

FRIDAY, MARCH 12, 1971

Federal Court Can Act, Shaw's Lawyers Declare

Recent U.S. Supreme Court decisions make it clear that a federal court here has the right to throw out perjury charges against Clay L. Shaw, attorneys for the one-time Kennedy assassination plot defendant asserted today.

In briefs filed before U.S. District Judge Herbert W. Christenberry, Shaw's attorneys cited a set of decisions rendered by the high court Feb. 23 pertaining to federal court intervention in state prosecutions.

THE DECISIONS in fact tighten guidelines for lower U.S. courts in deciding whether to step into state criminal matters but Shaw's attorneys contend the language clearly leaves the door open for Judge Christenberry to throw out the charges placed against Shaw by District Attorney Jim Garrison.

Shaw is charged with perjury on the basis of his testimony in his 1969 trial on charges

of conspiring to kill President John F. Kennedy.

Garrison contends Shaw lied when he testified he never knew accused presidential assassin Lee Harvey Oswald or the late David W. Ferrie, who Garrison says also participated in the alleged slaying plot.

SHAW WAS acquitted of the conspiracy charge March 1, 1969, but Garrison charged him with perjury soon after. He is seeking to have Judge Christenberry halt the perjury prosecution and a hearing was held on the motion in January. The judge has since had the matter under advisement pending filing of briefs.

Garrison's office now has two weeks to file answers to the briefs filed today. Judge Christenberry is expected to rule shortly thereafter. Any ruling he may make can be appealed by either side.

DISCUSSING the Supreme Court decision, Shaw's attorneys wrote:

"... Defendant Jim Garrison will find no comfort or solace in any of these decisions. Quite the contrary... (they) make it quite clear that this court does have the right, the power and the authority to grant Shaw the in-

junction relief he seeks."

Such action is permissible the brief argues, when bad faith, harassment and selective law enforcement on the part of the prosecutor is shown.