

Shaw Hearing

The illness of District Attorney Jim Garrison cut short a hearing today on a motion to drop perjury charges against Clay L. Shaw.

First Assistant DA James L. Alcock said Garrison, who suffers from a back ailment, was home in traction.

Criminal District Judge Malcolm V. O'Hara first declined a motion by Shaw's attorneys that the proceeding be held up until Garrison can testify, but after two witnesses were heard a defense maneuver left him no choice.

DEFENSE ATTORNEY F. Irvin Dymond dismissed the second witness and told the court he had no others to

today were Alcock and Perry Raymond Russo, the state's star witness at the 1969 trial.

ALCOCK WAS questioned closely about statements made by himself and Garrison during the trial, and Russo was asked only to identify himself as the person who testified that he overheard Shaw, Oswald and Ferrie plotting the Kennedy assassination here in September, 1963. He did so and was dismissed.

After some preliminary legal skirmishing, Alcock took the stand as the first witness, and under questioning by Shaw's attorneys testified he told the jury in the 1969 trial Shaw was lying when he denied knowing Lee Harvey Oswald and David W. Ferrie.

Defense attorneys then read off a list of witnesses in the trial and Alcock identified those whose testimony he said placed Shaw with his two alleged coconspirators.

ALCOCK SAID since Shaw was on trial for conspiracy—not merely for knowing the two men—the jury's verdict of innocent was "not inconsistent" with his having known them.

In response to a question, Alcock said he personally wrote most of Garrison's opening statement to the jury.

Alcock refused to be pinned down to a statement that an alleged meeting of Shaw, Ferrie and Oswald at Ferrie's apartment on Louisiana Avenue Parkway in September, 1963, was the "back-

call except Garrison. Judge O'Hara then granted him his recess. No date was set to resume the hearing.

The perjury charges against Shaw grew out of his trial in 1969 on charges of conspiring to kill President John F. Kennedy. Though a jury acquitted Shaw, Garrison contends the 57-year-old businessman lied under oath during his testimony.

Garrison charges Shaw lied when he said he never knew Lee Harvey Oswald, the man the Warren Commission said killed Kennedy in Dallas Nov. 22, 1963, and David W. Ferrie, the mysterious pilot who died here Feb. 22, 1967.

The only witnesses heard "bone" of the state's case.

He cited several alleged meetings of the trio mentioned by various witnesses and said there were others

"we were unable to show the jury."

Shaw's attorneys, in questioning Alcock on this material, apparently are attempting to show the alleged relationship between the three men was such an integral part of the state's case that the jury would not have acquitted Shaw if it believed he knew the two men.

Shaw appeared 10 minutes before the 10 a.m. starting

time, clad in a conservative business suit. He was flanked by his attorneys, F. Irvin Dymond, Edward F. Wegmann and William J. Wegmann. All were under subpoena for the hearing.

ALSO UNDER subpoena were:

Garrison; Alcock; Assistant DA Andrew Sciambra; Criminal District Judge Alvin

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Delayed; DA III

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V. Oser, who was a prosecuting attorney at the Shaw trial; Perry Raymond Russo, the state's key witness at the trial; Criminal District Judge Edward A. Haggerty Jr., who presided, and Miss Helen Dietrich, the court reporter.

Miss Dietrich also failed to appear this morning and her office reported she is out of town and will not return

until next week. Dymond tried to have the proceeding delayed on this ground, but was overruled again by Judge O'Hara.

The hearing got off to a slow start, with arguments on points of procedure. The main issue was who should pay for transcripts of portions of the 1969 trial Dymond sought to introduce in evidence.

Dymond said his client, "while not a pauper, is financially unable to pay for these documents." There was no testimony on how much the documents sought would cost.

JUDGE O'HARA ruled

the state must supply copies of Garrison's opening and closing statements at the trial, but said the defense must pay for copies of the opening and closing statements by Alcock.

Dymond then asked the court to force the state to produce Alcock's notes on the statement, but Alcock said they have been destroyed.

The defense also asked for a copy of Judge Haggerty's charge to the jury and court attaches were sent to seek a copy of it.

Garrison claims Shaw lied when he testified he never knew Lee Harvey Oswald, the

man the Warren Commission says killed Kennedy in Dallas Nov. 22, 1963, or David W. Ferrie, a mysterious pilot who died here Feb. 22, 1967.

IN THE motion to quash the perjury charge, Shaw's lawyers contend the jury which acquitted Shaw in effect passed on the truthfulness of his testimony.

The brief argues that Garrison's perjury charge is, in essence, an effort to retry Shaw on the same issue, in violation of his rights under the U.S. and Louisiana constitutions.



EN ROUTE TO A HEARING on a motion to throw out perjury charges against **CLAY L. SHAW** are, from left, Attorney **F. IRVIN DYMOND** and Shaw; **PERRY RAYMOND RUSSO**, key

state's witness in the trial of Shaw in 1969 on charges of conspiring to kill President John F. Kennedy, and Assistant District Attorneys **JAMES L. ALCOCK** and **ANDREW SCIAMBRA**.

—States-Item photos by Ralph U.