

# ANDREWS' MISTRIAL BID DENIED BY COURT



—States-Item Photo.  
HARRY BURGLASS

—States-Item photos.  
**FIGURES IN ANDREWS' TRIAL**—Appearing at the Criminal Courts Building today in answer to subpoenas for the perjury trial of attorney Dean A. Andrews Jr. are, left, insurance salesman PERRY R. RUSSO, escorted by DA investigator SAL SCALIA, and, at right, French Quarter bar operator EUGENE C. DAVIS.

# State Opens Case

The state got off to a rocky start in presenting its perjury case against Dean Adams Andrew Jr. today as a mistrial motion marked the opening moments before the jury.

The motion was denied by Criminal District Judge Frank Shea, but he ordered the jurors to disregard a remark by Asst. Atty. James L. Alcock which led to the mistrial motion by Andrews and defense attorney Harry Burglass.

**ALMOST IMMEDIATELY** after the five-man jury was selected, Alcock approached the bench and told Judge Shea:

"I herewith deliver to you copies of inculpatory statements made by the defendant."

The word "inculpatory" means statements not in the best interests of the defendant, such as a confession.

Andrews rose and asked that the court move for a mistrial on the grounds that the word "inculpatory" applied to the documents in open court had "planted a seed in the jury's mind."

The judge called a recess to decide on the motion. When court resumed, he denied it and instructed the jurors to "act as though it had never been said."

Burglass said he was reserving a bill of exceptions for a possible appeal.

**JUDGE SHEA**, obviously irritated, turned to each of the three jurors who said they heard the remark and asked that the record show they had said they heard the remark but that it would not influence them.

Andrews, a former Jefferson Parish assistant DA, is charged on 11 counts of perjury in connection with DA Jim Garrison's probe of the slaying of President John F. Kennedy.

The jury, which will be locked up tonight at the Fontainebleau Motor Hotel, was completed about 1:30 p. m.

**MEMBERS OF** the jury are:

William E. Bailey, 520 Pelican ave., Algiers, a Greyhound bus mechanic.

Joseph L. LaPierre Jr., Negro, 6435 DeBore dr., New Orleans, a postman.

Walter T. Nicklaus, 927 Atlantic ave., Algiers, a Southern Pacific Railroad yard-

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man.

Leslie J. Roussel Jr., 8230 Forshey, New Orleans, a sales representative for New Orleans Public Service.

Henry R. Nuss, 8305 Nelson, New Orleans, a gas operator for Union Carbide.

The alternate is James S. Boudreaux Sr., Negro, 1927 Abundance, New Orleans, a mail carrier.

**THE JURY SELECTION** process had to

be reopened after one agreed-upon jury, Thomas S. Abernathy, 3223 N. Roman, told Judge Shea he had to take an exam tomorrow. The judge who says he plans to hear the case through the weekend, recused Abernathy.

Nuss was selected to replace him. The defense objected to this procedure, maintaining that Boudreaux, the alternate, should have been put on the regular jury and a new alternate selected.

Nuss, approved by the state, was objected to by the defense because he said he had already formed an opinion in the case. However, under questioning by Judge Shea, Nuss said he felt he could hear the trial objectively, and the judge overruled the defense objection.

The only woman on the jury venire, Uretha H. Linn, 5630 Oxford, was rejected by the state.

This morning, Burglass went to bat for Andrews for the first time and promptly struck out on three straight motions.

Burglass, who took over the defense from Andrews himself, offered the following motions to Judge Shea:

1. An oral request to the bench to be allowed to file a motion to suppress evidence.

2. A motion to file further evidence on the issue of the ousting of District Attorney Jim Garrison and his staff from the prosecution of the case.

3. A new and amended motion to quash the indictment against Andrews.

All three were promptly denied by Judge Shea, who earlier today rejected the original motion for recusal of Garrison and his aides. The first two days of the hearing had been taken up with arguments on this motion.

**ACTING AS HIS OWN** attorney through the first two days of the trial, he had sought recusal of Garrison on the grounds that the DA had a "personal interest" in the case.

Andrews had been expected to call more witnesses on the motion this morning, but instead asked for an immediate ruling. He got an unfavorable one and Burglass took over the defense.

Burglass then filed his three motions.

Judge Shea ruled that the request to suppress evidence was a discretionary matter

and denied it on the grounds that the defense did not give the bench 72 hours' notice as required.

**AFTER A SHORT** argument, Judge Shea turned down the motion to file further evidence on the recusal matter. The new evidence would have included the entire 27 volumes of the report of the Warren Commission which investigated the Kennedy slaying.

On the third motion, Burglass argued that the indictment was not clear and that Judge Shea lacked jurisdiction in the case, apparently on grounds that some of the alleged activity took place outside Orleans Parish.

