

(Mount Clipping in Space Below)

# Judge May Call Informant

Criminal District Judge Bernard J. Bagert indicated Wednesday that District Attorney Jim Garrison's office may have to produce its "confidential informant" in its case against Clay L. Shaw, booked with participating in a conspiracy to kill President John F. Kennedy.

The judge, however, overruled a motion by defense attorneys to quash a preliminary hearing set for next Tuesday.

Bagert also dismissed six articles of a bill of particulars filed by the defense.

The motion for the bill of particulars requested the following:

1. What crime is he (defendant) alleged to have committed?
2. If the crime is one of conspiracy what are the names of the alleged conspirators?
3. On what day is it contended that defendant committed the offense charged?
4. At what time of day is it contended that defendant committed the offense charged?
5. In what parish and state was the offense allegedly committed?
6. What action, if any, did the conspirators take in furtherance of the object of the alleged conspiracy, and on what day, time and place did such action occur?
7. What are the name, identity and address of the confidential informant referred to in the application for search warrant and the affidavit filed in support of the said application for such warrant?

### SHAW IN COURT

Judge Bagert referred the seventh article to the hearing and said it was his inclination the informant would be revealed.

In another development, a subpoena was issued Wednesday for Dean Andrews, an assistant district attorney of Jefferson Parish, to appear before the Or-

leans Grand Jury at 2 p.m. Thursday in connection with the investigation into the assassination.

Orleans assistant DA James L. Alcock said he and his colleague, Alvin V. Ozer, will question Andrews.

Alcock said he didn't know whether the subpoena had been served to Andrews. Neither Andrews, nor Criminal Sheriff Louis A. Heyd Jr., through whose office a subpoena is served, was available for comment.

Shaw, former managing director of the International Trade Mart, was arrested March 1.

Free on \$10,000 bond, Shaw sat quietly and composed in the courtroom through the proceedings.

In an application for a warrant to search Shaw's home, the district attorney alleged that Shaw, Lee Harvey Oswald, pilot David W. Ferrie and others met at Ferrie's apartment and agreed "to kill John F. Kennedy."

Present at the meetings, Garrison said, was a confidential informant, who was later questioned under the influence of "truth serum."

Oswald was identified by the Warren Commission as the man who shot Kennedy. The commission said it found no

credible evidence that others were involved.

### 'NO JURISDICTION'

Shaw has denied knowing either Oswald or Ferrie, who was found dead in bed Feb. 22. His death was attributed to natural causes.

In the motion to quash the preliminary hearing, the defense argued a Louisiana court "has no jurisdiction of the offense charged, since the murder of John F. Kennedy took place in Dallas."

The defense maintained that only an overt act in Orleans Parish would bring the case

within the jurisdiction of the New Orleans court, and that the district attorney has not charged that any such act occurred.

The judge upheld the district attorney's office, which argued the proper legal procedure was being followed, and that the pattern set by law did not allow the defense to submit motions prior to Tuesday's preliminary hearing.

The hearing was requested by Garrison. Defense attorney Guy Johnson said he may ask the Louisiana Supreme Court to block it.

### 'ONLY BOOKED'

The other two defense attorneys, William and Edward Wegmann, contended the accusation against Shaw is too broad and deprives the defendant of his constitutional right to be informed of the nature and charge against him.

William Wegmann said the defense could not conduct its case without specific allegations from the DA.

Assistant district attorneys Michael Karmazin and James Alcock said there is no basis in law for filing a bill of particulars when there is no actual charge against the defendant. Legally, Shaw is not charged, but only booked.

Johnson, in his motion to quash, contended the DA's office has failed to file an affi-

davit, information or indictment against the defendant and therefore there exists nothing in the form of a legal proceeding to be heard by the court Tuesday.

Judge Bagert said defense counsel was present when the state filed the motion for the preliminary hearing and asked if the defense had not acquiesced in the hearing.

### 'WE DID NOT'

All three defense attorneys replied "No, we did not."

Johnson said the defense took no position on the hearing and wants the bill of particulars be-

(Indicate page, name of newspaper, city and state.)

Page 1

The Times-Picayune  
New Orleans, La.

Date: 3-9-67

Edition:

Author:

Editor:

Title: ASSASSINATION OF  
PRESIDENT JOHN F.  
KENNEDY 11/22/63

Character:

or

Classification: 89-

Submitting Office: N.O.

