

EA34

PROBE BJT 970

BY BEN THOMAS

ASSOCIATED PRESS WRITER

NEW ORLEANS, MARCH 18 (AP)-A THREE-JUDGE PANEL RULED IN A PRELIMINARY HEARING YESTERDAY THAT WEALTHY RETIRED BUSINESS LEADER CLAY L. SHAW SHOULD BECOME THE FIRST MAN TO STAND TRIAL CONCERNING THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

IN ORDERING THE TRIAL FOR SHAW ON A CHARGE OF CONSPIRACY TO MURDER THE PRESIDENT, JUDGE BERNARD J. BAGERT SAID AT THE CONCLUSION OF THE FOUR-DAY HEARING, "THIS COURT FINDS SUFFICIENT EVIDENCE HAS BEEN PRESENTED TO ESTABLISH PROBABLE CAUSE THAT A CRIME HAS BEEN COMMITTED."

THE RULING CAME ON SHAW'S 54TH BIRTHDAY.

THE DECISION WAS A FIRST ROUND VICTORY FOR GUN-TOTING JIM GARRISON, THIS TOWN'S 6-FOOT-6 DISTRICT ATTORNEY. GARRISON STARTLED THE WORLD A MONTH AGO WITH A STATEMENT THAT HE HAD "SOLVED" THE KENNEDY ASSASSINATION, WOULD MAKE ARRESTS, AND WOULD OBTAIN CONVICTIONS.

GARRISON, UNORTHODOX AND CONTROVERSIAL IN HIS FIVE YEARS AS DISTRICT ATTORNEY, TOOK AN UNUSUAL STEP IN ASKING FOR THE PRELIMINARY HEARING--A TACTIC USUALLY RESORTED TO BY DEFENSE LAWYERS.

THE NEXT STEP:

"I WILL FILE A BILL OF INFORMATION," GARRISON DRAWLED TO NEWSMEN SHORTLY AFTER THE PANEL ANNOUNCED ITS UNANIMOUS DECISION. HE WOULD NOT SAY WHEN THE ACTION WOULD BE TAKEN.

ARRAIGNMENT AND TRIAL COME AFTERWARD. NO DATES WERE SET.

"THE DISTRICT ATTORNEY SELECTS THE DATE AND TIME A PERSON WILL BE TRIED," SAID JUDGE BAGERT, WHO HAD ASKED TWO OF HIS FELLOW CRIMINAL DISTRICT COURT JUDGES TO SIT WITH HIM AT THE PRELIMINARY HEARING BECAUSE OF ITS IMPORTANCE.

"THE STATE HAS SIX YEARS TO PROVE THIS CASE," NOTED DEFENSE ATTORNEY WILLIAM WEGMANN, IN HIS IMPASSIONED PLEA TO THE COURT TO THROW OUT THE CHARGES.

AFTER THE DECISION, BILL GURVICH, CHIEF INVESTIGATOR FOR GARRISON'S OFFICE, TOLD NEWSMEN:

"WE WON. IF WE HAD NEEDED MORE GOODS WE WOULD HAVE BROUGHT THEM IN."

EA35

PERRY RAYMOND RUSSO, 25, WAS GARRISON'S STAR WITNESS. RUSSO, A BATON ROUGE INSURANCE SALESMAN, TOLD THE COURT HE WAS PRESENT IN THE NEW ORLEANS APARTMENT OF DAVID W. FERRIE IN MID-SEPTEMBER

1963 AND HEARD LEE HARVEY OSWALD, SHAW AND FERRIE PLOTTING TO ASSASSINATE KENNEDY.

THE PLAN, RUSSO TESTIFIED, INVOLVED "TRIANGULATION OF CROSSFIRE," DIVERSIONARY SHOOTING, A POSSIBLE FLIGHT TO MEXICO AND CUBA, THE SACRIFICING OF ONE MAN AS A SCAPEGOAT TO PERMIT THE OTHERS TO ESCAPE.

OF THE THREE ALLEGED CONSPIRATORS, ONLY SHAW, WHO STEPPED DOWN AS MANAGING DIRECTOR OF THE INTERNATIONAL TRADE MART HERE 16 MONTHS AGO, IS ALIVE. OSWALD WAS SHOT FATALLY BY JACK RUBY, IN THE DALLAS POLICE STATION TWO DAYS AFTER THE NOV. 22, 1963 ASSASSINATION OF KENNEDY.

FERRIE, FORMER AIRLINES PILOT WITH A HOMOSEXUAL RECORD, WAS FOUND DEAD IN BED LAST FEB. 22. THE CORONER RULED HIS DEATH RESULTED FROM NATURAL CAUSES--AN ANEURYSM OF A BLOOD VESSEL IN THE BRAIN.

SHAW, A RUGGED 6-FOOT-2, GRAY-HAIRED MAN WITH ERECT MILITARY BEARING, WAS CALM AND STOIC WHEN THE DECISION WAS READ.

DEEPENING LINES IN HIS FACE AND BLOODSHOT EYES, HOWEVER, SHOWED THE STRAIN HE HAS BEEN UNDER SINCE HIS ARREST MARCH 1.

WHEN ARRESTED, SHAW CALLED GARRISON'S CHARGE "FANTASTIC." HE DENIED HAVING ANY PART IN A CONSPIRACY AND SAID, "I AM COMPLETELY INNOCENT OF ANY SUCH CAHRGES."

"I DID NOT KNOW HARVEY LEE OSWALD (SIC) NOR TO THE BEST OF MY KNOWLEDGE DO I KNOW ANYONE WHO KNEW HIM," SHAW SAID.

