

18 Sept. 1967

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839 pcsEB71
SHAW 170

NEW ORLEANS (AP)-CLAY L. SHAW, ACCUSED BY DIST. ATTY. JIM GARRISON OF CONSPIRING TO ASSASSINATE PRESIDENT JOHN F. KENNEDY, LOST A LAST-DITCH BID TODAY TO HAVE THE CASE THROWN OUT OF COURT. CRIMINAL DIST. JUDGE EDWARD HAGGERTY TURNED DOWN TWO MOTIONS THAT WOULD HAVE QUASHED THE INDICTMENT AGAINST SHAW ON GROUNDS THE GRAND JURY THAT INDICTED HIM WAS ILLEGALLY FORMED.

THE ACTION PAVED THE WAY FOR A POSSIBLE OCTOBER TRIAL DATE FOR SHAW, A 54-YEAR-OLD RETIRED NEW ORLEANS BUSINESS EXECUTIVE. HE IS THE ONLY MAN CHARGED SO FAR IN GARRISON'S CONTROVERSIAL PROBE INTO THE KENNEDY ASSASSINATION.

JUDGE HAGGERTY, AFTER OVERRULING THE TWO MOTIONS, GAVE THE DEFENSE UNTIL NEXT TUESDAY TO FILE ANY ADDITIONAL MOTIONS BEFORE SETTING A TRIAL DATE.

GARRISON CLAIMS SHAW PARTICIPATED IN A NEW ORLEANS-BASED PLOT IN THE FALL OF 1963 TO KILL KENNEDY.

AN ORLEANS PARISH GRAND JURY INDICTED SHAW IN MARCH ON CHARGES OF CONSPIRING WITH LEE HARVEY OSWALD, THE MAN NAMED BY THE WARREN COMMISSION AS THE SOLE ASSASSIN, AND DAVID W. FERRIE, A ONETIME AIRLINE PILOT WHO DIED LAST FEBRUARY SHORTLY AFTER NEWS OF THE GARRISON PROBE WAS MADE PUBLIC. SHAW HAS BEEN FREE ON \$10,000 BOND.

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SHAW NL 210

NEW ORLEANS (AP)-A JUDGE REFUSED MONDAY TO THROW OUT THE INDICTMENT CHARGING CLAY L. SHAW WITH CONSPIRING TO MURDER PRESIDENT JOHN F. KENNEDY.

CRIMINAL DIST. JUDGE EDWARD A. HAGGERTY JR. SAID TRIAL WILL BE SET NEXT MONTH, "IF LEGALLY POSSIBLE."

HAGGERTY GAVE F. IRVIN DYMOND, CHIEF DEFENSE LAWYER, UNTIL SEPT. 26 TO FILE ANY FURTHER PLEADINGS. DYMOND SAID HE PLANS SOME, BUT DECLINED TO SAY WHAT HE HAD IN MIND.

SHAW, 54, A WHITE-HAIRED, CHAIN-SMOKING RETIRED EXECUTIVE, IS THE ONLY MAN CHARGED BY DIST. ATTY. JIM GARRISON, WHO CONTENDS A CONSPIRACY TO KILL THE PRESIDENT ORIGINATED IN NEW ORLEANS A FEW WEEKS BEFORE THE ASSASSINATION IN DALLAS IN 1963.

JUDGE HAGGERTY GAVE NO REASON FOR DENYING THE MOTIONS TO QUASH THE INDICTMENT. HIS RULING WAS ORAL, WITH NO WRITTEN OPINION.

THE DEFENSE BASED ONE OF ITS MOTIONS TO QUASH ON A CLAIM THAT SOME MEMBERS OF THE GRAND JURY WHICH INDICTED SHAW WERE CONNECTED WITH PERSONS CONTRIBUTING TO A PRIVATE FUND RAISED TO FINANCE GARRISON'S CONTROVERSIAL PROBE.

IN ADDITION, THE DEFENSE SAID THE PROSPECTIVE JUROR LIST FROM WHICH THE GRAND JURY WAS PICKED DID NOT MEET LEGAL SPECIFICATIONS.

MEANWHILE, GARRISON'S OFFICE ISSUED A SUBPOENA FOR WILLIAM DALZELL TO APPEAR BEFORE THE ORLEANS PARISH GRAND JURY THURSDAY.

DALZELL, WHEN PREVIOUSLY QUESTIONED BY GARRISON, WAS DESCRIBED AS A PETROLEUM ADVISER TO THE ETHIOPIAN GOVERNMENT. IN 1961, HE WAS AN INCORPORATOR OF AN ANTI-CASTRO ORGANIZATION HERE.

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