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Shaw Trial at Least 2 or 3 Months Away

At least another 60 to 90 days of legal jockeying lie between Clay L. Shaw and his trial on charges that he conspired to kill the president of the United States.

Attorneys for the 54-year-old retired New Orleans businessman squared off in court yesterday with Dist. Atty. Jim Garrison's office.

The result: A decision to permit the defense to file more papers and give the state an opportunity to answer them.

THAT WILL CONSUME 30 days and take the case into mid-July.

Even then, there will have been no basis for a ruling on the main point of Shaw's pre-trial motions—a request to toss out the indictment against him.

In this round of legal boxing, the court is hearing the state and defense argue over three defense pleas:

1. A motion to suppress certain evidence and return property seized from Shaw's French Quarter home.

2. A 93-point request for specific times, dates, places and people in what Garrison charges was a New Orleans-hatched plot to murder John F. Kennedy.

3. A plea to reveal to the defense all information given the grand jury and the state about Shaw.

ONLY AFTER THESE motions have been disposed of will Judge Edward A. Haggerty Jr. consider the primary Shaw pleading: That the indictment charging him with complicity in Kennedy's slaying is faulty and should be thrown out.

During yesterday's hearing, Judge Haggerty told the defense lawyers they would be given a further opportunity to amend their motion to quash the indictment after the three other points are settled.

For the next 15 days, the defense will prepare memoranda on why Garrison's office should provide more specific information about the conspiracy charge against Shaw.

The state then will be given 15 days to answer. Presumably, about mid-July, there will be another hearing at which Judge Haggerty will

rule on the three defense motions.

AFTER THAT COMES the matter of the main motion, and its determination may take a good deal of time, depending on what further moves the defense makes.

Judge Haggerty commented yesterday afternoon that the trial could not be held until "August or September at the earliest." Court observers believe that may be optimistic. In the hearing yesterday, three important points emerged:

1. Judge Haggerty declared that the state does not have to prove who killed John Kennedy in order to prove a conspiracy. His comment came after Asst. DA James L. Alcock, speaking against further disclosures of information to the defense, asserted:

"The State doesn't have to go beyond the State of Louisiana to prove a conspiracy. The minute a rifle was bought, that is a conspiracy."

"I agree with you 100 per cent," Judge Haggerty told the DA's assistant. "The state need go no further. We could have seven different groups in seven parishes all being found guilty at the same time."

(Garrison has charged that Shaw conspired with three men—all of them now dead—to murder Kennedy. The co-conspirators he named were the late David W. Ferrie, a one-time New Orleans airline pilot who died of what the coroner called "natural causes" on Feb. 22; Lee Harvey Oswald, the man the Warren Commission blamed exclusively for Kennedy's death, and Jack Ruby, the Dallas nightclub operator who gunned down Oswald in the Dallas police station two days after the President was killed. Ruby died of cancer after being convicted of Oswald's murder.)

2. **JUDGE HAGGERTY** ordered the records of Truth

and Consequences, a group of private businessmen helping finance the Garrison investigation, sealed and held by the Clerk of Court until after Shaw's trial.

The defense wants the T&C records made public. Especially, defense counsel F. Irvin Dymond said, he wants to know if any member of the grand jury which indicted Shaw has contributed to the private investigation fund.

3. Perry R. Russo of Baton Rouge was named as the individual who provided the information upon which the

DA's chief investigator, Louis to search the Shaw home at 1313 Dauphine.

The testimony came first from Judge Matthew A. Braniff, who said, in response to defense questions, that the DA's chief investigator, Louis Ivon, identified Russo as the confidential informant who gave the state its search warrant information.

Shaw's house was combed by a dozen DA's men the day he was arrested on March 1. Five cartons of personal papers and belongings were seized, and the defense wants the property returned.

IT WAS RUSSO who served as the star Garrison witness at the preliminary hearing which bound Shaw over for trial.

The 25-year-old insurance salesman testified that he overheard Shaw, Ferrie and Oswald plot Kennedy's death during a September, 1963 meeting at Ferrie's Louisiana Ave. pkwy. apartment.

There was no indication then that Russo might have known Shaw before that night or that he ever was inside the tall, white-haired defendant's home.

LATER, IVON took the stand, and defense lawyer William Wegmann pounded him with a series of questions about circumstances surrounding the search warrant.

Asst. DA Alcock objected to their questioning. He said the defense could not go beyond "the four corners of the search warrant" to challenge its validity.

He was overruled by Haggerty, and part of the colloquy between Wegmann and Ivon went like this:

Q. Direct your attention to the last paragraph of the search warrant. Who dictated the items to be seized?

A. Myself, Richard Burnes (an asst. DA).

Q. I'll go on. Did Russo tell you of these items?

A. No.

Q. Did you and whoever assisted you make up this list of items?

A. Yes.

Q. In other words, you had no reason to believe the items listed by you were in the house or were material to the case?

A. Yes.

"No further questions," Wegmann said.

