

April 1, 1967

ACTION BY JUDGE PANEL AT NEW ORLEANS

Shaw faces trial in Kennedy killing

A THREE-JUDGE PANEL in New Orleans March 17 ordered Clay L. Shaw held for trial on charges of participating in a conspiracy to assassinate President John F. Kennedy. The unanimous decision came after four days of a preliminary hearing in which the testimony of two key witnesses, Perry R. Russo, an insurance salesman, and Vernon Bundy, a prison inmate and self-admitted former narcotics addict, played a prominent role.

In a parallel action a New Orleans grand jury returned an indictment against Shaw March 22 on the same charge. No date has been set for Shaw's arraignment or trial and he remains free on \$10,000 bail. The grand jury had previously indicted Dean Andrews, a New Orleans area lawyer, for perjury.

Andrews appeared twice before the grand jury in connection with the investigation of an alleged assassination plot which supposedly took place in New Orleans in September, 1963. He had testified

before the Warren Commission that a "Clay Bertrand" had called him on the day Kennedy was murdered and requested that he go to Dallas to defend Oswald, New Orleans District Attorney Jim Garrison, who is conducting the conspiracy investigation, asserted that Clay Shaw and "Clay Bertrand" are the same man.

IN THE PRELIMINARY hearing, held to establish whether there was enough evidence to show that a crime had been committed, Garrison produced a "mystery informant" who reportedly was present at a meeting at which the alleged assassination scheme was discussed. Russo, the informant, testified that he was a friend of David Ferrie, a former airlines pilot who was found dead Feb. 23.

Russo said that "somewhere around the middle of September, 1963," he walked into Ferrie's apartment and "there seemed to be some sort of party in progress." He said that there were 10 people

in the apartment but as the night wore on this number was reduced to four: himself, Ferrie, "Clem Bertrand" and "Leon Oswald."

After some hesitation "Ferrie took the initiative in the conversation," said Russo. He quoted Ferrie as saying that it would be necessary to have at least two, and preferably three, people involved in shooting Kennedy. He said Ferrie spoke of a "triangulation of crossfire" and "diversionary tactics" in which one person had to be the "sacrifice man" to allow time for the others to escape.

According to Russo, Ferrie then spoke of an escape plan in which "they would go from where they were at that time to Mexico and refuel, or would fly directly to Cuba." He said that Bertrand disagreed with this, pointing out that once the President was shot "the whole world would know" and if the conspirators landed in Mexico or elsewhere they would not be able to get out. Russo testified that "Bertrand" said he would be on a business trip to the West at the time of the assassination.

RUSSO THEN identified photographs of Lee Harvey Oswald as the man he had known as "Leon Oswald." In a dramatic moment Garrison asked him to identify "Clem Bertrand," and Russo walked over to the defense's table and placed his hand over the head of Clay Shaw.

In later testimony, asked why he had not earlier come forward with this information, Russo stated that he was not certain that Lee Oswald and "Leon Oswald" were identical. He said that "Leon Oswald" had a rough beard and unkempt hair. He could not positively make the identification, he said, until an artist drew a beard on a photograph of Lee Harvey Oswald. However, he also testified that "Leon Oswald" was clean shaven and neatly dressed when he last saw him in October, 1963.

Shaw's attorneys produced the sound track of an interview Russo gave a local television station on Feb. 24 in which he said that Ferrie had "jokingly" spoken about how easy it would be to assassinate the President. The attorneys stated that other remarks made by Russo in that interview contradicted his present testimony.

It also came out during the hearing

that a "truth serum" had been administered to Russo and he had been hypnotized on three occasions by members of Garrison's staff, reportedly to check his truthfulness.

THE OTHER KEY WITNESS at the hearing reported that during the summer of 1963 he had seen Shaw and Oswald together on a nearby beach. Ver-

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CLAY L. SHAW
He's free on \$10,000 bail

non Bundy, the witness, testified that he had gone to a deserted beach to "shoot" heroin but before he gave himself the injection two men came on the beach and talked for a while. Bundy said he saw Shaw pass what appeared to be a roll of money to Oswald. He added that after the men left he found a piece of paper on the beach with "something about Cuba" written on it.

Shaw's attorneys attempted to enter the Warren Commission Report as evidence but the presiding judge ruled that it was inadmissible. He commented later that the Report contained "hearsay five

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and six times removed."

IN ANOTHER DEVELOPMENT a former Dallas taxicab driver, Raymond Cummings, said that in early 1963 he drove Ferrie, Oswald and another man to Jack Ruby's night club in Dallas. Ruby shot Oswald in the basement of the Dallas jail two days after the President was murdered.

Cummings said he told his story to Garrison's office after spotting a picture of Ferrie in a Dallas newspaper.

An order was issued March 23 for the arrest of Gordon Novel, a former bar owner in New Orleans, as a material witness in the Garrison investigation. Novel had testified before the grand jury looking into the alleged conspiracy, and he was scheduled to testify again on March 23, but he failed to appear. He was reportedly seen in Columbus, Ohio, on his way to Chicago.

Novel earlier told reporters that Garrison wanted to question him about a Cuban refugee organization that operated in New Orleans in 1963.