

Unanimous Decision

Shaw Must Stand Trial, Judges Rule

NEW ORLEANS, La (AP)—A special three-judge Criminal District Court panel ruled late Friday that Clay L. Shaw should be held for trial on charges of conspiring to assassinate President John F. Kennedy.

The decision meant the wealthy retired executive will be the first man ever sent to trial in the historic slaying. Dist. Atty. Jim Garrison did not say when he would file a bill of information against Shaw, which is the next step in the process leading to trial. Presiding Judge Bernard J. Bagert confirmed that the court's conclusion meant that Shaw should stand trial. The court's decision was a victory for the 6-foot-6 Garrison, who expressed confidence from the start. Garrison has said he

will make further arrests and obtain convictions.

The three judges ruled unanimately that the district attorney had presented sufficient evidence in the four-day preliminary hearing to warrant holding Shaw for further proceedings.

Their finding meant that Garrison's accusation against Shaw became a formal charge. The maximum penalty would be 20 years in prison.

The court's ruling stated:

"This court finds that suffi-

cient evidence has been presented to establish probable cause that a crime has been committed. And further, that sufficient evidence has been presented to justify bringing into play the further steps of the criminal process against the arrestee, Clay L. Shaw. The defendant is released on his present bond."

The highlight of the hearing was Perry R. Russo's testimony that he had heard Shaw, Lee Harvey Oswald and David W. Ferrie plotting in September 1963 to assassinate Kennedy.

The Warren Commission report, which said Oswald had acted alone in the assassination of Kennedy, was not admitted as evidence after Judge Bernard Bagert said it was "fraught with hearsay."

Shaw, rugged and erect at 54, sat smoking impassively when the decision was announced. His lined face was haggard.

Judge Bagert said Garrison had presented sufficient evidence "to justify bringing into play further steps of the Criminal Court."

Shaw remains free on \$10,000 bond. Garrison arrested him on murder conspiracy charges March 1. A decorated World War II Army major, Shaw retired in October 1965 as managing director of the International Trade Mart here.

Friday's decision came exact-

ly one month after the first disclosure that Garrison was probing the Kennedy assassination. The pipe-smoking prosecutor said he had launched the investigation last October.

Shaw called Garrison's charge "fantastic" and denied having had any part in a conspiracy. U.S. Atty. Gen. Ramsay Clark said the FBI had cleared Shaw of any link to the Kennedy assassination.

"I did not know Harvey Lee Oswald (sic) nor to the best of my knowledge do I know anyone

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who knew him," Shaw said March 2. "I am completely innocent of any such charges."

Defense attorney William Wegmann asked the judges Friday to take their time in issuing a ruling in the final arguments.

"The reasonable doubt doesn't go to the state, it goes to the defendant," said Wegmann.

"I say the only worthy thing of Russo's testimony is that he knew David Ferrie and feared his intelligence...this man (Shaw) is entitled to have the stigma removed from him.

"What they've put in, what they've got at this hearing, it might warrant future investigation by competent authorities," he continued, "but it doesn't

warrant holding this man.

"The state has six years to prove this case. With a stroke of the pen we can be back in here.

"What's been presented is interesting. It's provoking.

"It is not proof."

In rebuttal, Asst. Atty. James Alcock said only: "The State of Louisiana has put forth before the court enough evidence to tip the scales, enough evidence to hold this man."

Garrison's star witness was Russo, 25, an insurance salesman from Baton Rouge. He told the court that he was present in Ferrie's New Orleans apartment in mid-September, 1963, and heard Oswald, Shaw and Ferrie plotting to assassinate the president.

Russo said the plan involved "triangulation of crossfire," diversionary shooting, a possible flight to Mexico and Cuba, and the sacrificing of one man as a scapegoat to permit the others to escape.

Shaw is the only one of the three alleged conspirators still alive. Oswald was killed by Jack Ruby two days after the Nov. 22, 1963 assassination. Ferrie, a former airlines pilot with a homosexual record, was found dead in bed Feb. 22 of this year. The coroner ruled death resulted from natural causes.

Russo said he knew Oswald as "Leon Oswald" and Shaw as "Clem Bertrand." At a dramatic point in Tuesday's session, Russo was asked by Garrison if Bertrand was in the courtroom.

Russo stepped from the witness chair, walked over to Shaw and held his hand over Shaw's head. As he has since the start of the case, Shaw remained impassive.

Garrison still must file a bill of information — the formal charge — before an actual trial can be held. Garrison had no comment after the ruling Friday, but scheduled a news conference for 10 a.m. Saturday.

"We won," exclaimed Bill Gurvich, Garrison's chief investigator. "If we had needed more



AP Wirephoto

ORDERS SHAW HELD — Presiding Judge Bernard Bagert talks to reporters through his car window as he leaves the court building after ordering Clay Shaw held for "further steps of the criminal court," Friday concluding a four-day preliminary hearing for Shaw who is accused of conspiracy in the assassination of President Kennedy. The ruling by a three-judge panel meant that Shaw will have to stand trial.

goods we would have brought them in."

Bagert had asked the other two judges to sit with him because of the importance of the case.

The other two judges are Matthew Braniff and Malcolm O'Hara.