

Jurist Is Silent on DA's Blast

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Federal Judge Herbert W. Christenberry today declined to comment on a challenge by District Attorney Jim Garrison on the jurist's recent order barring prosecution of Clay L. Shaw on a perjury charge.

Garrison's blast at Judge Christenberry was contained in a statement issued yesterday in which Garrison said "... this appointed federal employee has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiana from doing their duty."

In the most vitriolic paragraphs of Garrison's six-page statement, he said of the judge:

"I DO NOT pretend to know what personal gain this politically appointed federal employe had in mind in concocting these two gargantuan untruths, however. I do know that to any thinking individual they most certainly should discredit him as a judge of any integrity."

The two "untruths" to which he referred were comments by the judge that Garrison had a financial interest in the prosecution of Shaw and that the prosecution was carried through in bad faith.

Judge Christenberry Thursday enjoined Garrison from further prosecution of Shaw, whom Garrison charged with perjury after his acquittal on charges of conspiring to kill President John F. Kennedy.

Garrison yesterday announced his intention of appealing this decision. Such an appeal would normally go to the U.S. Fifth Circuit Court of Appeals, which is based here.

Ironically, it was a three-judge panel of the Fifth Circuit which ordered Christenberry to take up the Shaw case in the first place. On Jan. 19, he ruled in favor of Garrison in turning down Shaw's plea that the federal courts rule on Garrison's right to try him for perjury.

THE FIFTH CIRCUIT panel later ordered Judge Christenberry to hear the case, and his Thursday ruling was the result. Now, Garrison says he will take the matter back to the appeals court.

In his ruling, Judge Christenberry roasted Garrison's entire Kennedy investigation and his handling of the Shaw case. He called the probe baseless and accused the DA of trying to deprive Shaw of his constitutional rights.

Yesterday, Garrison replied in kind. Here are the highlights of the DA's statement:

"It is apparent that Judge Christenberry either did not hear the evidence which was presented before him

Turn to Page 12, Column 4 or is laboring under the illusion that he is a judge of the state of Louisiana elected by the people of New Orleans rather than a political appointee employed by the federal government."

"... This appointed federal employe has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiana from doing their duty."

Garrison denied the judge's charge that he had a financial interest in the case through sales of his book, "Herald of Stone," and said the judge knew the statement was untrue when he made it.

Citing Judge Christenberry's references to his book, Garrison said the decision "had one redeeming feature ... it established as a matter of legal record that he has read a book."

He charged that the judge "departed from the truth" in drafting his opinion, and called his own handling of the Shaw case "a landmark in fairness in prosecution."

"... It is one of the unfortunate results of a lifetime tenure as a judge ... that he is free to disregard ... the duty owed by an official to the people."

And Garrison concluded:

"In summary, this outrageous distortion of the facts and law, couched in the guise of a studied legal opinion and padded together by a man who should know better, cannot be allowed to rest as it is. This office will appeal this illegal, biased and distorted opinion within the next few days, in hope that our case will find its way to judges who care about the truth and who are guided by the law."

Judge Christenberry had no response, nor did Shaw, who last week expressed delight at the ruling but expressed fear that Garrison might press the appeal.

Last Friday, Garrison said he was not surprised by the ruling and commented that "Judge Christenberry is one of the most experienced judges on the federal bench."

Garrison Bids for Martyrdom

By JACK WAHDLAW

The unpredictable political career of District Attorney Jim Garrison has taken a new turn with his vitriolic blast at a federal judge.

Federal District Judge Herbert W. Christenberry has declined to reply to Garrison's tirade of yesterday which seemed to be an open invitation to the judge to cite him for contempt.

With a governor's race in progress and Garrison reportedly ready to back an ultra-conservative candidate, the DA's actions look on the look of a bid for public martyrdom.

GARRISON BLAILED the judge with

a scathing personal attack, including reflections on his integrity, truthfulness and honesty. It came in a statement from the DA announcing his intention to appeal Judge Christenberry's ruling that he cannot press perjury charges against Clay L. Shaw. The charges stem from Garrison's probe of the assassination of President John F. Kennedy.

Attacks on the federal government are nothing new for Garrison, who has contended from the outset of his assassination probe that federal authorities have tried to block him at every turn.

But yesterday's blast at a federal

judge placed him squarely in the tradition of Southern politicians such as Ross Barnett, George C. Wallace and Jimmie H. Davis, in defiance of federal courts during the desegregation turbulence of the early 1960s.

In choosing the path of defiance, he left himself open to fines and possible imprisonment had Judge Christenberry chosen to cite him for contempt. The judge's silence today indicated he is not taking the bait.

NOT SINCE THE heyday of Barnett has there come such a vehement de-

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nunciation of a federal jurist. It recalls Wallace's symbolic "stand in the schoolhouse door," at the University of Alabama, Barnett's attempt to circumvent court orders by declaring himself registrar of Ole Miss and Davis' attempts to seize the New Orleans public school system.

As far as results were concerned, all were exercises in futility. They did not even materially delay the desegregation of Alabama, Ole Miss or the New Orleans schools. But they made headlines and presumably political capital.

Even these results are mixed. Wallace remains master of his state but his national political ambitions have been thwarted, and he even had difficulty in his most recent Alabama campaign. Barnett suffered a humiliating defeat the next time he faced Mississippi voters after his Ole Miss crisis.

