

SECRECY OF



CLAY L. SHAW, right, who is charged with conspiracy in the assassination of President John F. Kennedy, arrives at Criminal District Court for a pre-trial hearing today accompanied by his attorneys, EDWARD WEGMANN, left, and SALVATORE PANZECCA.

NO. S-I

6-12-67

GARRISON PROBE FUNDS RETAINED

Sealed Until After Shaw Trial

The secrecy of the records of Truth and Consequences today was ordered preserved until after the presidential assassination conspiracy trial of Clay L. Shaw.

Judge Edward A. Haggerty Jr. made the ruling in Criminal District Court this morning as state and defense lawyers battled over a defense attempt to have Shaw's indictment tossed out.

As the hearing went forward, Shaw's attorneys began laying the groundwork for what appeared to be a developing attack on the composition of the Orleans Parish Grand Jury which indicted Shaw for complicity in John F. Kennedy's murder.

AT THE SAME TIME, THE DEFENSE began hammering away at the state in an effort to get a complete bill of particulars which would spell out the times, dates, places and persons involved in what Dist. Atty. Jim Garrison has charged was a plot hatched here to kill the President.

Defense lawyers had filed a list of 93 questions about the case it wanted the DA's office to answer.

Today, Shaw's attorneys told Judge Haggerty that they are not satisfied with most of the state's replies.

Garrison originally charged that Shaw conspired with Lee Harvey Oswald and the late David W. Ferrie to kill Kennedy at Dallas in 1963.

In answer to the defense request for more information last week, Garrison said Shaw met with Oswald and Jack Ruby at Baton Rouge in the fall of 1963 to plot Kennedy's slaying.

Garrison charged that Shaw paid both Ruby and Oswald money to further the conspiracy.

No new information was disclosed as opposing lawyers wrangled over the 93 questions today. The defense wants more specific information, and Garrison's office answered most questions by saying it is not compelled to provide it.

RUBY, NOW DEAD OF CANCER, shot Oswald to death in the Dallas police station two days after Kennedy was slain. The Warren Commission laid the sole blame for the presidential killing on Oswald. Ferrie, a former airline pilot, was found dead at his apartment here Feb. 22—five days after the Garrison investigation became public.

Thirty-two witnesses called by the defense were in court when the hear-

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ing opened at 10 a. m. They included all members of the grand jury, seven of the parish's eight criminal court judges, the members of the jury commission and three key leaders of Truth and Consequences.

Early in the hearing, Judge Haggerty overruled a defense motion to make the T&C records public. He had subpoenaed them Friday. Today, he ordered the records sealed and held by the Clerk of Court until after Shaw's trial.

No trial date has been set by Judge Haggerty.

The same sealing and holding action, he ruled, will apply to records of the group's receipts and disbursements.

T&C was formed by a group of citizens after the investigation because public and Garrison complained that public recording of his office's expenses was hampering the inquiry.

Defense attorney F. Irvin Dymond said during the hearing that he wants to see the T&C records to find out if any member of the grand jury, or a member of a juror's family, has given money to the backers of the investigation.

LATER, DYMOND questioned Judge Thomas M. Brahney closely on how he went about selecting the grand jury which indicted Shaw March 22.

Judge Haggerty ruled that the defense is not entitled to view the membership list or financial disbursement records of Truth and Consequences of New Orleans Inc.

The judge requested attorneys for the organization to prepare a list of the membership as of today. Judge Haggerty said the list will be placed in a sealed envelope and it will be kept under lock in the clerk of court's office until after the trial.

HE ALSO REQUESTED that a list of the receipts and expenditures be kept up accurately in order that they, too, may be examined after the trial.

Attorneys Claude Duke and

Tom Rayer, who represent Truth and Consequences, assured Judge Haggerty that they will comply with these and other orders the court may wish to make.

Judge Haggerty clashed with defense attorney F. Irvin Dymond, saying the latter had attempted to "make a speech" in his court.

The judge earlier had remarked that one of the reasons for keeping the names of the Truth and Consequences members secret is that many of the members may have "made contributions in good faith and I see no reason to impugn the motives of people who thought they were doing the right thing when they made these contributions."

His remarks prompted Dymond to say, "You said earlier, Judge Haggerty, you did not want to impugn the motives of persons who made contributions, I would think that they would be proud to

have their names known publicly."

JUDGE HAGGERTY stopped Dymond short, asserting, "Mr. Dymond, I have ruled on this matter. I am not going to let you make a speech."

