GARRISON BLOCKS PLEA TO GIVE DATA

Need Not Produce Evidence on Shaw Until Hearing

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By GENE ROBERTS
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NEW ORLEANS, March 8 — Defense attorneys tried but failed today to force District Attorney Jim Garrison's office to substantiate immediately — or drop — its accusations that Clay L. Shaw conspired to assassinate President Kennedy.

Judge Bernard Bagert ruled in Criminal District Court that Mr. Garrison's office did not have to produce a "confidential informant" or other alleged evidence against Mr. Shaw until a preliminary hearing next Tuesday.

But the judge indicated that Mr. Garrison ran the risk of having his case dismissed if he did not produce the informant at that time.

"It is my inclination at this time," Judge Bagert said, "that the identity of the informant will have to be disclosed at the hearing."

Attorneys for Mr. Shaw, a retired New Orleans business executive, have argued that they cannot adequately defend him unless the District Attorney's office is required to give details of its alleged case against him.

The District Attorney's office arrested Mr. Shaw last week and soon afterward said, in a search warrant application, that a "confidential informant" had said Mr. Shaw, Lee Harvey Oswald and "others" conspired here in September, 1963, to kill President Kennedy.

Mr. Garrison's investigators also contended that they had given "truth serum" to the informant and that this indicated he was telling the truth. Mr. Shaw has consistently denied any knowledge of any conspiracy against President Kennedy.

In another development, in Judge Bagert's court, the defense asked that the case again Mr. Shaw be dismissed on the ground that a Louisiana court "has no jurisdiction of the events charged, since the murder of John F. Kennedy took place in Dallas, Tex."

However, the judge upheld the District Attorney's office in its argument that under Louisiana law the defense cannot submit dismissal motions until the hearing next week.

Although Mr. Garrison's office accused Mr. Shaw of having conspired to kill the President it did not formally charge him with the offense and asked instead, that a preliminary hearing be held. Meanwhile, Mr. Shaw is free on $10,000 bond.

Mr. Shaw's lawyers contended that Mr. Garrison's request for the preliminary hearing was improper in that it did not state details of the alleged offense, did not give a precise date on which the conspiracy was alleged to have taken place and did not state that any of the alleged conspirators had taken any action in furtherance of the conspiracy in Louisiana.

One of the defense attorneys, William Wegmann, added:

"We don't have to sit here and let the state run wild in this show."

This brought Assistant District Attorney Al Oser to his feet in protest.

"I take violent issue with the defense saying anything about a show going on," he said.

Another exchange took place when the defense charged that district attorney's investigators had exceeded their authority under their search warrant and had seized personal papers "beyond the scope of the warrant."

"And when I tried to get an itemized bill [of the items confiscated in the search]," Mr. Wegmann went on, "I was threatened with arrest."

Assistant District Attorney James Alcock denied that any items had been confiscated illegally. He said a full list of them had been made a matter of public record.

The arrest of Mr. Shaw took place after Mr. Garrison had announced, without giving details, that he had "solved" the assassination.

In a 10-month investigation of the assassination, the commission headed by Chief Justice Earl Warren concluded that there had been no conspiracy and that Oswald had killed President Kennedy alone and unaided. Last week Attorney General Ramsey Clark said an investigation by the Federal Bureau of Investigation had shown that Mr. Shaw had not been involved in the assassination.

Associated Press

RULES ON SHAW: Judge Bernard Bagert said that New Orleans District Attorney does not have to produce, until Tuesday, the alleged evidence against man accused of conspiracy in Kennedy assassination.