

KENNEDY: Shaw to Be Tried in Alleged Plot

Three judges in New Orleans were satisfied last week that the testimony of a much-hypnotized young insurance salesman and that of a one-time drug addict were reason enough to order retired businessman Clay Shaw to trial for conspiring to assassinate President John F. Kennedy.

The insurance salesman, Perry Russo, told the panel he had heard Shaw, Lee Harvey Oswald (who the Warren Commission says killed the President in a lone act) and David Ferrie (who died of natural causes shortly after the New Orleans investigation became public knowledge) conspiring to kill the President while they were at a party at Ferrie's apartment in September, 1963.

The one-time drug addict, Vernon Bundy, told the judges he had gone down to the Lake Pontchartrain shore to "get a fix" in 1963, but was interrupted when Shaw and Oswald showed up. He said he saw Shaw give Oswald money—a key piece of testimony, since in order to prove conspiracy, it must be shown that a plot has gone beyond the talking stage—that the accused has committed some overt act to further the conspiracy.

Russo's Credibility Hit

Shaw, who says he doesn't know Russo and didn't know either of the dead alleged co-conspirators, is a well-known New Orleans figure. Before his retirement, he was managing director of the town's International Trade Mart.

His defense attorney spent much of the hearing time trying — to no avail — to convince the judges of the unreliability of Russo's testimony. He even implied that Russo, who Dist. Atty. Jim Garrison submitted to truth serum and hypnotic sessions to check his statements, was under hypnosis on the stand.

But Russo was adamant under cross examination. He stuck to his story, saying he had known Oswald as "Leon Oswald" and Shaw as "Clem Bertrand," and he identified "Bertrand" in court.

He said that at the time he overheard the alleged conspiratorial conversation in Ferrie's apartment he didn't take it seriously, and that even later he was reluctant to volunteer his information against the overwhelming evidence compiled by the Warren Commission.

But he said the conversation dealt

with killing the President, a discussion of the value of "triangulation of crossfire," diversionary shooting, a possible flight to Mexico and Cuba (Ferrie was a pilot) and the sacrificing of one man as a scapegoat to permit the others to escape.

the judge...
to try him.

Gun Wound Didn't Kill Oswald, Attorney Says

Former Counsel for Jack Ruby Blames Air Embolism in Heart During Surgery

BY GENE BLAKE
Times Staff Writer

LAS VEGAS — Lee Harvey Oswald was not killed by the bullet fired into his stomach two days after he assassinated President John F. Kennedy, one of Jack Ruby's defense lawyers claimed here Saturday.

Attorney Joe H. Tonahill said a Texas pathologist has stated unequivocally that Oswald died from an air embolism (bubble) which formed in the blood stream and reached his heart during surgery in Parkland Hospital, Dallas.

Tonahill theorized the embolism had been introduced through plastic bags used in administering a transfusion.

But he insisted several times he was not implying that there was anything deliberate about it. And he emphasized he does not think it has anything to do with the conspiracy theory.

Might Have Survived

The Jasper (Tex.) attorney told a news conference at an American Trial Lawyers Assn. criminal law seminar that had it not been for the embolism, there is a good chance Oswald would have survived the gunshot wound inflicted by Ruby.

"Then we'd know all these things about the assassination," he said. "He was the type who would have bragged about it within five days."

Tonahill told the 1,000 lawyers attending the seminar Friday that under Texas law Oswald could not have been convicted of the assassination. He said most of the key evidence was obtained through leads furnished by Oswald's wife, Marina, and would have been inadmis-

sible.

But Tonahill is convinced Oswald alone was responsible. If Oswald had lived, he said, "he might be attending this seminar."

Tonahill said he is not going to pursue the matter further, but thinks someone should.

"I couldn't care less," he said. "I'd like to have

killed Oswald myself."

The lawyer cited Dr. Howard Wilcox, pathologist at St. Elizabeth Hospital in Beaumont, Tex., as his authority for the embolism theory.

Death Cause

Dr. Earl Forrest Rose, the Dallas County medical examiner who strenuously protested the speedy removal of President Kennedy's body to Washington, ascribed Oswald's death to "hemorrhage, secondary to gunshot wound of the chest."

Tonahill said he asked Dr. Wilcox to study the autopsy report and that Dr. Wilcox concluded:

"There is no question of the presence of an air embolism at the time of death. The description of the heart in the autopsy protocol includes the following statement:

"Examination of the right atrium as well as the ventricle in the pulmonary artery shows frothing bubbles."

(In Dallas, Dr. Rose refuted Tonahill's statements. "Mr. Oswald died of a gunshot wound. There was air embolized, and there was also a hemorrhage, but these are purely secondary things," he told UPI.)