Attorneys for both the defense and the state conferred with Judge Haggerty in his chambers prior to the hearing, which got under way about 10:14 a. m., 15 minutes late.

Assistant DA James Alcock at the outset of the hearing filed a motion to quash the defense subpoena requesting receipts of disbursements by the Truth and Consequences committee.

Judge Haggerty asked if the state had supplied copies of the motion to defense attorneys and Alcock assured the judge that they did have copies.

The judge then studied the motion to quash and, then,



—States-Item Photo.
WILLARD E. ROBERTSON
Arrives for hearing.

said, "ordinarily, I should in all fairness give defense counsel equal time in which to study this motion and make their reply.

"HOWEVER, I HAVE already discussed this matter in chambers with defense counsel. At this time I would like to point out that the motion for subpoena duces tecum which I signed was not a ruling or an order of this court.

"If you remember, I signed one directed against the United States government in this matter. They refused to comply and I ruled in their favor."

Judge Haggerty then advised Dymond that Shaw's presence was not necessary, under the new code of criminal procedure, and "At this time I will permit defense counsel to withdraw their former plea of not guilty in order to file special pleadings."

A technicality of the state law provides that a defendant must withdraw his plea of not guilty if he files special pleadings.

Dymond then said, "At this time we would like to withdraw our former plea of not guilty to file special pleadings."

DESPITE THE FACT that Shaw's presence was not necessary, Haggerty said, "Testimony will be taken from witness and adduced at this

hearing today and the defendant should be present to confer with his attorneys."

Judge Haggerty asked Dymond if he would like to be heard on the state's motion to quash the subpoena for the Truth and Consequences records. Dymond replied that he would.

"If we don't get the list of

members of the Truth and Consequences committee, we'll be forced to depend on the testimony by the grand jurors that they are not members of the committee or that members of their family are not members," Dymond said.

He said that the defense should not have to rely on such testimony. They should be allowed to go to the "horse's mouth" by getting a membership list, Dymond said.

DYMOND ARGUED that the actions of the committee came "close—if not all the way" to fitting the public bribery statutes of Louisiana.

He said the giving of money to influence public officials in the conduct of their office is a violation of the law under the state's bribery laws.

"We are entitled to know," Dymond said, "who is or who is not on this membership list."

After Dymond concluded his arguments, Judge Haggerty said he was prepared to rule.

JUDGE HAGGERTY, directing his remarks to the defense counsel, said this should have been "written up as a show cause" why Truth and Consequences should not comply with the defense subpoena.

"I'm going to rule you're not entitled to this because the defendant's rights will not suffer," Judge Haggerty added.

Judge Haggerty said he could easily understand how newsmen got the mistaken idea that the document he signed was in effect an order to the state to furnish the in-

formation sought by the defense.

He said that is why he feels the subpoena should have been written as a "show cause" document instead.

THE JUDGE EXPLAINED that defense attorneys will get an opportunity at the time of the trial to question every prospective juror for the trial.

Haggerty told the defense that at that time he could ask prospective jurors whether they or members of their family have contributed to the committee.

Judge Haggerty then asked if the officers of the committee, namely Willard E. Robertson, Cecil Shilstone and Joseph Rault Jr., were in the courtroom and if so to rise.

They were sitting in the extra jury box in the court. They arose with their attorneys. Judge Haggerty then asked them to prepare the list.

Judge Haggerty told Dymond then that by sealing the list under his signature until after the trial, Dymond could then verify whether persons testifying had told the truth.

DYMOND REQUESTED that the defense be allowed to see the record of expenditures by the DA's office from funds donated by Truth and Consequences.

Judge Haggerty also denied this motion, saying, "That would be the same as the district attorney's office asking you (Dymond) to produce all of the telegrams sent out by your office in connection with this case.

"You're not entitled to that.

I will ask the Truth and Consequences committee to keep an accurate set of books subject to review after the trial."

At this point, Rayer stepped forward with a typed motion and presented it to Judge Haggerty with the request that it be accepted as part of the official record.

JUDGE HAGGERTY glanced over the document and said: "I've already ruled in your favor. Do you want me to read this and change my mind?"

Judge Haggerty didn't explain the contents of the document, but his comments drew a chuckle from the audience.

The document apparently was explaining the committee's opposition to the subpoena.

Rayer replied, "I submit this merely for the purpose of incorporating it in the official record of this case."

