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Court Ruling Clears ay for Shaw Trial

Rule Clears Way for Shaw Trial

The U.S. Supreme court today cleared the way for the historic trial of Clay L. Shaw by refusing to hear his plea that he is being unjustly prosecuted on charges of conspiring to kill President John F. Kennedy.

THE RULING represented a major victory for District At-torney Jim Garrison, who contends that Shaw took part in a New Orleans-based conspiracy to kill the President.

Assistant DA James L. Al-cock said a trial date "will be set as soon as possible." Garwas not immediately rison

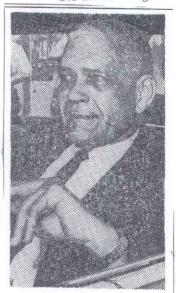
rison was not infinementery available for comment. "The trial definitely will not be this month because we don't have a jury," Alcock said. "The earliest date for the trial would be sometime the trial would be sometime in January."

Alcock said the ruling did not surprise him. "The only thing that surprised me was that it took the Supreme Court

this long to make a decision." Edward Wegmann, a Shaw attorney, said he would have no comment until he can study the high court's ruling.

Shaw, a retired New Or-Snaw, a retired New Or-leans businessman, had ap-pealed to the federal courts for sanctuary, claiming he was the victim of "a concerted pattern of persecution" by Garrison and his staff. ONLY RARELY do federal courts act to block state court prosecutions. The Supreme Court gave no reason for re-fusing to block Shaw's trial or grant him a hearing. Shaw, 55, also sought to make the report of the War-

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CLAY L. SHAW

Shaw--

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ren Commission binding on all courts. The commission concluded that Lee Harvey Oswald acted alone in killing the President.

The commission was headed by Chief Justice Earl Warren, who took no part in the deci-sion handed down by the high court today.

Shaw was arrested March 1, 1967, and charged under the state conspiracy statute. He subsequently was indicted by the grand jury. He pleaded not guilty and has consistently denied any connection with the crime.

In a preliminary hearing for Shaw, state witness Perry Raymond Russo testified he overheard Shaw plotting the President's death here in September, 1963, with Oswald and others.

A LONG SERIES of legal delays have kept the case from, coming to trial since then; an unsuccessful bid was made by Shaw's attorneys to have the trial moved outside New Orleans.

Criminal District Judge Ed-Criminal District Judge Ed-ward A. Haggerty Jr., who will try the case, rejected after a hearing the defense's contention that undue pub-licity on the case would keep Shaw from getting a fair trial here. here.

After exhausting their remedies in state court, Shaw's at-torneys sought a federal court injunction prohibiting Garri-son from further prosecution. of the case.

FEDERAL DISTRICT Judge Frederick J. R. Heebe issued a preliminary injunction until the case could be heard by a

three-judge panel. This past July 28, the panel, composed of Circuit Judge Robert A. Ainsworth and District Judges Heebe and James A. Comiskey, rejected Shaw's plea. The Supreme Court to-day upheld this decision.

President Kennedy was shot to death in Dallas on Nov. 22, 1963. The Warren Com-mission, appointed by Presi-dent Lyndon B. Johnson, held

extensive hearings and issued its lengthy report in 1964. Many writers criticized the report on grounds, that it slighted many areas of pos-sible investigation and that the investigators operated under a preconceived notion that no conspiracy existed.

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IN NOVEMBER, 1966, Garrison began the first investi-gation by a legally consti-tuted authority since the Warren Commission disbanded. His investigation was made public against his will in Feb-ruary, 1967, in an exclusive story by the States-Item.

story by the states-filem. Subsequently, Shaw was ar-rested and charged. Also charged with conspiracy was Edgar Eugene Bradley of Hol-lywood, Calif. Garrison so far has been unsuccessful in get-

ting Bradley extradited for prosecution.

In an unrelated development, Garrison today announced the firing of an aide who he said turned out to be "an operative of the Central Intelligence Agency."

Fired was William Boxley, who had been active in the Kennedy probe.

Garrison said Boxley served for years in Washington in the CIA's "Department of Covert Activity."

In the statement, Garrison repeated previous assertions that Kennedy was killed by the "warfare complex" because he sought to end the cold war.

He said his investigation will succeed despite federal efforts to torpedo it.

*text, AIC newsletter 15 Dec 68, filed Study groups.