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Shaw Trial Stiffened by Guidelines

Haggerty Hints Some Could Be In Contempt

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Criminal District Judge Edward A. Haggerty Jr. today stiffened his guidelines for actions by persons involved in the trial of Clay L. Shaw and hinted that some persons may be cited for contempt.

At a news conference called by Judge Haggerty to explain his guidelines, the judge was asked if he felt that anyone has been guilty of contempt in his opinion up to today. He replied:

"That's the reason I'm having this press conference today, because I feel that way."

The judge said that any contempt citations would come after the trial of Shaw, charged with criminal conspiracy in the slaying of President John F. Kennedy.

He said that to reveal them sooner would further lessen Shaw's chances of getting a fair trial.

JUDGE HAGGERTY read a prepared statement supplementing previous guidelines issued by him governing dissemination of information by news media, attorneys and others connected with the case. The judge said:

"The court now finds it necessary to supplement the aforesaid orders because of the barrage of claims and counterclaims, charges and countercharges, by many persons who were and are directly affected by such orders.

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"The above case allotted to this court is the trial of the state of Louisiana vs. Clay L. Shaw, and specifically charges a violation in the criminal code of a conspiracy to commit murder.

"This court is not trying the Warren Commission report, the FBI, the CIA, the Secret Service or any other person or agency.

"This court would be less than honest were it not to admit that said agencies may or may not be directly or indirectly related to the trial of Mr. Clay L. Shaw.

"Such being the case, the widespread comments and charges, directly or indirectly, by persons necessarily involves the future trial of the above entitled case."

District Attorney Jim Garrison has charged that the

CIA and other federal agencies in events relating to the assassination of the President in Dallas on Nov. 22, 1963. He appeared on local television last week and on national TV yesterday making such statements.

"I wish emphatically to state that after the (Shaw) case has been finally concluded, irrespective of the verdict, I shall take appropriate judicial action, if necessary, to cite for contempt those persons who have violated the orders of this court, including these orders issued today," Judge Haggerty said.

"IN CONNECTION with this specific matter, I feel that it is unnecessary to state that in law a person may not do indirectly that which he is prohibited from doing directly."

The judge declined to elaborate on his statement, saying "it speaks for itself." He did say he would save the contempt citations for after the trial because they could "bring out all sorts of angles which would further endanger" a fair trial.

In his expanded guidelines to the news media and bar, Judge Haggerty cited certain provisions adopted by the state of Louisiana in April, 1964, and concurred in by the state bar association and the various news media, he said.

Among these provisions were:

"For the news media:

"To preserve the individual's rights to a fair trial, news stories of crime should contain only a factual statement of the arrest and attending circumstances.

"The following should be avoided:

"1. Publication of interviews with subpenaed witnesses after an indictment is returned.

"2. Publication of the criminal record or discreditable acts of the accused after an indictment is returned or during the trial unless made part of the evidence in the court record. The defendant is being tried on the charge for which he is accused and not on his record. (Publication of a criminal record could be grounds for a libel suit.)

"3. Publications of confessions after an indictment or bill of information is returned unless made a part of the evidence in the court record.

"4. Publication of testimony stricken by the court unless reported as having been stricken.

"5. Editorial comment preceding or during trial, tending to influence judge or jury.

"6. The publication of any 'leaks,' statements or conclusions as to the innocence or guilt, implied or expressed, by the police or prosecuting authorities or defense counsel.

"7. Good taste should prevail in the selection, printing, and broadcasting of the news. Morbid or sensational details of criminal behavior should not be exploited."

"For the Bar":

"To preserve the individual's rights to a fair trial in a court of law the following guidelines are prescribed for the bar.

"1. A factual statement of the arrest and circumstances and incidents thereof of a person charged with a crime is permissible, but the following should be avoided:

"A. Statements or conclusions as to the innocence or guilt, implied or expressed, by the prosecuting authorities or defense counsel.

"B. Out-of-court statements by prosecutors or defense attorneys to news media in advance of or during trial, stating what they expect to prove, whom they propose to call as witnesses or public criticism of either judge or jury.

"C. Issuance by the prosecuting authorities, counsel for the defense or any person having official connection with the case of any statements relative to the conduct of the accused, statements, 'confessions' or admissions made by the accused or other matters bearing on the issue to be tried.

"D. Any other statement or press release to the news media in which the source of the statement remains undisclosed."