

BERTRAND NOT SHAW, SAYS NBC

T.P. 6/20/67
Reports Justice Dept.
Knows True Identity

The National Broadcasting Co., on a nationwide telecast Monday night, said a "Clem Bertrand" does exist in New Orleans, and that his true identity has been given to the United States Department of Justice.

In a one-hour program, entitled "JFK Conspiracy — The Case of Jim Garrison," NBC interviewed a number of figures prominent in Garrison's presidential conspiracy case, and some whose names had not previously appeared publicly.

Terming Garrison as the only American "who has had and used legal findings" to investigate the findings of the Warren Commission, narrator Frank McGee said the network has "no right to prejudge Garrison's case," but it is examining it.

Earlier, Garrison had charged NBC with making a "counter-attack in an effort to stop our inquiry before the truth is brought out to the public."

"All of the screaming and hollering now being heard is evidence that we have caught a very large fish," said Garrison. "It is obvious that there are elements in Washington, D.C., which are desperate because we are in the process of uncovering their hoax."

NOT SHAW—M'GEE

About midway the program, McGee said a "Clem Bertrand" does exist here, and that he is not Clay L. Shaw, the retired businessman accused by Garrison of conspiring to murder President John F. Kennedy.

"Clay or Clem Bertrand," McGee continued, "is a pseudonym used by a homosexual in New Orleans. For his own protection we will not disclose the name of the man known as Clem Bertrand. His real

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name has been given to the Department of Justice. He is not Clay Shaw."

In his summation of the documentary, McGee stated:

"We cannot say that the murder of John F. Kennedy did not happen the way Jim Garrison says it did. We cannot say that he does not have the evidence to prove it. We can say this: the case he has built against Clay Shaw is based on testimony that did not pass a lie detector test Garrison ordered—and Garrison knew it. One prospective witness admitted he was going to lie.

"Members of Garrison's staff, in trying to strengthen the case against Shaw, have threatened and offered inducements to potential witnesses.

"The results of his four months of public investigation have been to damage reputations, to spread fear and suspicions, and worst of all, to exploit the nation's sorrow and doubts about President Kennedy's death. Jim Garrison has said 'let justice be done; though the heavens fall, we seek the truth.'

"So do we," said McGee.

Garrison has claimed that Shaw, 54, had used the alias "Clem Bertrand." Shaw has strongly denied that he used that, or any other alias; that he has never known Lee Harvey Oswald or David W. Ferrie, or that he ever knew of a plot on the President's life. Shaw, answering in terse replies, restated his denials on film.

OCCUPATION 'BURGLAR'

It is Garrison's contention that the Kennedy assassination was the result of a conspiracy, and he argues that the Warren Commission is wrong in finding that Oswald acted alone in the killing.

About midway in Monday's program, McGee said a "Clem Bertrand" does exist here. Garrison has claimed that Clay L. Shaw, the retired businessman accused of conspiring to murder President John F. Kennedy, had used the alias "Clem Bertrand." Shaw, 54, has strongly denied that he has used that, or any other alias; that he has never known Lee Harvey Oswald or David W. Ferrie, and

that he ever knew of a plot on the President's life. Shaw, answering in terse replies, restated his denials on film.

John "The Baptist" Cancler, who gave his occupation as "burglar" and who is presently serving time in Parish Prison on a burglary conviction, said that one of Garrison's key witnesses in Shaw's preliminary hearing, Vernon Bundy, had admitted to him that he lied on the stand testifying against Shaw.

Bundy, a self-admitted narcotics addict now in Parish Prison, allegedly said to Cancler: "I wonder if I should

tell him (Garrison) if I saw him (Shaw) on Esplanade or on the lakefront?"

If Bundy had been telling the truth, Cancler continued, "he would know what to say."

"I asked him if he was telling the truth," Cancler said. He said "no."

CANCLER STORY

Cancler, a Negro, said that he rode with two of Garrison's staff members, Lynn Loisel and Louis Ivon, to Dauphine st. in a compact car. He described what then happened as follows:

He was asked by Garrison's men if he could break into a certain house and plant something there. "You know I can," he replied. "Why?" The DA's man said he might want Cancler to do a job for him. He was then told the job would have something to do with the President's assassination, but Cancler said he didn't want any part of it.

It was later that Cancler found out that the house he had been taken to was that of Clay L. Shaw, Cancler said.

Another interview was with James Phelan, a Saturday Evening Post writer who had personally interviewed Garrison. Phelan told the following story:

In Las Vegas, Nev., Garrison met with Phelan and gave him two documents. The first was a long memorandum from Assistant DA Andrew Sciambra which recounted an interview he had had with Perry R. Russo in Baton Rouge. The second was on a questioning of Russo some four days after the first interrogation.

