

Garrison Inquiry Buoyed by Andrews Conviction

By MARTIN WALDRON

Special to The New York Times

NEW ORLEANS, Aug. 14—

The conviction of Dean A. Andrews Jr. of perjury early today removes an important defense witness in District Attorney Jim Garrison's investigation of an alleged plot in the assassination of President Kennedy.

The District Attorney has accused Clay L. Shaw Jr., 54 years old, retired businessman, of helping plot Mr. Kennedy's murder, using the name Clay Bertrand. Mr. Shaw has not yet been tried.

Mr. Andrews has been the only person to say publicly that he knew Clay Bertrand, and he has testified that Mr. Shaw and Bertrand were not the same person.

"But I won't be able to testify at the Shaw trial," Mr. Andrews said early today. "A person convicted of perjury in Louisiana is deemed to be unworthy of belief and cannot testify."

"With that in mind, you now know why Big Jim brought me to trial on this charge of perjury."

The jury verdict in Mr. Andrews's trial was returned at 2:30 A.M. today after District Judge Frank J. Shea ordered the trial to continue in a rare Sunday session.

Convicted on 3 Counts

The jury convicted Mr. Andrews on three of the five counts on which he had been charged. The indictment had been drafted for the grand jury by two of Mr. Garrison's assistants.

Judge Shea did not set a date for sentencing Mr. Andrews. The penalty for perjury in Louisiana ranges from a fine to five years' imprisonment on each count. Under the state



Associated Press Wirephoto
Dean A. Andrews Jr. after being convicted yesterday.

criminal procedure, Mr. Andrews must remain in jail until he is sentenced, and if he should be sentenced to as much as five years by Judge Shea, he would not be allowed to make bond while his conviction was being appealed.

"We will take every appeal possible," said Mr. Andrews's attorney, Harry Burglass.

Mr. Andrews, widely known in Louisiana politics because of his campaigning for state positions, was indicted in March after he had told Mr. Garrison and the grand jury making the investigation into the assassination that he could not say whether Mr. Shaw was Bertrand.

The 44-year-old lawyer said later that he was not definite in not identifying Mr. Shaw for these reasons:

¶He was trying to protect the

real Clay Bertrand, whom he has since identified as Eugene C. Davis, a New Orleans bar owner. Mr. Davis, who had been Mr. Andrews's client, denied yesterday that he was Bertrand.

¶Mr. Garrison had convinced him that there was independent evidence to show that Mr. Shaw was Bertrand.

Bertrand's name has been linked to possible assassination plots since Nov. 25, 1963, when Mr. Andrews told agents of the Federal Bureau of Investigation that Clay Bertrand had called him the day after Mr. Kennedy was murdered and asked him to go to Dallas and defend Lee Harvey Oswald, the accused assassin. Mr. Andrews told the F.B.I. agents and the Warren Commission that Bertrand had called him previously a number of times to ask him to represent homosexuals in trouble with the law.

Mr. Andrews told the New Orleans grand jury on June 28 that when he had refused to identify Mr. Shaw as Bertrand Mr. Garrison had set out to get Mr. Andrews indicted for perjury to discredit him.

"He was leaning on me like a thousand-pound canary," Mr. Andrews said. "I told the giant that I had heard a rumble on the vine that he intended to put the head on me."

Mr. Andrews explained later that this statement meant that he had told Mr. Garrison he had heard a rumor that the District Attorney planned to have him indicted.

"He said it wasn't so," Mr. Andrews testified.

A reporter for Newsweek magazine testified yesterday, out of the presence of the trial jury that convicted Mr. Andrews, that Mr. Garrison had told him on March 2 that he intended to "get" Mr. Andrews.

Hugh Aynesworth, the Newsweek reporter, said the District Attorney made the statement during a conversation at Mr. Garrison's home. Later that same day, Mr. Andrews was subpoenaed to the District Attorney's office for the first time and questioned for several hours.

Indicted on March 16

Mr. Andrews was indicted on March 16, two weeks after the District Attorney had accused Mr. Shaw, Oswald and a now dead former airline pilot, David W. Ferrie, of masterminding Mr. Kennedy's assassination in the summer of 1963.

The District Attorney, who said that the plot was hatched in New Orleans by persons who were upset at the failure of the Bay of Pigs foray against Cuba, contended that Federal officials would not try to "solve" the assassination of Mr. Kennedy because the truth would be embarrassing to high Federal officials, including the Central Intelligence Agency chiefs.

The March 16 grand jury indictment of Mr. Andrews said that he committed perjury several times during his two hours of testifying before the grand jury.

