

SHERIDAN TOLD TO SHOW CAUSE

T-P 9/10/67

Contempt Hearing to Be Conducted Tuesday

A Criminal District Court judge signed an order directing National Broadcasting Co. investigator Walter Sheridan to appear at a hearing Tuesday to show cause why he should not be held in contempt for failing to appear before the Orleans Parish grand jury Wednesday.

Assistant district attorney Alvin V. Oser filed a "rule to show cause" with Judge Bernard J. Bagert about 5 p.m. during a recess of the grand jury session Wednesday.

The "rule" contained five points:

1. Sheridan was summoned to appear before the jury for July 19.
2. A stay for his appearance was issued by the state Supreme Court.
3. The said order, dated July 28th, stayed all proceedings until further orders of the Supreme Court.
4. Monday the Supreme Court denied Sheridan's application for writs, thus making the grand jury subpoena effective.
5. Wednesday Sheridan was notified through his attorney Milton Brener that the jury was in session and that his presence before the jury was required, and failed to appear.

Judge Bagert ordered a contempt hearing for Tuesday and signed an order for Sheridan's appearance on that day.

Deputies of Criminal Sheriff Louis A. Heyd Jr. served the order on Brener, but officials say it is necessary that the defendant be served personally in such cases. Brener said his

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client was in Detroit on assignment.

'ON AN ASSIGNMENT'

After the court action Brener noted that Sheridan had previously received the court's permission to leave its jurisdiction, subject to 48 hours' notice, and issued this statement:

"Mr. Sheridan's personal attorney from Washington, D. C., Herbert Miller, was notified Monday afternoon that the Supreme Court had refused applications for writs.

"Walter Sheridan was on an assignment in Detroit but was available to come down upon receiving notice of when the grand jury wanted him to appear.

"Mr. Miller came to New Orleans Tuesday morning and he was in New Orleans all day Tuesday and Wednesday morning and he and I were waiting for some call from the grand jury.

"When no word was heard from the grand jury this morning, and upon being informed that only routine cases were scheduled, Mr. Miller went back to Washington, D. C., leaving at noon.

"At approximately 3:30 p. m. or a quarter to four I was served with an instanter subpoena calling for the appearance of Mr. Sheridan.

"I immediately called Mr. Miller in Washington to ask that he contact Sheridan immediately in Detroit, but Mr. Miller had not yet returned to Washington.

"I called Judge Bagert and informed him of the situation and that it was physically impossible for him (Sheridan) to appear today but it would be possible for him to appear Thursday or Friday if the grand jury saw fit.

48 HOURS NOTICE

"I want to emphasize that the grand jury had given him permission to leave its jurisdiction subject to 48 hours' notice through me.

"Judge Bagert told me to call Mr. Labiche (Albert V. Labiche, grand jury foreman). I talked to Mr. Labiche imme-

diately after that. Mr. Labiche told me I would be advised later as to what the jury's wishes were.

"The answer came at 5:15 when I was served with a rule ordering Sheridan to show cause on the morning of Tuesday, Aug. 15, why he should not be held in contempt of the grand jury for failing to appear."

Brener added that Sheridan's presence will be required in Chicago Tuesday in a federal court matter involving Teamsters Union boss James Hoffa.

"While Mr. Sheridan was present in court on the 27th day of July he was served by Sheriff Heyd with a subpoena commanding his appearance before a federal court in Chicago.

"This subpoena will necessitate his appearance in Chicago throughout the 14th, 15th, and 16th of August as the government has insisted on his presence at this hearing which involves requests by James Hoffa and others for new trials."