

P. 25
NYT 3/9/67

GARRISON BLOCKS PLEA TO GIVE DATA

Need Not Produce Evidence on Shaw Until Hearing

By GENE ROBERTS
Special to The New York Times

NEW ORLEANS, March 8 — Defense attorneys tried but failed today to force District Attorney Jim Garrison's office to substantiate immediately — or drop — its accusations that Clay L. Shaw conspired to assassinate President Kennedy.

Judge Bernard Bagert ruled in Criminal District Court that Mr. Garrison's office did not have to produce a "confidential informant" or other alleged evidence against Mr. Shaw until a preliminary hearing next Tuesday.

But the judge indicated that Mr. Garrison ran the risk of having his case dismissed if he did not produce the informant at that time.

"It is my inclination at this time," Judge Bagert said, "that the identity of the informant will have to be disclosed at the hearing."

Attorneys for Mr. Shaw, a retired New Orleans business executive, have argued that they cannot adequately defend him unless the District Attorney's office is required to give details of its alleged case against him.

The District Attorney's office arrested Mr. Shaw last week and soon afterward said, in a search warrant application, that a "confidential informant" had said Mr. Shaw, Lee Harvey Oswald and "others" conspired here in September, 1963, to kill President Kennedy.

In another development in Judge Bagert's court, the defense asked that the case against Mr. Shaw be dismissed on the ground that a Louisiana court "has no jurisdiction of the events charged, since the murder of John F. Kennedy took place in Dallas, Tex."

However, the judge upheld the District Attorney's office in its argument that under Louisiana law the defense cannot submit dismissal motions until the hearing next week.

Although Mr. Garrison's office accused Mr. Shaw of having conspired to kill the President, it did not formally charge him with the offense and asked, instead, that a preliminary hear-



Associated Press Wirephoto

RULES ON SHAW: Judge Bernard Bagert said that New Orleans District Attorney did not have to produce, until Tuesday, the alleged evidence against man accused of conspiracy in Kennedy assassination.

and unaided. Last week Attorney General Ramsey Clark said an investigation by the Federal Bureau of Investigation had shown that Mr. Shaw had not been involved in the assassination.

Lawyer Is Subpoenaed

NEW ORLEANS, March 8 (AP) — Mr. Garrison's office said today that Dean Andrews Jr., a lawyer, had been subpoenaed to appear tomorrow before the Orleans Parish grand jury tomorrow.

The grand jury had not heretofore been involved in the Garrison inquiry.

Mr. Andrews told the Warren Commission that a man known to him as Clay Bertrand asked him after the assassination to represent Oswald. Mr. Garrison contends that Mr. Shaw used Bertrand as an alias.

Vatican Paper's View

ROME, March 8 (UPI) — The Vatican City newspaper L'Osservatore della Domenica said today that the Warren Commission report on the assassination "left many questions without an answer."

Commenting on the current inquiry in New Orleans, the newspaper said: "The man in the street, at the sight of so much smoke, is led to believe something is really burning. The fact is that the Warren inquiry and the conclusions it reached at the time do not seem convincing. Many questions were left without an answer."

The article was signed by Federico Alessandrini, an editorial writer. Vatican sources said signed editorials were usually taken to reflect the opinion of the writer and not necessarily that of the Holy See.

ing be held. Meanwhile, Mr. Shaw is free on \$10,000 bond.

The arrest of Mr. Shaw took place after Mr. Garrison had announced, without giving details, that he had "solved" the assassination.

In a 10-month investigation of the assassination, the commission headed by Chief Justice Earl Warren concluded that there had been no conspiracy and that Oswald had killed President Kennedy alone