

DELAY IN PERJURY TRIAL RULED OUT

T.P. 8/10/67
Andrews Is Denied Writ from High Court

The state Supreme Court late Wednesday afternoon denied a writ of Dean A. Andrews Jr. asking for a delay in his trial for perjury in connection with District Attorney Jim Garrison's assassination probe.

Andrews, meanwhile, pleading his own case, argued before Criminal District Court Judge Frank Shea until 9:30 p. m. Wednesday to have Garrison and his staff recused from prosecuting the case and to have an ad hoc district attorney appointed for the trial.

When Judge Shea recessed the hearing until 10 a. m. Thursday, it was a haggard Andrews who answered newsmen's questions after nearly 12 hours in the courtroom.

On Thursday Andrews will have a chance to question Morris Brownlee, whose name was mentioned at Wednesday's hearings, and two New Orleans policemen who are reported to have arrested Emanuel Garcia Gonzales, another name mentioned in the probe.

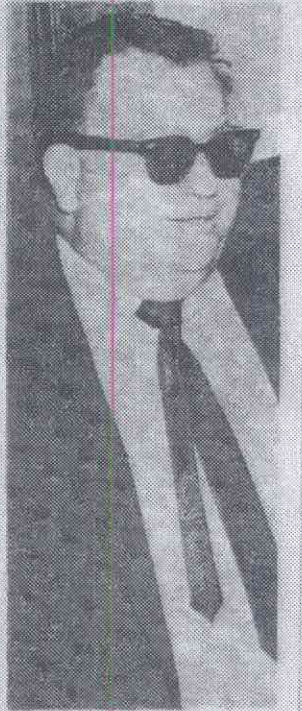
The trial, which was in its first day Wednesday, was recessed while Andrews had a writ filed before the Supreme Court seeking a delay in the case so he could prepare arguments and call witnesses on his motion to have Garrison recused.

Judge Shea denied the delay, and he was upheld by the high court. The ruling said in part: "Considering the return of the trial judge that all witnesses have been subpoenaed with the exception of three persons currently living in other states and that the courts in these states have refused the request of the State of Louisiana to return these persons to the State of Louisiana, we find no ruling."

'NO FRICTION'

Andrews' perjury trial is in connection with his testimony

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—Photo by The Times-Picayune.
DEAN ANDREWS
 Arrives for trial.

Continued

before the Orleans Parish Grand Jury.

Andrews took over his own defense after attorney Sam Monk Zelden withdrew his representation because of "irreconcilable differences" with his client.

Andrews himself said it was a matter of two lawyers disagreeing on "the best procedure to follow."

However, Zelden was later appointed by the court to represent Andrews. While Andrews is acting as his own counsel during the hearing, he indicated there was no friction between himself and Zelden when he emerged from the courtroom late Wednesday.

He said he had no comment on Zelden's statement.

BURNES CALLED

Andrews called several witnesses, including assistant Dist.

Atty. Richard V. Burnes.

Burnes testified that Andrews once said he knew Lee Harvey Oswald did not kill Kennedy and that he was looking for three persons — the "Mex" who accompanied Oswald to Andrews' office, a "Clay Bertrand" and the person who actually killed the president.

Burnes then indicated that he heard a tape recording on which Andrews said he located two of the persons he was looking for.

Garrison claims Clay L. Shaw, a New Orleans businessman whom he charged with conspiring to kill the president, and "Clay Bertrand" are the same person. It was Andrews' testimony on "Bertrand" which led to the charge of perjury against him.

Andrews, a former Jefferson Parish assistant district attorney, asked Burnes for some rea-

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sons for which he was subpoenaed.

Burnes replied that they included "your Warren Commission testimony" regarding a call Andrews said he received from Clay Bertrand, who asked him if he would represent Oswald on a charge of murder.

Andrews also called Garrison to the stand.

Garrison said he never personally heard the tape referred to by Burnes, but that both Burnes and James A. Alcock, another assistant district attorney, did so.

