

5-1 6-18-68

# Order Sought To Force DA Aides to Talk

District Attorney Jim Garrison has shown contempt for a federal court and should be ordered to obey the court's orders, attorneys for Clay L. Shaw charged today.

Counsel for Shaw, who is charged with conspiracy in the assassination of President John F. Kennedy, filed a 300-page document in Federal District Court seeking to compel Garrison's aides to answer a lengthy set of questions to which they thus far refused to reply.

FEDERAL DISTRICT Judge Frederick J. R. Heebe was asked to set a hearing on the matter at 10 a. m., June 19.

This is in addition to a hearing ordered previously before a three-judge federal panel, including Judge Heebe, which will consider Shaw's charges that his constitutional rights have been violated by Garrison. No date has been set for the three-judge hearing.

Today's court action grew out of Judge Heebe's order of June 4 when he gave Shaw's attorneys the right to take depositions from four of Garrison's top aides, James L. Alcock, Charles R. Ward, Numa V. Bertel and Anthony Sciambra.

THE FOLLOWING day,  
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## Probe--

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Garrison publically ordered the four to tell the attorneys nothing more than their "name, office rank, and social security number."

On June 6, the Shaw attorneys met in private with the four DA's aides to take the depositions. Copies of the depositions. Copies of the depositions provided the bulk of the 300-page document filed today.

They showed that the DA's four aides gave little more information than Garrison ordered, refusing to answer most questions.

THUS THE SHAW attorneys Edward F. Wegmann, F. Irvin Dymond, William J. Wegmann and Salvatore Panzeca, asked Judge Heebe to order the DA's men to answer and to pay \$3,000 in court costs for having to seek the order.

Garrison's order and his aides' action in obeying it, Wegmann charged, "is contemptuous and despising of the authority, justice and dignity of the court. It is conduct which serves to bring the authority and the administration of the law into disrespect.

"Such conduct on the part of the defendants and witnesses impedes the court, embarrasses the court and obstructs the court in the discharge of its duties; that the actions of the defendants and the witnesses, acting under witnesses . . . was for no other reason than to embarrass the court, to show the contempt for, the court held by said individuals."

THE ATTACHED copies of the depositions show that Alcock answered when Wegmann asked him his name, rank in the DA's office and Social Security number. Wegmann then asked Alcock if he were answering in response to Garrison's instructions.

Alcock said: "First of all, I'm answering because you asked me; second, I did not feel they (the questions) in any way reflected or in any way delved into evidence the state may have against Clay

L. Shaw."

Wegmann then asked Alcock if the resignation of Richard Burnes from the DA's staff was in connection with the Shaw case.

Alcock said he refused to answer on the advice of his attorney, Bertel.

### WEGMANN PROCEEDED

to ask Alcock the following questions, all of which he refused to answer:

—Have you ever instructed anyone to investigate, to secure incriminating evidence for use in the Shaw case, and to pay for it or to obtain it by means of threats or violence?

—As a result of whatever part or portions of the Warren Report that you had read, and your work with Jim Garrison in his Kennedy assassination probe, do you believe that Lee Harvey Oswald killed Kennedy?

—DO YOU BELIEVE that President Lyndon B. Johnson is an accessory after the fact in the assassination of President Kennedy?

—If the United States District Court orders you to answer any or all of the questions which have previously been propounded to you, it is your intent to continue to refuse to answer?

—Are you willing to ignore the orders of this court simply because Mr. Garrison tells you to do so?

There were numerous other questions which Alcock and the other three aides refused to answer.

# TRIAL OF SHAW SUIT IS JUNE 17

T.P. 6-4-69  
Case Will Be Heard by  
Federal Tribunal

Trial of the Federal Court suit in which Clay L. Shaw is seeking to block his prosecution in Criminal District Court on a charge of conspiring to murder President John F. Kennedy has been set for June 17 at 10 a.m.

