

STATE ATTACKS SHIFT REQUEST

Asks Dismissal of Shaw Defense Motion

The district attorney's office Tuesday attacked the legality of a defense motion to have Clay L. Shaw's conspiracy trial moved to another jurisdiction and asked that the motion be thrown out of court.

Instead of answering the motion, Assistant District Attorneys James L. Alcock and Richard V. Burnes filed a motion of their own claiming that the defense move did not comply with state law, and that it should be stricken from the record.

The state's counterattack came as Shaw appeared before Criminal District Court Judge Edward A. Haggerty Jr. to go through the formality of requesting a continuance.

POSTPONEMENT NEEDED
The trial was to have begun Tuesday but the change of venue motion necessitated a postponement.

The state's move could mean further delays in the case, already nearly one year old. Judge Haggerty gave the defense until Monday to answer the state's motion.

If the judge ruled in the state's favor, and the defense files a second motion, a hearing already set for March 5 on the matter could be pushed back.

Shaw, charged with criminal conspiracy in the assassination of President John F. Kennedy, was neatly dressed in a blue suit and two-tone blue striped tie for Tuesday's appearance. He declined to talk to reporters.

WANT TRIAL MOVED
His attorneys want the trial moved at least 100 miles from New Orleans because of their argument that publicity concerning the case has made a fair trial impossible.

Alcock and Burnes Tuesday asked that the state not be required to answer the defense's arguments until another change-of-venue motion

complying with the law is filed.

Alcock said the defense motion alleged that the burden of proof is on the state and that the district attorney's office must show cause as to why the trial should not be moved. This is in violation of the Louisiana Code of Criminal Procedure, he said.

LIMITED CONTINUANCE
The defense motion had claimed that the district attorney's office, by acquiescing in a limited continuance last year, admitted the existence of a prejudicial atmosphere.

The continuance resulted from a defense motion filed Sept. 27 requesting a six-month continuance, or, alternatively, a change of venue. The district attorney's office has claimed in

the past that the granting of a delay precluded the possibility of a change of venue.

The state's motion Tuesday charged that an attempt to incorporate a motion for a change of venue with one for a continuance was improper.

The state also contended that the latest change-of-venue motion was not sworn to by the defense, but merely presented as "to the best of his knowledge and belief." This is insufficient under the law, Alcock said.

The legal provision that the statements must be sworn to prevents the defense "from filing their application with patently false and spurious allegations of the fact," Alcock claimed.

NOT FOR DELAY
Alcock said the code required 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."

In another phase of Garrison's investigation, Thomas Edward Beckham, 27, now a resident of Omaha, Neb., is scheduled to testify before the Orleans Parish Grand Jury Thursday.

Monday Beckham announced in Omaha that he plans to run for Congress. Beckham said he is a registered Republican and will file for the Nebraska Second District Congressional seat

when he returns to Nebraska from New Orleans.

In another development, San Francisco attorney Melvin Belli said Garrison fears Shaw may be assassinated if he is brought to trial.

He made the remark before the Iowa State Jaycee convention at Spencer, Iowa, Monday, but would not elaborate on it.

He described Garrison as a "reasonable man," but said he doubts his probe will produce any specific results.

At one point Belli represented Dallas night club owner Jack Ruby, who killed Lee Harvey Oswald. The Warren Commission concluded that Oswald acted alone in the assassination.

Belli said Ruby did not know Oswald and he is convinced there was no conspiracy.



Photo by The Times-Picayune
CLAY SHAW

Leaves courthouse in car.

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

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SECTION 1

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