

Beecher

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

June 16, 1967

129-11

Mr. Nathaniel E. Kossack
First Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

In Re: State of Louisiana vs. Clay L. Shaw

Dear Mr. Kossack:

We enclose herewith copies of the Motion to Quash and for Subpoenaes Duces Tecum, and the Answer to Motion to Quash and for Subpoenaes Duces Tecum in the above captioned matter.

Respectfully,

LOUIS C. LaCOUR
United States Attorney

By: *Gene S. Palmisano*

GENE S. PALMISANO
First Assistant U. S. Attorney

GSP:cbu
Encls.

FILE

L. J. ...

STATE OF LOUISIANA	:	CRIMINAL DISTRICT COURT
	:	PARISH OF ORLEANS
versus	:	STATE OF LOUISIANA
	:	
CLAY L. SHAW	:	NUMBER: 198-059
.....	:	SECTION: "C"

MOTION TO QUASH
AND FOR SUBPOENAS DUCES TECUM

And now into this Honorable Court comes CLAY L. SHAW, herein represented by his undersigned attorneys, and withdrawing his plea of "Not Guilty" for the purpose of filing this motion and protesting that he is not guilty of the offense purportedly set forth in the Indictment herein, moves to quash the said Indictment for the following reasons, to-wit:

I

That the Indictment in these proceedings purports to charge your defendant with the crime of conspiracy to murder John F. Kennedy in the following language: "***did willfully and unlawfully conspire with David W. Ferrie, herein named but not charged and Lee Harvey Oswald, herein named but not charged and others, not herein named, to murder John F. Kennedy***."

II

That the said Indictment merely states a conclusion of law and does not set forth facts and circumstances upon which the conclusion is based, contrary to the mandatory provisions of law of the Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States and Article I, Sections 2, 9 and 10 of the Louisiana Constitution of 1921, which make it mandatory that the accused have due process of law, be prosecuted by a Bill of Indictment, and be informed of the nature and cause of the accusation against him.

III

That the Indictment herein does not set out any offense as denounced by any law of the State of Louisiana, but merely sets forth a conclusion of law.

IV

That your defendant is unable, because of the vagueness and indefiniteness of the said Indictment, to determine with whom he is alleged to have conspired; when and where the alleged conspiracy took place; what overt act or acts, if any, are alleged to have been committed by either him or the other alleged co-conspirators; when and where said alleged overt acts took place; when and where, according to the terms of the alleged conspiracy, the murder of John F. Kennedy was to take place, and other vital information which would serve to inform him of the nature and cause of the accusation against him.

V

That the Indictment is, therefore, so vague and indefinite that your defendant cannot properly prepare his defense to same.

VI

That the conclusion of law charged in said Indictment is so vague and indefinite as to fail to sufficiently inform the Court of the offense charged in order for the Court to properly regulate evidence sought to be introduced upon the trial of this cause.

VII

That the said Indictment is so vague and indefinite that same is insufficient on its fact to sustain a plea of former jeopardy.

VIII

That the Indictment in this case fails to allege a single fact or circumstance upon which the alleged offense is based and there is nothing in it from which the accused can tell definitely, or even intelligently guess, what act or acts he is charged with having committed, or when and where he is charged with having committed them.

IX

That Article I, Section 9 of the Louisiana Constitution of 1921 provides that all criminal prosecutions be "by indictment of information"

and for this reason the defects hereinabove set forth cannot be supplied means of a Bill of Particulars which would form no part of the Indictment and cannot aid or cure fatal defects in the Indictment.

X

That the Indictment herein deprives your defendant of his rights under the Constitution of the United States, as well as the Constitution of the State of Louisiana, in that it fails to properly apprise him of the charges leveled against him and leaves him in total darkness as to the acts of omission or commission constituting the basis of the accusation, and thus, making it impossible for him to prepare for his defense unless he should choose to waive, if this were possible, all of his rights to the Federal and State constitutions.

