

CHANDLER-D.A.

CASE IS AIRED

Contempt Charges Aim of Magazine Reporter

Oral arguments were heard Wednesday in the attempt by Life magazine reporter David L. Chandler to bring contempt charges against District Attorney Jim Garrison in federal court.

At the same time, United States District Judge James A. Comiskey said he would set "as soon as possible" a date for hearing arguments on a counter-motion by Garrison's office to dismiss Chandler's suit.

The arguments submitted Wednesday considered several points of law, namely:

—Whether Chandler can bring the action against Garrison.
—Whether the case should be heard by one judge, or by a three-judge panel.

—Whether the contempt, if there was any, is to be considered a civil or a criminal matter.

NO PRECEDENT, CLAIM

Cicero Sessions, Chandler's attorney, told Judge Comiskey that he had been unable to find any legal precedent for the situation as it involves Chandler bringing the motion to show cause why Garrison should not be held for contempt.

He maintained that Chandler has the right and that the case should be heard by three judges.

Assistant District Attorney James Alcock, arguing for Garrison, said that if any contempt was committed, it would have to be considered a criminal matter for which Chandler cannot bring action. He said the case should be heard by one judge.

Garrison appeared for court

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Wednesday, but was notified that his presence was not required and he departed before the oral arguments began.

Chandler's action stems from a speech delivered last March 13 before a national convention of district attorneys at the Monteleone Hotel.

GARRISON QUOTED

He charged in his motion that Garrison said there was a "federal conspiracy" for the withholding of evidence in his investigation of the Kennedy assassination.

The motion also quoted Garrison as saying that the federal court reached an opinion in a case involving his office which had no basis in law, and that such opinions and conclusions were reached by "... the federal government."

This referred to a federal court decision in New Orleans which ruled that Chandler did not have to appear before the Orleans Parish Grand Jury to answer questions about charges of organized crime which appeared in Life magazine. Garrison had subpoenaed Chandler.

Judge Comiskey handed down the order after the matter was considered by a three-judge federal court panel and remanded to him.

'CASE WIDE OPEN'

Sessions argued that when Garrison delivered his speech "the case was wide open and before this court." He referred to the fact that while Judge Comiskey handed down his decision on March 11, formal court orders had not been signed by March 13.

Sessions also argued that the three-judge panel which heard the case cannot dissolve itself until the judgment becomes fact, and he said this does not occur until after the time has passed for parties to the case to make legal moves for additional findings, or amendments to the findings.

He asserted that the contempt charge should be heard by the three-judge panel, asserting the panel was "bound inescapably to have jurisdiction of this mo-

tion."

Sessions reviewed the law regarding direct and indirect contempt as well as civil contempt and criminal contempt and discussed guidelines the court must abide by in contempt action.

COMISKEY ASKS

He argued that Garrison, because there was still time remaining in the court case, "has limitation on his rights of free speech," and asserted that as an attorney, Garrison "has a stronger, more affirmative obligation not to defame the court

or do the things that were done in this case."

Judge Comiskey asked Sessions how Garrison's remarks would obstruct the administration of justice regarding Chandler.

Sessions answered that Garrison's claim of a conspiracy "dictated from Washington" make Chandler "part and parcel of a conspiracy to suppress evidence" and that Chandler finds himself "wrapped up with Garrison's investigation" into the assassination.

He claimed that Chandler's rights have been prejudiced and that Garrison's remarks constitute an obstruction of justice.

'RUBS OFF ON HIM'

"He (Chandler) has a right to bring it before the court because it (Garrison's charges) rubs off on him."

Sessions also maintained that Chandler has this right whether the case is heard by three-judge or a one-judge court.

Alcock argued that when the three-judge court made its finding of fact and remanded the case to Judge Comiskey, who adopted the conclusions "in toto," the three-judge court no longer continued to exist.

He said that if there is contempt, it is against one judge and not a three-judge court.

Alcock said that at the outset Garrison has a right to know whether the case is a civil or criminal matter.

SENTENCE HELD KEY

The only way to determine this, he said, is to look at the sentence which might be given.

He said there is no way the court could give a remedial sentence, which would be a civil case, but some punitive measure might be taken. This, Alcock said, makes it a criminal matter.

If the proceeding is criminal, Alcock continued, the action can be brought only by a judge, the U.S. attorney, or an attorney appointed by the court.

If this is determined to be the case, Alcock added, it precludes Chandler from bringing the action.

As part of the motion, Chandler's attorney also presented a suggestive motion which, if the matter is considered criminal, outlined the methods that action could be taken against Garrison.