

(Mount Clipping in Space Below)

Hearing on Shaw Perjury Motion Recessed Until DA Able to Testify

ALSO UNDER subpoena were:

Garrison; Alcock; Assistant DA Andrew Sciambra; V. Oser, who was a prosecuting attorney at the Shaw trial; Perry Raymond Russo, the state's key witness at the trial; Criminal District Judge Edward A. Haggerty Jr., who presided, and Miss Helen Dietrich, the court reporter.

A hearing on a motion to drop perjury charges against Clay L. Shaw was recessed today until piling District Attorney Jim Garrison is able to testify. Two witnesses were heard before the hearing was recessed.

A hearing on a motion to throw out perjury charges against Clay L. Shaw got underway 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 businessman lied under oath during his testimony.

After some preliminary legal skirmishing, Alcock took the stand as the first witness, and under questioning by Shaw'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 coconspirators.

ALCOCK SAID since Shaw was on trial for conspiracy—not merely for knowing the two men—the jury's verdict of innocent was "not consistent" with his having known them.

In response to a question, Alcock said he personally wrote most of Garrison's opening statement to the jury.

Alcock refused to be pinned down to a statement that an alleged meeting of Shaw, Ferrie and Oswald at Ferrie's apartment on Louisiana Avenue Parkway in September, 1963, was the "backbone" of the state's case.

He cited several alleged meetings of the trio mentioned by various witnesses and said there were others "we were unable to show the jury."

Shaw's attorneys, in questioning Alcock on this material, apparently are attempting 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 acquitted 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 subpoena for the hearing.

Miss Dietrich also failed to appear this morning and her office reported she is out of town and will not return until next week. Dymond tried to have the proceeding delayed on this ground, but was overruled again by Judge O'Hara.

The hearing got off to a slow start, with arguments on points of procedure. The main issue was who should pay for transcripts of portions of the 1969 trial Dymond sought to introduce in evidence.

Dymond said his client, "while not a pauper, is financially unable to pay for these documents." There was no testimony on how much the documents sought would cost.

JUDGE O'HARA ruled the state must supply or of Garrison's opening closing statements at the but said the defense must for copies of the opening closing statements by A Dymond then asked court to force the state to produce Alcock's notes statement, but Alcock they have been destroyed

The defense also as a copy of Judge Haggerty's charge to the jury which attaches were sent to copy of it.

Garrison claims when he testified he knew Lee Harvey Oswald

(Indicate page, name of newspaper, city and state.)

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SECTION 1

THE STATES-ITEM

NEW ORLEANS, LA.

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PRESIDENT JOHN F.

KENNEDY, TEXAS

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Being Investigated

ENCLOSURE

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

IN THE motion to quash
the perjury charge, Shaw's
lawyers contend the jury
which acquitted Shaw in ef-
fect passed on the truthfulness
of his testimony.

The brief argues that Gar-
rison'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 consti-
tutions.



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



—States-Item photos by Ralph Urba.
state's witness in the trial of Shaw in 1969 on charges of con-
spiring to kill President John F. Kennedy, and Assistant District
Attorneys JAMES L. ALCOCK and ANDREW SCIAMBRA.