

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 ONE 6.5 mm. MANLICHER-CARCANO)
 MILITARY RIFLE, MODEL 91-38,)
 SERIAL NO. C 2766, WITH APPURTENANCES,)
 AND ONE .38 SPECIAL S & W VICTORY)
 MODEL REVOLVER, SERIAL NO. V510210,)
 WITH APPURTENANCES)

CA-3-1171

JUL 16 1968

Filed _____ day of _____
19____ at _____ o'clock _____ M
BAILEY, F. FRANKIN, Clerk
By _____ Deputy

ORDER

The Court having heretofore received the mandate of the Court of Appeals reversing the Order of Forfeiture entered February 24, 1966, and having considered Motions for Judgment filed by both Libelant and claimant, it is

Ordered and Directed that said Order of Forfeiture be and the same hereby is vacated and the libel dismissed.

It is further Ordered and Directed that the Writ of Attachment issued September 10, 1965, be and the same hereby is dissolved and the custody by this Court of the property seized thereunder is terminated.

SIGNED and ORDERED ENTERED, this the 16 day of July, 1968.


United States District Judge

POST OFFICE DEPARTMENT ROUTING SLIP		BUREAU, OFFICE OR ROOM NO.	<input type="checkbox"/> APPROVAL <input type="checkbox"/> SIGNATURE <input type="checkbox"/> COMMENT <input type="checkbox"/> SEE ME <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> INFORMATION <input type="checkbox"/> READ AND RETURN <input type="checkbox"/> READ AND FILE <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> INVESTIGATE <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> PREPARE REPLY															
TO:																		
1	Mr. Belcher																	
2																		
3																		
4																		
5																		
FROM: Chief Inspector		EXTENSION																
DATE: Sept. 12, 1968		ROOM NO.																
REMARKS																		
<p>Copies of additional reports received in the "A. Hidell" Case. Preliminary report referred to you on Sept. 5th.</p> <p style="text-align: right;">RECEIVED SEP 16 1968 CRIMINAL DIVISION</p> <p style="text-align: center;"> <table border="1"> <tr> <td colspan="2">29-1</td> <td>R</td> </tr> <tr> <td colspan="3">DEPARTMENT OF JUSTICE</td> </tr> <tr> <td>13</td> <td>SEP 16 1968</td> <td>R</td> </tr> <tr> <td colspan="2">R.A.O.</td> <td>D</td> </tr> <tr> <td colspan="2">[REDACTED]</td> <td>SEC.</td> </tr> </table> </p>				29-1		R	DEPARTMENT OF JUSTICE			13	SEP 16 1968	R	R.A.O.		D	[REDACTED]		SEC.
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DEPARTMENT OF JUSTICE																		
13	SEP 16 1968	R																
R.A.O.		D																
[REDACTED]		SEC.																

1167

PLEASE ADDRESS ALL MAIL TO
UNITED STATES ATTORNEY
P. O. BOX 133

71A 5303
Enc 70
United States Department of Justice

KJM:sd
Cl-627-65

UNITED STATES ATTORNEY
NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS 75221

July 19, 1968

Department of Justice
Washington, D. C. 20530

Attention: General Litigation Section
Civil Division

Re: One 6.5 mm Manlicher-Carcano Military Rifle, etc.
Civil Action 3-1171 - Dallas Division
DJ Reference: EIWJr:WAGershuny:sao 129-11

Express the order was submitted
w/enc 7

Dear Sir:

I enclose herewith a copy of the Order which was entered in the captioned cause on July 16, 1968.

My file is now closed.

Sincerely yours,

Eldon B. Mahon
United States Attorney

Kenneth J. Mighell, Assistant
United States Attorney

/Enclosure

cc - Mr. James Gaulding
Assistant Regional Counsel
Internal Revenue Service
1025 Elm Street
Dallas, Texas 75202
w/enclosure

File 89/enc

RECEIVED
JUL 24 1968
DOCKET UNIT
CIVIL DIVISION

129-11
JUL 24 1968
CIVIL DIV.
General Litigation Sec.

70

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	General Crimes			2113
2.	Bill Lynch	light		
3.				
4.				

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Please review letters (anonymous) and send on the records.

Bill, there's more info than JFK. I don't it's worth sending to FBI for info on the latter - but perhaps for the former. *CLG*
1/20

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	ASSISTANT ATTORNEY GENERAL Criminal Division		11/25/68

(typed: 11/25/68)
FMV:elb
129-11

November 26, 1968

Honorable Mike Mansfield
United States Senate
Washington, D. C.