Judge Haggerty, noticing Duke, commented: "Mr. Duke, are you in on this also?" Duke replied, "Yes, Your Honor. And I would like to state that we are ready to comply with your orders (the sealed list and the bookkeeping.)"

THEN JUDGE HAGGERTY formally ruled and Dymond rose to his feet and formally objected to the judge's ruling and reserved a bill of exceptions.

The judge announced at this point that Rault, Shilstone and Robertson were excused and Dymond jumped

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up and said, "We want to question these gentlemen."

Judge Haggerty said: "About what? I've already ruled. I can't just let you question these men."

Dymond asked for time to confer with his cocounsel, Edward F. and William Wegmann and Salvador Panzeca.

FOLLOWING A BRIEF conference, Dymond said the three had been subpoenaed individually, and "we would like them to stay."

Judge Haggerty shrugged his shoulders and said, "Okay gentlemen, you are under subpoena by defense counsel and must remain."

Judge Thomas M. Brahney of Section D was then asked to take the witness chair. At the same time, all other witnesses subpoenaed by the defense were asked by Judge Haggerty to step outside the courtroom.

Dymond asked Brahney to "describe the mechanics" which he uses in the selection of a grand jury.

Brahney said he usually asks the jury commission to send him 75 or 100 men who are possible grand jury members.

"I INTERVIEW EVERY man for education and background. After I interview every one, I try to select 12 men who represent a cross-section . . . I try to get a laborer, salesman . . ."

Dymond then asked the judge when he last selected a grand jury.

"About two years ago," said Judge Brahney.

"Two years ago . . . were there any Negroes selected?"

Judge Brahney said he was not sure and then added that so far as he knew, there have "been Negroes on every jury I've selected."

"Have you had any grand jury where Negroes were excluded?" Dymond asked.

"To my knowledge," no," said the judge.

AT THIS POINT Assistant DA Alcock interrupted the line of questioning, questioning the relevancy of the testimony.

There was a legal wrangle

involving Alcock, Judge Haggerty and Dymond. Haggerty asked Dymond if it was not his intention to file an amended motion to quash the indictment against Shaw.

When Dymond agreed that this was the case, Judge Haggerty asked:

"Don't you think it would be better not to question the judges until you have filed

an amended motion to quash?"

WHEN DYMOND AGREED to this, Judge Haggerty dismissed the seven judges, the members of the grand jury and the representatives of Truth and Consequences of New Orleans Inc., all subpoenaed by the defense for today's hearing.

The court then took up the 93 questions asked by the defense of the prosecution in its motion for a bill of particulars on the Shaw indictment.

Judge Haggerty asked that Dymond tell the court whether he was satisfied or dissatisfied with the answer given by the state to each of the questions.

Dymond said the defense was satisfied by the answers to the first three questions, asking for information as to who was involved in the conspiracy and the addresses of those involved.

BUT AFTER THAT, the defense expressed dissatisfaction with most of the prosecution's answers.

The questions:

4. On what day or dates does the state contend the alleged murder plot was decided? Not satisfied.

5. Specifically, what time was the meeting or meetings held on the murder of Kennedy? Not satisfied.

6. (Omitted.)

7. Does the state contend more than one meeting was held? Not satisfied.

8. On what specific date did subsequent meetings take place if there were other meetings? Not satisfied.

IN ANSWER TO questions 9, 10 and 11, which apparently pertain to the time and place of any subsequent meetings,

but which were not spelled out in the courtroom, the defense said it was not satisfied with the answers. The questions were not read in court.

12. Does the state contend that Lee Harvey Oswald killed the President? Not satisfied.

13. Who does the state contend killed the President? Not satisfied.

14. Does the state contend that David Ferrie killed the President? Not satisfied.

15. **WHERE DOES THE** state contend the murder of John F. Kennedy took place? Not satisfied.

16. (omitted).

17. When does the state contend that the murder which grew out of the alleged conspiracy was to be committed? Not satisfied.

18. Does the state contend that Lee Harvey Oswald killed Kennedy? Not satisfied.

19. (omitted).

20. **DOES THE STATE** contend that someone else not named in the indictment of Shaw killed Kennedy? Not satisfied.

21. Who does the state contend killed Kennedy? Not satisfied.

22. What act or acts does the state contend were carried out for the furtherance of the agreement that led to the assassination of Kennedy? Not satisfied.

(This concerns Articles 23 through 93 of the motions for a bill of particulars.)

23—Describe the alleged overt act or acts in furtherance of the alleged conspiracy. The defense is not satisfied with the state's answer to 23.

