

Times-Picayune

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PARTLY CLOUDY

rather cold, northerly winds at 12 to 22 miles an hour, is the Weather Bureau forecast. High Tuesday, 52-56; low, 38-42. High Monday, 56; low, 47. Weather map, details, Sec. 1, Page 15.

TUESDAY MORNING, MARCH 4, 1969

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DELANDS AND IS LOST

Court Rejects
Contention

By AR A. POE

(Times-Picayune Correspondent)
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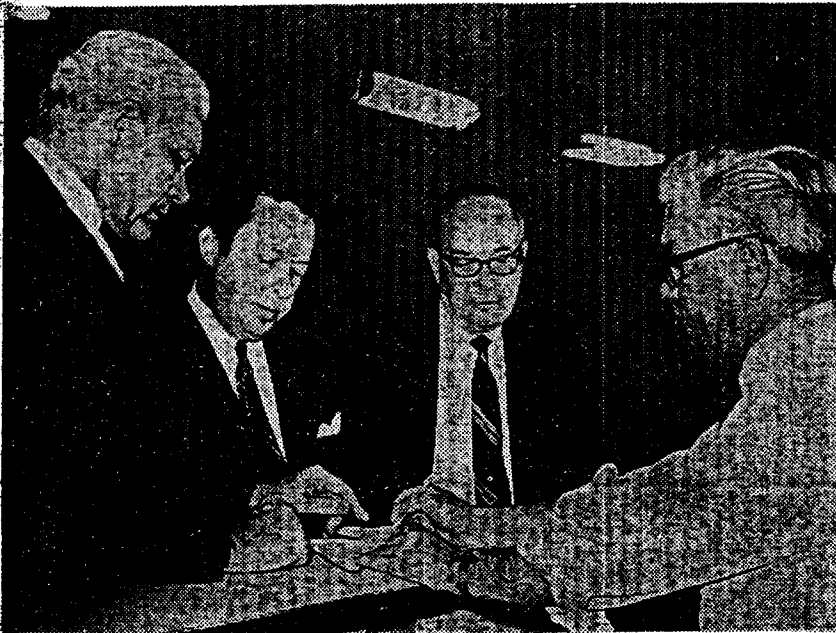
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GARRISON CHARGES SHAW WITH LYING DURING TRIAL

Shaw Released on His Own Recognizance

S-1 3/4/69

Perjury Counts Follow
Acquittal by Jury



—Photo by The Times-Picayune.

PREPARING TO SIGN a legal paper Monday afternoon that released him on his own recognizance is Clay L. Shaw (left), who was found innocent Saturday of charges that he conspired to murder President John F. Kennedy and was charged Monday by Dist.

Atty. Jim Garrison with two counts of perjury. Looking on are (from left) Edward F. Wegmann and F. Irvin Dymond, attorneys for Shaw, and Daniel A. Haggerty, administrative assistant to the clerk of court, in whose office the paper was signed.

By CLARENCE DOUCET
District Attorney Jim Garrison Monday afternoon charged Clay L. Shaw with two counts of perjury, and Shaw expressed "shock" at the action.

Shaw, found innocent by unanimous vote of a 12-man jury Saturday on a charge that he participated in a conspiracy to murder President John F. Kennedy, was released on his own recognizance about 4:20 p. m. after appearing in the office of the clerk of criminal district court.

The charge of perjury is contained in a bill of information, signed by Garrison and filed with the clerk of court about 3:10 p. m. Garrison asked that a bond of \$1,000 be set.

The charge stems from Shaw's testimony during the trial that he did not know either Lee Harvey Oswald or David W. Ferrie. Oswald and Ferrie were named as co-conspirators in the original conspiracy charge.

Edward F. Wegmann, one of Shaw's attorneys, said that Garrison appears to be challenging the credibility of the jury system. "This is what it amounts to," said Wegmann.

F. Irvin Dymond, who served as Shaw's chief defense counsel during the 40-day trial, was asked his opinion of Garrison's action and sneaking into a tele-

action; and speaking into a television microphone, he said:

"The FCC (Federal Communications Commission) wouldn't let you tape about mine."

SHAW AT COURT

Shaw, accompanied by Dymond and Wegmann, appeared at the Criminal District Court Bldg. about 4:08 p. m.

Bondsman B. F. Pettingill, who posted bond for Shaw two years and two days ago—March 1, 1967—when Shaw was first arrested, was also present.

Judge Malcom V. O'Hara, however, authorized that Shaw be released on his recognizance. Thus he eliminated the requirement that bond be posted.

Shaw was smiling as he emerged from an elevator on the second floor of the courts' building; and with his attorneys, he walked to the office of Daniel A. Haggerty, administrative assistant to the clerk of court.

