

NEWSMAN WINS ROUND

DA Is Enjoined In Chandler Case

A federal judge today enjoined District Attorney Jim Garrison from forcing newsman David L. Chandler to testify before the Orleans Parish grand jury.

District Judge James A. Comiskey ordered the injunction issued against Garrison, first assistant DA Charles Ray Ward, and James O. Sanders, foreman of the grand jury which went out of office last week.

Chandler, a Life Magazine correspondent, was subpoenaed after the magazine ran a series of articles alleging that organized crime is rampant in this area.

THE NEWSMAN SOUGHT TO HAVE the subpoena set aside on grounds that Garrison, who contends there is no organized crime in New Orleans, bears him personal ill will and he feared he would be indicted for perjury if he appeared before the jury.

Judge Comiskey's ruling was based on a decision by a three-judge panel that no constitutional question need be ruled upon in the case. This gave the case back to judge Comiskey with the authority to issue the injunction.

The three-judge panel included Robert A. Ainsworth Jr. of the Fifth Circuit Court of Appeals and District Judges Edward J. Boyle Sr. and Comiskey.

Chandler's suit had attacked the constitutionality of state laws relating to the operation of the grand jury. In an alternative plea, he asked that he be allowed to have an attorney present when he went before the jury.

THE THREE-JUDGE COURT REVIEWED the state grand jury laws and commented that it "could not understand how Garrison and his assistants could give Chandler any assurance they would not question him."

In the testimony on Chandler's suit, Garrison had pledged that Chandler would be questioned by the jury with no member of the DA's staff present.

The court said that in view of the duties imposed by law on the grand jury "it is difficult to understand how Garrison and Ward could properly and effectively give assurance that Chandler, in his appearance before the jury, would be questioned only concerning organized crime in New Orleans and would not be asked to disclose the names of his informants."

THE JUDGES POINTED OUT that Ward has acknowledged that he has personal animosity and hostility toward

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Chandler and Garrison has expressed a lack of regard for Chandler's veracity.

"Therefore, we believe the climate is such under the facts of this case that Chandler's fear of prospective prosecution for perjury or false swearing as a consequence of his appearance before the grand jury is well founded."

The court added, "It is clear that no useful public purpose is to be served by requiring plaintiff to respond to the grand jury subpoena. Louisiana law does not permit the presence of counsel with a witness in an appearance before the grand jury."

The judges also held that Chandler's appearance would expose him as "a very real potential defendant" and that he has the right to remain silent under these conditions and should not be obliged to place himself in the position of possible self-incrimination.