

Jim Garrison: Trump Before Trump

By Donald H. Carpenter

This March marks the 50th anniversary of one of the great miscarriages of justice in US history: the persecution of Clay Shaw by New Orleans District Attorney Jim Garrison.

It is an unprecedented and Byzantine saga by any standard. Today it may seem slightly less bizarre because the occupant of the Oval Office—like Garrison—is a conspiracy theorist and pathological liar, one who finds the likes of [Roger Stone](#), [Michael Levin](#), and [Alex Jones](#) significant and credible.

But the story ought to be recounted on this anniversary, if only as a reminder that what Richard Hofstadter memorably called the “paranoid style of politics” is not exclusive to the right. It has had—and continues to have—more than its share of purveyors, practitioners, and cheerleaders on the left.

Origins

Legend traces the genesis of Garrison’s probe back to a chance conversation in November 1966 between the DA and US Senator Russell Long (D-Louisiana), when they found themselves sitting next to each other on a commercial airline flight. Russell’s father, Louisiana Governor Huey Long, Jr. (D), had been assassinated in 1935, and the senator was skeptical of the *Warren Report*.

Since the report’s release in September 1964, dissatisfaction with the Warren Commission’s findings had been steadily mounting, with numerous books and articles questioning the accuracy of the panel’s conclusions appearing early in the fall. Although the precise date is unknown, it is accurate to say Garrison secretly began his investigation around the time of his encounter with Long. Their conversation either encouraged or precipitated the DA’s interest in the assassination.

The question of origin sometimes overlaps with the question of legitimacy. Some critics later maintained that Garrison only launched his probe to divert attention from an investigation by *Life* magazine (and other media) into organized crime's influence in Louisiana. Others insist that Garrison had a genuine interest in the Kennedy assassination all along, and that it was the increasing number of publications critical of the *Warren Report* that incited the district attorney to exercise his almost unlimited power to launch an investigation.

Garrison began by picking up three already spent leads. One had to do with an oddball individual named David Ferrie who was a pilot, formerly employed by Eastern Airlines. Ferrie habitually made extreme political statements, and had been arrested a few years earlier for allegations of sexual activity with an underage male. Shortly after the assassination, a Ferrie acquaintance named Jack Martin alleged that Ferrie, who had gone to Texas just before the assassination, might have been the getaway pilot for accused assassin Lee Harvey Oswald. The FBI had interrogated both Martin and Ferrie in 1963, eventually dismissing the allegations as nothing more than the drunken rants of a man (Martin) who had an axe to grind with Ferrie. Three years later, Garrison decided to take another look at the story.

Another dead lead Garrison picked up had to do with a colorful, rotund, jive-talking New Orleans attorney named Dean Andrews. In November 1963, the attention-seeking Andrews had maintained that he received a call from a mysterious client named Clay Bertrand soon after Oswald's arrest. Bertrand supposedly asked Andrews to Dallas and represent Oswald. But Andrews, who was under medication recovering from an illness in a hospital, had been unable to reach Dallas before Oswald was killed by Jack Ruby. Andrews contacted the FBI and related the story to them, but could only identify Clay Bertrand in vague, contradictory terms. The FBI was unable to locate such a person and dropped the matter, along with hundreds of other leads that did pan out.

The third thread of Garrison's investigation had to do with local anti-Castro Cubans. While living in New Orleans during the summer of 1963, Oswald, who was sympathetic to Fidel Castro's revolution, had attempted to infiltrate a group of anti-Castro Cubans; presumably the information Oswald gleaned was going to help him make his case for a visa to travel to Cuba. But the ruse was discovered, leading to a street scuffle between Oswald and several of the Cubans, at which time Oswald was arrested. Garrison arranged for several of these Cubans to be questioned again and polygraphed. The Cuban angle, it should be noted, overlapped somewhat with the Ferrie lead, as Ferrie had attempted to join anti-Castro efforts in the early 1960s. Cuban activists had been suspicious, however, of both his general temperament and sexual inclinations.

There was dissent within Garrison's office about proceeding with the investigation at this early state. Some top staffers, such as Charles Ward, were instantly skeptical and doubted that the investigation would ever lead anywhere. But the New Orleans DA also had a crop of assistant district attorneys and investigators who were willing participants. One of those, James Alcock, would eventually become the lead prosecutor in the case. Another, Andrew Sciambra, would be involved in many of the worst shenanigans. A third, John Volz, was involved in the first few months of the investigation, dropped out for a long period, and then resumed his involvement in the late stages of the litigation.