"Judge O'Hara has released you on your own recognizance," Haggerty told Shaw. "Just sign your name and address here," and he handed Shaw a legal paper.

After Shaw signed the paper, Haggerty shook hands with Shaw and wished him "good luck."

It was Haggerty's brother, Judge Edward A. Haggerty Jr., who presided at Shaw's lengthy conspiracy trial.

Shaw told reporters he was standing on his statement of March 2, 1967, the day after his arrest, at which time he said he did not know either Oswald or Ferrie, along with his testimony during the trial when he

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Continued from Page 1

repeated the denial under oath.

FIGHT VOWED

"It's ridiculous," said Dymond, after the group emerged from the clerk's office. "We will fight it all the way."

The new charge against Shaw will be allotted to one of the criminal court sections at 10 a.m. Tuesday. Dymond said Shaw does not need to be present, but he added that Shaw will have legal representation.

Shaw said he questioned the motive of Garrison in filing the bill of information. Asked what he thought Garrison's

motive may be, Shaw answered: "I'm not going to speak on that; you should ask Mr. Garrison."

Garrison could not be reached for comment Monday on the new charge against Shaw, or on public reaction following Shaw's acquittal.

Dymond said he knew very well that Garrison's charges are not just, and Wegmann said that the jury which acquitted Shaw was unanimous on its first ballot.

"I think what the jury said and the manner in which it said it is extremely important. I think the jury spoke."

The two counts cited in the bill of information refer to testimony by Shaw Feb. 27 under direct questioning by Dymond during the trial.

The bill says Shaw "committed perjury by testifying as follows:

"First count:

"Question by F. Irvin Dymond: (Exhibiting photograph to witness) Mr. Shaw, I show you a photograph which has been introduced in evidence and marked for identification 'State 1' purporting to be a photograph of the late Lee Harvey Oswald, and ask you whether you have ever seen this man in person?"

"Answer by Clay L. Shaw: "No, I never have."

"Second Count:

"Question by F. Irvin Dymond: (Exhibiting photograph to witness) I now show you, Mr. Shaw, a photograph which has been marked for identification 'State 3' and introduced in evidence, purporting to be a photograph of the late David W. Ferrie, and I will ask you whether you have ever known this man?"

"Answer by Clay L. Shaw: No, I never have."

"Question by F. Irvin Dymond: Have you ever seen this man in person?"

"Answer by Clay L. Shaw: No."

The bill was signed personally by Garrison.

The Warren Commission, which investigated the assassination of President Kennedy, found that Oswald, acting alone, shot and killed the President and wounded former Texas Gov. John F. Connally.

During Shaw's trial the Warren Report and officials who participated in activities of the Warren Commission came under heavy fire; and the state, in its summation, said it

proved that three men with three guns took part in the assassination.

One juror, commenting after the trial, said that although it was difficult to determine who was on trial: Shaw, the Warren Report, the Federal Bureau of Investigation or the State Police Service.

Crime Unit and Bar Considering Action

Action against Orleans Parish Dist. Atty. Jim Garrison appeared possible Monday as the Metropolitan Crime Commission of New Orleans and the New Orleans Bar Assn. both said they will discuss the matter in executive sessions.

The action came following acquittal of retired businessman Clay L. Shaw on charges of conspiring to assassinate President John F. Kennedy. A Criminal District Court jury returned its verdict early Saturday morning.

Shaw said in a news conference Saturday afternoon that the acquittal was by no means the end of the matter (an indication that he will apparently file suit against Garrison and, perhaps, others).

Aaron M. Kohn, MCC director, said his organization's executive committee will meet this week to "discuss what the various alternatives are and what the crime commission should do about it."

