

DA's Perjury Charge Rejected
NO SHAW TRIAL, COURT SAYS

NOV 20 1972

The U.S. Supreme Court today rejected without comment New Orleans Dist. Atty. Jim Garrison's plea that he be allowed to prosecute Clay L. Shaw for perjury.

The decision, in effect, affirmed the decisions of two lower federal courts, which agreed with Shaw's contention that the perjury charge was brought in bad faith and for purposes of harassment.

Garrison gained national headlines in 1967 by charging that Shaw, then a retired businessman, conspired to assassinate President Kennedy. Shaw was acquitted of the charge but the following day Garrison filed the perjury charge, contending that Shaw lied on the stand when he said he did not know Lee Harvey Oswald, the presi-

dent's accused slayer, and David Ferrie, an alleged co-conspirator.

The court action today would seem to be the final chapter in Garrison's efforts to prosecute Shaw, who had returned to the business world as director of the French Market Corp.

Shaw, meanwhile, has taken the offensive. He has filed a \$5-million damage suit against Garrison and several local businessmen who helped support the district attorney's investigation into the Kennedy assassination. The suit is to be tried soon.

Garrison, who recently was defeated in a bid for a seat on the Louisiana Supreme Court, also is under federal bribery charges in connection with alleged pinball payoffs.

Garrison's brief to the high court

maintained that if the injunction were allowed to stand, it would "serve to destroy the well-recognized public policy against federal intervention in state criminal prosecutions."

In a brief opposing a hearing, Shaw's lawyers argued that the high court has firmly established that "injunctive relief against state court criminal proceedings is available to the citizen, where it is established that the state official is acting in bad faith, for purposes of harassment only."

"Shaw's federal right to be free from bad-faith prosecutions has been preserved and protected," they continued. "This court should continue to enforce the protection afforded Shaw by the decisions of the courts below by denying this application."