

OPTIONAL FORM NO. 10
5010-106
UNITED STATES GOVERNMENT

Memorandum

~~SECRET~~

NO-189-68

TO : Director, Domestic Contact Service
Att'n : Operational Support Staff (Musulin)

DATE: 14 June 1968

FROM : Chief, New Orleans Office

SUBJECT: Case 49364 - Garrison Investigation

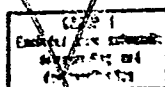
**APPROVED FOR RELEASE 1994
CIA HISTORICAL REVIEW PROGRAM**

Attached are clippings from The Times-Picayune dated 11, 12, 13 and 14 June 1968 and from the New Orleans States-Item dated 11, 12 and 13 June 1968.

LLOYD A. RAY

LARay/ga

Attachments

~~SECRET~~

SUIT IS JUNE 17

Case Will Be Heard by
Federal Tribunal

Trial of the Federal Court suit in which Clay L. Shaw is seeking to block his prosecution in Criminal District Court on a charge of conspiring to murder President John F. Kennedy has been set for June 17 at 10 a.m.

The case is to be heard by a special three-judge federal court composed of Judge Robert A. Ainsworth Jr., of the United States Fifth Circuit Court of Appeals and District Judges Frederick J. R. Heebe and James A. Coniskey.

In his suit Shaw seeks a permanent injunction against District Attorney Jim Garrison's prosecution as well as a ruling that the Warren Commission report on the Kennedy assassination which held that Lee Harvey Oswald acted alone in the killing is "valid and binding."

The special three-judge court was convened because Shaw's attorneys are also attacking the constitutionality of a number of state statutes which have been used in Shaw's prosecution.

Judge Heebe has called a pre-trial conference in the case for Thursday at 10:30 a.m.

His pre-trial conference order directed that all attorneys file any and all motions prior to that time. The conference is to be attended by the attorneys who will try the case and they were told in the order to be prepared "to compromise settlement possibilities."

The order added "no continuance will be granted in this matter except on a showing of good cause. Should good cause be shown, continuance will be granted only upon the filing of a motion and order for same."

All pending motions, including one filed Monday by Shaw's attorneys asking that the court order four Garrison aids to answer questions they refused to answer at depositions last week, will be considered at the conference.

Earlier Monday Judge Heebe had ordered that James L. Alcock, Garrison's executive assistant, Anthony Sciambra, an assistant district attorney, and investigators Lynn Loisel and Louis Ivoa, make themselves available to Shaw's attorneys for the taking of depositions in connection with the federal court suit.

Attached to the motion asking the federal court to compel the four aids to answer the questions are copies of the depositions which were taken in the office of one of Shaw's attorneys on June 5 and 6.

The motion asks that the Garrison aids be required to return and answer the questions they refused to answer originally.

Cont. In Sec. 1, Page 23, Col. 3

ly and any additional ones which may be asked.

It also asks that Garrison, Alcock, and first assistant district attorney Charles R. Ward be made to pay Shaw \$300 as reasonable expenses and attorneys' fees incurred in obtaining the order.

An affidavit submitted by Edward F. Wegmann, one of Shaw's attorneys, claims that Garrison's assistants refused to answer questions asked them at the depositions solely because they had been instructed by Garrison in a letter to refuse to recognize "in any way this illegal and unauthorized invasion of the operation of our office by the federal government."

In the letter the DA instructed them to give only their names, office rank, and Social Security numbers.

In his affidavit Wegmann charges that the letter is "contemptuous and despising of the authority, justice and dignity of the court."

He added "it is conduct which serves to bring the authority and the administration of law into disrespect."

The affidavit claims that all of those who appeared for the depositions were represented by counsel and all counsel made it clear that they would follow Garrison's instructions and instructed the witnesses to follow the instructions to the effect that the orders of the federal court were not to be recognized and accepted.

Transcripts of the proceedings taken by the defense attorneys reveal that Alcock, Sciambra, Loisel and Ivoa gave their names and addresses, office rank and Social Security numbers, but little other information.