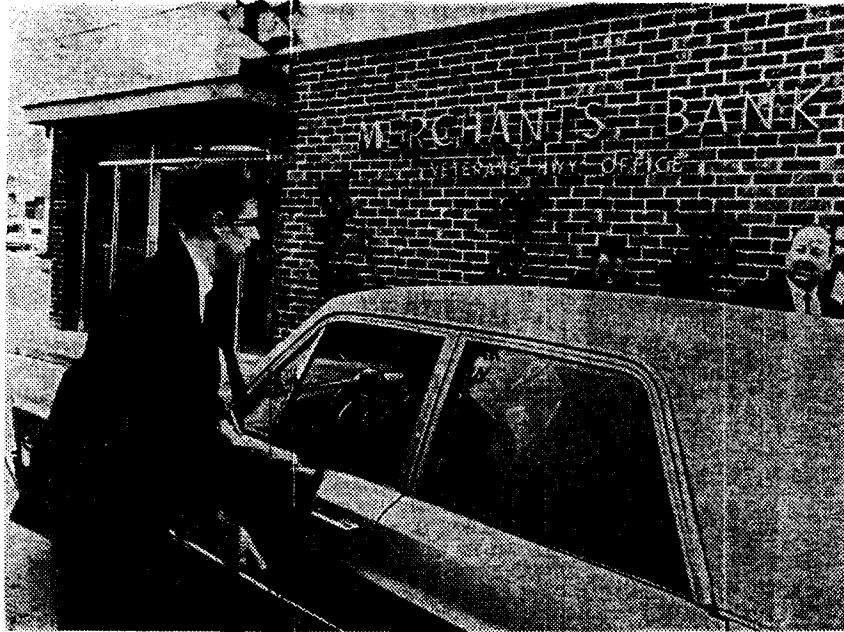
He said the MCC made statements in the past alleging that Garrison's handling of the investigation included commission of crimes. Kohn said the MCC considers the Garrison probe is "unfinished business."

Kohn pointed out that the MCC has in the past asked State Atty. Gen. Jack P. F. Gremillion to investigate Garrison, but to no avail.

Gremillion said Monday he had no comment on the matter.

Asked if a petition presented

FBI Agents Converge at Scene of Holdup



CONFERRING DURING THEIR investigation of the holdup of Merchants Trust & Savings Bank's Veterans Memorial Blvd. office Monday afternoon are several agents of the New Orleans office of the Federal

Bureau of Investigation. A man armed with a nickel-plated revolver escaped with \$23,000 from the Metairie bank just at closing time, authorities said. (Story on Page 1.)

—Photo by The Times-Picayune.

him to oust Garrison from office will be taken to the State Supreme Court, Gremillion said he knew nothing about it.

Howard W. Lenfant, president of the New Orleans Bar Association, said the Garrison matter will be taken up at its next executive meeting March 11, but he said the bar association has no jurisdiction over the District Attorney.

Lenfant said Garrison is not a member of the NOBA, so "we have no jurisdiction over him whatsoever."

Also Monday Asst. Dist. Atty. Clyde Merritt said the cost of the Shaw trial to the taxpayers was \$35,000.

Merritt, who also acts as accountant for the office, said the figure includes \$12,000 for witnesses, housing and food, and \$7,900 for stenographers and court reporters.

He said the state will get a part of the stenography fee

back by selling transcripts of the trial.

Orleans Parish Criminal Sheriff Louis A. Heyd said the cost of housing and feeding jurors at the Rowntowner Motor Hotel for the duration of the trial will be between \$16,000 and \$17,000.

He said there will be another \$1,000 spent for security at the trial, and he hopes to get an additional \$3,000 to pay his deputies for overtime they worked during the trial.

The cost of the investigation was not included in the expense list. Much money for it did not come from usual funds to operate the district attorney's office, but from contributions made by a group of persons known as Truth and Consequences.

Judge Edward A. Haggerty, the trial judge, previously ordered names of contributors and their contributions impounded until after the trial.

Shaw said the two-year ordeal was financially disastrous for

him, and he added he plans to come out of retirement and go back to work.

Schiro Is Happy at Shaw's Acquittal

Mayor Victor H. Schiro Monday expressed gratification over Saturday's acquittal of Clay L. Shaw on charges of participation in a plot to assassinate the late President John F. Kennedy.

"Mr. Shaw has been proven innocent," said Schiro. "I'm very happy to see it. He's a very fine person."

"I'm glad it's over. It has been hanging over our heads. Now that it is over we can forget about it."

The mayor declined to discuss either the conduct of the trial by District Attorney Jim Garrison or Truth and Consequences, a group of businessmen which has been financing some of Garrison's operations.

"I don't intend to become an armed chair strategist and a post mortem authority," said Schiro. "As far as I am concerned, the matter is closed."

Novel Is Alleging Ferrie Murdered

Gordon Novel, once one of the central figures in the investigation of District Attorney Jim Garrison into the assassination, told The Times-Picayune Monday he and "two associates" are prepared to come to Louisiana and testify regarding "the death and murder of David W. Ferrie."

Ferrie, who died shortly after the disclosure of Garrison's investigation, along with Oswald, were said by Garrison to be Shaw's co-conspirators.

Novel, who spoke with The Times-Picayune by telephone from Columbus, Ohio, said, "Myself and two of my associates are prepared to come to Louisiana and testify before a grand jury conducted by the attorney-general."

Ferrie's death was ruled to have resulted from natural causes. Novel alleged that At-

torney General Jack P. F. Gremillion has "been told who killed David Ferrie and how it was done."

Novel said he and his two associates would require that they be granted immunity.