

Garrison Wins Right To Try Shaw

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Washington

The Supreme Court refused yesterday to stop New Orleans District Attorney Jim Garrison from prosecuting Clay L. Shaw on charges of conspiring to assassinate President John F. Kennedy.

In an unsigned order, the court affirmed a decision by a three-judge Federal District Court, which had declined to block Garrison and his assistants from proceeding with the trial.

Yesterday's action thus removes the legal barrier that had delayed for six months the trial in which Garrison has vowed to prove that the Warren report was wrong in concluding that Lee Harvey Oswald acted alone in killing President Kennedy in Dallas on November 22, 1963.

DATE

In New Orleans, a spokesman for Garrison's office said that a trial date will be set "as soon as possible," but not before January, when the next jury panel will be called.

Chief Justice Earl Warren, chairman of the presidential commission that investigated the assassination, did not participate in the decision.

Shaw, a 55-year-old retired businessman, was arrested March 1, 1967, on charges of having conspired with David W. Ferrie, Oswald and others to murder President Kennedy. Ferrie had died a week earlier of what the city coroner said were natural causes. Garrison called it suicide.

At a pretrial hearing, a witness, Perry R. Russo, claimed to have heard Shaw, using the name "Clay Bertrand," discussing the assassination of President Kennedy with Ferrie and "Leon Oswald," whom he identified as Lee Harvey Oswald. The discussion was said to have oc-

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occurred at Ferrie's apartment about two months before the Kennedy Assassination.

SUIT

On May 27, 1968, two weeks before the trial was scheduled to begin, Shaw filed suit in Federal district court in New Orleans, charging that Garrison was prosecuting him merely to obtain a judicial forum "to discredit the Warren Report and its find-

ings."

The district court ruled August 13 that if Shaw's federal constitutional rights are violated at his trial, he can obtain relief by appealing the conviction. It refused to bar the trial.

In his appeal to the Supreme Court, Shaw accused Garrison and his assistants of "conducting a reign of terror by the misuse and abuse of the public offices which they hold."