Dear Senator:

The Attorney General has asked me to acknowledge receipt of two anonymous letters written by one of your constituents which were forwarded to the Department by Miss Del Balzo under letter of November 20, 1968.

Sincerely,

Fred M. Vinson, Jr.
Assistant Attorney General

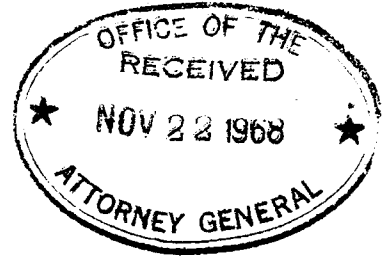
cc: Records
Chrono
Mr. Vinson

FILE
MSL

MIKE MANSFIELD
MONTANA

United States Senate
Office of the Majority Leader
Washington, D.C. 20510

November 20, 1968



Honorable Ramsey Clark
Attorney General of the United States
Department of Justice
Washington, D. C.

Dear Mr. Attorney General:

Senator Mansfield is in Europe on an official assignment, and in his absence we have been going through some of our files. We have come across the enclosed unsigned letters from Montana which we are sending along for whatever value, if any, they may have.

With best wishes, I am

Sincerely yours,

Mary Jane Del Balzo
Secretary to
Senator Mike Mansfield

See 166-12C-1

Enclosures ✓

129-11	
DEPARTMENT OF JUSTICE	RECORDED
10 NOV 21 1968	INDEXED
R.A.O.	
ATTORNEY GENERAL	
CRIMINAL GEN. CRIME SECT	

Sirhan & that said model
were ^{at the ambassador's office} ~~said~~ traveling together
^(seen) going through Butte on
a motorcycle. Her
face & his easily remembered
when I seen him.
I felt sure he'd shot
John Kennedy & that
he planned on more.
which he did. This was
in spring or fall of '67
possibly. It seemed
a year or more ago.
But I didn't forget.
the faces. There were
two couples. I think
the motor cycle - had a

The York business... I didn't
see his motorcycle. I didn't
the other couple was
getting off of theirs while
these other (Surbau + her) stood
- by the street. I appeared
they may have been
traveling together. The
other couple was looked
of his nationality. Now I

I do not know how I
can get this information
any place. I will hope
you will relay it to
the info people.

I will write the Federal Bureau
of Investigation - some one
may get two curious - then
for certified letters - then
I must sign for that.
Actually, there is no safe near
21 re census information.

~~James~~

I wish to make a correction
on my apartment. I
knew I didn't think
or wasn't sure of
that cycles because
I you will understand
what I refer to - if you
got the previous
letter. In measure
it was so. I think
it could be checked
in some way if necessary
After writing you I
noticed one of the men
in his group - is living
I working here in the
City which if it is to

might have noticed me
that day - but I doubt
it. He may not be
Jordanian but could
be - something - if not
a good friend to Turkey.
I doubt that I have
made a mistake as
the faces I saw were
unmistakable &
having a great premonition
of what - was to be -
or might be. Actually none.
Of these characters seemed
to have ordinary-looks.

PARDON
ME,
but...

FILE-J.R.R.

Nord Davis, Jr. editor

Box 48-Hollis, N. H. 03049

11 November 1968

The Chief Justice of the United States
Washington, D.C.

Dear Mr. Warren:

I have now placed the enclosed booklet in the hands of 3,700 solid patriots across America. I am therefore releasing the booklet for general sale this date. I am therefore sending you a copy for your records. Acknowledgement is not necessary.

You will note, after reading it carefully, that there is still much more that I could have written.

I understand that there have been court orders preventing the distribution of data on the assassination in some areas of the country. In the event of a court order of any kind involving DALLAS CONSPIRACY, I have arranged with a number of private publishers for mass distribution, extending to them a copyright release.

Sincerely,

Nord Davis, Jr.
Nord Davis, Jr.
Publisher

RECEIVED

NOV 26 1968

CRIMINAL DIVISION

cc: Hon. Gerald Ford
Hon. Hale Boggs
Sen. Richard Russell
Sen. John Cooper
John J. McCloy
Allen Dulles
J. Lee Rankin

FILE-J.R.R.

