

New Orleans Hearing Today May Clarify

By GENE ROBERTS
Special to The New York Times

NEW ORLEANS, March 13—The public could get its first look tomorrow at what District Attorney Jim Garrison says is a conspiracy case involving the assassination of President Kennedy.

The 6-foot, 6-inch prosecutor must go into court then to convince a three-judge panel that he has enough evidence to warrant a trial for Clay L. Shaw, a retired business executive, whom he has accused of conspiracy.

It was unclear today, however, just how many details Mr. Garrison might supply at the hearing.

Under Louisiana law, judges can bind defendants over for trial if law enforcement officers assert they have enough evidence. The evidence does not have to be shown.

But at least one of the panel's judges, Bernard J. Bogert, said last week that his tentative plans were to require Mr. Garrison to produce a "confidential informant" tomorrow who allegedly links Mr. Shaw to Lee Harvey Oswald and the Kennedy assassination.

Mr. Garrison has said that he has "solved" the Kennedy assassination and that Mr. Shaw Oswald and "others" agreed to kill the President during conspiratorial meetings here in September, 1963. But he has declined to say what proof he has that meetings took place.

The three-judge panel today denied a defense request that the case be heard by only one judge.

Defense attorneys argued that three-judge panels were not legal in preliminary hearings. They contended Mr. Garrison's investigators had carried out an illegal search of Mr. Shaw's home that resulted in the improper confiscation of \$30,000 in stock certificates, in addition to a black hood, cape whips and chains.

The defense lawyers say that the hood and cape were part of a Mardi Gras costume Mr. Shaw had once worn and that by seizing and describing them in legal documents Mr. Garrison's office has prejudiced the public against Mr. Shaw.

Meanwhile, it was learned in private interviews that Mr. Garrison arrested Mr. Shaw on what appeared to be an impulse 12 days ago during a wrangle over procedures for a lie detector test.

According to the defense and an independent source close to the investigation, when Mr. Shaw was subpoenaed to appear before Mr. Garrison he voluntarily answered questions for about two and a half hours.

Charges of Assassination

Then he sent for a lawyer, after Mr. Garrison had asked him to take a lie detector test.

The lawyer, Salvatore Panzeca, reportedly told Mr. Garrison that Mr. Shaw would take the lie detector test if he was first given a 24-hour rest period, if the defense could "edit all questions asked" and if the test would not be made public except at a "duly authorized court proceeding."

Mr. Garrison is said to have asserted he was not interested in the conditions and did not need the tests.

"Well, Jim," Mr. Panzeca reportedly replied, "you take a lot off my mind. Since you don't need these tests, I'll see you later."

With that, it was said, Mr. Garrison announced he could arrest Mr. Shaw. He promptly did, had him placed in handcuffs and led him past news photographers to be booked.

The defense believes that Mr. Garrison did not intend to arrest Mr. Shaw on that day and cites as evidence the fact that the search of his home was not organized for some hours afterward.

Although Mr. Garrison has never given details about his contention that a conspiracy resulted in the death of President Kennedy, his charges have at-

tracted wide attention. They have circulated amid doubt expressed in some quarters whether the Warren Commission was correct in concluding that Oswald carried out the assassination alone, without being a part of any plot.

Meanwhile, New Orleans remains sharply divided over Mr. Garrison's charges. The outcome of the case is certain to enhance or diminish the political future of Mr. Garrison, who has confided occasionally to friends that he aspires to higher office.

Supporters of Mr. Garrison believe him to be too astute a politician to say he has "solved" the Kennedy assassination without proof. Since going into the district attorney's office five years ago, he has brought about the defeat of a judge, figured prominently in the election of Gov. John J. McKeithen and won re-election himself.

To many voters he is a fiercely independent crusader who has done much to eliminate prostitution and B-girls (women who solicit male customers in bars for drinks) from the city's tourist-oriented French Quarter.

