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# Ruling Clears Way For Trial of Shaw

## High Court Refuses to Hear Plea

The U.S. Supreme court today cleared the way for the historic trial of Clay L. Shaw by refusing to hear his plea that he is being unjustly prosecuted on charges of conspiring to kill President John F. Kennedy.

THE RULING represented a major victory for District Attorney Jim Garrison, who contends that Shaw took part in a New Orleans-based conspiracy to kill the President. Assistant DA James L. Alcock said a trial date "will be set as soon as possible." Garrison was not immediately available for comment.

"The trial definitely will not be this month because we don't have a jury," Alcock

said. "The earliest date for the trial would be sometime in January."

Alcock said the ruling did not surprise him. "The only thing that surprised me was that it took the Supreme Court this long to make a decision."

Edward Wegmann, a Shaw attorney, said he would have no comment until he can study the high court's ruling.

Shaw, a retired New Orleans businessman, had appealed to the federal courts for sanctuary, claiming he was the victim of "a concerted pattern of persecution" by Garrison and his staff.

ONLY RARELY do federal courts act to block state court prosecutions. The Supreme Court gave no reason for refusing to block Shaw's trial or grant him a hearing.

Shaw, 55, also sought to make the report of the Warren Commission binding on all courts. The commission concluded that Lee Harvey Oswald acted alone in killing the President.

The commission was headed by Chief Justice Earl Warren, who took no part in the decision handed down by the high court today.

Shaw was arrested March 1, 1967, and charged under the state conspiracy statute. He subsequently was indicted by the grand jury. He pleaded not guilty and has consistently denied any connection with the crime.

In a preliminary hearing for Shaw, state witness Perry Raymond Russo testified he overheard Shaw plotting the President's death here in September, 1963, with Oswald and others.

A LONG SERIES of legal delays have kept the case from coming to trial since then; an unsuccessful bid was made by Shaw's attorneys to have the trial moved outside New Orleans.

Criminal District Judge Edward A. Haggerty Jr., who will try the case, rejected after a hearing the defense's contention that undue publicity on the case would keep Shaw from getting a fair trial here.

After exhausting their remedies in state court, Shaw's attorneys sought a federal court injunction prohibiting Garrison from further prosecution of the case.

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SECTION 1

STATES-ITEM

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**FEDERAL DISTRICT Judge Frederick J. R. Heebe issued a preliminary injunction until the case could be heard by a three-judge panel.**

This past July 23, the panel, composed of Circuit Judge Robert A. Ainsworth and District Judges Heebe and James A. Comiskey, rejected Shaw's plea. The Supreme Court today upheld this decision.

President Kennedy was shot to death in Dallas on Nov. 22, 1963. The Warren Commission, appointed by President Lyndon B. Johnson, held extensive hearings and issued its lengthy report in 1964.

Many writers criticized the report on grounds that it slighted many areas of possible investigation and that the investigators operated under a preconceived notion that no conspiracy existed.

IN NOVEMBER, 1966, Garrison began the first investigation by a legally constituted authority since the Warren Commission disbanded. His investigation was made public against his will in February, 1967, in an exclusive story by the States-Item.

Subsequently, Shaw was arrested and charged. Also charged with conspiracy was Edgar Eugene Bradley of Hollywood, Calif. Garrison so far has been unsuccessful in getting Bradley extradited for prosecution.



CLAY L. SHAW