

# WARREN REPORT OUT, INDICATION

*NOT-P 3/26/67*  
**Attorneys Couldn't Quiz  
Witnesses—Haggerty**

By PAUL ATKINSON

Criminal District Court Judge Edward A. Haggerty Jr. said Saturday it is his belief that the Warren Commission Report could not be admitted into the forthcoming trial of Clay L. Shaw.

Judge Haggerty also said in a press conference in his office in the Criminal Courts Building that he will not ask any of his seven fellow judges to aid him in presiding over the Shaw trial. The 53-year-old jurist was allotted the case of Shaw, who is charged by the Orleans Parish Grand Jury with allegedly conspiring to assassinate President John F. Kennedy in 1963.

The judge added that he is not fearful of conducting the case, sure to claim world-wide interest because Shaw, former managing director of the International Trade Mart, would be the first man tried in a conspiracy to kill Kennedy.

Commenting on the Warren Commission Report, Judge Haggerty said the major reason that it couldn't be used is that neither the defense attorneys nor the state (district attorney) would have a chance to cross-examine the witnesses named in the report.

Judge Haggerty said, "I don't have time to read the Warren Commission Report and I think it best that I don't read it. Possibly, subconsciously, I might prejudge the case because of it."

## NO CONSULTING—JUDGE

As for calling in his fellow judges to assist, Judge Haggerty said, "I don't intend to do it. It would be inopportune in a jury trial to stop and go consult with my brother judges."

Criminal District Court Judge Bernard J. Bagert brought in two judges, Malcolm V. O'Hara and Matthew S. Braniff, to aid

in the preliminary hearing for Shaw. There was no jury for the hearing, however.

Judge Haggerty was asked how he felt when he learned that he had drawn the case.

"I knew there was a possibility that I would get it," replied Judge Haggerty. "One of the people in the clerk's office called and told me of the draw.

"I can tell you I'm not afraid. I hope to conduct the trial fair and square. Someone has to try it. I am not cringing.

## 'JURY MAKES DECISION'

"You have to remember, though, that the jury makes the decision. I am just the umpire."

Judge Haggerty would not hazard a guess on how quickly the Shaw trial will actually begin. "That's a good question," he said when asked of the date.

The first thing to be handled, he said, is the arraignment of Shaw. An attache for Judge Haggerty's office told him that Thursday would be the first day he doesn't have jury trials, but Judge Haggerty told newsmen he wanted to check with Dist. Atty. Jim Garrison and Criminal Sheriff Louis A. Heyd Jr. before making any official comment.

After the arraignment, said Judge Haggerty, there will probably be pleadings by the defense. "If they ask for 15 to 30 days," said Judge Haggerty, "I would grant this because of the seriousness of the case. Then the state has to answer the pleadings. After the pleadings, the district attorney sets the date of the case."

## WILL ALLOW SKETCHES

Speaking of the ground rules that were laid down by Judge Bagert in the preliminary hearing, Judge Haggerty said he would definitely allow sketches in the courtroom. This was not allowed by Judge Bagert.

Concerning the credentials situation, Judge Haggerty said, "I can say that the individual passes for the spectators for the hearing won't go. The press may not have to go through the same process."

Judge Haggerty called for

the cooperation of the news media. "I think the (Jack) Ruby and (Sam) Sheppard cases underscore the need for cooperation between the press, bar and judiciary," said Judge Haggerty.

"As you know, this is a very serious problem. The freedom of the press is not absolute. A person is entitled to a fair trial, also according to the Constitution."

## 'FAIR, IMPARTIAL TRIAL'

Judge Haggerty said he is sure that nearly every person in New Orleans—and possibly around the world—has heard or read of the Shaw case. "But I do believe that we can have a fair and impartial trial in New Orleans," added Judge Haggerty.

Reflecting on his judicial career, Judge Haggerty said the longest trial under his gavel he could recall was "four or five days."

## TRIAL LENGTH QUESTION

Asked if he felt the Shaw trial would exceed that, Judge Haggerty said, "I have no way of knowing. Neither side has listed its witnesses, and that will be the important factor."

The crime with which the grand jury charged Shaw, said Judge Haggerty, carries a sentence of "from one to 20 years at hard labor." Length of the sentence is left to the discretion of the judge.

While reporters were questioning Judge Haggerty, a phone call for him was taken by an assistant. The assistant told him it was a school teacher from Buras wanting a pass to the Shaw trial. "Said he was writing a book on the case," the assistant explained.

Smiling, Judge Haggerty answered, "That makes about 20 people who've called, asking for passes. They're all writing books."

Meanwhile, there appeared to be little activity going on in Garrison's office. Assistant District Atty. James L. Alcock said Gordon Novel, a material witness in the grand jury's probe of the assassination plot, was still missing as far as the office knew.