XI

That the Indictment as drawn under the simplified form as specified under Article 465 of the Louisiana Code of Criminal Procedure, commonly known as the short form of indictment, is defective in that one of the integral parts of the crime of criminal conspiracy as defined by RS 14:26 is the doing by one or more of the parties to the alleged conspiracy of an act in furtherance of the object of the agreement or combination. That no such required overt act is alleged in said Indictment nor does the Indictment inform your defendant as to when, where, by whom, and under what circumstances such overt act might have been committed; that the failure of said Indictment to so inform your defendant is violative of your defendant's constitutional rights to due process of law and to be informed of the nature and cause of the accusation against him.

XII

That your mover hereby further specifically attacks the constitutionality, under the Louisiana Constitution of 1921, Article I, Sections 2, 9 and 10 and the Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, of Article 465 of the Louisiana Code of

Criminal Procedure insofar as the form for a criminal conspiracy indictment is concerned and specifically pleads that said Article, as well as the charge set forth in the Indictment herein, should be declared unconstitutional and unenforceable because of the reasons set forth above.

XIII

That the Indictment against your defendant, which was returned by the Grand Jury for the Parish of Orleans on March 22, 1967, is further null and void and should be quashed for the following reasons hereinafter set forth.

XIV

That said Grand Jury was composed of twelve persons of the male gender, females having been systematically excluded therefrom by virtue of local custom, Article 402 of the Louisiana Code of Criminal Procedure, and Article 7, Section 41st, of the Louisiana Constitution of 1921.

XV

That women represent a substantial part of the population of the Parish of Orleans and are just as well qualified to serve as grand jurors as are men; that the exclusion of women from said Grand Jury was an arbitrary and unreasonable exclusion, and because of such exclusion, said Grand Jury did not represent a proper cross-section of the population of the Parish of Orleans and that such exclusion deprived your defendant of due process of law and equal protection of the laws as guaranteed to him by the Fourteenth Amendment of the United States Constitution.

XVI

That your defendant specifically attacks the constitutionality of Articles 402, 409 and 412 of the Louisiana Code of Criminal Procedure, as well as Article 7, Section 21, of the Louisiana Constitution of 1921, in that they provide for the systematic exclusion of women from grand juries in the Parish of Orleans and particularly the grand jury which returned the Indictment against your defendant, in violation of your defendant's rights to

due process of law and equal protection of the laws as guaranteed by the Fourteenth Amendment of the United States.

XVII

That the said Indictment is further null and void and should be quashed for the reason that it is presently the practice of the Jury Commission for the Parish of Orleans, as well as the judges of the Criminal District Court for the Parish of Orleans, to systematically include Negroes in the general jury venire and on grand juries in the Parish of Orleans; more particularly, that Negroes were systematically included in the Grand Jury which returned the aforesaid Indictment.

XVIII

That the requirements of Article I, Section 2, of the Louisiana Constitution of 1921 and the Fourteenth Amendment of the United States Constitution with respect to due process of law and equal protection of the laws, demand that petit juries, as well as grand juries, be composed of a cross-section of the community and to systematically include or exclude any particular class or group, whether for race, sex or age, of the citizenry constitutes a violation of your defendant's rights under said constitutional guarantees.

XIX

That your defendant avers that the said Indictment is further null and void and should be quashed because of the following:

XX

That your defendant is informed, believes, and therefore alleges, that the investigation which produced the evidence upon which said Indictment was based was financed by funds or contributions from a group of private individuals, who incorporated under the name of "Truth and Consequences, Inc." and who have made available to the District Attorney for the Parish of Orleans practically unlimited funds for the purpose of investigating

the alleged wrongdoing by your defendant, and that these funds have not been administered in accordance with the provisions of the law and more particularly, RS 39:235, which reads as follows:

"A. Every agency having private funds or contributions that have been made available for its support or for the purpose of defraying expenses of any work done under its direction, under such terms that they do not become the property of the state, shall deposit the funds or contributions with the treasurer in the manner prescribed by this Chapter for the deposit of public moneys, and shall certify to the treasurer: (1) the source from which such funds or contributions were received; (2) the terms and conditions under which, and the purpose for which they were received; (3) the names of the trustees or administrators of the funds or contributions; and (4) the name of the person authorized to approve expenditures from each fund or contribution.

