

Sheridan 'Bribe' Subpena Stayed

A subpoena for TV newsman Walter Sheridan was stayed today after his attorneys filed a motion asking that District Attorney Jim Garrison and his assistants be removed as advisers to the grand jury in Sheridan's case.

Criminal District Judge Bernard J. Bagert, at his home, stayed the subpoena for Sheridan to appear before the grand jury this morning "pending a determination of the issues" raised by Sheridan's attorneys.

Later, Judge Bagert said he would confer with the DA's office and Sheridan's attorneys and set a mutually agreeable time for a hearing on the motion.

JUDGE BAGERT, senior judge of the court, said he expects to hold the hearing within 48 hours and promised to render a decision immediately.

Sheridan, an investigator for

the National Broadcasting Co., has been charged in a bill of information by Garrison with attempting to bribe a witness in the DA's investigation of a conspiracy to kill President John F. Kennedy. His attorneys, Milton Bren-

er and Herbert Miller, filed a 12-page motion today with these five requests:

1. That the subpoena requiring Sheridan to appear today be quashed.
2. That the foreman of the grand jury state in open court

the crime about which Sheridan is subpoenaed to testify.

3. That a hearing be held to determine whether the current grand jury is legally constituted.

4. That Brener be allowed to accompany Sheridan before the grand jury during his testimony so that his legal rights can be explained to him at all stages of the proceeding.

5. That a contradictory hearing be held to determine whether Garrison and his assistants should be recused from advising the grand jury on any matters involving Sheridan.

Sheridan was charged on July 7 with public bribery in a bill of information filed by assistant DA Robert E. Lee. He appeared in court yesterday to post \$5,000 bond in this case, and was served a subpoena to appear before the grand jury today.

The motion filed today

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charges that "the only purpose of the subpoena is to coerce and intimidate (Sheridan) and cause spurious indictments to be brought against him through the advice of the DA.

FOR THE PAST THREE months, the motion said, Sheridan developed evidence showing "misconduct, intimidation and bribery" by the DA's office in the case against Clay L. Shaw, charged with criminal conspiracy in the Kennedy assassination.

The motion cited the previously reported charges that Alvin Beauboeuf, John "the Baptist" Cancier and Sandra McMaines were improperly induced to testify, and added that of Miguel Torres, a convicted burglar.

It charged that Torres in January of 1967 was asked by the DA's staff to identify Shaw as Clay Bertrand (the mysterious figure who sought legal counsel for Lee Harvey Oswald), and to say that Bertrand made homosexual advances to him (Torres). The motion charged that Torres was told he would be forced to serve all of his nine-year burglary term if he did not



—States-Item photo.
WALTER SHERIDAN, right, National Broadcasting Company reporter, leaves Criminal Courts building with attorney MILTON BRENER.

so testify.

AS A RESULT of Sheridan's activities, the motion says, Garrison expressed a desire to "get" Sheridan at various times. It charges that Garrison at one time ordered former aide William Gurvich to "arrest, handcuff and beat" Sheridan and local TV newsman Richard Townley.

Since Garrison became DA in 1962, the motion charges, he has used his role as legal adviser to the grand jury to "procure spurious and specious indictments against his political enemies."

Cited are indictments against former DA Richard Dowling, his assistant A. I. Kleinfeldt, and former Criminal District Judge J. Bernard Cocke. The motion also cited charges against Clarence Bielosh and Charles Quarteraro, involved in a football betting cards scandal. Bielosh was indicted for perjury after he reported a \$600 bribe to former Garrison aide Pershing Gervais, the motion charges, and the case has not been brought to trial in more than two years.

THE MOTION charges that the subpoena for Sheridan "can only be an attempt by the DA to back up his bill of information with an indictment."

Asking for assistance of counsel before the grand jury, the motion cites the recent Escobedo decision of the U.S. Supreme Court, which held that under the Sixth Amendment to the U.S. Constitution, an accused person is entitled to counsel at all stages of the proceedings against him.

Alternatively, the petition

cites the case of New Orleans Negro Edgar Labat, whose rape conviction was thrown out because of improper selection of the grand jury venire, and applies the same principles to the current jury. The objection was that laboring men and wage earners are excluded.

THE MOTION ASKS that the foreman of the grand jury state in open court whether the jury is investigating Sheridan's charges against Garrison or Garrison's charges against Sheridan.

Garrison is "subverting the historical purpose of the grand jury" by using it for his own purposes, the motion charges. It cites a provision of Loui-

siana law providing for the removal of the DA as grand jury adviser when his personal interests are affected.

Assistant DA James L. Alcock said there is "no legal ground" for Sheridan's motion and said the DA's office will oppose it in open court.

ALCOCK SAID the motion "implies that the 12 citizens on this grand jury are being led by the nose. They are not robots. Whenever this jury or any grand jury is deliberating on whether or not to return an indictment, the assistant DAs leave the room."

Garrison, he said, had "absolutely nothing" to do with picking the grand jury.

Russo, a Baton Rouge insurance salesman, told the preliminary hearing for Shaw that he overheard the retired New Orleans businessman help plan Kennedy's Dallas slaying.

NBC claimed Russo was placed on the witness stand despite a lie detector test which did not substantiate his testimony. Russo and DA aides denied the witness had failed a lie test.

The statement issued yesterday by Kennedy asserted: "I have been fortunate to know and work with Walter Sheridan for many years. Like all of those who have known him and his work, I have the utmost confidence in his integrity, both personal and professional."

"This view was shared by President Kennedy, himself, with whom Mr. Sheridan was associated for many years in a relationship of utmost trust, confidence and affection."

SHERIDAN, A former offi-

cial of the U.S. Justice Department, was chief investigator for the Senate Rackets Committee when Robert Kennedy was chief counsel for that body. He later served under Kennedy in the Justice Department when the latter was attorney general.

In other developments, a newsman for WDSU-TV, NBC's New Orleans affiliate, has pleaded innocent to a bribery charge similar to the one placed against Sheridan.

The DA's office charged that Townley attempted both to bribe and intimidate Russo. Townley posted \$7,500 bond.

Answering Sheridan's accusation that he is trying to stifle freedom of the press, Garrison said:

"Mr. Walter Sheridan insults the concept of freedom of the press when he attempts to use it to make himself look heroic. Freedom of the press does not include the right to destroy a state's case so that a defendant can escape justice."

HE SAID Sheridan produced "the notorious National Broadcasting Co. program concerning the New Orleans investigation," adding:

"Aside from the fact that it insulted the intelligence of every American, it was a very clear attempt to prejudice in advance possible jurors in the case."

"This program will probably stand for years as a symbol of the lengths to which some powerful outside interests will go in order to interfere with state government."

Noting that Sheridan is a "known intimate" of Robert Kennedy, Garrison questioned how the newsman could be loyal to both the senator and NBC.