Some of the questions which Alcock refused to answer were these:

"Have you ever instructed these investigators to secure incriminating evidence for use in the Shaw case and to pay for it or to obtain it by means of threats of violence?"

"As a result of whatever part or portions of the Warren Report that you have read and your work with Jim Garrison in his Kennedy assassination probe, do you believe that Oswald killed Kennedy?"

"Do you believe that President Johnson is an accessory after the fact in the assassination of Kennedy?"

"Mr. Alcock, if the United States District Court orders you to answer any or all of the questions which have been previously propounded to you, is it your intention to continue to refuse to answer said questions?"

"Are you willing to ignore the orders of the court simply because Mr. Garrison tells you to do so?"

Wegmann questioned Alcock about his attendance at a press conference called by Garrison on May 29 and asked "during the press conference Garrison indicated that someone in Washington, perhaps in the Justice Department, ordered Judge Heebe to sign the temporary restraining order which he signed on May 28. Do you have any evidence of that fact that Judge Heebe acted under orders from someone higher in authority than him?"

Hermann Deutsch

Arrest of Ray Deals
Blow to Cabal Rumor:

A TWO-MONTH SEARCH, worldwide, for James Earl Ray, was brought to a close over the weekend with his arrest at London Airport where he was seeking to secure passage to Brussels. Ray, long-sought suspect in the murder of Martin Luther King, was taken into custody as the climax of a cooperative drive by the Canadian Northwest Mounted Police, the FBI, Scotland Yard, and Interpol, all working together to trace Ray, who seemed to have been dematerialized so that he vanished into thin air.

Major credit must go to the Canadian Mounties, who set about the Herculean task of going over thousands of "mug-shot" pictures which included every felon arrested in Canada over the last 10 years, to see if one of them might be identified as Ray. About midway through the long quest it was rewarded by success.



HERMANN DEUTSCH

Hundreds—perhaps thousands—of copies of the thus discovered picture of Ray were made and distributed to every major municipal, state and national police organization throughout the free world, and a Scotland Yard detective (who arrested him on charges of traveling on two fraudulent Canadian passports and having an unregistered hand gun in his possession) made a routine check of recent "wanted" photographs and immediately spotted him as the subject of the Ray photo.

An assistant U.S. attorney-general is now in London, checking over the routine legal steps that must be taken to bring about Ray's extradition from Britain to this country. The FBI has its agents in London too, to return him in custody once he has been duly extradited. He will then be tried before either a federal or a state court in Memphis.

THIS SUMS UP THE basic developments of the case to date. What has not been brought out is that this punctures a toy balloon of myth and rumor to the effect that some sort of cabal, possibly organized by the LBJ establishment, wanted Ray to escape lest he reveal who his backers were: either the U.S. federal apparatus, or some sort of Communist cell, whose exposure would so irk the Russians that the newly evident but still tenuous lessening of the strain on relations between USA and USSR might be threatened.

I have heard rumor mongers cite in proof of this flimsy

theory the assertion that not one of the three actual assassins involved in the two Kennedy and the King killings has either been brought to book or permitted to testify about the circumstances of his involvement in a grisly plot.

Lee Harvey Oswald, they point out, was actually held by the Dallas police, who had advertised that the suspect would be transferred from the police station to a county prison at a given hour. Jack Ruby, a night club operator, walked up and shot him so that he died within the hour, without ever testifying to anything. Even Ruby died before he was put on trial, in spite of the fact that some 20 million viewers saw him as eyewitnesses, presential or via television, from beginning to end of his commission of a premeditated murder.

Sirhan Sirhan, who is charged with shooting Robert Kennedy on California primary election night, was interrogated amid a chorus of warnings which might just as well have been threats, that he need not answer any question without his attorney present, or any he did not want to answer, and that every word he uttered might be used against him at the trial. He would have been a Mongoloid idiot to have disregarded such good advice. James Earl Ray had apparently dissolved back into the original ectoplasm after assassinating Martin Luther King in Memphis during this year's early April.

THE ARREST OF RAY in London over the weekend certainly puts the quietus on the theory that he had been killed to assure his permanent silence, for he was found and his physical detention in a London poky directly behind Scotland Yard's GHQ is proof of the fact that he is—at least for the moment—not dead.