Tonahill said the pre-

sence of an air embolism was further confirmed in a telephone conversation between Dr. Wilcox and Dr. Rose in July, 1965. Both doctors are graduates of the University of Nebraska, Tonahill said.

Dr. Wilcox does not believe the embolism could have been caused by the gunshot wound, Tonahill said.

Records Locked Up

The lawyer related that when he tried to subpoena hospital records just before Ruby's 1964 trial for the murder of Oswald, a woman employe said they were locked in a safe and the man in charge had left town.

Tonahill said he never was able to get at the medical records in an at-

tempt to firmly establish the embolism theory.

He said he and Melvin Belli, Ruby's chief defense counsel, discussed the matter several times but agreed to proceed on the defense of insanity — "psychomotor epilepsy variant."

"He (Belli) felt that the state's doctor could easily be provoked into giving exquisite details of how Oswald was shot and go on and on, on the severity of his gunshot injuries, which we would not have wanted to invite as defense men," Tonahill said.

Cites 'Hogwash'

He said that had he been

handling the defense alone, he might have called Dr. Wilcox as a witness to try to establish a different cause of death. But he said the jury would have brought in the death verdict anyway.

Asked why he is bringing the matter up now, Tonahill replied:

"There is a lot of hogwash going on about Oswald not being the murderer of the President."

Tonahill also said that "Ruby went faster than you would expect a man with cancer to go," but again emphasized he did not mean his death was deliberately fostered by Parkland Hospital personnel who treated him.

Most of Washington Skeptical of New Orleans Kennedy 'Plot'

President, FBI, Entire U.S. Government Would Be Deeply Embarrassed if Warren Commission Findings Were Upset

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BY ROBERT J. DONOVAN

Times Washington Bureau Chief

WASHINGTON—From President Johnson on down, practically all of Washington's officialdom disbelieves the case that has been presented in New Orleans about a "plot" to assassinate President John F. Kennedy.

The testimony elicited by New Orleans Dist. Atty. Jim Garrison may have startled Paris and London, but it caused little stir in this capital.

The prevailing attitude in Washington is that the preliminary hearings were a charade. This is true despite the fact that the three judges ordered Clay L. Shaw, New Orleans civic leader, bound over for trial on a charge that he conspired to assassinate Mr. Kennedy.

Nothing adduced at the hearings shook the confidence of U.S. Atty. Gen. Ramsey Clark or the Federal Bureau of Investigation in the essential finding of the Warren Commission. This was that Lee Harvey Oswald was the sole assassin of the President.

Embarrassment Possible

The FBI, the Warren Commission, President Johnson and the entire federal government would be deeply embarrassed by any finding that upset the conclusions of the Warren Commission report.

It would be only natural, therefore, for the government to hope that the Kennedy assassination remains, officially, a closed case.

While making allowance for this prejudice, however, it is still clear to observers here that responsible fe-

deral officials do not take Garrison's case seriously.

Rightly or wrongly, what underlies this attitude is a conviction that after Mr. Kennedy's death the FBI so thoroughly retraced Oswald's steps in the months preceding the assassination as to be able to exclude as irrelevant the "plot" alleged to have been developed in New Orleans.

Furthermore, while there has been no announcement about it, the FBI is continuing to investigate the case being made by Garrison and the informers on whose testimony he relies.

Ramsey Clark has been in close touch with the FBI about it and has kept the President informed.

Manchester Involved

For whatever it may be worth, William Manchester, author of "The Death of a President" who independently investigated Oswald's movements in New Orleans, is known to reject Garrison's case. Manchester, too, would be greatly embarrassed by the authentication of a plot because his book concludes that Oswald alone killed the President

while in a state of insanity.

An editorial in the Washington Post last Friday was illustrative of opinion in this capital about the New Orleans proceedings. It called Garrison's handling of the case a "disgrace."

"Mr. Garrison does have an obligation as a public official to prosecute those who have committed a crime," the Post said. "But he also has an obligation as an American not to feed the rumormongers or to make political capital out of the death of a President.

"His failure to bring his so-called evidence to the

attorney general or to check it with the FBI makes his actions irresponsible, demagogic or worse. A wise prosecutor would have realized the need to handle so delicate a situation with dignity and finesse instead of with flamboyance and arrogance.

'Feed Imaginations'

"All that Mr. Garrison is likely to accomplish is to feed the imaginations of millions of Americans who want desperately to believe that Mr. Kennedy's death was the result of a great conspiracy rather than the individual act of a sick, lonely man."

