

New Orleans Hearing Today May Clarify Charges of Assassination 'Plot'

By GENE ROBERTS

Special to The New York Times

NEW ORLEANS, March 13—

The public could get its first look tomorrow at what District Attorney Jim Garrison says is a conspiracy case involving the assassination of President Kennedy.

The 6-foot, 6-inch prosecutor must go into court then to convince a three-judge panel that he has enough evidence to warrant a trial for Clay L. Shaw, a retired business executive, whom he has accused of conspiracy.

It was unclear today, however, just how many details Mr. Garrison might supply at the hearing.

Under Louisiana law, judges can bind defendants over for trial without an indictment if law-enforcement officers testify at a preliminary hearing that they have enough evidence. The evidence does not have to be shown.

But at least one of the panel's judges, Bernard J. Gagert, said last week that his tentative plans were to require Mr. Garrison to produce a "confidential informant" tomorrow who allegedly links Mr. Shaw to Lee Harvey Oswald and the Kennedy assassination.

Mr. Garrison has said that he has "solved" the Kennedy assassination and that Mr. Shaw, Oswald and "others" agreed to kill the President during conspiratorial meetings here in September, 1963. But he has declined to say what proof he has that meetings took place.

The three-judge panel today denied a defense request that the case be heard by only one judge.

Defense attorneys argued that three-judge panels were not legal in preliminary hearings.

They also contended Mr. Garrison's investigators had carried out an illegal search of Mr. Shaw's home that resulted in the improper confiscation of \$30,000 in stock certificates, in addition to a black hood, cape, whips and chains.

The defense lawyers say that the hood and cape were part of a Mardi Gras costume Mr. Shaw had once worn and that by seizing and describing them in legal documents Mr. Garrison's office has prejudiced the public against Mr. Shaw.

Meanwhile, it was learned in private interviews that Mr. Garrison arrested Mr. Shaw on what appeared to be an impulse 12 days ago during a wrangle over procedures for a lie detector test.

According to the defense and an independent source close to the investigation, when Mr. Shaw was subpoenaed to appear before Mr. Garrison he voluntarily answered questions for about two and a half hours.

Then he sent for a lawyer, only after Mr. Garrison had asked him to take a lie detector test.

The lawyer, Salvatore Panzeca, reportedly told Mr. Garrison that Mr. Shaw would take the lie detector test if he was first given a 24-hour rest period, if the defense could "edit all questions asked" and if the test would not be made public except at a "duly authorized court proceeding."

Mr. Garrison is said to have asserted he was not interested in the conditions and did not need the test.

"Well, Jim," Mr. Panzeca reportedly replied, "you take a lot off my mind. Since you don't need these tests, I'll see you later."

With that, it was said, Mr. Garrison announced he could arrest Mr. Shaw. He promptly did, had him placed in handcuffs and led him past news photographers to be booked.

The defense believes that Mr. Garrison did not intend to arrest Mr. Shaw on that day and cites as evidence the fact that the search of his home was not organized for some hours afterward.

Although Mr. Garrison has never given details about his contention that a conspiracy resulted in the death of President Kennedy, his charges have attracted wide attention. They have circulated amid doubt expressed in some quarters whether the Warren Commission was correct in concluding that Oswald carried out the assassination alone, without being a part of any plot.

Meanwhile, New Orleans remains sharply divided over Mr. Garrison's charges. The outcome of the case is certain to enhance or diminish the political future of Mr. Garrison, who has confided occasionally to friends that he aspires to higher office.

Supporters of Mr. Garrison believe him to be too astute a politician to say he has "solved" the Kennedy assassination without proof. Since going into the district attorney's office five years ago, he has brought about the defeat of a judge, figured prominently in the election of Gov. John J. McKeithen and won re-election himself.

To many voters he is a fiercely independent crusader who has done much to eliminate prostitution and B-girls (women who solicit male customers in bars for drinks) from the city's tourist-oriented French Quarter.

He was widely applauded when he forced the legislature to pass sterner laws dealing with bail bondsmen.

But nothing appears to have won him more acclaim than his attack on the city's eight Criminal Court judges.



Associated Press Wirephoto
Clay L. Shaw, retired New Orleans business executive, outside court yesterday.

When the judges refused to approve all Mr. Garrison's requests for investigative funds, on the ground that his office should be "primarily prosecutive rather than investigative," Mr. Garrison accused them of each taking 206 holidays a year. Furthermore, he said, their decision to restrict his funds raised "interesting questions about the racketeer influences on our eight vacation-minded judges."

Mr. Garrison was convicted of defamation of character in a state court because of his attacks on the judges but appealed to the Federal courts and won a reversal.

All of this has left him with the public image of a politician who never quits a battle until he has won.

Governor McKeithen, when asked to comment recently on Mr. Garrison's investigation, refused.

"I have learned," he said, "that most of Jim Garrison's enemies are buried — politically speaking — and I don't propose to join the list of the deceased."

However, the city's metropolitan crime commission and other critics contend that Mr. Garrison's victories have been due more to a brilliant sense of public relations than to substantive accomplishments. They say he has moved from one sweeping charge to another without ever proving them.

After attacking the judges, he never proved that they were influenced by racketeers or were taking 206 holidays a year. His defamation of character conviction was reversed on the

ground that one public official has a right to criticize another.

Critics also point out that he failed to prove charges of legislative corruption and that during an argument with the city police department over the extent of his authority he charged nine policemen with brutality, then dropped the charges.

During Mr. Garrison's crack-down on the French Quarter's Bourbon Street, he predicted that his campaign would force all of the city's striptease clubs to close within six months. Four years later, the striptease clubs are still flourishing, but with less B-drinking.

Mr. Garrison, meanwhile, has emerged as a public champion of one of the city's best-known striptease performers — Linda Brigitte, "the Cupid doll."

Last year he interceded directly with Governor McKeithen and won a pardon for Miss Brigitte, who had been sentenced to two 30-day prison terms for "lewd" dancing. Mr. Garrison argued that she had been "unjustly convicted," even though one of his own investigators had testified against her.

As recently as last weekend, Miss Brigitte was performing in a tiny patch of cloth on the stage of the Club 500.

The crime commission protested that Mr. Garrison's defense of Miss Brigitte was "encouraging" organized crime in the city. Mr. Garrison responded by subpoenaing commission officials before a grand jury and ordering them "put up or shut up" about the existence of organized crime.

The commission quickly noted that Mr. Garrison had not subpoenaed United States Attorney Louis La Cour, who also contends that organized crime exists here.

With controversy flowing about him, Mr. Garrison dropped from sight a week ago, as he frequently does when preparing for a battle, and went to Los Vegas, where he spent several days with a writer from The Saturday Evening Post. He said at a news conference before he left here that he would reappear to win his case.

"Anyone who bets against me," he said, "will lose."