

FAVORS LIMITED SHAW DELAY--DA

TP 10/4/67
But Office Against Any
Change of Venue

The District Attorney's office Tuesday acquiesced to a limited continuance but opposed a change of venue in the Clay L. Shaw case when it filed its answer to a previously filed defense motion.

Attorneys last week filed a motion requesting a six-month continuance, or, alternatively, a change of venue, arguing that District Attorney Jim Garrison's actions have made a fair trial in New Orleans impossible.

The state's answer, signed by assistant attorneys James L. Alcock and Richard V. Burnes, maintains that the remedies of continuance and change of venue are mutually exclusive in this case, and that if Shaw were granted a "reasonable and unarbitrary continuance," he would not be entitled to a change of venue.

The answer asked that the "unreasonable and capricious" six-month continuance be denied. However, it went on to say that "if a continuance be granted to the defendant, that it be for a reasonable time."

Finally, it asked that the motion for a change of venue be denied because the continuance request "constitutes an election of remedies by the defendant."

SEEMS UNLIKELY

Shaw is charged with having conspired with the late David W. Ferrie, and Lee Harvey Oswald, also deceased, and others in a plot to assassinate President John F. Kennedy.

Garrison's office has been working on the case since the latter part of last year. Some sources believe a continuance is preferable to a change of venue because in the latter case it is likely that prosecution would be taken over by the district attorney's office of the new jurisdiction.

A 1967 trial for Shaw seems unlikely, even though what

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CLAY SHAW CASE

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the state means by a "reasonable" continuance was not explained.

Alcock and Burnes argued in their answer that if, as Shaw argues, a prejudicial atmosphere exists, then "he is the author of his own misfortune."

They accused Aaron M. Kohn, managing director of the Metropolitan Crime Commission of New Orleans, of arranging to release a letter to the state attorney general which would prejudice local jurors.

The answer said Kohn consulted with Shaw's attorneys

before a June National Broadcasting Co. program and planned to release a letter asking the attorney general to look into NBC's charges to the local press.

"The crux of the plan was for Aaron Kohn to release to the news media this letter to the attorney general in order that it might have widespread local publicity and thereby prejudice local jurors," the assistants said.

The state's arguments began

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by stating that any possible prejudicial atmosphere was created by:

1. The notoriety and magnitude of the crime with which Shaw is charged.
2. The natural enthusiasm of members of the press and news media to report to the public each day each and every item they considered newsworthy.
3. The conduct of Shaw, including public statements at a news conference soon after his arrest, and that of his attorneys in allegedly meeting with NBC representatives and Kohn before the critical program.

"He and his counsel have embarked upon a deliberate course of conduct which affects potential jurors' ability to view this trial with pristine eyes and he cannot be heard to complain of a situation he created," Alcock and Burnes said.

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