

Federal Judge Herbert W. Christenbenry 101239 declined to comment off a challenge by District Attorney Jim Garrison on the jurist's recent order barring prosecution of Clay L. Shaw on a perjury charge.

Garrison's blast at Judge Christenberry was contained in a statement Issued yesterday in which Garrison said "... this appointed federal emclove has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiana from doing their duty."

In the most vitriolic paragraphs of Garrison's six-page statement, he said of the judge:

"I DO NOT pretend to know what personal gain this politically appointed federal employe had in mind in concocling these two gargantuan unitruths,

however. Loo know that to any thinking individual they most certainly should discredit him as a judge of any integrity."

The two "untruths" to which he referred were comments by the judge that Garrison had a financial interest in the prosecution of Shaw and that the prosecution was carried through in bad faith.

Judge Christenberry Thuseday-enformed Garrison from further prosecution of Shaw, whom Garrison charged with porjury after his acquittal on charges of conspiring to kill President John F. Kennedy.

Garrison yesterday announced his intention of appealing this decision. Such an appeal would normally go to the U.S. Fifth Circuit Court of Appeals, which is based here.

Fronically, it was a three-judge panel

of the Fifth Circuit which ordered Christenberry to take up the Shaw case in the first place. On Jan. 18, he ruled in favor of Garrison in turning down Shaw's plea that the federal courts rule on Garrison's right to try hin for perjury.

THE FIFTH CIRCUIT panel Jater ordered Judge Christenberry to hear the case, and his Thursday ruling was the result. Now, Garrison says he will take the matter back to the appeals court.

In his ruling, Judge Christenberry roasted Garrison's entire Kennedy investigation and his handling of the <u>Shaw case</u>. He called the probe baseless and accused the DA <u>6f-irring</u> to

deprive Shaw of his constitutional

Yesterday, Garrison replied in kind. Here are the highlights of the DA's statement":

-'It is apparent that Judge Christenberry either did not hear the evidence which was presented before him or is laboring under the illusion that he is a judge of the state of Louisiana elected by the people of New Orleans rather than a political appointee employed by the federal goverment."

-"... This appointed federal employe has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiand from doing their duty."

6-101000-

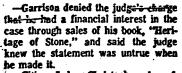
ENCLOSE

L MILLA

jun 8 1971

5

FRONT PAGE



-Citing Judge Christenberry's refences to his book, Garrison said the decision "had one redeeming feature ... it established as a matter of legal record that he has read a book."

ed from the truth" in drafting his opinion, and called his own handling of the Shaw case "a landmark in fairness in prosecution."

-... "It is one of the unfortunate results of a lifetime tenure as a judge ... that he is free to disregard ... the duty owed by an official to the people."

And Garrison concluded:

"In summary, this outrageous distortion of the facts and law, couched in the guise of a studied legal opinion and pasted together by a man who should know better, cannot be allowed to rest as it is. This office will appeal this integer, brased and distorted comises within the next few days, in hope that our case will find its way to judges who care about the truth and who are guided by the law."

Judge Christenberry had no response, nor did Shaw, who last week expressed delight at the ruling but expressed fear that Garrison might press the appeal.

Last Friday, Garrison said he was not surprised by the ruling and commented that "Judge Christenberry is one of the most experienced judges on the icderal bench."