The indictment, which was so long that it took almost half an hour to read aloud, said that Mr. Andrews had lied under oath when:

¶He said that he could not say whether Mr. Shaw was Bertrand. The grand jury said that he could have been definite because later in his testimony on that same day, he said that judging from television pictures, Mr. Shaw seemed to be taller than Bertrand.

¶He said that the only way he would know Bertrand if he ever saw him again was by "instinct."

¶He said that Mr. Shaw's voice on the telephone seemed

to be deeper than Bertrand's voice. In an appearance before the same grand jury on June 28, Mr. Andrews said that he had never listened to Mr. Shaw's voice on the telephone.

¶He said that Bertrand had not guaranteed him a fee if he would go to Dallas to defend

Oswald and that he had not told his investigator that he intended to go to Dallas to defend Oswald.

¶He testified that he had not "to my knowledge" released a man on bond from the Jefferson Parish Jail at the request of David W. Ferrie.

Perjury Case in Kennedy Inquiry Goes to Jury

By MARTIN WALDRON
Special to The New York Times

NEW ORLEANS, Aug. 13—The first trial in the investigation by New Orleans District Attorney Jim Garrison of the assassination of President Kennedy went to a jury tonight.

The five men on the jury were to decide if Dean A. Andrews Jr., a one-time attorney for accused assassin Lee Harvey Oswald, had committed perjury by not identifying a central figure in the assassination investigation.

Mr. Garrison, who has said that the President's murder was planned in New Orleans, charged Mr. Andrews with perjury when he refused to identify Clay L. Shaw Jr., a 54-year-old New Orleans resident, as a "mystery man" who had wanted Mr. Andrews to defend Oswald after the assassination.

The District Attorney has charged Mr. Shaw with conspiracy to commit murder saying that, using the name Clay Bertrand, he plotted with Oswald and others.

Mr. Andrews had told the Warren Commission that Bertrand had called him the day after Mr. Kennedy was murdered and asked him to go to Dallas and defend Oswald. He told the Warren Commission and the New Orleans grand jury that he did not know Bertrand's real name and refused to identify Mr. Shaw as Bertrand.

Heard by Commission

Mr. Andrews became involved in the controversy over possible plots to murder President Kennedy when he told an agent of the Federal Bureau of Investigation on Nov. 25, 1963, that a mysterious New Orleans figure, Clay Bertrand, had asked him to go to Dallas and defend Oswald.

He said that he had known Bertrand since 1957 but had not seen him for a couple of years.

Mr. Andrews was called to testify before the Warren Com-

5-Man Panel in New Orleans

Weights Fate of Attorney Accused by Garrison

mission. He told the commission that in May and June of 1963 he had done legal work for Oswald, but that he did not know if Oswald had been sent to him by Bertrand.

"I had seen Clay Bertrand once some time ago, probably a couple of years," he told the Warren Commission in July, 1964. "He is the one who calls in behalf of gay kids normally, either to obtain bond or parole for them."

"I would assume that he was the one that originally sent Oswald and the gay kids; those Mexicanos, to the office because I had never seen those people before at all."

Mr. Andrews testified that Oswald had a "Mex" with a "butch haircut" with him the first time that Oswald went to his office. The two were also accompanied by three homosexuals, Mr. Andrews said.

He told the commission and he continued to maintain until June 28, 1967, that he did not know Bertrand's real name.

When the District Attorney had Mr. Shaw, a New Orleans businessman, arrested on March 1, 1967, Mr. Shaw was held under the name "Clay Bertrand" as well as his real name.

During the first few months of the Garrison investigation, which began in November, 1966, Mr. Andrews worked with the District Attorney, supplying him with information.

However, in testimony given to the grand jury last June 28, he said that he had warned Mr. Garrison several times that the investigation was "nonsense" if it was based on the contention that Mr. Shaw and Bertrand

were one and the same man.

Mr. Andrews testified that when Mr. Garrison persisted, he met with him at Brennan's Restaurant, a French cafe in the French Quarter of New Orleans. He said that the District Attorney "convinced me" that there was other evidence that Mr. Shaw was Bertrand, and Mr. Andrews said that he made a "deal" not to say positively that the two men were not the same.

On March 2, the day after Mr. Shaw was arrested, Mr. Andrews was questioned in the District Attorney's office where he told assistants of Mr. Garrison that he could not connect Mr. Shaw with Bertrand.

"I can't say he is, and I can't say he ain't," Mr. Andrews said.

Called by Grand Jury

On March 16, he was subpoenaed by the New Orleans grand jury. He still insisted that he could not testify that Mr. Shaw and Bertrand were the same. He used the same phrase, "I can't say he is, and I can't say he ain't."

