JFK: New Orleans DA Passes Test, Judges Agree It's a Case for Trial

New Orleans District Attorney Jim Garrison, seeking to prove that President Kennedy died in a conspiracy, took his case to court last week and passed his first test. A panel of three judges ruled that Garrison had sufficient evidence to bring Clay Shaw, 54, retired New Orleans businessman, to trial on charges of conspiring to assassinate the President.

Shaw, arrested March 1, remained free in $10,000 bond. Garrison planned to file formal charges against him tomorrow. There was no indication when the trial would begin.

During the four-day preliminary hearing in Orleans Parish (County) Criminal Court, no evidence was produced that anyone other than Lee Harvey Oswald actually participated in the assassination on Nov. 22, 1963, in Dallas.

A Party in September of That Year

Garrison's star witness, Perry Russo, 25, an insurance salesman, told a detailed story of going to a party one September night in 1963 at the New Orleans apartment of a friend, David Ferrie and, after the party, of hearing Ferrie, Oswald and Clay Shaw discussing how to kill the President.

The names varied in his examination and cross-examination. Oswald, to Russo at that time, was Leon Oswald. Shaw, he said he knew as Clem Bertrand. But his story remained the same.

Garrison went into court amid considerable skepticism about his case. The Warren Commission had found that President Kennedy was killed by Oswald alone. Federal officials said their investigations, immediately after the assassination, showed no involvement by either Shaw or Ferrie.

The surprise appearance of Perry Russo bore out Garrison's promise of new developments. Until then, there had been no public indication of his connection with the case.

In bizarre chain of events, Perry Russo (left) swore that Clay Shaw (center) plotted with Lee Oswald to kill President Kennedy. And Dean Andrews (right), a fringe figure in probe, was indicted for perjury.

Of the three men Russo named, only one was living —Shaw. Oswald was shot to death by Jack Ruby after the assassination. Ferrie died in his apartment Feb. 22 in what Garrison called an apparent suicide. The coroner's office said it was a natural death.

Russo had many questions to answer, particularly why he waited so long to bring forward his information. He said it was because the case was in the hands of "professionals," he was busy studying at Loyola University (New Orleans) and he "forgot" all about it.

He wrote to Garrison only last month, after hearing that the district attorney was investigating the case.

His testimony contradicted previous information.

He insisted he saw Oswald in New Orleans as late as October, 1963, and that Oswald was rooming with Ferrie. The Warren Commission had found that Oswald lived with his wife, Marina, in New Orleans until Sept. 23, 1963, and then left for Dallas.

Marina, now Mrs. Kenneth Porter of Greenville, Tex., said she had never met nor heard of Ferrie or Shaw.

Coroner Nicholas J. Chetta, who followed Russo to the stand as a state's witness, testified that he had put Russo into a trance by hypnosis and truth serum while questioning him about the case. The coroner said his findings were that Russo was sane and rational.

While the hearing continued, Garrison widened his investigation. He subpenaed Dean Andrews, an assistant district attorney in nearby Jefferson Parish. Andrews had told the Warren Commission that a "Clay Bertrand" contacted him shortly after the assassination and asked him to defend Oswald.

Garrison's Orleans Parish grand jury indicted Andrews for perjury.

Transfer JFK to New Gravesite

While the courtroom resounded to legal arguments, the victim of the assassination, John Fitzgerald Kennedy, went to his permanent resting place.

In a drizzly dawn Wednesday, his coffin, and those of his two infant children, were taken from the temporary graves in Arlington National Cemetery to their marble-and-granite monument close by.

The widow, other members of the Kennedy family and President Johnson stood together under umbrellas for the brief private ceremony. Cardinal Cushing, Archbishop of Boston, prayed:

"Be at peace, dear Jack, with your tiny infants by your side, until we all meet again above this hill and beyond the stars."