

Shaw Indictment Upheld by Judge

Criminal District Judge Edward A. Haggerty Jr. today refused to throw out the conspiracy indictment against Clay L. Shaw and indicated that he hopes to try Shaw "next month."

Shaw is charged with criminal conspiracy in the slaying of President John F. Kennedy.

The judge acted today on two separate motions to quash the indictment against Shaw, a 54-year-old retired New Orleans businessman, the only person charged so far by District Attorney Jim Garrison with direct participation in the alleged Kennedy plot.

AFTER RULING, Judge Haggerty said the trial will be set next month "if it is legally possible."

He gave chief defense counsel F. Irvin Dymond, until next Tuesday to file final pleadings in the case, and said he would set a trial date as soon as the final pleadings are disposed of.

Dymond, after the hearing, refused to comment on whether the defense will file a motion for a change of venue; that is to move the trial from New Orleans.

ASKED WHAT motions the defense still plans to file, Dymond refused to commit himself.

"We want a trial at the earliest moment," Dymond said, "but there are certain mechanics to be worked out prior to the trial, such as obtaining out-of-town witnesses."

"As far as the preparation

goes, we are ready, but, as I say, there are some mechanics," he added.

JUDGE HAGGERTY gave no reason for denying the motions to quash. He denied them orally, with no written opinion.

Dymond objected to the ruling, reserving a bill of exceptions for a possible appeal.

Judge Haggerty then noted that the indictment was filed March 22, and remarked that the case is nearly six months old.

"**AS OF THIS** moment, there are no more pleadings in the case. I'd like to find out if the defense plans additional pleadings," the judge said.

Dymond said he did have more pleadings to file.

"I can't conceive what other pleadings you could file. You have already filed pleadings from A to Z," said Judge Haggerty.

THE JUDGE said he would give the defense a week to file its pleadings, and extended this to a week and a day at Dymond's request.

Judge Haggerty said that inasmuch as the state has moved for a speedy trial, the setting of a trial date is legally in his hands as trial judge.

"I am going to set a date for this trial as soon as all the pleadings are filed and have been dispensed with," he said.

ASSISTANT DA James L.

Alcock said the state would like to reserve the right to answer any pleadings the defense might file, and added that he did not know how much time to ask for since he did not know the nature of the defense's pleadings.

The judge asked the defense attorneys if they cared to divulge the nature of their pleadings. The defense declined.

The defense had based one of its motions to quash on its claim that some members of the grand jury which indicted Shaw were connected with persons contributing funds to Garrison's probe.

THE DEFENSE also charged that the list from which the grand jury that indicted Shaw was drawn came from a pool of less than 750 names, in violation of state law.

The state has denied the charges.

On another front of Garrison's probe today, the DA's office issued a subpoena for William Dalzell, 528 Dauphine, to appear before the Orleans Parish Grand Jury at 2 p. m. Thursday.

Dalzell, who was questioned by Garrison in June, has been described as a petroleum adviser to the Ethiopian government. Dalzell was an incorporator in early 1961 of an anti-Castro organization here, the Friends of Democratic Cuba.

The organization later was merged into other anti-Castro groups.

GREMILLION EYING REQUEST

N.O. Bar Asks Probe of O'Hara

By BILL LYNCH
(States-Item Bureau)

BATON ROUGE—The New Orleans Bar Association has asked State Attorney General Jack P. F. Gremillion to investigate Orleans Criminal District Judge Malcolm V. O'Hara, the States-Item learned today.

Gremillion said that he has taken the request under advisement and is writing the bar association for more information on the group's resolution and any evidence it might have.

The bar association called for the state probe as an outgrowth of testimony Judge O'Hara gave in Chicago, revealing he was the messenger for a convicted criminal in an alleged effort to win freedom for Teamster Union boss James Hoffa.

Charles J. McCabe, president of the bar association, asked for investigation of O'Hara under Article 9 Section 5 of the State Constitution.

IN A LETTER TO THE attorney general, McCabe said:

"The members of the executive committee of the New Orleans Bar Association have read and considered the recent testimony of the honorable Malcolm V. O'Hara, judge of the Criminal District Court, Parish of Orleans, which testimony was given on Aug. 21, 1967, in the Federal District Court in Chicago, Ill.