Desultory Results

When David Ferrie was re-interviewed at length, he again denied any knowledge of the assassination, denied that he had ever known Oswald, and explained his trip to Texas the same way he had explained it in 1963. He had gone to the Houston area, not Dallas, and had traveled with two young friends who could vouch for his story. Garrison's men nonetheless monitored Ferrie's activities after the interview and contacted some of his friends.

The anti-Castro Cuban angle fared no better. The Cubans fought the notion they had any involvement in the assassination. They resisted all efforts to implicate them, and were critical of and sarcastic about Garrison's investigation. One of them even alerted the FBI to the investigation because they believed it was fraudulent, well before the first big story appeared in the local newspapers.

Speculation regarding Dean Andrews's mysterious Clay Bertrand, soon focused on Clay Shaw, a prominent, gay (though closeted) businessman. From 1946 through 1965, Shaw had managed the International Trade Mart, an organization instrumental to the city's aspiration, beginning in the mid-1940s, to vastly increase trade through its port and become international in outlook. The widely-admired Shaw was a fixture on the New Orleans business and social scenes, his six foot four inch, broad-shouldered frame and close-cropped white hair noticeable in any setting. Shaw was also known as a pioneer in the post-war restoration of the city's old French Quarter, having bought, remodeled, and sold more than a dozen properties in that historic neighborhood. Following his retirement in 1965, Shaw had led a quiet life, traveling, visiting, and writing a play or two.

Andrews had described his mysterious client, Clay Bertrand, as a man who often hired him over the phone to assist young homosexuals who had been arrested for pandering or solicitation. Although Andrews remained extremely contradictory about Bertrand's age and appearance, he also gave Garrison the impression that Bertrand dealt with Latinos. Clay Shaw was gay, had dealt frequently with Latinos, and was known to speak Spanish.

Oswald at the Trade Mart

Although other individuals were considered by Garrison's team, this was the process of elimination whereby they eventually decided that Shaw was most likely Bertrand. A contributing factor may have been the coincidence that when Oswald passed out pro-Castro leaflets downtown in September 1963, he had done so in front of International Trade Mart.

During December 1966 and January 1967, Garrison focused primarily on the anti-Castro Cubans and David Ferrie. Shaw was summoned to the district attorney's office shortly before Christmas, however, and questioned in a friendly manner. He was asked if he knew David Ferrie, and about his knowledge of the Cuban consulate that had

formerly rented space in the International Trade Mart. Shaw replied that he did not know Ferrie, and indicated that the consulate had been allowed to stay for several years even after getting behind on its rent after Castro took power in 1959. Regarding Oswald, Shaw said that he had been told about the demonstration at the time, but had never actually met the accused assassin of President Kennedy.

By this time, while Garrison was convinced that Shaw was Bertrand, Shaw aka Bertrand was still seen as tangential to the probe. That changed in early to mid-February 1967, when someone in Garrison's office, probably Andrew Sciambra, fused together the Ferrie and Bertrand leads. A green and unproven assistant (this was Sciambra's first case, having just been hired), Sciambra began pressing Ferrie about whether he knew Clay Shaw or Clay Bertrand.

The Story Breaks

On 17 February 1967, the *States-Item*, New Orleans's scrappier afternoon newspaper, published the first extensive story about Garrison's investigation. The story provoked a news firestorm, as media outlets large and small sent reporters flocking to New Orleans. After all, the thinking went, a district attorney would not pursue the case without sufficient reason. *He must have something* was the common refrain. Garrison even interested *Life* magazine in his investigation. In exchange for an exclusive story to appear in *Life* at the proper time, reporter Richard Billings was given exclusive behind-the-scenes access to the investigation as it was unfolding. This unprecedented arrangement was of no small moment. At that time *Life* and its sister publication, *Time*, "propel[led] that national conversation."^[1]

Events began to occur at a dizzying pace after the *States-Item* story appeared. Garrison held a news conference where he explained the general nature of the investigation, promised that arrests of individuals would soon follow, and that convictions would be attained—though he was coy about details. A reporter quickly identified Ferrie as one of the probe's targets and interviewed him. Ferrie maintained his innocence, said that he was being hounded by Garrison's investigators, and admitted that the stress and strain was enormous.

