

Set DA Fee, Shaw Figure Bethel Asks

An attorney for Thomas Bethel, former aide to District Attorney Jim Garrison, has asked Judge Matthew S. Braniff of Criminal District Court to determine in advance the fee to be paid the ad hoc district attorney appointed to prosecute Bethel.

Judge Braniff ordered the refusal of Garrison April 8 and named Robert J. Zibilich as ad hoc district attorney.

Yesterday, Bethel's attorney, Herbert J. Garon, asked the setting of the fee in advance to make sure that Garrison's influence is completely separate from Zibilich's prosecution.

Garon's motion said the ad hoc district attorney "will ultimately be paid for services rendered in this case out of fines and fees with approval of the DA (Garrison) on motion submitted to the court for its approval and judgment.

"In view of the present DA's power and discretion to act upon the request of the DA ad hoc for a fee for his services herein and in order to completely separate and divorce the influences and personal interests of the DA . . . it is therefore suggested by mover that the amount of the fee of DA ad hoc be set in advance."

Under the motion Garrison would be ordered to show cause why the fee should not be set in advance. However, there seemed to be some question whether Garrison or Zibilich should show cause in the case.

Judge Braniff directed Garon to file a memorandum on the problem by Friday.

Zibilich has informed the defense that the state has no written statements and-or admissions made and signed by Bethel which will be used at the trial. Zibilich also revealed the state alleges that Bethel took a trial memorandum and outline of testimony in the Clay Shaw conspiracy case from Garrison's office between Aug. 1 and Aug. 31, 1968.

Garrison charged that Bethel, a former London school teacher who became a researcher for the DA, made the contents of the secret trial memorandum and outline of statements by state's witnesses available to Shaw's attorneys.