

# Don't Prosecute Shaw Appeals Court Orders DA

A federal appeals court has refused to allow New Orleans Dist. Atty. Jim Garrison to pursue the John F. Kennedy assassination case any further through prosecution of Clay Shaw on a perjury charge.

Shaw was acquitted in 1969 of conspiring to assassinate the President, but two days later was charged by Garrison with lying on the stand during the 42-day trial.

The U.S. 5th Circuit Court of Appeals yesterday upheld a lower court's caustic opinion, which threw Garrison from any further action, saying Shaw was being "persecuted."

"His personal ambitions he may have had as a result of solving the Kennedy assassination crumbled when the jury came in with a verdict of not guilty," the court said.

The appeals court ruling came on the same day Garrison announced as a candidate for the Louisiana Supreme Court.

In his announcement, Garrison traced his career as DA and alluded to the Shaw case, as he had done many times before, by saying "in some instances the forces which I had to fight were considerably more powerful than I was."

Garrison has accused the federal government of "covering up the true story" of the assassination and said that the "federal military-industrial complex is out to get me."

HE BITTERLY opposed the Warren Commission report that Lee Harvey Oswald was the lone assassin of Kennedy. Shortly after the report he filed charges against Shaw.

Shaw, a highly respected New Orleans businessman before the trial and onetime director of the International

Trade Mart, once said that the Garrison probe has ruined him financially and socially.

After the acquittal, Garrison said that Shaw lied when he testified that he never knew Oswald, and the perjury charges were filed.

Shaw went to U.S. Dist. Court Judge Herbert Christenberry, asking that Garrison be stopped from prosecuting, and the judge agreed that Shaw was being "harassed and persecuted."

THE 5TH Circuit is upholding the lower court ruling, utilizing much of Christenberry's written opinion.

Christenberry, in his 21-page ruling, noted that in Garrison's book of the assassination, there were several references to the Dreyfus case in France in 1894 involving a famed miscarriage of justice.

"When we consider Garrison's actions toward Shaw, it is small wonder that in writing his book that classic example of injustice came to mind," Christenberry wrote.

The 5th Circuit said it agreed with Christenberry's finding that there exists a "serious question concerning the basis for Garrison's decision" to investigate the Kennedy case.

THE LOWER court judge had stated that Garrison could not prove he had good grounds to arrest Shaw on the conspiracy charges.

"Apparently, his jurisdiction was based on Oswald's activities in New Orleans in the summer of 1963," the 5th Circuit said. "However, it is strange indeed that, nearly three years after the assassi-

nation, Garrison would decide to undertake an investigation of such gravity merely because he disagreed with the findings of the Warren Commission and Oswald had spent some time in New Orleans."

Garrison had appealed Christenberry's ruling to the 5th Circuit, charging that the judge was biased and that even if harassment were shown, it would not be enough ground to do any irreparable injury to Shaw, as the businessman had claimed.

"WE HOLD . . . that a showing of bad faith or harassment is equivalent to a showing of irreparable injury . . .," the 5th Circuit ruled.

The appeals court said Garrison's argument of bias and prejudice of the trial judge "is totally without merit."