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WASHINGTON AP - The Supreme Court cleared the way Monday for New Orleans Dist. Atty. Jim Garrison to try Clay L. Shaw for conspiracy in the murder of President John F. Kennedy.

Shaw, a 55-year-old retired businessman, had appealed to the court for "sanctuary," asking that the prosecution be blocked. He accused Garrison of persecution and said the district attorney does not really expect to win a conviction that would stand up.

Moreover, Shaw sought to knock out Louisiana's conspiracy laws and to make binding on all courts in the land the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, assassinated Kennedy.

The justices, apparently by an 8-0 vote, affirmed dismissal of Shaw's suit by a panel of three federal judges in Texas last May. The ruling does not pass judgment on the merits of the case against Shaw. It simply finds federal intervention in the state-court prosecution premature.

Chief Justice Earl Warren, who headed the commission that fixed the blame for Kennedy's killing on Oswald and discounted conspiracy theories, removed himself from consideration of Shaw's appeal.

In New Orleans, the assistant district attorney, James L. Alcock, said a trial date would be set "as soon as possible," perhaps for next month. Alcock said he was not surprised at the decision, that all that surprised him was that the court did not rule until now. Shaw filed his appeal Sept. 27.

The court surprised observers in another sense. It returned from a two-week recess, its second layoff since October, with only two decisions in cases it has heard this term. And in both cases the justices did not pass judgment on the issues that had been raised.

The court, with little explanation, said it should not have heard the appeals in the first place.

One sought to give suspects in all the states the same right to speedy arraignment the controversial 1957 Mallory ruling had given federal criminal suspects.

The second tried to challenge prosecution for draft evation when the evidence is slim that the draftee ever received an order to report for induction.

Meanwhile, the justices set the stage for a major civil rights ruling-a bid by the NAACP Legal Defense and Educational Fund to open private beach and swim clubs to Negroes.

The appeal, to be heard next year, claims an 1866 civil rights law gave Negroes the right to use places of public amusement, including clubs that charge a nominal fee so they can limit "membership" to whites.

Last June the court decided that all-but-forgotten federal law banned racial discrimination in the sale or rental of all housing, private as well as public.

The fund has seized on that decision to strike at nominally private clubs. The case deals directly with Lake Nixon Club, a recreational area about 12 miles west of Little Rock, Ark., that offers swimming, picnicking, boating, sunbathing and miniature golf.

The appeal said a nominal membership fee of 25 cents is charged simply to exclude "undesirables" including Negroes.
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