Furthermore, in this politically minded city, there is a tendency on the part of many to suspect that Garrison may have hit upon the conspiracy investigation as a way to advance his ambitions for higher office.

In other circumstances it might be supposed that testimony sworn to in a court about a plot to kill John F. Kennedy would be sensational news in Washington.

The fact that instead of arousing sensation it has aroused skepticism is due to a number of factors in addition to those mentioned.

One of these is the character of Garrison's witnesses. Another is the extraordinary chain of events that would have been required to carry Oswald from an alleged meeting of conspirators in New Orleans in Septem-

ber, 1963, to the window of the Texas School Book Depository in Dallas at 12:30 p.m. on Nov. 23, 1963, the moment President Kennedy passed within his sights.

Testimony Recalled

Garrison's chief witness in the preliminary hearings was Perry Raymond Russo, 25-year-old insurance salesman from Baton Rouge, La. He testified that in a New Orleans apartment in September, 1963, he had heard Shaw, Oswald and the late David W. Ferrie, a commercial pilot, plotting the murder of the President.

Last month, however, he had said in a televised interview that he had never heard of Oswald until after the assassination. Also he testified at the hearings that he had been under regular psychiatric care from 1959 to mid-1960 and had again visited a psychiatrist after his mother's death in 1963. He gave vague and conflicting testimony as to why he had not come forward earlier with his account of the assassination plot.

Garrison's other principal witness was Vernon Bundy, 29-year-old former narcotics addict. In bizarre testimony, he said that while he was sitting on the shore of Lake Pontchartrain, preparing to give himself a shot of heroin, he saw Shaw with a man Bundy identified as Oswald. He said that Shaw gave Oswald some money.

Bundy placed the time of this meeting as June or July of 1963, which would have been two or three months before the alleged conspirators meeting in New Orleans, sworn to by Russo.

Coincidence of Job

One of the things that caused doubts here about the "plot" is the seemingly fortuitous manner in which Oswald came to get the job that put him along the route of President Kennedy's motorcade in Dallas.

The first news that the

President was planning to visit Dallas and three other Texas cities appeared in the Dallas Times-Herald on Sept. 13, 1963.

Thus if the New Orleans meeting described by Russo was held after that date—Russo did not give a precise date—the alleged conspirators might have known about Kennedy's impending trip. However the route of the motorcade was not published until Nov. 19. Hence, before that date Oswald could not have known that the President would pass directly in front of the Book Depository. Indeed he got his job there on Oct. 15, more than a month before, and even then it appears to have been entirely by chance.

Chance Conversation

"Oswald's presence as an employe of the Texas School Book Depository Building," the Warren Commission said, "was the result of a series of happenings unrelated to the President's trip to Dallas. He obtained the depository job after almost two weeks of job hunting which began immediately upon his arrival in Dallas from Mexico on Oct. 3, 1963 . . ."

"Oswald's employment

with the Texas School Book Depository came about through a chance conversation on Monday, Oct. 14, between Ruth Paine, with whom his family was staying while Oswald was living in a rooming house in Dallas, and two of Mrs. Paine's neighbors. During a morning conversation over coffee, at which Marina Oswald was present, Oswald's search for employment was mentioned. The neighbors suggested several places where Oswald might apply for work. One of the neigh-

bors present, Linnie Mae Randle, said that her brother had recently been hired as a school book order filler at the Texas School Book Depository and she thought the depository might need additional help. She testified, "and of course you know just being neighborly and everything we felt sorry for Marina because her baby was due right away as we understood it, and he didn't have any work."

"When Mrs. Paine returned home, Mrs. Paine promptly telephoned the Texas School Book Depository and spoke to Superintendent Roy Truly, whom she did not know. Truly agreed to interview Oswald, who at

the time was in Dallas seeking employment.

When Oswald called that evening Mrs. Paine told him of her conversation with Truly. The next morning Oswald went to the Texas School Book Depository where he was interviewed and hired for the position of order filler."

Stretches Thinking

Thus imaginations are stretched here over the question of how the conspirators could have placed Oswald in the book depository at the fateful moment, if that is what really happened. It is hard to find anyone in Washington who believes that it did.

It is possible that Garrison may be able to prove simply that Shaw and Oswald were acquainted, which would not necessarily shed any light on the assassination. Another theory is that Garrison can prove merely that

Oswald and Shaw discussed the murder of the President. This would raise a possibility that, even if there was no further conspiracy, the discussion might have planted in Oswald's mind the idea of assassinating the President, which he then proceeded to carry out on his own under mental aberration.

The assassination of President Kennedy has always defied understanding, and the feeling in Washington is that this will still be true when the New Orleans investigation has been completed.