

(Mount Clipping in Space Below)

DA to Appeal Shaw Case; Denounces Federal Judge

District Attorney Jim Garrison has announced plans to appeal a federal court decision blocking further prosecution of Clay L. Shaw and issued a scathing personal attack on the judge who handed down the decision.

"This office will appeal this illegal, biased and distorted opinion," Garrison said yesterday in a prepared six-page statement. He said the appeal will be filed "within the next few days, in the hope that our case will find its way to judges who care about the truth and who are guided by the law."

U.S. DISTRICT Judge Herbert W. Christenberry last week issued a permanent injunction against prosecution of perjury charges against Shaw, stemming from Shaw's testimony in the 1969 trial when he was acquitted of conspiring to assassinate President John F. Kennedy.

Judge Christenberry ruled the perjury charge was brought in bad faith and "such bad faith constitutes irreparable injury which is great and immediate."

The judge also ruled Garrison has an interest in continuing the prosecution of Shaw because of a book he has written on the assassination investigation and because he has a contract to write other books. Garrison denied his prosecution was in bad faith or for financial gain.

Judge Christenberry had no comment on Garrison's attack on the ruling.

Shaw, who had expressed delight at Judge Christenberry's ruling last week, refused comment on Garrison's plans to appeal.

GARRISON SAID 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 government. His remarkable lack of knowledge of the facts of the case—which is the most striking portion of his opinion—is alone sufficient to disqualify him from ordering any elected Louisiana district attorney

to avoid his duty and fail to prosecute where the facts and the law call for prosecution."

Regarding Judge Christenberry's declaration that he prosecuted Shaw in bad faith and for financial gain, Garrison said:

"This is my ninth year as district attorney and I have yet to prosecute any individual in bad faith nor have I permitted such a prosecution to occur.

"I do not pretend to know what personal gain this politically appointed federal employe has in mind in concocting these two gargantuan untruths, however, I do know that to any thinking individual they most certainly should discredit him as a judge of any integrity."

GARRISON SAID the judge's ruling had "but one redeeming feature." He said that was on several occasions when Judge Christenberry referred to Garrison's book, "Heritage of Stone."

"His references to several portions from it," Garrison said, "now having been incorporated into a formal opinion, establish as a matter of legal record that he has read a book. Other than that there is very little that any honest attorney can say in defense of this undistinguished opinion which represents the latest federal interference with regard to our prosecution of Clay Shaw."

The appeal is expected to be filed with the U.S. Fifth Circuit Court of Appeals here.

Garrison has accused the federal government of a massive plot to keep him from revealing what he sees as the truth about the Kennedy assassination.

GARRISON FILED the perjury charge two days after Shaw was acquitted Marc 1, 1969, of conspiracy. The jury deliberated less than an hour after a six-week trial before returning its unanimous verdict of innocent.

The DA charged Shaw lied when he testified at the conspiracy trial that he did not know Lee Harvey Oswald or David Ferrie, named by Garrison as co-conspirators.

Oswald was named by the Warren Commission as the sole Kennedy assassin. He was killed in Dallas two days after the assassination.

Ferrie died at the height of the Garrison probe in 1967.

(Indicate page, name of newspaper, city and state.)

PAGE 6

STATES-ITEM

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