

SHAW MOTION

FOR 1-JUDGE

HEARING IS

51-3113/67

REJECTED

Pleas for Reporter, Property Refused

A three-judge panel today rejected a battery of motions filed by attorneys for Clay L. Shaw, including one which would have disbanded

the panel.

Shaw, booked with criminal conspiracy in the death of President John F. Kennedy, faces a preliminary hearing tomorrow in which he could either be cleared or bound

over for trial.

In motions filed today, the defense sought to have the hearing conducted by a single criminal district judge instead of the three; to bring their own court reporter to tomor-

row's hearing; and to inspect and reclaim property seized from Shaw when he was arrested March 1.

THE PANEL, consisting of senior Judge Bernard J. Bag-

ert and Judges Matthew S. Braniff and Malcolm V. O'Hara, turned down all three motions, setting the stage for a dramatic showdown tomorrow beginning at 10:30 a. m.

Judge Bagert said all decisions and rulings by the panel in the hearing would be by majority vote, but he said it will not be announced whether the vote was 3-0 or 2-1. All rulings will be issued by the senior judge, Bagert.

Judge Bagert said that he was turning down the motion for return of property because tomorrow's hearing is imminent and will clear the air. He said the defense's court reporter is unnecessary because "we will stop the proceedings at any time to have testimony read back."

Shaw was arrested March 1 by investigators for Dist. Atty. Jim Garrison and booked with criminal conspiracy in the death of the late president. Kennedy was shot to death in Dallas Nov. 22, 1963. Garrison maintains that there was a New Orleans-based conspiracy leading to his death. Shaw has denied all connection with such a conspiracy.

Today's motions were filed by F. Irvin Dymond, Edward F. Wegmann and William Wegmann, attorneys for Shaw. Shaw is a former managing director of the International Trade Mart.

The three motions filed by Shaw's attorneys are:

—That the order of the court in arranging a three-judge panel to handle tomorrow's hearing be set aside.

—That the defense be entitled to use its own court reporter.

—That Shaw be permitted to inspect and reclaim property seized from his home March 1 under a search warrant.

In the motion to set aside the three-judge panel, the defense asked:

1. That the order setting up the panel be recalled, rescinded and set aside.

2. That tomorrow's hearing be presided over by a single judge.

3. That the three-judge court



CLAY L. SHAW, left, is accompanied by his attorney, EDWARD WEGMANN, as he arrives at Criminal Courts building for a motions hearing today.



RAYMON CUMMINGS, former Dallas cab driver, prepares to shake hands with a Kenner city marshal who met him at New Orleans International Airport. Cummings has said he drove Lee Harvey Oswald and David Ferrie to Jack Ruby's night club in 1963.

bringing Shaw to trial.

Tomorrow's hearing will climax months of investigation by the district attorney's office and speculation by an international corps of newsmen on the puzzling case.

Garrison, who has seldom appeared in court to try a case since taking office, is expected to handle the prosecution.

THE 54-YEAR-OLD Shaw is the only person who has been arrested by Garrison's office since the probe began late last year.

He was arrested by the DA's office March 1 and released that night on \$10,000 bond. Shaw has denied any guilt in the alleged conspiracy and has stated that he never met Lee Harvey Oswald or David W. Ferrie.

Ferrie, called a key figure in the case by Garrison, died Feb. 22. The parish coroner said the death was of natural causes.

OSWALD WAS NAMED by the Warren Commission as the lone assassin of President Kennedy in Dallas on Nov. 22, 1963. Two days later, Oswald was shot and killed in Dallas jail basement by nightclub owner Jack Ruby. Ruby died of cancer this year.

In another development in the case, an Oxford University law professor criticized Garrison as being "publicity drunk" in his investigation into the assassination.

In a speech at Tempe, Ariz., Sir Arthur Goodhart, editor of the Law Quarterly Review, noted, "There has been a lot of talk about trial by newspapers, but that isn't true in this case. The newspapers must publish what the district attorney says.

"This is an example of trial by the district attorney, which is the most unfortunate feature of the American criminal law system."

Goodhart also said the European press has distorted the significance of the New Or-

leans probe by giving it prominent display and printing the wildest speculations on the probe. *(M)*

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Dallas Cabbie Arrives Here For DA Probe

Raymon Cummings, the Dallas taxicab driver who claims he once drove Lee Harvey Oswald, David William Ferrie and a third man to a Dallas nightclub operated by Jack Ruby, arrived in New Orleans today.

He flew into New Orleans International Airport and later appeared at the district attorney's office on the eve of a suspense-laden hearing in DA Jim Garrison's probe of the death of President John F. Kennedy.

Oswald is the man the Warren Commission named as the slayer of the President. Ruby, who died of cancer in January, shot Oswald to death shortly after Kennedy's murder, but always maintained he never knew Oswald before then.

FERRIE, WHO DIED here Feb. 22, was named by Garrison as one of a group of conspirators who plotted JFK's death in New Orleans.

At the airport today, Cummings and his attorney were met by two uniformed policemen and two men presumed to be from Garrison's office.