Defense Files 4 Motions

Quash Charges--

Shaw

Attorneys for accused presidential assassination conspirator Clay L. Shaw filed four motions in Criminal District Court here today aimed at killing Dist. Atty. Jim Garrison's charges against the 54-year-old retired businessman.

Shaw's lawyers moved to quash a grand jury indictment which accuses Shaw of conspiring with Lee Harvey Oswald and the late David W. Ferrie to murder President John F. Kennedy.

AT THE SAME time, the defense requested the court to subpena all of the records of Truth and Consequences, a private organization of businessmen who are contributing money to Garrison's investigation of Kennedy's death.

The defense wants a complete disclosure of grand jury testimony and proceedings surrounding Shaw's indictment and demands the return of five cardboard boxes full of materials seized at Shaw's handsome French Quarter home.

Garrison's office has been given 30 days to study the motions and file replies.

Almost simultaneously with the Shaw motions, attorney Sam Monk Zelden went before Judge Frank A. Shea to request that he quash a perjury charge against suspended Jefferson Parish Asst. DA Dean A. Andrews Jr.

Andrews, who told the Warren Commission a mysterious man named Clay Bertrand asked him to represent Oswald after Kennedy's death, was charged with lying before the grand jury when he was questioned in connection with the DA's probe.

(Turn to Page 14, Column 5)

ANDREWS TOLD the grand jury he could not connect Bertrand and Shaw, while Garrison contends they are the same man.

Zelden contended in his motion that the indictment returned against Andrews was faulty because it failed to cite what part of his testimony was incorrect.

Judge Shea gave the state until May 25 to answer the motion and said a hearing would be held then if both defense and state agree.

A DOZEN DA'S men searched Shaw's home March 1, the day he was arrested, and carried away ledger sheets, maps, a shotgun and case, 17 folders of papers, a photo album, five whips, three pieces of rope, a black hood and cape, a black net type hat, personal documents, three manuscripts, a typewriter case, calendars, a calorie counter and a Feb. 6, 1961, copy of the Wall Street Journal.

Shaw is free on $10,000 bail awaiting trial after being bound over for probable cause during a preliminary hearing. Perry R. Russo of Baton Rouge testified during the hearing he overheard Shaw, Oswald and Ferrie plot Kennedy's death at Ferrie's apartment here two months before the assassination.

In their motion to quash, attorneys F. Irvin Dymond and William and Edward Wegmann denounced what they term the "vagueness" of the indictment against Shaw.

They said the defendant was unable to determine "when and where the alleged conspiracy took place; what overt act or acts, if any, are alleged to have been committed by either him or the other alleged co-conspirators" or "when and where, according to the terms of the alleged conspiracy, the murder of John F. Kennedy was to take place . . ."

THE MOTION charges the "indictment is, therefore, so vague and indefinite that your defendant cannot properly prepare his defense to same."

Shaw's attorneys asserted the indictment was so vague Shaw could not "even intelligently guess what act or acts he is charged with having committed."

Another point in the lengthy pleading charges that the indictment is faulty because only men served on the grand jury and women were "systematically excluded."

SHAW HAS PLEADED not guilty to the charge. He held a news conference immediately after his arrest and staunchly denied any complicity in the late President's slaying.

Ferrie, a one-time airline pilot who told newsmen he had nothing to do with Kennedy's death, was found dead at his 3330 Louisiana ave. pkwy. apartment Feb. 22—five days after the Garrison probe was made public. The coroner said he died of natural causes.

Oswald is the man the

Warren Commission named as the lone assassin of Kennedy. The commission said it could find no reason to believe Oswald was aided in the killing.

THE DEFENSE asked for 93 specific sources of relief in its Prayer for Oyer. Among Shaw's personal effects the lawyers want returned is a $30,000 homestead certificate.

The motion attacked the organization which is providing private funds to finance the Garrison investigation because it said the money was not "administered in accordance with the provisions of the law."

IT DECLARED that the use of funds for the investigation "without any accountability" is contrary "to the public policy and statutory law of Louisiana, against good morals and decency," and "in conflict with the obligations of the district attorney to the public."

It asked that records of Truth and Consequences be disclosed publicly, and an additional question is asked about whether any member of the grand jury contributed to the fund.

Truth and Consequences was established by oilman Joseph M. Rault Jr. and automobile executive Willard Robertson after Garrison complained that public records of his expenditures were hampering his investigation.

THE DEFENSE counsels petitioned last week to have Saturday Evening Post writer James Phelan brought to New Orleans to testify, but the motion was turned down by the judge on the ground that it had no basis in law.

Phelan wrote a lengthy article that cast a shadow over the testimony of Garrison's key witness, Perry Russo, who testified at a preliminary hearing that he heard Shaw, David W. Ferrie and others plot Kennedy's murder.

Shaw's attorneys have said previously that they plan to file several motions today.

In an application for a bill of particulars, Shaw asked that the prosecution furnish names and addresses of those individuals who are not specifically named in the indictment.

IN THE INDICTMENT, the district attorney's office charged that Shaw conspired with David W. Ferrie and Oswald "and others, not herein named, to murder John F. Kennedy . . ."

The defense asked that the "others" be named by prosecution.

The prosecution was also asked what "day or dates between Sept. 1 and Oct. 10, 1963," the state contends that the "alleged agreement or combination" was made between the defendant and others "for the specific purpose of committing the murder of John F. Kennedy . . ."

ALSO ASKED was the location and time of the alleged conspiracy, and if more than one meeting was supposedly held where Shaw was in attendance.

Other questions asked in the bill of particulars include:

—Does the state contend that according to the alleged agreement or combination Lee Harvey Oswald was to commit the murder of John F. Kennedy?

—If the answer to Article XII is in the negative, who, according to the alleged agreement or combination, was to commit the murder of John F. Kennedy?

—Does the state contend that according to the alleged agreement or combination that the murder of John F. Kennedy was to be committed in the City of Dallas, Tex.?

—Does the state contend that according to the alleged agreement or combination the murder of John F. Kennedy was to take place on Nov. 22, 1963 (the day Kennedy was assassinated)?

The defense then asked if the state contends that Oswald, Ferrie or "some other alleged co-conspirator not named in the indictment killed John F. Kennedy, and if so, what is his name and present address?"

Defense attorneys also asked the state to describe any alleged overt act "in furtherance of the alleged agreement or combination to murder John F. Kennedy . . ."

THE DEFENSE then listed a series of names that have appeared prominently in connection with the Garrison investigation and asked if these people are included in the "and others" mentioned in the indictment.

The names are Russo, Sandra Moffett McMaines, who Russo testified went with him to a party at Ferrie's house, Leon Oswald, Leon Bertrand, Clem Bertrand, Clem Oswald, Niles "Lefty" Petersen, Dean Andrews, Gordon Novel, Sergio Arcacha Smith, Emilio Santana, Miguel Torres, Julio Buznedo, Carlo C. Quiroga, and Manuel Garcia Gonzales.

ALSO ASKED was a description of "any weapon, tool or vehicle used in connection with the act in furtherance of the object of the agreement or combination . . . ," and the name of the person who possesses such material.

The prosecution was asked to produce a description of any clothing, books, pictures, writings, securities or address books belonging to Shaw and now in the possession of the district attorney's office.