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BAGERT PERSONALITY 440

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ASSOCIATED PRESS WRITER

NEW ORLEANS, LA., MARCH 13 (AP)-CRIMINAL DISTRICT JUDGE BERNARD J. BAGERT PRESIDES TOMORROW OVER A HEARING TO DECIDE WHETHER THERE IS SUFFICIENT EVIDENCE TO TRY CLAY L. SHAW, ACCUSED BY DIST. ATTY. JIM GARRISON OF CONSPIRACY TO KILL PRESIDENT JOHN F. KENNEDY.

NORMALLY A GRAND JURY HAS SUCH A RESPONSIBILITY. BUT BECAUSE OF THE UNUSUAL PROCEDURE USED BY GARRISON REQUESTING A PRELIMINARY HEARING RATHER THAN SEEKING A GRAND JURY INDICTMENT, JUDGE BAGERT WILL DETERMINE IF THE STATE'S EVIDENCE IS SUFFICIENT TO WARRANT A JURY TRIAL.

BAGERT HAS CALLED UPON TWO OTHER CRIMINAL DISTRICT JUDGES, MALCOLM V. O'HARA AND MATTHEW S. BRANIFF, TO SIT WITH HIM DURING THE PRELIMINARY EXAMINATION.

HE ALSO HAS ISSUED A SET OF STRICT GUIDELINES FOR NEWS AND PHOTO COVERAGE OF THE PROCEEDINGS.

"WAAIT, LOOK AND LISTEN, THAT'S GOT TO BE MY TENOR, AND THAT'S THE WAY I FEEL," SAYS BAGERT, WHO HAS BEEN A CRIMINAL JUDGE FOR MORE THAN 10 YEARS. HE WAS FIRST APPOINTED IN 1956 AND WON A 12-YEAR TERM IN 1960.

A NATIVE OF NEW ORLEANS AND A GRADUATE OF LOYOLA UNIVERSITY LAW SCHOOL HERE, BAGERT STANDS 5-FOOT-7 AND WEIGHS ABOUT 200 POUNDS. A MAN OF ATHLETIC TENDENCIES, HE STILL TAKES PRIDE IN HIS FITNESS.

"I HAVE STRONG HANDS," HE SAYS. "I CAN HOLD TWO BOTTLE CAPS BETWEEN MY FINGERS AND BEND THEM TOGETHER. I WORK OUT AT THE NEW ORLEANS ATHLETIC CLUB, LIGHT WORKOUTS AND SOME SWIMMING. I USED TO USE SOME WEIGHTS. I USED TO BE AN ARDENT HANDBALL PLAYER.

"I HAVE ONE SON WHO IS A WRESTLING CHAMPION, AND ONE SON WHO IS A BOXING CHAMPION. I AM QUITE PROUD OF MY SON BRODERICK RIGHT NOW. HE IS 5-6 AND WEIGHS 175 POUNDS, AND HE HAS JUST WON THE 190-POUND INTRAMURAL BOXING TITLE AT LOYOLA."

TWO PHOTOGRAPHS HANG ON HIS OFFICE WALL. IN ONE HE STANDS ON A WORLD WAR II LANDING SHIP ON A EUROPEAN BEACHHEAD. A COAST GUARD LIEUTENANT, BAGERT SERVED AS EXECUTIVE OFFICER OF THE SHIP.

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THE OTHER PHOTOGRAPH SHOWS HIM AND TWO OTHER AMERICAN LEGION OFFICIALS IN THE WHITE HOUSE WITH PRESIDENT KENNEDY IN THE SPRING OF 1963. THE LEGIONNAIRES INVITED KENNEDY TO BE THE MAIN

SPEAKER AT A NEW ORLEANS NATIONAL CONVENTION, BUT A DISPUTE OVER RACIAL MATTERS RESULTED IN A TRANSFER OF THE EVENT TO MIAMI.

BAGERT, ONCE A MEMBER OF THE DEMOCRATIC STATE CENTRAL COMMITTEE, SAYS HE WAS A BACKER OF KENNEDY.

"FOUR YEARS BEFORE HE GOT THE NOMINATION I WAS PERSONALLY FOR HIM," HE SAYS.

"I WAS IN MY COURTROOM WHEN SOMEONE BROUGHT THE NEWS THAT KENNEDY WAS ASSASSINATED. I DECLARED A RECESS AND WE GOT TRANSLATORS. WE WENT OUT AND LISTENED. I WENT BACK TO MY COURTROOM AND ADJOURNED. WE SPENT THE REST OF THE DAY LISTENING."

BAGERT BUSTLES ABOUT ENERGETICALLY, FREQUENTLY MAKING TELEPHONE CALLS. SEVERAL TIMES IN RECENT DAYS HE CONSULTED BY PHONE WITH JUDGE HERBERT PASCHEN, WHO IS HEARING THE RICHARD SPECK MURDER TRIAL IN PEORIA, ILL. THE TWO MEN EXCHANGED IDEAS ABOUT JUDICIAL NEWS COVERAGE.

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NEW ORLEANS, FIRST ADD BAGERT PERSONALITY (A32): NEWS COVERAGE.

IMMEDIATELY AFTER THE TRIBUNAL WAS SET UP MARCH 9 FOR THE MARCH 14 HEARING, THE JUDGES ISSUED GUIDELINES FOR NEW MEDIA PERSONNEL AND OTHERS INVOLVED IN THE HEARING. THE GIST OF THESE ORDERS WERE:

TAKING OF PHOTOS IN THE COURTROOM DURING PROCEEDINGS OR IN RECESS, AND TRANSMITTING OR SOUND RECORDING OF PROCEEDINGS FOR BROADCASTING BY RADIO OR TELEVISION WERE BANNED.

NO SKETCHES OR DRAWINGS SHALL BE MADE WITHIN THE COURTHOUSE PREMISES OF ANY PERSONS ATTENDING OR PARTICIPATING IN THE TRIAL OR RELATED PROCEEDINGS.

NO TELETYPE OR TELEPHONES NOT ALREADY INSTALLED IN THE COURTHOUSE SHALL BE INSTALLED.

WITNESSES, SPECTATORS AND ALL LAWYERS PARTICIPATING IN THE HEARING ARE FORBIDDEN TO MAKE ANY EXTRA-JUDICIAL STATEMENTS.

NEWS MEDIA WERE PLACED ON NOTICE THAT PUBLISHING MATERIAL NOT INTRODUCED IN PROCEEDINGS WOULD BE IMPROPER.

SEVEN MEMBERS OF THE NEWS MEDIA WILL BE PERMITTED TO OCCUPY TABLES WITHIN THE BAR RAIL.

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A LENGTHY STATEMENT BY THE THREE JUDGES, INCLUDING CITATIONS OF U.S. SUPREME COURT DECISIONS, SAID "WITHIN THE COURTHOUSE THE ONLY RELEVANT CONSTITUTIONAL CONSIDERATION IS THAT THE ACCUSED BE AFFORDED A FAIR TRIAL."

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