



ON THE TRAIL OF THE ASSASSINS

MY INVESTIGATION
AND PROSECUTION
OF THE MURDER OF
PRESIDENT KENNEDY

JIM GARRISON

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PROSECUTION OF THE MURDER
OF PRESIDENT KENNEDY

By Jim Garrison

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Dedication

THIS BOOK IS dedicated to the following members of the New Orleans district attorney's staff who served during the 1960s: the late Frank Klein, Andrew "Moo Moo" Sciambra, James Alcock, Louis Ivon, D'Alton Williams, Alvin Oser, and Numa Bertel.

They never stopped fighting to bring out the truth. They only ran out of time.

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Introduction

THIS IS NOT just another of the many books analyzing the dry evidence in the assassination of President Kennedy. It is, instead, a chronicle of the experiences of one man who tried to get to the truth about the murder and prosecute those responsible for it. I write not as a critic but as a participant, a prosecutor and an investigator.

At the time of the assassination on November 22, 1963, I was district attorney of New Orleans. Because the accused assassin, Lee Harvey Oswald, had resided in New Orleans the summer before the assassination, I was immediately drawn into the case. More than three years later, in March 1967, my investigation culminated in the arrest of Clay Shaw, director of the International Trade Mart and fixture of New Orleans high society, on charges of conspiracy to murder John Kennedy.

In the months leading to Shaw's trial in 1969 I publicly suggested that members of the United States government's intelligence community, including Shaw, were responsible for the assassination and had carried it out in order to stop President Kennedy's efforts to break with

Cold War foreign policy. While the jury accepted my argument that there had been a conspiracy, it was not then aware of Shaw's role as a clandestine C.I.A. operative. Unconvinced of his motivation, the jury acquitted him of the charges.

History has a way of changing verdicts.* Twenty-five years ago most Americans readily accepted the government's contention that the assassination was a random act of violence. A lonely young man, his mind steeped in Marxist ideology, apparently frustrated at his inability to do anything well, had crouched at a warehouse window and—in six seconds of world class shooting—destroyed the President of the United States.

When that explanation was announced, shortly after the assassination, the country was in profound shock. We had suddenly lost a very special leader whose personal attributes—freshness, youth, humor, style, intelligence, warmth—had made each of us feel renewed pride in the presidency. The whole country mourned as we watched the now-familiar images of Lyndon Johnson being sworn in as President, the solemn funeral, the grieving first family, Oswald shot by Jack Ruby in the basement of the Dallas police station on national television. Saddened and outraged, Americans wanted an answer. And we got one. The Dallas police closed the case almost immediately, convicting Lee Harvey Oswald without trial. The F.B.I. agreed, virtually closing the case in a matter of weeks. And the Warren Commission, appointed shortly after the assassination, added its official stamp of approval less than ten months later.

But time has undone the official explanation that most Americans at first believed. There were too many contradictions, too many witnesses, too many photographs and motion pictures taken at the scene, too many skeptics. As time passed, previously unheeded witnesses were located, investigative reports of the assassination were found to be false, and other evidence was found to have been altered or destroyed. Even the concealment of assassination evidence for 75 years by the federal government could not prevent independent critics and researchers from uncovering gaping holes in the Warren Commission

* Clarence Darrow lost the Scopes trial, but who remembers that now?

report. By 1967, two-thirds of the public did not accept the conclusion that Lee Oswald was the lone assassin.

In the 1970s the new Freedom of Information Act opened more doors. Material that federal agencies had stored away in their files—believing it would remain secret forever—became available to the public. Since that time able critics have done considerable research. Many books have raised incisive questions about the official story and disclosed new and troubling evidence. Yet much of this information remains unknown to the majority of Americans. For example:

