

BAN ON WARREN, FORTAS AIM--D.A.

8/13/68
T.P.
Will Challenge Right to
Rule in Shaw Case

District Attorney Jim Garrison declared Wednesday he will challenge the right of Chief Justice Earl Warren and Justice Abe Fortas of the U.S. Supreme Court to pass judgment on his Clay L. Shaw presidential assassination conspiracy case.

Garrison, who has charged Shaw with conspiring to assassinate the late President John F. Kennedy, made the declaration in the aftermath of a federal court order here delaying the Shaw trial pending Shaw's appeal to the high court.

A federal three-judge panel ordered another delay Tuesday in the trial which had been scheduled for Sept. 10. Shaw is appealing to the Supreme Court the same panel's earlier refusal to grant a permanent injunction against further prosecution by Garrison. Shaw is maintaining that Garrison has violated his civil rights.

FLAYS ROLES IN CASE

In a prepared statement, Garrison said Warren and Fortas should take no part in hearing the appeal.

He said Warren should be barred from the case because of his role in heading President Lyndon B. Johnson's commission which investigated the death of Kennedy in Dallas on Nov. 22, 1963.

Said Garrison: "He (Warren) played corner linebacker and captain of the President's defensive unit back in 1964. The American people are still trying to find the ball."

On Fortas, Garrison said: "Justice Fortas is a long-time personal friend of President Johnson and the President has participated actively in concealing vital evidence with re-

gard to the murder of his predecessor.

"Furthermore, Justice Fortas himself played an active role in helping to conceal the truth from the American people, for it was he who helped work out for the President the creation of the Warren Commission whose findings have now been totally discredited.

"Besides turning out to be an excellent device for falsifying the truth, it prevented the appointment by Congress of its own investigating committee. This could have been catastrophic for the government, because a committee appointed by Congress — rather than by Lyndon Johnson — might have dug into the truth."

ASSAILS RULING

Garrison asserted that Fortas would not be free to look at the case objectively, nor would any other man who "received his judge's robes from President Johnson."

On the latest federal court action taken in the Shaw matter, Garrison said:

"Once again the federal court has reached down and prevented us from going to trial in the case of Clay Shaw. We do not agree with the court's position that there is any basis for more federal interference with the processes of justice in this case."

The Warren Commission reported it could find no credible evidence of a conspiracy and named Lee Harvey Oswald as the sole assassin of Kennedy. Garrison contends, however, that Shaw was involved in a New Orleans-based plot with Oswald and others to assassinate Kennedy.