

## SHAW HEARING

### F-8 FEATURES D.A.

#### 104872 Motion Seeking Perjury Charge Dismissal

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A Dale District Attorney Jim Garrison, occasionally clutching at his back as if in pain, testified in terse statements Wednesday in a Criminal Court hearing on a motion to throw out a perjury charge against Clay L. Shaw.

Judge Malcolm V. O'Hara took the motion to quash under advisement following the hearing, which actually began several months ago.

At that time, Shaw's attorneys subpoenaed Garrison, seeking to query him about his opening statement when Shaw was tried on a charge of conspiring to murder President John F. Kennedy.

However, Garrison could not appear due to a back ailment, and Judge O'Hara pledged that the perjury case against Shaw would not proceed until Garrison testified.

#### SHAW ACQUITTED

Shortly after the March 11, 1969, acquittal of Shaw by a jury, Garrison charged him with perjury. He was accused of lying when he testified during the trial that he did not know

Lee Harvey Oswald, accused presidential assassin, and David W. Ferrie.

Both were named as Shaw's alleged co-conspirators. Garrison said in his opening statement that the state would prove a relationship between Shaw, Ferrie and Oswald bearing on the alleged conspiracy to kill the President.

During his brief appearance on the witness stand, Garrison testified that he made the opening statement, and it was introduced into evidence.

Defense Attorney F. Irvin Dymond said that the state did not fulfill Garrison's promise to prove a conspiracy.

When the jury rejected the conspiracy theory, he argued, it also rejected evidence about Shaw knowing Ferrie and Oswald.

#### ARGUMENTS IN LINE

The arguments were in line with previous assertions that the jury, in acquitting Shaw of the conspiracy charge, also passed on the question of his truthfulness.

Shaw, retired executive director of the International Trade Mart, was in the courtroom, but did not testify.

It was exactly two years from the date of his arrest to the date of his acquittal.

Garrison's back was held stiffly by a brace and his eyebrows were drawn together as he testified.

After testifying, Garrison told reporters he has been in the hospital four times with back trouble, first for an operation, then with a bone infection at the site of the operation.

The back problems have been with him before the Democratic primary election of November, in which he defeated three other candidates for his post without a runoff.