

Shaw Held For Trial in JFK Plot

Warren Report Rejected; 2 Judges Call It Hearsay

By George Lardner Jr.
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NEW ORLEANS, March 17—Clay Shaw was ordered held today for trial on a charge that he conspired to assassinate President John F. Kennedy.

Three judges of the Orleans Parish Criminal District Court concluded a four-day preliminary hearing by tossing the Warren Commission report aside and ruling there was probable cause for Shaw's arrest earlier this month. Two of the judges characterized the report as full of hearsay and contradictions.

Senior Judge Bernard J. Bagert announced the decision in a terse, two-sentence ruling that capped a day of bizarre testimony.

"This Court finds," he said, "that sufficient evidence has been presented to establish probable cause to believe that a crime has been committed; and further that sufficient evidence has been presented to justify bringing into play the further steps of the criminal process against the arrestee, Clay L. Shaw."

Garrison Scores

The decision was a feather in the cap of flamboyant District Attorney Jim Garrison, who claimed last month to have the assassination "solved beyond any shadow of a doubt."

He had asserted that President Kennedy's death was the result of several plots and that Lee Harvey Oswald who, the Warren Commission said, acted alone, did not even fire the fatal bullet.

The white-haired Shaw, a 54-year-old bachelor, listened to the white-haired Garrison. He was ordered released on the same \$10,000 bond posted after his arrest March 1.

The trial may be months away. Next step will be for Garrison to secure a formal charge against Shaw, probably by filing a bill of information.

There is no appeal from a preliminary hearing since Garrison could have lodged a formal charge even if the judges had ruled in Shaw's favor. Garrison has not explained why he asked for the preliminary hearing, which is usually a defense stratagem.

Defense Overruled

The judges refused to accept the Warren Report in evidence despite a Louisiana statute that, Shaw's lawyers protested, made it admissible in any court in the state.

"If we could accept the Warren report as factual," Bagert said near the end of the hearing, "we've wasted a whole week of time."

"It's fraught with hearsay and contradiction," asserted Judge Matthew S. Braniff.

Only Judge Malcolm V. O'Hara, whose disagreement with his colleagues, had become increasingly apparent on other rulings, dissented.

The three judges, however, presented a united front in ordering Shaw held for trial. They deliberated for 33 minutes.

Garrison has charged that Shaw conspired here in 1963 with Oswald, free-lance pilot David W. Ferrie and others not yet named to murder the late President. Shaw has denied knowing Oswald or Ferrie; he has also denied posing as "Clay Bertrand," an alias Garrison has accused him of using to cover up a seamy side to his private life.

Argued in Vain

Shaw's attorneys argued, futilely, that the testimony against the businessman was "unbelievable and unworthy of belief," coming from a young insurance salesman who had once been under psychiatric care, and a "junkie" from the Orleans Parish prison whom Garrison called to the witness stand today. The heroin addict testified, under cross-examination, that he first told the District Attorney's office his story only yesterday.

Shaw's attorneys complained that Garrison had produced nothing more than uncorroborated testimony of a conspiratorial conversation and no evidence at all of an overt act to carry out the alleged plot.

Garrison presented only two substantive witnesses at the hearing. Today's was Vernon Bundy, a 29-year-old Negro inmate of the parish prison and a self-admitted heroin addict with jargon to match.

Bundy testified that he was sitting on the seawall at the New Orleans lakefront in the summer of 1963, about to give himself a "fix" when, he swore, he saw Shaw and Oswald together. He identified Shaw in the courtroom, Oswald from an artist's sketch.

"I put two caps of heroin in the cooker," Bundy testified. "I'm looking all around because I'm skeptical." At this point, he said, a black sedan drove up to a nearby parking lot and "a fella get out and walks toward me."

"Then I am skeptical," Bundy said. "The guy passes in back of me. He tells me 'it's a hot day,' see." Bundy said the man continued on down the seawall when "this young fella . . . what I would call a beatnik or a junkie . . ." approached from the other direction.

The two men, he said, conversed for awhile when he heard the "young fella" exclaim, apparently of his wife, "Well, what am I gonna tell her?" He said the other man

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- DeLoach _____
- Mohr _____
- Wick _____
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- Callahan _____
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- Felt _____
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- World Journal Tribune (New York) _____
- The Sun (Baltimore) _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
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answered, "Don't worry." and started what looked like a roll of money in the young man's pocket, which was already filled with pamphlets.

Tells of Pamphlets

After the two left, again going off in opposite directions, Bundy said he treated himself to his morning "fix," then happened on one of the pamphlets that had fallen out of the young man's pocket.

"They were yellow . . . something about Cuba," he said, raising an implicit allusion to Oswald's pamphleteering for the Fair Play for Cuba Committee here.

Bundy said he wrapped his syringe and needle in one of the pamphlets, then stayed around the lakefront until his jag began wearing off.

Bundy drew a five-year probationary sentence last year for attempted theft, on condition that he go to the Federal Narcotics Treatment Center in Fort Worth. He was released, but turned himself in to authorities here about nine days ago "when I felt myself going back on the stuff."

Bundy said he first told his story yesterday when three guys from the District Attorney's office . . . they got in touch with me" at the parish prison.

"You never told anyone about this before?" asked F. Irvin Dymond, another attorney for Shaw.

"No, never," Bundy said.

Hypnotized 3 Times

Bundy was preceded at the witness stand by Dr. Esmond Fatter, a family physician with a soporific voice, who testified that he put Garrison's star witness, Perry Russo, under hypnosis three times in the past three weeks, most recently last Sunday, two days before the hearing started.

Garrison's assistants declared they did it to improve Russo's memory of a party at Ferric's flat in September of 1963. Then a college student, Russo swore that the party wound up with Ferric, Oswald and Shaw discussing an assassination plot.

Dr. Fatter said he left Russo at Sunday's session with a post-hypnotic suggestion. Before bringing Russo out of his trance, Fatter said, he simply told him: "You will be amazed at how acute your memory will be in the next few weeks."

it will be the truth as you see it. All you will be doing is to tell the truth, Perry . . . (now) I'd like you to open your eyes with a smile."

Fatter also described how he put Russo in a trance at a March 9 session. He said he told Russo to visualize a staircase (it turned out to have 21 steps), step down it, "deeper and deeper into a trance . . . go down the hall, open a door and go into a time tunnel spinning and spinning, and when he stopped he would be in September."

The State, Assistant District Attorney James L. Alcock concluded, had presented "enough evidence to tip the scales."