- Five days before the assassination the New Orleans F.B.I. office received a telexed warning that an attempt would be made to assassinate the President in Dallas at the end of the week. The Bureau did not pass on the warning to the Secret Service or other authorities. Shortly after the assassination, the telex message was removed from the file drawer of the New Orleans office of the Bureau.
- The great majority of witnesses at Dealey Plaza in Dallas heard repeated rifle fire coming from the grassy knoll in front of Kennedy. In the chase that followed, the Dallas police apprehended three men and marched them away under shotgun arrest. However, the numerous news photographs of their arrest were never published and no record remains of their mug shots, their fingerprints, or their names.
- On the day of his arrest, Lee Oswald was given a nitrate test, the results of which showed that he had not fired a rifle in the previous 24 hours. This fact was kept secret by both the federal government and the Dallas police for ten months.
- For more than five years, the film of the assassination taken by eyewitness Abraham Zapruder was concealed from the public and kept locked in a vault by *Life* magazine. This moving picture showed Kennedy being slammed violently backwards—clear evidence of his being struck by a rifle shot from the front.
- Approximately an hour before the arrival of Kennedy's motorcade, Jack Ruby, the man who later murdered Lee Oswald, was observed alongside the grassy knoll, unloading a man carrying a rifle in a case. The statement of Julia Ann Mercer, the witness to that event, was altered by the F.B.I. to make it appear that she had been unable to identify Ruby as the man. This fraudulent alteration has never been explained or even denied by the federal government.

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- After the President's body was subjected to a military autopsy, his brain disappeared. The brain, which is still missing after 25 years, had been immersed in formalin to harden it and might have shown from what directions the head shots came. Photographs and x-rays of the autopsy, which might also have resolved the issue, were never examined by the Warren Commission.
- The pathologist in charge of Kennedy's autopsy at Bethesda Naval Hospital burned in the fireplace of his home the first draft of the autopsy report.

Such revelations, while not widely disseminated, did eventually force the House Select Committee on Assassinations to conduct another investigation from 1976 to 1979. Its official conclusion, citing acoustical evidence, was that there probably had been a conspiracy to murder President Kennedy—and that more than one man had been shooting at him. However, the investigation was limited and made no further attempt to determine the forces behind the assassination.

This book accepts the responsibility that the House Committee bypassed. Based on my experiences as a district attorney who actively investigated the assassination and on my continuing research since then, I offer in the final chapter an informed historical speculation about what happened—who killed John Kennedy and why. I do not claim, however, to have all the answers about the assassination. No individual could. To uncover the whole truth would require an open-ended, honest federal investigation—the kind that has not taken place to date.

At the outset, I must underscore the fact that the details of the assassination—who pulled a trigger, from what building, what kind of gun, and so forth—are no longer my primary concerns. The assassination was an enormously important event. But even more important, in my view, is what happened after—ratification by the government and the media of an official story that is an absurd fairy tale.

Immediately after the assassination, the federal government and the major media adopted the posture of two giant ostriches, each unyielding to reason, each with its head firmly lodged in the sand. Having ratified the lone assassin theory, they refused to acknowledge any facts

that might discredit it and attacked anyone who offered a different explanation.

It was not difficult to figure out what their dilemma was. For the government and the major media to have acknowledged what virtually everyone knew (that Kennedy had been fired at by a number of guns) would have put an end to the sacred pretense that the President's assassination was a chance occurrence. To have acknowledged a conspiracy would have led inevitably to the question of why it had occurred. There then would have followed recognition that there had been powerful opposition in the government to President Kennedy's efforts to end the Cold War. His desire to withdraw from Vietnam, for example, would have been revealed. Correspondingly, the role of those who dragged us into nine years of war in Vietnam also would have become clearer.

When I tried to bring some of these profoundly disturbing connections to light, the United States government and the major media came down hard on me. Both before and after the trial of Clay Shaw, I was denounced by government officials and the mass media for suggesting that members of our own intelligence agencies might have conspired to kill the President. I was vilified in the press as a publicity-seeking politician, a charlatan, and a communist. The federal government brought false charges of corruption against me while I was in the midst of a re-election campaign for district attorney. Although I was found innocent in court, I narrowly lost the election. Thus the government succeeded in its attempt to remove me from office.

In the hostile climate of that time, it was impossible to communicate my view of all that happened. Nearly twenty years later that has changed. We have been through the Vietnam War, Watergate, and the Iran/*contra* affair. We have learned much about our intelligence agencies and what they have done in our name. Assassination by our C.I.A. is no longer inconceivable; it is established historical fact. The existence of off-the-shelf covert government operations is acknowledged in congressional hearing rooms and on national television. In this more open atmosphere it is time—for history's sake and for the sake of the future—for me to tell the full story of my investigation and allow a new generation to consider it.

