

## Ward Seeks Judge's Recusal In Bond Case

Former chief Assistant District Attorney Charles Ray Ward has joined in calling on Federal District Judge Lansing L. Mitchell to step down as presiding judge in a bonding company's suit against the Orleans Parish District Attorney's office.

Ward, a candidate for the DA's post in the November Democratic primary, said Judge Mitchell should recuse himself because of his former association with the law firm of Deutsch, Kerrigan and Stiles, which is representing the suit's plaintiff, Maryland National Insurance Co.

Harry F. Connick, a former assistant U.S. attorney who also is expected to be a candidate for district attorney, earlier yesterday called for recusal by Mitchell on the same grounds.

**JUDGE MITCHELL** Tuesday postponed a hearing on the suit, in which Maryland National seeks to block seizure of its assets by the district attorney's office. It is alleged that the firm owes \$629,000 in bond forfeitures dating back several years.

In a prepared statement, Ward called the bail bond collection situation in the DA's office "deplorable," and an outgrowth of DA Jim Garrison's investigation of the assassination of President John F. Kennedy.

Ward said when the Kennedy investigation began, bonding companies were "in a precarious financial position as a result of strenuous collection efforts." Garrison accepted offers by the firms to make periodic monthly payments, he said.

Attorney Clyde Merritt was hired in 1968 to supervise bail bond collections, Ward said. "After repeated demands by attorneys representing bonding companies for an accounting, it was obvious that Mr. Merritt could not or would not submit a detailed accounting of outstanding liabilities," he added.

Ward said he terminated Merritt's services and placed Assistant DA Shirley Wimberly in charge of the bond collections.

When Wimberly informed him of the liability, said Ward, he directed Wimberly to seek a restraining order to prevent Maryland National from doing business in Louisiana until the outstanding debt was paid.

"The point is," Ward concluded, "that an investigation was begun into bonding company affairs, under my direction, prior to my resignation" from the DA's office.

Judge Mitchell's order temporarily restraining the DA's office from collecting Maryland National's forfeitures is "a shocking decision," said Ward, "since this company has admitted that they owe the State of Louisiana more than one million dollars and has denied its responsibility for payment of this debt."

## DA Appeals Decision on Shaw Counsel

The Louisiana Supreme Court was asked yesterday to decide if lawyers for Clay L. Shaw can be forced to testify in the case against a former aide to District Attorney Jim Garrison.

Thomas Bethell, the former Garrison assistant, has been charged with showing documents to Shaw's attorneys in connection with Shaw's trial.

Judge Matthew S. Braniff of Criminal District Court refused to allow testimony by Shaw's lawyers after Shaw testified on June 27 that he faces a perjury charge and does not want his lawyers testifying.

The testimony would violate the privileged lawyer-client relationship, according to Judge Braniff's ruling.

District Attorney Ad Hoc Robert J. Zibilich said the sole issue of the motion before the Supreme Court is whether the law on privilege between lawyer and client applies to Shaw.

The motion indicates the state is not seeking any information about Shaw or the defense of his cases and merely wants to know whether or not a document was received by them and, if so, when, where and from whom.

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