

5-1 3/20/68

Garrison Asks Dismissal in Contempt Case

Federal District Judge James A. Comiskey today took under advisement a motion that District Attorney Jim Garrison be held in contempt of court.

Judge Comiskey said he would hold a hearing on a motion by Assistant DA James L. Alcock that the contempt plea be dismissed but set no date for the session.

No witnesses were heard today. The court heard oral arguments from attorneys, particularly on whether Life magazine reporter David L. Chandler has the right to bring such a procedure against Garrison.

Chandler, through his attorney Cicero Sessions, last week charged in a motion filed in federal court that Garrison, in addressing a district attorneys' meeting here last week, said there was a "federal conspiracy" for the withholding of evidence in Garrison's investigation of the assassination of President Kennedy.

The motion quoted Garrison

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as saying that the court had reached an opinion "without basis in law" and such opinions and conclusions were reached by "direction of unnamed officers of the federal government."

TODAY THE JUDGE said witnesses would be excused. He said the argument would be heard on whether Chandler's motion should be allowed to stand — whether there should be a one-judge or three-judge hearing and whether another judge should be appointed to hear the matter.

Earlier, Alcock filed the motion to dismiss the Chandler action. Alcock stated that if there is contempt involved it is criminal contempt and that only certain officials such as judges and U.S. attorneys could bring such a proceeding, not Chandler.

However, in Sessions' original motion for contempt, he said if the court holds he is not authorized to prosecute Garrison for criminal contempt, the court should, "in the absence of action by the U.S. attorney for this district . . . appoint an attorney to carry out the mandate . . ."

GARRISON is reported to have said that Chandler was given immunity because Life is performing a function for the federal government by "withholding the Zapruder film from the public so you can't see that President (John F.) Kennedy was shot from the front."

Garrison was also alleged to have said that employees of the National Broadcasting Co. have been successful in fighting appearances before the Orleans Parish Grand Jury because "NBC is part of RCA, which has defense contracts."