Phelan said Russo had not told the same story in both

documents. In the first interview, Russo, a Baton Rouge insurance salesman who, with Bundy, was a star witness at the hearing, mentioned nothing about an assassination plot, about Oswald or about a meeting at the apartment of Ferrie at which a plot was formed.

LATER IDENTIFICATION

After a series of beards was drawn on Oswald's picture, he (Russo) then said it was Lee Harvey Oswald. When shown a picture of Shaw, Russo could not identify it, yet, just weeks later, Russo dramatically held his hand above Shaw's head in the packed Criminal Courts Building courtroom and identified Shaw as being the man he had seen at a party at Ferrie's house in September, 1963, during which the plan to kill Kennedy was discussed.

Additionally, Phelan said Russo did not volunteer any information on a murder plot under hypnosis administered by Dr. Esmond Fatter. However, Russo began to remember the plot "when Dr. Fatter began to ask him a series of leading questions. Dr. Fatter set the stage for him," Phelan said, by telling him he would be present in Ferrie's apartment and that Shaw, Oswald and Ferrie would

be there discussing the assassination plot.

The next to speak was Dr. Jay Katz, an associate professor of law and associate professor of clinical psychology at Yale University who reviewed two manuscripts of Russo's tests under the truth serum sodium pentathol. He said that under hypnosis any subject may have difficulty in determining the dividing line between fact and fantasy. He said it is "a very wide-spread belief" that persons under either hypnosis or the truth drug will always tell the truth.

'LEADING QUESTIONS'

Dr. Katz said also that the hypnotist "asked very leading questions" of Russo.

The program also said witnesses have told investigators that Oswald, said by the Warren Commission to have been the lone killer of Kennedy, could not have been rooming with Ferrie at the time of the alleged party in Ferrie's apartment, and that Oswald was in fact living at his own home with

his wife.

"Lefty" Peterson, named by Russo as having also been at the alleged party, said that Ferrie's roommate at the time of the gathering was "two or three inches taller" than Peterson who is five feet, nine inches tall. He is five feet, nine inches tall. Oswald was exactly five feet, nine inches tall, the same height as Peterson.

Layton Martens, a close friend of Ferrie who had also been one of his past roommates, said that he visited Ferrie's apartment frequently and would have known if Ferrie had a roommate. He said James Lewallen had roomed with Ferrie and was on occasion called "Lew" or "Lee." However, he knew of no Ferrie roommate named Lee Harvey Oswald. Martens is under indictment for perjury in connection with the case.

Ferrie, a free lance pilot in recent years, died just days after the Garrison probe came to light. It was the day after Ferrie's death by natural causes that Garrison termed him "one of history's most important individuals" and contended that Ferrie had taken his own life, contrary to the coroner's findings.

McGee said on the program that Shaw, tall and white-haired, would not be an easy person to forget. Peterson was asked if he remembered Shaw being at the party in the fall of 1963. He said he had not seen a "big man" at the party; that the only person there over 40 was Ferrie; that he had never heard the name "Clay" or "Bertrand."

LINKS NUMBERS

Another claim made by Garrison in his investigation has been that a number found in Shaw's notebook, and the same

number found in a notebook having belonged to Oswald were, in fact, a private phone number for Jack Ruby in Dallas, Tex. Ruby was the Dallas nightclub owner who eventually killed Oswald two days after Kennedy's assassination. Ruby died of cancer earlier this year.

The number, Garrison said, was in code, and he claimed to have "broken" the code, proving that Shaw and Oswald knew each other.

Irvin Mann, a New York cryptographer interviewed on the program, said this was not necessarily so. Mann said the decyphering method used by Garrison could have turned up any of several number combinations.

Fred Lemanns, a former New Orleans operator of a Canal st. Turkish bath who now lives in Slidell, said that he had signed a statement for the DA's office claiming to have known Shaw as Clay Bertrand, and further said Bertrand had frequented his business here in the company of a young man whom he called "Lee." The statement and the claims, Lemanns then said, were false.

'TOLD HIM YES'

Lemanns said he had been called by an aide of the DA named Robert E. Lee who promised that Lemanns would be helped by Garrison's office if he would cooperate and claim that he knew Shaw as Bertrand, and that Shaw had kept company with the man named Lee.

"The way he asked again, I knew he wanted a yes, so I told him yes," said Lemanns. He said it later occurred to him, after he had signed a statement for Garrison making the claims, that it would not be right "to ruin somebody's life on false testimony," added Lemanns.

