

Don't Discuss Shaw Case, Judge Haggerty Orders

Connected Persons Are Given Warning

Citing an article of the Code of Criminal Procedures which gives his court "the power to punish for contempt," Criminal District Judge Edward A. Haggerty Jr. Monday ordered all persons connected with the presidential murder conspiracy trial of Clay L. Shaw not to discuss the defendant's guilt or innocence.

Judge Haggerty will preside at Shaw's arraignment Wednesday on his indictment for alleged participation in a conspiracy to murder President John F. Kennedy, at Shaw's trial, and other proceedings related to Shaw's trial.

Although his "orders of court" cited "unchallenged chatter" carried by news media as "the key flaw in the system of free press versus fair trial," they were directed to "all attorneys, police, investigators, witnesses, and any public employe official connected with the processes of this court."

Article 17 of the criminal code states the court's "inherent power and authority," and was quoted in the orders:

"A court possesses inherently all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue such writs and orders as may be necessary or proper in aid of its jurisdiction. It has the duty to require that criminal proceedings shall be conducted with dignity and in an orderly and expeditious manner and to so control the proceedings that justice is done. A court has the power to punish for contempt."

The orders then continued:

"The key flaw in the system of free press versus fair trial is the unchallenged chatter that hits the print and radio and

television media between the time of arrest and the time of trial. Elaborate trial rules permit jurors to hear admissible evidence, subject to searching cross examination; the whole system is subverted when the press, radio and television media fill jurors' heads with inadmissible evidence.

"I, therefore, am ordering all attorneys, police, investigators, witnesses, and any public employe officially connected with

the processes of this court in the forthcoming trial of Clay L. Shaw, not to discuss the guilt or innocence of the defendant, nor to make any statements concerning any evidence either for or against him."

After reading the orders in his section of Criminal District Court, Judge Haggerty declared that "this conferenced is ended," and declined to discuss the orders.

However, he did say that he will grant Shaw's attorneys 30 days to file pleadings, upon request at the arraignment, and that he will grant the state time to answer the pleadings.

"After pleadings are disposed of the date will be set for the trial at the discretion of the district attorney," he added.

Judge Haggerty also read letters to Criminal Sheriff Louis A. Heyd Jr. and to Superintendent Joseph I. Giarrusso, of the New Orleans police department, concerning security management for Shaw's arraignment and for hearings on pleadings before the trial date.

Judge Haggerty concurred in

in a number of security recommendations previously made by Sheriff Heyd, to the effect that:

1. As the arraignment proceeding will be very brief, no specific seat assignments be made in the courtroom.

2. All cameras and recording devices be barred from the interior of the criminal courts building during arraignment.

3. Court seats be made available to bona fide members of the news media, after approval at the door by members of the sheriff's department.

4. The sheriff's department will have the right to inspect credentials and approve or disapprove admittance to the gen-

eral public, depending on the availability of seating space.

One exception to the first recommendation will be a table inside the bar rail reserved for members of the local news media.

This table will accommodate one representative from each of the following: The Times-Picayune, The States-Item, The Associated Press, United Press International, WDSU-TV, WVUE-TV and WWL-TV, Judge Haggerty said.

His letter to Giarrusso requested cooperation with the court in the matter of security, and said that the judge will issue specific guidelines for the trial when the matter is set for hearing.