

WEDNESDAY

Shaw Judge to Decide Monday Whether Guidelines Obeyed

Justice Is Done

(New York Times Editorial)

One of the most disgraceful chapters in the history of American jurisprudence ended happily . . . when the New Orleans jury declared Clay L. Shaw innocent of conspiring to murder President Kennedy. The fact that the jury reached its verdict unanimously, on the first ballot, and after less than an hour of deliberation provided a fitting judgment on the flimsy case offered by the prosecution. But even after this victory for justice, the question remains of how an innocent man could be jailed and tried for a capital crime on such bizarre "evidence."

District Attorney Jim Garrison has much to answer for in his persecution of an innocent man. As his emotional final appeal to the jury showed once again, Mr. Garrison's real purpose in holding the trial was to prove his obsessional conviction about the fraudulent character of the Warren Commission report on the Kennedy assassination. This fantasy produced the victimization of Mr. Shaw.

Mr. Garrison's shocking conduct of the whole matter proved his unfitness for public office, particularly for such a sensitive post as that of district attorney. Fortunately, the voters of New Orleans have an opportunity later this year to demonstrate the same common sense toward Mr. Garrison's continuance in office that the jury exhibited toward his wild charges against Mr. Shaw.

Criminal District Judge Edward A. Haggerty Jr. said today he will decide Monday whether to cite for contempt any of the principals in the trial of Clay L. Shaw.

During the long period while the Shaw case was awaiting trial, Judge Haggerty warned that anyone violating his stiff guidelines regarding public statements about the case faced contempt of court citations. The judge said he will study files on the subject and decide Monday whether any action is indicated.

SHAW, 55, was acquitted Saturday on a charge that he conspired to kill President John F. Kennedy. He now faces perjury charges in connection with his testimony in that trial.

He will be arraigned March 20 before Judge Malcolm O'Hara Jr. in Criminal District Court.

Judge Haggerty also said today he is returning unopened a sealed envelope containing the names of the members of Truth and Consequences Inc., the group of businessmen who financed District Attorney Jim Garrison's Kennedy investigation.

The names of the members of the organization and the amounts they contributed were demanded by defense attorneys during proceedings leading up to the trial, and were produced by an attorney for T&C.

BUT THE defense never asked that the information be introduced in evidence at the trial and Judge Haggerty said it will be returned unopened since it was not used as an exhibit.

Also today, the case of Tom Bethell, the former Garrison investigator charged yesterday with unlawful use of movable

property, was allotted to Criminal District Judge Matthew S. Braniff.

Yesterday, the Shaw perjury case was allotted to Judge Malcolm V. O'Hara, and the judge said that case will proceed in an orderly, normal way.

"First he must be arraigned," said Judge O'Hara yesterday after he was assigned the trial by lot in a drawing of folded pieces of paper from the clerk of the court.

"THE DEFENSE or state could set a date of arraignment, but if not, it will be within a week to 10 days," Judge O'Hara said.

"Then, the case will come to trial after all preliminary motions have been disposed of," he said.

Garrison leveled the new charges at Shaw Monday, two days after a 12-man jury unanimously acquitted Shaw of charges he conspired to kill Kennedy.

GARRISON charges Shaw lied under oath in testifying on his own behalf when he denied knowing David W. Ferrie, an airplane pilot now dead, and Lee Harvey Oswald.

The perjury charges carry a penalty of one to 10 years imprisonment and \$1,000 fine for each count. Shaw was released on his own recognizance Monday.

Judge O'Hara said the defense can ask a preliminary hearing, but is not automatically entitled to one. "It would be up to my discretion," he said.

IN VIEW OF the widespread national publicity given Shaw's first trial, the judge said he will consider setting guidelines for the press. "But I just got this case . . . and I haven't formulated any policies yet," he said.

"A lot can happen before this thing comes to trial."

Assistant District Attorney William Alford Jr., yesterday leveled charges in a bill of information against Bethell.

BETHELL, A former London school teacher, was charged with unlawful use of movable property for allegedly showing the state's trial memorandum