Haggerty Reveals First Hint of Trial Date for Clay Shaw

'August or September' at Earliest, Says Judge

By PAUL ATKINSON

The trial of Clay L. Shaw, accused of conspiring to kill President John F. Kennedy, won't be held until "August or September at the earliest," according to Criminal District Court Judge Edward A. Haggerty Jr.

Concluding what otherwise was a tedious day of pre-trial hearings, Judge Haggerty late Monday afternoon gave the first hint of when the long-awaited trail might be.

The judge set June 27 for Shaw's defense attorneys to file a written memorandum concerning their disagreements with the state over the Bill of Particulars. He gave the state another 15 days, or until July 14, to answer the memorandum.

Explaining the late date of the trial, which will be set at

Dean Andrews perjury trial set for Aug. 9. Story in Sec. 1, Page 9.

the request of District Attorney Jim Garrison, Judge Haggerty told the press, "I'm going on vacation in July, that's why."

The most important happening of the whole day's activities was the ruling by Haggerty that Truth and Consequences of New Orleans Inc., a private group of businessmen who are financing Garrison's John F. Kennedy assassination probe, did not have to reveal its records regarding contributors and disbursements. Judge Haggerty ordered them sealed and held over until after the Shaw trial.

Originally, plans were to take up the defense's motion to quash the Orleans Parish Grand Jury indictment against Shaw, the former managing director of the International Trade Mart.

NOT DONE

But this was not done. Judge Haggerty said the defense will

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want to amend the motion to quash, but the defense attorneys gave no idea when this will be.

The judge also ruled that Shaw has made his last mandatory appearance in court until the actual trial.

After lunch in the Criminal Sheriff's office, the Shaw entourage that included attorneys F. Irvin Dymond, Edward F. and William J. Wegmann, and Salvatore Panzeca opened up on the motion for return of seized property and the suppression of evidence.

William Wegmann handled the defense, while Assistant District Attorney James L. Alcock was again steering the state's course. He had done so through the long morning session, though Dymond indicated that Alcock might be called to the witness stand.

Wegmann called three witnesses, Criminal District Court Judge Matthew A. Braniff, who signed the search warrant; Louis Ivon, a detective in Garrison's office, who asked Judge Braniff to sign it; and assistant district attorney John Volz, who helped draw it up and executed it.

Judge Braniff testified that Ivon told him the confidential informant upon whose testimony the warrant was issued was Perry R. Russo, who later was to become one of the four witnesses whom Garrison used to persuade three judges, including Braniff, that there was ample evidence to bound over Shaw for trial.

Wegmann centered on the word "meetings" in the search warrant. He asked Ivon how many meetings concerning the conspiracy had taken place.

Ivon replied, "I know of one meeting."

"You should read these warrants over for corrections," interjected Judge Haggerty.

FIVE PLACES

"I see five places where there were 'meetings'," continued Wegmann. "Were they all oversights?"

"Yes," answered Ivon.

"Then you verified there was only one meeting to conspire," asked Wegmann.

Judge Haggerty said, "Judge Braniff was misled five times."

"Did Russo tell you anything about the items taken from the Shaw home?" asked Wegmann.

"No," answered Ivon.

Volz, who was at the Shaw home when the search warrant was carried out, said everything was taken that seemed of an "evidentiary nature," though it wasn't necessarily on the itemized search warrant.

Wegmann questioned Volz if any of those carrying out the search threatened anyone with arrest if they interfered with the search.

"I don't recall any threat," replied Volz. "We were intent on executing as a duty the search of the house and I believe someone was told that if they interfered they would be obstructing an officer in the performance of a duty."

Volz acknowledged that a number of pictures was taken in the Shaw home.

"Under what authority?" asked Wegmann.

"Officers are allowed to take as many pictures as they need," said Volz. "I don't recall the law."

"At the scene of a crime, yes," said Judge Haggerty.

Wegmann asked Volz that when the search warrant was made up was Shaw already under arrest.

