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# JUDGE EXCUSES SHAW LAWYERS

## Testimony Not Required in Bethell Case

A Criminal District Court Judge ruled Friday that Clay L. Shaw's four attorneys do not have to testify in the trial of Thomas Bethell.

Bethell is accused of supplying the four attorneys with District Attorney Jim Garrison's trial memorandum in the conspiracy case involving Shaw.

Attorney Robert Zibilich, District Attorney ad hoc for the Bethell case, had issued subpoenas for attorneys F. Irving Dymond, William J. Wegmann, Edward F. Wegmann and Salvatore Panzeca.

However, Judge Matthew S. Braniff quashed the subpoenas, upholding the attorneys' arguments that the attorney-client privilege with respect to Shaw would prevent them from testifying.

Shaw was acquitted March 1 of a charge of conspiring to murder President John F. Kennedy.

He still faces a perjury charge growing out of his trial, and took the witness stand Friday to testify that he does not want his attorneys subpoenaed for the Bethell case.

Bethell, up to the time of Shaw's trial, was a researcher in Garrison's office. He was later charged with unauthorized use of a moveable, namely Garrison's trial memorandum in the Shaw case.

### TRIAL MEMORANDUM

Zibilich argued in vain that the trial memorandum was apart from anything Shaw might have told the lawyers.

"I may show them (Shaw's lawyers) a copy of the trial memorandum and ask them where they got it," Zibilich explained.

"The attorneys could answer the ~~first~~ questions and then claim the privilege if I

asked them anything about what Mr Shaw told them."

However, it was pointed out that the law defining the attorney-client privilege in Louisiana protects "any information" the attorney may have gotten by reason of being legal adviser to a client.

Bethell's trial, scheduled for Monday, was postponed to give Zibilich time to apply for appeal writs to the state supreme court on the judge's decision.

Judge Braniff also denied a motion to have the charge against Bethell thrown out.

Attorney Herbert J. Garon, who represents Bethell, argued that under the law the object which Bethell is accused of using must belong to "another."

### LEGAL ENTITY

The word "another," he went on, is defined in this situation as "a person, a legal entity or a subdivision of the state," and the DA's office does not fall under any of these categories.

Zibilich argued that the DA's office would qualify as a subdivision of the state under the definition of the word "state."

Garon also argued that the memorandum "was not a thing subject to a larceny."

The DA's office knew what the memorandum contained or had other copies of it. Therefore, he argued, the DA's office could not be deprived of it, even temporarily.

Zibilich argued that "A movable has to be given the broadest interpretation — a pencil, a scrap of paper, anything."

The state has not specified exactly what Bethell is accused of illegally using. It could be the information contained in the memorandum, the paper it was written on, or a copy of the memorandum.

Garon was given until Monday morning to apply for appeal writs.

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THE TIMES-PICAYUNE

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