

SHAW TRIAL SHIFT RULING DUE MONDAY

1-10-69 State's Item

Criminal District Judge Edward A. Haggerty Jr. today promised a ruling at 10 a.m. Monday on the latest request by attorneys for Clay L. Shaw to move his trial outside New Orleans.

After a 45-minute hearing today, Judge Haggerty took the change of venue and three other Shaw motions under advisement and said he will rule on them all Monday.

SHAW IS scheduled to go on trial Jan. 21 on charges of conspiring to kill President John F. Kennedy.

F. Irvin Dymond, Shaw's chief counsel, had asked the court to quash the indictment

against Shaw, or alternatively to move the trial 100 miles or more from New Orleans.

He also challenged the constitutionality of the state conspiracy statute under which Shaw is charged and the validity of a state law saying only nine of 12 jurors must vote guilty to convict a defendant. Dymond wants a unanimous verdict.

JUDGE HAGGERTY will rule Monday on all four matters.

Testifying in today's brief hearing was James L. Alcock, an aide to District Attorney Jim Garrison, and two television newsmen involved in interviewing Garrison and Alcock in December.

Dymond contended a change of venue is necessary because continued publicity about the case has influenced potential jurors and made it impossible for Shaw to get a fair trial here.

Dymond's motions were not argued on their merits this morning. Both the defense and state have filed arguments which Judge Haggerty will study over the weekend before ruling.

SHAW WAS present in court today. Garrison had been scheduled to appear as a witness, but Alcock said he was ill and the defense accepted Alcock's testimony instead.

Shaw was arrested in

March, 1967, and has been free on \$10,000 bond since. Previous requests for a change of venue have been turned down by Judge Haggerty.

After the court started late, shortly before 11 a. m., Alcock filed written answers to the application for the change of venue and motion to quash.

HE ALSO TOLD the court he supplied the defense counsel with copies of his answers.

In his answer, he said the state denies there ever existed in the minds of prospective jurors prejudice which would deny Shaw a fair trial.

Further, he said "any public print concerning this case since the denial of the defendant's previous motions for a change of venue have been the result of his dilatory flight to the federal forum."

THE STATE denied the defense has the right to incorporate in this pleading allegations contained in previous motions for a change of venue. The judge overruled the

state's objection.

Alcock was the first witness called. He was questioned by Dymond.

Dymond questioned Alcock first about a statement he allegedly made Dec. 9, the day

after the U.S. Supreme Court refused to assume jurisdiction in the case.

ASKED IF he recalled making a statement about the Supreme Court decision, Alcock said he "probably did."

He said, "As I recall, I expressed gratification at the Supreme Court decision in our favor. This is still my feeling, that the federal court has no business interfering with the state courts."

Alcock testified he was present at Garrison's Dec. 11 news conference. He said the meeting was called by Garrison in his office and the room was filled with newsmen.

ALCOCK WAS then asked about a Dec. 31 telecast in which he was interviewed by newsmen Andy Kruezt on WVUE. He said Kruezt called and asked him if he would say on TV what was in the subpoena issued that day for the autopsy reports on President Kennedy.

Dymond asked, "Why did you see fit to go on television and repeat this on the air?"

Alcock said, "I object to the question."

Judge Haggerty upheld the objection.

Dymond asked to call Ed Planer, news director of WDSU-TV, and the judge asked if he had a transcript of the Garrison news conference. Dymond said no.

PLANER TESTIFIED he was not present at the news conference, but one of his reporters was. He introduced a tape recording of the interview.

Asked whether that was the entire conference, Planer said, "No, but it's as much as we took."

Dymond asked that the tape be played in the courtroom, but Judge Haggerty ruled it could not be played.

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DYMOND ASKED how many reporters were present at the news conference. Schafer said about eight.

Judge Haggerty said he would limit the exhibit to the four minutes actually aired. WDSU agreed to supply a written transcript of the part put on the air.

Kruezt was called to the stand, and testified 1½ minutes of his interview with Alcock was put on the air.

DYMOND ASKED that the taped film be played back in the court. Judge Haggerty refused, but Kruezt agreed to give the court a typewritten transcript.

Dymond asked that previous requests for a change of venue be made a part of the record. Alcock objected, but

the judge overruled him.

After a five-minute recess, Judge Haggerty returned and said he will study the transcripts and pleadings over the week end and rule at 10 a. m. Monday.

YESTERDAY, a close friend of Shaw, A. Jefferson Biddison, 906 Royal, was called before the Orleans Parish Grand Jury. Alcock said his testimony may have some bearing on the trial, but not on today's hearing.

ALCOCK SAID Biddison was "completely cooperative" but the assistant DA declined to comment further. Biddison could not be reached.

Meanwhile, in Washington, D. C., the archivist of the United States has been ordered to appear in court Jan. 17 and explain why photographs taken at President Kennedy's autopsy should not be made available to Garrison.

Judge Charles W. Halleck of the Court of General Sessions issued the order, which was served on archivist Dr. James B. Rhoads.

RHOADS IS TO appear before Judge Halleck to show cause why he should not be required to testify at the Shaw trial.

Garrison's petition claims the photos will show the shots that caused Kennedy's wounds came from the front rather than the rear and from two directions. Both contentions are contradictory to the Warren Report.

Judge Halleck issued his show-cause order after receiving an order from Judge

Haggerty calling the photos "necessary and material" evidence for Shaw's trial.

THE PICTURES were left with the archives by the late President's family on condition they be shown only to federal investigators until 1971. The president was shot to death in Dallas on Nov. 22, 1963.

Many who disagree with the Warren Commission, which investigated the Kennedy slaying, have criticized the commissioners for not examining the photos.

The commission concluded that Kennedy was shot from the rear by Lee Harvey Os-

wald and said it could find no credible evidence of a conspiracy.

Garrison contends shots came from more than one direction and that Shaw plotted the assassination here with Oswald and others in September, 1963.

ON ANOTHER matter, assistant DA Anthony "Moo" Sciambra confirmed a report a state police lieutenant, criticized nine months ago in an audit of his expense account, spent three days this week working for Garrison.

Lt. Francis L. Fruge of Eunice went through records in the East Feliciana Parish Courthouse on an undisclosed mission.

The information he is seeking "is not a rehash of anything old," Sciambra said, but he would give no further information except to say Fruge is doing "good work." He said Fruge was assigned by Public Safety Director Thomas Burbank.

FRUGE WAS criticized in an April 25, 1968, report by legislative auditor J. B. Lancaster for certain expense account items Fruge filed while assigned to assist Garrison's office.

It was not clear whether Fruge's current assignment relates to the Kennedy probe.

CLAY L. SHAW, with cigarette, is accompanied by his attorneys, EDWARD WEGMANN, seated beside him, and WILLIAM WEGMANN, as he arrives for today's hearing before Criminal District

Judge Edward A. Haggerty Jr. on motions to quash his indictment for conspiring to assassinate President John F. Kennedy or for change of venue.

—States-Item photo.