Editor: US News & World Report
Editor: MANCHESTER UNION LEADER
Editor: AMERICAN OPINION
Dan Smoot, Dallas

And others.

CERTIFIED 445824

NOV 22 1968

REGISTERED

Sen. Edward Kennedy
Atty Gen. Ransey Clark ✓
Rep. John Ashbrook
Sen. John Tower
Governor John Connally
Chief of Police, Dallas'
Sen. Norris Cotton
Sen. Thomas McIntire

12-9-11
NOV 28 1968
CRIMINAL-GEN. CRIME SEC.

Exposing communism and those who aid its cause

148-12-97

Appellate

United States Court of Appeals
FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK
October 17, 1968

ROOM 408 - 400 ROYAL ST.
NEW ORLEANS, LA. 70130

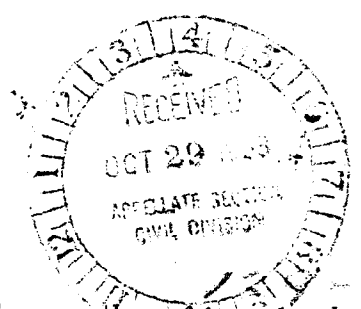
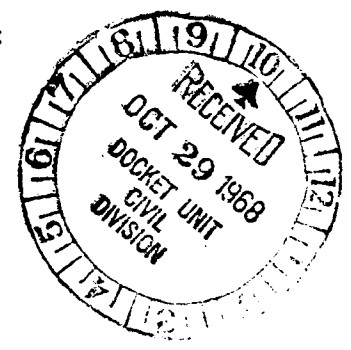
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

Re No. 26620 - U. S. A., v. One 6.5 mm. Mannlicher-Carcano
Military Rifle, Etc.

Gentlemen:

The following action has this day been taken in the above case:

- () An extension of time has been granted to and including
 - () for filing and docketing record on appeal.
 - () for payment of estimated printing costs.
 - () for filing appellant's printing designation.
 - () for filing appellee's printing designation.
 - () for filing reproduced copies of the record.
 - () for filing appellant's brief.
 - () for filing appellee's brief.
 - () for filing a petition for rehearing.
- () The Court's opinion has this day been rendered and a copy thereof is enclosed.
- x () Order enclosed has been entered.
- () Messrs. William C. Garrett &
Charles F. Hawkins
Mr. Kenneth J. Mighell
Mr. William A. Gershuny

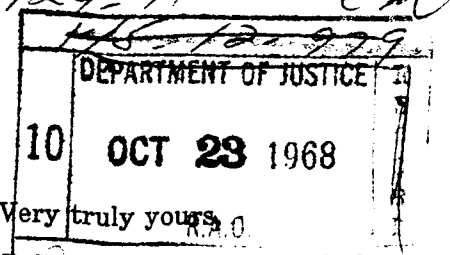


Chy 11/23/69

129-11

ad giv

CM



Very truly yours,
EDWARD W. WADSWORTH, Clerk
CIVIL DIV.
General Litigation Sec.

By) _____
Deputy Clerk

INDEXED ON
Journals CM

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 26620

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

ONE 6.5 mm. MANLICHER-CARCANO MILITARY RIFLE, MODEL 91-38,
SERIAL NO. C2768, with appurtenances, and ONE .38 SPECIAL S&W
VICTORY MODEL REVOLVER, SERIAL NO. V510210, with appurtenances,

Defendant-Appellant.

Appeal from the United States District Court for the
Northern District of Texas

Before BELL and MORGAN, Circuit Judges, and GUINN, District Judge.

BY THE COURT:

IT IS ORDERED that the motion of appellant for special
assignment for hearing and submission of this cause is DENIED.

(ORIGINAL FILED - October 17, 1968)

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

129-11

October 4, 1968


Mr. William Block
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Block:

Enclosed herewith please find the Jurisdictional Statement which has been filed with the Supreme Court of the United States on behalf of Clay Shaw in the matter entitled Clay Shaw vs. Garrison, et als. Also enclosed is Page 8 of this Jurisdictional Statement, which was furnished us, under separate cover, along with a copy of the transmittal letters from Mr. Edward F. Wegmann.

This is the only copy furnished us, however, I do not believe it necessary for my files that we go through the trouble and expense of duplicating same and I thought it best that your file be complete.