At this point, Judge Haggerty broke in:

"**IN THE STATE'S** answers to paragraphs 23 through 30, they referred you to their answer to No. 22. Therefore you are not satisfied with the answers for Arts. 23 through 30?"

"That's correct," Dymond answer, then continued on the list.

31—Was the alleged crime committed in the state of Louisiana or some other state? Not satisfied.

32—If it did not take place in Louisiana, where was the

crime committed? Not satisfied.

33—If there were any meetings between the alleged conspirators after mid-September 1963, what was the substance of these meetings? Not satisfied.

34—**WAS THE MURDER** of President John F. Kennedy an act in furtherance of the conspiracy? Not satisfied.

35—If not, what was the act in furtherance? Not satisfied.

36—Where was the alleged act of furtherance committed? Not satisfied.

Haggerty broke in again, "The state's answer to 37 is the same thing. Is that also not satisfactory?"

"Yes," Dymond replied and went on to the next item.

38—Is Perry Russo one of the conspirators? (The state's answer was "no"). Satisfied.

39—Is Sandra Moffett McMaines a conspirator? (The state again answered "no"). Satisfied.

40—**WAS LEON OSWALD** one of the conspirators? (The state previously answered that Leon and Lee Harvey Oswald were one and the same person.) Satisfied.

41—Was Leon Bertrand one of the conspirators? Satisfied.

42—Was Clem Bertrand one of the conspirators? (The state answered earlier that Clem Bertrand was the same as Clay Shaw.) Satisfied.

43—Is Clem Oswald one of the conspirators? Satisfied.

44—Is Niles "Lefty" Peterson one of the conspirators? Satisfied.

HAGGERTY ASKED whether the defense would be satisfied with the state's answers to paragraphs 45 through 52, since their answers were similar. Dymond replied that

the answers were satisfactory and then continued.

53—The defense requests a description of any weapon, tool or vehicle used in furtherance of the conspiracy (the state denied the request). Not satisfied.

54—At what address is the above weapon, tool or vehicle? Not satisfied.

55. Who owned said weapon, tool or vehicle used to commit the alleged crime? Not satisfied.

Articles 56 through 63 asked for descriptions and detail of all property seized from

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Shaw's residence on the night of his arrest. To each request, the state answered that the defense has a copy of inventory of the items seized and that the items themselves are in the possession of the clerk of court and may be examined by the defense.

DYMOND SAID HE was satisfied with the answers to each of these paragraphs.

He continued reading the list.

64. Does the state have any clothing belonging to Lee Harvey Oswald. Not satisfied.

The judge broke in again, commenting that Articles 64 through 88 were answered in the same manner by the state.

"The defense is not satisfied with the answers to any of these items, your honor," Dymond replied and continued:

89—What are the names and addresses of all persons interviewed in connection with the case? (The state declined to give the names.) Not satisfied.

90—**WHAT ARE THE** names and addresses of all witnesses to be called by the state? (Also refused.) Not satisfied.

91—Does the state contend that Lee Harvey Oswald and Leon Oswald are the same person? (Yes.) Not satisfied.

92—Is or was any member of the grand jury directly or indirectly connected with Truth and Consequences? (The district attorney said the defense is not entitled to this

information.) Not satisfied.

93—IF ANY GRAND jurors are contributors to Truth and Consequences? What are their names and addresses? (Same answer as 92.) Not satisfied.

At the end of the list of the bill of particulars, Judge Haggerty called a 10-minute recess to check the air conditioning.

"It's awfully hot in here. Let's see if we can't do something about it. We'll take a 10-minute recess."

The court reconvened after about 15 minutes with the addition of portable air conditioning blowers.

The defense and prosecution argued question by question through the list.

THROUGHOUT THE LONG debate, D y m o n d contended that the state must reveal details of the conspiracy as to time, place and participants.

Alcock contended that the state does not have to furnish the details. He said at one point that there could be a conspiracy and the state or court would never know on what date the conspiracy originally was hatched.

The court first took up questions four, five and six, asking for the date, time and place of the alleged conspiracy.

Dymond argued that a "part of the crime of conspiracy is this agreement . . . a conspiracy has to be hatched. That's what we want to know, when and where the conspiracy was hatched.

"IN THE PRELIMINARY hearing—never once were we apprised of what date the conspiracy took place."

Judge Haggerty told Dymond, "The court is not bound by the preliminary hearing . . . it was only held to preserve the testimony of certain witnesses. . . ."