B. The treasurer shall keep each fund or contribution in a special deposit entirely separate and distinct from those of any other funds. Withdrawals from the funds and contributions shall be made from the treasurer only on warrants drawn in accordance with the provisions of this Chapter. Statements of indebtedness by the person authorized to approve the expenditures will be filed in the budget unit prior to payment of expenditures.

C. In presenting its biennial budget estimates, each budget unit shall include full estimates of all cash available or to become available from the private funds and contributions for each fiscal year, as offsets against its full estimates of its expenditure requirements for each fiscal year, and in the executive budget the estimates shall be included in the estimates of resources available for financing the expenditure requirements for which appropriations are recommended. The provisions of this Chapter shall not apply to private funds of students in a state educational institution, nor to the private funds of inmates of a state institution, when the funds are deposited with an officer of such institution merely for safekeeping."

XXI

That the primary function of the District Attorney is to cause justice to be done, and the subsidization of public functions of his office by known and unknown private individuals, organizations or groups without any accountability whatsoever for funds made and to be made available to the District Attorney for use in his sole discretion for the alleged purpose of

furthering the prosecution of your defendant, is contrary to the public policy and statutory law of Louisiana, against good morals and decency, in conflict with the obligations of the District Attorney to the public, and a denial to your defendant of the equal protection of the laws and due process of law as guaranteed to him by Article I, Section 2, of the Louisiana Constitution of 1921 and the Fourteenth Amendment of the United States Constitution and RS 14:118.

XXII

That your defendant alleges on information and belief that the membership list, articles of incorporation and records of receipts and disbursements of the said "Truth and Consequences, Inc." are in the possession of Mr. Joseph Rault, Jr., 516 Audubon Street, New Orleans, Louisiana; that their production in the court on the trial of this motion is necessary and material to the interests of your defendant, and that defendant intends to prove by said records the allegations contained in Article XX hereof.

XXIII

That your defendant alleges on information and belief that the records of receipt of funds from the said "Truth and Consequences, Inc." and disbursements of said funds are in the possession of the Honorable Jim Garrison, District Attorney for the Parish of Orleans; that their production on the trial of this motion is necessary and material to the interests of your defendant and that defendant intends to prove by said records the allegations contained in Article XX hereof.

XXIV

The failure of the Indictment to include Lee Harvey Oswald as a co-defendant is fatal to the Indictment.

XXV

The failure of the Indictment to include David W. Ferrie as a co-defendant is fatal to the Indictment.

XXVI

The failure of the Indictment to name and include "others" is fatal to the Indictment.

XXVII

That the Indictment in these proceedings is null and void and of no effect for the following additional reasons, namely:

On information and belief the defendant alleges that the Indictment was based solely or primarily on the testimony of one Perry Russo, whose testimony was not valid, proper or legal for the reason that it was the product of post hypnotic suggestion and/or suggestions while under the influence of sodium penathol and/or other drugs and as a result of these undue influences did not constitute the testimony of Perry Russo himself but rather the testimony of the hypnotist and/or suggestor who in fact had no personal knowledge of the said testimony. That under these circumstances his testifying before the Grand Jury was tantamount to having said body receive and base an indictment exclusively upon the testimony of a person who had no personal knowledge of said testimony.

XXVIII

The Court has no jurisdiction over the offense charged, since the offense allegedly was committed at a place outside the jurisdiction of this Court.

WHEREFORE, defendant prays that this Motion to Quash be maintained and that the said Indictment as to him and as far as he is concerned, be declared null and void and that he be discharged therefrom.

Defendant further prays that writs of subpoena duces tecum issue herein commanding Joseph Rault, Jr., to produce in open court on the date of the trial of this motion at 10:30 o'clock a. m., or any other date to which said trial may be continued, the following: the membership list, articles of incorporation and records of receipts and disbursements of the said "Truth and Consequences, Inc.," and commanding the Honorable Jim Garrison, District Attorney for the Parish of Orleans, to produce in open

court the records of receipt of funds from the said "Truth and Consequences, Inc." and disbursements of said funds.

