

23 NOV 1963

(FX ASKED)

WITH KENNEDY-TRIAL

DALLAS, TEX. NOV.23 (AP)-IF LEE HENRY OSWALD IS INDICTED FOR THE MURDER OF PRESIDENT KENNEDY HIS TRIAL WILL BE THE MOST IMPORTANT IN TEXAS LEGAL HISTORY.

THIS IS WHAT DISTRICT ATTY. HENRY WADE, THE MAN WHO WOULD PROSECUTE HIM, THINKS.

WADE, A DALLAS COUNTY PROSECUTOR SINCE 1951, SAID HE EXPECTS NO CHANGE OF VENUE, EVEN IF A MOTION FOR IT IS MADE BY WHOEVER DEFENDS OSWALD.

"I DO NOT BELIEVE ANY MOTION FOR A CHANGE OF VENUE WOULD BE GRANTED IN THIS CASE," HE SAID. "ALL OF THE STATE OF TEXAS, EVERYONE, HAS BEEN EXPOSED TO THE INTENSIVE NEWSPAPER, RADIO AND TELEVISION COVERAGE OF THIS TRAGEDY.

"REGARDLESS OF WHERE A TRIAL IS HELD, THE SAME PROBLEMS WOULD BE ENCOUNTERED IN SECURING A JURY. IT HAPPENED HERE, IT SHOULD BE TRIED HERE," WADE SAID.

WADE SAID HE MAY GIVE THE CASE TO THE GRAND JURY ABOUT THE MIDDLE OF NEXT WEEK. IF THE INDICTMENT IS RETURNED IT WOULD GO TO JUDGE JOE BROWN'S STATE CRIMINAL DISTRICT COURT.

BUT, WADE SAID, THIS IS ROUTINE AND DOES NOT NECESSARILY MEAN BROWN WOULD BE THE TRIAL JUDGE.

HE SAID IT IS UNLIKELY THAT HE WILL CALL MRS. JACQUELINE KENNEDY OR ANY OF THE LATE PRESIDENT'S ENTOURAGE AS WITNESSES TO TESTIFY.

"WE DO NOT NECESSARILY HAVE TO HAVE THEM AS WITNESSES," HE SAID. "ALL WE'VE GOT TO PROVE IS THAT THE PRESIDENT DIED OF A GUNSHOT WOUND AND, OF COURSE, WHO DID IT.

"WE WILL TRY TO AVOID SUBPOENA OF MRS. KENNEDY AND THE OTHERS," HE SAID.

IT IS POSSIBLE THAT OSWALD MIGHT HAVE AN EXAMINING TRIAL OR BOND HEARING BEFORE FORMAL TRIAL. AND, WADE SAID, IT APPEARS LIKELY THAT OSWALD WILL APPEAR IN POLICE LINEUPS FROM TIME TO TIME AS OTHER POSSIBLE WITNESSES TRY TO IDENTIFY HIM.

OSWALD, UNDER SECURITY GUARD, HAS NO LAWYER.

IT IS CUSTOMARY IN MURDER CASES HERE FOR THE DEFENDANTS TO BE EXAMINED BY A PRIVATE PSYCHIATRIST. THIS WILL BE DONE WITHIN THE NEXT FEW DAYS, WADE SAID.

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THE EARLIEST TRIAL DATE THAT COULD POSSIBLY BE SET WOULD BE TWO WEEKS AFTER THE INDICTMENT IS RETURNED. BUT, WADE SAID, IN TEXAS IT IS CUSTOMARY TO ADD TWO WEEKS MORE ON TO THAT.

SEVERAL CONTINUANCES ARE OFTEN GRANTED IN DALLAS COUNTY AND WADE DOES NOT EXPECT THE TRIAL TO START BEFORE MID-JANUARY.

IF OSWALD SHOULD BE CONVICTED HE COULD APPEAL TO THE STATE COURT OF CRIMINAL APPEALS, THEN A FEDERAL CIRCUIT COURT OF APPEALS, THEN THE SUPREME COURT.

IF OSWALD SHOULD PLEAD INSANITY HE WOULD HAVE TO CONVINCING THE JURY THAT HE HAS REGAINED HIS SENSES SINCE THE SHOOTING IF HE WERE TO GO FREE.

IF THE JURY SHOULD RULE HIM INSANE AT THE TIME OF THE ASSASSINATION--AND SANE NOW--HE WOULD BE A FREE MAN. BUT IF HE WERE RULED INSANE STILL HE WOULD BE COMMITTED TO A MENTAL INSTITUTION.

IF HE WERE TO EVER REGAIN HIS SANITY HE WOULD STILL FACE THE MURDER CHARGE.

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