## Hearing on Shaw Perjury Motion Recessed Until DA

Able to Testify

throw out perjury charges against Clay L. Shaw got under way today despite the absence of the man who brought the charges, District Attorney Jim Garrison.

Attorneys for Shaw sought to have the hearing postponed when Garrison failed to an-

swer his subpoena, but Criminal District Judge Malcolm V. O'Hara refused and the hearing continued.

First Assistant DA James L. Alcock said Garrison, who suffers from a back ailment. was home in traction.

THE PERJURY charges against Shaw grew out of his trial in 1969 on charges of conspiring to kill President John F. Kennedy. Though a jury acquitted Shaw, Garrison contends the 57-year-old busi-nessman lied under oath during his testimony.

After some preliminary legal skirmishing, Alcock took the stand as the first witness, and under questioning by Snaw's attorneys testified he told the jury in the 1969 trial Shaw was lying when he denied knowing Lee Harvey Oswald and David W. Ferrie.

.Defense attorneys then read off a list of witnesses in the trial and Alcock identified those whose testimony he said placed Shaw with his two alleged coconsnirators

drop per jury charges against ALCOCK SAID since criminal District values of trial for conspir-V. Oser, who was a prosecut-Clay V. Shaw was recessed to Shaw was on trial for conspir-V. Oser, who was a prosecutday uptil alling District At. acy—not merely for knowing ing attorney at the Shaw torney Jim Garrison is able to the two men—the jury's ver-trial; Perry Raymond Russo, testify. Two witnesses were dict of innocent was "not in-the state's key witness at the heard before the hearing was consistent" with his having trial; Criminal District Judge known them.

A hearing on a motion to Alcock said he personally trich, the court reporter.

w out perjury charges wrote most of Garrison's Miss Dietrich also

pinned down to a statement of town and will not return that an alleged meeting of Shaw, Ferrie and Oswald at Ferrie's apartment on Louisiana Avenue Parkway in September, 1963, was the "back-the state" of the state bone" of the state's case.

meetings of the trio men-points of procedure. The main tioned by various witnesses issue was who should pay for and said there were others transcripts of portions of the "we were unable to show the introduce in evidence.

to show the alleged relationship between the three men was such an integral part of the state's case that the jury would not have a cquitted Shaw if it believed he knew the two men.

Shaw appeared 10 minutes before the 10 a.m. starting time, clad in a conservative business suit. He was flanked by his attorneys, F. Irvin Dymond, Edward F. Wegmann and William J. Wegmann. All were under subp<del>oons for</del> the hearing.

Garrison; Alcock; Assistant DA Andrew Sciambra;
ALCOCK SAID since Criminal District Judge Alvin Edward A. Haggerty Jr., who In response to a question, presided, and Miss Helen Die-

Miss Dietrich also failed opening statement to the jury. to appear this morning and Alcock refused to be her office reported she is out O'Hara.

The hearing got off to a He cited several alleged slow start, with arguments on

jury."

Dymond said his cuent,
Shaw's attorneys, in ques"while not a pauper, is finan"while not a pauper, is finantioning Alcock on this materically unable to pay for these al, apparently are attempting jocuments." There was no to show the alleged relation estimony on how much the locuments sought would cost. JUDGE O'HARA ruled

the <del>state m</del>ust supply cr of Garrison's opening closing statements at the but said the defense mus for copies of the openin

closing statements by A Dymond then aske court to force the state . duce Alcock's notes estatement, but Alcoc' they have been destroy

The defense also as a copy of Judge Ha charge to the jury au attaches were sent to copy of it.

Garrison claims S when he testiffed b knew Lee Harvey OF

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SECTION 1

THE STATES-ITEM

NEW OKLEANS, LA.

Date: 6-30-70

idition: RED FLASH

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I le ing Investigated

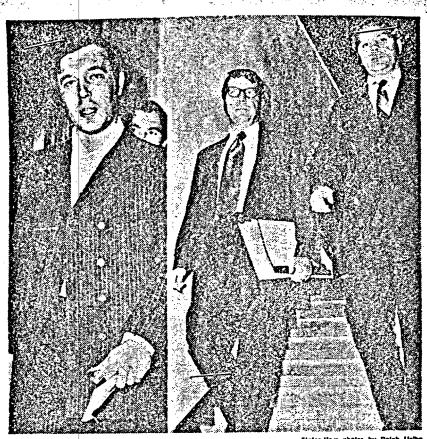
says killed Kennedy in Dallas Nov. 22, 1963, or David W. Ferrie, a mysterious pilot who died here Feb. 22, 1967.

IN THE motion to quash the perjury charge, Shaw's I a wyers contend the jury which acquitted Shaw in effect passed on the truthfulness of his testimony.

The brief argues that Garrison's perjury charge is, in essence, an effort to retry Shaw on the same issue, in violation of his rights under the U.S. and Louisiana constitutions.



EN ROUTE TO A HEARING on a motion to threw out perjury charges against CLAY L. SHAW are, from left, Attorney F. IRVIN DYMOND and Shaw; PERRY RAYMOND RUSSO, key



state's witness in the trial of Shaw in 1969 on charges of conspiring to kill President John F. Kennedy, and Assistant District Attorneys JAMES L. ALCOCK and ANDREW SCIAMBRA.