

# Shaw Trial Judge Pick Is Awaited

The historic trial of Clay L. Shaw on a charge of criminal conspiracy to murder President John F. Kennedy was due to be allotted to one of eight Criminal District Court judges this morning.

The public allotment was scheduled at 10:30 a. m. in the office of Chief Clerk Edward A. Haggerty Sr. It is a matter of pure chance which section of court will get the case.

A set of paper "pills" are made up by the switchboard operators in the clerk's office representing the various cases accepted for trial yesterday and indictments returned by the grand jury.

THESE ARE divided into four classifications according to the seriousness of the offense. Shaw's case is a "Class 2" case, punishable by one to 20 years in the state penitentiary.

The "pills" are spilled out of an envelope and opened by the clerk. The order in which they are opened determines the section to which the case is allotted.

Thus, unless the defense moves for and gets a change of venue, one of eight judges will try Shaw. They are Malcolm V. O'Hara, Matthew S. Braniff, Edward A. Haggerty Jr., Thomas M. Brahney Jr., Rudolph F. Becker Jr., Oliver P. Schulingkamp, Frank Shea or Bernard J. Bagert.

BAGERT, the senior judge. O'Hara and Braniff presided over the preliminary hearing for Shaw last week.

After the case is allotted, the docket clerk of the section

handling it will set an arraignment date. The arraignment must be within 10 days.

The DA's office will then set the trial date, unless the defense files a motion for a speedy trial. Then the judge must decide whether to speed things up above the DA's timetable.

Shaw was indicted yesterday by the Orleans Parish Grand Jury. He had previously been bound over for trial by the three-judge court at the preliminary hearing.

Shaw was headed for a hideaway today on the Mississippi Gulf Coast with District Attorney Jim Garrison's approval.

HIS ATTORNEYS filed a motion yesterday, approved by Garrison, asking permission for Shaw to spend the Easter holidays at an unspecified location on the coast. The attorneys said Shaw could return to the city within three hours if necessary.

Meanwhile, Garrison's bid to probe that a New Orleans-based conspiracy was responsible for the death of President

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Kennedy moved forward on other fronts.

In a rapid-fire series of developments during the past 24 hours:

—Gordon Novel, a former New Orleans night club operator, said in Columbus, Ohio, he is afraid to come back here for more testimony before the grand jury.

—Dean A. Andrews Jr., a suspended Jefferson Parish assistant DA, pleaded not guilty of perjury in connection with the assassination probe at his arraignment before Criminal District Judge Frank Shea.

—Albert Jenner, a Chicago lawyer who was a Warren Commission investigator, said the commission uncovered no evidence indicating that Lee Harvey Oswald had a confederate in the assassination.

—Arthur Strout, a 26-year-old Boston dishwasher, was nowhere to be found. A Garrison investigator said he wanted to talk to Strout about a photo he claimed to have showing him with Oswald, Jack Ruby, Perry R. Russo and two other men made in Ruby's Dallas night club a month before Kennedy was killed on Nov. 22, 1963.

Shaw, who retired in October, 1965, as managing director of the International Trade Mart, has been free on \$10,000 bond since his arrest March 1.

Garrison had said earlier he would bypass the grand jury and file a bill of information before bringing Shaw to trial. Yesterday, he reversed his field and went the grand jury route.

However, even if the grand jury had returned a no true bill, he could have brought Shaw to trial by filing the bill of information. Such a bill would have divulged specific details of the case.

THE JURY'S true bill charged Shaw with "wilfully and unlawfully conspiring with David W. Ferrie, Lee Harvey Oswald and unnamed others to murder John F. Kennedy."

(Indicate page, name of newspaper, city and state.)

PAGE 1  
STATES-ITEM  
NEW ORLEANS, LA.

Date: 3-23-67  
Edition: RED COMET  
Author:  
Editor:  
Title: ASSASSINATION OF  
PRESIDENT JOHN F.  
KENNEDY; DALLAS, TEX.  
11-22-63  
Character: AFO  
or  
Classification: 89-  
Submitting Office: N.O., LA.  
 Being Investigated

ENCLOSURE

Russo, Garrison's 25-year-old star witness, made a surprise appearance before the announcement of the indictment.

Russo told last week's preliminary hearing he heard Shaw, Ferrie and Oswald plotting in mid-September of 1963 to kill Kennedy. Shaw is the only one of the conspirators named in the indictment still alive.

Ferrie, 47, was found dead here Feb. 22. Oswald was shot to death in Dallas two days after the assassination by Ruby.

Shaw was discharged from Southern Baptist Hospital last night after treatment for a back injury. He entered the hospital last Saturday.

Novel, 29, who testified before the grand jury on March 16, was subpoenaed for another appearance but he turned up in Columbus. He said he did not want to return without a guarantee of immunity from "harassment."

HE SAID he knew Shaw "but not in connection with this." He said he "indirectly" knew a "David Ferrie," but said he did not know Russo.

Novel was quoted in Columbus as describing the Garrison probe as "a fraud" and that he first helped the DA but "Garrison double-crossed me."

He said he first thought Garrison might be onto something but now he is convinced "Garrison's political ambition is what this is all about."

Novel said that at the time of the assassination he was working in the Louisiana pavilion ~~at the~~ New York World's Fair.

Andrews, 44, a lawyer who told the Warren Commission he was contacted by a "Clay Bertrand" after the assassination who asked him to defend Oswald, was indicted last Thursday by the grand jury.

GARRISON contends that Bertrand is an alias for Shaw. Andrews says he cannot confirm this.

Andrews' attorneys were granted a jury trial yesterday, but no date was set.

Jenner commented in Chicago on Russo's testimony of an assassination conspiracy. He said the doubt about Russo's knowledge of a plot stems from "the fact that he kept his peace for 2½ years, despite the fact of my presence and the presence of Mr. W. G. Leibeler (another Warren Commission investigator)".

"In all the careful investigating we understood we never heard the name Russo and nobody described to us anyone resembling this man," Jenner said.

He said the commission report accounts for Oswald's whereabouts outside New Orleans from Sept. 25 to Nov. 24, when he was killed by Ruby.

Garrison aide William Gurvich said he bought a one-way airline ticket for Strout, who was supposed to have left Boston for New Orleans late last week.

In Boston, Strout's father said there was "no photograph. There never was one. Arthur would say he was with John Wilkes Booth at Lincoln's assassination if he thought he could get publicity out of it."



ESCORTED TO GRAND JURY room for questioning yesterday that culminated in the indictment of Clay L. Shaw, is PERRY R. RUSSO, second from left. Shielding Russo from newsmen are assistant district attorneys JAMES ALCOCK, far left; face partially hidden; ANDREW SCIAMBRA, center, back to camera, and ALVIN OSEK, right.