

# Kennedy 'Plot' Trial Ordered by Judges

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A panel of three judges ruled today that there was sufficient evidence to try Clay L. Shaw, a retired New Orleans business executive, on charges of conspiring to assassinate President Kennedy.

District Attorney Jim Garrison said he would soon file formal charges and a bill of information against Mr. Shaw, the legal steps needed to set the trial procedure in motion.

The decision of the Orleans Parish (county) criminal court came after a four-day hearing in which a former narcotics addict, who first denied, then asserted that he had known Mr. Shaw and Lee Harvey Oswald, gave the chief testimony.

Mr. Garrison contends that Mr. Shaw, Oswald and the late

David W. Ferrie, an airline pilot, conspired at a meeting in September of 1963 to kill the President.

The judges handed down their decision minutes after a former narcotics addict, Vernon Bundy, 29 years old, testified that he saw Mr. Shaw and Oswald talking together in the summer of 1963 on the shores of Lake Pontchartrain.

The ruling by Judges Malcolm V. O'Hara, Bernard J. Bagert and Mathew S. Braniff means that District Attorney Jim Garrison can bring Mr. Shaw to trial without seeking an indictment from a grand jury.

However, he must file a bill of information in which he details charges against Mr. Shaw. The judges ruled that Mr. Shaw may remain free on \$10,000 bond until the trial ends.

The judges ruled that enough evidence had been presented by Mr. Garrison and his staff to show "probable cause" that a crime had been committed and to justify a trial in the matter.

Although pretrial hearings, rather than indictments by a grand jury, are often held in Louisiana to determine whether there is enough evidence to bring a defendant to trial, this one was unusual because it was requested by the district attorney.

Usually, the district attorney

files formal charges and a bill of indictment against a defendant and then if the defense wishes, it can ask for a pre-trial hearing to challenge the charges.

Mr. Garrison said that he would file the bill of information within the next few days but gave no indication as to when he might bring Mr. Shaw to trial.

When he was arrested on March 1, Mr. Shaw was accused of having participated in the conspiracy, but no formal charges were brought against him.

As one of Mr. Garrison's two chief witnesses, Bundy testified that in June or July of 1963 he was preparing to inject the contents of two capsules of heroin in his arm at Lake Pon-

chartrain when he saw Mr. Shaw step from a car and walk toward him.

## Met By 'a Junkie'

Mr. Shaw walked past him, he went on, waited a few moments and then was met by a "junkie or beatnik type of guy, he was in pretty nasty shape, needed a shave." That man, Bundy said, was Oswald, who killed President Kennedy.

Bundy said he had heard Oswald say, "What am I going to tell her [his wife]?"

"This older fellow [who Bundy said was Mr. Shaw] said, according to Bundy, "Don't worry about that, I'll take care of it."

At this point, Bundy continued, Mr. Shaw handed Oswald some money and when Oswald attempted to stuff the money in his pocket he dropped some "Cuba" leaflets on the ground.

Under cross-examination, Bundy said that he used narcotics for 12 years before the summer of 1963 and had since received a sentence of five years on probation for "simple burglary" of a vending machine.

At the time of the alleged conversation between Oswald and Mr. Shaw, he testified, he had been using three or four capsules of heroin on a daily basis for two years. The day before the conversation, he said, he took five capsules of heroin.

Bundy came into the courtroom from the Orleans Parish Jail, which he entered voluntarily nine days ago because he "felt the urge" to take more narcotics.

He said he had recognized

Oswald from pictures taken at the time of the assassination as the man he had seen with Mr. Shaw but he never told anyone his story until yesterday when he was questioned by the district attorney's office. He pointed Mr. Shaw out in the courtroom as the older man he saw that day.

When asked how he was sure the alleged conversation took place in June or July, he said, "Those are my two worst months."

"Something," he said, "always happens to me between June and July."

