

JUDGE RULES TOMORROW

Shaw Asks New Venue Hearing

Criminal District Judge Edward A. Haggerty Jr. today took under advisement a motion to reopen a hearing on whether to move the trial of Clay L. Shaw outside of New Orleans and promised a ruling at 10 a.m. tomorrow.

The judge heard arguments on reopening the hearing from Assistant District Attorney James L. Alcock and attorneys for Shaw, 55, who is charged with conspiracy to kill President John F. Kennedy.

DEFENSE ATTORNEY William Wegmann contended that the change of venue hearing should be reopened so that District Attorney Jim Garrison and others can be questioned in the light of what Wegmann called new evidence.

Alcock argued that the defense is seeking information to which it is not legally entitled and urged Haggerty to reject the motion and rule on the original defense plea to have the trial at least 100 miles from New Orleans.

Wegmann based the defense move on an action by Alcock last week. Alcock asked Judge Matthew S. Braniff to order a color movie film of the assassination of President Kennedy taken in Dallas on Nov. 22, 1963, held for possible use in the Shaw trial.

A copy of the film, taken by Abraham Zapruder and owned by Life Magazine, was

shown to the Orleans Parish Grand Jury last week. Alcock asked that it be held for possible trial use, and Judge Braniff complied.

WEGMANN SAID this constitutes a "judicial admission" on the part of the state that the Shaw case and the Kennedy assassination investigation are one and the same.

In the hearing on the change of venue motion, defense attorneys were permitted to question witnesses (including Garrison) on the Shaw case, but not on the assassination probe.

The defense contends that Shaw cannot get a fair trial in New Orleans because of publicity about the case, and argues that any publicity about the assassination investigation is pertinent because it establishes the existence of a conspiracy in the public mind.

But Haggerty during the hearing upheld the state's contention that anything not directly related to the Shaw case is irrelevant.

WEGMANN ARGUED that the state, by asking the film be held for trial use, destroyed this legal position and made it necessary to reopen the hearing.

He said that if the film motion had been filed in the early part of the hearing "there would be no doubt we would have had the right to ask each witness about it."

"As far as I'm concerned, the Zapruder film is not an exhibit before this court," Hag-

gerty said.

"IT HAS BEEN made part of the official record," said Wegmann, "by the judicial admission of the state. They have gotten Judge Braniff to issue the order. They either

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misrepresented themselves to Judge Braniff or they misrepresent themselves to you."

Alcock argued that the judge ruled earlier, on a motion for a bill of particulars in the case, that the defense is not entitled to know in advance of the trial whether the events in Dallas are linked to the Shaw case.

"The state takes no position on this at this time," he said. He said the defense had no objection to questions about news stories on the case, but objected to questions put to Garrison about his motives in issuing news releases.

Haggerty said he would rule tomorrow on the motion to reopen the hearing and "then we'll see what happens."

This left open the possibility that he might, if he turns down the defense motion, rule tomorrow on the original change of venue motion.