

# Jurist Is Silent on DA's Blast

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 employe 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. 18, 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

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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, "Heritage 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 pasted 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."