

Shaw Bid Letters to The States-Item

Denied by Author questions courts editorial

La. Court

The Louisiana Supreme Court today rejected Clay L. Shaw's latest move to avoid prosecution on perjury charges, and barring a last-ditch legal move Shaw will go to trial Monday.

The possibility remained that Shaw's attorneys could ask the Supreme Court for a reconsideration or go into federal court. Shaw's attorneys were unavailable for comment early this afternoon.

The case is scheduled to go to trial Monday morning before Criminal District Judge Malcolm V. O'Hara.

THE PERJURY charge against Shaw grew out of his testimony in his own behalf in his 1969 trial on charges of conspiring to kill President John F. Kennedy.

A jury acquitted Shaw of the charge but District Attorney Jim Garrison charged Shaw lied under oath when he testified he never knew accused presidential assassin Lee Harvey Oswald or former airline pilot David W. Ferrie, who died here Feb. 22, 1967, under mysterious circumstances. Garrison claims Shaw, Ferrie and Oswald were linked in a conspiracy to kill Kennedy.

In the 6-1 ruling today, the state Supreme Court denied Shaw's writ of certiorari, refusing to review a decision of Judge O'Hara who refused to dismiss the perjury count.

DISSENTING WAS Justice Walter B. Hamlin, who held that Shaw's petition was sufficient to warrant a review by the high court.

Shaw's attorneys contended the jury which freed Shaw in the conspiracy case in effect ruled on the validity of his testimony.

Frederick, Md.

Your recent editorial eruption against Jim Garrison is what I am confident you did not intend, a deeply subversive appeal, an incitation to the young to take to the streets, and a denunciation of the American systems of justice and the possibility of justice in New Orleans.

You say that Mr. Garrison controls half of the judges. I know those you named, two slightly, three well. I believe this is not only not true of any but, if you had the slightest basis for your accusation, you'd have bannered it on the front page.

All but Judge Alcock have been sitting long enough for you to cite the record in support of your allegations. Your failure to do so does not persuade that the existing record is consistent with your charges.

I think I know Jim Garrison and Jim Alcock pretty well. We have had disagreements and, as befits men of strongly-held belief, have expressed them vigorously. I am nobody's partisan.

You quite falsely and without the suggestion of basis for the charge accuse the new judge of "persecuting" Clay Shaw. He did his job, no more and no less. You printed substantial excerpts from the official transcript. I challenge you to cite a single excerpt remotely supporting this claim.

During the time I knew him and was in New Orleans, I saw Jim Garrison lean far over backward to be fair to those who had been accused and charged. . . .

If there is any reason to believe Judge Alcock is other than dedicated to the law and skilled in it, I do not know it and you do not cite it.

You have proclaimed there is neither justice nor its possibility in New Orleans. For such strong language, with an abundance of court records, you are without a case in support of a palpably false accusation. Were your claim true, you owe it to your readers to print the proof. If you cannot, you owe everyone an apology.

How would you react editorially if another paper, in another city, were to tell its citizens that their courts were corrupt and print no instance in support of this? Would you call it other than rabble-rousing? How can you expect your young readers to have respect for or confidence in the law when you print such an editorial? Have you not, in fact, intruded into the judicial process, in effect demanding that all judges satisfy the owners of the only newspapers rather than their judicial obligations, serve your preconceptions rather than justice? An editorial should be more than the venting of spleen.

Harold Weisberg

(Editor's Note: Mr. Weisberg, author of "Whitewash," a book taking strong exception to the findings of the Warren Report on the assassination of President Kennedy, errs in his assessment of the Dec. 19 editorial. The editorial did not imply that the courts were corrupt. It did point up Mr. Garrison's obvious influence in the selection of some of the judges serving on the court.)