

(Mount Clipping in Space Below)

# ANDREWS LOSES BID TO QUASH INDICTMENT

Dean Adams Andrews Jr. today lost a bid to have his perjury indictment thrown out, and more witnesses will testify tomorrow in his bid to have District Attorney Jim Garrison and his aides removed as his prosecutors.

Andrews, on trial before Criminal District Judge Frank Shea, is accused of lying before the Orleans Parish Grand Jury in connection with Garrison's probe of the slaying of President John F. Kennedy.

Judge Shea today denied a motion by Andrews, who is conducting his own defense, to quash the indictment against him on the grounds that the grand jury which indicted him was improperly se-

lected. ONE WITNESS was heard on this motion, senior Criminal District Judge Bernard J. Bagert. Judge Bagert was questioned for about 10 minutes by Andrews on the manner in which the jury was selected.

Andrews asked, "Did you have occasion to receive from the secretary of the jury commission of the Parish of Orleans a venire list from which to select a grand jury?"

Judge Bagert answered that he did receive such a list, although he did not remember who brought it to him.

ANDREWS THEN asked him to explain the method he used to select the jury.

Judge Bagert said, "I sent out subpoenas to nearly 60 jurors and I interviewed everyone to whom I sent subpoenas. Then I made my decision."

Andrews asked him if the jury were selected following the Labat decision. (A federal court ruled a year ago that Edgar Labat, a New Orleans Negro who spent more time on death row than any other convict in American history, did not receive a fair trial because daily wage earners were excluded from the jury venire.)

JUDGE BAGERT said his selection was made after the Labat decision. He said the process was changed recently to conform to the court ruling.

"I did not exclude anyone as wage earners," said Judge Bagert. "The problem was to get 12 men who were not reluctant jurors. I interviewed 60 people."

He said he did not want to choose reluctant jurors for a grand jury that would serve during the summer months because he wanted to avoid the problems of the jury not having a quorum.

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STATES-ITEM

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Judge Bagert said there was one wage earner on the grand jury.

"HE IS A teacher nine months of the year and the other three months he is a bricklayer. I understand he makes more money laying brick than he does teaching."

As soon as Judge Bagert left the stand, Judge Shea denied the quash motion and recessed the hearing until 9 a.m. tomorrow.

At that time, Orleans Parish Coroner Dr. Nicholas J. Chella, Dr. Esmond Fatter and Perry Raymond Russo have been subpoenaed to testify. All three were key witnesses in the preliminary hearing for Clay L. Shaw charged with criminal conspiracy in the president's slaying.

JUDGE SHEA SAID he expected to end the hearing on the recusal motion tomorrow and begin immediately with selection of a five-man jury to try Andrews.

The judge said he would conduct the trial through the weekend if necessary.

As the hearing on the recusal motion went into its second day, Andrews called three witnesses: two policemen and a godson of the late David William Ferrie.

Ferrie, who died here Feb. 22, was a key figure in Garrison's Kennedy death plot probe. The perjury charge against Andrews grew out of the probe.

THE GODSON is Morris Brownlee, 4728 Jefferson hwy. Andrews quizzed him about an incident in October, 1966, in which he, Brownlee, was arrested.

Andrews asked Brownlee if anyone in the DA's office asked him about Ferrie. Assistant DA James L. Alcock objected to Andrews' line of questioning, and Judge Frank Shea said Andrews would have to show that it was relevant.

Andrews asked for a recess to show the judge the relevance of the questioning, and it was granted.

When court resumed, Andrews said he had no other questions for Brownlee, but held him under subpoena for tomorrow.

Andrews then made a motion to withdraw his formal pleading of not guilty in order to make a motion to quash the indictment against him.

Judge Shea instructed Andrews that it was not necessary to withdraw his not guilty plea to file the motion to quash.

Assistant DA James L. Alcock objected to the move to quash because it "was not filed three days prior to the trial as the law requires."

Judge Shea read the law and said it left him the discretion to permit its being filed and he allowed Andrews to do so.