At this point, Alcock argued that "A conviction of conspiracy could be had and the state never know on what date the conspiracy was held."

Dymond pointed out that the conspiracy was supposed to have taken place during a 40-day period in September

and October. He said the defense must know the exact date, since "the defendant can't be expected to account for himself every moment over a 40-day period four years ago. It would be an absolute impossibility."

JUDGE HAGGERTY said he would take under advisement Shaw's objections to the answers by the DA's office in the motion for a bill of particulars.

Dymond then took issue with the answers given by the state for questions 7, 8, 9, 10 and 11 in the list requesting information. The questions dealt with the number of meetings, the places of any subsequent meetings, the names of individuals attending any subsequent meetings for the purpose of plotting an assassination and the time of day or night subsequent meetings were held.

The state contended that it is not required to answer the questions pertaining to any subsequent meeting to plan a conspiracy.

Judge Haggerty summar-

ized the questions and Alcock said the state will not answer them.

Dymond then said, "What happens if the defendant is forced to rely on alibi as his defense? It's utterly impossible if he does not know the time or place."

JUDGE HAGGERTY disagreed. He said, "A conspiracy is not necessarily a single act, but may be a continuing series of acts." He said the conspiracy could take place on a telephone or in various other ways that would not have constituted a formal meeting.

Dymond said the defense wants the state to allege every act that it intends to prove.

Alcock answered that, "The state has enumerated eight overt acts." He referred to a listing of acts such as a meeting between Oswald, Ferrie and Shaw, and the discussion of means and methods of execution of the conspiracy such as the selection of high-powered rifles being fired

from multiple directions.

The court next took up questions from 12 through 21 in the request for a bill of particulars. They were discussed as a group by the court. The questions asked whether Lee Harvey Oswald was to commit the murder of Kennedy, according to the alleged conspiracy, and, if not, who was supposed to do the actual shooting.

Questions 14 and 15 asked if the alleged agreement to murder the President was to have been carried out in Dallas and, if not, where was the murder to have taken place.

QUESTIONS 16 AND 17 asked if the murder was to have taken place on Nov. 22, 1963, in the alleged conspiracy, and, if not, on what date.

Questions 18 and 19 asked specifically if the state contends that Lee Harvey Oswald killed Kennedy and if David W. Ferrie killed Kennedy.

Question 20 asked if the state contends that some other alleged coconspirator not named in the indictment killed Kennedy, and, if so, asked the state to name that person or persons.

Finally, the defense asked the state to name the person who killed Kennedy if none of those mentioned in the preceding questions was the alleged assassin.

DYMOND SAID THE defense is "certainly entitled to know the combination of circumstances" involved in the charge against Shaw.

"We are asking in particular what is he (Shaw) charged with agreeing to do . . . who in particular he allegedly agreed to do it with . . ."

Alcock again contended that the state doesn't have to go beyond the borders of Louisiana and does not have to bring Dallas into the matter to prove that a conspiracy existed.

Judge Haggerty sided with the prosecution.

"WE COULD HAVE seven different groups in seven different parishes all being found guilty at the same

time," he said. He said it is not necessary for the prosecution to prove who killed President Kennedy.

Dymond contended, however, that the defense is "asking what the agreement was . . . not what happened after the agreement was made."

In answer to all of the questions in the request for a bill of particulars, the state replied simply that it is not required to answer.

Question 22 asked the state to describe alleged overt acts committed by the defendant to further an agreement to murder President Kennedy.

THE STATE LISTED six such acts, including a meeting between Ferrie, Oswald and Shaw; a trip by Shaw to Baton Rouge where the state contends he met with and delivered money to Oswald and Jack Ruby. Ruby shot Oswald to death two days after the assassination.

Other overt acts, the state contends, include a trip to the West Coast by Shaw during November, 1963; a trip by Ferrie from New Orleans to Houston on Nov. 22, 1963; and Lee Harvey Oswald taking his rifle from the home of Mrs. Ruth Paine in Irving, Tex., to the Texas School Book Depository in Dallas. All of these acts have been publicly alleged by the state on previous occasions.

Dymond contended that the defense is entitled to know, in connection with a discussion on high-powered rifles for instance, when and where these acts took place.

In connection with the trip-to-Baton-Rouge allegation, Dymond said, "We feel entitled

on the same principle to know when in the fall of 1963 this alleged meeting took place. We want to know on what date. We want to know where in the Capitol House this alleged meeting took place—in the lobby, coffee house?"