ASSIGNED CODE NAME

Garrison said he probably assigned Andrews a code name because he had good reason to believe that his (Garrison's) telephones were being monitored.

Garrison, sometimes staring at his fingernails or looking blandly off into space, seemed far removed as he sat on the witness chair, answering Andrews' questions and frequently prefacing or ending his replies with "Dean," Andrews' first name.

Andrews, the hip talker, stuck close to legal terminology as he moved through the questioning, occasionally adjusting his dark glasses.

On one occasion, though, he returned to give talk when he asked Garrison about a Saturday afternoon meeting in Garrison's office between the two

of them.

In citing the meeting he asked Garrison if he recalled "me asking you if you was gonna put the hat on me because there was a rumble on the vine" to that effect.

Judge Shea interrupted, asking the rotund Andrews to translate the question. Andrews said he meant was he going to be indicted for perjury and Garrison said at the time he told Andrews "positively not."

'ASSASSIN'S CAMP'

Garrison emphasized that he believed Andrews was not telling the truth only regarding the identity of Clay Bertrand and that his other testimony was honest. Andrews asked him when he first arrived at this conclusion and Garrison said it was probably after the two had first talked about the case.

Andrews also questioned Garrison about a meeting between the two at Broussard's Restaurant. Garrison said he had a recollection of the meeting, but that it had been so long ago he did not recall some of the specific topics discussed.

Andrews asked Garrison if at subsequent meetings he recalled discussing an "assassin's camp" across Lake Pontchartrain. Garrison said he remembered discussing it, but said it was not necessarily an assassin's camp.

Andrews also asked the DA if he recalled a party of Garrison and his assistants on March 14 at the Royal Orleans Hotel. Garrison said he recalled attending a dinner there. Andrews asked if among the guests were several members of the press. "Yes, I recall several," Garrison replied.

Andrews then asked if during the course of the meal Garrison arose and announced that he was going to call Dean Andrews' lawyer and see if he could get a positive answer, one way or the other, on the identity of Clay Bertrand.

Garrison said he could not recall the incident, and when Andrews asked him if he had called Zelden, from the Royal Orleans, Garrison said he had two or three conversations with Zelden -- once at the New Orleans Athletic Club, once in Garrison's office, and another time when "he called me, or perhaps I called him."

Again Andrews pressed about

a March 14 conversation, and Garrison said there had been none.

At one point Andrews asked Garrison if when the two discussed Clay Shaw as Clay Bertrand, he had given Andrews any other reasons to believe the two were the same.

MOVIE FILM

Garrison said he could not give any other reasons without going into the evidence of the Clay Shaw trial, but he said he was confident he had not spelled out the reasons to Andrews.

In other questions Andrews asked Garrison if he recalled that Andrews suggested that Garrison get in touch with Life Magazine regarding the Zagruder film, a roll of home movie film purchased by Life taken by Abraham Zagruder at the assassination.

Garrison said they may have discussed the film, but he did not recall Andrews having made such a suggestion.

Andrews asked Garrison if he ever said "that was cross triangulation" when Andrews and Garrison were looking at photos of Dealey Plaza in Dallas in relation to the possible

position of guns and people. Garrison said he had not.

Garrison was also asked if he had given the impression to any of his assistants that he believed Andrews was lying. "No," replied Garrison, "that was not necessary because that had become apparent to most of the staff."

SUBPENAS DISCUSSED

Much of Andrews' questioning of Burnes regarded the subpoenas issued to Andrews, including who gave instructions for the preparation and so forth.

He also asked Burnes a series of questions about his appearance before the Grand Jury and what role Burnes had in it as well as asking him questions about his instructions, if any, to the jury.

Burnes said that he discussed Andrews' testimony before the Warren Commission and in the DA's office with Garrison the night and morning before Andrews went before the Grand Jury.

He said they discussed the in-

consistencies in his statements.

Andrews asked if Garrison expressed the opinion that "I was lying" and Burnes answered he thought Garrison had expressed that opinion.

