

Ruling Due Monday

Shaw Quash Hearing Ends

Criminal District Judge Edward A. Haggerty Jr. today ended a hearing on a motion to throw out conspiracy charges against Clay L. Shaw, and promised a ruling Monday.

Shaw is charged with conspiracy in the assassination of President John F. Kennedy. If the motion to quash fails, he is expected to go on trial late this month or in October.

Today's action ended two days of testimony in which the defense directed most of its fire against the method of selecting the grand jury which indicted Shaw.

THE TESTIMONY today was marked by many questions by the defense and few answers by the witnesses, who included District Attorney Jim Garrison.

Judge Haggerty allowed the defense to put questions pertaining to the Shaw case to Garrison and others, but gave the state a chance to object before they were answered. In

almost all cases, the objections were sustained and no answer was permitted.

In the closing moments of the hearing, assistant DA James L. Alcock took the stand. He had been making most of the objections for the state.

Judge Haggerty told Alcock:

"I'M GOING TO let you object if you want, Mr. Alcock, to the questions . . . If you see fit not to answer any question, you object and I'm going to sustain it."

The first question from defense counsel F. Irvin Dymond related to Vernon Bundy, a state witness in the preliminary hearing for Shaw. Dymond asked if Alcock had objected to putting Bundy on the stand. Alcock drew laughter by answering:

"I object."

Other questions drew the same response, and Alcock was excused.

JUDGE HAGGERTY then

gave the state until Friday to file an answer to a supplemental motion to quash the indictment. This was filed this morning by Dymond.

The judge then said he would rule Monday on both the original motion and the supplemental motion.

The high point of today's testimony came when a founder of Truth and Consequences Inc. said that no members of the grand jury which indicted Shaw either contributed to or were members of that organization.

Automobile dealer Willard E. Robertson, an official of the group bankrolling Garrison's Kennedy assassination probe, made the statement.

He said: "They have not made any contributions and are not members of Truth and Consequences."

Before today's session of the hearing got under way, Dymond filed the supplemental motion to quash Shaw's indictment on the basis of

yesterday's hearing testimony. The hearing resulted from Dymond's original motion to throw out Garrison's charges against Shaw.

Judge Haggerty permitted Dymond to file the motion, but said:

"I'M NOT GOING to interrupt this hearing to let you incorporate the second supplemental motion to quash into this hearing.

"I'm going to let you file it and give the state time to file written answers.

"We'll have another hearing if necessary."

IN THE NEW motion, Dymond cited provisions in the state's new code of criminal procedure which he said provide that 750 names must be on the jury wheel when the grand jury venire is selected.

Dymond alleged that there were fewer than 750 names on the wheel when the jury in question was selected, and

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cited another provision of the code to the effect that a motion to quash an indictment may be made on the grounds that the grand jury was improperly selected.

Robertson was the first witness on the stand today, and the proceedings started with a long hassle on the admissibility of his testimony, and at first the judge sustained state objections to his answering questions about Truth and Consequences.

BUT LATER, Judge Haggerty reversed himself and several questions were answered, notably the one about whether grand jurors were connected with the group.

Another T&C official, Joseph M. Rault Jr., took the stand after Robertson and testified that the group had only three members — Rault, Robertson and Cecil Shilstone. Dymond asked about other contributors, but these questions were overruled.

At first, Robertson was allowed by the judge only to admit his membership in the organization, and to say that the organization had never held an election of officers, before his testimony was objected to by Alcock.

The state held that there was nothing in the defense motion to quash that challenged the membership or the organization.

DYMOND TOLD THE court the reason he questioned Robertson as he did was to determine whether the members of the grand jury who testified yesterday were telling the truth regarding their possible association with Truth or Consequences.

Judge Haggerty held that Robertson and the organization's members could not be questioned along that line unless they were potential jurors in the Shaw trial, and this was only a hearing on a motion to quash.

However, Dymond took exceptions to the ruling of the court and continued to question Robertson.