"Our association is of the opinion that the disclosures therein contained require your investigation under the provisions of Section 5 of Article 9 of the Louisiana State Constitution and, consequently, we urge that you take whatever action you deem necessary under the circumstances.

"The executive committee also by said resolution directed that this letter be written."

GREMILLION SAID THE letter was received by him this morning. It was dated Sept. 14 and received in the attorney general's office on Sept. 15.

The attorney general said, "I have received the letter and I have taken the matter under advisement. I will write for a copy of the resolution and testimony that they refer to and for any other evidence that they might have."

He added that he was preparing the letter of response today.

Gremillion may initiate the investigation at his discretion, but he must conduct such a probe if at least 25 citizens request it—or if one is asked by half the members of the bar or by the governor.

ARTICLE 9, SECTION 5 of the State Constitution pertaining to justices of courts and their removal says:

"For any of the causes specified in Section 1 hereof, the judges of the courts of record may be removed by judgment of the Supreme Court, which is hereby vested with original jurisdiction therein, and may make such rules for the speedy and economical trial thereof as it deems proper.

"Such suits may be instituted by the attorney general or district attorney, in his discretion, and he shall do so when requested in writing by the governor, or 25 citizens and taxpayers, or one-half of the practicing attorneys residing within the district from which any judge was elected."

Under section 1, the causes for removal of a judge are:

"ALL STATE AND DISTRICT officers, whether elected or appointed shall be liable to impeachment for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, or oppression in office, or for gross misconduct or habitual drunkenness."

Judge O'Hara testified in federal court that he was a companion of Zachary Strate, convicted criminal, and had his expenses paid by Strate.

The Chicago Federal Court hearing was a move by attorneys for Hoffa to upset his conviction and prison sentence, claiming illegal wiretap evidence was used against him.

The Metropolitan Crime Commission earlier asked Gov. John J. McKeithen to request Gremillion to investigate O'Hara, but the governor came back and said that the MCC could collect its own 25 names and achieve the same purpose.

Two Shaw Motions to Quash Charges Lose

NEW ORLEANS (AP)—Clay L. Shaw, accused by Dist. Atty. Jim Garrison of conspiring to assassinate President John F. Kennedy, lost a bid Monday to have the case thrown out of court.

Criminal Dist. Judge Edward Haggerty turned down two motions that would have quashed the indictment against Shaw on grounds the grand jury that indicted him was illegally formed.

The action paved the way for a possible October trial for Shaw, 54-year-old retired director of the International Trade Mart here. He is the only man charged so far in Garrison's inquiry into the Kennedy assassination.

Judge Haggerty, after

overruling the two motions, gave the defense until next Tuesday to file any additional motions before he sets a trial date.

Garrison claims Shaw participated in a New Orleans-based plot in the fall of 1963 to kill Mr. Kennedy.

An Orleans Parish (county) grand jury indicted Shaw in March on charges of conspiring with Lee Harvey Oswald, the man named by the Warren Commission as the sole assassin, and David W. Ferrie, a ~~former~~ pilot who died last February shortly after news of the Garrison investigation was made public. Shaw has been free on \$10,000 bond.

McKeithen, ST MCC Huddle In Closed Meet

Gov. John J. McKeithen held a long closed-door meeting today with members of the Metropolitan Crime Commission.

The governor and the MCC leaders huddled at International House in a session that began at 10 a. m. and was still going well after 2 p. m.

A States-Item reporter who entered the room was asked to leave. A commission member said:

"This is a very important meeting for the crime commission and we feel for the governor, too."

THE MEETING was called to air the MCC charges that organized crime abounds in Louisiana.

McKeithen has denied that any organized crime exists in state government and says he doesn't know of any in the state.

However, the commission, headed by Aaron Kohn, assisted Life Magazine in preparing an article that reported instances of racketeering influences in the state.

Later today, Kohn is due to appear before the Orleans Parish grand jury in connection with District Attorney Jim Garrison's investigation into the same matter.

McKEITHEN SAID earlier he intended to hold a conference with the MCC to hear what evidence the group might have to support his charges.

Shortly after the magazine article appeared, the governor met for four hours with MCC leaders in Baton Rouge. After that meeting, the governor announced that a newly created division of the state police would investigate organized crime influences.

Earlier, the governor had called the article a "smear" and said anyone responsible for it "should be run out of Louisiana." *end*