

SHAW LAWYERS FILE SUBPENAS

Dismissal of Perjury Is
Result Desired

Attorneys for Clay L. Shaw have subpoenaed District Attorney Jim Garrison, Criminal District Court Judge Edward A. Haggerty Jr., and others for appearances at a hearing on Tuesday which they hope will result in dismissal of a perjury charge against Shaw.

The attorneys also subpoenaed three members of Garrison's staff, Judge Alvin V. Oser, and Perry Raymond Russo. Russo testified against Shaw during his trial on a charge of conspiring to murder President John F. Kennedy. One of those subpoenaed, first assistant DA James E. Alcock, said he plans to testify. However, he said that he did not know whether or not Garrison will testify.

The hearing will be conducted before Judge Malcolm V. O'Hara Tuesday morning.

Judge Haggerty presided over the conspiracy trial, which ended on March 1, 1969, with Shaw's acquittal by a 12-man jury. Judge Oser, then an assistant DA, participated in the prosecution.

Andrew J. Sciambra, another Garrison assistant, and Louis Ivon, the DA's chief investigator, also were subpoenaed.

Shaw is accused of committing perjury by testifying that he did not know Lee Harvey Oswald or David W. Ferrie when he took the witness stand in his own defense on Feb. 27, 1969, during the conspiracy trial.

BOTH DEAD

Oswald, accused of firing the shots which killed Kennedy, and Ferrie, a former airline pilot, were named as two of the men with whom Shaw allegedly conspired. Both are dead.

The attorneys appeared to be trying to show that the jury in the conspiracy trial had ample opportunity to consider the question of whether or not Shaw knew them.

In a motion to quash the perjury charge, the attorneys claimed that the jury already passed on Shaw's testimony when it found him not guilty.

"And therefore the question

of its truth or falsity has already been adjudicated by the jury," the motion said.

To again subject Shaw to trial would violate his rights guaranteed by the First, Fifth, and Fourteenth Amendments to the U.S. Constitution, Article 596 of the Louisiana Code of Criminal Procedure, and Article I, Sec. 9, of the Louisiana Constitution, they said.

The motion to quash also cites many points in Garrison's opening statement during the conspiracy trial in which Shaw is placed with Ferrie and Oswald.

OPENING STATEMENT

The attorneys have also subpoenaed Garrison's opening statement and his notes, as well as Alcock's closing arguments and his notes.

Alcock said that Garrison's statement was transcribed and therefore available. His arguments were not transcribed, Alcock said, and would not be available.

The attorneys are also seeking a copy of Judge Haggerty's charge to the jury.

Several things could stop the DA's office from setting a trial date immediately, Alcock said.

If the charge were quashed, there would be no trial. If it is not quashed, there may be a conflict with Judge O'Hara's vacation.

Also, the judge may take the motion under advisement before making a ruling. During this time the trial date could not be set.