Setting Sirhan free on a technicality either before or after he has been tried, convicted and sentenced will present something of a problem, however embarrassing any evidentiary revelations brought out before a jury might be to whomever they might involve. Football giant Roosevelt Grier, the mammoth defensive back of the Los Angeles Rams, and Rafer Johnson, the one time decathlon champ of the Olympic games, are very hale and even more hearty. Since they were the stalwarts who overpowered him and kept him from flight, and later set the seal of good sense on their courage and brawn by holding him safe from a throng which surged forward as if to tear him to shreds, there should be no problem about identifying Sirhan as being or not being the Robert Kennedy killer, in any case.

By and large, it was a weekend blight for rumors old and rumors new.

Hearing Set For Shaw Suit To Block Trial

A suit by Clay L. Shaw to block his trial on charges of conspiring to kill the late President John F. Kennedy will be heard by a three-judge federal court June 17, beginning at 10 a. m.

The date for trial of the suit was set yesterday at Federal District Court.

IT WILL BE heard by Federal District Judges Frederick J. H. Heebe and James A. Coniskey and Judge Robert A. Ainsworth Jr. of the U.S. Fifth Circuit Court of Appeals.

Shaw seeks a permanent injunction preventing District Attorney Jim Garrison and his staff from prosecuting him in the state's Criminal District Court here and further asks that the findings of the Warren Commission on the Kennedy assassination be ruled valid and admissible as evidence to any court.

The suit will be heard by three judges because it attacks the constitutionality of various Louisiana laws which have been used in the prosecution of Shaw.

JUDGE HEEBE has called a pre-trial conference for Thursday at 10:30 a. m. The conference order directs the attorneys for both sides to file any and all motions prior to Thursday.

The order said, "No continuance will be granted in this matter except on a showing of good cause."

Among the motions to be considered at the conference Thursday will be one filed by Shaw's attorneys yesterday, asking that the court order Garrison's aids to answer questions they refused to answer at depositions last week.

EARLIER, Judge Heebe ordered that James L. Alcock, the DA's executive assistant, assistant DA Andrew Sciambra and investigators Louis Ivon and Lynn Loisel make themselves available for Shaw's attorneys to take depositions. They refused to answer anything at all pertaining to the case, saying the defense was not, under state criminal law, entitled to the information.

Judge Heebe has ordered a hearing on this motion for 10 a.m. June 19.

THE MOTION also asks that Garrison, Alcock and First Assistant DA Charles R. Ward be made to pay Shaw \$3,000 as reasonable expenses and attorneys' fees incurred in obtaining the order.

With the motion, a 300-page document, were copies of questions asked of the DA's aids. It also included an affidavit signed by Edward F. Wegmann, one of Shaw's attorneys, stating that Garrison ordered his assistants not to answer questions and saying that Garrison was "contemptuous and despising of the authority, justice and dignity of the court."

asked the following:

—Do you know that President Johnson is an accessory after the fact in the assassination of President Kennedy?

—If the U.S. District Court orders you to answer any and all questions which previously have been propounded, is it your intention to continue refusing to answer?

—Are you willing to ignore the orders of the court simply because Mr. Garrison tells you to do so?

—Have you ever instructed anyone to investigate, to secure incriminating evidence for use in the Shaw case and to pay for it or to obtain it by means of threats or violence?

—As a result of whatever part of portions of the Warren Report that you had read, and your work with Jim Garrison in his Kennedy assassination probe, do you believe that Lee Harvey Oswald killed Kennedy?

Wegmann and the other Shaw attorneys asked Alcock if the resignation of assistant DA Richard Burnes from the office was because of the Shaw case. Alcock refused to answer.

WEGMANN ALSO questioned Alcock about his attendance at a press conference called by Garrison May 29, at which he said Garrison said someone in Washington ordered Judge Heebe to sign a temporary restraining order blocking the Shaw trial.

Wegmann asked Alcock, "Do you have any evidence that Judge Heebe acted under orders from someone higher in authority than him?" Alcock did not answer.

