

2-27-64 Newsmen Ask Dismissal of Bribery Charge

Walter Sheridan and Richard Townley, television newsmen, today asked the U.S. Fifth Circuit Court of Appeals, headquartered here, to order dismissal of public bribery charges brought against them by Dist. Atty. Jim Garrison.

The pair appealed a ruling by District Judge Alvin B. Rubin. The latter refused to enjoin the state prosecutions, although he held the defendants did not have to honor subpoenas requiring their appearance before the Orleans Parish Grand Jury as long as the bribery charges are pending.

Sheridan and Townley are accused of public bribery of Perry Raymond Russo, Garrison's chief witness in the prosecution

of Clay L. Shaw on charges of conspiring to murder President John F. Kennedy.

The charges against the newsmen grew out of a nationally televised documentary critical of Garrison's investigation.

Judge Rubin held he was prohibited by the federal anti-injunction statute from enjoining the state prosecutions. However, Edward M. Baldwin and Milton L. Brener, counsel for the two, argued to the appellate court that the Supreme Court recently determined the question to be still open.

Numa V. Bertel, assistant district attorney, contended the statute must be strictly construed. The state provides:

"A court of the United States may not grant an injunction to

stay proceedings in a state court except as expressly authorized by act of Congress where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."