

TRIAL OF CLAY SHAW SET TO START TODAY

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D.A.'s Office Delay Motion Is Withdrawn

By BOB USSERY

The trial of retired businessman Clay L. Shaw on conspiracy charges became a near certainty within a matter of seconds during a Criminal District Court hearing Monday.

The hearing was to have decided whether or not the district attorney's office would be granted the indefinite continuance it requested Friday.

The last minute motion for a delay made the trial, scheduled for Tuesday, look more doubtful than it ever had before.

But assistant DA James L. Alcock, speaking for the state, surprised everyone Monday by announcing to Judge Edward A. Haggerty Jr. that he would withdraw the motion.

The announcement came at the end of a statement which contained no indication of such a conclusion.

'STATE IS READY'

At the end of his arguments, Alcock said:

"The state will trust the good judgement, common sense and spirit of justice which the state feels prevails among the people of New Orleans and will withdraw its motion and announce at this time that the state is ready to go to trial tomorrow." (Tuesday).

Attorney F. Irvin Dymond announced immediately that the defense would also be ready for trial. Dymond had filed a motion for a speedy trial opposing any delays earlier.

Tuesday the court will begin selection of a jury, which could take one week.

By Monday a closed circuit television camera which sends a picture to the office of Criminal Sheriff Louis A. Heyd Jr. was installed in the rear of the courtroom of Judge Haggerty.

It was pointed toward the front of the courtroom and was ap-

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proved as an aid for Sheriff Heyd, who is charged with maintaining security during the trial.

An identical camera was mounted outside the courtroom and looked down the block-long hall of the second floor of the courts building.

Judge Haggerty's section is on the S. White st. end of the building.

'SOLVED' ALREADY

In written arguments against the continuance, the defense noted that DA Jim Garrison had announced that the assassination of President Kennedy was "solved" almost two years ago.

Shaw was arrested on a charge of conspiring to murder Kennedy on March 1, 1967. He was later charged with conspiring with accused assassin Lee Harvey Oswald and David Ferrie, a local pilot.

The defense's argument said in part:

"Almost two years ago Jim Garrison, district attorney for the parish of Orleans, publicly announced that the case involving the assassination of President Kennedy was 'solved' and made further public statements to the effect that his office was ready to go to trial and that only the stalling tactics of the defendant prevented them from doing so."

Alcock requested the delay Friday on the ground that a secret report released Thursday night by outgoing U.S. Atty. Gen. Ramsey Clark was prejudicial to the state's case.

WARREN SUPPORTED

The report, authored by four experts who studied X-rays and



—Photo by The Times-Picayune.

ATTORNEYS FOR Clay L. Shaw, charged with taking part in a conspiracy to assassinate President John F. Kennedy, enter the Criminal District Court building Monday where a prosecution move to delay Shaw's trial was withdrawn. The lawyers are (from left) Edward F. Wegmann, F. Irvin Dymond and William J. Wegmann.

photos of the Kennedy autopsy, supported the Warren Commission conclusion that Kennedy was shot from behind.

Garrison's office has sought the same material, claiming it would prove that Kennedy was shot from the front and back.

The Warren Commission said there was no evidence to indicate that Oswald did not act alone.

Alcock said Friday the state could not go to trial without the material, despite previous statements to the contrary.

During the hearing Monday Alcock said the secret study was made early last year, but that it was not released until the eve of the trial.

"It seems that the Attorney General of the United States only issued the report on the eve of the picking of the jury in the trial of Clay Shaw," Alcock said.

'BLOW TO JUSTICE'

He said Clark's action was "unconscionable, not in keeping with his high office, and a blow to the administration of justice."

The announcement of the withdrawal of the motion came a short time later, at the height of the attack on Clark.

The autopsy records were sealed in the national archives at the request of the Kennedy family. They were to remain there until 1971.

A Washington judge gave Garrison's office two weeks in which to present evidence



—Photo by The Times-Picayune.

NEW ORLEANS Assistant District Attorney James L. Alcock (third from left) is accompanied by aides to the Criminal District Court building Monday where he withdrew a motion to delay the trial of Clay L. Shaw, charged with conspiring to murder President John F. Kennedy. From the left are Andrew Sciambra, Alvin Oser, Alcock and William Alford, all of the district attorney's office.

showing the records are material to the Shaw case.

The Washington court action occurred about the time Alcock was announcing his delay request.

No word has come from the DA's office as to whether evidence will be presented in Washington.

The section of the defense motion dealing with a speedy trial follows:

"That your defendant (Shaw), since his arrest on March 1, 1967, has had severe restrictions upon his liberty, his freedom of speech and freedom of movement, in addition to being subjected to the existence of the damning accusation which is contained in the bill of indictment, in these proceedings, has suffered and is continuing to suffer embarrassment, humiliation and irreparable harm and injury as a result thereof. That the constitutions of the United States and the state of Louisiana

grant him the right to a fair and speedy trial, which is the only manner in which his rights can be restored so long as these proceedings are pending."