

Shaw Trial Fate Remains Cloudy

The fate of Clay L. Shaw and District Attorney Jim Garrison's Kennedy assassination investigation remained in doubt today, with a Monday hearing on Garrison's request for a trial delay the next move on schedule.

Garrison, who only a month ago said nothing could stop the case from going to trial, yesterday through assistant James L. Alcock, filed a motion asking an indefinite delay and raised the possibility that Shaw may never be tried.

Officially, Shaw still is scheduled to go on trial Tuesday on charges of conspiring to kill President John F. Kennedy. Criminal District Judge Edward A. Haggerty Jr. set a hearing for 10 a. m. Monday on Garrison's request for a delay.

DEFENSE ATTORNEY F. Irvin Dymond says he vigorously will oppose any further delay in the case, which has been on docket for nearly two years.

Judge Haggerty has said repeatedly he will brook no further delay in the trial. However, this is the first delay requested by the DA's office and Criminal Court judges customarily grant continuances for the state in felony cases.

Courthouse sources said yesterday that even if the judge rule against the delay, the DA can nolle prosequere the case and reinstate it later. The defense could be depended upon to fight any such action, however.

WHAT PROMPTED yesterday's bombshell from the DA's office was the action Thursday night by U. S. Attorney General Ramsey Clark in releasing an opinion by four medical experts who viewed the autopsy report and photographs of Kennedy which Garrison vainly has been seeking as evidence in the Shaw case.

The material has been locked in the National Archives at the request of the Kennedy family, and barred from public view until 1971.

Clark's experts, who met in secret last year, said the material supported the Warren Commission's view that Kennedy was shot from the back. Garrison contends the material will show the President was shot from the front, backing his view that more than one person was involved in the slaying.

THE WARREN Commission said Lee Harvey Oswald acted alone in killing the President. Garrison charges Shaw conspired with Oswald and others to assassinate him.

Yesterday in Washington, D. C., a federal judge told a Garrison aide he would have to show that the autopsy records are necessary to the Shaw case before they can be released.

Judge Charles Halleck Jr. gave Assistant DA Numa V. Bertel Jr. two weeks in which to produce evidence supporting his claim that the photos are material to the Shaw case.

THE JUDGE was holding a hearing on Garrison's subpoena for the material. However, Alcock held his New Orleans news conference at which the trial delay was requested before the outcome of the Washington hearing was known.

Just last month Alcock said the Shaw trial could be held without the autopsy report and X-rays. But yesterday he said:

"In the event the federal government does not honor our subpoenas and blocks our attempts to present all the evidence, this case cannot be brought to trial."

ALCOCK EXPLAINED that Clark's action in releasing what the DA's office regards as only a small part of the evidence prejudiced the state's case and made it impossible to go to trial Tuesday.

He asked that the trial be postponed until Garrison gets "all of the evidence called for in our subpoenas, the evidence used in the autopsy report and all other evidence secretly held by the federal government."

It was not clear what other evidence Alcock referred to. Some Federal Bureau of Investigation and Central Intelligence Agency reports on the case are classified until the year 2038.

AT THE NEWS conference, Alcock also announced his intention to subpoena the doctor who signed Kennedy's death certificate in Dallas on Nov. 22, 1963.

He identified the doctor as **Robert McClelland**. The certificate, which mentioned a gunshot wound of the left temple, also will be subpoenaed, Alcock said.

Defense attorneys announced yesterday they are withdrawing a subpoena for **Louis S. Gurvich**, president of New Orleans Private Patrol Service Inc. His two brothers, William and Leonard, remain under subpoena.

William Gurvich was an investigator for Garrison in the Kennedy probe until he broke with him and resigned, saying the case against Shaw had no basis.

ALSO YESTERDAY, WWL-TV resolved a controversy by withdrawing a television special on the case it had scheduled for tonight.

Shaw's attorneys had filed a motion for a preliminary injunction against the telecasting of the show, but at a hearing before Judge Haggerty yesterday morning representatives of the station said the show was being withdrawn in the interests of a fair trial.