

Shaw Bid to Subpena Jury Slate Weighed

Judge Edward A. Haggerty today pondered a defense move to subpoena about 1,300 prospective jurors as witnesses in the hearing on Clay L. Shaw's request that his trial on charges of conspiring to kill President Kennedy be moved at least 100 miles from New Orleans.

The change of venue hearing, which started Tuesday, was recessed yesterday until 10 a. m. Monday to give Judge Haggerty time to study the motion.

The defense motion was filed at midday yesterday and calls for the subpoena of every person now listed on Criminal District Court's jury wheel.

BEFORE adjoining the hearing, Judge Haggerty said he had conferred with jury commission chairman Noel Bada and found that there are about 1,300 names in the wheel now.

"Even taking 10 or 15 a day," Judge Haggerty said, "you can imagine how much time that would require. This is not a Gallup Poll." Approval of the motion, he said, could extend the change of venue hearing for months. Haggerty said he will research the law involved and make a ruling when the hearing resumes next week.

The defense motion was apparently not a frivolous one. The testimony yesterday and Tuesday was punctuated by remarks from the judge to the effect that the only thing relevant to the hearing was whether prospective jurors can give Shaw a fair trial.

SHAW AND his attorneys claim he can't get a fair trial because of wide news coverage of the case and because of actions by District Attorney Jim Garrison, his staff and others in the DA's Kennedy assassination probe.

The defense tried repeatedly to demonstrate, by questioning newspaper television and radio newsmen, that Garrison had deliberately set out to create publicity favorable to his case. In each instance, the state objected and in almost every case was sustained by the judge.

Haggerty ruled repeatedly that it didn't matter whether Garrison caused publicity. The only relevant issue, he said, was whether published material actually influenced jurors.

The defense then made its move to subpoena the prospective jurors.

Most of yesterday's testimony was taken up by newsmen and news executives.

George W. Healy Jr., executive editor of The Times-Picayune and New Orleans States-Item, testified that the Garrison investigation was the biggest local news story in 1967 and that from a news point of view the case of Shaw, attacks on the Warren

Commission and Garrison's probe "are all associated, one to the other."

HEALY WAS questioned at length on the circulation of the two papers and was also asked to list distant parishes of the state where Times-Picayune circulation is light.

Other witnesses yesterday included Mrs. Rosemary James, States-Item reporter and coauthor of the book

"Plot or Politics? The Garrison Case and Its Cast"; Alec Gifford, news director of WVUE-TV; William Reed, news director of WWL-TV; Edward Planer, news director of WDSU-TV and radio.

Ed Devanport, newsman for WWL radio; David Wagenvoord, president of WWOM-TV and radio; John L. Vath Sr., vice-president of WSMB radio, and Maurice I. Roufs, general manager of Louisiana News Co., were also called to the stand.

The last two witnesses of the day were attorney Mark Lane, author of "Rush to Judgment," and Perry Raymond Russo, who was Garrison's star witness at the preliminary hearing for Shaw last March.

LANE DENIED that he is actually on the staff of Garrison and denied ever having said, "Mr. Garrison has shown me his file and it is an 'Iron-clad case.'" He said he does not believe that he

has ever said publicly that Shaw is guilty or innocent. He added, however, that he may have said Garrison has a "substantial case."

Russo was questioned about his attendance at a lecture by Lane at Tulane University last December. Russo said that after the lecture, he attended a "shoot-the-breeze" session with some out-of-state students. Asked if he discussed the case, he said he believes most of the questions he was asked involved information brought during the preliminary hearing.

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