Jim Garrison

As reporters continued to flood New Orleans, the ever-available Garrison persisted in making stunning assertions with an equally stunning casualness. He had solved the assassination, his office knew the entire story, and all would be revealed at the appropriate time. At this point in time one of Garrison's working theories was that the assassination amounted to a homosexual "thrill-killing" because of the alleged involvement of Ferrie and Clay Shaw, although Shaw had yet to be named in print as a co-conspirator.^[2]

On February 22, five days after the investigation was publicly revealed, David Ferrie was found dead in his residence. The coroner's report indicated that he died from

a brain aneurysm, but Garrison hinted that the death was a suicide, and proclaimed Ferrie “one of history’s most important individuals.” Some of the DA’s own investigators, by this time, were hoping Garrison might use Ferrie’s untimely death as a serendipitous excuse to close an investigation that was going nowhere. That was not to be. Garrison doubled down.^[3]

A young man named Perry Russo, a New Orleans native living in Baton Rouge, surfaced on the heels of Ferrie’s death. Russo maintained that he had written a letter to the district attorney’s office indicating that he had known Ferrie, and also told Louisiana reporters that Ferrie had talked about assassinating President Kennedy. Russo added that he had not known or heard of Oswald until after November 22nd, nor did Russo even names Clay Bertrand or Clay Shaw. That would soon change, however, after Garrison dispatched Andrew Sciambra to Baton Rouge.

Over the few days, Russo’s story evolved under Sciambra’s tutelage (Sciambra having already linked Shaw to Ferrie). Russo’s account was elicited with the help of sodium pentothal, the supposed truth serum, and on three occasions he was put under hypnosis to help him recollect details. Eventually Russo was taken to Shaw’s residence on February 28, and under the pretense of being an insurance salesman, knocked on the door. When Shaw answered, Russo identified him to Garrison’s men as a man he had seen at Ferrie’s residence several years earlier.

Shaw was summoned to the district attorney’s office on March 1, questioned over several hours, and then, to his astonishment, arrested for conspiring to assassinate John F. Kennedy. Released on bond, Shaw spent several hours later that evening with his longtime civil attorney, Edward Wegmann, discussing not only the absurdity of the charge but some grave personal concerns.

Shaw had never revealed his private life, which included that he was not only gay, but also involved in role-playing activities that might shock many, and make him vulnerable, publicly, to criminal charges.

The Long Road to Exoneration

Shaw soon retained a legendary New Orleans criminal attorney, F. Irvin Dymond, in addition to the aforementioned Edward Wegmann, Edward’s brother William, and William’s partner, Salvatore Panzeca. This team would defend Shaw against the criminal conspiracy charge, and later, press civil litigation that all told would take more than a decade.

At the preliminary hearing scheduled for mid-March, prosecutors were required to lay out enough of their case to win an indictment of Shaw. The main witness was Perry Russo, who now maintained that in September 1963 he had attended a gathering at Ferrie’s residence where Oswald, Ferrie, and Shaw (using the name Clay Bertrand), among others, discussed assassinating Kennedy. A jail inmate and narcotics addict named Vernon Bundy also testified that he had seen Oswald and Shaw together at Lake Pontchartrain in New Orleans in 1963. The coroner who performed the autopsy on Ferrie

also testified, as did a doctor who had performed the hypnosis sessions on Russo. A panel of judges did not dare stand in the way and bound Shaw over for trial.

Media scrutiny, which had been high but almost entirely credulous since the *States-Item* story, entered a new stage now that Garrison had been required to disclose specific elements of his general theory. Reporters discovered that a memo Andrew Sciambra had written after his first meeting with Perry Russo bore little resemblance to what Russo was now claiming, viz., that Shaw (aka Bertrand) had known Oswald, and that there had been a gathering at Ferrie's residence where the assassination was discussed. Meanwhile, individuals who had known Ferrie came forward and reported that Garrison's office had pressured them to say that Ferrie and Shaw knew each other. James Phelan, writing in the *Saturday Evening Post*, and Hugh Aynesworth, writing in *Newsweek*, were among the first journalists to expose the fissures in Garrison's case. *Life* magazine, for the time being, stuck with Garrison, Billings having become invested in the story and a true believer. But there were rumblings of discontent at the magazine's New York headquarters. It just so happened that one of Time Inc.'s most esteemed and long-time reporters, Holland McCombs, was Clay Shaw's good friend. McCombs maintained the charges were preposterous.[\[4\]](#)

