

Shaw Again Presses for Site Change

Attorneys for Clay L. Shaw today pressed a new move to have his trial on a charge of conspiring to kill President John F. Kennedy moved out of New Orleans.

Criminal District Judge Edward A. Haggerty Jr. set a hearing Friday on this motion and another to throw out the charges against the 55-year-old retired businessman.

Judge Haggerty granted a third motion offered today by

chief defense counsel F. Irvin Dymond. It will permit Shaw to remain free on his original \$10,000 bond during the trial, now scheduled to begin Jan. 21.

DISTRICT ATTORNEY Jim Garrison charges Shaw conspired with Lee Harvey Oswald and others to kill the President in 1963. The charges have been pending since March, 1967.

Judge Haggerty said today

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he will hold court on Mardi Gras if necessary to expedite the trial.

The judge said he will hold court sessions from 9 a. m. to noon and 1:30 p. m. to 5:30 p. m. Mondays through Saturdays and from 1:30 to 5:30 p. m. on Sundays.

HE SAID HE originally intended to hold night sessions, but felt it would overtax attorneys, jurors and the sheriff's office, which is responsible for security.

The jury will be locked up overnight in a nearby hotel. If women are on the jury, a police matron will accompany them.

Both sides have said they expect a lengthy trial. Garrison's estimate is five weeks.

"PLL HOLD COURT on Mardi Gras (Feb. 18) if necessary, and it looks like it will be necessary," Judge Haggerty said. He said cameras and recording equipment will be

banned from the courthouse, but there will be closed-circuit TV from the courtroom to the sheriff's office to help security.

The judge said he is asking for a panel of 250 jurors and will call on persons from panels of other sections of court if the original 250 is exhausted before 12 jurors are agreed upon.

Dymond's motion to quash the indictment against Shaw attacks two state statutes on constitutional grounds.

IT CONTENDS the conspiracy statute under which Shaw is charged is invalid because it violates the freedom of speech guaranteed by the federal and state constitutions, violates the due process clause of both federal and state constitutions, and violates the right of an accused person to be informed of the accusation against him.

The motion also attacks a state law known as the "9 of 12 rule," which provides that only nine of the 12 jurors may vote guilty to obtain a conviction. Dymond's motion contends a guilty verdict must be by unanimous vote.

The motion for a change of venue was the fourth filed since the lengthy proceedings began. The other three were overruled by Judge Haggerty.

LIKE THE earlier motions, this one contends it is impossible for Shaw to get a fair trial anywhere within a 100 mile radius of New Orleans because of the publicity the case has received.

It charges that Garrison and his aides have persisted in a course of conduct designed to influence potential jurors against Shaw and to convince them that there was in fact a conspiracy to kill President Kennedy.

The President was shot to death in Dallas on Nov. 22, 1963, and the Warren Commission investigating his death said it could find no credible evidence of a conspiracy. Garrison claims Shaw and others plotted the assassination here in September, 1963.

DYMOND'S MOTION cited an hour-long press conference by Garrison on Dec. 11, a television show on which assistant DA James L. Alcock appeared Dec. 9, and a TV interview with Alcock on Dec. 31.

The motion quoted Alcock as saying of Shaw, "We can

and will try him without the autopsy report and X-rays." Garrison has been seeking as evidence, thus far unsuccessfully, the original records of the autopsy on the President's body.

The motion quoted Alcock further:

"WE FEEL THAT this (the autopsy report) is vital evidence and the jury is entitled to see it and to have experts tell them what is reflected by these reports.

"We feel sure they will show that President Kennedy was shot from at least two directions and especially from the front, which is in the area of the grassy knoll."

Many Warren Commission critics have contended that shots were fired from the knoll on Kennedy's right, rather than or in addition to the Texas School Book Depository window from which the Commission says Oswald fired his rifle at the President's back.

DYMOND ASKED for an immediate hearing on his motions so as to cause no further delay in the trial. Alcock said the state could be ready with answers by Thursday, and Judge Haggerty set the hearing at 10 a.m. Friday.

Judge Haggerty said he is having additional benches placed in his courtroom to increase the seating capacity to 172. He said a pool of 25 newsmen will be admitted during the jury selection process, when most of the seats will be occupied by potential jurors. After that, 100 newsmen will be admitted.