The normal secrecy of grand jury testimony was swept aside during Mr. Andrews' trial last week and today, and a tape recording of the appearance by Mr. Andrews before the grand jury on March 16 was played to the trial jury late this afternoon.

After Mr. Andrews' appearance before the grand jury on March 16, he was indicted on five counts of perjury.

On June 28, Mr. Andrews appeared before the grand jury again, this time to identify Bertrand. The testimony of this session was read to the trial jury yesterday.

At the June 28 appearance, Mr. Andrews told the grand jury about his meeting at Brennan's Restaurant with Mr. Garrison and his "deal." *FWD*

Lawyer Convicted of Perjury in Kennedy Inquiry

By MARTIN WALDRON
Special to The New York Times

NEW ORLEANS, Monday, Aug. 14—A jury early today convicted Dean A. Andrews Jr., a New Orleans lawyer, of perjury for telling a grand jury that he could not say that Clay L. Shaw Jr. was the man who he said wanted him to defend the accused Presidential assassin, Lee Harvey Oswald.

The grand jury, under the guidance of District Attorney Jim Garrison, has charged Mr. Shaw with plotting with Oswald and others to murder President Kennedy.

The five-man trial jury returned its verdict shortly before 2:30 A.M. after a rare Sunday court session.

It found Mr. Andrews guilty of the five counts of perjury on which he had been indicted last March 16 after he refused to accede to a request by Mr. Garrison that he identify Mr. Shaw as "Clay Bertrand," a mystery figure in the assassination investigation.

At 3 A. M. State District Judge Frank J. Shea postponed sentencing of Mr. Andrews. Mr. Andrews was ordered to spend the remainder of the night in jail and he was taken to a cell by nine deputy sheriffs.

Each count of perjury can be punished by a maximum of five years' imprisonment.

Mr. Andrews had told the Warren Commission that Bertrand had called him the day after Mr. Kennedy was murdered and asked him to go to Dallas and defend Oswald. He told the Warren Commission and the New Orleans grand jury that he did not know Bertrand's real name and refused to identify Mr. Shaw as Bertrand.

Mr. Andrews became involved in the controversy over possible plots to murder President Kennedy when he told agents of the Federal Bureau of Investigation on Nov. 25, 1963, at a conference in New Orleans that he did not know Bertrand and that he had never seen him.

5-Man Panel in New Orleans Finds Andrews, Accused By Garrison, Guilty

mission. He told the commission that in May and June of 1963 he had done legal work for Oswald, but that he did not know if Oswald had been sent to him by Bertrand.

"I had seen Clay Bertrand once some time ago, probably a couple of years," he told the Warren Commission in July, 1964. "He is the one who calls in behalf of gay kids normally, either to obtain bond or parole for them."

"I would assume that he was the one that originally sent Oswald and the gay kids, those Mexicanos, to the office because I had never seen those people before at all."

Stuck to Story

He told the commission and he continued to maintain until June 28, 1967, that he did not know Bertrand's real name.

When the District Attorney had Mr. Shaw, a New Orleans businessman, arrested on March 1, 1967, Mr. Shaw was held under the name "Clay Bertrand" as well as his real name. During the first few months of the Garrison investigation, which began in November, 1966, Mr. Andrews worked with the District Attorney, supplying him with information.

However, in testimony given to the grand jury last June 28, he said that he had warned Mr. Garrison several times that the investigation was "nonsense" if it was based on the contention that Mr. Shaw and Bertrand were one and the same man.

Mr. Andrews testified that when Mr. Garrison persisted, he met with him at Brennan's Restaurant, a French cafe in

the French Quarter of New Orleans. He said that the District Attorney "convinced me" that there was other evidence that Mr. Shaw was Bertrand, and Mr. Andrews said that he made a "deal" not to say positively that the two men were not the same.

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After Mr. Andrews's appearance before the grand jury on March 16, he was indicted on five counts of perjury.

On June 28, Mr. Andrews appeared before the grand jury again, this time to identify Bertrand. The testimony of this session was read to the trial jury Saturday.

At the June 28 appearance, Mr. Andrews told the grand jury about his meeting at Brennan's Restaurant with Mr. Garrison and his "deal."

He told the grand jury that Clay Bertrand's name was Eugene C. Davis, and that he was the owner of a French Quarter bar. He said that Mr. Davis was a client of his, and that Mr. Davis used the name Clay Bertrand only when he called Mr. Andrews to ask him to represent homosexuals.

The state called Mr. Davis to the witness stand yesterday afternoon. He testified that he had never used the name Clay Bertrand and that he had never called Mr. Andrews to represent homosexuals. **END**