

Judge Ponders Decision on Shaw Hearing

S-18/25/69

A preliminary hearing to determine whether Clay L. Shaw should be tried on charges of perjury loomed today as a distinct possibility.

The final decision on whether to call a hearing where witnesses will be heard is in the hands of Judge Malcolm V. O'Hara.

Assistant Dist. Atty. James L. Alcock today presented arguments to O'Hara aimed at countering the contention of Shaw's attorneys that the indictment against Shaw is not valid.

The perjury indictment charges that Shaw lied in his conspiracy trial earlier this year when he testified he did not know Lee Harvey Oswald or David Ferrie. Shaw was found innocent of charges of conspiring to kill President John F. Kennedy.

Shaw's lawyers held their client cannot be tried on perjury charges stemming from his conspiracy trial.

Alcock said today such a ruling would immunize defendants who testify falsely from subsequent prosecution for perjury related to their previous false testimony.

O'Hara, who took the matter under advisement, has the option of calling a preliminary hearing to decide the issue.