S-1 6-13-67

TUESDAY

Shaw Trial at Least 2 or 3 Months Away

At least another 60 to 90 days of legal jockeying lie between Clay L. Shaw and his trial on charges that he conspired to kill the president of the United States.

Attorneys for the 54-year-old retired New Orleans businessman squared off in court yesterday with Dist. Atty. Jim Garrison's office.

The result: A decision to permit the defense to file more papers and give the state an opportunity to answer them.

THAT WILL CONSUME 30 days and take the case into mid-July.

Even then, there will have been no basis for a ruling on the main point of Shaw's pretrial motions—a request to toss out the indictment against him.

In this round of legal boxing, the court is hearing the state and defense argue over three defense pleas:

1. A motion to suppress certain evidence and return property seized from Shaw's French Quarter home.

2. A 93-point request for specific times, dates, places and people in what Garrison charges was a New Orleans-hatched plot to murder John F. Kennedy.

3. A plea to reveal to the defense all information given the grand jury and the state about Shaw.

ONLY AFTER THESE motions have been disposed of will Judge Edward A. Haggerty Jr. consider the primary Shaw pleading: That the indictment charging him with complicity in Kennedy's slaying is faulty and should be thrown out.

During yesterday's hearing, Judge Haggerty told the defense lawyers they would be given a further opportunity to amend their motion to quash the indictment after the three other points are settled.

For the next 15 days, the defense will prepare memoranda on why Garrison's office should provide more specific information about the conspiracy charge against Shaw.

The state then will be given 15 days to answer. Presumably, about mid-July, there will be another hearing at which Judge Haggerty will rule on the three defense motions.

AFTER THAT COMES the matter of the main motion, and its determination may take a good deal of time, depending on what further moves the defense makes.

Judge Haggerty commented yesterday afternoon that the trial could not be held until "August or September at the earliest." Court observers believe that may be optimistic.

In the hearing yesterday, three important points emerged:

1. Judge Haggerty declared that the state does not have to prove who killed John Kennedy in order to prove a conspiracy. His comment came after Asst. DA James L. Alcock, speaking against further disclosures of information to the defense, asserted:

"The State doesn't have to go beyond the State of Louisiana to prove a conspiracy. The minute a rifle was bought, that is a conspiracy."

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

(Garrison has charged that Shaw conspired with three men—all of them now dead—to murder Kennedy. The co-conspirators he named were the late David W. Ferrie, a one-time New Orleans airline pilot who died of what the coroner called "natural causes" on Feb. 22; Lee Harvey Oswald, the man the Warren Commission blamed exclusively for Kennedy's death, and Jack Ruby, the Dallas nightclub operator who gunned down Oswald in the Dallas police station two days after the President was killed. Ruby died of cancer after being convicted of Oswald's murder.)

2. JUDGE HAGGERTY ordered the records of Truth and Consequences, a group of private businessmen helping finance the Garrison investigation, sealed and held by the Clerk of Court until after Shaw's trial.

The defense wants the T&C records made public. Especially, defense counsel F. Irvin Dymond said, he wants to know if any member of the grand jury which indicted Shaw has contributed to the private investigation fund.

3. Perry R. Russo of Baton Rouge was named as the individual who provided the information upon which the DA's chief investigator, Louis to search the Shaw home at 1313 Dauphine.

The testimony came first from Judge Matthew A. Braniff, who said, in response to defense questions, that the DA's chief investigator, Louis Ivon, identified Russo as the confidential informant who gave the state its search warrant information.

Shaw's house was combed by a dozen DA's men the day he was arrested on March 1. Five cartons of personal papers and belongings were seized, and the defense wants the property returned.

IT WAS RUSSO who served as the star Garrison witness at the preliminary hearing which bound Shaw over for trial.

The 25-year-old insurance salesman testified that he

overheard Shaw, Ferrie and Oswald plot Kennedy's death during a September, 1963 meeting at Ferrie's Louisiana Ave. pkwy. apartment.

There was no indication then that Russo might have known Shaw before that night or that he ever was inside the tall, white-haired defendant's home.

LATER, IVON took the stand, and defense lawyer William Wegmann pounded him with a series of questions about circumstances surrounding the search warrant.

Asst. DA Alcock objected to their questioning. He said the defense could not go beyond "the four corners of the search warrant" to challenge its validity.

He was overruled by Haggerty, and part of the colloquy between Wegmann and Ivon went like this:

Q. Direct your attention to the last paragraph of the search warrant. Who dictated the items to be seized?

A. Myself, Richard Burnes (an asst. DA).

Q. I'll go on. Did Russo tell you of these items?

A. No.

Q. Did you and whoever assisted you make up this list of items?

A. Yes.

Q. In other words, you had no reason to believe the items listed by you were in the house or were material to the case?

A. Yes.

"No further questions," Wegmann said.

The search warrant in question is a detailed document bearing a list of specified items taken from the Shaw house.