

JURY DELIBERATING FATE OF ANDREWS

Given Choice of Three Possible Verdicts

The five-man jury at the perjury trial of former Jefferson Parish Asst. Dist. Atty. Dean A. Andrews retired at 10:45 p. m. Sunday to consider verdicts on five counts of perjury involving testimony before the Orleans Parish Grand Jury.

The trial, which went into its fifth day Sunday, was recessed at 6 p. m. for supper and so that Criminal District Court Judge Frank J. Shea could prepare the charge to the jury.

The trial was to reconvene at 3 p. m. but extra time was taken for the charge to be typed and for consultation with defense and state attorneys on legal points.

Shea told the jury that one of three verdicts could be returned on each count: Guilty as charged, guilty of attempted perjury or not guilty.

OBJECTION MADE

Just prior to the jury's retirement, defense attorney Cecil Burglass objected to six paragraphs of Judge Shea's charge and asked for a mistrial, which was denied. Burglass said the judge failed to inform the jury of the distinctions between perjury through false statements and perjury through contradictory statements.

During Saturday's testimony, Burglass contended, Shea said perjury through contradictory statements didn't apply in Andrews' case. However, in his charge, he said that both false statements and contradictory statements constitute perjury, thereby implying that the two offenses were of equal nature.

In Louisiana revised statutes, perjury through false statements is punishable with up to

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five years imprisonment and perjury through contradictory evidence carries no punishment, Burglass said. Also Burglass added, perjury by false statements puts the burden of proof on the state and perjury by contradictory statements shifts the burden to the defense to prove that the defendant believed he was telling the truth when he made the statements.

Following Shea's 25-minute charge, the jury retired to start deliberations.

Prior to the 3 p.m. recess, Harry A. Burglass, another defense attorney and the brother of Cecil Burglass, said the state had to prove that Andrews lied willfully and to prove the materiality of the Grand Jury testimony.

In a brief rebuttal, Asst. Dist. Atty. James L. Adcock said Andrews' conflicting Grand Jury testimony and other public statements clearly indicated that he was lying.

The defense delivered its final summation to the jury late Sunday afternoon after the man Andrews identified as Clay Bertrand took the stand and denied the statement.

DAVIS ON STAND

Eugene C. Davis, a French Quarter bar owner, was called to the stand at 2:50 p. m. as a state rebuttal witness and under questioning by assistant district attorney James L. Adcock, he denied he was Clay

Bertrand or he ever used the name.

Adcock asked Davis: "Have you ever heard of a person named Clay Bertrand?"

Davis replied: "Not until this investigation."

When asked if he ever called Dean Andrews and used the name Clay Bertrand, Davis said no.

Davis said that he had known Andrews for 18 or 20 years and first met him in a bar on St. Peter and Bourbon where he was working as a bartender.

He also testified that Andrews came into the same bar quite a few times after that.

A short time later Burglass again asked Criminal District Judge Frank J. Shea to give a directed verdict of acquittal on all five counts of perjury on grounds that District Attorney Jim Garrison's office has not proved elements of "corpus delicti" and "materiality" in the five counts.

MOTION DENIED

Judge Shea refused.

At 2:30 p.m. the defense abruptly rested its case after the jury listened intently to a tape of Andrews' testimony to the Grand Jury, which indicted him for perjury in the Kennedy assassination plot probe.

Voice tapes of Andrews' replies to interrogation were played despite state objections after Judge Shea denied the defense motion for a directed verdict of acquittal at 9:30 a.m. The trial lasted through the

day. Both sides presented final arguments to the jury.

Burglass demanded that the jury hear voice recordings of Andrews' testimony even though transcripts of the Orleans Parish Grand Jury hearings last April 16 were read to the court.

"Appellate courts have described written transcription as a cold record," said Burglass. He disdainfully shook that indictment, an eight-foot length of typed pages glued together which contain the written record of testimony.

"We want the tape played for the jury so members can get the full impact of the atmosphere, to give the jury the full impact of the basis of this thing here," he said.

TRIAL NOT HALTED

Judge Shea ruled the tape could be played but added "I'm not going to stop this trial while they look for the tape." Burglass countered, "I cannot proceed, your honor, because I would have to present my testimony out of order."

"We're going to proceed," ordered the judge.

The tape of Andrews' testimony was played after the defense and Judge Shea argued whether to proceed with the hearing until an "instant" subpoena could be served to obtain the recording. The tape was not readily available because the clerk of court's office was closed.

Burglass stressed that proceedings with the case "cause me to present my case out of order."

RECESS CALLED

Obviously irritated, Judge Shea called a long recess.

When court finally reconvened, with the jury still out of the room, the defense called Hugh Ainesworth of Houston, Tex., now correspondent for Newsweek Magazine and a former aerospace editor for the Dallas Morning News during 1963-64. Ainesworth testified about his interview with Garrison the day after Shaw was arrested.

"I asked Garrison, what part

does Dean Andrews play in this? What does he know?" said Ainesworth.

"Garrison told me, Andrews doesn't know anything but he's been huff — me for weeks now and I'm going to get him, or fix him, or something like that. Andrews was arrested that same day."

The tape, which ran an hour and a half, contained constant questioning by Asst. Dist. Richard Burnes on the same topics but from different approaches.

Andrews, 44, a lawyer, was asked about the time he first met Clay Bertrand, a man the state contends is actually Clay L. Shaw, the wealthy New Orleans businessman charged with conspiring to assassinate President Kennedy.

"You expect me to remember now about things that happened in 1967. There was nothing at that time to fix it in my memory. He was just somebody I met," replied Andrews.

Andrews was questioned about the day Lee Harvey Oswald—the man named by the Warren Commission as President Kennedy's assassin — walked into his law office to consult him about some minor legal matters.

"Just my bad luck the car

walked into my office," answered Andrews, a short, round man who wears sunglasses and talks jive.

"Of all the offices, he has to walk into mine. I've been hounded since 1963, when I told the Warren Commission about it, by experts, quasi-experts, and writers, and reporters, and the feeblies and you."

"And I done my best to cooperate with all these people, although I really don't know a lot of things they ask. But now I'm getting gun-shy."

Burnes asked Andrews about a statement he made that he didn't believe Oswald shot President Kennedy.

Andrews: "That was just my opinion."

Burnes: "Do you know?" meaning who shot the president.

Andrews disgustedly: "Do I know? Oh, man, don't be factious. If I knew I would have put down like a thousand pound canary. I like this country, too, you know."

A Sunday session of court was highly unusual. No courthouse bull could recall one, and the judge had to check the law books to find out if it was legal.