

GARRISON WINS ROUND IN COURT

Supreme Tribunal Affirms July Decision

By EDGAR A. POE
(Times-Picayune Staff Correspondent)

WASHINGTON — District Attorney Jim Garrison, who has described the Warren Report on the assassination of President John F. Kennedy as a "fraud on the American people," Monday won a legal round before the U.S. Supreme Court to try Clay L. Shaw for conspiracy to murder the President.

By its action, the Supreme Court affirmed a July 23 decision by a three-judge U.S. District Court in New Orleans, denying Shaw an injunction to stop the prosecution. Shaw, in his 173-page statement of appeal to the nation's highest court, had charged, among other things, that Garrison and associates were conducting a "fraudulent and useless probe."

Shaw, former managing director of the International Trade Mart, is free under a \$10,000 bail following grand jury indictment in the Criminal District Court of Orleans Parish on March 22, 1967. Shaw, 55, is charged by Garrison with having conspired with New Orleans-born Lee Harvey Oswald, among others, to kill President Kennedy.

Shaw denies the charges. He appealed to the Supreme Court for relief, in an effort to avoid trial and long, drawn-out criminal court proceedings that could continue for years before the courts.

VALIDITY IS ISSUE

Shaw, in his appeal to the Supreme Court, had asked the tribunal to declare the Warren Report to be valid, accurate and binding. Therefore, he maintained that the lengthy study report should be binding upon the courts of this country.

Chief Justice Earl Warren, at the request of President Johnson, headed the study committee which had used the various investigative resources of the United States Government in conducting the inquiry.

Shaw, who was charged with conspiring with David W. Ferrie, along with Oswald

and others, had urged the Supreme Court to hold unconstitutional Louisiana's conspiracy law. He described the state statute as being vague and indefinite, and that "on its face, violates the first and 14th amendment guarantees."

He charged that Garrison "seeks to convince the public that President Kennedy was killed as a result of a conspiracy, and not by a lone assassin, as reported in the Warren Report."

By means of his repeated public attacks on the Warren Report," Shaw's appeal stated, "he seeks to convince the public of the existence of a conspiracy in the death of the President, thus prejudicing Cont. in Sec. 1, Page 14, Col. 3

Continued from Page 1

conditioning and influencing the minds of the public as to the guilt of Clay Shaw and thus obviating the necessity of having to prove the existence of a conspiracy during the trial of said case on its merits."

RULING UNANIMOUS

Circuit Judge Robert A. Ainsworth Jr. and District Judges Frederick J. R. Heebe and James A. Comiskey, in ruling strictly on the legal issues, unanimously held that there was no federal jurisdiction involved as the result of the state court indictment. Nevertheless, they held that Shaw was entitled to appeal to the Supreme Court on this issue.

Under this order, the three-judge district tribunal enjoined Garrison and the Criminal District Court of Orleans Parish from further prosecution of the case until the Supreme Court disposed of Shaw's appeal for an injunction to throw the case out of court.

District Attorney Garrison, in his short reply to Shaw's application for an injunction, maintained that it was not true that Shaw was being singled out for prosecution as part of a publicity campaign to discredit the Warren Report.

The Warren Commission, in its inquiry, concluded that Oswald, acting alone, assassinated the late President Kennedy in Dallas on Nov. 22, 1963. Oswald was subsequently murdered by Jack Ruby, now deceased.

January Is Earliest Date for Shaw Trial

Shaw's trial date "will be set as soon as possible," Assistant D. A. James L. Alcock said Monday.

"The trial will definitely not be this month," he said, "because we don't have a jury. The earliest date for the trial would be sometime in January." Garrison was unavailable for comment.

Alcock said he was not surprised at the Supreme Court's decision. "The only thing that surprised me," he said, "was that it took the Supreme Court this long to make a decision."

CIA Activity Alleged in D.A. Staff Removal

The office of Orleans Parish District Attorney Jim Garrison Monday announced the removal of a member of the staff investigating the assassination of President John F. Kennedy because of alleged involvement with the CIA.

"William Boxley was fired after evidence recently developed by the District Attorney's staff indicated current activity by him as an operative of the Central Intelligence Agency," the office said.

Boxley's initial service with the CIA was in Washington, D. C., where he served for years as an active agent for "what was then termed the Department of Covert Activity," according to the office.

The office said federal intelligence efforts to interfere with the investigation into President Kennedy's assassination "have been occurring since the beginning of the inquiry."

The D.A.'s office said President Kennedy "was assassinated because he was ending the Cold War. . . ."

"He (Kennedy) also made it clear he was going to 'break the CIA up into 10,000 pieces,'" the office added.

"All the power in Washington" will not stop the investigation into Kennedy's death in every case where individuals involved in the alleged conspiracy conducted actions in New Orleans, the office said.