

# Haggerty Pondering Call for 1,300 in Shaw Case

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## Subpenas Asked for All in Jury Wheel

By CLARENCE DOUCET

Judge Edward A. Haggerty has given himself until Monday to rule on a motion by attorneys for Clay L. Shaw that all persons in the jury wheel—at least 1,300—be subpoenaed for the current change of venue hearing.

Criminal District Court jurors, who would ultimately sit in judgment in the Shaw case if the plea to move it outside New Orleans is denied, are selected from the jury wheel.

Just before adjourning the hearing about 5 p. m. Wednesday, Judge Haggerty announced that he had conferred with Noel Rada, chairman of the jury commission, and found that as of 4 p. m. there were approximately 1,300 names in the jury wheel.

"Even taking 10 or 15 a day," the judge said, "you can imagine how much time that would require. This is not a Gallup Poll. I don't believe the law is that stupid. I may be saving the courts some four months of day-by-day hearings by taking this under advisement. I may be able to come up with a substitute answer."

### TO RESEARCH LAWS

Judge Haggerty said he would research the law books and would rule on the motion and announce it when the hearing is reconvened at 10 a. m. Monday.

He also requested that Shaw's attorneys submit a memorandum in support of their motion.

The attorneys had filed the motion shortly before the hearing recessed for lunch during a day-long session of questioning that saw news executives and newsmen take the witness stand.

Shaw's attorneys continued to run into a stone wall as

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they persisted to ask questions which they said would prove that publicity regarding District Attorney Jim Garrison's investigation into the assassination of President Kennedy has deprived Shaw of chances for a fair trial in New Orleans.

Just as persistently, Judge Haggerty ruled that the questions were immaterial and irrelevant.

## Haggerty Repeats Earlier Admonition

Repeating an earlier admonition, Judge Haggerty told the court that the Warren Report and the assassination of President Kennedy in Dallas were not the matter before the court but instead a particular conspiracy in New Orleans.

George W. Healy Jr., executive editor of The Times-Picayune and the New Orleans States-Item, was one of the first of a line of local news officials who took the witness chair and testified at length.

Others appearing as witnesses included Alec Gifford, news director of WVUE-TV; William Reed, news director of WWL-TV; Ed Planer, news director of WDSU-TV and radio; Rosemary James, reporter for the States-Item and co-author of "Plot or Politics? The Garrison Case and Its Cast," Ed Devenport, newsman for WWL radio and David Wagenvoort, president and general manager of WWOM-TV and radio.

Also appearing were John L. Vath Sr., vice-president and general manager of WSMB radio, and Maurice I. Rouea, general manager of Louisiana News Co.

### LANE, RUSSO HEARD

Also testifying were Mark Lane, author of the book "Rush to Judgment," and Perry Raymond Russo, Garrison's star witness in the preliminary hearing to determine if there was sufficient evidence to hold Shaw for trial on charges that he participated in a conspiracy to assassinate President Kennedy.

Criminal Sheriff Louis Heyd of Orleans Parish also testified briefly about security precautions that have been taken in connection with Shaw's appearances in court here.

Lane was questioned about his

book and also about a movie by the same name, which defense attorneys asked him if it was shown in New Orleans near the time of Shaw's preliminary hearing.

There were objections by the state, and when Lane said that the movie was first shown in England in 1966, Judge Haggerty said he could not see how the movie was relevant to the case.

### ASKED ABOUT SPEECHES

Lane was also questioned about public speeches he made in New Orleans, before the Young Men's Business Club and at Tulane University.

At one point Judge Haggerty said that guidelines which have been set up in connection with the case cannot stop any citizen from commenting publicly on the case, adding that Lane did not violate any guidelines.

In response to questioning Lane said he does not believe that he had ever said publicly that Shaw was guilty or innocent. He added, however, that he may have said he believed Garrison had a "substantial case."

He denied ever having said: "Mr. Garrison has shown me his file and it is an iron-clad case."

## Defense Attempts to Link Lane, Staff

The defense then attempted to show that Lane was a member of Garrison's staff and no longer a private citizen as far as the Shaw case was concerned, adding that "this man's capacity, when he speaks, is of importance."

Lane said he was not a member of Garrison's staff.

He was also asked if he had access to the DA's office and if he had been given use of an office there. Lane answered that while he might use a desk in the DA's office "to write a note" if he was there, he has never "had need of an office."

The questioning of Russo revolved around his attendance at a lecture at Tulane last December by Lane. Russo said that after the lecture was concluded he did attend a "shoot the breeze session" in a dormitory to which he said he was invited by some out-of-state students.

### SECURITY MEASURES

Asked if he discussed the case,

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Russo said that as far as he could remember most of the questions he was asked by the students involved information that was brought out during the preliminary hearing.

Sheriff Heyd was asked what extra security precautions he is taking in relation to Shaw's court appearance, but the state objected claiming the precautions were not relevant to the change of

venue plea and that if Heyd had to answer the question "he may partially defeat the reason for them."