Very truly yours,


LOUIS C. LaCOUR
United States Attorney

Encl.
LCLaC:eef

SEE ENCLOSURE FILES

FILE

(Mount Clipping in Space Below)

**THE WHITE WASH IS OVER!
NOT THE WHO, BUT THE WHY
OF J. F. K. ASSASSINATION**

NOT WHO, WHY..

BY JACK MARTIN
and DAVE LEWIS
Correspondents
The Houstonian

(Copyright 1968, The Houstonian)
(continued from a previous issue)

(This story was written by Jack Martin and Dave Lewis, for THE HOUSTONIAN. Martin is the person who triggered the Garrison investigation. Since then both he and Lewis have worked with Garrison on the probe. Martin and Lewis are two of the few remaining original Banister agents alive. There have been numerous books written about the investigation, and it is this editor's opinion that Martin and Lewis know more about the inside of this case than any of these numerous authors. — The Editor.)

Philby had come up with an explanation to sidestep the original issue, the "spy investigation, and convinced all, on how we must heal the Latin-American wounds, of ill-will!

Because of Philby's instigation, Bobby tore into the steel companies, the drug firms, and many others, thus securing "donations" to meet Castro's demands for their "repatriation". So we the people of the U.S. paid over \$100,000 each for the return of these poor Cubans, and let our own people go to blazes . . . Yes, the Americans are still imprisoned to the best of our knowledge.

To make matters worse, Bobby instituted an additional remedy of much discontent, which sure gave us a lot of conflict

here at home. Maybe, it was on purpose by Philby's suggestion, perhaps not. This was the "Fair Employment Plan For Cubans".

Bobby's enforcement agencies saw to it that all small businessmen in Florida and areas elsewhere, who had say two employees, had to fire one, to hire at least one poor Cuban. In short, there must have been an even number of Cuban workers compared to the number of other employees.

It made no difference if those on these payrolls were white or black, the number of Cubans had to equal the sum total of the others. White and Negro employees were fired to make way for Cubans . . . All over the nation, to comply with this forced edict.

However, this was nothing . . . The Cuban Refugee Act later en-

forced by Bobby made it possible for employers to acquire a refund from the government of up to \$100 per month for each Cuban, thus subsidizing Cuban salaries. Therefore, in effect, we Americans were paying taxes so that we might be fired, and others could work! And this practice is still in operation!

In the next bit of "puppet-sophistry, Bobby at the stroke of a pen immediately disbanded all of the anti-Castro-Commando training camps throughout the country.

This was a low blow. For now it was forbidden to fight Castro, or even attempt to resist the communist plague on our doorstep.

Inasmuch as, dear Bobby secretly headed the C.I.A. over Dulles, and commanded the other Federal Enforcement Agencies, as Attorney General of the United States, he could do this . . . And he damn sure did.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

THE HOUSTONIAN

NEW ORLEANS, LA.

Date: 8-13-68

Edition:

Author:

Editor:

Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TEXAS 11-22-63

Character: AFO

or Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

In fact, the Cuban ~~camp over the lake from~~ ^{ning} New Orleans, in St. Tammany Parish (county), was raided by none other than the Cuban's former old friend and associate, F.B.I. Agent Regis Kennedy . . . A "fellow" who like Bobby, can talk out of both sides of his head at the same time. This shouldn't be too difficult for him though . . . Several people of good reputation have told us that he has 2 faces.

During all of this time, we have evidence that the Bobby-Philby-Dulles clique had implemented a recruiting drive amongst young college students to fill the ranks of a "personal" gestapo right here within the U. S. proper. This is in violation of the legal-legislative intents and purposes of the C.I.A. function. They are to maintain security outside the U. S., as the F.B.I. is to use such protective measures within the nation's boundaries.

However, these secret "gestapo-units" still function in most universities, colleges, and student unions here within our country as well as abroad. On numerous and sundry occasion our "student-agents" attending local universities which were employed by Guy Banister Associates, reported to us that they had been from-time-to-time approached by these people. One of our young men told them to go to hell, that he worked for Banister, and that he was a Banister Agent. Moreover, he further stated that he intended to include their threatening approach in a report to his office. For some

reason, they left him alone after this, which is more than others can say.

Then too, the local "C.I.A. Bag-Man" around New Orleans, who "plays-lawyer" as a cover, "Agent-Steve" donated money to numerous opposition political candidates on many occasions, in the same casual manner that he had contributed directly and indirectly to the student-union-funds before. Moreover, if they'd do it in New Orleans, they'd do it throughout the entire state, or

even the whole country.

