

# DA 'Not Surprised' By Decision on Shaw

Dist. Atty. Jim Garrison today said he was "hardly surprised" over a federal court decision blocking prosecution of businessman Clay L. Shaw for perjury.

"We've been fighting the federal government for more than three years," he said. "I was hardly surprised at the decision."

Garrison made the comments in an early morning interview at his office in reacting to a ruling by U.S. District Court Judge Herbert W. Christenberry, forbidding Garrison from prosecuting Shaw on a charge he lied to the jury that acquitted him of conspiring to assassinate President Kennedy.

**SHAW SAID** he is not completely convinced that his four-year ordeal is over.

"I'm delighted," said Shaw. "But remember, he (Garrison) can still appeal."

"At least, I am delighted that after four years and 87 days, the federal court ruled he (Garrison) acted in bad faith."

Garrison said a decision on appealing the ruling would be reached in a meeting with his senior assistant DAs tomorrow. He hinted, however, that if they decide not to appeal the ruling, no further legal action is planned against Shaw.

"You reach a point where, pursuing a rabbit almost endlessly while the wolves involved in this matter are out beyond your jurisdiction, power and distance becomes a question of fairness," said Garrison.

"I COULD not go on forever just putting people in jail," he added.

Garrison, who said he had not read Judge Christenberry's decision, declined comment on specifics of the ruling which charged him with acting in "bad faith" and with "harassing" Shaw.

"I don't want to get involved in the technicalities of the ruling," he said. "Judge Christenberry is one of the most experienced judges on the federal bench."

He said he was not "depressed" over the court setback, adding he felt a sense of "empathy" for Shaw.

"My initial reaction to the decision was that he (Shaw) was a human being who got a break. I didn't feel bad, I felt good," he said.

"I have never liked being in a position of hurting people and I have never gotten over my basic compassion for the defendant."

"I HAD TO DO something (prosecute Shaw) that I was not particularly

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happy about and my reaction was one of empathy for Shaw. That's no bull."

Normally, an appeal of the decision would be taken to the U.S. Fifth Circuit Court of Appeals.

Judge Christenberry said in his 21-page ruling that the district attorney's perjury charge was "brought in bad faith and that such bad faith constitutes irreparable injury, which is great and immediate."

**THE PERJURY** charge was filed two days after Shaw was acquitted of conspiracy March 1, 1969. The 12-man jury deliberated less than an hour after a six-week trial. Its verdict was unanimous.

Garrison accused Shaw of lying under oath when he testified he never

knew Lee Harvey Oswald or David Ferrie, named as coconspirators.

Oswald, who lived for a time in New Orleans, was named by the Warren Commission as the lone assassin in the death of the president in 1963. Oswald was slain in Dallas two days after the assassination.

Ferrie died in New Orleans at the height of Garrison's probe in 1967.

**SHAW CONTENTS**, as he has from the start, that he is not bitter.

"It's been a bad four years but it's getting better," he said.

Shaw says he currently is writing a play, lecturing on what it's like to be a defendant in a presidential assassination case and restoring houses in the French Quarter.

Garrison has seldom been seen in the past two years, even when he was successfully campaigning for another term as district attorney last year.

He suffers from a spinal infection and has had several long stays in the hospital.

**HE HAS WRITTEN** a book on the Kennedy assassination and says he has a contract to write three more.

Judge Christenberry made mention of the Garrison book, "Heritage of Stone," in yesterday's ruling.

The judge held that Garrison has a significant financial interest in the continued prosecution of Shaw because of the publication of the book.

"It is obvious that the sale of defendant's book may be promoted by the publicity resulting from the continued prosecution of Clay Shaw," the judge said.

**THE JUDGE** also used passages in the book to chide the district attorney.

Judge Christenberry said Garrison made several references to the Dreyfus case in France in 1894 involving a famed miscarriage of justice.

"When we consider Garrison's actions toward Shaw, it is small wonder that in writing his book that classic example of injustice came to his mind," the judge said.

The judge called the perjury charge a case of "continuing harassment and multiple prosecutions, with the likeli-

hood that such harassment and prosecution will continue in the future, unless abated by direct federal court intervention."

"IF PLAINTIFF is forced to stand trial for perjury," the ruling said, "takes the stand and is acquitted, this court has no doubt but that plaintiff will be charged anew on the basis of statements made by him on the witness stand."

Judge Christenberry found the case exempt from limitations imposed by the U.S. Supreme Court upon federal courts in connection with interference with state prosecutions.

The high court decreed that federal courts may halt state prosecutions only where there are "exceptional and extremely limited circumstances."

Judge Christenberry ruled the Shaw case falls within this category.

JUDGE Christenberry reviewed the part played by Garrison's chief witness, Perry Raymond Russo, in the prosecution.

He said Garrison was aware of Russo's unreliability, "Yet he arrested, charged and prosecuted Shaw once and now has again charged him for an offense stemming from Russo's story. Garrison's use of Russo is but one of several factors that reveal his mala fides (bad faith) in this case."

The judge said the role of "Truth and Consequences," the group formed to financially support Garrison's probe, also reveals the district attorney's bad faith.

The judge said it was revealed at a hearing in this case that the DA's office spent more than \$99,000 in conducting the assassination probe and in its investigation of Shaw.

JUDGE Christenberry said, "This court, considering all the evidence, finds that Garrison undertook his baseless investigation with the specific intent to deprive Shaw of his rights under the First, Fifth and Fourteenth amendments to the Constitution of the United States."

He said "Truth and Consequences" was formed by businessmen Willard E. Robertson, Joseph M. Rault Jr. and Cecil M. Shilstone.

"The evidence is clear," the judge said, "that Garrison acted in bad faith in using these funds to prosecute Clay Shaw. Rault frankly testifies that he expected results for the money contributed by him. Doubtless this is true of the other two, Robertson and Shilstone. The perjury charge against Shaw is part of Garrison's efforts to produce such results."