

Judge Rules



—States-Item Photo.
ALBERT V. LaBICHE

Criminal District Court Judge Bernard J. Bagert threw out television newsman Walter Sheridan's attempt to avoid testifying before the Orleans Parish Grand Jury in Dist. Atty. Jim Garrison's Kennedy death plot investigation.

Judge Bagert overruled Sheridan's motion to quash a grand jury subpoena, but he stayed the subpoena for 24 hours to give the newsman's lawyers an opportunity to appeal.

At the same time, the judge denied motions by Sheridan to

Sheridan Must

oust Garrison as legal adviser to the grand jury. And he refused to permit the National Broadcasting Co. reporter's lawyer to accompany him into the jury room.

IN A FOURTH ruling, Judge Bagert said grand jury foreman Albert V. LaBiche is not

compelled to announce in advance what questions will be asked Sheridan.

State's attorneys told Bagert they were ready to convene the grand jury, which had been subpoenaed in a body to appear at the hearing on Sheridan's motions this morning.

However, an attorney for

Sheridan announced he will appeal Judge Bagert's decisions to the State Supreme Court. The judge said he would stay the subpoena until noon tomorrow so that the appeal could be made.

After the hearing, LaBiche said he has ordered the grand jury to meet at 2 p. m. to-

morrow for the purpose of hearing Sheridan. Whether the newsman appears then will depend on what happens to the appeal.

JUDGE BAGERT'S rulings today followed a heated, one hour and 15 minutes hearing in which state and defense at-

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Testify

torneys traded roundhouse verbal blows.

Even before the hearing began, the DA's office charged that Sheridan and his attorneys have abused "the use of legal process" by launching a "vitriolic diatribe" against Garrison.

Two DA's assistants leveled the accusation in a formal answer to a supplemental motion filed yesterday by the National Broadcasting Co. reporter's attorneys.

Their response to Sheridan's charges was filed a few minutes before Judge Bernard J. Bagert opened a hearing on Sheridan's move to

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—States-Item Photo.
WALTER SHERIDAN

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avoid testifying before the Orleans Parish Grand Jury in Garrison's Kennedy death plot investigation.

In rapid fire order today:

1. Sheridan was arraigned before Judge Thomas M. Brahney on charges that he attempted to bribe Garrison's star witness, Perry R. Russo of Baton Rouge. Sheridan pleaded innocent.

2. Sheridan was served by Sheriff Louis J. Heyd Jr. with a federal subpoena to appear before a U.S. district judge in Chicago Monday.

3. State's attorneys and Sheridan's lawyers clashed before Judge Bagert over whether the TV newsman should be made to face the grand jury.

Part of the Sheridan move was an attempt to have Garrison removed as legal adviser to the grand jury. In additional pleadings, filed yesterday, his lawyers charged that conflicting political and financial interests should cause the DA to be recused.

Asst. DA's James L. Alcock and Richard V. Byrnes answered this morning that Sheridan's pleadings consisted of "nothing more than a vitriolic diatribe couched in pseudo-legal language."

"The allegations contained therein are completely irrelevant and are solely designed to destroy the well-earned reputation of Jim Garrison as district attorney," the state declared.

Alcock and Burnes further asserted that Sheridan's legal maneuvers are aimed at insuring "that Clay L. Shaw does not come to trial."

SHAW, A 54-year-old retired New Orleans businessman, is free on \$10,000 bond, awaiting trial on charges that he helped plot the assassination of President John F. Kennedy.

The state answer asserted that an attorney for Sheridan expressed the opinion openly that it would be "too risky" to bring Shaw to trial and added:

"By . . . his counsel's statement about it being 'too risky' to try Clay L. Shaw before a petite jury made up of New Orleans citizens, mover and his counsel have expressed a total lack of confidence in

the character and intelligence of the citizens of this city."

Later during the hearing, Burnes and Alcock locked horns with Brenner over the Sheridan motions, and Burnes said Sheridan had no legal right to seek Garrison's removal as grand jury adviser.

THE MAIN issue, said Burnes is, "Can anyone on the street come in and ask for recusation? I think not."

Attorneys for two other figures in the Garrison probe were interested onlookers as Sheridan lawyer Milton Brenner opened his pleadings at 10:45 a. m.

Both F. Irvin Dymand, leading defense counsel for Shaw, and Burton Klein, lawyer for Alvin Beauboef, listened as Brenner attacked Garrison and his investigation.

Brenner said the DA has refused to investigate "serious and documented charges" hurled against members of the Garrison staff, and he charged that taking Sheridan before the grand jury would violate his rights to constitutional protection.

AS SHERIDAN walked into the hearing chamber, he was handed a subpoena to appear at 10 a. m. Monday before U.S. District Judge Richard R. Austin at Chicago. The subpoena involves the government's bribery case against Teamster Union President James R. Hoffa.

Sheridan was one of the chief Justice Department investigators working on the U.S. effort to jail Hoffa for misuse of union funds and jury tampering. Hoffa was convicted.

Thirty minutes before the hearing on his motion to avoid grand jury testimony began, Sheridan pleaded innocent to charges that he tried to bribe Russo.

The accusation by Garrison grew out of Sheridan's investigative activities which led to a special documentary program aired on television by NBC.

Russo testified at a preliminary hearing for Shaw that he overheard the tall, white-haired defendant help the late David W. Ferrie and Lee Harvey Oswald plot Ken-

nedy's murder.

FERRIE, A onetime airline pilot, died Feb. 22 of what the coroner called "natural causes." Oswald, the presumed assassin of the President, was shot to death by Jack Ruby.

Garrison has charged Sheridan with offering Russo financial help and legal protection if the witness would recant his testimony and appear on the NBC program.

Judge Brahney heard Sheridan's not guilty plea and gave his lawyers 30 days in which to file special pleadings.

Sheridan's supplemental motion filed yesterday accused Garrison of suppressing evidence, refusing to investigate allegations of wrongdoing by members of his staff and using the grand jury to punish and harass persons who will not cooperate with him.

Sheridan said the DA's actions were the "result of a personal interest in the cause." At the same time, the motion questioned Garrison's "judicial temperament, his sense of responsibility and his reputation as a prosecutor and fair-minded public official." Sheridan's pleadings added:

"His keen personal interest in vindicating his positive public utterances, in which utterances he has staked his future and his reputation, and his keen personal interest in preserving his reputation . . . are at odds with and are inconsistent with a fair, impartial quest for justice or search for truth."

THE MOTION CHARGES

that "financial gain and profit have resulted and continue to result to the district attorney in the form of funds donated by groups . . . and funds received from various newspapers, magazines and other publications for materials furnished by the district attorney for publication."

"The district attorney therefore has an additional personal interest in the cause other than the fair and impartial administration of justice," the newsman declared.

In another development yesterday, one-time Jefferson Parish Asst. DA Dean A. Andrews Jr. told the Jefferson Young Men's Business Club he is tired of being the DA's "whipping boy."

"If he messes with me one more time, I'm going to charge him with malfeasance in office and prove it," Andrews warned. He is charged with perjury in connection with the probe.