The other witness against Mr. Shaw was Perry Raymond Russo, a 25-year-old life insurance salesman Baton Rouge.

In nearly three days of testimony, Mr. Russo said repeatedly

that he had heard Mr. Shaw, Mr. Ferrie and Oswald discussing ways of killing President Kennedy. The discussions took place, he said, in a meeting in Mr. Ferrie's apartment on Louisiana Avenue Parkway here in mid September of 1963.

In asking the three-judge panel to dismiss the accusations against Mr. Shaw, the defense argued that Mr. Russo had contradicted himself at several points in his testimony.

Mr. Russo told Baton Rouge reporters in a tape recorded interview on Feb. 24 that he had never heard of Oswald before the assassination. He said in another recorded interview on March 1 that he did not know Mr. Shaw.

At the hearing he said that Mr. Shaw had been using

another name, Clem Bertrand, when he had known him.

## Pictures Studied

However, he said in the hearing that he had not recognized Oswald from pictures taken at the time of the assassination because Oswald had been wearing "a three or four days' growth of beard" when he attended the alleged conspiracy meeting.

But under cross-examination he conceded that he had seen Oswald clean shaven and neatly dressed less than seven weeks before the assassination.

When the defense demanded to know why he still had not recognized Oswald from his photographs, he replied that he had seen him for "only eight or 10 minutes" when he was clean shaven.

# Judges Rule Shaw Must Stand Trial

## Evidence of Plot to Kill Kennedy Held Sufficient

BY NICHOLAS C. CHRISS  
and JERRY COHEN

Times Staff Writers

NEW ORLEANS — A three-judge panel ruled Friday that Dist. Atty. Jim Garrison had presented "sufficient evidence" to try Clay L. Shaw for conspiring to assassinate President John F. Kennedy.

"This court finds that sufficient evidence has been presented to establish probable cause that a crime has been committed," said Presiding Judge Bernard J. Bagert. "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."

He said the judges required only one vote to reach their unanimous decision.

The muscles of Shaw's jaw tightened and his eyes appeared to water, but he said nothing. Seconds later he smiled broadly, when Sheriff Louis Heyd Jr.'s secretary whispered in his ear.

### Leaves Without Comment

He remained a short time in the courtroom, smoking a cigaret, while his attorneys waited for a copy of the judgment. Then he hastened without comment from the Criminal Courts Building to a waiting car.

Edward Wegmann, his personal attorney, said no appeal was available from a preliminary hearing "because it is not a final judgment."

An aide to Garrison said a bill of information formally charging Shaw with "participating in a conspiracy

to murder John F. Kennedy" is the next move in the case, and very likely will be filed Monday.

Shaw was arrested March 1 and accused by Garrison of hatching the plot with Lee Harvey Oswald and David W. Ferrie in Ferrie's apartment in mid-September, 1963. Ferrie died last Feb. 22. The Warren Commission named Oswald as the lone assassin.

Friday's ruling climaxed a four-day preliminary hearing after Vernon Bundy, 29, an admitted narcotics addict, testified he had

seen Shaw and Oswald exchange a roll of what appeared to be money during a lakefront rendezvous here in the summer of 1963.

Bundy identified Shaw in the courtroom as the "dignified man" he had seen conversing with Oswald in "June or July" on the Lake Pontchartrain seawall.

He identified Oswald from photographs as the young "beatnik type" dressed in "white jeans and a t-shirt" who had pocketed the roll that Shaw handed him.

He said he was sitting about "15 to 20 feet" from where the men were engaged in earnest conversation, and heard but a single snatch of what they were saying.

"What am I going to tell her?" Bundy claimed to have heard the young man "blurt out," as if he were "talking about a wife."

"Don't worry about it. I told you I'd take care of it," Bundy testified he heard the older man reply.

This alleged conversation and Bundy's testimony that he had witnessed a transaction between the pair apparently weighed heavily in the three judges' decision to bind Shaw, retired director of the pres-

tigious International Trade Mart, over to trial.