The case is to be heard by a special three-judge federal court composed of Judge Robert A. Ainsworth Jr., of the United States Fifth Circuit Court of Appeals and District Judges Frederick J. R. Heebe and James A. Corniskey.

In his suit Shaw seeks a permanent injunction against District Attorney Jim Garrison's prosecution as well as a ruling that the Warren Commission report on the Kennedy assassination which held that Lee Harvey Oswald acted alone in the killing is "valid and binding."

The special three-judge court was convened because Shaw's attorneys are also attacking the constitutionality of a number of state statutes which have been used in Shaw's prosecution.

Judge Heebe has called a pre-trial conference in the case for Thursday at 10:30 a.m.

His pre-trial conference order directed that all attorneys file any and all motions prior to that time. The conference is to be attended by the attorneys who will try the case and they were told in the order to be prepared "to compromise settlement possibilities."

The order added "no continuance will be granted in this matter except on a showing of good cause. Should good cause be shown, continuance will be granted only upon the filing of a motion and order for same."

All pending motions, including one filed Monday by Shaw's attorneys asking that the court order four Garrison aids to answer questions they refused to answer at depositions last week, will be considered at the conference.

Earlier Monday Judge

Heebe had ordered that James L. Alcock, Garrison's executive assistant, Anthony Sciambra, an assistant district attorney, and investigators Lynn Loisel and Louis Ivon, make themselves available to Shaw's attorneys for the taking of depositions in connection with the federal court suit.

Attached to the motion asking the federal court to compel the four aids to answer the questions are copies of the depositions which were taken in the office of one of Shaw's attorneys on June 5 and 6.

The motion asks that the Garrison aids be required to return and answer the questions they refused to answer original-

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ly and any additional ones which may be asked.

It also asks that Garrison, Alcock, and first assistant district attorney Charles R. Ward be made to pay Shaw \$3000 as reasonable expenses and attorneys' fees incurred in obtaining the order.

An affidavit submitted by Edward F. Wegmann, one of Shaw's attorneys, claims that Garrison's assistants refused to answer questions asked them at the depositions solely because they had been instructed by Garrison in a letter to refuse to recognize "in any way this illegal and unauthorized invasion of the operation of our office by the federal government."

In the letter the DA instructed them to "give only their names, office rank, and Social Security numbers."

In his affidavit Wegmann charges that the letter is "contemptuous and despising of the authority, justice and dignity of the court."

He added "it is conduct which serves to bring the authority and the administration of law into disrespect."

The affidavit claims that all of those who appeared for the depositions were represented by counsel and all counsel made it clear that they would follow Garrison's instructions and in-

structed the witnesses to follow the instructions to the effect that the orders of the federal court were not to be recognized and accepted.

Transcripts of the proceedings taken by the defense attorneys reveal that Alcock, Sciambra, Loisel and Ivon gave their names and addresses, office rank and Social Security numbers, but little other information.

Some of the questions which Alcock refused to answer were these:

"Have you ever instructed these investigators to secure incriminating evidence for use in the Shaw case and to pay for it or to obtain it by means of threats of violence?"

"As a result of whatever part or portions of the Warren Report that you have read and your work with Jim Garrison in his Kennedy assassination probe, do you believe that Oswald killed Kennedy?"

"Do you believe that President Johnson is an accessory after the fact in the assassination of Kennedy?"

"Mr. Alcock, if the United States District Court orders you to answer any or all of the questions which have been previously propounded to you, is it your intention to continue to refuse to answer said questions?"

"Are you willing to ignore the orders of the court simply because Mr. Garrison tells you to do so?"

Wegmann questioned Alcock about his attendance at a press conference called by Garrison on May 29 and asked "during the press conference Garrison indicated that someone in Washington, perhaps in the Justice Department, ordered Judge Heebe to sign the temporary restraining order which he signed on May 28. Do you have any evidence of that fact that Judge Heebe acted under orders from someone higher in authority than him?"

Alcock's deposition is 109 pages in length. Those of Loisel, Ivon and Sciambra are 29, 37 and 30 pages respectively.