

Garrison Presents Brief to Back Court Subpena

Says U. S. Official Tries
to Take Right

By BOB USSERY

Dist. Atty. Jim Garrison charged Tuesday that the United States attorney general has attempted to take from the courts a right to determine who will appear before grand juries.

Garrison, in an answer to a federal move to prevent FBI agent Regis Kennedy from testifying, also said the attorney general cannot assume what questions are going to be asked of a witness.

Kennedy was subpoenaed to testify last week, presumably in connection with Garrison's assassination investigation; but U.S. attorneys filed a motion to quash the subpoena.

Their contention was that Kennedy's testifying is precluded by a justice department executive order forbidding agents and employes from disclosing information about their work.

U.S. attorney Louis C. Lacour said Atty. Gen. Ramsey Clark ordered Kennedy not to testify.

BRIEF FILED

The state's answer, filed in a brief before Criminal District Court Judge Bernard J. Bagert, said:

"The U.S. attorney general has attempted by executive order . . . to remove from the judiciary its inherent right and power to determine the validity . . . of an asserted privilege."

Judge Bagert set a hearing on the matter for 10 a.m. Wednesday, the day the grand jury meets.

Kennedy's subpoena did not specify what matters he may be asked to discuss. In view of this, the state's answer said:

"There being no showing that the U.S. attorney general is clairvoyant and gifted with the power of prophecy, he is without justification or authority to predict the questions to be pronounced to agent Kennedy by Orleans Parish grand jury."

U.S. attorneys filed an amendment to their motion consisting of clippings from local newspapers, which they said alleged

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that Kennedy would be questioned about "the circumstances of the assassination of President John F. Kennedy."

In Washington, Louisiana Atty. Gen. Jack P. F. Gremillion said he has no knowledge about a tape recording of an alleged bribery attempt attributed to the district attorney's office by Burton Klein, an attorney for one of the probe principals.

Gremillion, attending a gas rate hearing, said no tape had arrived in his Baton Rouge office as of Saturday, the last time he was in touch with the office.

Klein, who represents Alvin Beaubouef, one-time roommate of the late David W. Ferrie, has accused a Garrison investigator of attempting to bribe his client to give false testimony.

ACLU Declares Fair Trial Endangered

The American Civil Liberties Union of Louisiana here said Tuesday it believes the guilt or innocence of Clay Shaw is becoming a secondary consideration, and his right to a fair trial seriously endangered. It believes this "situation" should, and can, be corrected.

"When (District Attorney James C.) Garrison's numerous statements on the probe and pending litigation in February and March brought criticism and a judicial order prohibiting prosecution and defense from making ex parte statements, the DA, for a time, conducted his investigation with considerably less fanfare," it said in a news release.

"Recently, however, the volume of comment and response concerning the investigation and attendant prosecutions has been steadily increasing."

There is no way of knowing just what effect such activities and comments will have on the verdict of the jury that tries Clay Shaw, it said, but the ACLU of Louisiana thinks the chances are good that there will be an effect.

"While it may be contended that Mr. Garrison should not be prohibited from making observations about the Warren Commission, the CIA, the FBI, etc., et al, it can hardly be maintained that criticism of the official investigation of the assassination is totally unrelated to the prosecutions, present and pending, of those Mr. Gar-

ri-son charges with conspiracy to murder the late President," the organization said.

"There is less speculation about the propriety and potentially harmful effect of statements directly concerning the investigation made by third parties after being briefed by Mr. Garrison, or his office, evidently on the theory that that which cannot be done directly may properly be done indirectly."

It recalled how author Mark Lane, after a meeting with Garrison, made public observations about the sound potential of evidence accumulated by the district attorney. "And recently, Mr. Lane remarked during a radio interview that he had examined 'all' such evidence," it said.

Author James Phelan did not come to the same conclusions as Lane, it said, but there is one similarity between their views: both claim their opinions were formed by reading documents obtained from the district attorney.

"Author Harold Weisberg also claims to be privy to the innermost secrets of Mr. Garrison, and there is little reason to doubt that he is," the organization said.

As a solution, it referred to the amended guidelines laid down by the court prior to Clay Shaw's preliminary hearing, and strict instructions to participants later issued by Judge Edward Hagerty.

Specifically, it mentioned the revealing of the contents of official documents bearing on the case by the DA's office to persons not officially engaged in the investigation. "Persons receiving or having access to such information should be covered," the ACLULA believes, "by the rules limiting revelation of facts surrounding the case."

The effect of comments by Garrison and his staff, it concluded, "can only be to further threaten any possibility of a fair trial for anyone indicted in this investigation."

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