ONLY MOTIONS WILL BE HEARD

Trial on Merits of Shaw Suit to Be Delayed

Federal District Judge Frederick J. R. Heebe said Tuesday that only technical motions will be heard Monday in connection with Clay L. Shaw's suit to block his prosecution in Criminal District Court on a charge of conspiring to murder President John F. Kennedy.

The judge had previously set Monday as the time of the start of the trial on the merits but revised the schedule after meeting Tuesday with Judge Robert A. Ainsworth Jr., of the United States Fifth Circuit Court of Appeals, and District Judge James A. Comiskey who will sit with him on the case.

Judge Heebe said it is hoped that all motions will be heard Monday but that additional time will be needed for other technical matters. The first week in July will be about the earliest the court will be able to get into the evidentiary hearing, he said.

Shaw seeks a permanent injunction against District Attorney Jim Garrison's prosecution as well as a declaratory judgment holding that the Warren Commission's report on the Kennedy assassination is valid and binding.

The special three-judge court has set a pretrial conference for Thursday at 10:30 a.m.

SUBPENA ACTION IS TURNED DOWN

12 June 1968
New Order Aim for JFK

Autopsy Photos

An assistant district attorney said Tuesday that Washington, D. C., officials have declined to serve a subpoena for autopsy photographs of President John F. Kennedy.

James L. Alcock, who has handled much of the legal work in District Attorney Jim Garrison's investigation of the Kennedy assassination, said that U. S. Marshal Luke C. Moore wrote to him, declining to serve the subpoena on U. S. archivist Dr. James B. Rhoads, in whose custody the autopsy photographs are.

Moore said a new court order would be required to comply with the District of Columbia code on out-of-state witnesses. Alcock said.

The subpoena in question was originally directed to the former archivist, who, unbeknownst to the district attorney's office, was retiring. It was amended to apply to Dr. Rhoads.

Alcock said he will apply for a new court order requiring the new archivist, Dr. Rhoads, to produce the photographs.

The photographs were sought in connection with the case of Clay L. Shaw, retired business-

Panel to Hear Shaw Suit Technical Data on Monday

Only technical motions will be heard Monday in Clay L. Shaw's suit to block his trial on a charge of conspiring to murder President John F. Kennedy.

Federal District Judge Frederick J. R. Heebe explained yesterday afternoon that it is hoped all motions can be heard Monday, but that additional time may be needed for other technical matters.

JUDGE HEEBE is one of three federal judges who will hear Shaw's suit, which seeks a permanent injunction preventing District Attorney Jim Garrison from prosecuting him and which also asks for a declaratory judgment holding that the Warren Commission's report on the assassination is valid and admissible as evidence in any court.

Joining him in hearing the suit will be Federal District Judge James A. Comiskey and U. S. Fifth Circuit Court of Appeals Judge Robert A. Ainsworth Jr.

Judge Heebe said it will be the first week in July before

subpena for autopsy photographs of President Kennedy. The original subpoena went to another archivist who is retiring and was later amended to apply to Dr. Rhoads. Moore

ALCOCK SAID U.S. Marshal Luke C. Moore wrote to him declining to serve the subpoena on U. S. archivist Dr. James B. Rhoads, who has the photographs in his custody. Alcock said he will apply for the new order.

Alcock said that Washington officials have declined to serve a

ORLEANS, LA., THURSDAY MORNING, JUNE 13, 1968

U.S. COURT GETS BRINGUIER SUIT

Damages Asked for Book, Magazine Article

A \$1 million defamation suit brought by Carlos Bringuiet, 532 Delmar, Gretna, in civil district court claiming that his reputation was damaged by the Warren Commission's report on the death of President John F. Kennedy, has been removed to federal district court.

Bringuiet, a former resident of Cuba, has sued Harold Weisberg, author of the book, "Whitewash—The Report of The Warren Report," and the article "Kennedy's Murder—Buried Proof of a Conspiracy," which appeared in Saga magazine.

