

PERJURY CHARGE PROPER--ALCOCK

Defense Claim in Shaw
Case Is Denied

First Assistant District Attorney James L. Alcock Monday denied in Criminal District Court a defense claim that the bill of information charging Clay L. Shaw with perjury does not conform with legal requirements.

Alcock made the denial in a written answer to a defense motion to throw out the perjury charge, which is based on Shaw's testimony during his conspiracy trial.

The answer was filed with Judge Malcolm V. O'Hara. The judge did not set a date for a hearing on the motion to quash.

Defense attorneys previously attacked the bill of information in a motion to quash on May 14. It said the charge did not conform with either the "long form" or the "short form" as described in the Louisiana Code of Criminal procedure.

BILL AMENDED

Alcock subsequently amended the bill of information, and

said that the state was not proceeding under the "short form." He denied that the testimony has already been passed upon.

In their latest motion to quash, filed on July 11, defense attorneys said the amended bill of information still does not meet legal requirements of the code of criminal procedure.

Section 123 of the criminal code defines perjury as the "intentional making of a false written or oral statement under certain conditions," they pointed out.

The bill of information, on the other hand, charges that Shaw "intentionally violated the statute in question," the lawyers said.

CHARGE AGAINST SHAW

One count of the charge accuses Shaw of lying when he said he had never seen accused presidential assassin Lee Harvey Oswald in person, been acquainted with him or talked to him.

The other count similarly charged that he lied when he said he had not known David Ferrie or seen him in person.

Shaw made the denials while testifying in his own behalf during his trial on a charge that he, Oswald, Ferrie and others conspired to murder President John F. Kennedy.

Shaw was acquitted on the charge on March 1.

The defense attorneys argue that the question of the truth or falsity of Shaw's testimony "has already been adjudicated" by the jury which found him not guilty of the conspiracy charge.

To again subject Shaw to trial would violate his rights under the state and federal constitutions and under the code of criminal procedure, the motion to quash said.

In his answer, Alcock de-

nied that the testimony has already been passed upon. This theory would "forever immunize" all defendants who testify falsely from subsequent prosecution, a contradiction not intended by the legislature, Alcock said.