THE WARREN COMMISSION FOUND THAT OSWALD WAS THE ASSASSIN OF KENNEDY, BUT THE NEW ORLEANS JUDGES REFUSED TO ADMIT THE COMMISSION'S REPORT AS EVIDENCE IN THE HEARING.

"THIS REPORT IS FRAUGHT WITH HEARSAY...HEARSAY FOUR OR FIVE TIMES REMOVED," JUDGE BAGERT SAID WEDNESDAY IN ANNOUNCING THE 2-1 VOTE ON REJECTING THE COMMISSION'S FINDINGS.

GARRISON PRODUCED TWO WITNESSES WHO LINKED SHAW AND OSWALD, NEW ORLEANS BORN EX-MARINE WHO DEFECTED TO THE SOVIET UNION, THEN RETURNED AFTER THREE YEARS.

EA36

OSWALD, THE WARREN REPORT DOCUMENTED, WAS IN NEW ORLEANS FROM EARLY APRIL 1963 UNTIL SEPT. 25, 1963.

VERNON BUNDY, 29, AN ADMITTED NARCOTICS ADDICT, WALKED OVER TO SHAW IN COURT YESTERDAY AND PUT HIS HAND OVER THE ACCUSED'S HEAD, IDENTIFYING HIM AS THE MAN HE SAW WITH OSWALD HERE ON THE LAKE PONTCHARTRAIN SEAWALL.

NEITHER BUNDY NOR RUSSO TESTIFIED BEFORE THE WARREN COMMISSION. THEY WERE NOT QUESTIONED BY FEDERAL AGENTS IN THE CASE, EITHER.

U.S. ATTY. GEN. RAMSAY CLARK SAID SHAW WAS INVESTIGATED BY THE FBI AND CLEARED OF ANY PART IN THE ASSASSINATION. SHAW SAID EARLIER THIS MONTH HE WAS NOT AWARE OF ANY FBI PROBE OF HIS ACTIVITIES.

FERRIE GAVE A STATEMENT TO THE FBI SHORTLY AFTER THE ASSASSINATION. GARRISON HAD ARRESTED HIM BRIEFLY THREE DAYS AFTER THE SLAYING IN DALLAS.

THE WARREN COMMISSION SAID IT HAD FOUND NO EVIDENCE THAT OSWALD WAS INVOLVED WITH ANY PERSON OR GROUP IN A CONSPIRACY, BUT IT NOTED:

"BECAUSE OF THE DIFFICULTY OF PROVING NEGATIVES TO A CERTAINTY THE POSSIBILITY OF OTHERS BEING INVOLVED...CANNOT BE ESTABLISHED CATEGORICALLY."

"I SAY THE ONLY WORTHY THING OF RUSSO'S TESTIMONY IS THAT HE KNEW DAVID FERRIE AND FEARED HIS INTELLIGENCE," SAID WEGMANN IN HIS CONCLUDING ARGUMENTS.

"WHAT THEY'VE PUT IN, WHAT THEY'VE GOT AT THIS HEARING," HE CONTINUED, "IT MIGHT WARRANT FUTURE INVESTIGATION BY COMPETENT AUTHORITIES, BUT IT DOESN'T WARRANT HOLDING THIS MAN."

THE COURT RELEASED SHAW ON HIS PRESENT \$10,000 BOND WHICH SHAW POSTED SEVERAL HOURS AFTER HIS MARCH 1 ARREST BY GARRISON.

EA40

NEW ORLEANS PROBE BJT A34-36 ADD: GARRISON.

RUSSO SAID HE KNEW OSWALD AS "LEON OSWALD" AND SHAW AS "CLEM BERTRAND." AT A DRAMATIC POINT IN TUESDAY'S SESSION--FIRST DAY OF THE HEARING--RUSSO WAS ASKED BY GARRISON IF BERTRAND WERE IN THE COURTROOM.

RUSSO WALKED BEHIND SHAW'S CHAIR AND HELD HIS HAND OVER THE MAN'S HEAD.

RUSSO ADMITTED HE HAD BEEN HYPNOTIZED THREE TIMES WHILE BEING INTERROGATED BY GARRISON'S AIDES.

DR. ESMOND FATTER, A PHYSICIAN AND HYPNOSIS EXPERT, TESTIFIED YESTERDAY HE HAD GIVEN RUSSO A POST-HYPNOTIC SUGGESTION "TO PRESENT THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH AND TO BE CALM, COOL AND COLLECTED."

SHAW'S ATTORNEYS FILED MORE THAN 50 FORMAL EXCEPTIONS DURING THE HEARING, LAYING THE GROUNDWORK FOR POSSIBLE APPEALS. THE EXHAUSTIVE TESTIMONY ON HYPNOTISM AND USE OF SODIUM PENTOTHAL--THE SO-CALLED TRUTH SERUM--DREW A CONTINUING STREAM OF DEFENSE OBJECTIONS.

SUCH TESTIMONY, ARGUED DEFENSE ATTORNEY F. IRVING DYMOND, WOULD NOT BE PERMITTED IN A TRIAL. HE SAID THE PROSECUTION WAS TRYING "TO SLIP IT IN THE BACK DOOR" BY GETTING IT INTO THE

RECORD OF THE PRELIMINARY HEARING.

TRANSCRIPT OF THE PRELIMINARY HEARING AUTOMATICALLY GOES INTO THE TRIAL RECORD AND CAN NOT BE BLOCKED BY THE DEFENSE.

BUNDY TESTIFIED THAT HE SAW THE MEN HE LATER IDENTIFIED AS SHAW AND OSWALD WHEN HE TOOK A BUS TO THE LAKEFRONT "TO GET A FIX." HE SAID SHAW HANDED OSWALD "A ROLL OF MONEY OR IT APPEARED TO BE."

DM/PL343AES