# SHAW MOTION HEARING IS

## *Pleas for Reporter,*

States-Item 3/13/67

# FOR 1-JUDGE

# REJECTED

## *Property Refused*

A three-judge panel today rejected a battery of motions filed by attorneys for Clay L. Shaw, including one which would have disbanded the panel.

Shaw, booked with criminal conspiracy in the death of President John F. Kennedy, faces a preliminary hearing tomorrow in which he could either be cleared or bound over for trial.

In motions filed today, the defense sought to have the hearing conducted by a single criminal district judge instead of the three; to bring their own court reporter to tomorrow's hearing; and to inspect and reclaim property seized from Shaw when he was arrested March 1.

THE PANEL, consisting of senior Judge Bernard J. Bagert and Judges Matthew S. Braniff and Malcolm V. O'Hara, turned down all three motions, setting the stage for a dramatic showdown tomorrow beginning at 10:30 a. m.

Judge Bagert said all decisions and rulings by the panel in the hearing would be by majority vote, but he said it will not be announced whether the vote was 3-0 or 2-1. All rulings will be issued by the senior judge, Bagert.

Judge Bagert said that he was turning down the motion for return of property because tomorrow's hearing is imminent and will clear the air. He said the defense's court reporter is unnecessary because "we will stop the proceedings at any time to have testimony read back."

Shaw was arrested March 1 by investigators for Dist. Atty. Jim Garrison and booked with criminal conspiracy in the death of the late president. Kennedy was shot to death in Dallas Nov. 22, 1963. Garrison maintains that there was a New Orleans-based conspiracy leading to his death. Shaw has denied all connection with such a conspiracy.

Today's motions were filed by F. Irvin Dymond, Edward F. Wegmann and William Wegmann, attorneys for Shaw. Shaw is a former managing director of the International Trade Mart.

The three motions filed by Shaw's attorneys are:

**—That the order of the court in arranging a three-judge panel to handle tomorrow's hearing be set aside.**

**—That the defense be entitled to use its own court reporter.**

**—That Shaw be permitted to**

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**CLAY L. SHAW, left, is accompanied by his attorney, EDWARD WEGMANN, as he arrives at Criminal Courts building for a motions hearing today.**

**RAYMON CUMMINGS, former Dallas cab driver, prepares to shake hands with a Kenner city marshal who met him at New Orleans International Airport. Cummings has said he drove Lee Harvey Oswald and David Ferrie to Jack Ruby's night club in 1963.**

**inspect and reclaim property seized from his home March 1 under a search warrant.**

In the motion to set aside the three-judge panel, the defense asked:

**1. That the order setting up the panel be recalled, rescinded and set aside.**

**2. That tomorrow's hearing be presided over by a single judge.**

**3. That the three-judge court be found in contravention of the constitutional rights of the defendant, and thus null and void.**

As an alternative, in the event the other requests are denied, the defense asked that all the judges serving be chosen by lot from the eight-judge Criminal District Court; and that the defendant have three judges at every phase of the prosecution.

Shaw's attorneys contended that the court reporter was needed because the defendant has not been informed as to the date of the conspiracy he is alleged to have participated in, the names of the conspirators, the names of witnesses on behalf of the state, nor any of the information requested in an application for particulars denied by the court last week.

**THEY SAID THE** official transcript of the hearing would be made available to them too late to assist in the defense.

The motion to inspect the property, the motion said, was filed because the court never ruled on a similar earlier oral request. The attorneys said Judge Bagert promised to rule within 48 hours at the March 8 hearing, but never did.

The defense contends that the property seized from Shaw's apartment is not relevent to the case and should be returned.

Shaw's attorneys argued that the three-judge panel is unprecedented and has no basis in law. They said that if this case is handled that way, all defendants should get the same treatment in the future.

They specifically challenged Rule II of the rules of the Criminal District Court as unconstitutional under Louisiana basic law. It permits a judge to appoint two others to assist him.

**TODAY'S LEGAL** maneuvering was a prelude to tomorrow's preliminary hearing in the conspiracy case, at which Garrison has indicated he will produce an informant who can place the conspirators together.

**THE PURPOSE OF** tomorrow's hearing is to decide whether Garrison's office has enough evidence to warrant bringing Shaw to trial.

Tomorrow's hearing will climax months of investigation by the district attorney's office and speculation by an international corps of newsmen on the puzzling case.

Garrison, who has seldom appeared in court to try a case since taking office, is expected to handle the prosecution.

**THE 54-YEAR-OLD** Shaw is the only person who has been arrested by Garrison's office since the probe began late last year.

He was arrested by the DA's office March 1 and released that night on $10,000 bond. Shaw has denied any guilt in the alleged conspiracy and has stated that he never met Lee Harvey Oswald or David W. Ferrie.

Ferrie, called a key figure in the case by Garrison, died Feb. 22. The parish coroner said the death was of natural causes.

**OSWALD WAS NAMED** by

the Warren Commission as the lone assassin of President Kennedy in Dallas on Nov. 22, 1963. Two days later, Oswald was shot and killed in Dallas jail basement by nightclub owner Jack Ruby. Ruby died of cancer this year.

In another development in the case, an Oxford University law professor criticized Garrison as being "publicity drunk" in his investigation into the assassination.

In a speech at Tempe, Ariz., Sir Arthur Goodhart, editor of the Law Quarterly Review, noted, "There has been a lot of talk about trial by newspapers, but that isn't true in this case. The newspapers must publish what the district attorney says.

"This is an example of trial by the district attorney, which is the most unfortunate feature of the American criminal law system."

Goodhart also said the European press has distorted the significance of the New Orleans probe by giving it prominent display and printing the wildest speculations on the probe.