Heyd said he felt the precautions taken were wise and necessary, although he personally did not know of any threats against Shaw. He said the precautions were taken "in light of incidents in Dallas."

#### BIGGEST STORY—HEALY

Healy, who was on the witness stand the longest during the morning session, said that during 1967 the biggest news story, locally, was "the investigation by Mr. Garrison of the assassination of President Kennedy."

Healy was also asked if he would differentiate between the Garrison investigation story and the charges against Shaw, but before he could answer the state objected that his personal views would not be relevant.

Defense attorney F. Irwin Dymond then re-phrased the question and asked Healy if in treatment of the news, "Do you differentiate between the case of Clay Shaw, attacks on the Warren Commission and Garrison's assassination probe?"

Healy replied that from a news point of view "they are all associated, one to the other."

#### CIRCULATION DATA

When Healy took the witness stand his attorney, John G. Weinmann, provided the court with copies of the indexes of all stories appearing in the two newspapers since March 1, 1967, relating to the assassination investigation. Copies of the newspapers were provided on Tuesday, when the hearing began.

Healy was questioned at length on circulation figures of the two newspapers, and gave a breakdown on figures for each within the city.

He also explained the areas which receive the various edi-

tions of The Times-Picayune and the States-Item. Each newspaper has five different editions, he said.

Healy was also asked to list several Louisiana parishes where The Times-Picayune has small circulation. He listed figures for Beauregard, Avoyelles, Caddo, Caldwell, Grant, Jefferson Davis, LaSalle, Lincoln and Madison, and said these were parishes where The Times-Picayune circulation was small.

#### Reporters Assigned to Story Are Named

Judge Haggerty asked him if The Times-Picayune is read throughout the state, and Healy said it was but that its circulation was concentrated in the retail trading zone.

He described the boundaries of the zone as the Harrison-Jackson county line, in Mississippi; the Mississippi state line at Washington and Tangipahoa parishes, and roughly to Jeanerette, La.

Healy also testified that during the early stages of coverage, when news of Garrison's investigation first broke, the principal reporters working on the story were David Snyder, Mrs. James and Jack Dempsey, all of the States-Item, who uncovered the probe.

He was asked if either Hoke May or Ross Yockey had been assigned to cover it full-time and he said that both reporters had worked on "portions or segments" of it.

In response to another question, he said that the story is now covered by general assignment reporters.

Judge Haggerty asked if it could be assumed that the case was not arousing as much interest now as it had a year ago because general assignment reporters were covering the story, and Healy answered that "developments have not been as rapid in recent months as during the first 30 days."

#### IDENTIFIES ISSUE

Healy was also asked to identify a copy of Wednesday's Times-Picayune, which was introduced into evidence, along with a press release which was issued to the newspaper on Tuesday.

The defense had attempted to enter the same press release as evidence on Tuesday but their request was denied.

Healy said he had seen the re-

lease when it came to the office and at the time he was at the States-Item city desk. He was also asked how many people would normally see the release, or that part of it which was used.

He listed the city editor, a rewrite reporter, the copy editor, the typesetter, proofreader and the managing editor.

At this point Judge Haggerty said he would admit the release as evidence.

#### OBJECTIVITY AIM

Healy also testified that both papers have attempted to be completely objective in their coverage of the story.

James Alcock, an assistant DA arguing the case with Asst. DA Richard V. Burnes, asked Healy if he had assigned a reporter to cover a cocktail party for Shaw.

Healy replied that he had not known about the cocktail party until reading about it in the Wednesday Times-Picayune. It was mentioned in Garrison's press release.

All the television news directors who were questioned agreed that the Garrison case was the biggest local news story of 1967.

#### Argument Rises Over Presentation

Gifford was also questioned about differentiating between the Garrison assassination probe, attacks on the Warren Commission and the Shaw trial.

The state objected, but defense maintained they were not asking for a personal opinion but rather the manner in which he treats and presents the various events to the general public.

There was considerable arguing on this point, and later Gifford, who said he does not reside in Orleans Parish, was asked "As an individual . . ." but before the question could be asked, Judge Haggerty said: "I will sustain an objection if it is made by the state."

Gifford brought with him a tape of the program, "Enigma of the Garrison Probe," which was shown March 31, 1967, which was entered.

#### POLLS REFUSED

Defense attempted to enter some polls taken by WVUE. The

first was a poll on the question: "Do You Have Confidence in Jim Garrison?" Haggerty asked what that question had to do with the case of Louisiana versus Clay Shaw, adding: "How can we tell who made the phone calls. It could have been 18 of Garrison's assistants and their families calling in."

Gifford was asked what prompted that particular question. "The Shaw case and nothing else," he replied. The state objection to entering the polls was sustained.

Gifford was also asked if when reporting the Garrison probe the fact that Shaw has been arrested is mentioned in the way of background. He said this is done often. "That the way it is in my mind and that's the way I present it," he said.

#### 'CIRCUS' CLAIMED

Alcock asked him if WVUE presents news that is both favorable and unfavorable to the Garrison probe and Gifford said he attempts to present "an objective view of any news story I handle."

