

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

REC 10

FEB 13 1968
TELETYPE

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI NEW ORLS

446 PM URGENT PM URGENT 2-13-68 MMW

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOV. TWENTYTWO, SIXTYTHREE, MISCELLANEOUS
INFO CONCERNING, OO: DALLAS.

NEW ORLEANS STATES-ITEM, RED FLASH EDITION, FEB.

THIRTEEN INSTANT, REPORTED THAT ASSISTANT DISTRICT ATTORNEYS
JAMES L. ALCOCK AND RICHARD V. BURNES FILED MOTION TODAY

ATTACKING THE CHANGE OF VENUE MOTION FILED LAST WEEK AS

LEGALLY INSUFFICIENT AND URGING CRIMINAL DISTRICT JUDGE

EDWARD A. HAGGERTY, JR. TO THROW IT OUT. THE ARTICLE

REPORTED THAT THE ACTION BY THE DA'S OFFICE RAISED THE

POSSIBILITY OF FURTHER DELAY IN THE PROCEEDINGS NOW NEARLY

A YEAR OLD. JUDGE HAGGERTY GAVE THE DEFENCE UNTIL MONDAY

TO ANSWER THE MOTION FILED BY THE DA'S OFFICE. 113

THE ARTICLE REPORTED THAT SHAW AND HIS ATTORNEYS
APPEARED IN COURT TODAY TO MAKE A ROUTINE REQUEST FOR A
DELAY IN THE TRIAL WHICH WAS SCHEDULED TO COMMENCE ON

END PAGE ONE

MR DELOACH FOR THE DIRECTOR

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62-109060-6171

FEB 16 1968

CLM/SHAW

5/2/68

PAGE TWO

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THIS DATE PENDING THE MARCH FIVE HEARING ON THE MOTION FOR A CHANGE OF VENUE.

THE ARTICLE REPORTED THAT THE MOTION FILED BY ALCOCK AND BURNES TODAY ATTACKING THE CHANGE OF VENUE MOTION CONTENDS THAT THE CHANGE OF VENUE MOTION SHOULD BE STRICKEN FROM THE RECORDS BECAUSE IT DOES NOT COMPLY WITH LOUISIANA LAW ON SUCH PROCEDURE. THE MOTION ASKED THAT THE STATE NOT BE REQUIRED TO ANSWER THE CHANGE OF VENUE MOTION UNTIL NEW MOTIONS COMPLYING WITH THE LAW HAVE BEEN FILED BY THE DEFENSE. THE MOTION CONTENDS THAT THE DEFENSE MOTION ERRS IN ALLEGING THAT THE BURDEN OF PROOF IS ON THE STATE AND THAT THE DA MUST SHOW CAUSE WHY THE CHANGE OF VENUE SHOULD NOT BE GRANTED.

THE DA'S MOTION SAYS THIS VIOLATES THE LOUISIANA CODE OF CRIMINAL PROCEDURE. THE MOTION CHARGES THE DEFENCE IMPROPERLY TRIED TO INCORPORATE THE CHANGE OF VENUE MOTION WITH A MOTION FOR A CONTINUANCE FILED SEPT. TWENTYSEVEN WHICH WAS ALREADY RULED UPON. THE MOTION ALSO CONTENDS THAT THE STATEMENT IN THE CHANGE OF VENUE MOTION WERE NOT SWORN TO BY THE DEFENCE BY MERELY PRESENTED AS "TO THE BEST OF HIS KNOWLEDGE AND BELIEF" WHICH IS INSUFFICIENT.

END PAGE TWO

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THE MOTION STATED THAT THE LEGAL PROVISION THAT THE STATEMENTS MUST BE SWORN TO "PREVENTS COUNSEL FOR THE DEFENSE FROM FILING THEIR APPLICATION WITH PATENTLY FALSE AND SPURIOUS ALLEGATIONS OF FACT."

THE MOTION ALSO CONTENDED THAT THE CODE REQUIRES THAT THE CHANGE OF VENUE MOTION CONTAIN A STATEMENT THAT "THE APPLICATION IS NOT MADE FOR THE PURPOSE OF DELAY BUT TO OBTAIN A FAIR AND IMPARTIAL TRIAL."

THE ARTICLE ALSO REPORTED THAT THOMAS EDWARD BECKHAM WHO IS SCHEDULED TO TESTIFY ON THURSDAY IN THE GARRISON ASSASSINATION PROBE SAID YESTERDAY IN OMAHA HE WOULD FILE FOR THE NEBRASKA SECOND DISTRICT CONGRESSIONAL NOMINATION WHEN HE RETURNED TO OMAHA FROM NEW ORLEANS.

^{MEMO}
NO LHM BEING SUBMITTED.

END

LLD

FBI WASH DC

XEROX

FEB 1968

CC MR. SULLIVAN