CLAY L. SHAW, Mover and Defendant

EDWARD F. WEGMANN, Attorney for Mover and Defendant

WILLIAM J. WEGMANN, Attorney for Mover and Defendant

F. IRVIN DYMOND, Attorney for Mover and Defendant

STATE OF LOUISIANA
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

CLAY L. SHAW

who, after being duly sworn, did depose and say:

That he is the mover in the above and foregoing Motion to Quash; that he has read same and that all of the allegations therein contained are true and correct to the best of his knowledge, information and belief.

CLAY L. SHAW

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF MAY, 1967.

NOTARY PUBLIC

ORDER

Considering the foregoing motion:

IT IS ORDERED by the Court that writs of subpoena duces tecum due issue herein commanding Joseph Rault, Jr., to produce in open court on the date of the trial of this motion at 10:30 o'clock a.m., or any other date to which said trial may be continued the following: the membership list, articles of incorporation and records of receipts and disbursements of the said "Truth and Consequences, Inc.", and commanding the Honorable Jim Garrison, District Attorney for the Parish of Orleans, to produce in open court the records of receipts of funds from the said "Truth and Consequences, Inc." and disbursements of said funds.

New Orleans, Louisiana, this ____ day of _____, 1967.

JUDGE

STATE OF LOUISIANA

VS.

CLAY L. SHAW

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

NO. 198-359, SECTION "C"

ANSWER TO
MOTION TO QUASH AND
FOR SUBPOENAS DUCES TECUM

I. The Indictment is Valid and Constitutional

Article 65 of the Code of Criminal Procedure provides that the following form may be used for charging conspiracy.

"A. B. conspired with D. C. to _____ (. . . murder E. F.; . . .)".

The present short form of indictment for conspiracy is practically identical with the one which appeared in Article 335 of the 1928 Code of Criminal Procedure ("A.B. and C.D. conspired together to murder E.F."), which was taken verbatim from the American Law Institute's Code of Criminal Procedure. See Section 188, A.L.I. Code Crim. Proc., p. 83 and Commentary to Section 188, p. 591 (1931). Realizing the need for a form of criminal pleading that would be simpler, and at the same time would guarantee the accused his constitutional right to be informed of the nature of the accusation against him, the Louisiana legislature in adopting a Code of Criminal Procedure in 1928 authorized short form indictments to be used for certain well-defined crimes, such as murder, rape, theft, burglary, robbery, conspiracy, etc., and modeled the short form indictments upon those set out in the American Law Institute's model Code of Criminal Procedure. See State v. Sarksdale, 147 La. 198, 170 So.2d 374; Sec. 188, A.L.I. Code Crim. Proc. (1931).

The short form of indictment authorized by the Louisiana Legislature has been uniformly upheld by the Louisiana Supreme Court as meeting the constitutional test that the accused must be informed of the nature and cause of the accusation against him. See State v. Barksoale, 207 La. 198, 170 So.2d 37 (1965) (aggravated rape); State v. Howard, 203 La. 371, 149 So.2d 109 (1963) (armed robbery); State v. Scheler, 243 La. 143, 144 So.2d 339 (1962) (negligent homicide); State v. Ever, 237 La. 45, 110 So.2d 521 (1959) (murder); State v. Durbin, 235 La. 389, 106 So.2d 443 (1958) (simple robbery); State v. Roshto, 222 La. 185, 62 So.2d 268 (1952) (theft of animal: heifer); State v. Wright, 215 La. 529, 41 So.2d 76 (1949) (simple burglary).

The indictment returned against the accused by the grand jurors in the instant case charges that Clay Shaw "did willfully and unlawfully conspire with David W. Ferris, herein named but not charged, and Lee Harvey Oswald, herein named but not charged, and others, not herein named, to murder John F. Kennedy". The meaning of the words conspire and murder are so certain and widely accepted that no one who heard or read the words of the instant indictment could have any doubt about the nature and cause of the accusation against Clay Shaw. In this respect the United States and Louisiana Constitutions are fully satisfied in the respectful view of the State.