Mrs. James verified that she co-authored the book "Plot or Politics," and it was entered as an exhibit without objection.

However, when defense attorneys attempted to get her to comment on photographs in the book, the state objected that since the book in its entirety was admitted, the material in it speaks for itself.

The defense said they were attempting to show that a circus-like atmosphere prevailed at Shaw's preliminary hearing. Reed was also questioned about the atmosphere at the Shaw preliminary hearing, and he was asked if the atmosphere would affect his judgment. He answered: "It could, I don't say it would."

#### 'CREATED BY MEDIA'

He described the large crush of people outside the Criminal Courts building.

Judge Haggerty said that if there was a circus-like atmosphere it was outside the courtroom and it was "created by the media trying to get to the men first."

Reed also testified that he had a fixed personal opinion about the case, but professionally he had an open mind.

He also agreed that the Gar-

garrison probe was the top local story last year and said that at present the amount, but not the quality of coverage has changed.

He brought news records of his station, as well as taped interviews with Garrison, transcripts of programs and a four-part series broadcast on Channel 4 by the network.

### Operating Hand in Glove—Defense

Planer was questioned about news releases sent to WDSU by Garrison, which the defense wanted to enter into the record in their entirety.

However objections on the ground that they were not broadcast in their entirety were sustained by Judge Haggerty.

Planer was also asked about a cocktail party he attended in January given by Lane for Sahl. He identified some of the persons he remembered having attended and was asked if anyone at the party delivered a speech or monologue.

After some arguing he was permitted to answer the question affirmatively and identified the speaker as Sahl.

However, when he was asked what the subject of the talk was, there was more ar-

guing between defense attorneys, the state and the bench.

#### BACKGROUND USE

The defense claimed that Sahl "has been operating hand in glove with Mr. Garrison" and asserted that "anything that might poison the public mind doesn't have to come from Mr. Garrison."

Burnes argued that a talk given at a cocktail party doesn't involve the public at large.

Defense argued that there is "not a much better way of getting something to the public than to tell a gathering where newsmen are present."

Haggerty finally ruled that Planer did not have to answer what Sahl spoke about.

Planer also said that "very often" as background it is announced that Shaw is under charges when reporting the Garrison investigation.

#### 'TO FARTHEST END'

Planner, as well as Reed before him, was asked to describe the number of people involved in providing television coverage for Shaw's preliminary

hearing.

He was also asked if the trial were held elsewhere in the state, would his station cover it.

"At this stage of the game," he answered, "we'd go to the farthest end of the earth to cover this trial."

Devenport was questioned briefly about his duties as a newsman for WWL radio. He said that since last March, when Shaw was arrested, the Criminal District Courts building has been his regular beat, where he specializes in new developments in the case.

He said the developments occur on the average of two or three times a week.

Vath was the first person to take the witness stand Wednesday.

He had brought with him the tapes of two radio programs that had been broadcast on WSMB—one an interview by Joe Pyne of Edgar Eugene Bradley, and the other an interview between Pyne, Edward S. Butler and Harold Weisberg. Bradley has also been charged by Garrison with having participated in a conspiracy to assassinate President Kennedy.

#### MUST HEAR FIRST

Defense attorneys attempted to have the tape entered as exhibits, but Haggerty withheld permission until he could listen to them. The state had objected, arguing the Shaw's lawyers had not laid any foundation that would show their relevancy to the change of venue plea.

Wagenvoord had brought with him videotapes of an interview

program, "Hot Seat," which he said was shown three times on WWOM-TV, and included himself, Lane and comedian Mort Sahl, now an investigator for Garrison.

The tape was entered as an exhibit, but the state objected to the admission of another tape which Wagenvoord had brought, a recording of a Garrison press conference last Dec. 26 at the Monteleone Hotel.

Alcock maintained that unless the entire tape was broadcast it should not be allowed as an exhibit, but rather only that part of it which was broadcast should be entered.

#### JURORS ISSUE

Dymond maintained that what is said by Garrison at a press conference should be admissible in its entirety because there might be prospective jurors attending. Wagenvoord said he did not know how many persons attended, and later Alcock said he, himself, had attended.

Dymond quickly interjected that Alcock was a prospective juror and on that basis the entire tape should be admissible to which Alcock replied:

"I'll be glad to sit on the jury if you'll let me."

Haggerty refused to admit the entire tape.

Dymond also asked Wagenvoord if he distinguished between the Shaw case and the Garrison investigation of the assassination, but the state objected and the objection was sustained. The defense later asked him if in his opinion he could give Shaw a fair trial.

"Yes," he replied.

Roufa, under questioning, said his firm has some 250 outlets in Louisiana and that it handles distribution of various magazines and newspapers including "Playboy," "Ramparts" and "National Enquirer."

He said that sales of the October, 1967, issue of "Playboy," which carried an interview with Garrison, showed a five to 10 per cent increase, and sales of the January "Ramparts," which carried an extensive story on Garrison's investigation, were about 2,500, or about 10 times normal sales.