

Shaw Attorneys Ask Trial Delay

Alternative Plea Is New Court Site

Attorneys for Clay L. Shaw, charged with participating in a conspiracy to assassinate President Kennedy, today asked for either a six-month continuance of Shaw's trial or a change of venue, charging that DA Jim Garrison's actions have made a fair trial in New Orleans impossible.

In the motion, filed today before Criminal District Judge Edward A. Haggerty Jr., the Shaw defense asked that the trial be continued for at least six months.

In the event that Judge Haggerty rules that Shaw is not entitled to the delay, the motion asked that the trial be moved to another jurisdiction. The motion charges that it is impossible at this time for Shaw to get a fair trial here or in immediately adjoining parishes.

ATTORNEYS FOR the 54-year-old retired New Orleans businessman claimed that from the day of Shaw's arrest, March 1, the DA began a "deliberate and calculated publicity barrage" against their client on a "local, nationwide and worldwide basis" which has resulted in "almost daily" coverage by news media.

It is impossible, they claim, to get a fair trial "now or in the near future."

The motion cited 12 acts by

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the DA which the defense claims have "destroyed or seriously prejudiced the right" of Shaw to a "fair trial and implanted in the minds of the public and prospective jurors" the Garrison theories of the case.

The defense also filed another motion today requesting more particulars about the DA's contentions. Today was the deadline for filing motions in the case.

Earlier, Judge Haggerty said that if the motions were filed today, he had hopes of holding a hearing on them tomorrow.

THE MATTER hinges on the fact that tomorrow is the last day for the current (September) jury panel. Judge Haggerty explained that he will deal with the change of venue motion by questioning members of his jury panel on whether or not Shaw could get a fair trial in New Orleans.

The judge's plan was to use the current panel for the hearing and the new panel for the trial itself.

"I certainly can't use the October jury to determine if Shaw can get a fair trial and use the same jury for the trial," the judge said angrily.

WHEN THE JUDGE arrived at his chambers about 10 a. m., he took up routine business. At about 10:30, he saw assistant district attorney James L. Alcock seated with newsmen in the jury box.

The judge noted Alcock's presence, and remarked that he had had a telephone message from chief defense counsel F. Irvin Dymond to return his call.

"I'm not going to call him. I disdain from handling court business on the telephone.

This court is not here for the sole benefit of Mr. Dymond," the judge said.

"IF HE IS not here by the time I leave the bench, I'm not going to accept any pleadings he may try to file. He was given ample and sufficient time."

The judge resumed his regular docket, and at this point Salvadore Panzeca, another defense counsel, entered the court.

Panzeca told the court the defense did intend to file its motions before the end of the court day. He said the court sits until 4 p. m., and said the state has often filed its motions in the afternoon.

"WE WANT THE same consideration," Panzeca said.

The judge retorted that whenever the state filed motions late in the day, they were filed with the clerk of court while the judge was not sitting.

"I specifically wanted these motions filed while Mr. Alcock was here to look at the pleadings. I wanted him to have his answer ready by this afternoon," Judge Haggerty said.

"I understand one of the motions is for a change of venue," he added. If so, the judge explained, he wanted to use the current jury panel tomorrow for the hearing.

PANZECA SAID the defense was not aware of the court's feelings, and denied any delay was intended.

"This means this case will be thrown back a whole month due to Mr. Dymond's tardiness," the judge said.

"I don't know if this was on purpose, but I think it was."

Judge Haggerty said he was asked earlier in his chambers by defense counsel to continue the case because the wife of one of them, William Wegmann, was about to have a baby.

"I TOLD THEM to ask me that in open court. They wouldn't do it," the judge said.

Panzeca again denied any delay was intended.

"No matter how you cut the mustard, it all boils down to the fact that the pleadings are not here on time," the judge said.

He said the defense wanted to bring in a large number of persons to be questioned on whether a fair trial could be obtained, and the state would have the right to do the same under that method.

"THE ONLY WAY to do it is to use jurors already selected to see if there can be a fair trial," Judge Haggerty said.

Indicating he had previously reached an agreement with defense counsel on that point, the judge said "we agreed to use my jury panel for that very purpose. It looks like I'm legally outmaneuvered."

Panzeca again insisted the defense was on using delaying tactics.

"I TOLD THEM in chambers there will be no continuance," the judge said. "If Dymond files his motions this afternoon, I'll use the jury tomorrow anyway if Alcock can answer on time."

Alcock gave no indication whether the state could answer the motions immediately.

Shaw is accused by District Attorney Jim Garrison of conspiring with Lee Harvey Oswald and others to kill the President in 1963.