The trial was initially scheduled for September. In the meantime, the mercurial DA could not stop talking about the case, with each allegation more outlandish than the last. Garrison ratcheted up his criticism of the *Warren Report*, eventually maintaining that Oswald (in contradiction to the DA's own theory) had *no* involvement in Kennedy's assassination. And most importantly, after reading a news article that first appeared in an obscure left-wing Italian newspaper, *Paese Sera*, known for publishing Soviet *dezinformatsiya*, Garrison came to believe that Clay Shaw was a high-ranking CIA operative. Therefore CIA itself was implicated in the president's assassination.[\[5\]](#)

In June, NBC News broadcast a prime-time documentary highly critical of Garrison's investigation and case against Shaw. It summarized the problems with witness intimidation and inconsistencies in Russo's testimony—including the fact that both Russo and Vernon Bundy had failed polygraph tests.

Perry Russo

Additionally, the broadcast said that NBC had identified the mysterious Clay Bertrand, and he was not Clay Shaw. As notable as the documentary was for its substance, even more meaningful was its chief investigator: none other than Walter Sheridan, Robert F. Kennedy's most trusted aide before and during his years as attorney general. The documentary amounted to a denunciation of Garrison and his tactics by the brother of the late president, even as RFK steered clear of the controversy.

Garrison and his investigators shrugged off all criticism and pressed on, searching for additional witnesses for the prosecution. Meanwhile, the trial date in September was bumped back six months at the request of Shaw's defense team. Shaw's attorneys then petitioned for a change of venue, attempting to get the matter transferred into federal court on the grounds that Shaw's civil rights had been violated and the entire investigation was fraudulent. That legal wrangling continued throughout 1968, and the

trial did not commence until Shaw's legal team had exhausted the appeals process all the way up to the US Supreme Court.

Finally, in mid-January 1969 Clay Shaw's day in court arrived, the trial lasting until the early morning hours of 1 March 1969. Perry Russo repeated his testimony about the conspirators' gathering, Vernon Bundy repeated his story of seeing Oswald and Shaw at the lakefront. Other witnesses unearthed by Garrison's team also testified, ultimately bumping the number of individuals who maintained that Shaw had known either Oswald or Ferrie to more than half a dozen. The prosecution also presented witnesses who testified to a connection between Shaw and the name Clay Bertrand.

Yet Shaw's attorneys partially discredited most of the witnesses, and thoroughly discredited several others. The one who took the heaviest blows was Russo, who eventually was forced to concede that he had not really heard talk of a conspiracy, and that David Ferrie had never asked him to keep silent about the alleged gathering. During many days of testimony, the name of Clay Shaw went unmentioned, as the proceeding turned into a trial of the *Warren Report* rather than the defendant. The Zapruder film of the assassination was shown in public for the first time, and key witnesses such as Abraham Zapruder, Marina Oswald (Lee's widow), and Dr. Pierre Finck (one of the autopsy doctors) took the stand. Thus, when Clay Shaw finally appeared under oath to state that he had known neither Oswald nor Ferrie; had never met or been a client of attorney Dean Andrews; and had never used the alias "Clay Bertrand," his testimony was strangely anti-climactic.

In less than an hour, the jury returned a verdict of not guilty, seemingly bringing Shaw's ordeal to an end. Two days later, however, Garrison—still persuaded he had a CIA operative in his grasp, although he dared not introduce an Italian newspaper clipping as evidence—re-indicted Shaw on perjury charges related to his denials of knowing Oswald and Ferrie.

Garrison's persecution limped along for two years until January 1971, when a federal judge issued a permanent injunction against the New Orleans DA, prohibiting him from prosecuting Shaw on any charges related to the assassination. Unbeknownst to observers at the time, Perry Russo met with Shaw's attorneys one evening and effectively recanted his identification of Shaw as being at the supposed conspiracy gathering in 1963. Later Russo explained that he had been pressured into this recollection by Andrew Sciambra. On appeal, the injunction was upheld by the Fifth Circuit Court of Appeals, and when the US Supreme Court refused to hear the case Garrison was finally defeated legally, although he had long since lost the case in the court of public opinion.

