

Day-by-Day Account of DA's Probe

It has been a month since the States-Item broke the story on District Attorney Jim Garrison's new probe into the assassination of President John F. Kennedy.

Since Feb. 17, there have been almost daily developments in the investigation. The case has been headlined in newspapers around the world.

Here is a look backward at some of the salient events in the order that they happened:

FEB. 17, 1967 — The New Orleans States-Item reveals in a front page story that Garrison is conducting an investigation into the assassination of President John F. Kennedy.

Garrison says that he has not read the story and that he assumes it is based on unreliable information.

David W. Ferrie, a central figure in the probe calls the States-Item and an interview is arranged.

FEB. 18, 1967 — The States-Item publishes an account of the interview with Ferrie during which he said that a member of the DA's staff told him Garrison positively had uncovered a New Orleans plot to murder the President.

A second story in the States-Item reveals that Garrison and his staff had combed the Miami area for a Cuban, described as physically powerful and dangerous, in connection with the investigation.

Late in the day, Garrison admits he is conducting an investigation and says he will make arrests.

Newsmen begin pouring into New Orleans from around the country and from a number of foreign countries.

FEB. 19, 1967 — In San Diego, Calif., Melvin Belli, who defended Jack Ruby, said he does not believe there was a conspiracy to kill the President. (Ruby was the slayer of

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Lee Harvey Oswald, the man named by the Warren Commission as President Kennedy's assassin.) Belli said that Jack Ruby and Lee Harvey Oswald were in New Orleans at the same time but that this was a coincidence.

FEB. 20, 1967 — A Parish Prison inmate linked to the investigation, Miguel Torres, declines to be moved to a private cell despite assertions by Garrison that the lives of some witnesses are in danger.

In Miami, a Cuban exile, Bernardo Torres, who helped to guard Kennedy once and who has been working with Garrison on the probe, said that when Garrison's investigation is related in whole "the Warren Report and the FBI report (on the assassination) will crumble."

In Washington, Rep. Gerald R. Ford, R-Mich., says that Garrison should forward his findings to the U.S. Attorney General who could then convey them to President Johnson. Garrison replies: "I am running this investigation, not the President, not the attorney general."

Manuel Gil, New Orleans delegate to the Miami-based Movimiento Insurreccional de Recuperacion Revolucionaria asserts that "the hand of Castro was directly behind the suspected plot.

In Baton Rouge, Gov. John J. McKeithen offers state cooperation.

Garrison holds a news conference at the Fontainebleau Hotel and bars representatives of the States-Item and The Times-Picayune. During the press conference, he states that the investigation has been slowed down by the publicity.

FEB. 21, 1967 — Sen. Russell B. Long says in Washington he is convinced that Garrison has "some information the Warren Commission didn't have" about a possible conspiracy to assassinate the president. Long previously had expressed the opinion that the commission's report was "not conclusive in some respects."

Garrison is quiet.

FEB. 22, 1967 — David Ferrie is found dead in his apartment at 3330 Louisiana ave. pkwy. Ferrie, a free-lance pilot, is called "one of history's

most important figures," by Garrison. A note found indicates possible suicide.

FEB. 23, 1967 — Dr. Ronald A. Welsh, who performed the autopsy on David Ferrie's body says that anatomical findings indicate that Ferrie did not commit suicide, but died of a berry aneurysm, a ruptured blood vessel at the base of the brain.

FEB. 24, 1967 — Orleans Parish Coroner Nicholas J. Chetta announces that results of toxicological tests indicate that Ferrie died of natural causes, but Dr. Chetta postpones formal classification of the death.

Garrison announces he has "positively solved the assassination of President John F. Kennedy and will arrest every individual involved — in the course of time."

Joseph M. Rault Jr., head of a committee called "Truth and Consequences Inc.," announces that 50 prominent New Orleanians have pledged financial support of Garrison's investigation.

FEB. 25, 1967 — Members of the New Orleans Cuban community express some feelings of indignation about the questioning of anti-Castro Cubans in connection with the investigation.

FEB. 26, 1967 — A connection between Ferrie and Sergio Arcacha Smith, former leader of a Cuban liberation group who trained men for the Bay of Pigs invasion, is reported. Agents of Garrison's office seek to question Arcacha, but he refuses unless Dallas authorities can sit in on the interrogation. Garrison's men refuse.

FEB. 27, 1967 — Ferrie's body has not been claimed, the coroner announces.

FEB. 28, 1967 — Coroner rules Ferrie's death natural and reveals contents of note found in Ferrie's apartment.

