

Judge Continues Shaw Trial Ban

Clay L. Shaw, who "sees no end" to District Attorney Jim Garrison's attempts to prosecute him in connection with the John F. Kennedy assassination, today began a 45-day wait armed with a federal judge's announced belief that Shaw's credibility has been fully tested.

Shaw, acquitted in 1969 of conspiracy to kill Kennedy but charged with perjury as a result of his testimony in that trial, won at least a temporary victory yesterday when U.S. District Judge Herbert W. Christenberry continued a ban on the perjury trial for 45 days.

The ruling came after a three-day hearing in which Shaw attempted to show Garrison is "persecuting" him. Judge Christenberry granted both sides 30 days to file briefs in the case and another 15 days to reply.

GARRISON CHARGED Shaw lied in the conspiracy trial when he said he did not know accused presidential assassin Lee Harvey Oswald or David Ferrie. Garrison had charged Shaw conspired with Oswald and Ferrie to kill Kennedy.

Judge Christenberry said in his ruling yesterday that in his opinion Shaw's credibility had been fully tested in the conspiracy trial with the jury believing Shaw instead of the "characters" the district attorney's office brought to the witness chair.

Shaw's lawyers have contended from the start of the perjury action that this was the case.

ASSISTANT DISTRICT Attorney John Volz contends the jury ruled only that there was no conspiracy and not on whether Shaw knew Oswald and Ferrie.

The three-day hearing provided both revelations and surprises in abundance. Among the highlights:

—Perry Raymond Russo, who was Garrison's star witness against Shaw in the conspiracy trial, yesterday took the Fifth Amendment when he was asked to repeat his prior story that he saw Shaw in Ferrie's apartment in 1963 at a party attended by Oswald. Russo said he was taking the Fifth Amendment because to do otherwise would be self-incriminating.

—**GARRISON SPENT** a tangled mixture of state, parish and private money, totaling some \$99,000, on his Kennedy assassination probe. Included in the expenditures were some of Garrison's own campaign funds.

—Also included was \$10,000 in state funds disbursed by Gov. John J. McKeithen from a special gubernatorial fund.

—Shaw said he has spent an "agonizing three and a half years" since he was first arrested. He said he fears that, if he testifies in his own behalf in a perjury trial sought by Garrison, he will be indicted on perjury charges again even if he is acquitted. "The cycle could go on ad infinitum," Shaw said from the witness stand.

—**GARRISON PAID** \$315 rent on an apartment occupied by Ferrie until his death. The money was paid in the summer of 1967, several months after

Ferrie's death in February, 1967.

—Three prominent New Orleans businessmen—Willard E. Robertson, Joseph M. Rault Jr. and Cecil M. Shilstone—testifying on the first and second days of the hearing, said they organized the collection of private funds to aid Garrison. They said they disbursed money to the DA's office without knowing how it would be used and never sought an accounting. Robertson signed promissory notes totaling \$30,000 to help finance the investigation.

Shaw was acquitted in less than an hour by a 12-man jury on March 1, 1967, after he had denied having known either Ferrie or Oswald. He was charged March 3, 1967, with having lied when he denied knowing the two.

SHAW TOLD THE court yesterday that "I see no end to this thing so I think my rights to express myself are severely restricted."

Representing the DA's office were first assistant DA's Volz, William Alford and Andrew Sciambra. They held throughout the hearing that the conspiracy trial jury could have found Shaw innocent of conspiracy while believing that Shaw knew Oswald and Ferrie. They held that a second trial is needed to fully test Shaw's credibility.

Garrison took the stand on the second day of the hearing, maintaining it is his duty to proceed with the perjury charges. The DA said he would rather see Shaw acquitted than have him convicted in a trial tainted by an impropriety.

THE ATTORNEYS for Shaw — F. Irvin Dymond, William Wegmann and Edward Wegmann — called Russo to the witness stand late yesterday afternoon.

Dymond asked Russo only one question, "Perry, did you see Clay Shaw in David Ferrie's apartment in 1963?"

Russo replied that he would stand on the Fifth Amendment. He told Dymond he would answer any questions by standing on the Fifth Amendment.

LATER, INTERVIEWED by reporters, Russo said that he had been pressured not to testify in the hearing but would not say by whom or whether he thought the pressures brought to bear represented illegal force.

Asked if he wished he had never gotten involved in the Shaw case, Russo replied, "Yes, I wish I had never gotten involved."

It isn't known how long after briefs and rebuttals have been introduced by the opposing sides that Judge Christenberry will hand down his decision.

DESPITE THE seriousness of the hearing, it did have its wry moments.

Shaw, who said the last three years have been a financial disaster for him and forced him from retirement to an unsuccessful job hunt, told of a 1967 consular corps affair he attended after his arrest and subsequent release on his own recognizance.

He said he was leaving the event when a newsman took a picture of him shaking hands with then-Mayor Victor H. Schiro.

"**MAYOR SCHIRO** was so horrified at being seen on film with me that he

ducked down behind his wife," Shaw said.

Shaw asked from the witness stand if he denied knowing a "Joe Blow" at a perjury trial, could he later be charged and indicted for denying knowing "Joe Blow"?

Judge Christenberry asked Volz what would prevent this. Volz had no answer.

THE JUDGE questioned Russo's refusal to answer questions put to him.

"I don't understand," Judge Christenberry said when Russo invoked the Fifth Amendment. "You testified in state court several times, yet you feel if you answered now you would be incriminating yourself?"

"Yes sir."

Alford lodged a formal objection against Russo being called as a witness.

ALFORD TOLD THE judge that during a recess conference Shaw's attorneys had admitted they knew beforehand that Russo would refuse to answer.

"That's improper conduct, your honor," Alford said.

"It would be if this was a criminal case," Judge Christenberry replied. "But this is not a criminal case. If you want Mr. Russo to testify, grant him immunity."

"We can't grant him immunity," Alford said. "We don't have such a statute."

Judge Christenberry overruled the objection.

THE INTERNAL Revenue Service was an interested spectator at the hearing.

IRS investigator Jim McCormick took notes throughout the hearing.

"Let's just say we're interested in it," McCormick said when asked if the IRS was checking into the DA's financing of the investigation.