Seeking legal and financial redress, Shaw's attorneys filed a civil suit against Garrison, Russo, and others. But as the suit was picking up steam in the summer of 1974, Shaw died of cancer at the age of 61, his life painfully shortened after years of hounding by a demagogue masquerading as a prosecutor. Shaw's attorneys were so invested in the righteousness of their client's cause that they sought to keep the case going, even though under Louisiana law, such a personal injury lawsuit could only persist after the plaintiff's death if he had a spouse, parents, children, or siblings. Shaw had never married, had no children and no siblings, and both parents had predeceased him. Again the case wound its way to the US Supreme Court, but this time the court ruled effectively in favor of Garrison. After more than eleven years, the sorry saga seemed at a merciful end.

Garrison was unapologetic, although he acknowledged that perhaps he should have shut down the investigation after Ferrie's death. None of his associates seemed to relish their affiliation with the case. Even the lead prosecutor, James Alcock, failed to strenuously defend the case, suggesting that he had merely put the facts before a jury so that it could decide, and he had no issue with the outcome. For its part, Shaw's defense counsel struggled to find a rationale for Clay Shaw's ordeal, and some redeeming lesson or meaning.

In the late 1980s, Garrison wrote his own account of the case, *On the Trail of the Assassins*, to no acclaim. The book was riddled with striking inaccuracies and outright lies. Garrison placed himself in the courtroom when Clay Shaw took the stand, when in fact he had absented himself and declined to cross-examine the alleged mastermind of the conspiracy. Garrison also pretended that he had only found out *after* the 1969 trial about Shaw's alleged work as a CIA operative—even though a journal kept by *Life's* Richard Billings irrefutably proves the DA learned about this spurious allegation very soon after the [Paese Sera](#) article was published in March 1967.^[6]

Garrison's memoir would have been consigned to the dustbin but for a chance encounter in Cuba between his publishers and film director Oliver Stone. *On the Trail of the Assassins* was the basis for the Stone's fever dream "JFK," released in 1991. To a degree unimaginable in 1969, the well-crafted film made the DA's investigation respectable once again. Stone proved to be the cinematic equivalent of Garrison's audacious mendacity as a district attorney. Indeed, more than 25 years after the premiere of "JFK," the film remains a source of great pride for Stone, ostensibly for "hit[ting the central nerve core of the establishment]." That "JFK" rehabilitated a '60s demagogue; portrayed Shaw as profoundly guilty even though he was declared innocent; presented a theory of the assassination that was and is clap-trap; and featured, at its core, a lie concocted in the KGB's disinformation factory, is of no consequence.^[7]

The one salutary effect the film had was to pressure Congress into enacting the John F. Kennedy Assassination Materials Act of 1992, which eventually resulted in the declassification of nearly all federal records pertaining to the assassination. Today these records are preserved (along with archival documents from other sources) in a special collection at the National Archives. The FBI, CIA, House Select Committee on Assassinations, and Justice Department documents have not been kind to Garrison. Together with the letters of Clay Shaw and Garrison's own records, the paper trail damns the prosecutor who perpetrated this crime against an innocent man.

Like Joe McCarthy a decade before him, Garrison stands exposed as that rare breed in American politics: the demagogue who stokes paranoia and peddles conspiracy theories. But now the formerly unthinkable has happened: a man of Garrison's ilk occupies the Oval Office.

Donald H. Carpenter is the author of the definitive [Man of a Million Fragments: The True Story of Clay Shaw](#) (2014).

Washington Decoded

[1] Sydney Ember, “Time Inc. Plots a Future Beyond Its Heyday, as Suitors Line Up,” *New York Times*, 6 March 2017.

[2] Donald H. Carpenter, [*Man of a Million Fragments: The True Story of Clay Shaw*](#) (Nashville, TN: Donald H. Carpenter, 2014), 296.

[3] *Ibid.*, 297.

[4] Patricia Lambert, [*False Witness: The Real Story of Jim Garrison’s Investigation and Oliver Stone’s Film*](#) (New York: M. Evans & Company, Inc. , 1998), 82-83.

[5] Max Holland, “[The Lie That Linked CIA to the Kennedy Assassination](#),” *Studies in Intelligence*, Fall-Winter 2001, No. 11, 5-17.

[6] Holland, “[The Lie That Linked CIA to the Kennedy Assassination](#),” 9-10, 16.

[7] Kristopher Tapley, “[Oliver Stone and Kevin Costner Look Back at the Legacy of ‘JFK,’ 25 Years Later](#),” *Variety*, 20 December 2016.