hy Judge Held Suspect

By LESLIE H. WHITTEN

insists that he "had no choice" fore their ruling—the question hours lunching and talking but to hold for trial his long- of why Perry R. Russo, 25, did with this reporter and another time acquaintance Clay L. not come forward three years newsman as he showed them Shaw as a conspirator to mur- ago with his conspiracy tale his favorite New Orleans bars der President Kennedy.

Judge Bernard J. Bagert, in their minds. an unusual interview, said that the star state witness' dogged of hearings with a carbon steel given off-the-record, he was adherence to the same story hand. The alloy of emotion frank and to the point on a despite two wearying days of showed only Friday afternoon, surprising number of provocacross - examination convinced when he read the controversial tive items. him and his colleagues that decision that challenged ju-

But in their deliberations-ision that Lee Harvey Oswald beer party of killing President NEW ORLEANS, March 20 personal ones during the pre- acted alone in assassinating the Kennedy. -The chief judge of the three-liminary hearing and together president. man "New Orleans plot" panel for 33 minutes on Friday bewas the one that most burdened and restaurants. Although some

Bagert, 54, ran the four days printed because they they had absolutely no other dicially for the first time the today by mutual agreement. finding by the Warren Commis-

On Saturday, he spent four of his statements cannot be were

The interview was released

"This wasn't a question of guilty or not guilty. It was a question of probable cause. I believe there is probable cause, period. I will not go any further than that," Bagert said in answer to the question of whether he thought Shaw, 54, was a conspirator.

"Given what we got in there, I had no choice," he went on firmly. "Russo stood up. There were some minor discrepancies. but you tend to doubt, you have to doubt it, when there's a 100 per cent story every time."

HEARD THEM

Russo had testified that Shaw, a wealthy businessman; eccentric David W. Ferrie, 49, a suspected pervert; and Lee 1 Harvey Oswald spoke in his i presence at a September, 1963,

During deliberations, Bagert said, Judge Malcolm V. O'Hara was worried about whether the Warren report should have been allowed into evidence (it was excluded by a 2 to 1 vote), but agreed that probable cause to hold Shaw had been shown.

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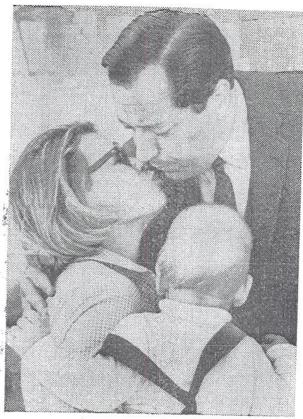
in JFK 'Plot'

Bagert, a short, round man Russo's conspiracy story. as mentally tough as a cannonball, was plagued by why Russo after the death of Ferrie on said, "Just think for one min-Feb. 22. But the judge accu- ute about the alternative that rately pointed out that the de- is, if we cut him loose." fense did not come forward with a single witness or piece of physical evidence to shake

Bagert, who, like Shaw started off on the wrong side did not come forward until Shaw in junior high school,

With the defense depending

Turn to Page 4



Associated Press Wirephoto

FOND SENDOFF . . . New Orleans District Attorney Jim Garrison leans over for a kiss from his wife, Liz, holding year-old Eberhardt, as he leaves home for the office.

Continued from Page One

on cross examination and not Bundy, 29, who said he saw putting on a real case of its Shaw give Oswald what looked own, the nation and the world like money at the New Orleans would have charged a fix, lake front. Bagert opined. He said Shaw's defense "was just grasping at straws."

If Bagert and his two fellow judges are certain they did right in throwing down the gauntlet before the Warren Commission, there are still questions that haunt their ease.

Was there really a plot? He shook off such questions, but obviously they eat at him. At one point, he said how much he wished Ferrie were still alive, and could be questioned about the case to shed possible light on it.

GOT LETTERS

Bagert said he had gotten 10 or 12 letters, some against Shaw, some against New Orleans District Attorney Jim Garrison who has mounted the New Orleans investigation.

"No matter what we did, there'll always be a question mark," he said.

Bagert said he felt that Garrison had "put us right in the middle," by skirting a grand jury and letting the case go before the judges for a preliminary hearing. But Bagert was pleased with himself for appointing one judge-O'Hararegarded as critical of Garrison and another-Matthew Braniff -regarded as a friend of the flamboyant district attorney, to balance his panel.

Bagert was pleased and a little awed by the turnout of Russian, Italian, French and English journalists among the 75 newsmen at the trial but his delight in the publicity did not stop him from threatening to clear the courtroom several times.

Although Russo's testimony weighed most heavily with Bagert, he said he was unwilling to dismiss from his decision the testimony of admitIted drug addict Vernon W.

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