

SEEKS TO QUASH SUBPENNA

Hearing Thursday On Sheridan Pleas

Criminal District Court Judge Bernard Bagert today set a hearing for 10 a. m. Thursday on all motions filed by defense counsel for TV newsman Walter Sheridan, who seeks to quash his subpoena to appear before the Orleans Parish Grand Jury.

Sheridan, a reporter for the National Broadcasting Co., which recently produced a one-hour special highly critical of District Attorney Jim Garrison's Kennedy assassination probe — has been accused by the DA of public bribery in connection with the investigation.

Milton Brener, Sheridan's attorney, today said he will file supplemental motions to his motion to quash the grand jury subpoena of his client. He said the Thursday date for the hearing will depend on whether the DA's office wants extra time to answer the new motions, which he expects to file sometime today or tomorrow.

Earlier today, Brener filed two separate motions asking that documents and tape recordings pertinent to the defense of his client be produced by the DA's office, Dr.

Esmond Fatter, Criminal District Court Clerk Edward A. Haggerty Sr., Truth and Consequences of New Orleans Inc. official Cecil Shilstone and attorney Hugh B. Exnicios.

The DA's office yesterday filed pleadings challenging an effort to remove the DA as adviser to the grand jury and dismiss the Sheridan subpoena.

The motions, filed with Judge Bagert at his home, ask that the series of pleas filed last week by Sheridan's attorneys be rejected, mostly on grounds that they are irrelevant to the case or that Sheridan lacks legal standing to bring them.

Sheridan's motions last week sought to quash a subpoena requiring the newsman to appear before the grand jury, challenged the legality

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of the jury's makeup, and asked that Garrison and his aides be recused as grand jury advisors. They further asked that Sheridan's lawyer be present at the grand jury proceeding, and that the grand jury foreman state the nature of the case under investigation.

The answers filed yesterday by assistant DAs James L. Alcock and Richard Burnes said Sheridan's motions contain "irrelevant material" and a "myriad of minutiae" which cannot be shown to have a casual relation or bearing upon Sheridan's position as a witness called before the grand jury.

ALCOCK AND BURNES contend that the fact that the witness is charged with an offense does not "immunize him from appearing before the grand jury on all matters."

They said the presence of the lawyer would violate the cloak of secrecy over grand jury proceedings, and argued that Sheridan cannot compel the jury's foreman to state the subject matter of the inquiry in open court.

They contended that a witness called before the jury does not have the legal stand-

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ing to question the constitutionality of its makeup.

THE ASSISTANT DAs asked that all of Sheridan's requests be denied, and asked the court to either rule the jury's makeup legal or rule that Sheridan does not have the right to challenge it.

They asked that the DA not be recused as jury advisor without a hearing on the evidence.

Brener's first motion, a subpena duces tecum, asked that Garrison be required to furnish the following items:

A copy of a letter to the Federal Communications Commission written by Garrison on or about June 15 concerning the NBC program critical of the DA's probe; a letter dated in or about Feb. 25, 1967, written by Perry Russo to the DA; a copy of all statements by Fred Leemans, including a statement made by Leemans before Garrison and assistant DA Robert E. Lee; copies of letters and other documents pertaining to a complaint by Garrison to the State Bar Association about the activities of attorneys Exnicios and Burton Klein.

ALSO, COPIES of all charts of lie detector tests and all memos and other documents relating to Perry Russo and Vernon Bundy, including a memo of officer Edward O'Donnell concerning the results of a lie detector test given Russo and a memo from O'Donnell to Garrison relating a conversation between Russo and O'Donnell in which Russo allegedly stated his inability to separate fact from fancy.

The motion also asked that Haggerty make available all books, records and documents pertaining to the financial contributions to the DA's office by Truth and Consequences and that Shilstone do likewise. It asked that Dr. Fatter produce the transcripts of the questions originally asked of Russo during any and all hypnotic sessions he conducted.

In a second motion, Exnicios was asked to make available all tape recordings of conversations, including telephone conversations, by and between Exnicios and members of the DA's staff and all conversations between Alvin Beauboeuf, Lynn Loisell,

Louis Ivon and Exnicios.

Beauboeuf accused Loisell and Ivon, who are investigators for the DA, of attempting to bribe and intimidate him. Exnicios claims to have tapes proving these allegations.

Garrison has stated that the tapes were substantially altered and Loisell and Ivon were cleared of wrongdoing by a police investigation. Sheridan says, however, that the tapes were not altered in any fashion.

SHILSTONE WAS one of the men who organized T&C, the group which is contributing private funds so that Garrison could conduct his investigation in secrecy.

Dr. Fatter testified during a preliminary hearing for Clay L. Shaw, accused with conspiracy to assassinate the President, that he questioned Russo under hypnosis at the request of the DA's office.

Judge Edward A. Haggerty has ruled that T&C financial records will be kept sealed by his office until after the trial of Shaw.

Russo testified at the hearing for Shaw that he knew Shaw as Clem Bertrand and that he overheard a group of men, including Bertrand, plotting during a party in September of 1963 to kill the President.

Bundy testified at the hearing that he saw Shaw during the summer of 1963 with Lee Harvey Oswald, the man accused of killing the President.