Alcock permitted Robertson to say that the organization was formed by Rault, Cecil Shilstone and himself.

DYMOND ASKED the idea behind the formation of the organization. The state objected, and Robertson was not al-

lowed to answer the question.

Dymond asked Robertson where the first meeting of the organization was held. The state objected and was upheld.

Dymond asked whether Garrison attended the meeting, and again the state objected, and Robertson was not allowed to answer.

Dymond asked the following questions, the state objected, and the court refused to allow the witness to answer:

—Was Garrison present at subsequent meetings?

—Fourteen names were listed, including that of Judge Bernard J. Bagert. Were they charter members of the group?

—What are the names of financial supporters of the group?

—What is the purpose of the organization?

—Who keeps the books and records?

—In which bank do you keep your funds?

—Who has the authority to sign checks?

—Who determines the amount to be given to the DA's office for investigation?

—Is there any regular accounting of the amounts of money given for investigation?

—Are funds given to the DA earmarked for any special investigation?

—Is use of the funds limited to the Shaw case?

—Has Supt. of Police Joseph I. Giarrusso attended any meetings of the group? Is he a member of the group?

—Is Deputy Supt. Presly J. Trosclair a member or has he attended any of the meetings?

—What are the qualifications for membership in Truth and Consequences?

Here, Judge Haggerty stopped the flow of questions and told Dymond he had already ruled this line of questioning immaterial to the hearing.

The judge read the requirements for quashing an indictment, one being that an individual grand juror is not qualified to serve.

The judge said Dymond had not attacked the indictment on those grounds. However, Dymond said in a supplemental motion introduced today, he did attack qualifications of the grand jurors.

HE SAID HE IS entitled to have the information about possible membership in Truth and Consequences.

Judge Haggerty asked, "How can you get informa-

tion from Mr. Robertson if you couldn't get it from the grand jurors?"

Dymond answered, "Mr. Robertson, for one, knows whether they were telling the truth."

The judge then said he would reverse his earlier ruling and allow Robertson to answer questions regarding membership in Truth and Consequences.

DYMOND THEN asked Robertson if any members of the grand jury of Judge Bagert had contributed to the organization.

"They have not made any contributions and are not members of Truth and Consequences," said Robertson.

Dymond attempted to ask other questions about the group "in order to perfect the bill of exceptions," which he said would help him to prepare an appeal which he said he would take all the way to the U.S. Supreme Court if necessary.

Judge Haggerty would not allow Dymond to ask questions relating to the group, on the grounds that Dymond was trying to obtain information indirectly which he was not allowed to get directly.

DYMOND, OBVIOUSLY irritated, said, "What is more sacred—this defendant's right to get a fair trial or the secrecy of this organization?"

Judge Haggerty said his ruling stood, and Robertson was excused.

Rault followed Robertson on the witness stand.

Rault's testimony generally followed that of Robertson. He testified that he knew in general the names of the financial contributors and thought he would recognize the names if they were mentioned.

ASKED BY Dymond who the group's members were, he said there were only three: himself, Shilstone and Robertson.

Dymond asked if others were "contributors," and how many.

Alcock objected and the court sustained the objection and Dymond took a bill of exception to the ruling.

"Does the name J.C. Alvarado sound familiar?" asked Dymond.

Rault said he did not recognize it.

Dymond asked about the name "Friedberg."

THERE WAS AN objection by Alcock, who demanded the full name.

Dymond argued that full names were unnecessary.

The judge sustained the objection of the state.

Dymond asked about the name "H. R. Friedberg."

Rault said he did not recognize the name as that of a contributor to the group.

Asked if he kept records of

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the contributors, Rault said each of the three "members" keeps a record, but his office keeps most of them.

HE WAS ASKED if he got to see the others' lists.

Alcock objected, and the court sustained the objection.

The question was rephrased, and Rault said he had examined all the records.

Rault was asked if, after the review of the records six weeks ago, he said he did not recognize the names "Alvarado" or "Friedberg."