MARCH 1, 1967 — Ferrie is laid to rest with only two mourners present.

Clay L. Shaw, former managing director of the International Trade Mart, and James R. Lewallen, a former roommate of Ferrie's, are subpoenaed for questioning by the DA.

Later in the day, Shaw is

arrested and booked with participating in a conspiracy to murder the President.

Shaw's French Quarter home is searched by the DA's staff and cartons of his personal belongings are carted off to the DA's office.

Garrison forecasts more arrests.

MARCH 2 — Shaw meets with newsmen and proclaims his innocence.

Meantime, offers of assistance from around the world are coming to Shaw.

Dean Adams Andrews Jr., who told the Warren Commission a man named Clay Bertrand called him after the assassination and asked him to defend Oswald, is subpoenaed for questioning. Garrison claims Shaw and Bertrand are the same.

Andrews says he does not know if Shaw and Bertrand are the same person.

Shaw says he has never used an alias.

The DA asks for a preliminary hearing in the Shaw case, a surprise move since preliminary hearings ordinarily are requested by the defense.

MARCH 3, 1967 — A fourth person, Dante Marachini, is subpoenaed for questioning. Marachini, a Michoud worker, says he knows nothing.

MARCH 4, 1967 — Garrison is reported searching for a group of men involved in a 1963 FBI raid on a cache of war materials in Lacombe.

MARCH 6, 1967 — J. B. Dauenhauer, member of the trade mart staff, is subpoenaed for questioning.

MARCH 7, 1967 — An inmate in Parish Prison, who claims he knew both Lee Harvey Oswald and Jack Ruby in Illinois, is removed from prison for a second time for questioning.

MARCH 8, 1967 — Shaw's attorneys lose bid to have charges dismissed.

MARCH 9, 1967 — Garrison moves his probe before the Orleans Parish Grand Jury and Dean Andrews appears before the jury.

MARCH 10, 1967 — Newsmen are issued strict rules for

covering a preliminary hearing for Clay Shaw. The hearing is set for March 14 before a three-judge panel—Criminal District Court Judges Bernard J. Bagert, Malcolm V. O'Hara and Mat-

thew S. Braniff.

MARCH 11, 1967—Preliminary hearing is explained as an opportunity for the DA to show that he has enough evidence to hold Shaw for trial.

MARCH 13, 1967—Raymon Cummings, a Dallas taxicab driver, arrives in New Orleans. Cummings says he drove Oswald, Ferrie and a third person to Ruby's Dallas night club in early 1963. New motions by defense attorneys for Shaw are turned down.

MARCH 14, 1967—The preliminary hearing opens and is covered by news representatives from all over the world. Garrison reveals the name of his mystery witness, Perry Raymond Russo, who testified that he overheard Leon Oswald, Clem Bertrand and Ferrie plotting to kill the President in September of 1963. Russo identifies Shaw as the man he knew as Clem Bertrand.

The DA's staff tells the court it has five witnesses ready to testify: Dr. Chetta; Dr. Esmond Fatter, a private physician; Det Frank Haywood of the police force; John F. Reilly, a photographer for the Police Bureau of Identification; Peter Schuster, an investigator - photographer for the coroner's office.

James R. Lipscombe is arrested for making threatening telephone calls.

It is learned that a gun was found hidden in the parking lot used by Shaw across from the courthouse.

MARCH 15, 1967—Attorney F. Irvin Dymond cross-examines Russo. Also called to court are Endicott A. Batchelder, registrar for Tulane University; Frank J. Stass, registrar for Tulane University; James Kenney, agency director of the Equitable Life Assurance Society which

employs Russo; Dean A. E. Papale of Loyola University School of Law, and representatives of two television stations which interviewed Russo.

MARCH 16, 1967—The hearing continues; James Lewallen is subpoenaed.

The grand jury resumes its look at Garrison's probe and subpoenas Dean Andrews for a second time and a new witness in the case, Gordon Novel, who tells the States-Item Garrison wants to talk to him about some 1961 events involving former Cuban exile leader Sergio Arcacha.

Andrews is indicted for perjury.

MARCH 17 — The three-judge panel rules that the DA has presented enough evidence to warrant a trial and Shaw becomes the first man to be ordered to trial in the death of President Kennedy.

TODAY — Dean Andrews' case is allotted to Criminal District Court Judge Frank J. Shea.

Shaw Trial Ordered

DA Expected To Outline Case Basis

Dist. Atty. Jim Garrison is expected to file a bill of information early next week outlining the basis of conspiracy charges against Clay L. Shaw.