It is frivolous to argue, as the accused does in his Motion to Quash filed herein, that the short form of indictment for conspiracy which is provided in Article 465 of the Code of Criminal Procedure is defective in that it does not require the setting out of "the act in furtherance of the object of the agreement or combination." See Art. 26, Crim. Code, which

defines criminal conspiracy. Not one of the short forms of indictment which appear in Article 465 contains all of the essential elements of the offense which the short form of indictment may be used to charge, but this fact has never been held to invalidate the short forms of indictment. In State v. Pate, 206 La. 1078, 20 So.2d 368, for example, the accused was charged with theft in the short form of indictment set out in Article 235 of the 1928 Code of Criminal Procedure. He moved to quash the bill of information on the ground that it did not contain an essential averment required by Article 67 of the Criminal Code--i.e., that to constitute the crime of theft there must be "an intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking". The Supreme Court held that the bill of information drawn up in the short form provided for theft was valid, and that there was no necessity for including in the charge the averment that the accused took the automobile with the intention of depriving its owner thereof permanently. The same argument applies by analogy to the indictment for conspiracy in the case at bar; there is no necessity for setting out the act in furtherance of the conspiracy.

Paraphratically, it should be noted that concert in criminal purpose is the salient factor in criminal conspiracy, and since the common-law gist of this offense is unlawful combination or agreement, no overt act is required to constitute this crime unless so required by statute. In other words, at common law it is the overt act of combining-confederating minds that forms the hard core of conspiracy rather than acts done in furtherance of the actor's agreement. See Clark and Marshall,

A Treatise of the Law of Crimes, pp. 489-490 (6th ed. 1958).
And when an overt act is by statute made an essential element of the crime of conspiracy in order to afford a locus poenitentiae, when either or all the conspirators may abandon the unlawful purpose ", the required act may be any step in furtherance of the agreement, and need not necessarily, as in prosecutions for attempt, be an act tending directly toward the accomplishment of the crime intended. See State v. D'Ingianni, 217 La. 945, 7 So.2d 731.

The failure of the indictment to include Lee Harvey Oswald, David W. Ferrie, or anyone else, is completely immaterial. It is well settled that although conspiracy is a joint offense and cannot be committed by one alone, all of the conspirators, whether known or unknown, need not be prosecuted at the same time. An indictment charging a named person with having conspired with other person who are unknown, or with other persons whose names are given but who are not joined as defendants, is good. State v. Sutz, 106 La. 182, 30 So. 296 (1901); 1 Wharton's Criminal Law and Procedure 198, Conspiracy, sec. 91 (by Anderson, 1957).

The State believes that the indictment for conspiracy in the instant case is valid and constitutional and that Paragraphs I-XII and XXIV-XXVI of the Motion to Quash filed herein lack in merit.

II. The Grand Jury was Constitutionally Selected.

a. The Accused Has No Standing To Attack the Grand Jury.

The accused herein, being neither a woman nor a Negro, cannot be heard to attack the grand jury which indicted him on

the ground that it systematically excluded women and systematically included Negroes. See State v. Lea, 238 La. 724, 84 So.2d 169, cert. denied 350 U.S. 1007, 76 S.Ct. 655, 100 L.Ed. 869 (1956).

The contention that the Fourteenth Amendment requires proportional representation of all of the component ethnic groups of the community on every jury has been repeatedly rejected. See Hernandez v. Texas, 347 U.S. 475, 74 S.Ct. 687, 98 L.Ed.866 (1954); Aikens v. Texas, 325 U.S. 398, 65 S.Ct. 1276, 89 L.Ed. 1694 (1945). An accused can only claim the right to be indicted and tried by juries from which all members of his race, sex, etc. are not systematically excluded. Hernandez v. Texas, supra; Swain v. Alabama, 380 U.S. 202, 85 S.Ct. 824, 13 L.Ed.2d 759 (1965).

b. The Grand Jury was Validly Chosen.