In this case (just mentioned), they backed up several opposing candidates, just to gang up on one incumbent candidate . . . To make sure he didn't win in the pending election. That office-holding incumbent was none other than District Attorney Richard (Dick) Dowling. His entire opposition received large political donations to make certain Dowling could not, and would not, make the grade!

Guess who did make that seat? Jim Garrison, with the help of C.I.A. money! We have spoken of this many times to Jim, and he intends to bring this out later during the Probe to prove the point . . . That maybe they even elect presidents!

Along about this time we underwent the Cuban Missile Crisis, and the Berlin clash with the communists of the Eastern World. This is to say nothing of what was going on right here in our own back-yard, in industry, and of course the civil rights field.

Things had just about come to a head. There were far too many unhappy citizens at hand. Moreover, these people were trained in professions which were very capable in handling certain situations with the utmost pooficiency, and Philby knew it. It was some of these, who had at that moment organized into tight little groups and were to cooperate with one another at the "proper-time" at Philby's discretion.

By now, Philby was convinced that he'd engineered us (our country) into a state where the nation was on the brink of revolution, if it were pushed one way or another . . . That is, if they could just arrange for the "right" blow to fall at "that-proper-moment". Yes, at the peak of events, the job would be over.

Philby figured he'd set the wheels in motion, and did . . . With this in mind, he made the necessary plans, before dropping behind the Iron Curtain.

Surprisingly enough, proof of this lies in a document known as "The Homme Report". This damning instrument was authored by H. G. Homme, assistant legal counsel of the U.S. Senate's Committee Of The Judiciary.

We last saw a copy of it in the

hands of New Orleans attorney G. F. Johnson, formerly of (). Yes. This is the same Commander Johnson who was Banister's liaison contact during our numerous operational activities a few years before.

Now the Philby stratagem was of 3 facets, and was ready to spring from his "princely-trick-sack", for Bobby was a "GO-FOR" (trade jargon, pronounced gopher, like the rodent), 'cause he'd go for anything. For now he'd snapped eagerly at the "Philby-fishing-line-bait", the one end left open, that one which set-the-fuse!

The "genious", Bobby, put out his own personal contract (order to murder) on Cuba's Fidel Castro Luz.

The gears had meshed smoothly, the wheels silently moved, and the trap had sprung. For this was just before, nearly the "eve" before, our President was assassinated. In short, the President was "hit" (murdered), before the "hit" on Castro could be made!

It was not particularly a ny Gangland Syndicate or Cuban element; neither Castro, nor anti-Castro . . . But it was Philby's little groups which struck from within, before Bobby's could move from without.

From his retreat behind the Iron Curtain, Philby bore witness to this fact, that he'd planted his seeds of hate well: His plan was in motion, the last stroke, the grand finale of it all, was now in the making. An entire nation was stunned, and confused, by the operational escalation of his little groups, in addition to their handywork already completed.

As with the Homme Report, the evidence of the next and final move lies within the files of our country itself. These are open for all to read, and they should . . . If they want to know the truth!

We refer to the "NATIONAL-EMERGENCY - REORGANIZATIONAL-PLAN", found in Volume 27, Number 35, Subheaded Title 3, of February 20, 1962, which is listed in the Federal Register, National Archives, under Presidential Documents, Executive Orders #10995, to #11005 ff, #11051, and Part One, Section 101-d; which is indeed a malediction, the totalitarianistic brain-child of Bobby-Philby and company.

ANNOUNCEMENT

"Not The Who, But The Why."

A series behind the facts of the Garrison probe were discontinued last April 26.

Our reason for doing so was based upon a demand made by one George O. Wyatt, who at the time identified himself as an agent of the U. S. Justice Dept.

Amongst other things Wyatt told us was. "Your reporter, Jack Martin, will be killed if these are continued." He also stated that we'd "Be Sorry" that the first of these were ever published, as Bobby (R.F.K.) didn't like them, etc.

However, as we have since learned Wyatt is a complete FRAUD, we are continuing these last installments, for all to read.

Frank Floyd Mancuso, son of City Councilman and Mrs. Frank Mancuso, observes his birthday August 27.

Attorney Phil D. Woodruff, former county, district and appeals court judge who retired to go back into private practice, observes his birthday Aug. 27.

