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High Court Won't Block Shaw Trial

By ASSOCIATED PRESS AND
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WASHINGTON — The Supreme Court refused today to block the Louisiana trial of New Orleans businessman Clay Shaw on charges of conspiring in the assassination of President Kennedy.

Without comment, the court issued a brief order affirming a lower court decision which rejected a move by Shaw, 55, to stop the prosecution.

The action clears the way for New Orleans District Attorney Jim Garrison to proceed with Shaw's trial. It does not close the door to possible further appeals to the Supreme Court by Shaw after the trial.

In other actions, the court:

- Agreed with a ruling by a special three-judge federal panel striking down state tuition grants in North Carolina

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to enable children to attend private schools. The lower court held the grants were designed to evade school desegregation.

- Granted a hearing to 11 New York Negroes seeking a federal court order barring their trial under New York State's now-repealed criminal anarchy law. The appellants were accused of being members of an extremist Negro organization, known as RAM—for Revolutionary Action Movement. Two of the 11 have been convicted of plotting to assassinate moderate Negro leaders such as Whitney Young and Roy Wilkins. The 11 denied membership in RAM and denied any knowledge of the organization.

- Passed up an opportunity to extend to the states the controversial Mallory ruling, which requires police to take arrested persons before a magistrate without unnecessary delay. The court imposed the ruling on federal authorities in 1957.

In his appeal for an injunction to bar the trial, Shaw contended that Garrison was using him "as a pawn and a patsy" in a bad faith prosecution aimed solely at "securing a judicial forum for his attacks on the Warren report."

The report issued by a special commission headed by Chief Justice Earl Warren held that Lee Harvey Oswald had acted alone in assassinating Kennedy in Dallas, Nov. 22, 1963.

Shaw was indicted by a grand jury March 22, 1967, on a charge of conspiring with Oswald, David W. Ferrie and unnamed others to assassinate Kennedy. Oswald was slain by Jack Ruby two days after the assassination and Ferrie died shortly after the grand jury action. Shaw pleaded innocent to the charge.

NO PART

Because of his role in preparing the report on the Kennedy assassination, Warren took no part in today's action in the Shaw case.

In New Orleans, an aide to Garrison said Garrison's office will set a new trial date as soon as possible for Shaw.

But Assistant District Attorney James Alcock said he expected the defense to further delay proceedings by filing further motions.

"The next move is up to us and we will be setting the Shaw case for trial just as quickly as possible," Alcock said.

NEW PLEADINGS

"The defense does have the option to file any pleadings that they see fit to protect their client. They have indicated to me that they do intend to file additional pleadings," Alcock said.

"The trial definitely will not be this month because we don't have a jury," Alcock added. "The earliest date for the trial would be some time in January."

The black militants had asked for a hearing on the York's 1920 law against criminal anarchy. They argued the 63 year old law could not be reshaped by courts to conform with more recent legal safeguards.

HELD 10 DAYS

The Mallory rule was an appeal by a Florida man who was held by Miami police for 10 days and placed in repeated line-ups until he was identified finally as a holdup man.

The rule requires police to take arrested persons before a magistrate without unnecessary delay. If this procedure is not followed, and confessions obtained during the delay are inadmissible at trial.