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Garrison Clears Way for Shaw Trial Today

New Orleans Prosecutor Pulls Stunning Surprise by Withdrawing Delay Motion

BY JERRY COHEN
Times Staff Writer

NEW ORLEANS—In a stunning reversal of strategy, Dist. Atty. Jim Garrison cleared the way Monday for the Clay L. Shaw conspiracy trial to begin today as scheduled.

Garrison's top assistant, James Alcock, withdrew a motion filed Friday asking that the trial be delayed "indefinitely." The motion had claimed that the government, particularly outgoing Atty. Gen. Ramsey Clark, was intent on sabotaging it.

Shaw, long a figure in civic and cultural affairs here, was charged almost two years ago with conspiring to assassinate President John F. Kennedy. An extended succession of legal delays, most of them initiated by Shaw's lawyers seeking to make a record on which to base an appeal, had blocked the trial until now.

On Friday, it appeared the district attorney, having suddenly experienced second thoughts about his case against Shaw, had decided himself to block the trial, using the government and Clark as his excuse.

Autopsy Report
The Alcock motion Friday came after Clark released an opinion by four medical experts who studied the Kennedy autopsy report and autopsy photographs of the slain President—material Garrison vainly had sought as evidence for the Shaw prosecution.

The four-doctor panel ruled that the photos supported the Warren Commission's view that Mr. Kennedy was shot from the back. Garrison contends one shot struck from the front thus giving lie to the commission's contention that Lee Harvey Oswald was the sole assassin. Clark's action in releasing the doctors' report three days before he was to leave office and just before the Shaw trial prejudiced the state's case, Alcock contended.

Without the autopsy report and photos, plus other material sealed in the National Archives, he said, "this case cannot be brought to trial."

Alcock's withdrawal of the motion Monday clearly caught off balance Shaw's attorneys and Dist. Judge Edward Haggerty Jr., who was about to hear arguments and rule on the motion.

For several seconds, Judge Haggerty sat absolutely speechless, pursing his lips, after Alcock rose to declare:

"The state will trust the good judgment, common sense and spirit of justice which the state feels prevails among the people of New Orleans and will withdraw its motion and announce at this time the state is ready to go to trial tomorrow (today)."

However, he bitterly criticized Clark's release of the four doctors' report, a document which he noted was based on a study made nearly a year ago

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- Mr. DeLoach _____
- Mr. Mohr _____
- Mr. Bishop _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. Felt _____
- Mr. Gale _____
- Mr. Rosen _____
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
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- Miss Holmes _____
- Miss Gandy _____

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and kept secret until Thursday.

Alcock called Clark's move "unconscionable," "not in keeping with his high office" and "a blow to the administration of justice." He added, "It cannot help but influence prospective jurors."

Seconds earlier, Shaw's lawyers had offered a motion calling for "a speedy trial." While chief defense counsel F. Irvin Dymond noted the motion had become "moot" with Alcock's withdrawal, it nonetheless put the defense neatly on record against further delay — which may have been the Garrison strategy all along.

Planned Vacation

Reliable sources reported the Shaw camp was "completely stunned" by the prosecution's flip-flop. "Clay was planning to take off on a two-week vacation," a friend said.

Thus, unless some momentous new intervention arises, the public should learn within the next few weeks whether or not Garrison really has "solved" the Kennedy assassination, as he boldly proclaimed slightly more than two years ago.

An aide to the district attorney suggested Monday a jury could be qualified within two weeks.

Unanimity is not required to convict or acquit Shaw under Louisiana law, only a 9-3 vote for one or the other. Any other kind of split would result in a hung jury.

If convicted, Shaw could receive a 1-to-20-year sentence.