The search warrant in question is a detailed document bearing a list of specified items taken from the Shaw house. **END**

HAL HUMPHREY

No Rescue From Escapism TV Seri

NEW YORK—Television fare now falls pretty much into two segregated categories—the weekly series for those who don't care to think while watching, and the now-and-then specials for those who prefer some kind of mental stimulation from their viewing.

There was a time when certain weekly series were geared for the thinkers, but apparently there aren't enough of you to keep the ratings up. Michael H. Dann, vice president in charge of programs for CBS-TV, says flatly there will be no more series like *The Defenders*, for example.

After watching six pilot films of series which CBS has bought for next fall, I can agree with Dann that none of them would compare in substance with his old *The Defenders* series. All six are pure escapism, and were well received at the affiliated station managers' convention here.

To balance this weekly escapist fare, CBS, and the other two networks, too, will be increasing the number of specials. CBS has plans for about 60 of these, which includes drama, documentaries and musical-variety hours.

Perhaps Dann and his colleagues know what they are doing, and by segregating the TV audiences in this way they get maximum mileage from both the thinkers and non-thinkers. However, there is the chance, also, that the weekly TV series eventually will suffer from such in-breeding. A sameness seems already to have set in.

Not Much Difference

Having a bear instead of a dog or a dolphin in the new CBS series *Gentle Ben* really doesn't make it all that different. Nor does Dick Benjamin as a cartoonist in the new *He & She* series look so much different from Dick Van Dyke as a comedy writer. The question is, will the escapist audience get tired unless something can be done to further titillate it?

While these thoughts are still running through your head, you sit down with Ed Sullivan and realize that he is about to begin his 20th year on TV without changing perceptibly in anything he does, and he continues a big success on TV.

He remains the final word on whoever is signed for a Sullivan show, too. He refuses to have folksingers Joan Baez or Pete Seeger because he doesn't agree with their politics. When Sullivan begins that 20th year, he also will have the distinction of being the only prime-time network performer originating his show from New York City.

At the big banquet for the CBS affiliates, Ed introduced some 40 or more of the network's stars, including newsmen Roger Mudd, Harry Reasoner and



Michael H. Dann

Walter Cronkite. Earlier in the day Cronkite and some of his colleagues at CBS News answered questions from a group of TV columnists, and before that he had "pre-empted" a luncheon speech of CBS group president Jack Schneider, it being considered more important to hear the latest turn of events in the Middle East.

Nothing to Add

Cronkite had nothing to add to the bulletins many of us already had heard or read, leaving one to speculate on whether or not CBS News also was adhering to the same policy of escapism adopted for its weekly entertainment shows. With his five-day TV program and radio broadcasts, it is easy to understand why he'd have had little time to probe behind the bare bulletins from Israel and Egypt.

At the press conference with Cronkite was Leslie Midgley, the producer putting together CBS' three-part documentary inquiry titled "The Warren Report." The three one-hour programs will be aired at 10 p.m. on June 25, 26 and 27. Midgley says conclusions will be drawn, including one about New Orleans' controversial Dist. Atty. Jim Garrison, but he declined to say what that conclusion might be.

By far the most positive of the speakers at the CBS affiliates convention was Frank M. Smith Jr., vice-president of sales for CBS-TV, who without any equivocation stated, "CBS will be the big winner in the ratings with this lineup."

QUESTIONING TOMORROW

DA Subpenas Kentwood Preacher in Plot Probe

A Kentwood preacher and one-time candidate for governor was subpoenaed by District Attorney Jim Garrison today in his presidential assassination probe.

The Rev. Clyde Johnson, who is also a Kentwood merchant, was ordered to appear for questioning tomorrow at 10 a. m. in Garrison's office.

The subpoena was signed by Asst. Dist. Atty. James Alcock.

ALCOCK DECLINED to say why Johnson, an unsuccessful gubernatorial candidate in 1963, was directed to appear for questioning.

Kentwood is the birthplace of Clay L. Shaw, the retired New Orleans businessman accused by Garrison of plotting to kill President John F. Kennedy.

Garrison claims the plot was hatched in New Orleans in the fall of 1963 by Shaw, Lee Harvey Oswald and David W. Ferrie in Ferrie's apartment.

OSWALD WAS shot to death in the Dallas police station two days after the assassination by Dallas night club owner Jack Ruby, who later died of cancer. Ferrie died two

staff was investigating the Kennedy death.

The Rev. Mr. Johnson, while a candidate for governor, was injured in a car accident which he said was caused when someone shot at him.

He told officers he was standing by his car on a highway south of Monroe when another vehicle drove by and several shots were fired. He said he jumped into his car, hit the accelerator and the car bounded over a ditch into a bridge abutment.

Two years ago, Johnson was arrested in Baton Rouge on charges of disturbing the

peace and impersonating an officer.

Star Line
**Plan Oswald 'Trial'
For Broadway Play**

NEW YORK (AP) — A courtroom drama that might have happened, "The Trial of Lee Harvey Oswald," is on the Broadway production schedule for next season.

Written by Amram Duvovny and Leon Friedman, the play examines both prosecution and defense arguments concerning the man named by the Warren Commission as President Kennedy's assassin. "The audience," Friedman says, "actually will be the jury." **END**