As a result of my investigation of the Kennedy assassination and my

experiences afterwards, my life and consciousness were changed forever. This book is really about that process of change—of growing disillusionment, anger, and knowledge. My experience as a prominent player in the historical events prevents it from being typical. But our entire country shared, to varying degrees, my change of consciousness. A quarter century later, it is possible to see that the assassination and cover-up by the government and the media were watershed events for this country. They represented the loss of innocence for post-war Americans, the beginning of the current era of discontent and distrust in our government and our most fundamental institutions.

I hope this book will help the younger generation to understand better the political, social, and historical consequences of the assassination and the subsequent cover-up. Today, we still live with those consequences—a continuing and ominous Cold War, a deceptive secret government, a docile press, a pervasive cynicism, and corruption. To bring an end to this era in which the lies of our elected government and the covert operations of our secret government threaten the very survival of our society, we must begin to see the Cold War and our national security in a new light. Our relationship with the Soviet Union and other communist nations must be reconsidered and put into a realistic perspective that looks forward to a new century rather than backward to the 1950s.

In his short three years as President, John Kennedy had already begun to change our attitudes and fundamental assumptions about the Cold War. His adoption of a more enlightened, less polarized view of the earth and its inhabitants, I believe, may have led John Kennedy to his death.

However, it also showed us a way to avoid global catastrophe. In re-examining his tragic assassination 25 years after it occurred, we should not forget his enduring legacy, articulated so eloquently at American University in June 1963: “. . . if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.”

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The Serenity of Ignorance

I WAS WORKING AT MY DESK in Criminal Court, as district attorney of New Orleans, when the door flew open and my chief assistant rushed in. "The President has been shot!" he yelled. It was just past 12:30 p.m., Friday, November 22, 1963.

Today, a quarter of a century later, I remember my shock, my disbelief. After I grasped what Frank Klein was telling me, I clung to the hope that perhaps Kennedy had merely been wounded and would survive.

Frank and I headed for Tortorich's on Royal Street in the French Quarter. It was a quiet, uncrowded place where they kept a television set in the dining room. On the way, the car radio announced that John Kennedy had been killed. The remainder of that trip was spent in absolute silence.

At the restaurant the midday customers were staring solemnly at the television set mounted high in the corner of the room. I felt a sense of unreality as the unending reportage flooded in from Dallas. There was very little conversation at the tables. A waiter came up, and we ordered

something for lunch. When it arrived we toyed with our food, but neither of us ate anything.

The information coming from the television was inconclusive. Although the Secret Service, the F.B.I., and the Dallas police, along with an enormous crowd of onlookers, had all been at the assassination scene in Dallas, for at least two hours the crisp voices of the newscasters provided no real facts about who the rifleman or riflemen had been. However, we were hypnotized by the confusion, the unending snippets of trivia, the magic of the communications spectacle. Concerned with what had happened to the President and with our own hurt, no one left the restaurant that afternoon. The business and professional men who had come for lunch cancelled their appointments. Frank and I made our calls to the office and returned to the television set.

Then, well into the middle of the afternoon, the arrest of the accused assassin suddenly was announced. Approximately 15 Dallas police officers had caught him while he was seated in a movie theatre a considerable distance from the assassination scene. The delayed arrest burst like a bomb on the television screen, and the long silence in the restaurant ended. You could feel the sudden explosion of fury, the outburst of hate against this previously unknown young man. His name was Lee Harvey Oswald.

While Frank Klein and I were transfixed in front of the television set at Tortorich's, a most unusual incident occurred at Guy Banister's office about 12 blocks away, on the other side of Canal Street. At least, it was unusual for Banister, a former special agent in charge of the Chicago office of the F.B.I., a deputy superintendent of police in New Orleans, and a man who had a lifetime reputation as a rigid exponent of law and order.

I knew Banister fairly well. When he was with the police department, we had lunch together now and then, swapping colorful stories about our earlier careers in the F.B.I. A ruddy-faced man with blue eyes which stared right at you, he dressed immaculately and always wore a small rosebud in his lapel.

Although he enjoyed an occasional martini at the International House, Banister had never been known to drink heavily during the