

Andrews Indicted for Perjury Again

Five Counts Specified by Grand Jury

Dean A. Andrews Jr., once indicted for perjury in Kennedy assassination probe testimony, was reindicted Wednesday by the Orleans Parish Grand Jury for the same perjury charge and five counts were specified.

Additionally, the jury reindicted Edgar Labat and Clifton A. Poret for the 1950 rape of a white woman. The Supreme Court Monday refused to hear a Louisiana appeal from a ruling by the Fifth Circuit Court of Appeals, which reversed the men's convictions.

Labat was convicted in 1953 for the rape of a white woman in a dark alley in New Orleans in 1950. Poret was convicted of aiding and abetting the rape.

The pair has been on death row at Angola for 14 years.

Testimony by Andrews centered around whether he could positively identify Clay L. Shaw, prominent New Orleans businessman, as Clay Bertrand who, Andrews told the Warren Commission, called him November, 1963, and asked him to defend the accused killer of President John F. Kennedy, Lee Harvey Oswald.

This move on the part of the district attorney's office apparently resulted from the fact that Andrews' attorneys questioned the first indictment in court, alleging that the indictment did not conform to the proper section of the Louisiana Criminal Code.

Here is the indictment:

"The Grand Jurors of the State of Louisiana, duly empaneled and sworn in and for the body of the parish of Orleans, in the name and by the authority of the said state, upon their oath, present that one Dean A. Andrews Jr., late of the parish of Orleans, on the 16th day of March in the year of Our Lord, 1967, with force and arms in the parish of Orleans aforesaid, and within the jurisdiction of the Criminal District Court for the Parish of Orleans, appeared as a witness

and committed perjury by testifying as follows:

"Question by Grand Juror:

"Q. Would you state positively that Clay Shaw and Clay Bertrand, having (seen) Clay Shaw recently, were not the same people?

"A. I could not do it — my personal opinion, if you are interested, in (sic) I'll give to you.

"Q. All right, we are interested in your personal opinion.

GIVES NO OPINION

"A. I can't connect the two — I can't say he is and I can't say he ain't — there is no way in my mind that I can connect the two — but if you asked me under oath I can't give you my personal opinion — I just have to say there is no way in the world I can connect the two. The only difference — I would have to go along with Dick and Mumu (apparently referring to two assistant district attorneys) — Cause I found out there is a difference — you know on the phone — there is a ten-second delay at a frequency or something in the transmission of the voices."

"Question by Richard Burnes, assistant district attorney:

"Q. If you were to have a physical description in your mind of Clay Bertrand regard to height and general build and if you were to put a physical description of Clay Shaw, whom I believe you have seen on TV, is that correct?

"A. Yes.

"Q. Is there anything grossly disproportionate about the general description in regard to height of the two men?

"A. He is taller.

"Q. Who is taller?

"A. Clay Shaw.

"Q. How much?

"A. I don't know.

"Q. Well, can't you give an approximation?

"A. An approximation. How tall is Clay Shaw? I don't know how tall Clay Shaw is.

"Q. You must have some idea about how much taller he would be than Clay Shaw.

"A. I see him on TV—He is a tall cat—I don't believe the person I know as Clay Bertrand is as tall as him. I don't know. I can't say yes, and I can't say no. As God is my judge. I have

to go back to the same thing I am telling you—I go to a fag wedding reception—and he is standing up and he is well dressed—I don't measure the guy then, I don't measure him now. I don't even think about the guy. Just like you go to any wedding reception, you mingle, you drink, you talk. I had no occasion to—to have this guy impress me.

"Q. Mr. Andrews, you stated that Clay Shaw is taller.

"A. Well, I am assuming that, I don't know. I see him tower over people when they put the TV camera on him, so I figure he is a tall cat.

"Q. About how much taller would you say he is?

"A. The general build is the same—you are asking me for height—I can't tell you.

"Q. Well, you can tell me whether it's closer to one inch or closer to eight inches, can't you?

"A. How can I tell you that?

"Q. Well, is he closer to four inches? Is he as much as a foot taller?

"A. No.

"Q. Is he as much as half a foot taller?

"A. You see, man, you are like all them people, you push and push for something—that's how I got two descriptions in here before. I don't know. I really, honestly don't know. All I know is Clay Bertrand, the one I know, has a voice I know as an individual—now this was '64, seven years later when I go look for the guy that jumped up and ran out of the place—is sitting down and I told them '58—I get in all kinds of inconsistencies, I can't give you what you want in relationship to height, except the man is in my opinion that I know as Clay Bertrand is 6'1, 6'2, in that area."

