1967 Shaw Trial Believed Unlikely

DA Hints Approval of Case Delay

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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, who is charged with criminal 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.

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."

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