

Ban on Shaw Perjury Trial Upheld

NEW ORLEANS, July 31 (AP) — The Fifth U.S. Circuit Court of Appeals today affirmed a lower court decision that blocked the perjury trial of New Orleans businessman Clay L. Shaw, accused of lying in the 1969 investigation of the assassination of President Kennedy.

District Attorney Jim Garrison had lodged the perjury charges against Shaw two days after Shaw and others were acquitted of conspiracy to kill the President.

Shaw was found innocent of the conspiracy charge after a 34-day trial in state Criminal District Court here in 1969.

Two days later, Garrison charged that Shaw had lied under oath when he testified that he never knew Lee Harvey Oswald, accused slayer of Kennedy, and David Ferrie, named as a coconspirator.

Shaw then won a U.S. District Court injunction against further prosecution, with the judge ruling that Garrison

had acted in bad faith in filing the perjury charge.

The Fifth U.S. Circuit Court of Appeals took Garrison's plea for a reversal of the ruling under advisement after an hour-long hearing in which the district attorney's lawyer argued that Judge Herbert W. Christenberry hadn't given him a fair decision.

Key arguments were on whether the Garrison-Shaw controversy lay within legal precedents laid down by previous "bad faith" prosecution

cases and whether Shaw's acquittal was based on the alleged perjury.

Garrison held that Shaw's denial that he knew of the man constituted perjury and that the trial jury's verdict of innocent did not mean that the jurors had accepted everything Shaw said as truth.

The plea also argued that Judge Christenberry displayed obvious bias against Garrison and that no legal precedent upheld the ruling.