

7-18 8/2/68

APPEAL NOTICE FILED FOR SHAW

Effort to Halt Charge of Plot Continues

Clay L. Shaw's attorneys Thursday filed notice that they intend to appeal to the U.S. Supreme Court in an effort to block prosecution of Shaw on a charge of conspiring to kill President John F. Kennedy.

The notice of appeal was filed in federal district court. Also attorneys filled a motion asking for the special three-judge court, which recently heard another Shaw appeal, to stay state prosecution until the Supreme Court rules on the newest appeal.

In an earlier development Thursday, Criminal District Court Judge Edward A. Haggerty Jr. set Sept. 10 as a starting date for the long-delayed trial.

This date was requested by James L. Alcock, an assistant to District Attorney Jim Garrison.

The three-judge court—consisting of U.S. Fifth Circuit Court of Appeals Judge Robert A. Ainsworth Jr. and U.S. District Judges Frederick J. R. Heebe and James A. Comiskey—July 23 refused to block Garrison's prosecution of Shaw.

Appeals from decisions of a special three-judge court bypass the Fifth Circuit Court and go direct to the Supreme Court.

APPEALS DELAY TRIAL

The Sept 10 date is one of several trial dates set by Judge Haggerty. Shaw was to have gone to trial in February but has filed a series of appeals.

The notice of appeal filed Thursday says that issues to be appealed include all of those included in Shaw's suit which either were denied or not ruled on by the special court.

The three-judge court denied Shaw's request for an injunction against prosecution and refused

to declare the Warren Commission Report binding on all courts.

It also refused to order U.S. Attorney General Ramsey Clark into the case and refused to declare the Louisiana conspiracy statute unconstitutional.

However, it abstained from ruling on Shaw's attack upon a number of procedural statutes.

Shaw was arrested and was charged with conspiracy March 1, 1967. Later, a three-judge Criminal Court panel conducted a preliminary hearing and said there was enough evidence to bind the case over for trial. Shaw was later indicted on the charge by the Orleans Parish Grand Jury.

VENUE CHANGE DENIED

The case was allotted to Judge Haggerty, who subsequently denied several motions, including one for a change of venue.

This was upheld by the Louisiana Supreme Court, and Shaw's attorneys then went to Federal Court.

Through a temporary restraining order, Judge Heebe prevented prosecution of the case in June until the three-judge court could hear the case.