

DA Publicity Campaign

Charged

SHAW ASKS

TRIAL SITE SHIFT

By JACK DEMPSEY

Attorneys for Clay L. Shaw today filed a motion asking that his trial on charges of conspiracy in the assassination of President John F. Kennedy be moved to a location at least 100 miles away from New Orleans.

Shaw's attorneys claimed in the motion that District Attorney Jim Garrison has conducted a deliberate barrage of publicity designed to influence the minds of prospective jurors, making it impossible for Shaw to get a fair trial in the New Orleans area.

CRIMINAL DISTRICT JUDGE Edward A. Haggerty Jr. set a hearing March 5 on the change of venue motion, thus automatically postponing Shaw's trial, which had been scheduled for Feb. 13.

Just when the case will go to trial now depends first of all on the outcome of the request for a change of location. Judge Haggerty will have to rule on that after the hearing.

If the change of venue is not granted, it will be up to Garrison to set a trial date.

JUDGE HAGGERTY GRANTED the state a week to reply in writing to the change of venue notice.

The judge instructed defense attorney F. Irvin Dymond to have Shaw, 54, present in court Feb. 13, at which time the judge said he would grant a continuance in the trial in view of the March 5 hearing.

Dymond filed a 14-page motion asking for the venue change and for time to subpoena out-of-state witness for the hearing. Several exhibits, including clippings of news stories and magazine articles, were filed with the motion.

THE JUDGE NOTED THAT THE March jury will be selected March 4. He had said previously that some jurors might be called as witnesses in a change of venue hearing.

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This probably would mean that even if the trial is held here, it could not begin until April, when a new jury would be available.

Dymond's motion charged that the DA's office, and specifically Garrison, have "made a concerted effort to keep the case in the public eye."

This, he said, has "presented an atmosphere of prejudice, passion, excitement and tyrannical power such as to render impossible a freedom of discussion by the populace, much less the prospective jurors, so as to make the atmosphere of metropolitan New Orleans incompatible with the requirement for fair and orderly administration of justice."

THE MOTION said Garrison's association with Warren

Report critics Mark Lane and Harold Weisburg was a "well-planned conspiracy to poison the minds of jurors . . . that a conspiracy (to kill President Kennedy) did exist, thus pre-selling the potential jurors on an essential element of the crime alleged." It said this puts the burden of proof on the defense to disprove a conspiracy.

The Warren Commission report concluded there was no conspiracy in the President's slaying. Lane, Weisburg and Garrison have long disputed this.

Dymond's motion contended that last year the DA's office agreed to a continuance after the defense earlier asked for a change of venue on grounds of a prejudicial atmosphere here. Dymond contended today that the state by implication agreed that the prejudicial atmosphere existed, and must now show it no longer exists.

The motion charged that as of Nov. 1, 1967, Garrison began a campaign to revive public interest in the case. It said local newspapers and TV stations gave "top coverage to the case."

IT CITED speeches by Lane, a book by Weisburg, and articles in Ramparts Magazine, Playboy Magazine and the National Observer as part of what it called Garrison's campaign to keep the case in the public eye.

Dymond charged that Garrison's subpoenas to out-of-state witnesses were designed for publicity and "for no other reason" because most of the people involved had previously been interviewed by the DA's office.

It cited the bill of information filed Dec. 2 charging Eugene Bradley of California

with conspiracy in the case. The motion said Garrison had a policeman deliver a press release on the charge to the news media before the arrest warrant was delivered to California, "giving Bradley time to flee."

Dymond said the sole reason for the Bradley charge was "to lend substance to the charges against Shaw."

ALSO CITED were Garrison's national television appearance Feb. 3, a story in the National Enquirer and what the motion called a "nationwide speaking tour" by Garrison.

The defense attorneys said they infer that "the DA operates on the aesthetic theory that by not mentioning the name of Clay L. Shaw at any of these discussions it takes him outside the court guidelines."

Judge Haggerty had previously issued guidelines prohibiting any of the principals from publicly discussing the case.

SHAW, former managing director of the International Trade Mart, was arrested in March, 1967, and subsequently indicted for conspiracy in the assassination.

The motion's specific reference to the States-Item and The Times-Picayune said the newspapers gave "top coverage" to the case and "have a history of strong influence on the minds of people" within the 100-mile radius of New Orleans.