He was widely applauded when he forced the legislature to pass sterner laws dealing with bail bondsmen.

But nothing appears to have won him more acclaim than his attack on the city's eight Criminal Court judges.

When the judges refused to



Associated Press Wirephoto
Clay L. Shaw, retired New Orleans business executive, outside court yesterday.

approve all Mr. Garrison's requests for investigative funds, on the ground that his office should be "primarily prosecutive rather than investigative," Mr. Garrison accused them of each taking 206 holidays a year. Furthermore, he said, When the judges refused to their decision to restrict his

<p>funds raised "interesting questions about the racketeer influences on our eight vacation-minded judges."</p> <p>Mr. Garrison was convicted of defamation of character in a state court because of his attacks on the judges but appealed to the Federal courts and won a reversal.</p> <p>All of this has left him with the public image of a politician who never quits a battle until he has won.</p> <p>Governor McKeithen, when asked to comment recently on Mr. Garrison's investigation, refused.</p> <p>"I have learned," he said, "that most of Jim Garrison's enemies are buried — politically speaking — and I don't propose to join the list of the deceased."</p> <p>However, the city's metropolitan crime commission and other critics contend that Mr. Garrison's victories have been due more to a brilliant sense of public relations than to substantive accomplishments. They say he has moved from one sweeping charge to another without ever proving them.</p> <p>After attacking the judges, he never proved that they were influenced by racketeers or were taking 206 holidays a year. His defamation of character conviction was reversed on the ground that one public official has a right to criticize another. Critics also point out that he</p>	<p>failed to prove charges of legislative corruption and that during an argument with the city police department over the extent of his authority he charged nine policemen with brutality, then dropped the charges.</p> <p>During Mr. Garrison's crack-down on the French Quarter's Bourbon Street, he predicted that his campaign would force all of the city's striptease clubs to close within six months. Four years later, the striptease clubs are still flourishing, but with less B-drinking.</p> <p>Helped Stripteaser</p> <p>Mr. Garrison, meanwhile, has emerged as a public champion of one of the city's best-known striptease performers — Linda Brigitte, "the Cupid doll."</p> <p>Last year he interceded directly with Governor McKeithen and won a pardon for Miss Brigitte, who had been sentenced to two 30-day prison terms for "lewd" dancing. Mr. Garrison argued that she had been "unjustly convicted," even though one of his own investigators had testified against her.</p> <p>As recently as last weekend, Miss Brigitte was performing in a tiny patch of cloth on the stage of the Club 500.</p> <p>The crime commission protested that Mr. Garrison's defense of Miss Brigitte was "encouraging" organized crime in the city. Mr. Garrison responded by subpoenaing commission officials before a grand</p>	<p>jury and ordering them "put up or shut up" about the existence of organized crime.</p> <p>The commission quickly noted that Mr. Garrison had not subpoenaed United States Attorney Louis La Cour, who also contends that organized crime exists here.</p> <p>This was not the first public clash between the crime commission and Mr. Garrison. Four years ago when he was under fire for having appointed a former police sergeant, who operated a bar for homosexuals, as his chief investigator, he announced that the appointment had been "cleared" by the crime commission. Then, after a year of pressure from the commission, he issued a statement saying it had not cleared the appointment.</p> <p>Nearly all Mr. Garrison's public battles and campaigns have attracted widespread attention in Louisiana, but none so much as his current effort to prove that the Kennedy assassination was the result of a conspiracy.</p> <p>With controversy flowing about him, Mr. Garrison dropped from sight a week ago, as he frequently does when preparing for a battle, and went to Los Vegas, where he spent several days with a writer from The Saturday Evening Post. He said at a news conference before he left here that he would reappear to win his case.</p> <p>"Anyone who bets against me," he said, "will lose."</p>
--	---	---

Garrison Must Reveal Secrets About 'Plot' at Hearing Today

BY NICHOLAS C. CHRISS and JERRY COHEN
Times Staff Writers

NEW ORLEANS—Dist. Atty. Jim Garrison must begin accounting today to a disturbed nation about sensational, but still unsubstantiated charges he has made concerning President John F. Kennedy's assassination.