Assistant DA James L. Alcock replied that if the alleged perjury did not take place in Orleans, the state does not have a case anyway.

**EARLIER, JUDGE** Shea took only a few minutes to reject the recusal motion.

Among the witnesses who had been scheduled to testify today was Perry Raymond Russo, Garrison's star witness in the Kennedy probe.

As court opened today, Andrews submitted a number of exhibits as evidence supporting his recusal motion and then said:

"Counsel submits the motion without argument, your Honor."

Alcock concurred in the request for a ruling.

Judge Shea studied the motion briefly and said:

"Motion to recuse is denied."

**HE THEN RECESSED** court and announced that jury selection would begin immediately after the recess.

Andrews, a former Jefferson Parish assistant DA, had called Russo, Dr. Esmond Fatter (a hypnotism specialist) and Orleans Parish Coroner Dr. Nicholas Chetta to testify today.

**EUGENE DAVIS**, a French Quarter bar owner who Andrews now says is the mysterious "Clay Bertrand" who called him the day after President Kennedy was shot seeking a defender for Lee Harvey Oswald, appeared at court today. He was called as a witness in the perjury trial.

Davis told newsmen his attorney, G. Wray Gill, will file a suit today "against a broadcasting media" because of

treatment Davis has received in news reports.

Andrews also promised some action today. He said, "I hope to bust something loose some place."

He added, "The fat man's got to go to the whip today."

At one brief recess yesterday, alone for a moment, Dean Andrews wept briefly, the tears forming behind the shield of his spectacles.

ANDREWS indicates that no matter the outcome of his trial, he's still in a stew. The former assistant DA, who maintained a legal practice on the side, says he is broke—job gone, law practice dwindled away.

"Most paupers got more than I've got," he said. "I've had good times, it's been fun, but not lately."

Yesterday, Andrews filed a motion to quash the indictment against him on grounds that the grand jury was illegal because daily wage earners were systematically excluded. The motion was overruled by Judge Shea after Judge Bernard Bagert, summoned to testify on how he picked the jurors, said procedures were changed months ago to conform with a federal court ruling and that no class or race was excluded.

IN HIS EFFORT to get the appointment of a temporary DA to prosecute him, Andrews says the charge against him was the result of a "carefully prepared plan to force me to identify Clay Shaw as Clay Bertrand or keep quiet."

Shaw, a retired New Orleans businessman, has been accused of using the alias of Bertrand and participating in a conspiracy to murder President Kennedy.

Garrison says Andrews knows the real identity of Bertrand and lied when questioned about it by the grand jury.

"I don't know from nothing," insists Andrews. "What I got is a vivid imagination. The moral to all this, brother-in-law, is keep your big mouth shut."

### Sheridan Pushes Bid To Avoid Testifying

Walter Sheridan, the televi-

sion newsman accused of bribery in District Attorney Jim Garrison's assassination probe, has filed suit in federal district court seeking to enjoin Garrison from forcing him to testify before the Orleans Parish Grand Jury.

Also named in the suit is grand jury foreman Albert V. LaBiche.

Sheridan was charged by the DA's office after the National Broadcasting Co. reporter participated in preparing an NBC special highly critical of the DA and his probe.

Milton E. Brener, defense attorney, said that the DA's office will not attempt to get his client before the grand jury until the suit is resolved.

A hearing on the injunction has been tentatively scheduled for 9:30 a. m. Aug. 21 before Federal District Judge Alvin B. Rubin.

## Court Makes 'Topless' Injunction Permanent

Civil District Judge S. Sanford Levy today made permanent an injunction against the operators of a French Quarter nightclub whose topless waitresses were arrested in a test of local obscenity laws.

Judge Levy took the action against the owners of the Jamaican Village Inn, 800 N. Rampart. The state abandoned its plea to have the inn padlocked for a year.

The nightclub was raided last week by members of the vice squad who arrested two of the club's waitresses and booked them with violating the city's obscenity laws.

Court costs of \$750 and \$25 in damages were assessed against the operators.

LEVY GRANTED a tempo-

rary injunction against the club earlier this week.

Awarding of the fines and court costs was made on a related suit filed by the building's owner, Edward Centa.

Centa told the court that although he owns the building, he did not know of the "topless" activity going on inside. Centa asked that the lease be canceled and for \$2,000 in attorney's fees and \$15,000 in damages.

LEVY GRANTED Centa's request for lease cancellation and ordered the club's operator Jay "Sonny" Bennett and its licensee, Robert Songy, to vacate the building and pay the court fines.

The two waitresses who were involved, Yolanda Calzada, 19,

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and Charlotte French, 25, pleaded guilty to the obscenity charges and were sentenced to 10 days in jail or \$50 in fines. An unknown benefactor stepped forward Saturday and paid the fines for the two girls after they said they had no money.