DA ORDERED TO REVEAL SOME SHAW CASE DATA

Late September Trial Seen Probable

The trial of Clay L. Shaw, retired New Orleans businessman accused by Dist. Atty. Jim Garrison of conspiring to murder President John F. Kennedy, could be set for late next month, Criminal District Judge Edward A. Haggerty said today.

Judge Haggerty made this observation after ordering Garrison to tell Shaw's attorneys approximately when the DA contends Shaw met with Lee Harvey Oswald (the accused assassin), the late David W. Ferrie and Jack Ruby in Baton Rouge.

The judge also ordered Garrison to name the state and city on the West Coast in which he claims Shaw committed an overt act relating to the assassination conspiracy alleged by Garrison.

THESE WERE THE ONLY POINTS won by the defense as Judge Haggerty ruled on a set of motions asking the DA to give more information on his charges against Shaw.

The judge gave the defense until Aug. 30 to file a supplemental motion to quash the indictment against Shaw and the state until Sept. 6 to answer the motion.

Judge Haggerty said he will rule on the motion Sept. 13, then noted that, "barring some unforseen development," the trial could be set for the latter part of September.

He said all of the pleadings will have been completed by the middle of the month and the state won the right to set a trial date as soon as pre-trial pleadings are over.

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Order DA Disclose Date of Alleged Plot Parley

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... pages ruling today on three defense motions and one ... motion. The defense motions were for a bill of par... which would reveal specific allegations, including ... and places of the charges against Shaw; a prayer for ... ing that the defense be allowed to see certain ... of evidence; and a motion for the return of seized ... and to suppress evidence.

... state asked for a conference of all parties to set ... date.

... the prayer for over ... Judge Haggerty said the ... already let the de... all the evidence it ... legally entitled to see. He ... will rule during the ... on the materiality and ... any of any item or ob... ed in evidence.

... motion to return ... suppress ev... Judge ... gerty said ... re... ed $30,000 ... 's ... ... or ... ... session ... Criminal ... District ... that the ... of evidence will be ... during the trial and not ... before.

ON THE STATE'S motion for a meeting on the trial date, the judge cited Louisiana law to the effect that the DA has the right to set the date and said Garrison can set the matter for trial "as soon as the pre-trial pleadings have been properly and legally concluded."

The motion for a bill of particulars was a 93-point document which the DA's office had already answered in part. Today's ruling by Judge Haggerty was on points on which the two sides disagreed.

The judge ruled that many of the defense's requests were based on the "fallacy" that alibi is a defense against a conspiracy charge.

... the agreement entered into by the conspirators. Since this is evidence, the judge ruled, the defense is not entitled to it before the trial.

... fourth group related to the place and time of the alleged conspiracy. It was here that the defense won its only favorable rulings.

The judge said the state had ... with most ... in this group, ... specific requests Judge Haggerty said.

"I believe counsel for the defense is entitled to know the approximate time in the fall of 1963 that the meeting took place between Oswald, Ruby and Shaw. I so order the state to particularize further. I further direct that the state's answer to paragraph 22D be more explanatory by explaining where on the West Coast, particularly the state and the city. I do order."

Paragraph 22D was in a group of overt acts alleged by the state in response to a defense request in the bill of particulars. One of the acts, the state said, was "a trip to the West Coast of the United States by Clay L. Shaw during the month of November, 1963."

Another "overt act" charged by Garrison was Clay L. Shaw traveling from New Orleans to Baton Rouge in the fall of 1963 and there meeting Lee Harvey Oswald and Jack Ruby at the Capitol House Hotel and delivering to Oswald and Ruby a sum of money."

THE FIFTH GROUP of requests sought additional information about the alleged overt acts. Judge Haggerty ruled the state was not required to furnish them.

The sixth group, again seeking more information about the alleged overt acts, were already complied with by the state, Judge Haggerty ruled.

A final seventh group of requests sought information about the state's evidence which Judge Haggerty said the state was not required to give.

Defense attorney F. Irvin Dymond told the court he would file exceptions to all of the court's rulings except in the two cases where Garrison was ordered to supply information.

Ruling on a motion to select a trial date, Judge Haggerty said he saw no reason for a conference since the state can set the trial date when the pleadings are complete.

SHAW'S ATTORNEYS today also took steps to have testimony taken from Sandra Moffett (Mrs. Lillie Mae McMaines), in Des Moines, Iowa.

Mrs. McMaines, a former girlfriend of the state's star witness Perry Russo, has refused to return to New Or-

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JUDGE HAGGERTY issued a lengthy legal opinion dealing with the nature of the crime of conspiracy. He made the following key points:

1. When acts are committed within the state in performance of the conspiracy's purpose, the fact that other acts are to be performed outside the state does not prevent prosecution in the state for conspiracy in the state.

2. It is not necessary that each conspirator know or see the others. It is also not necessary that each conspirator know all the details of the plan or operation or the part played by each of the conspirators.

3. When a conspiracy exists, the joining of new members thereafter does not create a new conspiracy.

4. It is not necessary that each conspirator commit an overt act . . . the overt act may be committed by any member of the conspiracy. The overt act need not in itself be criminal. Anything done to carry out the conspiracy is a sufficient overt act, even making a phone call or mailing a letter.

5. Criminal responsibility for the conspiracy is not affected by the fact that the purpose of the conspiracy was not accomplished.

6. Each conspirator is liable for any act of every participant in the conspiracy committed in pursuance of the original plan and object.

7. The criminal responsibility of a co-conspirator is not affected by the fact that he is absent when the criminal act contemplated is committed. The rule of responsibility includes acts done before the defendant joined the conspiracy.

8. The death of one conspirator does not prevent the conviction of another.

9. A conspirator may clear himself by proving that he withdrew from the conspiracy before the overt act was committed.

On the alibi matter, Judge Haggerty said:

"The legal error and fallacy that . . . the defense has fallen into . . . is that an alibi is not a defense when a person is charged with a criminal conspiracy."

The judge then took the defense's requests in the bill of particulars by groups.

The first group asked for the exact date when Shaw allegedly entered into the conspiracy. The state has charged that it took place in September, 1963, and Judge Haggerty held that they did not have to be any more specific than that.

The judge said, "This is a peculiar type crime, calling for peculiar type proof, and counsel is not permitted to force the state to present to them the entire evidence ... trail."

THE SECOND group asked ... information on overt acts committed by one or more of the alleged co-conspirators. Judge Haggerty ruled that since alibi is not a defense, the defendant is not entitled to this information.

The third group asked for specific evidence of what were the overt acts and what was ... leans for questioning by the DA's office.

Today, Shaw's attorneys filed a motion for deposition by agreement to take her testimony in Des Moines and asked that the DA's office join them for the taking of the deposition.

They pointed out in the motion that the state has been anxious to have her testimony for the Shaw trial and said they, too, are anxious to have her testimony on rec-

[redacted]

... ord.

The motion said that the defense has a copy of a letter to Garrison from Mrs. McMaines' attorney, Lex Hawkins, which offers to have her available in Des Moines Aug. 24.

Judge Haggerty said he would need time to study the motion and said that he had "never heard of such a thing . . . I never heard of taking a deposition like this—like in a civil case." He said there is nothing in the criminal code to allow a deposition to be taken in the manner suggested.

He gave the state until Monday to file an answer to the motion.

Dymond told the court, "It is pretty obvious that both sides want this testimony."