

Affidavit Press Gag Denied by U.S. Judge

By RAY LINCOLN

A request by District Attorney Jim Garrison and eight others for an injunction prohibiting further publication of an affidavit outlining federal bribery and gambling charges against them was summarily dismissed yesterday by U.S. District Judge Herbert W. Christenberry.

In a hearing lasting less than 10 minutes, Christenberry said the document is a public record and "this court would not be justified in interfering with publication of this affidavit."

THE JUDGE Friday had denied a request by the nine persons for a temporary restraining order preventing The States-Item and The Times-Picayune from continuing to publish portions of the 113-page affidavit, which was filed in public records when the nine and one other man were charged with violations of the Organized Crime Control Act.

Attorney F. Irving Dymond, acting for all attorneys for the plaintiffs, offered no verbal arguments during the hearing, while Louis B. Claverie, representing the newspapers, submitted a

memorandum maintaining the papers have a right under the First Amendment to publish portions of the public record.

Under the amendment, the memorandum said, "The Times-Picayune Publishing Corporation is clearly and unequivocally entitled to publish portions of the public record in these proceedings, and there is no basis, in law or in reason, why such clear right under the Constitution should be limited or restricted."

ATTORNEYS for the plaintiffs had contended that publication of the affidavit would severely reduce their clients' chances of receiving a fair trial.

The memorandum filed by attorneys for the newspapers said the rights of the accused to a fair trial "do not include . . . prior restraint of the press in the reporting of the record."

"When counsel brought these proceedings seeking an injunction," Christenberry pointed out, "they attached a copy of the affidavit which accompanied the complaint. Certainly this record is a public record."