There were frequent objections by the state on the grounds that Andrews' questions were irrelevant in the hearing on a motion to recuse the DA and that they covered material that would come up during the trial. Each time the objection was sustained Andrews announced he was filing a bill of exception to the court's ruling.

On several occasions during the questioning of Burnes, Andrews would ask a long, involved question. Burnes would answer by repeating the question, prefacing his statement by saying, "As I understand your question, you are asking . . ." and then ask, "is this correct?" Andrews at one point asked to have the court reporter repeat the question. Judge Shea, apparently tired of the repetition, instructed Andrews to repeat the question, and Andrews confessed he could no longer recall what his question was. Judge Shea finally told him to rephrase.

Andrews did, but first he made it known he was filing a bill of exception to the court's ruling that the court reporter could not repeat the question.

In the motion to have Garrison recused, Andrews said Garrison did not have any evidence to prove an assassination conspiracy was hatched in New Orleans.

"The only conspiracy existing is the conspiracy planted in (Ferry Raymond) Russo's mind due to use of hypnotical sessions," the motion stated. Russo is Garrison's star witness in the probe. Russo testified at a preliminary hearing that he overheard a plot being made by Shaw, pilot David W. Ferrie and Lee Harvey Oswald. Shaw is awaiting trial on criminal conspiracy charges. Ferrie died Feb. 22 shortly after Garrison's probe hit the headlines.

The motion noted that Garrison filed criminal action against a reported godchild of Ferrie's, Morris Brownlee. Andrews said this action was taken to put pressure on Ferrie.

Andrews also said that a character he invented by the name of "Gonzales" was named as one of the Kennedy assas-

sins by Garrison. Andrews said Garrison filed criminal charges against "Mannel Garcia Gonzales" for alleged selling and possessing narcotics.

CHANDLER TESTIFIES

Another witness was David L. Chandler, a correspondent for Life magazine who was once a close friend of Garrison.

Under questioning by Andrews, Chandler said no monetary arrangements were made between his magazine and Garrison when the two first discussed the Kennedy investigation.

Chandler also quoted Garrison in reference to a conversation about Andrews which occurred in the d.a.'s office last December:

"Andrews is lying because of his conflicting statements to the Warren Commission and the Federal Bureau of Investigation. Why is Andrews lying? Obviously to protect a client.

"Who are his clients? Homosexuals. Therefore, he's lying to protect a prominent homosexual.

"Who would that be? Clay Bertrand—Clay Shaw. Furthermore, Shaw has a house in Hammond."

Chandler went on to explain that Garrison found the Hammond angle significant in that he believed Oswald was trained at a guerrilla camp in that city. Chandler said Garrison also pointed out that Shaw speaks Spanish.

Under these circumstances, Garrison became convinced that Shaw and Bertrand were the same man, Chandler testified.

Several newsmen testified and generally stated that all their information about conversations with Garrison and members of

his staff was made public. Jack Dempsey and Ross Yockey of the New Orleans States-Item and Sam DePino of WVUE-TV were among those who appeared.

William Gurvich, former Garrison investigator, also testified. He said there was no basis for the probe. He asserted that Garrison received money for the investigation from sources other than Truth and Consequences. The latter is a local organization which financially supports the probe.

RECESS GRANTED

Early in the trial, Andrews

had asked for a 15-minute recess so he could telephone an attorney to file his writ for a delay with the Supreme Court. The recess was granted.

When court resumed, Andrews asked Judge Shea for a second recess "so I can collect my thoughts . . . I just can't pop up and say da-da-da-da."

At this point, the judge placed his hands over his eyes and said:

"We will give you a half-hour recess, Mr. Andrews, and that is the last recess we're going to have. Then we're going to start the trial in this room."

Near the close of the hearing Wednesday night, after Andrews had questioned all the witnesses available except Russo, he told the court that he had not had adequate time to prepare his case.

Andrews asserted that he had to rely on the telephone to trace down information since he was acting as his own counsel and could not leave the courtroom, and Judge Shea told him: "You waited until the last minute to file this motion and then you expect me to wait while you fish around."