Shaw, accused of conspiring to murder President John F. Kennedy, was ordered held for jury trial yesterday by a

three-judge Criminal District Court panel.

AFTER hearing testimony for four tension-packed days, the judges found that Garrison's office presented enough evidence to "establish probable cause that a crime has been committed."

Garrison disclosed shortly after the hearing ended, that he would file the bill of information. It was learned today that the filing may come as early as Monday.

There was a report that the DA intended to hold a press conference today, possibly to drop another hint about the next move in his assassination probe. The report proved false.

The stoic, silver-haired Shaw, former managing director of the International Trade Mart, showed little sign of emotion as Judge Bernard J. Bagert read the findings just after 5:40 p. m. The crowd in the courtroom was still as he read.

The unanimous decision of the three judges came on the heels of testimony by an admitted narcotics addict that he saw Shaw and Lee Harvey Oswald together on the lake-front in June or July of 1963.

VERNON Bundy, the 29-year-old Negro witness, testified he saw Shaw give Oswald what looked like a roll of bills and that the man he identified as Oswald had what ap-

parently were leaflets with the word "Cuba" written on them.

Garrison contends Shaw, Oswald and David Ferrie, who died Feb. 22, hatched a plot to kill President Kennedy.

The findings of the hearing were signed by Bagert, the presiding judge, and by Judges Matthew S. Braniff and Malcolm V. O'Hara.

"The court finds that sufficient evidence has been presented to establish probable cause that a crime has been committed and;

"Further, that sufficient evidence has been presented to justify the bringing into play the further steps of the criminal process against the arrestee, Clay L. Shaw. The defendant is released on his present bond.

GARRISON was not in the

courtroom when the statement was read to the hushed crowd of newsmen and spectators.

He had conducted the state's questioning of Bundy, but left immediately afterward.

The preliminary hearing was not necessary in order that the district attorney could proceed legally against Shaw. He could have taken his case to the grand jury or simply filed a bill of information.

He could still have done so had the three judges ruled against him yesterday.

An assistant district attor-

ney hinted after the hearing that Garrison may start the mechanics of a trial Monday.

"I am sure that before we get through, there will be numerous witnesses," he added. "We just wanted to make

sure the judges had enough to rule on."

FOLLOWING the decision, Shaw stood at the front of the courtroom with his attorneys waiting for a copy of the findings.

The judges were out of the courtroom for 35 minutes before bringing in their decision.

In a closing argument on behalf of Shaw, attorney William Wegmann contended the prosecution had produced no evidence of a conspiracy, and he questioned the reliability of the two main witnesses in the case.

"We're going to base this serious charge on a junkie and on a young man who waited three years to come forward to say, 'I know something about the assassination of the President of the United States.'"

THE REFERENCE was to Bundy and to an earlier witness, Perry R. Russo.

Assistant Dist. Atty. James Alcock contended the witnesses had proven themselves, and "the state of Louisiana will stand on their testimony."

He asked that the three judges find "that Clay L. Shaw should be tried by a jury of his peers for a conspiracy to kill John F. Kennedy."

Under the law, said Wegmann, conspiracy requires proof of an agreement between two or more persons to act.

AS AN alternative, he said, the prosecution must show proof of an "overt act."

"If one is lacking, I don't believe the court is justified in holding this man under arrest."

"You can have no convictions without some corroborating evidence," said Wegmann. "I submit that the uncorroborated testimony does not warrant holding this man."

He said the only testimony

pointing to a conspiracy was that of Russo. But he claimed that Russo's testimony was "unbelievable."

WEGMANN said Russo "failed to recognize a picture of Oswald as a clean-shaven man. Only after some time and only with a retouched photograph was he able to make the identification."

"Yet later in his testimony, he said he had seen Oswald clean shaven."

Since Russo testified he saw Oswald only four times, said Wegmann, Oswald was clean shaven "25 per cent of the times he saw him . . ."

Wegmann also said Dr. Esmond A. Fatter, who hypnotized Russo three times under supervision of the district attorney's office, "leaves no doubt that he left this man with a post-hypnotic suggestion."

"THE MOST significant thing that renders Russo's story unbelievable is the fact that less than 60 days before . . . going to murder the President of the United States, they sat down before a total stranger to discuss the plan.

"This, to me, is unbelievable.

"Here was a man who said he lived under the spell of Ferrie . . . a man who sits down and hears them say they are going to kill the President. Seven weeks later the President is murdered.

"This man wants this court to believe that despite the fact that he heard three people plot to murder the President, and the President was

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murdered, he did not place any significance . . .