Other defendants are Gambel Publications Inc., Long Island City, N.Y., publisher of Saga, and Dell Publishing Company Inc., New York City, publisher of Weisberg's book.

A removal petition was filed by the two publishing firms, claiming that the suit meets jurisdictional rules of federal district court in that the amount sought is more than \$10,000 and there is diversity of citizenship between the parties.

Bringuiet claims that he was defamed by statements that he was an officer of the Castro government until he defected in 1950, that he disguised this fact in testimony before the Warren Commission, that he was a delegate to the Cuban Revolutionary Council, and that he is an enemy of the United States. A similar suit brought more than a year ago by Bringuiet was dismissed.

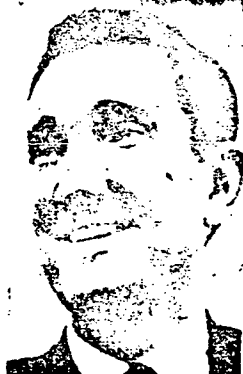
Defamation Suit Shifted To U.S. Court

Carlos Bringuiet's \$1 million suit for alleged defamation in articles based on the Warren Report concerning the death of President John F. Kennedy has been removed from Civil District Court to Federal District Court.

Bringuiet, 532 Delmar, Gretna, is a former resident of Cuba. He is suing Harold Weisberg who wrote a book entitled "Whitewash—The Report of the Warren Report" and an article, "Kennedy's Murder—Buried Proof of a Conspiracy," which appeared in Saga Magazine.

Codefendants are Gambel Publications Inc., Long Island, N. Y., publisher of Saga, and the Dell Publishing Co. Inc., New York City, publisher of Weisberg's book.

The two publishing firms filed a removal petition, claiming that the suit meets the jurisdictional rules of Federal District Court in that the amount sought is more than \$10,000 and



ATTY. GEN. RAMSEY CLARK

Called in Shaw case

CLARK CALLED IN SHAW CASE

Attorney General Sought
as Defendant

Clay L. Shaw's attorneys asked Thursday that United States Attorney General Ramsey Clark be made a defendant in the federal court suit which is aimed at blocking Shaw's prosecution by District Attorney Jim Garrison on a charge of conspiring to murder President John F. Kennedy.

They also filed an amendment to their original suit in which they attack the constitutionality of Article 782 of the Louisiana Criminal Code which deals with the number of jurors in criminal cases and the number who must concur in a verdict.

Garrison's office filed three technical pleadings. One asked dismissal of the Shaw suit. Another asked that Assistant District Attorneys James L. Alcock and Anthony Sciambra be dismissed as defendants in the suit; and the third is an answer to a motion by Shaw's attorneys seeking to compel Alcock, Sciambra, and investigators Louis Ivon and Lynn Leisel to answer questions asked when they appeared for pre-trial depositions.

All technical pleadings were filed shortly before attorneys for Shaw and members of the district attorney's staff went into a two-hour conference with the special three-judge court which is scheduled to hear Shaw's suit for an injunction against his prosecution.

HEARING MONDAY

The court is scheduled to hear arguments on all motions Monday at 10 a.m. The court is composed of Judge Robert A. Ainsworth Jr. of the United States Fifth Circuit Court of Appeals and District Judges Frederick J. R. Heebe and James A. Comiskey.

A trial date for the case is expected about the first of July. Judge Heebe has issued a temporary restraining order halting the state prosecution until the federal suit is decided.

United States Attorney Louis C. LaCour and his first assistant Gene S. Palmisano attended the conference in Judge Heebe's office for a short time; and when they left, they said only that the attorney general has been served with Shaw's motion and that they are

CLARK IS CALLED IN SHAW CASE

Continued from Page 1

a waiting instructions from Washington.

In addition to the injunction, Shaw's suit asks for a judgment declaring that the Warren Commission report on the Kennedy assassination be held valid and binding on all courts.

In their motion to join the attorney general as a party defendant, Shaw's attorneys claim that they requested Clark to join them as a plaintiff but he refused.

Shaw's attorneys charged that Garrison has engaged in a premeditated and well calculated scheme to use the court to conduct an illegal, fraudulent and useless probe of the president's assassination.