Dymond asked if the Louisiana and Southern Life Insurance Co. contributed to the group.

THERE WAS another objection by the state, which the court upheld, and Dymond took a bill of exception to the judge's ruling.

Rault answered in the negative when asked by Dymond if he recognized these names as contributors: Albert V. Labiche Jr.; LaBiche Clothing Store; Theodore L. Drell; John H. Kramer III; Lawrence J. Centola; Lionel J. Favrot; Daniel J. Lyons; Irwin L. Fleming; Oliver J. Myer Jr.; Constant C. Degoie and Merrick W. Swords.

The court sustained an objection by Alcock when Dymond asked Rault if Giarrusso had contributed.

Shilstone told the court he is of the original members of the group, with Robertson and Rault.

Asked if he knew names of contributors, Shilstone said he did not.

He said he did not know who had such lists, and that he had never asked.

He said he did not have a list and he did not know who got such a list.

SHILSTONE SAID he read in the newspaper that a list of contributors had been prepared and turned over to Judge Haggerty.

He said at the group's inception, he had scanned a

partial list of contributors and was impressed by the names of out-of-state contributors. He said he destroyed the list.

Shilstone said that he was not in a position to name the contributors; he was not allowed by the judge to answer whether he had attended all meetings of the group or the question about the identification of the originator of the group.

He was asked the same questions posed to Robertson, and on the last one, the judge ruled that he could answer if Judge Bagert had attended any meetings.

SHILSTONE SAID, "I don't know Judge Bagert."

He was not permitted to answer questions about Presley Trosclair, who keeps the group's books; the group's use of a specific bank, and the stipulations attached to donations to the DA's office.

William Gurvich, former special investigator for Garrison, was brought to the stand and the judge immediately advised him not to answer any questions until after the DA had been given a chance to object.

Gurvich was not allowed to answer whether he had investigated the Shaw case.

Judge Haggerty read the law and said any person who had appeared before a grand jury would not be allowed to reveal information which he had given that grand jury.

ALL OF THE questions asked of Gurvich by the defense attorney were ruled inadmissible by the judge.

Gurvich was not allowed to say what caused his break on June 28 with the DA's office; nor was he allowed to answer anything about the Shaw property seized at Shaw's apartment or how long it was held at the Criminal Courts building.

The defense attorney asked, but got no answers to, the following questions:

Was Clay Shaw's property shown to any other persons and law officers; was any of it displayed to representatives of Life magazine; were any representatives of the press allowed to enter the DA's office during the preliminary hearing which preceded these proceedings.

GURVICH WAS not allowed to answer whether there is a two-way mirror in Garrison's office.

Dymond asked if any photographs of Shaw were made

through a two-way mirror in the DA's office.

Dymond asked if Perry R. Russo was subjected to polygraph tests before his testimony in the hearing, and who authorized the test and made arrangements for it and who made it.

He was also not allowed to say if he talked with the polygraph operator when the test was stopped, or who authorized the completion of the test.

Judge Haggerty allowed Dymond to ask the questions inasmuch as Dymond contended he was trying to build up a record for purposes of perfecting his bills of exception.

For the next 20 minutes, as quickly as Dymond asked the questions the state objected and in each instance the judge sustained the objection. Thus Gurvich did not have a chance to open his mouth.

Some of the questions were as follows:

Were polygraph tests administered to Vernon Bundy, or the Rev. Clyde Johnson?

As the result of this investigation did the district attorney's office devise a system of code names?

Was a representative of Life magazine given a key to this code?

Does the district attorney's office have a master file? And if so, how many copies does it have?

Was Life magazine given a copy of this master file?

Attorney William Wegmann argued that the giving of the state's file, including evidence in the case, to a representative of Life magazine, if it were done, would clearly violate the defendant's constitutional rights.

Wegmann argued that the question goes to "the very heart" of due process of law.

He raised the question as to why the district attorney's office should be allowed to give any of its work records in this case to Life or any other member of the news media.