Bundy conceded that he had entered the investigation only Thursday—three weeks after Shaw was arrested.

Bundy, who has a record

of 15 arrests here ranging from drunk in public to threatening bodily harm, said he first began taking drugs at the age of 13.

He said he visited the lakefront about 10 a.m. "on a Monday between June and July" in 1963 to satisfy his habit, which he claimed still is not a big one—"only about four capsules a day."

He said he had with him his "outfit" for injecting heroin capsules, and when the man he identified as Shaw got out of the car he was worried lest he was a policeman. For that reason, he said, he kept a wary watch on him.

"Hot day," he claimed the man said as he passed him. About "five or seven minutes" later the man he identified as Oswald walked up to the "older man," and they conversed about 15 minutes.

### Money Transfers

He said he saw the "older man" hand "the younger" what "looked like a roll of money."

Then, he added, the younger man "sticks his hand in his back right-hand pocket . . . in a bunch of what you call pamphlets, I can't even see what they are."

One of the pamphlets, he said, fell from the younger man's pocket.

After the pair left, Bundy said, he "shot the dope—both capsules," then began looking for a piece of paper to wrap his "outfit" in. He said he picked up one of the dropped yellow pamphlets and imprinted upon it was "something concerning

Cuba."

He said he had asked to be admitted to Orleans Parish Prison's infirmary nine days ago because "I felt I was going back on the stuff."

After the hearing, Garrison's aides said, Bundy

had "volunteered" his story.

But under cross-examination, he said, "three guys from the DA's office . . . got in touch with me."

Had he ever told his story to anyone before? asked F. Irvin Dymond, another defense attorney asked.

"No. Never," Bundy replied.

"That's all," said Dymond, his voice flat with skepticism.

Until Bundy told his story, no testimony had been introduced into the hearing about an "overt act," required by Louisiana law to establish "probable cause" for a conspiracy.

#### Judge's View

However, Judge Bagert said later no single piece of evidence was overriding.

"It was just the weight of all the evidence," he said.

"It had a cumulative effect."

The first and only other informer placed on the stand by Garrison claimed to have been present in the apartment and overheard the conversation of the alleged plotters.

He is Perry Raymond Russo, 25, a former law student at Loyola University of the South here and now a Baton Rouge salesman.

Russo claimed he was permitted to listen in because Ferrie, a friend of several years' standing, vouched for him.

Russo testified that he had been hypnotized three times and given sodium pentothal once in an effort to refresh his memory and authenticate his credibility as a witness.

#### Defense Argument

The defense argued that Russo's testimony was "unbelievable."

"Most significant,"

Wegmann said, "he wants you to believe that less than 60 days before these men murdered the President they sat down in front of a stranger and discussed it."

Earlier Friday, the judges for a second time denied a defense move to



Vernon Bundy

(in Wirephoto)

introduce the Warren Commission Report, on which the judges' ruling is certain to cast doubt no matter what Shaw's eventual fate.

Bagert said, "If we accept the Warren Commission as being factual, we've wasted a whole week here."

Judge Matthew S. Branniff said he considered the report as being "fraught with hearsay."

Judge Malcolm V. O'Hara said, in noting he favored admission of the report, that he did "not want to imply" he was in "complete agreement with it."

Before the judges' ruling, a third Shaw attorney, William Wegmann, made an impassioned last-ditch appeal to the court to set Shaw free.

But the voice and tone of his argument indicated that he expected an adverse ruling. He conceded

the evidence introduced by the state was "very suggestive," but added that it "was not proof worthy of belief."

He pointed out that under Louisiana law the state has six years from the time of an alleged conspiracy to prosecute, which in this instance, would be until 1969.

Wegmann insisted that Garrison and his aides had exhausted their evidence against Shaw at the hearing and that the state had not presented a "substantial fact to prove more than one man killed Kennedy." *END*