

PROBE NL 370

NEW ORLEANS, MARCH 25 (AP)--THE JUDGE ALLOTTED THE TRIAL OF CLAY L. SHAW, CHARGED WITH CONSPIRING TO MURDER PRESIDENT JOHN F. KENNEDY, SAID TODAY HE DOES NOT BELIEVE THE WARREN COMMISSION REPORT CAN BE ADMITTED AS EVIDENCE.

JUDGE EDWARD A. HAGGERTY JR. TOLD A NEWS CONFERENCE IN HIS OFFICE THE MAIN REASON THE REPORT COULDN'T BE USED IS THAT NEITHER THE DISTRICT ATTORNEY NOR THE DEFENSE WOULD HAVE A CHANCE TO CROSS-EXAMINE WITNESSES NAMED BY THE WARREN COMMISSION.

"I DON'T HAVE TIME TO READ THE WARREN COMMISSION REPORT AND I THINK IT BEST THAT I DON'T READ IT," THE JUDGE SAID. "POSSIBLY, SUBCONSCIOUSLY, I MIGHT PREJUDGE THE CASE BECAUSE OF IT."

HAGGERTY ALSO SAID HE WILL NOT ASK ANY OF HIS FELLOW CRIMINAL DISTRICT COURT JUDGES TO AID HIM IN PRESIDING OVER THE SHAW TRIAL.

SHAW IS CHARGED BY THE GRAND JURY WITH CONSPIRING TO ASSASSINATE PRESIDENT KENNEDY IN 1963. THE CASE HEADED FOR TRIAL AFTER A THREE-JUDGE PANEL RULED IN A PRELIMINARY HEARING THAT DIST. ATTY. JIM GARRISON HAD UNCOVERED "SUFFICIENT EVIDENCE" IN HIS PROBE TO WARRANT FURTHER CRIMINAL PROCEEDINGS AGAINST THE WEALTHY, RETIRED BUSINESSMAN. A GRAND JURY ALSO INCLUDED SHAW.

THE JUDGE SAID HE IS NOT FEARFUL OF CONDUCTING THE CASE AGAINST SHAW, FORMER MANAGING DIRECTOR OF THE INTERNATIONAL TRADE MART AND THE FIRST MAN TO BE SENT TO TRIAL IN CONNECTION WITH KENNEDY'S DEATH.

HAGGERTY SAID HE DOES NOT INTEND TO CALL HIS FELLOW JUDGES FOR ASSISTANCE BECAUSE "IT WOULD BE INOPPORTUNE IN A JURY TRIAL TO STOP AND GO CONSULT WITH MY BROTHER JUDGES."

THE TRIAL WENT TO HAGGERTY BY LOT.

"I CAN TELL YOU I'M NOT AFRAID," HE SAID. "I HOPE TO CONDUCT THE TRIAL FAIR AND SQUARE. SOMEONE HAS TO TRY IT. I AM NOT CRINGING."

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ASKED HOW QUICKLY SHAW WILL BE TRIED, HAGGERTY REPLIED, "THAT'S A GOOD QUESTION." HE SAID THE FIRST THING WILL BE THE ARRAIGNMENT OF SHAW, AND HE DOESN'T KNOW WHEN THAT WILL BE.

JUDGE HAGGERTY SAID HE IS SURE THAT NEARLY EVERY PERSON IN NEW ORLEANS--AND POSSIBLY AROUND THE WORLD--HAS HEARD OR READ OF THE SHAW CASE. "BUT I DO BELIEVE THAT WE CAN HAVE A FAIR AND IMPARTIAL TRIAL IN NEW ORLEANS."

MEANWHILE, THERE APPEARED TO BE LITTLE ACTIVITY GOING ON IN GARRISON'S OFFICE.

SHAW WAS REPORTED SPENDING THE EASTER WEEKEND SOMEWHERE ON THE MISSISSIPPI GULF COAST.

ASST. DIST. ATTY. JAMES L. ALCOCK SAID GORDON NOVEL, A MATERIAL WITNESS IN THE GRAND JURY'S PROBE OF THE ASSASSINATION PLOT, WAS STILL MISSING AS FAR AS THE OFFICE KNEW.

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