Alternatively, under the established jurisprudence of the Louisiana and United States Supreme Courts, even a woman's constitutional rights are not violated because in the jurisdiction in which she is indicted and tried women are under the law exempted from jury service unless they file with the clerk of court of the parish a written declaration of their desire to serve. See Art. 402, Code Crim. Proc. In State v. Dorothy Mae Reese, 250 La. 151, 194 So.2d 729 (1967), the Louisiana Supreme Court held Article 402 (then R.S. 15:172.1) constitutionally permissible since this law does not exclude women from jury service, but simply accords them an absolute exemption unless they expressly waive that privilege. See also Hoyt v. Florida, 368 U.S. 57, 82 S.Ct. 159, 7 L.Ed.2d (1961), involving an attack on a similar Florida statute by a woman accused of murder.

In connection with this alternative argument on the

constitutionality of the grand jury which indicted the accused herein, the State calls this Court's attention to the fact that a similar contention about the systematic inclusion of Negroes on grand juries in Orleans Parish was decided adversely to a Negro accused in State v. Barksdale, 247 La. 198, 170 So.2d 37.; Barksdale v. Louisiana, 382 U.S. 921, 86 S.Ct. 297, 15 L.Ed.2d 236 (1965). See also State v. Simpson, 247 La. 883, 175 So.2d 255 (1965); Simpson v. Louisiana, 384 U.S. 1014, 86 S.Ct. 1945, 16 L.Ed.2d 1035 (1966).

The State believes that Clay Shaw has no standing to attack the grand jury which indicted him on the grounds set out in his Motion to Quash; alternatively, the State is of the opinion that his bases of attack are completely lacking in merit.

Therefore Paragraphs XIII through XVIII of the Motion to Quash filed herein have no merit.

III. Contributions From Private Individuals Are Permissible and Praiseworthy

Traditionally, law enforcement officers in the United States have been aided in their work by private citizens. The citizens' posse of the Old West is an outstanding example of private individuals coming to the aid of officers of the law in time of need. And today in this very city we read in our newspaper every other week or so exhortations by the Superintendent of Police urging people in all walks of life to cooperate actively with police officers in running down criminals.

One of the modern equivalents of the old-fashioned posse is the financial contributions which is made by businesses or private citizens to aid the police in capturing persons who

violate the law. Rewards offered and given for the capture of persons suspected of committing a crime are commonplace.

In supplying the District Attorney for the Parish of Orleans with money to use to try to solve the assassination of President Kennedy, consequently, the private citizens who have banded together under the name of "Truth and Consequences" are acting in accordance with a time-honored American custom; they are the Twentieth Century equivalent of the vanishing posse. Not only are their actions in giving help to law enforcement officers legal and constitutional--they are also admirable. As is often pointed out nowadays, public apathy and indifference to crime are an important factor in the fast-rising crime rate.

Let us suppose for a moment that some of the men who make up "Truth and Consequences" had managed to capture Lee Harvey Oswald and others as they ran from the book depository in Dallas on the fateful day of President Kennedy's murder. Their deed would have been praised and acclaimed throughout the world.

Similarly, the action of the members of "Truth and Consequences" in forming a fund to be used in tracking down the killers of President Kennedy is patriotic and laudable.

Furthermore, R.S. 39:235, relied on by the accused in his motion herein, is inapplicable to the "Truth and Consequences" fund.

R.S. 39:235 provides that every agency which has private funds or contributions that have been made available to it for the purpose of defraying expenses of any work done under

its direction, under such terms that they do not become the property of the state, shall deposit the funds or contributions with the state treasurer in the manner prescribed for the deposit of public moneys, and shall certify to the treasurer: (1) the source from which such funds were received; (2) the terms and conditions under which, and the purpose for which they were received; (3) the names of the trustees or administrators of the funds; and (4) the name of the person authorized to approve expenditures from each fund. The statute further provides that the treasurer shall keep each fund in a special deposit entirely separate and distinct from those of any other funds, and that withdrawals from the funds shall be made from the treasurer only on warrants drawn in accordance with the provisions of Chapter 1 of R.S. 39.

