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GARRISON PROBE 1ST LEAD A57 (450)

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NEW ORLEANS, MARCH 8 (AP)-CRIMINAL DIST. JUDGE BERNARD BAGERT REJECTED A DEFENSE REQUEST TODAY THAT THE DISTRICT ATTORNEY'S CASE AGAINST CLAY L. SHAW BE DISMISSED FOR LACK OF JURISDICTION. SHAW WAS ARRESTED AND BOOKED LAST WEEK ^{on a charge of} FOR CONSPIRING TO COMMIT "THE CRIME OF MURDER OF JOHN F. KENNEDY."

THE JUDGE'S ACT CLEARED THE WAY FOR A PRELIMINARY HEARING FOR SHAW NEXT TUESDAY. SHAW, 54, FORMER MANAGING DIRECTOR OF THE INTERNATIONAL TRADE MART HERE, SAT ERECT AND COMPOSED THROUGHOUT TODAY'S HOUR-LONG HEARING.

IN A MOTION TO QUASH THE BOOKING CHARGE, THE DEFENSE ARGUED A LOUISIANA COURT "HAS NO JURISDICTION OF THE OFFENSE CHARGED SINCE THE MURDER OF JOHN F. KENNEDY TOOK PLACE IN DALLAS, TEX." THE DEFENSE MAINTAINED THAT ONLY AN OVERT ACT IN ORLEANS PARISH (COUNTY) WOULD BRING THE CASE WITHIN THE JURISDICTION OF THE NEW ORLEANS COURT, AND THAT THE DISTRICT ATTORNEY HAS NOT CHARGED THAT ANY SUCH ACT OCCURRED.

THE PRELIMINARY HEARING WAS REQUESTED BY DIST. ATTY. JIM GARRISON. NO FORMAL CHARGE HAS BEEN FILED AGAINST SHAW.

THE JUDGE UPHELD THE STATE IN ITS ARGUMENT THAT THE LEGAL PROCEDURE WAS BEING PROPERLY FOLLOWED, AND THE PATTERN SET BY LAW DID NOT ALLOW THE DEFENSE TO SUBMIT ANY MOTIONS BEFORE THE MARCH 14 PRELIMINARY HEARING.

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TODAY'S HEARING INCLUDED SOME FORECEFUL EXCHANGES BETWEEN SHAW'S ATTORNEYS AND THE DISTRICT ATTORNEY'S ASSISTANTS. GARRISON WAS NOT PRESENT.

AT ONE POINT, ATTORNEY WILLIAM WEGMANN TOLD THE JUDGE: "WE DON'T HAVE TO SIT HERE AND LET THE STATE RUN WILD IN THIS SHOW."

ASST. DIST. ATTY. AL OSER LEAPED TO HIS FEET AND SAID: "I TAKE VIOLENT ISSUE WITH THE DEFENSE SAYING ANYTHING ABOUT A SHOW GOING ON."

SHAW'S ATTORNEYS ARGUED THAT THE MOTION FOR PRELIMINARY HEARING DOES NOT MEET THE LOUISIANA CODE OF CRIMINAL PROCEDURE IN THAT IT DOES NOT STATE "THE ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED; IT DOES NOT STATE THE DATE ON WHICH THE ALLEGED VIOLATION OCCURRED; IT DOES NOT STATE THAT ANY OF THE ALLEGED CONSPIRATORS TOOK ANY ACTION IN FURTHERANCE OF THE OBJECT OF THE CONSPIRACY."

IN ARGUING THAT THE COURT LACKED JURISDICTION, WEGMANN SAID KENNEDY WAS KILLED IN TEXAS AND NOT LOUISIANA. JUDGE BAGERT POINTED OUT THAT THE ALLEGED CONSPIRACY OCCURRED IN LOUISIANA.

UNDER THE LAW, RESPONDED WEGMANN, "YOU HAVE TO HAVE AN ACT OF FURTHERANCE OF CONSPIRACY. THE ONLY ACT CLAIMED BY THE DISTRICT ATTORNEY IN FURTHERANCE OF CONSPIRACY IS OUTSIDE JURISDICTION OF THIS COURT." APPARENTLY HE REFERRED TO THE ACTUAL ASSASSINATION.