THE DEFENDANT would certainly have the right, Wegmann argued, to the same information.

Judge Haggerty answered by saying that the laws of Louisiana do not allow him to force the district attorney to turn over the evidence to the defendant.

Judge Haggerty told him that if he had information that Garrison had turned over master copies to Life magazine or

anyone else, he could file charges against Garrison for malfeasance, misfeasance or nonfeasance.

Wegmann responded with the argument that charging Garrison with malfeasance or misfeasance was certainly not a remedy.

"It would do the defendant, Mr. Shaw, very little good." He said that subjecting a defendant to an unfair trial would not be remedied by countercharging Garrison with malfeasance.

HE ADDED, "As an attorney I could bring those charges, but what good would that do Mr. Shaw?"

Dymond, thwarted in his attempt to have Gurvich answer questions concerning Life magazine, asked the former DA investigator whether Garrison ever said that he had unusual control over the grand jury. Judge Haggerty sustained the state's objection.

The line of questioning then centered on whether there was a discrepancy in testimony of Russo and Lefty Peterson concerning an alleged meeting between David Ferrie and Shaw.

Dymond attempted to find out if there was a difference in the date of the meeting in statements by Russo and Peterson. He asked if there was a discrepancy in time what was done about it. The state's objection was sustained. Gurvich was excused.

GARRISON WAS the next witness and blurted out an answer to Dymond's first question before objection could be made.

"Mr. Garrison," Dymond asked, "in connection with this probe have you received financial aid from an organization known as Truth or Consequences?"

"Yes," Garrison replied.

Judge Haggerty instructed Garrison to wait before answering, even though he might want to do so, until the state had an opportunity to object.

After Dymond's next question, which concerned the purpose of the financial aid, Haggerty said the questions that Dymond was going to ask were probably irrelevant and immaterial, and instructed Garrison not to answer them.

Garrison was unable to restrain himself on one question posed by Dymond.

Asked whether Russo

failed several times during his polygraph tests, Garrison said, "Certainly he did not."

Judge Haggerty quickly intervened and told the DA not to answer any questions asked by the defense attorney.

"THIS IS NOT a pretrial on the Shaw case, but a hearing on the motion to quash," said the judge.

This type of questioning was termed by an assistant district attorney "harassment" of the witness.

Dymond introduced into evidence a copy of a letter written by Garrison to the Federal Communications Commission in reply to a NBC broadcast criticizing his administration.

The judge ruled this was not pertinent to the motion to quash, but he did admit the letter into evidence and allowed Garrison to identify his signature on the letter.

Dymond asked Garrison, if such a letter had been written, did he furnish a copy to news media later.

THE QUESTION was unanswered by court order.

Garrison identified the letter, which Dymond said was written June 16, 1967.

Dymond asked Garrison if his office could give any more specific information about the exact date of the alleged conspiracy.

The judge again ruled against the line of questioning, and said he was trying to get information which he had not received on a motion to get a bill of particulars, and this was a hearing on a motion to quash.

Dymond asked Garrison about the Russo polygraph test again, and Judge Haggerty ruled that there would be no further questioning regarding Russo.

DYMOND QUESTIONED Garrison about Sandra Moffet McMaines. He asked if she had been sought as a material witness after the indictment of Shaw.

He also asked Garrison if he intended to bring her before the grand jury following the Shaw indictment.

Judge Haggerty then ruled out all further questions regarding Mrs. McMaines.

Dymond then asked if an assistant to the DA reported an interview with several witnesses in February of 1967 at Baton Rouge; Garrison did not answer.

Dymond attempted to question Garrison concerning a memorandum from assistant DA Andrew Sciambra to the DA about an interview with Russo Feb. 25, 1967. The state objected.

Garrison was not allowed to identify the memo even for the purpose of filing a bill of exceptions.

Dymond asked Garrison if his office prepared a master file of the investigation and if so whether Life magazine was furnished a copy of the file.

The state's objection to this question was sustained by Judge Haggerty.