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Andrews A032 1st lead 160

By BILL CRIDER

Associated Press Writer

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NEW ORLEANS AP - Dean Andrews, the unhappy "fat man" of the Kennedy assassination probe was overruled today in his fight to oust Dist. Atty. Jim Garrison as prosecutor in the perjury case against him.

Andrews, 44, had three witnesses subpoenaed. However, when court opened he rested his case. Judge Frank J. Shea of Criminal District Court promptly said, "The motion to recuse is denied."

The judge then recessed court pending arrival of the jury venire, a five-man jury will be selected for the trial—the first one in the controversial assassination probe.

Andrews acted as his own defense attorney in the ouster fight, but brought in a lawyer to represent him in the perjury trial itself.

"We'll fight this all the way," said Andrews. "Fat man's got to go to the whip. There's nothing else he can do."

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NEW ORLEANS AP - Dean Andrews, charged with perjury in Dist. Atty. Jim Garrison's investigation of the Kennedy assassination, prepared today for final arguments in his fight to oust Garrison as prosecutor in his case.

Andrews, 44, summoned as witnesses three major probe figures: insurance salesman Perry R. Russo; Dr. Esmond Fatter, a specialist in hypnotism; and Coroner Nicholas Chetta.

"I hope to bust something loose someplace," said Andrews, a lawyer who is handling his own defense. "Fat man's got to go to the whip."

If the motion to oust Garrison and his assistants fails, Criminal Dist. Court Judge Frank J. Shea planned to get started as soon as possible on picking the five-man jury.

Since the trial started Wednesday, Andrews has had a difficult time.

Time and again his questioning of the some 20 witnesses he called was cut off as irrelevant, leaving Andrews in blank frustration.

Normally jolly, Andrews has become glum and preoccupied in off-guard moments. At one brief recess, alone in the midst of the crowded little courtroom, Andrews briefly wept—the tears hidden by his dark glasses.

Andrews was suspended as assistant district attorney of suburban Jefferson Parish county pending the outcome of the case and he says he is broke.

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

Shea overruled Andrews' motion Thursday to quash the indictment. The motion was based on a claim that the Orleans Parish grand jury which indicted him was illegal because wage earners were systematically barred.

Judge Bernard Bagert testified that procedures were changed months ago to conform with a federal court ruling and that no class or race be excluded.

In his effort to force appointment of a temporary district attorney to prosecute the case, Andrews says the charge against him was due to a "carefully prepared plan to force me either to identify Clay Shaw as Clay Bertrand or keep quiet."

Shaw, 54, a wealthy retired New Orleans businessman, has been charged with conspiracy to murder President John F. Kennedy, assassinated in Dallas in 1963. No trial date has been set.

Garrison says Shaw used the alias Clay Bertrand in the conspiracy. And he says Andrews knows the real identity of "Clay Bertrand" and lied when the grand jury questioned him about it.

"I don't know from nothing," insists Andrews.

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