

Federal Hearing Tomorrow
DA ARRESTS BARRED AGAIN

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ruled unconstitutional in 1964 in a case brought by Garrison himself. At that time the judges of the Orleans Parish

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A federal judge here again blocked District Attorney Jim Garrison from arresting two Justice Department officials but delayed until tomorrow a hearing on the merits of charges brought by Garrison in state courts against the two attorneys.

District Judge Herbert W. Christenberry issued a new stay order preventing the district attorney from acting against U.S. Attorney Gerald J. Gallinghouse and John Wall, head of a federal anti-crime task force here. Gallinghouse and Wall on June 30 accused Garrison of accepting bribes to protect pinball operators.

JUDGE Christenberry set a hearing for 10 a.m. tomorrow at which Garrison must show cause why the charges he brought Tuesday against the federal officials, alleging extortion, defamation, criminal mischief, compounding a felony and public intimidation, should not be dismissed.

At that time, the judge said, the district attorney may seek to have the charges remanded back to the state courts.

Garrison and nine other persons who were accused by the government of violating the Organized Crime Control Act through public bribery were scheduled to appear before U.S. Magistrate Morey L. Sear at 10 a.m. tomorrow for a preliminary hearing on those charges.

SEAR SAID today that Garrison and four of those defendants have waived their right to the preliminary hearing. There was no decision as to whether that proceeding would be delayed.

Garrison was not present at today's brief hearing before Judge Christenberry. He was represented by Assistant District Attorney Byron Legendre.

Gallinghouse and Wall were represented by First Assistant U.S. Attorney Julian Murray.

Legendre asked that the preliminary hearing on Garrison's charges against Gallinghouse and Wall should be postponed until next week.

He said they were in no jeopardy of immediate arrest and indicated that Garrison would not defy the court order staying his right to arrest the two.

JUDGE Christenberry asked Legendre if he could speak for Garrison, but Legendre replied, "No, your honor, I can only speak for the district attorney's office, which has complied with the court's rulings in every respect to this date."

Murray pointed out that the defamation statute under which Garrison charged Gallinghouse and Wall was

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Criminal District Court charged Garrison with defamation.

Murray also said that the malfeasance charge brought by Garrison against the two defendants "clearly applies only to state officials and has no merit in this instance."

Murray claimed that a preliminary examination on Garrison's charges should be held today, but Legendre pleaded that he had only been assigned to the matter yesterday and needed time to prepare himself.

He asked that the matter not be heard until next week and Christenberry compromised on a hearing tomorrow.

MURRAY contended that to permit the seven charges to stand against Gallinghouse and Wall without any kind of hearing infringes on their rights and goes against the principal of a speedy hearing.

Judge Christenberry agreed, and added "this matter should be disposed of" quickly.

Garrison was charged along with Police Capt. Frederick Soule, vice squad commander Sgt. Robert N. Frey and pinball operators Louis Boasberg, Harby S. Marks Jr., Robert Nims, John J. Elms Jr., Lawrence L. Lagarde, John Aruns Callery and John Elmo Pierce with the bribery count.

In addition to Garrison, those waiving their rights to a preliminary hearing were Soule, Frey, Boasberg and Marks.

WHEN GARRISON filed his charges in Criminal District Court against Gallinghouse and Wall, the government attorneys quickly moved to bring the cases into federal court and obtained a temporary restraining order from Judge Christenberry preventing their arrest by Garrison.

The charges brought by Garrison against Gallinghouse and Wall are:

1. **Extortion** by communicating threats to Pershing Gervais, a former chief investigator for Garrison, in order to obtain advantages from him so as to do harm to the district attorney and to impute disgrace on Garrison.

2. **Criminal mischief** by making a false report or complaint to an officer of the law knowing all the while that each of their charges was false and fraudulent.

3. **Inciting a felony** by endeavoring to incite Gervais to aid and abet alleged violators of the law, including planting false evidence at Garrison's home.

4. **Compounding a felony** by promising Gervais not to prosecute him.

5. **Public intimidation by using force** and threats upon Garrison in order to influence his conduct in relation to his position and duty, namely the communication of certain truths to the people of the United States which heretofore have been withheld from them by the federal government.

6. **Defamation** by maliciously causing to be expressed and published false and defamatory matters tending to deprive Garrison of public confidence and to injure him in his profession.

7. **Malfeasance** by permitting other public officers and employes under them to intentionally perform their duties in an unlawful manner, all with the objective of aiding the federal government in its harassment of Garrison in order to inhibit and obstruct him from performing his duties, including the investigation of assassinations of presidents of the United States when part of the preparation of an assassination occurred within the city of New Orleans.

Conviction on these charges could bring these maximum sentences: Extortion, one to 15 years imprisonment; criminal mischief, \$1,000 and-or one year; compounding a felony, \$1,000 fine or two years or both; public intimidation, \$1,000 or five years or both; defamation, \$3,000 or one year, and malfeasance, 50 or six months or both.

One of the spectators at today's hearing was Metropolitan Crime Commission managing director Aaron M. Kohn, who has called upon Gov. John J. McKeithen to oust Garrison from his post.

Instead, the governor told the MCC it should take the action since its members are Garrison's constituents.

Kohn said today the MCC board of directors will meet tomorrow to decide the course of action it will take in the Garrison matter.

AFTER THE COURT session this morning, Gallinghouse spoke with newsmen and said he thought the charges Garrison has filed against him and Wall "not worth the paper they are written on."

He said he is ready to meet the challenge in court, adding, "Mr. Garrison can do his worst and we will do our best."

Gallinghouse said Garrison chooses to prosecute some people and declines to prosecute others. Gallinghouse called this "selective persecution."

"I feel obliged to say God help the people that Mr. Garrison is in charge of deciding their fate," said the U.S. attorney.