays of JFK's autopsy report, as well as trips to Dallas and Oswald's gun were necessary for the trial of Clay Shaw. It contends that it was first necessary to prove the Warren Report wrong in order to prove that JFK could have been the victim of conspiracy and that more than one gunman could have been involved. Indeed, the article is highly critical of the U.S. government. <12>

The *Ramparts* article is also very critical of the press, especially NBC and *Newsweek*. The author of the article, William Turner, says the press has created a negative image of Jim Garrison which just is not true. Turner assumes the evidence against Clay Shaw is more valid than what others say, and he definitely believes there was a conspiracy. After reading the article, there can be little doubt that a conspiracy did in fact exist, so convincing is the evidence which Turner presents, most of which he gleaned from Garrison's own files and then investigated for himself. However, the article does not really prove that Clay Shaw played a role in the conspiracy, which was the exact problem that Garrison faced.

In the words of Edward Jay Epstein, writer for New York Times Magazine, "Garrison's cause was also championed by far-out periodicals and journals like the Los Angeles Times and the New York Review of Books." <13> Yet, other magazines such as *Playboy*

also cast a favorable glance toward Jim Garrison. In fact, a senior editor stated in a memorandum to Hugh Hefner,

Even if he's wrong (which is possible), even if he's insincere (which I doubt), even if the accusations about his impropriety are true (which seems not to be the case), Shaw is going to trial in October (1967) and the interview (coming out two or three weeks before it begins) will be very big news. <14>

The Middlemen

Among those who seemed to retain some objectivity in their reporting of the investigation were New Orleans own *Times-Picayune* as well as the *New York Times*, and the *Saturday Evening Post*. However, as noted before, the *Times-Picayune* could not print anything too critical because of pre-trial bans. Still, the newspaper was only mildly critical, and as one would expect, is very detailed in its coverage. The newspaper held back from commenting on Garrison and reported the facts. Yet, it is quite obvious from reading the articles that there was not a good rapport between the newspaper and Garrison, as the *Times Picayune* did not hesitate to report in its facts how it was treated by Garrison. Garrison was known for interrupting press conferences and cursing at *Times-Picayune* reporters. Given this fact, the *Times-Picayune* can hardly be faulted if many of the facts it did present seemed to shed a little negative light on the investigation.

The *New York Times* devoted extensive coverage to the investigation and trial; however, most of the articles were not major headlines and could be found in the back pages of the newspaper. The newspaper's articles present only the pertinent facts, yet one gets the feeling that the newspaper is generally unbelieving that Clay Shaw is guilty. Still, as with the *Times Picayune*, there are no slanderous attacks upon Jim Garrison personally, nor are there attempts at presenting the story satirically as in *Newsweek* or *Time*.

Finally, the *Saturday Evening Post* also remained distinguished in its coverage. The *Post* presented a skeptical examination of the case in the beginning, but reported nothing more for quite some time, seemingly "unaware of the growing public interest in the assassination controversy." <15> However, it soon began a new investigation with many cover stories. Yet, it reserved its harshest criticisms of Garrison for its editorial section.

Today

Today, as one *New York Times* article pointed out, "Twenty-eight years after Kennedy's assassination, conspiracy theories refuse to die." <16> Part of this is due to Oliver Stone's new film *JFK*, about the Garrison investigation. It has revived interest in the assassination. However, over the years many polls have been taken which show that fewer than one-third of the American people accept the findings of the Warren Commission. <17> Yet, the criticism which Stone and the movie have recently undergone suggest that the press is still highly critical of Jim Garrison. Indeed, the *Times'* article, which begins with a discussion of the movie *JFK*, immediately moves on to discuss the theories of a communist and a mafia conspiracy. The article labels Garrison's

government conspiracy as the "most bizarre" and points out that critics argue that it is a "paranoid vision of America, one in which a fascist elite murdered the president."

Perhaps Americans shall never know the real truth behind the assassination of JFK. One thing that is now known is that Clay Shaw was indeed a CIA contact. Still, conspiracy theories will swirl until the CIA, the FBI, and Congress release all files related to the assassination. Saying that much of the information in the reports it gathered is full of rumors that will only muddy the matter further, the House plans to disclose all its documents only in 2029. <[18](#)>

Perhaps then and only then will Americans find out if the harsh treatment of Jim Garrison by the press was justifiable. Garrison himself has written a book entitled, *On the Trail of the Assassins*. Yet, as one might predict, it too has been criticized. Even after all the documents have been made public, there will still be those who believe there has been a government cover-up, and there will still be those who are critical of Jim Garrison.

Notes

- 1 George Horace, *Gallup Polls 1935-1971* (New York: Random House, 1972), January 11, 1967.
- 2 "Garrison Predicts Success for Probe," *Times-Picayune*, (February 19, 1967), 2.
- 3 "Shaw Acquitted in Conspiracy Trial," *New York Times* (March 1, 1969), 25.
- 4 "More than a Man in the Dock," *Time* 93 (February 14, 1969), 29.
- 5 "More than a Man in the Dock," p. 29.
- 6 "More than a Man in the Dock," p. 28.
- 7 "Garrison's Last Gasp," *Time* 93 (March 7, 1969), 23.
- 8 "Garrison v. the People," *Time* 93 (March 14, 1969), 29.
- 9 "What Garrison Proved," *New Republic* 160 (March 15, 1969), 9.
- 10 Edward Jay Epstein, "The Final Chapter in the Assassination Controversy," *New York Times Magazine* 6 (April 20, 1969), 31.
- 11 Warren Rogers, "The Persecution of Clay Shaw," *Look* 33 (August 26, 1969), 60.
- 12 William W. Turner, "The Garrison Commission on the Assassination of President Kennedy," *Ramparts* 6 (January 1968), 43.
- 13 Epstein, p. 116.

14 Epstein, p. 119

15 Epstein, p. 118.

16 Clifford Krauss, "Twenty-Eight Years after Assassination, Conspiracy Theories Refuse to Die," *New York Times* (January 5, 1992), 18.

17 Krauss, p. 18.

18 Ibid.

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