Asked directly by the interviewer if he had ever known Shaw as Bertrand, Lemanns replied "No." Asked if he had

known a "Lee" to accompany Shaw to the Turkish bath, he also said "No."

McGee said Lemanns had written a letter Sunday to Garrison stating that his previous statements were false.

Dean A. Andrews Jr., under suspension as an assistant Jefferson Parish district attorney and presently under indictment for perjury in the assassination probe, was straight to the point in replying to an interviewer's questions:

"I wouldn't know Clay Shaw if I fell over him on the street dead," said Andrews, wearing his ever-present sunglasses.

Andrews had testified before the Orleans Parish Grand Jury that he had received telephone calls from a Clay Bertrand who wanted him to serve as legal counsel for young men who had gotten into trouble. He said that the man he knew by telephone as Bertrand was not the same voice as Shaw's. "Scout's honor."

D.A. ACCUSES SHERIDAN

Other persons interviewed who said Garrison's office had offered inducements for their cooperation were Sandra Moffett McMaines, now living in Omaha, Neb., Miguel Torres, another Parish Prison inmate, and Alvin Beauboeuf.

Torres said he was offered his freedom, and Mrs. McMaines, a former New Orleans girlfriend of Russo, said she was offered clothes and the best of accommodations if she would return to New Orleans to testify for the state.

Beauboeuf said Garrison's men offered him \$3,000 and a job.

In an earlier statement, Garrison accused NBC's Walter Sheridan of having tried to induce Russo to go to California in an effort to destroy the state's case. Garrison had dispatched a six-page letter Thursday to the Federal Communica-

tions Commission in Washington charging NBC, as well as its local affiliate, WDSU-TV, with hurting his investigation.

In his claim against Sheridan Monday, Garrison said:

"Mr. Walter Sheridan has suggested to Perry Russo, an important witness for the State of Louisiana, that if he wanted to leave the state of Louisiana and move to California prior to the trial, the National Broadcasting Company would pay all of his expenses."

Garrison described Sheridan as a "former investigator for the federal government," and said he has directed NBC's attempt to destroy his case.

RUSO IN N.O.

Garrison also charged that Sheridan promised that NBC would protect Russo from extradition, and pointed out to Russo the difficulty the state was having extraditing Gordon Novel, another probe figure who lives now in Ohio.

Russo, the state's principal witness in a three-judge preliminary hearing at which Shaw was ordered held over for trial, was seen in the Criminal District Courts Building Monday afternoon.

He was seen in the company of Assistant District Attorney Andrew Sciambra, and one reporter saw him go into the police department polygraph room early in the afternoon.

Garrison's statement said NBC's basic tactic is to try to discredit the prosecution in advance of the trial.

"In their effort to torpedo the state's case, the agents of the National Broadcasting Company have actively interjected themselves into this legal proceeding. Their actions have ranged from the harassment of prosecution witnesses to the offering of inducements. One major witness for the state has been contacted on nine different occasions by agents of the National Broadcasting Company," Garrison said. The "major witness," he said, was Russo.

Probe of DA's Conduct Urged

The Metropolitan Crime Commission urged Monday night that Dist. Atty. Jim Garrison's procedures in his presidential assassination probe be investigated.

Following an emergency session held in connection with the National Broadcasting Company's hour-long program dealing with the controversial investigation, the MCC said it was "appalled by the accumulation of accusations against Dist.

Atty. Garrison and members of his staff."

The privately financed anti-crime group added: "We believe official action is required to thoroughly probe the conduct of affairs in the district attorney's office. Within several days, we will inform the public of the action we believe must be taken."

The statement was issued by E. C. Upton Jr., MCC president, who said the commission thinks "these accusations can destroy faith in justice."

If NBC knows the identity of the Clay Bertrand of whom Andrews testified, and if it has turned this name over to the Department of Justice, and if the Department of Justice does nothing about it in view of this man's connection with Oswald...and if it is untrue, then Andrews perjured himself before the Commission. But what can the Department of Justice do with the name, if there is no legal proceeding pending?

The right place to give the name is where there is a matter in court, and that is New Orleans.

It would seem that whateverm NBC has done wrong and is interfering with a legal proceeding.

TheMCC statement is a prejudgement. They accept at face value all the NBC charges in advance of their being made. They also thus have intruded themselves into the legal proceeding in a prejudicial way. They are telling every prospective juror that Garrison is wrong and bad. They are telling every prospective juror that Shaw is innocent, which is also what NBC did. This is hardly impartiality, hardly a search for truth and right.