JUDGE HAGGERTY said he did not believe the prosecution has to tell the defense where in the hotel such a meeting took place.

In connection with the trip to the West Coast, Dymond said the reference could be to any place "from Washing-

ton to California."

He said the defense wants to know when Shaw allegedly went to the West Coast, and what state and city he visited.

There was also an argument between the state and defense over article 23 of the list, concerning an overt act on the part of the defendant to kill the President. The DA's office simply referred to the overt acts listed in the previous article in answer. "If there was an overt act, describe the overt act," Dymond asked the court.

Alcock contended that the state does not have to allege any overt act. Dymond contended again that if a conspiracy is to be proven, "an overt act is one of the basic elements of conspiracy."

Dymond took items 33 through 37 as a group. They concerned whether or not there were any meetings among the alleged conspirators after mid-September of 1963 and if so what went on at these meetings.

"We are asking once again to be provided with the circumstances of the alleged overt act in furtherance of the conspiracy," Dymond said.

"**DIDN'T HE REPLY** to that earlier?" Judge Haggerty asked. "Didn't he list the overt acts already?"

"If that's all there were," Dymond answered, "then I'm satisfied."

"As far as I'm concerned, that's all there were," said the judge.

"All right, let's go on to the next group of questions," said Dymond.

The defense was satisfied with answers to questions 38 through 52.

Articles 53, 54 and 55 dealt with the DA's knowledge of "any weapon, tool or vehicle used in furtherance of the conspiracy." Garrison said he was not required to give this information; but Dymond argued that it should be made available.

"You need not reply to that, Mr. Alcock," said Judge Haggerty.

DYMOND THEN took up articles 64 through 88, which asked Garrison to make known whether he had anything in his possession be-

longing to Oswald, Dave Ferrie or the other parties mentioned in the conspiracy charge.

The state contended that this information did not have to be made known to the defense, but Dymond argued that under the circumstances it should be brought out.

Again the judge told Alcock, "You needn't reply to that," indicating that the question was clear in his mind.

"That brings us down to 89. Is that right?" Judge Haggerty asked.

In items 89 and 90 the defense asked to be given lists of all those already questioned in the case and of all witnesses the state plans to call in the trial.

"**PARAGRAPHS 89 and 90** can be grouped together," stated Dymond. "We are aware of the jurisprudence in this case, but we're asking for this anyway."

"You're asking for something where the law has not gone that far. Is that right?" asked Haggerty.

"That's correct, Your Honor," answered the attorney.

"Let's go on, then," said the judge.

"We're satisfied with 91," said Dymond.

Article 91 asked whether the state contends that Lee Harvey Oswald and Leon Oswald were the same person. The state answered in the affirmative.

ITEMS 92 AND 32 asked whether any member of the grand jury had ever contributed directly or indirectly to Truth and Consequences. The district attorney contended that this should not have been contained in the bill of particulars.

"I can tell you right now I'm going to give them that," Judge Haggerty said to Alcock, who restated his argument that the questions did not belong in the bill of particulars.

Judge Haggerty said it would be easier for the DA to provide the answer to that question rather than to allow the

defense to subpoena each member of the grand jury.

"THEY'RE GOING TO get it the easy way or the hard way," said the judge, but Alcock persisted in his objection.

"He's right," said Judge Haggerty, "it doesn't belong in the bill of particulars, but I'm going to allow the defense to put each member of the grand jury on the stand and ask him that question."

The judge took the entire motion for a bill of particulars under advisement, then asked what arguments were planned for this afternoon.

Dymond said the defense would put off arguments on the motion to quash the indictment until tomorrow, when he would file an amended motion.

Dymond said he would like to argue today on the motion for return of seized property and suppression of evidence and a motion to inspect statements given by Shaw and other witnesses.

In connection with the motion to suppress evidence, Dymond said he would call as witnesses Judge Braniff, who signed the search warrant for Shaw's apartment; Louis Ivon, a detective in Garrison's office; assistant DA John Volz, "and possibly Mr. Alcock."

"WHO ELSE WILL you need?" the judge asked.

"That's all," said Dymond.

"Very well, we'll recess for one hour," said the judge.

Shaw and his attorneys had a quiet lunch in the criminal

sheriff's office rather than leave the courthouse building and face cameramen stationed outside.

Cameras and tape recorders are barred from the corridors of the building when Shaw is on the premises.