

### Shaw Asks Charge Quashed

An attorney for Clay L. Shaw said today District Attorney Jim Garrison failed to prove Shaw conspired with anybody in the assassination of President John F. Kennedy. Thus, he charged, the perjury charge against Shaw is invalid.

Criminal District Court Judge Malcolm V. O'Hara took under advisement a mo-

tion by Shaw's attorneys to quash the perjury charge after a hearing.

Garrison, who has been ill for some time with a back ailment, took the stand himself briefly. He looked pale, and he grabbed his back several times as if in pain.

**THE DA WAS CALLED** to testify about his opening statement in the trial last year in which Shaw was accused of conspiring to kill Kennedy.

Acquitted of that charge, Shaw subsequently was charged with perjury for testifying in the trial that he never knew Lee Harvey Oswald or David W. Ferrie.

Oswald is the man the Warren Commission said killed Kennedy. Ferrie was a one-time airline pilot who died here under unusual circumstances Feb. 22, 1967.

Garrison said in his opening statement that the state would prove a relationship

between Shaw, Ferrie and Oswald that bore on the alleged conspiracy to kill the President. Shaw took the stand and denied knowing either man.

**THE OPENING STATEMENT** was introduced in evidence at today's hearing after Garrison testified he made it.

F. Irvin Dymond, Shaw's attorney, argued that the state failed to live up to Garrison's promise to prove a conspiracy, and that when the jury rejected the conspiracy theory it also rejected any evidence about Shaw knowing Ferrie and Oswald.

Shaw was present at today's

hearing but was not called to the stand.

The 1969 trial lasted more than a month and attracted international attention. In the end, a 12-man jury acquitted Shaw less than an hour after being charged by the trial judge.

**SHAW, RETIRED** executive

director of the International Trade Mart, was charged with conspiracy by Garrison in 1967. It took more than two years to bring the case to trial.

Garrison has been hospitalized often in the last year for his back ailment. He was re-elected to the DA's post in the first primary last November after a campaign in which he mostly limited himself to television appearances.

The perjury charge against Shaw was lodged almost immediately after the 1969 trial ended.

Attorneys for Shaw have been working since that time to have the perjury charge thrown out of court.



—States-Item Photo.  
CLAY L. SHAW

## Ailing DA Makes Rare Appearance

District Attorney Jim Garrison made a rare public appearance today to testify in conjunction with the motion to quash perjury charges against Clay Shaw.

The huge Garrison lumbered slowly into the courtroom, his back held stiff by a brace and his heavy eyebrows furrowed together as

he gave terse answers to the questions posed by defense attorney F. Irvin Dymond.

Following his testimony Garrison told reporters he has been in and out of the hospital four times, first with his back operation and then with a bone infection at the site of the operation.

He praised modern anti-

biotics which he said stopped the spread of the infection. He predicted he will be cleared from the hospital within a week and will be back in his office within the next two weeks.

In a jocular vein he said he expects to be playing tennis very shortly—"which is very unusual because I never could play tennis before."

To a reporter's question as to whether he is still in pain, he said yes.



—States-Item Photo.  
DA JIM GARRISON  
at Shaw hearing.