Before Brownlee took the stand, the two policemen testified. They are Ptn. John P. Tobin and Ptn. Warren Armond. They testified concerning the arrest on Sept. 19, 1966, of a man identified as Manuel Garcia Gonzalez.

ANDREWS HAS SAID in the past that he made up the name of Gonzalez, after conversations with the district attorney pertaining to the alleged assassination plot against President Kennedy.

At one point the DA's office was searching for such a man in the Miami area. He was supposedly a powerfully built man.

Tobin identified one of two arrest cards on a Manuel Gonzalez, which Andrews entered into the record as a defense exhibit.

Tobin testified that he did "apprehend a subject whose name is listed as Manuel C. Gonzalez." He said the arrest was made in Vie's Bar, 1107 Decatur. He said the man was arrested for carrying a concealed weapon.

THE PATROLMAN was then asked by Andrews, acting as his own attorney, to describe Gonzalez.

Tobin said Gonzalez was about five feet, seven inches tall, weighed 150 pounds, had black hair and an olive complexion.

Andrews asked if the arrested man was "printed and mugged."

"Not to my knowledge, no," said Tobin.

Armond, who was a partner of Tobin at the time of the arrest, confirmed Tobin's description of the arrested man and like Tobin, said that Gonzalez spoke broken English.

FOR THIS reason, he said, the desk sergeant had a hard time getting the man's name right.

The hearing to recuse Garrison from the trial got off to a late start when Judge Shea cleared his docket of other business.

Andrews went to the back of the courtroom where he carried on conversations with Joseph Rault, a witness in the trial, and Louis Ivon, chief investigator for the DA's office.

When he was not conversing he sat ramrod straight and stared ahead at the proceedings at the front of the court.

A French Quarter stripper stole the show from Andrews early in the day when her sobriety case showed up on Judge Shea's early docket.

RITA ALEXANDER, known professionally as the Champagne Girl, entered the courtroom and took a seat in the back row reserved for witnesses, to the delight of the witnesses and newsmen.

All eyes, including Andrews', remained glued on Miss Alexander until she left the courtroom.

In an interview with the States-Item before the hearing opened this morning, Andrews was asked about a statement yesterday by his former attorney, Sam Monk Zelden, who said he was withdrawing from the case because he and Andrews couldn't agree on strategy.

Asked if this were true, Andrews said:

"Aw, he's fulla bull."

ANDREWS SAID HE was seeking the help of additional

counsel for the trial itself after the recusal motion is disposed of.

"I'm not stupid enough to go it alone for the trial—three heads are better than one, you know."

Andrews said he has talked to three or four lawyers about representing him at the trial but has made no decision as yet.

The chubby former Jefferson Parish assistant DA, in a cheerful mood, said he had been exhausted yesterday after 12 hours of grueling testimony, in which most of the questioning was done by him. He said he "slept like a log" from 10:30 p. m. until 8:30 this morning.

YESTERDAY, ANDREWS (who is free on bond), ate lunch at Parish Prison at the invitation of the warden. He had soup and cucumbers. He said:

"Now, if the bed is as good as the food, we're in business."

Andrews, told that Gordon Novel, a fugitive witness in Garrison's Kennedy probe, had called last night to ask about him, said:

"That Gordon, he's something else. Gordon's all right. You know, I've known him for a long time. Yeah, he's really something else."

Andrews wore his habitual dark glasses throughout today's proceedings, as he did yesterday. He got a jolt this morning when police ticketed his car parked outside the courthouse.

The trial, which is the first in Garrison's probe of the president's murder, deals with Garrison's allegation that Andrews lied when he said he could not identify Clay Shaw as Clay Bertrand.

Andrews told the Warren Commission that shortly after the assassination a man named Clay Bertrand called him and asked him to defend Lee Harvey Oswald, accused assassin. Garrison contends that Shaw, retired New Orleans businessman, used Bertrand as an alias and participated in a conspiracy to murder Kennedy.