"Question by Richard Burnes, assistant district attorney:

"A. I get the impression you all want me to identify Clay Shaw as Clay Bertrand—I'll be honest with you that is the impression I get—

"Q. Well?

"A. And I can't. I can't say he is and I can't say he ain't.

"Q. You can't say he is and you can't say he ain't?

"A. Right.

"Q. And that is what you told us in our office?

"A. Right. And that is what I am telling you now. I cannot say positively, under oath, that he is Clay Bertrand or he is not. Even with me listening to the

guy's voice on the phone, the voice I recall is somewhat similar to this cat's voice, but his voice has overtones just like Mumu said, the voice I recall on the phone as Clay Bertrand's is a deep, cultured, well-educated voice—he don't talk like me, he used the King's English. Everybody thinks I am holding something back. They think I have the key to who killed Kennedy—I wish I did I'd sell it and make a million dollars . . ."

"Which testimony and statements enumerated above, the said Dean A. Andrews Jr. then and there well knew were false and untrue and which were related to matters material to the issue and question under investigation: to wit: A conspiracy to murder John F. Kennedy, contrary to the form of statute of the state of Louisiana in such cases made and provided and against the peace and dignity of the same.

SECOND COUNT:

"Following is another series of testimony:

"Question by grand juror:

"Q. Mr. Andrews, I understood you to say earlier that you would like to find Clay Bertrand?

"A. Well, I think everybody would like to find him—the emphasis placed on him he apparently has some connection with . . . that I don't associate at all with this case.

"Q. If you would like to find him, how would you know it was Clay Bertrand when you found him?

"A. Well, you've got me.—I couldn't say yes, I couldn't—I'd have to go on instinct.

"Q. Yet, when you went looking for Clay Bertrand in the bar, and this man jumped up and ran out, you said that this was Clay Bertrand?

"A. No, I said a man who I thought was Clay Bertrand, who appeared to be Clay Bertrand—I forget the word choice that I used—got up and ran, stepped out the side door and left the scene.

"Q. So you mean to say that if you walked into Clay Bertrand right now you wouldn't know him?

'LIKE HOLY GRAIL'

"A. Instinct only. I'd really be as baffled as I am now. He is like the Holy Grail to me, you know you can see it and you never get it. The picture I get from looking at you — I guess in three or four days I could describe you—it's that kind of problem. The interest and em-

phasis placed on Clay Bertrand I have never associated with the man. In other words, the emphasis placed today and at the time I met this man the first time I saw him, the second time I saw him, in the transactions I have had with him — I never placed emphasis on him.

Q. When you told the Warren Commission there were three people you wanted to find and he was one of them, did you think at that time that if you found him you could have recognized him at the time?

A. I would have to say you are right, I would doubt if I could, but I would have tried. Because it was my impression . . . that they felt that this man played an important part in its value or perspective in the overall investigation of Oswald, but he never guaranteed nothing for Oswald. Nobody ever asked me that—he had nothing to do with Oswald as far as I know.

Q. Did Clay Bertrand, the voice on the phone, guarantee payment for anyone after the time of the assassination?

A. I ain't never seen nor heard from him since . . ."

THIRD COUNT

Question by Richard V. Burnes, assistant district attorney:

Q. "Do you know Dave Ferrie?"

A. Yes, I knew Dave Ferrie.

Q. What were the circumstances of knowing Dave Ferrie?

A. '54 to '59 I represented Carlos Marcello in his immigration matter and I left his employ in November, October of '63—they shipped him off to Guatemala and he came back from Guatemala and the government had him on trial for something, Dave Ferrie—I met, I think, with Wray Gill and Carlos and they were asking me points in the facets of the Marcello v. U.S. that I handled in his deportation proceeding.

Q. Have you ever had occasion to do any work for Dave Ferrie?

A. No.

Q. You never represented him on anything?

A. No.

Q. Had he ever called you in behalf of a client?

A. No. Wouldn't use him if he did, he ain't the best source in town, you know.

Q. Has he ever required you to do anything for a subject that might have been arrested?

A. No. No. The only thing I recall doing was recently. I don't know how far back, but he had an expired brake tag ticket—and I used to run a traffic court, but I have been suspended, I don't run it no more—think I nolle prosecuted the expired brake tag. The reason was the windshield was broken, they put a new windshield on it, something like that, anyway I recall nolle prosecuting the expired brake tag—the car was not his, he had borrowed it from somebody else.

