

DA ORDERED TO REVEAL SOME SHAW CASE DATA

Late September Trial Seen Probable

The trial of Clay L. Shaw, retired New Orleans businessman accused by Dist. Atty. Jim Garrison of conspiring to murder President John F. Kennedy, could be set for late next month, Criminal District Judge Edward A. Haggerty said today.

Judge Haggerty made this observation after ordering Garrison to tell Shaw's attorneys approximately when the DA contends Shaw met with Lee Harvey Oswald (the accused assassin), the late David W. Ferrie and Jack Ruby in Baton Rouge.

The judge also ordered Garrison to name the state and city on the West Coast in which he claims Shaw committed an overt act relating to the assassination conspiracy alleged by Garrison.

THESE WERE THE ONLY POINTS won by the defense as Judge Haggerty ruled on a set of motions asking the DA to give more information on his charges against Shaw.

The judge gave the defense until Aug. 30 to file a supple-

mental motion to quash the indictment against Shaw and the state until Sept. 6 to answer the motion.

Judge Haggerty said he will rule on the motion Sept. 13, then noted that "hearing some unforeseen development, the trial could be set for the latter part of September."

He said all of the pleadings will have been completed by the middle of the month and the state won the right to set a trial date as soon as pre-trial pleadings are over.

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Shaw DA Disclose Date of Alleged Plot Parley

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participated in three related meetings and one of the meetings was held in the home of the defendant. The defense motion, for a bill of particulars, would reveal specific allegations including the names of the persons of the charges against Shaw, a parley for the purpose that the defense is allowed to see certain evidence, and a list of the names of all persons who were a part of a conference of all parties to set the date of the trial.

JUDGE HAGERGERTY issued a bench ruling on the motion for a bill of particulars. He made the following key points:

1. When acts are committed within the state in pursuance of the conspiracy, a purpose of the fact that they are to be performed outside the state does not prevent the prosecution in this state.
2. It is not necessary that each conspirator know or see the others. It is sufficient that each conspirator know all the details of the plan or operation of the conspiracy.
3. When a conspiracy exists, the joining of new members thereafter does not create a new conspiracy.
4. It is not necessary that a conspirator consent to an overt act. The overt act may be committed by any member of the conspiracy.
5. Criminal responsibility for the overt act need not in itself be criminal. Anything done to carry out the conspiracy is a sufficient overt act, even making a phone call or mailing a letter.

The judge ruled that many of the defense's requests were based on the "fallacy" that the conspiracy is not affected by the date of the trial.

On the alibi matter, Judge Hagergerty said: "The legal error and fallacy that the defense has failed to make is that an alibi is not a defense when a person is charged with a criminal conspiracy."

The judge then took the defense's requests in the bill of particulars by groups. The first group asked for the exact date when Shaw allegedly entered into the conspiracy.

Another group of over acts alleged by the state in response to a defense request in the bill of particulars. One of the acts, the state said, was a trip to the West Coast of the United States by Clay L. Shaw during the month of November, 1963.

The state has charged that it took place in September, 1963, and Judge Hagergerty held that they did not have to be any more specific than that. The judge said, "This is a peculiar type crime, calling for peculiar type proof, and counsel is not permitted to force the state to present to them all possible evidence."

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The sixth group, again seeking more information about the alleged overt acts, were already complied with by the state. Judge Hagergerty ruled that a final seventh group of requests sought information about the state's evidence which Judge Hagergerty said the state was not required to give.

Defense attorney F. Irvin Dymond told the court he would file the exceptions to all of the state's requests.

The motion said that the defense has a copy of a letter to Garrison from Mrs. McManis, attorney, Lax Hawkins, which offers to have her available in Des Moines Aug. 24.

Judge Hagergerty said he would need time to study the motion and said that he had "never heard of taking a deposition like this—like in a civil case." He said there is nothing in the criminal code to allow a deposition to be taken in the manner suggested.

He gave the state until Monday to file an answer to the motion. Dymond told the court, "It is pretty obvious that both sides want this testimony."

Today, Shaw's attorneys filed a motion for deposition by agreement to take her testimony in Des Moines and asked that the DA's office join them for the taking of the deposition.

They pointed out in the motion that the state has been anxious to have her testimony for the Shaw trial and said they, too, are anxious to have her testimony on record.

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the court's rulings except in the two cases where Garrison was ordered to supply information. Ruling on a motion to select a trial date, Judge Hagergerty said he saw no reason for a conference since the state can set the trial date when the pleadings are complete. SHAW'S ATTORNEYS today also took steps to have testimony taken from Sandra Moffet (Mrs. Lillie Mae McManis), in Des Moines Iowa. McManis, a former girlfriend of the state's witness Perry Russo, has refused to return to New Orleans. (Continued on Page 13)