

1967 ^{Stultz} Shaw ¹⁰⁻³⁻⁶⁷ Trial Believed Unlikely

DA Hints Approval of Case Delay

By JACK DEMPSEY

The district attorney's office today partially acquiesced in a request by Clay L. Shaw for a delay in his conspiracy trial, making it unlikely that Shaw will go to trial this year.

Attorneys for Shaw, in a conspiracy in the slaying of President John F. Kennedy, had asked for a six-month delay in the trial, which Criminal District Judge Edward A. Haggerty Jr. had hoped to start next month.

Assistant DA's James L. Alcock and Richard Burnes today filed answers to the defense request and indicated they would acquiesce in a "reasonable delay" of less than six months.

ALCOCK WOULD not specify what he considered a reasonable delay, but told a States-Item reporter privately he believed the trial would not begin until after the Christmas season.

Shaw's attorneys last week filed a three-part pleading asking for a six-month delay

or, alternatively, a change of venue. They also asked for a supplemental bill of particulars on the charge against Shaw.

Judge Haggerty gave the state until today to answer the motions. He was not present when the answers were filed this morning, but will study them and is expected to either rule on the motions or set a hearing shortly.

who is charged with crime. THE STATE'S answer blasted the six-month request as "arbitrary, capricious and unreasonable." It continued: "Although the state is anxious to preclude any error which might justify a reversal of the conviction on appeal, if any continuance is granted, it should be for a reasonable period of time bearing relations to the conduct complained of by the defendant."

The defense had charged the delay or change in trial site was necessary because actions by District Attorney Jim Garrison have made selection of an impartial jury impossible at this time.

The state countered that if is not possible to get a fair trial, it is because of actions by Shaw and his attorneys, not the state.

The state also opposed both the change of venue and the request for a supplemental bill of particulars.

Alcock said that if the atmosphere is such that a fair trial is impossible, it is because of:

1. The magnitude of the crime with which the defendant is charged.
2. The natural enthusiasm of members of the press to report news, however obtained.
3. The conduct of Shaw and his attorneys.

Expanding on the third point, Alcock said Shaw made a public statement after his arrest "calculated to influence prospective jurors."

He said defense attorney Edward Wegmann entertained newsmen at his home and gave them favorable and selective background material on Shaw. The state further charged that Shaw's attorneys met and consulted with producers of a National Broadcasting Co. telecast critical of Garrison and the charges against Shaw.

ATTACHED TO the answer was a transcript of the NBC telecast.

The state also claimed that Aaron Kohn, managing director of the Metropolitan Crime Commission, consulted with Shaw's attorneys and NBC personnel before the telecast to assemble member officials of the MCC to watch the telecast and afterwards write a letter to Attorney General Jack P. F. Gremillion alleging illegal actions by the DA's office.

The crux of the plan, said Alcock, was for Kohn to release the letter to Gremillion to news media in order that it might have widespread publicity, thereby prejudicing prospective local jurors.

"If a prejudiced atmosphere exists," said Alcock, "he (Shaw) is the author of his own misfortune and to that extent he cannot be heard to complain." *JW*

M'KEITHEN TO APPEAR BEFORE

JURY

By ROSEMARY JAMES

District Attorney Jim Garrison said today that he is "inviting" Gov. John J. McKeithen to appear before the Orleans Parish Grand Jury Thursday at noon.

The jury, at Garrison's instigation, is conducting an investigation of allegations made by the Metropolitan Crime Commission and Life Magazine that organized crime elements are operating in New Orleans.

The DA said today that the jury "has expressed a desire to hear from the governor" and, he said, "I am inviting the governor to come down and appear before the jury Thursday."

GARRISON EMPHASIZED that he is not issuing a subpoena for the governor.

The governor, contacted in Baton Rouge, said that "if in the opinion of the grand jury" he could help in any way by appearing, he would be "glad to do so."

The MCC has been saying for a number of years that organized crime influences are present in the city, while Garrison had flatly denied the charges. Recently, Life Magazine published three articles making the same charges. The governor, after meeting with executives of the publications, said that he was convinced that there is evidence of organized crime in the state and he has instigated his own investigation.

THE MAGAZINE said that there are three illegal "bookie" operations in New Orleans.

The magazine also charged that Jefferson Parish rackets figure Carlos Marcello made numerous calls to Aubrey Young, former aide to McKeithen.

Friday, the DA's office issued a subpoena for Marcello to appear before the grand jury. It was served on his wife over the weekend.

Yesterday, two brothers of Marcello, Samuel and Peter Marcello, were served with subpoenas.

THE GRAND jury attempted to subpoena the confidential records of the MCC. The MCC charged that this was an attempt to "destroy" the crime commission and "intimidate" its members.

The commission was successful in temporarily blocking the subpoena. The MCC appealed to the State Supreme Court for a stay and it was granted.

The commission has also appealed the denial of its motions for the recusal of Criminal District Court Judge Malcolm V. O'Hara and Garrison as advisors to the grand jury.

Brother Still Believes Oswald Acted Alone

Also Thinks Warren Commission Failed
to Answer Key Assassination Questions

NEW YORK (AP)—Robert L. Oswald, brother of Lee Harvey Oswald, says he has not come upon any evidence "that has shaken my conviction that Lee and Lee alone fired the shots" that killed President John F. Kennedy and wounded Gov. John B. Connally of Texas.

In an article in the current issue of Look magazine, Oswald also says he thinks the Warren Commission findings on the assassination failed to answer important questions.

He says that although he is convinced that his brother fired the shots, "I cannot exclude the possibility that he was influenced by other people."

Oswald says he learned nothing from Lee during a conversation of 10 minutes or less in the Dallas jail on Nov. 23, 1963, the day after the assassination. He says he was surprised and disappointed when a police guard terminated the

conversation. He never saw his brother again, and Lee was shot to death the next day by Jack Ruby.

Describing the jail conversation, Oswald writes: "It seemed to me that we were just beginning to reach the point of talking freely and easily to each other" when the talk was interrupted.

He says he believes he would have gotten the truth "if I had been allowed to spend half an hour with Lee that Saturday and then continue our talk over the next day or two."

Oswald writes that he has seen "no convincing evidence" that the Warren Commission, the FBI, the Secret Service, the State Department, the Central Intelligence Agency and President Johnson "joined in some melodramatic conspiracy to deceive the American people."

Oswald, 33, is a resident of Wichita Falls, Tex., and is district sales manager for a brick company.