

SEEKS TO QUASH SUBPENA

Hearing Thursday On Sheridan Pleas

Criminal District Court Judge Bernard Bagert today set a hearing for 10 a. m. Thursday on all motions filed by defense counsel for TV newsman Walter Sheridan, who seeks to quash his subpoena to appear before the Orleans Parish Grand Jury.

Sheridan, a reporter for the National Broadcasting Co., which recently produced a one-hour special highly critical of District Attorney Jim Garrison's Kennedy assassination probe — has been accused by the DA of public bribery in connection with the investigation.

Milton Brener, Sheridan's attorney, today said he will file supplemental motions to his motion to quash the grand jury subpoena of his client. He said the Thursday date for the hearing will depend on whether the DA's office wants extra time to answer the new motions, which he expects to file sometime today or tomorrow.

Earlier today, Brener filed two separate motions asking that documents and tape recordings pertinent to the defense of his client be produced by the DA's office, Dr.

Esmond Fatter, Criminal District Court Clerk Edward A. Haggerty Sr., Truth and Consequences of New Orleans Inc. official Cecil Shilstone and attorney Hugh B. Exnicios.

The DA's office yesterday filed pleadings challenging an effort to remove the DA as adviser to the grand jury and dismiss the Sheridan subpoena.

The motions, filed with Judge Bagert at his home, ask that the series of pleas filed last week by Sheridan's attorneys be rejected, mostly on grounds that they are irrelevant to the case or that Sheridan lacks legal standing to bring them.

Sheridan's motions last week sought to quash a subpoena requiring the newsman to appear before the grand jury, challenged the legality

of the jury's makeup, and asked that Garrison and his aides be recused as grand jury advisors. They further asked that Sheridan's lawyer be present at the grand jury proceeding, and that the grand jury foreman state the nature of the case under investigation.

The answers filed yesterday by assistant DAs James L. Alcock and Richard Burnes said Sheridan's motions contain "irrelevant material" and a "myriad of minutiae" which cannot be shown to have a casual relation or bearing upon Sheridan's position as a witness called before the grand jury.

ALCOCK AND BURNES contend that the fact that the witness is charged with an offense does not "immunize him from appearing before the grand jury on all matters."

They said the presence of the lawyer would violate the cloak of secrecy over grand jury proceedings, and argued that Sheridan cannot compel the jury's foreman to state the subject matter of the inquiry in open court.

They contended that a witness called before the jury does not have the legal stand-

ing to question the constitutionality of its makeup.

THE ASSISTANT DAs asked that all of Sheridan's requests be denied, and asked the court to either rule the jury's makeup legal or rule that Sheridan does not have the right to challenge it.

They asked that the DA not be recused as jury advisor without a hearing on the evidence.

Brener's first motion, a subpoena duces tecum, asked that Garrison be required to furnish the following items:

A copy of a letter to the Federal Communications Commission written by Garrison on or about June 15 concerning the NBC program critical of the DA's probe; a letter dated in or about Feb. 25, 1967, written by Perry Russo to the DA; a copy of all statements by Fred Leemans, including a statement made by Leemans before Garrison and assistant DA Robert E. Lee; copies of letters and other documents pertaining to a complaint by Garrison to the State Bar Association about the activities of attorneys Exnicios and Burton Klein.

ALSO, COPIES of all charts of lie detector tests and all memos and other documents relating to Perry Russo and Vernon Bundy, including a

memo of officer Edward O'Donnell concerning the results of a lie detector test given Russo and a memo from O'Donnell to Garrison relating a conversation between Russo and O'Donnell in which Russo allegedly stated his inability to separate fact from fancy.

The motion also asked that Haggery make available all books, records and documents pertaining to the financial contributions to the DA's office by Truth and Consequences and that Shilstone do likewise. It asked that Dr. Fatter produce the transcripts of the questions originally asked of Russo during any and all hypnotic sessions he conducted.

In a second motion, Exnicios was asked to make available all tape recordings of conversations, including telephone conversations, by and between Exnicios and members of the DA's staff and all conversations between Alvin Beauboeuf, Lynn Loisell,

Louis Ivon and Exnicios.

Beauboeuf accused Loisell and Ivon, who are investigators for the DA, of attempting to bribe and intimidate him. Exnicios claims to have tapes proving these allegations.

Garrison has stated that the tapes were substantially altered and Loisell and Ivon were cleared of wrongdoing by a police investigation. Sheridan says, however, that the tapes were not altered in any fashion.

SHILSTONE WAS one of the

men who organized T&C, the group which is contributing private funds so that Garrison could conduct his investigation in secrecy.

Dr. Fatter testified during a preliminary hearing for Clay L. Shaw, accused with conspiracy to assassinate the President, that he questioned Russo under hypnosis at the request of the DA's office.

Judge Edward A. Haggerty has ruled that T&C financial records will be kept sealed by his office until after the trial of Shaw.