He faces the task of convincing a three-judge panel that a prominent New Orleans man he claims plotted the murder should be bound over for trial.

To do so, he must reveal—for the first time—secret information he claims to have about a plot originated here to kill the President.

Otherwise, Clay L. Shaw, 54, arrested March 1 and charged with "conspiracy to murder," will walk out of a court a free man, Garrison having failed to satisfy the judges that "probable cause" exists to try Shaw.

But if—on the basis of evidence presented by Garrison at the preliminary hearing—the panel rules Shaw should stand trial, the repercussions would be enormous.

The least of these repercussions, even if Shaw later were tried and found innocent, would cast still new doubt on both the Warren Commission and FBI investigations into the assassination.

If Garrison should obtain a conviction after a jury trial on the basis of evidence he has unearthed—a possibility still considered remote—the United States government's reputation for integrity would be dealt an incalculable blow.

That is because the government endorsed the Warren Commission re-

ance of today's evidence will come from the testimony of one or more "confidential informers." One of Garrison's investigators said there would be "startling" revelations, and that physical evidence would be produced to back up the state's case.

Criminal District Judge Bernard J. Bagert, who will preside at the hearing, has said that Garrison must produce at least one confidential informer, the witness who claimed in an affidavit to have attended meetings in Ferrie's apartment.

Former Student

Two of Garrison's informants, a source close to the controversial investigation said Monday, are former students at Loyola University here. They took sodium pentothal (truth serum) tests, the source said.

On March 1, Perry Raymond Russo, 25, of Baton Rouge, was questioned by the district attorney's office shortly before Shaw responded to a Garrison subpoena. After several hours of questioning, Shaw was arrested.

In an interview with a New Orleans newspaper

even before that, Russo said that he had been a student at Loyola and had known Ferrie at the time.

On several occasions, he alleged he heard Ferrie mention President Kennedy and suggest he should be killed.

Since Arrest

Shaw has been free on \$10,000 bond since his arrest and insists that he is not only innocent, but knows none of the persons whose names have cropped up thus far in the investigation.

Shaw's lawyers again Monday sought to quash today's hearing, but the judges turned their motion down, as Judge Bagert had done last week while sitting alone.

The motion to quash was based on defense claims that a three-judge panel at a defense hearing was "unprecedented" and would deprive the defendant of his constitutional rights.

Judge Bagert informed attorneys for both sides that Criminal Court Judges Malcolm V. O'Hara and Matthew S. Braniff were sitting with him as consultants. However, he

said the ruling after the preliminary hearing will be a majority decision, not necessarily unanimous.

There was speculation that the preliminary hearing would last as long as two days, and that the judges may require another

day or two before they render a decision.

Meanwhile, it was reported that a prominent New Orleans man is advising President Johnson on the progress of the Garrison investigation here, as well as the legal

port which advised the American people that Lee Harvey Oswald acted alone in Dallas on Nov. 22, 1963.

Garrison has promised to produce evidence that would place Shaw, retired director of the International Trade Mart, and Oswald in the apartment of David William Ferrie, a man the district attorney once described as a key witness in his investigation. Ferrie died Feb. 22 (of natural causes, said the coroner; of suicide, said Garrison).

Hatched Plot

There, Garrison contends, Shaw, Oswald, Ferrie and others hatched a plot in September, 1963, to kill President Kennedy.

The district attorney and his assistants have made it clear that a predponder-

maneuvering.

"I'm not at liberty to discuss the subject, but I am due back in Washington Thursday," the New Orleans man said when asked for comment. He said he had been keeping Washington ad-

vised by telephone and had visited there about two weeks ago.

The White House declined comment on the report. It was understood Mr. Johnson privately discounts the Garrison investigation.