Q. That was for Dave Ferrie and you dismissed the case?

A. Right. Declined to prosecute him.

Q. Did you have occasion to parole anyone for him?

A. No.

Q. Do you know what parole power is?

A. You got to be joking. You ask me an intelligent question and I give you an intelligent answer. Sure I know what it is.

Q. Will you tell the gentlemen what parole power is?

A. In Jefferson Parish assistant district attorneys prior to Jan. 1, 1967, were authorized to parole for purposes of making bond persons arrested and incarcerated in jail.

Q. You never paroled anyone for David Ferrie?

A. Not to my knowledge . . ."

FOURTH COUNT

Question by grand juror:

Q. You were going on the basis of a phone call that he would guarantee the fee.

A. A telephone call never guaranteed a fee, that's an assumption on somebody's part. I never said that.

Q. You said this man called you and wanted you to represent Oswald?

A. Yes, but he never said anything about guaranteeing a fee.

Q. You mean you would go . . ."

A. On a case like that—you better believe it—I would go for nothing—I would become famous.

Question Mr. Burnes:

Q. Mr. Andrews, didn't you tell us in our office that he said don't worry about a fee?

A. I don't recall, Dick. You people got me at a disadvantage. You don't know how I work in my office. You don't know how I handle my books,

and if you ask anybody in town I'm the easiest mark in the world—if you need help I go help. I can bring you thousands and thousands of people—I got a case going to the Supreme Court now, out of my pocket—I been handling it two and one-half years out of my pocket. There's more action for churches I been handling than Carter's got pills—I need money like anybody else, its just the way my particular office runs. These people pay—they usually do.

Q. Mr. Andrews, you made a reference somewhere—perhaps in the Warren Report—that at the time this man owed you money and at that time you seemed to think money was important.

A. No, that is the conclusion you draw.

Q. That is not a conclusion—that is what you said.

A. Well, where is it at in there? I don't think I said it exactly."

Question by Richard V. Burnes.

Q. Now, what was the nature of your being contacted by Clay Bertrand at this time?

A. You are the only guy in all of them that ever asked me that. I'll elucidate—like in Enrico Caruso.

Q. You mean that you have never been asked why Clay Bertrand contacted you?

A. That's right. You're the first one who ever asked me.

Q. How about the Warren Committee?

A. No, they contacted it a different way—they got an answer out of me but they never got the whole thing.

Q. All right—would you tell us . . ."

A. A voice that I identify as Clay Bertrand called me at the hospital and asked me if I would represent Lee Oswald in Dallas—nobody ever asked me about a fee or anything else—he said I would get real famous and he would get in touch with Lee Oswald so that I could represent him. That's the part nobody ever asked me. As soon as I said I heard the voice of Clay Bertrand blump—they all cut off. You're the first one who ever asked me for the whole bit.

Q. Now, what did you tell this subject?

A. I told him I was in the hospital and couldn't go. . . ."

FIFTH COUNT

Question by Burnes:

Q. "Now you stated that you recognized the voice as Clay Bertrand. Did you tell anyone Clay Bertrand had called you?"

A. Yes.

Q. Who was the first person you told? If you can recall.

A. Let's see — called my secretary, right after that, told her we were going to Dallas to defend Oswald and she wanted to quit I remember now—Sgt. Davis, my office man, he came in to visit with me I told him, I think I called Monk on Sunday — told Monk could he go cover for me in Dallas . . ." (The reference here is apparently to Sam "Monk" Zelden.)

Q. Was Prentiss Davis in your office the same day you received a call?

A. I think he came in shortly after, probably while I received the call, right around that time.

Q. Did you mention Clay Bertrand to him at that time?

A. All I told him we were going to Dallas to defend Oswald.

Q. You didn't tell him it was Clay Bertrand?

A. Man, I'm the boss — I don't tell my flunkies all my business. I pay 'em and they do what I tell them to do or they hit the road. I have no confidence with all my people. I run my office, the tail don't wag the dog.

Q. I'm not asking you why, I am merely asking you . . ."

A. The answer is no. To the best of my knowledge I don't recall telling him Clay Bertrand called me. All I recall telling him was that we were going to Dallas and defend Oswald."

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(PP 1:1:2,3
& 1:22:1-8)