R.S. 39:2 (1) defines "agency" as "any state office, department, board, commission, institutions, division, officer or other person, or functional group, heretofore existing or hereafter created, that is authorized to exercise, or that does exercise, any functions of the government of the state, but not any governing body or officer of any local government or sub-division of the state, or any parochial officer who exercises co-terminous with the municipality in which he performs those functions." (Underlining added)

From the foregoing it appears clear that the provisions of R.S. 39:235 do not apply to private funds or contributions which are made to the District Attorney for the Parish of Orleans, as this official is a parochial officer, and does not operate a state agency.

Consequently, the accused herein has no legal or constitutional ground to complain of the setting up of this fund, or its use in solving the murder of our late president. Nor is the accused entitled to inspect the membership list, records of receipts and disbursements of "Truth and Consequences, Inc.", and thus has no legal ground for obtaining by subpoena duces tecum their production in court on the trial of this motion, or at any other time or place.

Thus, Paragraphs XIX through XXIII of the Motion to Quash filed herein lack merit.

IV. The Evidence Received By the Grand Jury Cannot Be Questioned.

Under the law of Louisiana, no indictment shall be quashed on the ground that it is based, in whole or in part, on insufficient or illegal evidence. Art. 442, Code Crim. Proc.; State v. Simpson, 216 La. 212, 43 So.2d 585 (1949).

Hence, Paragraph XXVII of the Motion to Quash filed herein is without merit.

V. The Court Has Jurisdiction of This Offense.

The accused herein is charged with conspiring in Orleans Parish to murder President Kennedy. See Art. 26, Crim. Code. The gravamen of the offense of conspiracy is unlawful combination or agreement, and the place where the agreement takes place has jurisdiction over the crime.

Therefore Paragraph XXVIII of the Motion to Quash filed herein has no merit.

WHEREFORE, the District Attorney for the Parish of Orleans prays that the Motion to Quash filed herein by the accused, Clay L. Shaw, be overruled and set aside, that the Writs of Subpoena Duces Tecum sought by the accused herein be denied, and that this case proceed according to law.

JAMES L. ALCOCK
Assistant District Attorney

From
Director
Federal Bureau of Investigation
To

June 12, 1967

6/9

- The Solicitor General
- Deputy Attorney General
- Assistant Attorney General
- MR. J. WALTER YEAGLEY**
- Director, Bureau of Prisons
- The Pardon Attorney
- Chairman, Parole Board
- Assistant Attorney General for Administration
- Immigration and Naturalization Service
- Office of Alien Property
- Chief - Accounts Branch
- Chief - Administrative Services Office
- Chief of Personnel
- General Litigation Section, Civil Division
- Records Administration Office
- Attention: Antitrust Division
- Civil Division
- Civil Rights Division
- Criminal Division
- Internal Security Division

JW

Mr Oliver

Could any of the names on attachment be CIA?

JW

See attached

- A. No further action will be taken in this case in the absence of a specific request from you.
- B. Please advise what further investigation, if any, is desired in this matter.
- C. For your information, I am enclosing a communication regarding the holder of a diplomatic or international organization visa.
- D. For your information.
- E. Please note change in caption of this case.

John Edgar Hoover
Director

Enc. (Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

Carl - letter to CIA ~~is~~ is with AG now.

Fred Vinson

6/12/67

*Own
6/12/67*

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Belcher			
2.	Mr. Kessick			
3.	Mr. [unclear]	Ad. Crim.		
4.	Mr. Belcher			

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- PREPARE REPLY FOR THE SIGNATURE OF _____
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

If you think I should see, please return.
(He has gone out of town)

Revised info. is prob better for us than original -

5 ([redacted]) we should "contact" them.

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	ASSISTANT ATTORNEY GENERAL Criminal Division	[unclear]	4/8/64
	Carl - [unclear] to CIA [unclear] now	[unclear]	[unclear]
	[unclear]	[unclear]	[unclear]