"IT'S THE crime of the century . . . and no crime has ever had any better coverage.

"Yet this man keeps quiet three years. Why? What triggers him then to come forward. What kind of man is this?

"Here is a man who is a witness to the crime of the century and doesn't come forward. When does he come forward. He comes forward when his old friend Dave Ferrie dies."

Earlier, in cross examination, the defense contended that Russo, a Baton Rouge

insurance salesman, was willing to testify only when he knew Ferrie was dead and could not contradict him.

GARRISON called Bundy to the stand immediately after the noon recess.

The climax of Bundy's testimony came when, at the request of Garrison, he left the witness chair, walked over to stand at Shaw's back, and placed his hand over the defendant's head to identify him as the man he saw with Oswald on the lakefront.

Bundy testified he had taken his "kit" for the injection of heroin to the lakefront on a Monday sometime in June or July.

Bundy said he was a narcotics addict and went to the lakefront to give himself a "fix."

HE SAID he arrived at the seawall at approximately 8:45 a. m.

"I was looking all 'round cause I'm skeptical," Bundy testified. At this moment there is a black four-door sedan approaching and it parks.

"A fellow then gets out of the automobile and walks toward me. I am skeptical. I don't know whether he is police or what.

"The guy passed in back of me . . . and he tells me it's a hot day."

Bundy said the man he identified as Shaw walked about 15 or 20 feet away from him and "after five or seven minutes, a young man approached." He said the two talked for about 15 minutes.

BUNDY said the man, whom he later identified from pictures as Oswald, "was a beatnik type of guy." According to Bundy "he was in pretty nasty shape to tell you the truth. He needed a shave . . . he needed a haircut."

At the end of the conversation between the two men, said Bundy, Oswald said loudly, "Well what am I going to tell her."

"The oldest guy told him, don't worry about it, I told you I'd take care of it.

"The older fellow gave the young guy what I'm not sure, but looked like a roll of money. The young guy stuck it in his back pocket."

BUNDY then identified pic-

tures of Lee Harvey Oswald as the younger of the two men he saw on the seawall.

He identified a picture of Shaw as the man who met Oswald.

After the meeting, said Bundy, the man identified as Shaw "got back into his automobile and drove back toward the colored section of the lakefront.

"The young man watched

him drive off and turned and walked toward the white section. . . . After they left I shot the dope."

BUNDY testified that he wrapped up his narcotics instruments with one of the yellow leaflets he said Oswald had dropped in the area.

Bundy also testified that he had once been arrested for simple burglary of a cigarette machine. Judge Bagert confirmed he had been on the bench in the case and had sent Bundy to a federal hospital in Fort Worth, Texas.

"Are you in Parish Prison?" Garrison asked.

"Yes."

"Why."

"I caught myself going back on the stuff (dope) and surrendered myself to Mr. Giarrusso (head of the narcotics bureau).

Has my office promised you anything for giving this testimony?"

"No."

THIS WAS the second time Garrison had instructed a witness to place his hand over Shaw's head as a method of identification.

Russo also identified Shaw in this manner to climax testimony that Shaw, Oswald and Ferrie met in Ferrie's apartment to plan the assassination of Kennedy.

F. Irvin Dymond handled the cross examination of Bundy. He questioned the witness closely on the time he said he saw Shaw and Oswald together on the lakefront and about his habits as an addict.

Attempting to pin Bundy down on the time he saw Shaw, Dymond asked:

"COULD IT have been the last week in July?"

I'm not sure, but I don't

believe it was the last week."

"Could have been the second to last week of July?"

"It could have been."

"Could it have been the last week in June?"

"It might have been."

"Could it have been the first week in June?"

"NO, I don't think it could have been the first week in June."

Earlier in the day, the court heard testimony from Dr. Esmond A. Fatter, a private practitioner who was qualified by the state as an expert on hypnosis.

He read from notes as to what he had told Russo when he hypnotized the witness.

"I said, 'Relax, you will be calm, cool and collected. You can do anything you wish and do the task well. Things will pop into your mind. You will speak. You will have no fear, because you will be telling the truth. . . .'"

WEGMANN, on cross examination, pressed Dr. Fatter as to whether he felt Russo testified under post hypnotic suggestion.

"He could have if he acted the suggestion," said Dr. Fatter, "but I have no way of knowing if he did."

At the end of the hearing, defense attorneys again fought to have the Warren report accepted as evidence in the hearing.

Braniff said he felt that the report was "fraught with hearsay and conversation."

Judge Bagert added that the report contained "hearsay five and six times removed."