

HEARING DELAYS SHAW'S TRIAL

THE STATES-ITEM

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New Orleans, La.

10 CENTS

The perjury trial of Clay L. Shaw, charged to begin today, was postponed until a federal judge holds a hearing on a defense petition asking that the charge be quashed.

Defense said District Attorney Jim Garrison must first amend all indictments prosecuting Shaw for a slaying in the John F. Kennedy assassination case tried in 1963.

Criminal District Court Judge Malcolm P. Office granted the perjury trial a stay in favor of Shaw.

Shaw's attorneys told him they were seeking a federal district court injunction against prosecution of Shaw.

The U.S. Supreme Court has ruled against the federal district court judge in the case.

Shaw's attorneys said they had filed a petition with the federal court asking for a stay of the trial until the Supreme Court has ruled on the issue.

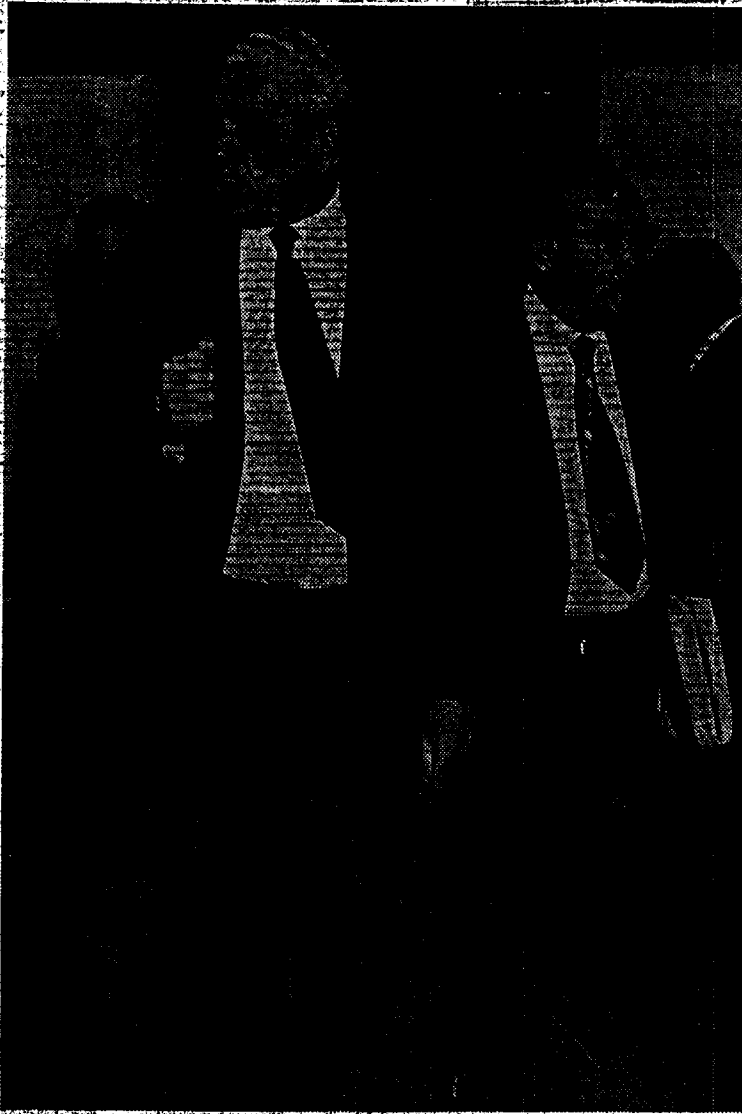
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Clay L. Shaw arrives for perjury trial
Followed by attorney F. Irvin Dymond

today, Shaw's attorneys said the charges are vindictive and ridiculous. Representing Shaw are Irvin Dymond, Edward Wegmann, William Wegmann and Salvador Panzeca. In the petition presented in federal court, they held that by the recent publication of his book, "Heritage of Stone," which deals with the assassination of Kennedy, Garrison has established a financial interest in the continued prosecution of Shaw.

The petition also holds that Garrison's chief witness against Shaw—Perry Raymond Russo—discredited the state's perjury charges by testifying that the alleged plot against President Kennedy's life was only a "bull session."

At the trial, Russo said he saw Shaw, the late David Ferrie and the late Lee Harvey Oswald, at a party discussing the murder of Kennedy. But Russo said in his testimony the alleged discussion about the murder could be labeled a "bull session."

SHAW'S PETITION holds that Russo's characterization of the discussion as a "bull session" removes any testimony by Shaw from the label of perjury.

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ry under the definitions of perjury in Louisiana law.

In a brief press conference at the Criminal District Court, Dymond emphasized that Shaw still denies having known Ferrie or Oswald. But, Dymond said, Russo's testimony makes the entire matter irrelevant.

In the petition, Shaw held that Garrison's publication of his book also makes the DA "a full-fledged member, and ostensibly the leader, of the scavengers of the Warren Report."

JOHN VOLZ, FIRST assistant district attorney, appearing in court for the DA's office, said the last-minute filing of motions by Dymond and his associates was intended only to delay the trial.

Volz, who succeeded James L. Alcock as first assistant DA after Alcock was named a Criminal District Court judge recently, said Dymond could have filed his motions "at any time during the two years between when the original charges were filed and now." Alcock was the major figure in the prosecution against Shaw in 1969, al-

though Garrison delivered the opening and closing statements for the prosecution. Garrison did not appear in court today.

The penalty for perjury is a maximum of 10 years' imprisonment.

Shaw, wearing a blue-grey suit, appeared in court 10 minutes before his trial was scheduled to begin. As during his 1969 trial, he appeared fit and in good spirits. He waved hello to several newsmen as he took his seat.

JUDGE O'HARA commenced the hearing after a closed-door session with prosecuting attorneys Volz, William Alford and Maurice Sciambra, and defense attorneys Dymond, William Wegmann and Panzeca.

The trial, if it begins Wednesday, will take place in Judge O'Hara's newly-decorated courtroom on the first floor of the Criminal District Courts Building.

O'Hara's court was in session at 9 a.m., handling routine business until Shaw appeared, at which time other matters were postponed for the beginning of proceedings in the perjury trial.

SECURITY PRECAUTIONS sur-

rounding today's hearings were strict. However, the crush of newsmen and spectators was much less than in 1969 when the first Shaw trial attracted worldwide attention.

On hand today, and requested to return on Wednesday, were prospective members of the jury.

Judge O'Hara indicated he is anxious for the trial to get underway since nearly two years have elapsed since perjury charges were filed.

"I intend to start on Wednesday," O'Hara said. "If I'm enjoined (by the federal courts), then I'm enjoined."

THE WARREN Commission has concluded that Oswald, a one-time New Orleans resident, was the lone assassin who shot the President with a rifle in Dallas on Nov. 22, 1963. Oswald later was killed in a Dallas police station.

Ferrie, an eccentric former airline pilot, died of a brain hemorrhage Feb. 22, 1967, early in Garrison's probe.

Garrison contends that the Warren Commission report is a fraud and that the death plot was hatched in New Orleans by Shaw, Ferrie and Oswald at a meeting in Ferrie's apartment here.