

SHAW LAWYERS ASK TRIAL SHIFT

Plot by D.A. to Prejudice Jurors Charged

A much-rumored motion to move the conspiracy trial of Clay L. Shaw from District Attorney Jim Garrison's jurisdiction was filed in Criminal District Court by Shaw's attorneys Tuesday.

Citing what it terms "an atmosphere of prejudice, passion, excitement and tyrannical power," the motion went on to accuse Garrison, his staff and others of a "well planned conspiracy to prejudice the minds of all prospective jurors in the city of New Orleans and the surrounding area."

Some of the persons referred to were authors Mark Lane and Harold Weisberg, well-known Warren Commission critics who have taken an interest in Garrison's investigation of the death of President John F. Kennedy.

POSTPONES TRIAL

Judge Edward A. Haggerty gave the state one week to reply in writing, and set a hearing on the motion for March 5. This automatically postpones the trial beyond the Feb. 13 date set by Judge Haggerty. However, the judge instructed the defense attorney, F. Irwin Dymond, to have Shaw present in court at that time so that a continuance can be granted.

The 14-page motion also asked for time to subpoena out-of-state witnesses for the hearing.

Referring to the alleged prejudicial atmosphere, the motion said:

"The actions of the district attorney, the news media, and the so-called Warren Report critics, acting in concert with, and with the direct assistance of the district attorney, his assistants and office staff, have created an atmosphere of prejudice, passion, excitement and tyrannical power such as to render impossible freedom of discussion by the populace and the prospective jurors, so as to

make the atmosphere in the metropolitan New Orleans area and surrounding parishes incompatible with the essential requirement for the fair and orderly administration of justice."

The motion specifically referred to The Times-Picayune and New Orleans States-Item, saying the newspapers gave "top coverage" to the case and that they "have a history of strong influence on the minds of the people" within a 100-mile radius of New Orleans.

'PRE-SELLING'

The motion said that by "pre-selling the existence of a conspiracy," Garrison has placed Shaw in the position of "having to prove the non-existence of a conspiracy, rather than leaving the burden of proving the existence of a conspiracy on the office of the district attorney."

The defense said that by agreeing to a continuance last year, the state admitted the existence of a prejudicial atmosphere.

Judge Haggerty said that the March jury will be selected March 4. He has previously said that some jurors might be called as witnesses in a change of venue hearing.

This probably would mean if the trial is held here, it could not begin until April when a new jury is available.

The motion also said that on or about Nov. 1, 1967, Garrison began a "concerted effort to reactivate, renew and revive the public interest in his assassination probe" with particular emphasis on Shaw and his alleged involvement.

GUIDELINES NOTED

It cited speeches by Lane, a book by Weisberg, and articles in Ramparts magazine, Playboy magazine and the National Observer as examples of an effort to keep the case in the public eye.

The defense also accused Garrison of publicly proclaiming that he is not bound by guidelines set down by the court, that he had not followed them in the past and did not intend to follow them in the future.

The motion also referred to Garrison's subpoenas of out-of-state witnesses, and said they were designed for publicity and "for no other reason."

It also referred to the Dec. 2 charging of Edgar Eugene Bradley of California with conspiracy in the case.

It said that Garrison had press releases on the charge delivered to news media before the arrest warrant was delivered to California.

TELECAST CITED

The sole reason for the charge, the motion alleged, was "to lend substance to the charges against Shaw."

Also cited were Garrison's national television appearance of Feb. 3, a story in National Enquirer and what the motion called a "nationwide speaking tour" by Garrison.

Judge Haggerty had previously issued guidelines prohibiting any of the principals from pub-

licly discussing the case.

The Warren Commission concluded that accused assassin Lee Harvey Oswald acted alone. Shaw was arrested on March 1 of last year on a charge of conspiring with Oswald and others to assassinate President John F. Kennedy.

Criminal Sheriff Louis A. Heyd Jr. announced Tuesday that accreditation of members

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

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SECTION 1

TIMES PICAYUNE

NEW ORLEANS, LA.

Date: 2-7-68

Edition:

Author:

Editor: GEORGE W. HEAL

Title: ASSASSINATION

PRESIDENT JOHN F. KENNEDY, DALLAS, TX

11-22-63

Character: AFO

Classification: 89-

Submitting Office: F.O., LA

Being Investigated

42-10906-6157
ENCLOSURE