

(Mount Clipping in Space Below)

SHAW RULING FRIDAY

Criminal Judge Edward A. Haggerty said today, after hearing oral arguments, that he will rule Friday on a bid to have the Kennedy assassination conspiracy trial of Clay L. Shaw moved at least 100 miles from New Orleans. The 55-year-old Shaw is charged with conspiracy to murder the late President John F. Kennedy. His lawyers say he cannot get a fair trial here because of the publicity surrounding the Shaw case and other facets of District Attorney Jim Garrison's assassination probe.

MEANWHILE, ASSISTANT DA James L. Alcock said today that a motion picture film of the Kennedy assassination taken by Abraham Zapruder will be turned over to the Orleans Parish Grand Jury.

The film was sold by Zapruder to Life magazine. Garrison previously asked that it be subpoenaed from Time Inc. in New York for viewing by the grand jury.

Alcock said today that he has been notified by Time that the film will be sent here for delivery to the jury Thursday.

THE ORIGINAL film never was shown to the Warren Commission, which used copies in its investigation of the president's death.

Garrison contends the original film will show that the president was shot from the front; the commission said he was shot from the back.

On another front of the probe, in Irving, Tex., Mrs.

Ruth Paine said she is "not terribly keen" about coming to New Orleans to testify before the grand jury.

Mrs. Paine, a friend of Lee Harvey Oswald and his wife, Marina, was subpoenaed yesterday to appear before the jury April 18 and 19 in the assassination probe.

ASKED ABOUT a part of the subpoena that alleges she took Oswald's gun—which the Warren Commission says killed Kennedy—from New Orleans to Dallas, Mrs. Paine said:

"Sure, I carried all of Oswald's worldly possessions from New Orleans to Dallas in 1963. For all I know, the rifle was in there."

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STATES-ITEM

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However, she maintained that she couldn't tell the jury anything that was not included in the Warren Report.

During the oral arguments on the Shaw change of venue motion before Judge Haggerty today, defense attorney William Wegmann argued that the questioning of 80 prospective jurors in court last week proved one thing:

"THEY HAVE BEEN influenced by the controversy surrounding this case. There has been so much publicity and controversy that these people are incapable of answering the questions put to them."

The jurors were asked whether they could give Shaw a fair trial and whether they had any opinions or impressions about the case. Most testified they felt they could give him an impartial hearing, but many admitted to have some impressions about the case.

WEGMANN CITED a number of cases in which the courts have ruled that the defendant did not receive a fair trial because pretrial publicity was not effectively curtailed.

"And it certainly has not been effectively curtailed in this case," Wegmann added.

Wegmann said that from the first moment Clay Shaw was arrested and charged with conspiracy to murder the president, the case became a cause celebre. Like other cases which have been overturned because of too much publicity, Wegmann said, the whole community has "become interested in the morbid details surrounding the case."

AT ONE POINT Judge Haggerty noted that "the publicity runs both ways" and Wegmann said, "That's just the point . . . the whole thing has become a publicity battle." Wegmann said he was not contending that the publicity has been more favorable to one side than the other, but simply that there has been an extreme amount of publicity and that the community as a whole, including

prospective jurors, has been influenced.

Wegmann said that one of the problems that will be encountered if Shaw is tried here is getting a jury.

"We will be here ad infinitum . . . we will be picking people off the streets," he said. He noted that challenging jurors for cause can have a prejudicial effect on the defense case.

WEGMANN SAID the courts have ruled that a change of venue ought to be available even though individually each juror cannot be challenged for cause if there are overriding circumstances in the community that prevent a fair trial.

It was his contention that such circumstances exist because of the controversial and unusual nature of the entire Garrison probe and the interest it has aroused.

On a second point, Wegmann insisted that Shaw is due a change of venue because at least one witness the defense feels is necessary to its case has refused to come to New Orleans to testify, professing fear.

WHETHER the fear is justified or not, he said, the witness will not come to New Orleans. "If I can get this witness to testify elsewhere," he said, "then the trial should be moved elsewhere."

Alcock answered for the state briefly, saying that he feels that the ordinary person simply is not as interested in the case as the defense contends and that the 80 members of the jury panel questioned proved his point.

He said the state would have brought its own change of venue motion if it believed a fair trial here for the state was impossible and would have joined the defense in its motion if it believed that a fair trial for Shaw were impossible.

The state, he said, is spending a lot of money on this case and "wants it decided with finality." The state, he said, does not want to contribute in any way to the possibility of a reversal.

Alcock contended that a fair trial for both the state and Shaw can be had right here.

Judge Haggerty said he will deliver a written judgment by 10 a.m. Friday.