IN ITS REQUEST FOR A BILL OF PARTICULARS, THE DEFENSE ASKED THAT GARRISON BE MADE TO NAME THE CONFIDENTIAL INFORMANT REFERRED TO IN HIS APPLICATION FOR A WARRANT TO SEARCH SHAW'S FRENCH QUARTER HOME.

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IN THE WARRANT APPLICATION, THE DISTRICT ATTORNEY ALLEGED THAT SHAW, DAVID W. FERRIE AND LEE HARVEY OSWALD MET AT FERRIE'S HOUSE IN SEPTEMBER 1963 AND TALKED ABOUT KILLING THE PRESIDENT. THE APPLICATION SAID AN INFORMANT PRESENT AT THE MEETING HAD BEEN QUESTIONED BY GARRISON'S OFFICE WHILE UNDER THE INFLUENCE OF "TRUTH SERUM."

"MY CLIENT IS ENTITLED TO BE FACED BY HIS ACCUSERS," GUY JOHNSON, ANOTHER DEFENSE ATTORNEY FOR SHAW, TOLD THE JUDGE. HE SAID HIS CLIENT HAS A RIGHT TO KNOW THE INFORMER'S IDENTITY AND THE NAMES OF ALL OTHERS INVOLVED IN THE ALLEGED CONSPIRACY.

JUDGE BAGERT RESERVED A RULING ON THIS POINT.

ASST. DIST. ATTY. JAMES ALCOCK SAID THERE WAS NO BASIS IN LAW FOR FILING A BILL OF PARTICULARS SINCE NO ACTUAL CHARGE HAD BEEN FILED AGAINST SHAW.

GARRISON ELLEGED ETC. 5TH GRAF A57.

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NEW ORLEANS, MARCH 8 (AP)-ATTORNEYS FOR CLAY SHAW, THE ONLY MAN ARRESTED SO FAR IN DIST. ATTY. JIM GARRISON'S PROBE OF THE JOHN F. KENNEDY ASSASSINATION, ARE GOING TO COURT IN AN ATTEMPT TO QUASH THE CHARGES.

GUY JOHNSON, AN ATTORNEY FOR THE FORMER MANAGING DIRECTOR OF THE INTERNATIONAL TRADE MART, SAID MOTIONS WOULD BE FILED TODAY (11:30 A.M. EST) IN THE COURT OF CRIMINAL DIST. JUDGE BERNARD BAGERT, WHO HAS ALREADY SCHEDULED A PRELIMINARY HEARING IN THE CASE FOR NEXT TUESDAY.

"WE WILL FILE MOTIONS FOR PARTICULARS--THE NATURE OF THE CRIME, THE NAMES OF THE COCONSPIRATORS, THE NAME OF THE UNNAMED INFORMANT," JOHNSON SAID.

"AND WE'LL FILE A MOTION TO SUPPRESS THE SEARCH

"AND WE'LL FILE A MOTION TO SUPPRESS THE SEARCH WARRANT AND A MOTION TO QUASH."

GARRISON ALLEGED IN AN APPLICATION FOR A WARRANT TO SEARCH SHAW'S HOME LAST WEEK THAT SHAW, LEE HARVEY OSWALD AND DAVID W. FERRIE MET AND DISCUSSED "HOW THEY WOULD KILL JOHN F. KENNEDY."

SHAW SAID HE DID NOT KNOW OSWALD, THE MAN IDENTIFIED BY THE WARREN COMMISSION AS KENNEDY'S ASSASSIN, OR FERRIE, A FREE-LANCE PILOT WHO DIED FEB. 22 WHILE UNDER INVESTIGATION BY GARRISON'S OFFICE.

ONE WEEK AGO TODAY SHAW WAS LED HANDCUFFED FROM GARRISON'S OFFICE TO BE BOOKED ON A CHARGE OF CONSPIRING TO MURDER PRESIDENT KENNEDY. HE WAS LATER RELEASED ON \$10,000 BAIL.

FOUR OTHERS HAVE BEEN SUBPOENAED TO THE DISTRICT ATTORNEY'S OFFICE FOR QUESTIONING AND RELEASED.

GARRISON HAS VOWED THERE WILL BE ARRESTS AND CONVICTIONS RESULTING FROM WHAT HE SAYS WAS A NEW ORLEANS CONSPIRACY WHICH CULMINATED IN THE ASSASSINATION OF KENNEDY.

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