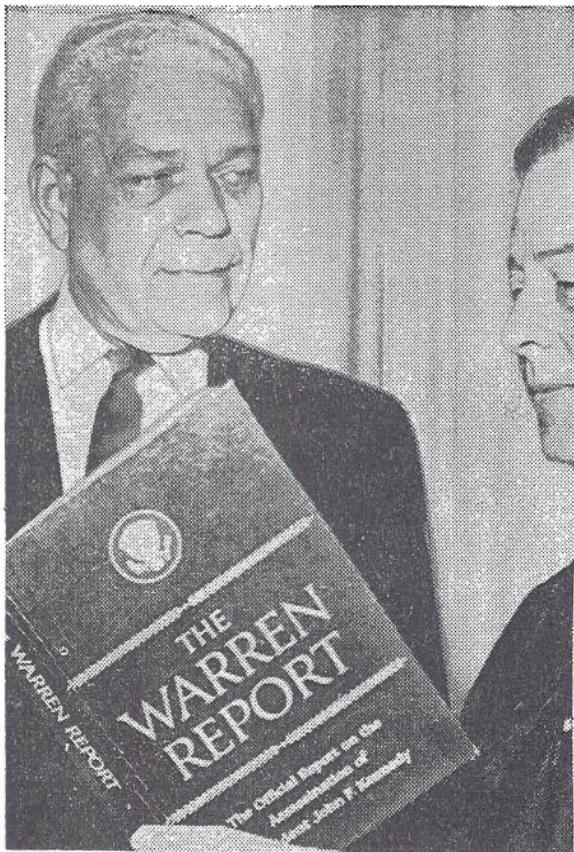


'Kennedy Plot'

Judges Rule Shaw Must Stand Trial



AP Wirephoto

CLAY SHAW AND ATTORNEY WEGMANN
Defendant looked at copy of Warren Report

A Victory For D.A. Garrison

Associated Press

New Orleans

Clay L. Shaw, a wealthy retired business executive, yesterday was ordered to stand trial on a charge of conspiring to murder President John F. Kennedy.

The ruling followed a four-day preliminary court hearing requested by District Attorney Jim Garrison.

A three-judge criminal district court panel ruled unanimously that Garrison presented sufficient evidence to warrant trial of Shaw.

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

The Warren Commission report, which said that Oswald 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.

The decision came exactly one month after the first disclosure that Garrison was

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probing the Kennedy assassination. The pipe-smoking prosecutor said he launched the investigation last October.

Shaw has called Garrison's charge "fantastic," and denied having any part in a conspiracy. United States Attorney General Ramsey Clark has said the FBI had cleared Shaw of any link to the Kennedy assassination.

"I did not know Harvey Lee Oswald nor to the best of my knowledge do I know anyone who knew him," Shaw said on March 2. "I am completely innocent of any such charges."

PLEA

Defense attorney William Wegmann asked the judges yesterday 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.

"I is not proof."

In rebuttal, Assistant District Attorney James Alcock said: "... the state of Louisiana has put forth before the court enough evidence to tip the scales. Though evidence to hold this man."

Garrison's star witness was Russo, a 25-year-old 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.

"CROSSFIRE"

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 November 22, 1963, assassination. Ferrie, a former airlines pilot with a homosexual record, was found dead in bed February 22. The coroner ruled his 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" were in the courtroom.



UPI Telephoto
WITNESS BUNDY
"Oswald, Shaw met"

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 bill of informaremainw remained impassive.

Garrison still must file a bill of information — the formal charge — before a trial can be held. Garrison had no

comment after the ruling yesterday, but scheduled a news conference for this morning.

"We won," exclaimed Bill Gurvich, Garrison's chief investigator. "If we had needed more goods we would have brought them in."

JUDGES

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

The final prosecution witness yesterday was a man who said he saw two men — whom he now can identify as Oswald and Shaw — in conversation near Lake Pontchartrain here in 1963.

Vernon Bundy, 29, who said he was a onetime heroin addict, walked over to Shaw in court, put his hand over Shaw's head, and identified him as the man he saw with Oswald on the lakefront.

Bundy said one of the men he saw was young, the other much older. He said he heard the "young guy" ask the older man plaintively, "What am I going to tell her?"

Bundy said the older man replied: "Don't worry about it. I told you I was going to take care of her."

'A ROLL'

The witness then said the older man handed over "a roll of money or it appeared to be. The young guy put his hand in his right pocket where he has a bunch of pamphlets."

When the defense claimed Bundy's testimony was hearsay, Garrison — handling the interrogation of a witness for the first time — asked Bundy to identify two pictures.

Bundy said one was of Lee Harvey Oswald, the other of "The Shaw who has been in the papers lately." Bundy said the pictures were of the same men he saw at the lakefront in 1963. Then he pointed out Shaw as one of them.

Under questioning by Garrison, Bundy described the "older man" he saw as "about 6-1 or 6-2 but I'm not sure because I'm squatting down. He was distinguished dressed, gray hair." He said the younger man was "a junkie or beatnik guy . . . he was nasty. He needed a haircut and a shave. In fact, he needed everything."