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NEW ORLEANS, MARCH 13 (AP)-A THREE-JUDGE PANEL OVERRULED TODAY A DEFENSE MOTION ASKING THAT ONLY A SINGLE JUDGE PRESIDE OVER A PRELIMINARY HEARING TOMORROW FOR CLAY L. SHAW ON MURDER CONSPIRACY CHARGES.

SHAW, WEALTHY RETIRED BUSINESS EXECUTIVE, HAS BEEN CHARGED BY DISTRICT. ATTY. JIM GARRISON WITH PARTICIPATING IN A PLOT TO KILL PRESIDENT JOHN F. KENNEDY. SHAW TERMED THE CHARGE FANTASTIC.

SHAW'S LAWYERS ARGUED AT A SPECIAL HEARING TODAY THAT THERE WAS NO PRECEDENT IN STATE LAW FOR SETTING UP A THREE-JUDGE COURT. A MEMBER OF GARRISON'S STAFF REPLIED THAT THE PANEL WAS CREATED UNDER A RULE OF THE DISTRICT CRIMINAL COURT.

IN OVERRULING THE MOTION, SENIOR CRIMINAL DIST. JUDGE BERNARD BAGERT SAID THE SETUP THE COURT WITHOUT CONSULTING EITHER PROSECUTION OR THE DEFENSE.

IN ANOTHER DEVELOPMENT TODAY, RAYMOND CUMMINGS, THE DALLAS CARPENTER WHO CLAIMS HE ONCE DROVE LEE HARVY OSWALD, FERRIE AND A THIRD MAN TO JACK RUBY'S NIGHTCLUB, ARRIVED HERE BY PLANE ACCOMPANIED BY HIS ATTORNEY. THEY WERE MET BY TWO UNIFORMED POLICEMEN AND TWO MEN PRESUMED TO BE FROM GARRISON'S OFFICE.

CUMMINGS SAID HE RECEIVED ANONYMOUS THREATS FRIDAY NIGHT, SATURDAY AND SATURDAY NIGHT, WARNING HIM THAT IF HE WENT TO NEW ORLEANS "YOU'RE DEFINITELY GOING TO GET IT. YOU WON'T RETURN TO DALLAS. YOU'RE GOING TO GET IT IN NEW ORLEANS."

CUMMINGS SAID, "I'M NOT PARTICULARLY WORRIED. THEY'RE POSSIBLY PRANKS." HIS LAWYER, FRANK WRIGHT, SAID HE WOULD ASK FOR POLICE PROTECTION HERE."

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THE DISTRICT ATTORNEY'S OFFICE PLANNED TO QUESTION CUMMINGS ABOUT HIS CLAIM TO HAVE DRIVEN OSWALD, DAVE FERRIE AND ANOTHER MAN TO RUBY'S NIGHTCLUB EARLY IN 1963. OSWALD WAS IDENTIFIED BY THE WARREN REPORT AS THE MAN WHO KILLED KENNEDY. RUBY, WHO DIED OF CANCER IN

JANUARY, SHOT AND KILLED OSWALD. RUBY SAID HE NEVER KNEW OSWALD.

SHAW'S LAWYERS ALSO ASKED AT TODAY'S HEARING THAT HE BE PERMITTED TO INSPECT AND RECLAIM PROPERTY TAKEN FROM HIS HOME BY A GARRISON'S INVESTIGATIONS MARCH 1 UNDER A SEARCH WARRANT.

THE MOTION CONTENDED THAT PROPERTY SEIZED FROM THE APARTMENT WAS NOT RELEVANT AND SHOULD BE RETURNED.

~~NO ACTION CONTENDED THAT PROPERTY SEIZED FROM THE APARTMEN~~

NO ACTION WAS TAKEN IMMEDIATELY ON THIS MOTION.

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