

# Court OKs Kennedy Plot Trial

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The Supreme Court today rejected, 8 to 0, a plea that it stop New Orleans Dist. Atty. Jim Garrison from staging a trial for the murder of President John F. Kennedy.

Garrison is now free to try 55-year-old Clay Shaw of New Orleans on charges of conspiring to kill Kennedy in Dallas five years ago.

A three-judge federal court refused last July 23 to forbid the trial or to void the charges. That decision was upheld without explanation by the high court today. A new date for trial of the retired businessman may now be set.

A special commission headed by Chief Justice Earl Warren found, four years ago, that President Kennedy was assassinated by Lee Harvey Oswald, acting alone. Garrison has attacked the "Warren Report," and has gone ahead with his own investigation.

Warren, because of his part in the special commission's work, took no part in today's action by the high court in Shaw's case.

Shaw, the first man to face formal charges as a result of the Garrison probe, has accused the flamboyant prosecutor of "conducting a reign of terror" and of "misuse and abuse" of his office.

Shaw was indicted March 22, 1967 and had been scheduled to go on trial last June 11. The trial was postponed pending final Supreme Court action on Shaw's complaint against Garrison and two deputies, James L. Alcock and Charles R. Ward.

Besides trying to block the trial, Shaw had asked the high court to rule that the Warren Report is valid and that its conclusion that Oswald was the lone killer is binding on all federal and state courts.

In addition, Shaw asked for a ruling that the Louisiana conspiracy law under which he is charged is unconstitutional.

In other actions today:

## RACE CASES

The court agreed to hear a complaint of discrimination by a private recreation club. The decision may have some bearing on the policies of many members-only recreational groups, including some in the Washington area.

Like many others, the club challenged in the test case controlled the race of those using its facilities by limiting access to members only. Few qualifications were raised for virtually any white person who wanted to join.

The test case was brought by two Little Rock Negro women, against Lake Nixon Club, a 232-acre recreational facility west of Little Rock. The 8th U.S. Court of Appeals, in a decision last May, ruled that the club did not come under the 1964 law opening public accommodations and places of entertainment to all races.

## CRIMINAL LAW

The court refused to consider how freely prosecutors may use, as criminal trial evidence, "hearsay" about the accused on trial.

Generally, "hearsay evidence" — damaging comments that the accused is supposed to have made to others who then testify about it — is not permitted in criminal trials.

However, in a Georgia case brought to the high court, a man sentenced to death for the murder of a state prosecutor contends that the only convincing evidence used at his trial was "hearsay."

The testimony he challenges came from a witness who said he had been told that the accused had threatened harm to a hired killer if he did not go through with murder of the state prosecutor.

## LABOR ANTITRUST

The court refused 7 to 1, to hear a claim that the United Mine Workers union violated the antitrust laws with a contract it won from soft-coal mining companies.

Seven small Tennessee companies, contending that the contract as written in 1950 and as changed since was so costly that it will drive them out of business, lost their case in lower federal courts.

Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

The Washington Post \_\_\_\_\_  
Times Herald \_\_\_\_\_  
The Washington Daily News \_\_\_\_\_  
The Evening Star (Washington) A-1  
The Sunday Star (Washington) FINAL  
Daily News (New York) \_\_\_\_\_  
Sunday News (New York) \_\_\_\_\_  
New York Post \_\_\_\_\_  
The New York Times \_\_\_\_\_  
The Sun (Baltimore) \_\_\_\_\_  
The Daily World \_\_\_\_\_  
The New Leader \_\_\_\_\_  
The Wall Street Journal \_\_\_\_\_  
The National Observer \_\_\_\_\_  
People's World \_\_\_\_\_  
Examiner (Washington) \_\_\_\_\_

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Bringing their challenge to the high court, they argued that the coal contract broke the antitrust laws because it came out of an agreement by the UMW and the big coal companies to set terms so high that small firms would have to close up.

Justice Hugo L. Black said the court should hear their plea.

#### ANARCHY

The court agreed to hear a new challenge to New York's law against criminal anarchy which makes it a crime to propose the overthrow of the government.

Eleven New Yorkers face prosecution because of their activities in the Revolutionary Action Movement. They were accused of plotting to sabotage public facilities and assassinate public officials.

#### MILITARY DRAFT

The justices agreed to consider the types of procedural protection that a draftee must be given before he can be prosecuted for failure to report for induction.

A New Orleans Negro youth brought the test case because he was found by lower courts to have forfeited his right to challenge his draft status because he did not appeal within the draft system.

#### DEMONSTRATIONS

The court agreed to pass on the constitutionality of an Illinois law used against a group of Chicago Negro demonstrators.

The law, nullified by a lower federal court last March, punishes anyone who intimidates someone else by threatening him with an illegal act.

#### MALLORY RULING

The court bypassed an opportunity to decide if the famous Mallory decision of 1957 applies to state criminal cases.

The Mallory ruling, which many critics have blamed as a source of leniency in many criminal cases in the District, held that confessions could not be used against suspects if the suspects had been held too long by police without being formally charged.

A Florida man held for 10 days by police before being charged argued that this should be made a binding doctrine in state cases, as well as federal cases.

The court today sidestepped that question and said that after looking closely at the Florida case it "has become evident" that the legality of the man's arrest was not being challenged, and thus there was no reason to settle the question of his rights.