"Yes, sir," answered Volz.

'TRUTH' GROUP

The only major point decided at the morning portion of the hearing was that Truth and Consequences of New Orleans Inc., did not have to produce either its membership rolls or its financial statements, Judge Haggerty ruled.

Judge Haggerty said these records would be sealed and kept available until after the Shaw trial. Should there be any question of any jury member perjuring himself, said the judge, the records would be consulted.

Explaining his decision, Judge Haggerty said, "Many of the members have made contributions in good faith and I see no reason to impugn the motives of people who thought they were doing the right thing when they made the contributions."

Dymond rose and told the judge, "I would think if they have been motivated by good faith, your honor, they would be proud to tell if they contributed.

"I have already ruled on that, Mr. Dymond, retorted Judge Haggerty.

Dymond contended he wanted to see the T&C records to see if any of the Orleans Parish Grand Jury members which indicted Shaw had contributed to the Garrison investigation.

Hardly any of the 32 persons subpenaed were asked to stay for the day's session.

WITNESS STAND

Automobile dealer Willard E. Robertson and oilman Joseph M. Rault Jr. answered the call to the hearing representing Truth and Consequences of New Orleans, Inc., but didn't get to the witness stand. Dymond indicated he may want to talk with them later when the amended motion to quash the indictment comes to court. He gave no indication when that would be.

Criminal Court Judge Thomas M. Brahney briefly took the stand and Dymond questioned him how he went about making up his grand juries. But the questioning was abruptly stopped because of the possibility of an amended motion to quash the indictment.

A major portion of the proceedings was taken up going over 93 points sought answered by the defense in a Bill of Particulars. The defense said it was not satisfied with the answers supplied by the state to 67 points; it was pleased with 26, however.

Alcock and Dymond hammered at each other for nearly two hours, though they did it in cool comfort, for a 10-minute recess was called to install air blowers.

As for any result of the wrangle, that will have to be answered June 27. John Haggerty told Dymond to put in writing in a memorandum on what points he wanted additional information and he would rule on them at a later date.

Dymond first touched on what he called the vagueness of the indictment, particularly in regards to dates, times and places. "We've got a 40-day period in which my client must account for his actions, and that's a near impossibility," said Dymond.

Alcock responded that the state does not have to furnish details. He said there could be a conspiracy and the state or court would never know on what date the conspiracy was hatched.

Judge Haggerty said the state does not have to prove a meeting. "It could be a meeting of the minds, rather than a physical meeting," he explained.

Dymond also sought to find out if there were any other meetings, other than the one alleged to have taken place in the apartment of David Ferrie. Garrison claims Ferrie, Shaw, Lee Harvey Oswald and Jack Ruby met there and conspired to kill President Kennedy.

"The state's not going to tell," said Alcock. "You want my whole file and you're not going to get it."

At one point, Alcock said, "The state doesn't have to go past the state of Louisiana to prove a conspiracy (referring to the subsequent murder of the President in Dallas, Tex.). The minute the rifle was bought, that is a conspiracy."

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

Judge Haggerty said it is not even necessary for the state to prove who killed President John F. Kennedy.

On the defense's request for a description of the weapon, tool or vehicle used in connection with futhering the conspiracy, Judge Haggerty told Alcock he didn't have to answer. "That question is going far afield," he said. "You just have to prove it happened here."

The defense asked in its concluding questions whether members of the indicting grand jury had ever contributed to T&C. Alcock said this was the wrong place for these questions, and Judge Haggerty agreed.

However, Judge Haggerty said he would allow the defense to question each member of the grand jury and secure this information, but separate subpenas would have to be issued.

—Photo by The Times-Picayune.

A SMILING CLAY SHAW is shown in automobile after he leaves Criminal District Court Building Monday afternoon in first day of pretrial hearing. Attorneys for Shaw, accused of conspiring to assassinate President Kennedy, are attempting to get Shaw's indictment quashed.