LOUISIANA voters may have a chance to pass judgment on Davis in November. He is expected to run for governor again. It will be recalled that as governor in 1960 he vowed he would

go to jail before he saw any Negro go to school with a white child in this state.

Davis never served a day in jail and racial integration is now commonplace in Louisiana schools.

Garrison in the past has played a different political game, and has never been rebuffed at the polls since he was elected DA in 1961.

HE WON his most recent election in 1969 with the massive support of black voters, and was for a time the darling of the far left, which was disinclined to believe that Kennedy was really killed by a Marxist, Lee Harvey Oswald.

The DA has not publicly indicated what role he plans to play in this year's governor's race, but reportedly he plans to ally himself with a candidate who has in the past opposed federal desegregation efforts. His current posture as a militant foe of federal authority could be tied in with this.

Maintaining black support while playing the role of a federal court-batter would be a master political feat. Only a Garrison would even attempt it.

Trapolin Calls For Garrison Resignation

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The States-Item prints the news impartially. It supports what it believes to be right. It opposes what it believes to be wrong, without regard to party politics.

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New Orleans, La., Thursday, June 3, 1971

Investigate Garrison

Attorney Ivor A. Trapolin, former chairman of the Mayor's Advisory Committee on Organized Crime, says Dist. Atty. Jim Garrison should resign and the administration of criminal justice in Orleans Parish should be investigated by the state bar association.

"It is my opinion that Jim Garrison should resign as district attorney of Orleans Parish," said Trapolin at a Young Men's Business Club meeting at the Fairmont Roosevelt Hotel.

If Garrison cannot be persuaded to step down, he declared, impeachment proceedings should be initiated.

Referring to the legend engraved in stone on the facade of the Criminal District Court Building—"The impartial administration of justice is the foundation of liberty"—Trapolin said recent actions by the DA should give citizens "reason to be concerned that the foundation of liberty has been considerably shaken."

HE SAID GARRISON'S prosecution of New Orleans businessman Clay Shaw for conspiracy in the murder of President John F. Kennedy was executed in bad faith as stated last week by U.S. District Court Judge Herbert W. Christenberry, and he called Garrison's personal criticism of Christenberry for enjoining further prosecution of Shaw an "inexcusable attack."

Another example of Garrison's failure to administer justice fairly, he said, was his office's unsuccessful prosecution of attorney Robert G. Haik. Haik's conviction for unauthorized use of a movable in connection with business dealings with Garrison's mother was overturned unanimously by the state Supreme Court on the grounds that the acts alleged required "novel and strained interpretations for bringing them within criminal statutes."

Principal speaker at the gathering was state Sen. Charles C. Barham of Lincoln Parish, and independent candidate for lieutenant governor.

GARRISON also had failed to adequately prosecute cases involving organized crime in New Orleans, Trapolin charged.

He called for an investigation of Garrison's office by the New Orleans and Louisiana Bar Associations, the New Orleans Criminal Bar Association and the Louisiana Board of Ethics for State Elected Officials.

Dist. Atty. Jim Garrison's scathing personal attack on Federal District Judge Herbert W. Christenberry may or may not constitute contempt of court. It is clearly contemptible conduct, however, especially for one who clothes himself in the robes of virtue.

Mr. Garrison attacked Judge Christenberry after the judge ruled the district attorney could not prosecute a perjury charge against Clay L. Shaw. Mr. Garrison brought the charge after he failed to convict Mr. Shaw on a trumped up charge of conspiring to assassinate President John F. Kennedy.

Judge Christenberry said the perjury charge was brought in bad faith and for the purpose of harassment.

In a statement issued Monday, Mr. Garrison said, in effect, that Judge Christenberry is a liar who has distorted the facts.

Mr. Garrison not only has sought to pervert our judicial system for his own ends, but has sought to destroy confidence in the judiciary itself by vilifying one of its most respected members.

We believe it is time — past time — for someone or some organization with the proper authority to take action against Mr. Garrison, before he does any more damage to our judicial system and to innocent individuals. Is this asking too much? Or are we surrounded by timid men, cowering in the darkness of their own fear?

This newspaper calls on the Louisiana State Bar Association to investigate Mr. Garrison's conduct for the purpose of instituting disbarment proceedings. The district attorney's conduct has brought nothing but disrepute to the legal profession in this state. He is a discredit to the law and, in our opinion, should be banished from it.

Remove Jim Garrison

6-3-71

Twice in the past 30 days Dist. Atty. Jim Garrison has been roundly condemned for the abuse of his public power in the pursuit of personal aims; first by the state Supreme Court in the matter of attorney Bob Haik and most recently by the federal court in the matter of Clay Shaw.

And now Mr. Garrison, with a demagogic shriek about federal intrusion, has announced his plans to appeal the federal decision.

It should be noted that this is further injury against Mr. Shaw. It costs Mr. Garrison nothing to file an appeal. The money comes from public funds. The private citizen, Mr. Shaw, on the other hand, has to forage up another couple of thousand dollars to again defend himself. The persecution goes on and can continue as long as Garrison has the use of public money.

Perhaps your newspaper can explain the procedures, if any, whereby a district attorney might be removed from office. Somewhere along the line, this state must demonstrate to politicians that public office is a trust and not a paything for their private use.

David Chandler