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COURT REFUSES SHAW MOTIONS

Perjury Trial to Remain Scheduled Monday

The Louisiana Supreme Court Wednesday refused to delay the perjury trial of Clay L. Shaw scheduled to begin Monday.

At the time the court declined to sign a stay order it also refused to review the Dec. 16 ruling that results in the trial.

Both rulings were made in six to one votes, with Associate Justice Walter B. Hamlin dissenting.

Criminal District Court Judge Malcolm V. O'Hara on Dec. 16 denied a motion to quash the perjury charges instituted by District Attorney Jim Garrison.

Garrison charged Shaw with testifying falsely in his trial on conspiracy to murder President John F. Kennedy that he never knew David W. Ferrie and Lee Harvey Oswald, alleged by the district attorney to be co-conspirators.

Shaw had barely been acquitted by a jury on March 1, 1969 which deliberated less than one hour, when on the next Monday the perjury charges were filed.

The writs applied for in the Louisiana Supreme Court asserted the trial judge erred in limiting witnesses for Shaw, making it impossible to establish that Shaw's veracity had been adjudicated in the previous trial.

The petition also contended an error was made in Judge O'Hara's refusal to allow questioning of Garrison and his former assistant, James Alcock, at length as to the theory of the prosecution of Shaw in the conspiracy trial as related to the perjury charges.

Shaw's lawyers believe that when the jury found him not guilty of conspiracy, it prevented prosecution for perjury by finding his testimony valid.

The Supreme Court declared the application does not warrant its jurisdiction, and in the event of a conviction, Shaw has adequate remedy to appeal.

It was signed by Chief Justice E. Howard McCaleb and Associate Justices Joe W. Sanders, Frank W. Summers, Mack E. Barham, Albert Tate Jr. and John A. Dixon Jr.

In his dissent, Justice Hamlin said he is of the opinion that because of the showing made and the exceptional circumstances of this prosecution, the application should be granted.

Justice Hamlin also was in favor of issuing a stay order.

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