Andrews, mentioning witnesses or experts he was trying to contact, said those cited "are pertinent to my case," adding that because of "the time factor" he was unable to produce them.

Judge Shea told him that Russo was available for questioning, but Andrews said he needed an expert in the field of psychiatry and hypnotism before he questions Russo.

It was finally agreed that at 9 a.m. Friday, Andrews would have an opportunity to question Dr. Nicholas J. Chetta, Orleans Parish coroner, Dr. Esmund S. Fatter, and Russo. Dr. Fatter hypnotized Russo and Dr. Chetta witnessed the action.

The night session Wednesday got under way at 7 p.m. following a one-hour recess.

Andrews called assistant district attorney Andrew J. Scianbra, who testified that he had discussed Andrews with Garrison.

However, when Andrews asked, "Did he ever say I was lying," Alcock objected that Garrison had already testified, and was sustained.

Next Assistant DA Burnes, who questioned Andrews before the grand jury March 16, was

recalled.

Andrews questioned Burnes about his testimony in the district attorney's office. "It was my opinion after hearing your testimony in the district attorney's office that you were willfully deceiving us," Burnes said.

Andrews also asked about purposes of a proposed meeting between Burnes, Andrews and his attorney.

Burnes said that Andrews had stated that there were 15 to 20 people who knew Clay Bertrand.

"You were going to help us locate these persons so we could locate Bertrand. You were going to listen to Clay Shaw's voice on a telephone . . . a number of things," Burnes said.

Burnes also said he had not told the grand jury the substance of what Andrews had said in the district attorney's office.

He said it was explained to jury members that the district attorney's office cannot administer an oath for testimony.

Andrews then asked if the grand jury had access to his Warren Commission testimony before copies were distributed to members during the March 16 session. "Not to my knowledge," Burnes said.

"Who pointed out discrepancies in testimony before I went into the grand jury?" Andrews asked.

Alcock objected that Andrews was "assuming something that is not in evidence," and was again sustained.

Andrews then called Alcock and asked him if it "was common knowledge in the district attorney's office that I was lying in my Warren Commission testimony?"

"Personally, I was aware of certain inconsistencies that you couldn't jive with the testimony," Alcock said.

Assistant District Attorney Alvin V. Oser was placed on the stand, and Andrews propounded the following question:

"If Jim Garrison said I would be untruthful in testimony, and it would be common knowledge in the office, would you hear it?"

At that point Judge Shea in-

interrupted and said: "I'm not interested in that. You can hear anything in the criminal courts building if you listen long enough."

Assistant District Attorney Numa Bertel testified that he had not discussed any facet of Andrews' case with Garrison and Andrews dismissed him.

Sgt. Joe J. Buccola of the State Police testified that he had been assigned to Garrison's office in the first week of March and had worked there until April 16.

Sgt. Buccola told Andrews that his name had come up in a report made to chief Garrison investigator Louis Ivon, "when we ran into you at the 544 club."

However Andrew's questions ended when the state noted that the report was made after Andrews was indicted.

All of the grand jury members were dismissed after member J. C. Albarado testified briefly.

The next witness was Lt. Frederick A. Soule Sr., com-

mander of the New Orleans police vice squad, who was asked if he could remember an arrest of a Manuel Garcia Gonzales in September of 1966 or January of 1967. He said he could not.

London journalist Tom Bethel, who is employed in Garrison's investigation, said he had gone to Washington to study government documents, some of them FBI interviews of Andrews.

Bethel said he had sent photostats of the interviews to Ivon, but had not discussed them with Garrison or his staff.

Andrews made a motion for a subpoena for the photostats, but Alcock said he had them and produced them in court.

Lt. Clarence Giarrusso, head of the police department's narcotics division, also appeared on the witness stand. He was questioned concerning the arrest of Gracia Gonzales for which the DA's office filed a direct bill of information. Giarrusso said the DA's office can make a narcotics arrest without his office knowing about it.