Russo testified at the hearing for Shaw that he knew Shaw as Clem Bertrand and that he overheard a group of men, including Bertrand, plotting during a party in September of 1963 to kill the President.

Bundy testified at the hearing that he saw Shaw during the summer of 1963 with Lee Harvey Oswald, the man accused of killing the President.

Women-Juror Law Hit in DA-

By PATSY SIMS

Louisiana's dearth of women jurors is now a factor in defense attorneys' maneuvers against Jim Garrison's assassination probe charges.

Lawyers for both Clay Shaw and National Broadcasting Co. reporter William Sheridan have included the exclusion of women from grand and petit juries here in their moves to have charges dropped against their clients.

The first motion was knocked down yesterday.

The motion to quash Sheridan's subpoena to appear be-

One of a Series

fore the grand jury, overruled by Criminal Court Judge Bernard J. Bagert, called the exclusion of women "violation of the equal protection and due process clauses of the U. S. and Louisiana constitutions."

Sheridan's lawyers hit Louisiana's law that women must volunteer to be called for jury duty as "unconstitutional in that the same requirement is not made of male citizens."

Sheridan has been charged by Garrison with bribing his key witness, Perry R. Russo of Baton Rouge.

IN A MOTION, filed some weeks ago and then returned

to them by Judge Edward A. Haggerty Jr., Shaw's attorneys also included the absence of women from grand and petit juries among the reasons their client's indictment should be thrown out.

They are expected to include the provision in an amended motion to be filed later this summer.

F. Irvin Dymond, Shaw's leading counsel, told The States-Item:

"I see no reason why this exclusion should be granted to women. Historically, I suppose basis for the exemption was the necessity for women to remain in the home. But nowadays, courts are taking hourly wage earners, commission workers and others who are deprived of their incomes by jury service.

"Certainly, a woman is not needed in the home now anymore than the breadwinner, so I don't think that reason is valid. Besides, having women on juries gives you a better cross-section of your peers, before which you should be tried."

JUDGE BAGERT based his decision at the Sheridan hearing on Hoyt vs. Florida, in which the Supreme Court of Florida upheld that state's law, similar to Louisiana's, because "it is not constitutionally impermissible for a state to conclude that a woman should be relieved of jury service

Probe Defense

unless she herself determines that such service is consistent with her own special responsibilities."

But some lawyers charge that womanless juries deprive a defendant of his right to be tried by a cross-section of his community, guaranteed last summer when the U. S. Fifth Circuit Court of Appeals here overturned the rape convictions of Clifton Poret and Edgar Labat.

An increasing number of jurists, legislators and lawyers here are anxious to see Louisiana pass a statute making jury duty as mandatory for women as it is for men.

The States-Item Women's Department, the Criminal Court judges and the Jury Commission have lauded a campaign jointly to get more women to volunteer for jury duty.

It has been pointed out that if a number of women volunteer for jury duty, the frequency of calls for men will be lessened.

In Orleans Parish, a woman must go to the Criminal Court Bldg., 2700 Tulane Ave., Room 236, and in St. Bernard to the office of Clerk of Court Sidney Torres, St. Bernard Courthouse, Chalmette, to volunteer.

In Jefferson, she must send a written request to serve to Clerk of Court William M. Justice Jr., in care of the Gretna Courthouse, Gretna, La. She will be sent a questionnaire, which must be returned by mail to his office.

Probe Figure Cancler Gets 18-Year Term

John "the Baptist" Cancler, a figure in Dist. Atty. Jim Garrison's Kennedy death plot probe, today was sentenced by Criminal District Judge Oliver P. Schulingkamp to 18 years in prison as a multiple offender.

Cancler was convicted in February of simple burglary. Through his attorney, Milton Brener, he asked a new trial after producing a Parish Prison inmate who confessed to the burglary.

It was Cancler's third conviction.

ON JULY 17 Judge Schulingkamp denied the new trial motion and a plea to set aside a multiple-offender count lodged against Cancler by the district attorney's office.

Brener claimed significant new evidence, namely the confession by Donnell Carroll, who said he burglarized the house with a friend known to him only as "Wolf."

At the hearing on the new trial motion May 2, however, an eyewitness to the burglary, Dr. Morris Kloor, 7107 Maple, said Carroll was not the man seen entering the house.

LAST MONTH, Cancler, a Negro, told a nationwide television audience he was asked by two of Garrison's assistants to break into the home of accused Kennedy plot conspirator Clay L. Shaw and "put something there."

He said he refused to go through with the alleged scheme.

Earlier this month he was sentenced to six months' imprisonment, plus a \$500 fine, after he refused to repeat his charges before the Orleans Parish Grand Jury.

He was brought before Judge Bernard J. Bagert and asked whether the televised statements were true. He refused to answer. Judge Bagert then cited him for contempt of court.