

Garrison Facing Quiz In Shaw Venue Hearing

TV Stations Testify on Air Range

Attorneys for Clay L. Shaw planned to put District Attorney Jim Garrison on the stand this afternoon as a hearing opened on their effort to have Shaw's trial transferred outside New Orleans.

The morning session before Criminal District Judge Edward A. Haggerty Jr. was taken up with testimony from television station engineers concerning the range their stations cover and the acceptance of records subpoenaed from news media.

SHAW, 54, is charged with conspiracy in the assassination of President John F. Kennedy. His attorneys contended he cannot get a fair trial in New Orleans because of the publicity the case has received, and seek to move the trial at least 100 miles away.

Defense attorney F. Irvin Pymond said Garrison would be called after the noon recess and "I presume he will take up most of the rest of the day."

The judge said today's session would continue up to 5 p.m.; and there will be no night sessions because of security problems.

Handling the case for the state this morning was assistant DA James L. Alcock.

AFTER THE TV engineers testified, Garrison was called into the courtroom, but the judge decided it was too near the noon recess and asked him to return at 1:15 p.m.

It was not clear whether Garrison would then take the stand immediately or if he would be preceded by the sales managers of the television stations, who were ordered subpoenaed at the close of this morning's testimony.

As court opened this morning, two new witnesses were subpoenaed by the defense. They are:

- Mrs. Rosemary James, a reporter for the States-Item.
- Richard Dowling, president of the Criminal Courts Bar Association.

Both were handed subpoenas on the scene. Of the 23 persons subpoenaed earlier, 21 appeared on schedule this morning.

The two missing were comedian Mort Sahl, who was reported to be in San Francisco, and Harold Lidin, reportedly in Puerto Rico. Another witness, author Mark Lane, said Sahl would be available if needed.

Lidin, it was reported, has been reassigned to Puerto Rico by his employers, Screen Gems.

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THE FIRST business was the acceptance of records subpoenaed from the States-Item, The Times-Picayune, WWL-TV, WWL radio, WDSU-TV and WVUE-TV. They consisted of news stories on the case.

Perry Raymond Russo, a key state witness, had been subpoenaed to bring in copies of speeches and interviews he had given about the case. He told Judge Haggerty he possessed no such copies, and the defense accepted his explanation.

A brief argument flared concerning a subpoena denied earlier by the judge for press releases and other material issued by Garrison. Shaw's attorneys asked last week that the material be subpoenaed but the request was denied. This morning they argued the material should have been subpoenaed and then its admissibility could be argued.

HAGGERTY AGAIN ruled against them, on grounds the press releases were either in the material subpoenaed from the news media or were never used, in which case they would be irrelevant because they could not influence prospective jurors.

In presenting the records from the States-Item and The Times-Picayune, Executive Editor George W. Healy Jr. asked that the clippings be

(ge, name of city and state.)

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STATES-ITEM

NEW ORLEANS, LA

Date: 3-5-68
Edition: RED FLASH
Author:
Editor: GEORGE W. HEALY
Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY DALLAS, TEX 11-22-63
Character: AFO
Classification: 89-
Submitting Office: N.O., LA.
 Being Investigated

62 1

returned to the newspapers' library and that copies of the papers be used by the court. Haggerty agreed.

The defense began calling witnesses at approximately 11 a.m., following Haggerty's decision on the Garrison subpoena.

The first witness to take the stand was Francis Jacobs, chief engineer for WWL-TV.

DYMOND ASKED Jacobs to testify as to the range of his station. He said that the range extends to 75 to 80 miles and offered to produce a map showing the viewing area.

Jacobs broke down the areas which receive pictures from the station into three classes.

In Class A, said Jacobs, viewers could pick up a signal at all times and this range extends about 40 miles.

He said Class B extends to 70 or 75 miles and Class C area has no limits, depending on conditions under which transmission is made.

Dymond submitted a map of the reception area marked for evidence "D Venue 1."

Judge Haggerty noted that, "I've caught channel 4 in Biloxi (Miss.) and that would be about 95 miles."

Jacobs acknowledged that this was true, but observed it was probably possible because an antenna taller than 30 feet was used.

JACOBS, IN answer to questions, testified the station is on the air from 12 to 20 hours a day, seven days a week, and 12 months a year.

Jacobs testified that a 1966 survey showed 1,925,000 possible viewers for WWL-TV and that this figure has now increased to about two million viewers.

He also said the station has broadcast continuously since March 1 of last year.

Alcock questioned Jacobs on the two million figure. He asked if this wasn't just an

estimate Jacobs answered that this was not a census but was contained in a publication called Sales Managers Magazine and the publication's figures are generally accepted in the industry.

Alcock also asked Jacobs if the figure did not represent "people who could be possibly tuning in." Jacobs replied that this was the "available" audience.

HAGGERTY SUSTAINED objections by the state when Dymond sought to have Jacobs testify to the content of a report on listener audience by the American Research Bureau.

The report would apparently delineate the number of viewers in the WWL-TV market.

Alcock said such testimony was out of the scope of the witness and that such figures would represent "rank hearsay."

Haggerty agreed, but said the defense was free to place another witness on the stand who could give such testimony.

The next witness was Lindsey G. Riddle, chief engineer for WDSU-TV, who testified that channel 6 can reach a potential of 614,000 households, including its fringe area.

Allan Gunderson, chief engineer for WVUE-TV, testified that channel 12, not including any fringe area, has a range of 63 miles east and west and 54 miles north and south.

DYMOND WAS attempting to obtain information from these three witnesses about how many are actually in their viewing audiences.

Alcock objected and the court ruled that this was in the field of sales promotion and marketing. Dymond then asked that the sales managers of the three TV stations be subpoenaed.

Judge Haggerty agreed to the subpoenas.

One attorney suggested that any one of the three sales managers be qualified to give

these figures for all three TV stations. Haggerty said however: "I would expect each station would like to say they have more than they have," and he decided to call all three.

In another aspect of the investigation, Gordon Novel is out of jail on \$500 bond after being ordered held for New Orleans authorities by a Columbus, Ohio, court.

The action came as a result of a subpoena for the former owner of a New Orleans nightclub to appear before the Orleans Parish Grand Jury.

PREVIOUSLY, Garrison had subpoenaed Novel, who fled Louisiana steps ahead of authorities, and the DA was unsuccessful in attempts to have Novel returned to his jurisdiction.

However, a Columbus judge said the current subpoena complies with a uniform witness act honored by both states. It grants Novel immunity from any past acts he may have committed in Louisiana.

Novel is fighting the subpoena on the grounds that he will be charged with perjury if he testified before the grand jury.

Garrison contends that the Central Intelligence Agency was involved in the assassination and that Novel "by his own admission in public statements is affiliated with the CIA."



CLAY L. SHAW, right, is accompanied by his attorney, EDWARD WEGMANN, en route to Criminal Courts for today's hearing.

A. HAGGERTY JR. ARRIVE FOR HEARING



WITNESSES MARK LANE, PERRY R. RUSSO; JUDGE EDWARD