They claim that the primary purpose and ultimate objective is to discredit the Warren Report and to convince the public that Kennedy was not killed by Lee Harvey Oswald or by any other lone assassin, but as a result of a well planned conspiracy involving many individuals and organizations.

ACCUSATIONS ALLEGED

The motion alleges that Garrison has accused the President of the United States as "an accessory after the fact" in the assassination and the Attorney General and the Chief Justice of the United States have likewise been "subjects of vitriolic, intemperate and baseless charges and accusations."

As a result of the inaction of all who have been the subjects of these attacks, it is charged, Shaw has been placed in the position of having to defend the Warren Report, whereas the proper party is the Attorney General.

The case is of tremendous public importance, not only to Shaw, but also to all citizens of the United States, the integrity of the United States, and the Warren Commission, the motion claims.

In Shaw's amended complaint, it is argued that the state statute dealing with jurors in criminal cases is unconstitutional in that it denies Shaw the right to a trial by a jury of 12 of his peers who would decide the outcome unanimously. It claims that under the statute he is denied due process, equal protection of the laws and trial by jury.

that Garrison's prosecution was not brought lawfully or in good faith, in that the indictment was based on hallucinatory, drug-induced and hypnotically-induced testimony.

This is a reference to testimony of Perry Raymond Russo, one of Garrison's chief witnesses who testified that he was hypnotized by the district attorney's investigators as a means of helping him remember events which allegedly linked Shaw to a conspiracy.

Shaw's attorneys charged that Shaw has been made a "patsy" or "pawn" in the "fraudulent investigation."

They further charged that Garrison's office is "not motivated by an expectation of a valid conviction but the actions are part of a plan to employ illegal searches and seizures to harass . . ."

Attached to the amendment is a long list of proceedings in Criminal District Court through which it is alleged Shaw's rights were violated.

The first motion filed by Garrison's office seeks dismissal of Alcock and Sciambra as defendants in Shaw's suit. It claims that Garrison has the sole and exclusive authority over prosecution of all cases and is therefore the only indispensable party.

In the answer to Shaw's motion seeking to compel Garrison's aides to answer the questions they refused to answer in the depositions, it is claimed that they refused upon advice of counsel and that Shaw's attorneys are not entitled to information they seek. It is also claimed that Shaw is not entitled to the \$2,600 for reasonable expenses connected with his motion seeking to compel the testimony.

A memorandum attached to the answer claims that information sought by Shaw's attorneys is privileged and concerns the investigative file of the district attorney, including methods used in the investigation and preparation of the case.

Much information sought has already been denied by Judge

It is pointed out that the crime with which Shaw is charged is punishable by imprisonment at hard labor for not less than one and not more than 20 years, and Article 782 stipulates that such cases must be tried before a 12-member jury and nine jurors must concur in the verdict.

The amendment claims that the crime Shaw is charged with is a "serious offense" and one that should be tried by 12 persons who must unanimously agree on the verdict.

To deny this is to deny due process and trial by jury, it is contended.

RULINGS CITED

Shaw's attorneys told the court that the United States Supreme Court has interpreted the Sixth Amendment as guaranteeing this right and has held the Fourteenth Amendment guarantees a right to a jury trial in all criminal cases which, were they to be tried in a federal court, would come under the Sixth Amendment's guarantee.

They claim that Article 782 provides that cases in which the punishment may be imprisonment at hard labor shall be tried before a jury of five jurors, all of whom must concur in a verdict; and to require a verdict of only nine of 12 in the case of "a more serious offense" and a unanimous verdict in the case of the "less serious offense" is discriminatory.

Shaw's attorneys also charged

Edward A. Haggerty Jr. in Criminal District Court. It is contended; and Shaw attorneys allegedly are attempting to use liberal civil rules of discovery to obtain information to which they are not entitled under criminal rules.

In the motion asking dismissal of the federal suit, Garrison's office claims that it should not be considered because Shaw's prosecution is still pending in Criminal District Court.

It is alleged that a section of the United States code prevents the federal court from enjoining prosecution as long as the case is pending.