

O'HARA GETS

SHAW CASE; DA

EX-AIDE

S-1 3/4/69

CHARGED

District Attorney Jim Garrison's new charge against Clay L. Shaw today was allotted to Criminal District Judge Malcolm V. O'Hara, who was expected to set a date for arraignment on the charge within a week.

Also today, Thomas Bethell, a former Garrison investigator, was charged with unlawful use of movable property for allegedly showing the state's trial memo in the Shaw case to a Shaw attorney.

AND THERE WERE REPORTS from courthouse sources that one or more top Garrison aides were threatening to turn in their resignations in the wake of Shaw's acquittal on charges of conspiring to kill President John F. Kennedy and the subsequent filing of the perjury charges against him.

The charge of two counts of perjury, filed yesterday by Garrison's office, went to Judge O'Hara's section A by lot in a judicial process in the office of Criminal Clerk Daniel Haggerty.

Judge O'Hara, a onetime political foe of Garrison, was defeated by the DA in 1965 when he opposed Garrison for reelection. O'Hara was one of a three-judge panel which

bound Shaw over for trial on the conspiracy charge in 1967 after a preliminary hearing.

O'Hara and Garrison were fellow assistant DAs in the late 1950s under Leon D. Hubert.

JUDGE O'HARA SAID IF THE CASE comes to trial, it will be before a five-man jury and a unanimous vote will be needed for conviction.

He said he has not had time to study the charge and could make no comment on the case.

The two counts of perjury allege Shaw lied in his testimony in the conspiracy trial last week when he said he had not known Lee Harvey Oswald or David W. Ferrie.

The case was allotted by chance, in a drawing of folded pieces of paper from an envelope by Haggerty.

THE CHARGE AGAINST BTHELL was filed by Assistant DA William Alford, who said Bethell joined the DA's staff as an investigator in June, 1967, and quit last fall.

See SHAW—Page 8, Col. 3



CRIMINAL CLERK DANIEL HAGGERTY calls out the name of Judge Malcolm V. O'Hara at drawing today for selection of criminal judge to try Clay L. Shaw on perjury charges. From left are HENRY ALEXANDER, administrative assistant to Haggerty; Assistant District Attorney ANDREW J. SCIAMBRA; Haggerty, and Asst. DA MICHAEL KARMAZIN.



—States-Item Photo.
JUDGE
MALCOLM V. O'HARA

Continued from Front Page

Bethell lives at 638 Royal. He was unavailable for comment.

Alford said Bethell is accused of taking a trial memo containing names of each state witness in the Shaw conspiracy case and describing the substance of their testimony.

Bethell allegedly took this to Shaw counsel Salvador Panzeca, then returned it. The law involved pertains to the taking of property with no intention of depriving the owner of it permanently. It carries a fine of \$100 or six months in jail.

The Bethell case will be allotted to a section of Criminal District Court in the same manner as the Shaw perjury charge.

There was no immediate confirmation of the report of resignations pending in Garrison's office, but at least one key aide was said to be involved.

GARRISON, AS USUAL, was unavailable for comment. The switchboard operator in the DA's office said he was in his office.

A 12-man jury early Sat-

urday acquitted Shaw of the conspiracy charge after deliberating less than an hour. The trial lasted six weeks.

The new charges against Shaw could bring a sentence of one to 10 years imprisonment on each count if he is found guilty.

IN TAMPA, Fla., another person charged with lying to Garrison demanded trial.

Kerry Thornley, 30-year-old free-lance writer, was charged with perjury last April during Garrison's probe of the assassination.

He has labeled the charge against him "ridiculous."

F. Irvin Dymond, Shaw's chief counsel during his 40-day trial, also used the word "ridiculous" to describe the new charges against his client. "We will fight it all the way," he vowed.

SHAW WAS ACCOMPANIED by Dymond when he appeared at the Criminal Dis-

trict Court building about 4:08 p.m. yesterday.

Haggerty, administrative assistant to the clerk of the court and brother of Judge Edward A. Haggerty Jr., who presided over Shaw's conspiracy trial, told the 55-year-old Shaw Judge O'Hara had authorized he be released on his own recognizance. Garrison had asked a bond of \$1,000 be set.

MEANWHILE, THE Metropolitan Crime Commission of New Orleans and the New Orleans Bar Association both said yesterday action against Garrison was possible.

In another development, Gordon Novel, one of the central figures in the investigation into the assassination, said he and two associates are ready to come to Louisiana and testify regarding Ferrie's death.

Ferrie's death has been ruled due to natural causes, but Novel alleges that Attorney General Jack P. F. Gremillion had "been told who killed David Ferrie and how it was done."

Novel asked that he and his associates be granted immunity in the event they testify before a grand jury.

DA Said Not Subject To La. Bar Discipline

The president of the Louisiana State Bar Association said yesterday constitutional-ly elected officials—including



—States-Item photo.

CLAY L. SHAW, left, waits to be released on his own recognizance after DA Jim Garrison leveled two perjury charges against him yesterday. With Shaw are his attorneys F. IRVIN DYMOND, right, and EDWARD F. WEGMANN.

voters; or by a recall vote which must be passed upon by the Legislature.

Hall's statement was made in response to statements attributed to William T. Gossett of Detroit, president of the American Bar Association, that the ABA would urge the state unit to consider disciplinary action against District Attorney Jim Garrison.

Hall said what Gossett suggests may be possible in other states, but not in Louisiana.

"It is important that everyone know that its is not a question of the bar association being negligent or derelict in not investigating a situation where action may seem warranted. We simply have no jurisdiction in such instances," Hall said.

district attorneys — are not subject to the jurisdiction of the bar association.

George B. Hall of Alexandria said such officials can only be removed by impeachment, instituted by the lower House and tried by the Senate; by removal on address by the Legislature; by suit instituted in the district court of the jurisdiction upon petition of 25 or more registered