Being Investigated

ENCLOSURE

fore any hearing is held.

The judge, in overruling the requests, said there can be no adjudication of guilt or innocence here.

William Wegmann said "I disagree violently with the finding. We are entitled to cross-examine. We are entitled to be prepared and not come in here and shoot off the cuff. We don't want to come in here Tuesday and have the state go wild and put on a big show."

Assistant DA Alvin Oser said the defense had no right to contend the state is "going to put on any show." He said all the state must do is show a prima facie case and probable cause.

"Cause for what," William Wegmann asked. "There is no such thing as a conspiracy by one man."

#### TO GET EVERYTHING

Following the hearing, Oser was asked about the defense request that the informant be produced. "They will get everything they ask for Tuesday," he answered.

Johnson said that among the items seized from Shaw's home, under the search warrant was \$30,000 in homestead stock. He said this was not listed in the application for the search warrant or in the list of items seized when the warrant was returned.

He asked that the items be brought into court and examined so the court could deter-

mine whether they are in the scope of the application.

Judge Bagert said he would rule on this within 48 hours.

William Wegmann said he was present when the articles were seized, but when he tried to make a list of them he was threatened with arrest.

Johnson reserved a bill of exceptions to the judge's rulings.

#### SEARCH WARRANT HIT

The attorney contended there was no cause for a search warrant because Garrison failed to establish the reliability of the informant.

He said that once a man is in custody, it is illegal to search his property on a "fishing expedition." Johnson said the objects of the search were not properly specified in the warrant application.

William Gurvich, Garrison's chief investigator, said the mystery informant will be available, subject to call, at Tuesday's hearing.

Andrews, if he appears before the Grand Jury Thursday, will be the first person to actually testify in connection with the investigation.

Alcock said no other subpoenas were issued Wednesday in connection with the probe and he didn't know if others would be Thursday.

However, the assistant DA said a subpoena had been issued for Ferrie to appear before the Grand Jury. Alcock said he doesn't know whether the subpoena was issued to the man before he died.

#### TOLD OF CONTACT

Andrews had testified to the Warren Commission that a man named "Clay Bertrand" contacted him the day after Kennedy's death and asked him to represent Oswald.

Garrison has alleged that Shaw and Clay Bertrand are the same person. Shaw denied ever having used that alias.

Last Thursday, Andrews was questioned at length in Garrison's office. At the time, attorney Sam Monk Zelden said Andrews gave Garrison's men es-



DEFENDANT Clay L. Shaw (left) leaves Criminal District Court with his attorneys William Wegmann (right, foreground) and Gay Johnson (over Wegmann's shoulder) after they lost an attempt to have a March 14 preliminary hearing set aside. Shaw is accused by District Attorney Jim Garrison of participating in a conspiracy to murder President John F. Kennedy. Wednesday's legal sparring occurred before Judge Bernard J. Bagert.

entially the same information he had given the Warren Commission, with "some variations" that were "questions of recollection."

The district attorney's office, as legal advisor to the Grand Jury, determines who will be subpoenaed to appear before it.

In other developments, the Vatican weekly, L'Osservatore Della Domenica, said Wednesday the Warren Report does not seem convincing.

The magazine's foreign news analyst, Federico Allesandrini, wrote that "Nobody can pretend to see clearly in this affair, which stirs not only Americans. The man in the street, confronted with so much fuss, is compelled to believe something is burning."

Allesandrini said the Garrison investigation could possibly lead to clues among Cuban refugees and if any real proof is found,

it could point to a conspiracy from outside the United States.

#### SANTANA ON JOB

Meanwhile, a Cuban who has been questioned in connection with Garrison's investigation and who had been reported missing showed up for work in Miami, Fla., Wednesday.

Emile Santana, 31, who is on probation for a suspended three-year sentence for attempted larceny, had been reported missing by his probation officer, Russell W. Buckholt Jr. of the Florida Parole and Probation Commission.

Wednesday, a spokesman for the company which employs Santana, Standard Auto Bumper Corp., said the man reported for work.

Santana had been flown to New Orleans and questioned by Garrison's staff Feb. 14 through Feb. 17. According to Buckholt, he had been missing from his Miami home since Friday.