

(Mount Clipping in Space Below)

Move to Get DA Recused Thrown Out

Judge Bernard J. Bagert today overruled television newsman Walter Sheridan's legal move to avoid testifying before the Orleans Parish Grand Jury.

At the same time, the judge threw out motions by Sheridan to recuse Garrison as legal adviser to the jury and to have his attorney accompany him into the jury chambers.

Judge Bagert, however, stayed Sheridan's grand jury subpoena until noon tomorrow to give the National Broadcasting Co. reporter an opportunity to appeal to the state Supreme Court.

The District Attorney's office charged today that television newsman Walter Sheridan and his lawyers have abused the "use of legal process" by launching a "vitriolic diatribe" against DA Jim Garrison.

Two DA's assistants leveled the accusation in a formal answer to a supplemental motion filed yesterday by the National Broadcasting Co. reporter's attorneys.

Their response to Sheridan's charges were filed a few minutes before Judge Bernard J. Bagert opened a hearing on Sheridan's move to avoid testifying before the Orleans Parish Grand Jury in Garrison's Kennedy death plot investigation.

In rapid fire order today: 1. Sheridan was arraigned before Judge Thomas M. Bramley on charges that he attempted to bribe Garrison's star witness, Perry R. Russo of Baton Rouge. Sheridan pleaded innocent.

2. Sheridan was served by Sheriff Louis J. Heyd Jr. with a federal subpoena to appear before a U.S. district judge in Chicago Monday.

3. State's attorneys and Sheridan's lawyers clashed before Judge Bagert over whether the TV newsman should be made to face the grand jury.

Part of the Sheridan move is an attempt to have Garrison removed as legal adviser to the grand jury. In additional pleadings, filed yesterday, his lawyers charged that conflicting political and financial interests should cause the DA to be recused.

Asst. DA's James L. Alcock and Richard V. Byrnes answered this morning that Sheridan's pleadings consisted of "nothing more than a vitriolic diatribe couched in pseudo-legal language."

"The allegations contained therein are completely irrelevant and are solely designed to destroy the well-earned reputation of Jim Garrison as district attorney," the state declared.

Alcock and Byrne further asserted that Sheridan's legal maneuvers are aimed at insuring "that Clay L. Shaw does not come to trial."

SHAW, a 54-year-old retired New Orleans businessman, is free on \$10,000 bond, awaiting trial on charges that he helped plot the assassination of President John F. Kennedy.

The state answer asserted that an attorney for Sheridan expressed the opinion openly that it would be "too risky" to bring Shaw to trial and added:

"By . . . his counsel's statement about it being 'too risky' to try Clay L. Shaw before a petite jury made up of New Orleans citizens, mover and his counsel have expressed a total lack of confidence in the character and intelligence of the citizens of this city."

Later during the hearing, Burnes and Alcock locked horns with Brener over the Sheridan motions, and Burnes said Sheridan had no legal right to seek Garrison's re-

THE MAIN issue, Burnes is, "Can anyone on the street come in and ask for recusation? I think not."

Attorneys for two other figures in the Garrison probe were interested onlookers as Sheridan lawyer Milton Brener opened his pleadings at 10:45 a. m.

Both F. Irvin Dymond, leading defense counsel for Shaw, and Burton Klein, lawyer for Alvin Beaubouef, listened as Brener attacked Garrison and his investigation.

Brener said the DA has refused to investigate "serious and documented charges" hurled against members of the Garrison staff, and he charged that taking Sheridan before the grand jury would violate his rights to constitutional protection.

AS SHERIDAN walked into the hearing chamber, he was handed a subpoena to appear at 10 a. m. Monday before U.S. District Judge Richard R. Austin at Chicago. The subpoena involves the government's bribery case against Teamster Union President James R. Hoffa.

Sheridan was one of the chief Justice Department investigators working on the U.S. effort to jail Hoffa for misuse of union funds and jury tampering. Hoffa was convicted.

Thirty minutes before the hearing on his motion to avoid grand jury testimony began, Sheridan pleaded innocent to charges that he tried to bribe Russo.

The accusation by Garrison grew out of Sheridan's investigative activities which led to a special documentary program aired on television by

Russo testified at a preliminary hearing for Shaw that he overheard the tall, white-haired defendant help the late David W. Ferrie and Lee Harvey Oswald plot Kennedy's murder.

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

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STATES ITEM

NEW ORLEANS, LA.

Date: 7/27/67

Edition: RED FLASH

Author:

Editor:

Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TX

Character: 11-22-63 AFO

or

Classification: 89-

Submitting Office: N.O., LA

Being Investigated

ENCLOSURE

5012

~~press~~, A onetime ~~in-~~ ~~line~~ pilot, died Feb. 22 of what the coroner called "natural causes." Oswald, the presumed assassin of the President, was shot to death by Jack Ruby.

Garrison has charged Sheridan with offering Russo financial help and legal protection if the witness would recant his testimony and appear on the NBC program.

Judge Brahney heard Sheridan's not guilty plea and gave his lawyers 30 days in which to file special pleadings.

Sheridan's supplemental motion filed yesterday accused Garrison of suppressing evidence, refusing to investigate allegations of wrongdoing by members of his staff and using the grand jury to punish and harass persons who will not cooperate with him.

Sheridan said the DA's actions were the "result of a personal interest in the cause." At the same time, the motion questioned Garrison's "judicial temperament, his sense of responsibility and his reputation as a prosecutor and fair-minded public official." Sheridan's pleadings added:

"His keen personal interest in vindicating his positive public utterances, in which utter-

ances he has staked his future and his reputation, and his keen personal interest in preserving his reputation . . . are at odds with and are inconsistent with a fair, impartial quest for justice or search for truth."

THE MOTION CHARGES that "financial gain and profit have resulted and continue to result to the district attorney in the form of funds donated by groups . . . and funds received from various newspapers, magazines and other publications for materials furnished by the district attorney for publication."

"The district attorney therefore has an additional personal interest in the cause other than the fair and impartial administration of justice," the newsman declared.

IF GARRISON'S office chooses to answer the latest Sheridan motion and asks for time to study the pleadings and file a formal response, the scheduled hearing could be delayed for another week or more.

In another development yesterday, one-time Jefferson Parish Asst. DA Dean A. Andrews Jr. told the Jefferson Young Men's Business Club he is tired of being the DA's "whipping boy."

"If he messes with me one more time, I'm going to charge him with malfeasance in office and prove it," Andrews warned. He is charged with perjury in connection with the probe.