

Garrison Appeals Shaw Trial Ban

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New Orleans District Attorney Jim Garrison has asked the Supreme Court to lift an injunction that bars him from prosecuting Clay Shaw on perjury charges.

In a petition filed with the high court yesterday, Garrison argued that a federal judge overstepped his authority when he blocked the Shaw trial in May 1971.

The Supreme Court, currently in summer recess, is not expected to announce for several months whether it will hear the Garrison appeal.

The New Orleans prosecutor attempted to try Shaw for perjury after Shaw was acquitted of charges also brought by Garrison, that he conspired to assassinate President John F. Kennedy.

Acting In Bad Faith

Garrison contended that Shaw, a New Orleans businessman, lied during the conspiracy trial when he denied having known Lee Harvey Oswald and David Ferrie, the alleged co-conspirators in the plot to kill Kennedy.

But a federal judge, acting at Shaw's request, ruled that Garrison was acting in bad faith in pressing the perjury charge. The judge barred the perjury trial and that ruling was later upheld by the U.S. Court of Appeals in New Orleans.

In his petition to the Supreme Court, Garrison said that the lower court ruling "if allowed to stand, would serve to destroy the well-recognized public policy against federal intervention in state criminal prosecutions."

"It would seem to be appropriate — through the medium of this important case — for this court to put to rest the vexatious problem as to the right of the federal courts to enjoin state-court criminal prosecutions," Garrison said.

Effect Of Advancing Religion
Meanwhile, the Supreme Court was asked yesterday to reinstate a Pennsylvania law

that provides for a reimbursement to parents for tuition paid for children in nonpublic schools.

The law, which had been scheduled to go into effect this fall, was ruled unconstitutional last April by a three-judge federal panel in Philadelphia. The panel said the reimbursements would have the primary effect of advancing religion. The law sets payments of \$75 for each child in elementary school and \$150 for each one in secondary school.

The request that the law be reinstated was filed by the state of Pennsylvania and a group of parents in the state.

In their petition, they contended that the law plainly has no primary effect that advances religion. They also argued that parents, who are not getting reimbursements, have been denied equal protection under the law.