County Commissioner and Mrs. V. V. Ramsey observe their wedding anniversary Aug. 27.

Mr. and Mrs. David M. Casas of the Santa Anita Mexican Restaurant, observe their wedding anniversary Aug. 26.

William Scott III, son of Attorney and Mrs. W. H. Scott Jr., observes his birthday Aug. 21.

Attorney and Mrs. George D. Gordon observe their wedding anniversary August 20.

Elicia Elaine Everett, daughter of Attorney and Mrs. Charles B. Everett, observes her birthday Aug. 20.

Linda Lee Dawson, daughter of Mr. and Mrs. Clyde O. Dawson, observes her birthday Aug. 20.

Cathy Reina, daughter of Mr. and Mrs. Frank Reina, 1612 Mason, observes her birthday Aug. 19.

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

August 19, 1968

Mr. Carl W. Belcher, Chief
General Crimes Section
Criminal Division
Department of Justice
Washington, D. C. 20530

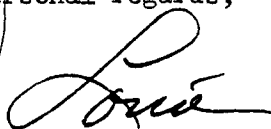
FILE

Dear Carl:

Enclosed herewith is a copy of the memorandum in support of plaintiff's motion for a stay order in the Clay Shaw case.

I am also enclosing for your perusal a copy of an article that appeared in Evergreen, a rag, describing the Rap Brown trial. I would like to have your comments on the article. My observation is that this is probably the most objective reporting of the Brown trial that I have seen so far.

Kindest personal regards,



LOUIS C. LaCOUR
UNITED STATES ATTORNEY

LCLaC:cb

Enclosures

*Done
Orally
dms*

*Feb -
hold for
Bill Black
CWS*

109-11

80-32-19

DEPARTMENT OF JUSTICE	
10	AUG 23 1968
FAC.	
CRIMINAL-GEN. CRIME SEC.	

To Louise
from Jim

French, Irish Revolution POWER

NOTES FROM THE UNDERGROUND

RAP BROWN WILL speak to a honkie, sort of.

Most of his followers will not.

He was tried, in May, in New Orleans and found guilty of transporting firearms across state lines while under indictment. It was the strangest tableau the old town had seen since the incredible afternoon over a year ago when Clay Shaw was busted for conspiracy to kill a president.

Dig it.

You're in the middle of the French Quarter, where the federal courts rent space in a building owned by the Very Sovereign State of Louisiana. The building is too big for the scaled-down Quarter, occupying a full, landscaped block.

There are six entrances. Five are locked and guarded. The main entrance is open and guarded. In uniform are scores of General Service Administration guards, Louisiana state troopers, New Orleans city police, and — really — enforcement agents from the State Department of Wildlife and Fisheries. There are dozens of U.S. marshals with their badges. God only knows how much incognito fuzz roils among us. True togetherness.

A scant hundred feet across the street is Brennan's French Restaurant. Each morning during the trial there are the tourists in their Madras, waiting for the nine o'clock opening and the traditional Breakfast at Brennan's. They stare across the street curiously. It's as though there is plate glass sheeting running down Royal Street.

There are businessmen coming and going from the Royal Orleans Hotel (downtown side of the court) in airport limos. Our TV cameras and a mustering of cops get sleepy glances.

There are hippie remnants roaming this Village South, some of

them tripping it right past the cops. Many pause to join The Scene.

Only their complexions set them off from SNCC troopers gathered on the steps. (Indeed, there are a dozen or two white members of the SNCC group, apparently granted some kind of amnesty.) Satorially speaking, they can immediately identify with whatever *this is* — most of them don't know.

The line to get into the courthouse moves slowly as, one at a time, the citizens are questioned, asked for identification, casually photographed by a plainclothesman, and told to sign the register — all to attend a public trial!

But this is not entirely harassment and policemenhip. Somebody pretty heavy decided that there would be no Jack Ruby kind of thing; after all, the Chamber of Commerce thinking would go, that crap in Memphis ruined retail sales for *days*! So, for all the wrong reasons, Rap had more security in New Orleans than he is likely to have if he finally does federal time.

Meanwhile, the local press is admitted on recognizance. Out-of-town reporters go through the spectator bit, plus producing credentials for admittance to the press table. Only scattered non-local coverage, mostly underground N.Y. and L.A. tabloids. And of course the wire bureaus.

The press table itself is a gas. Veteran courthouse reporters, in their \$47.50 Haspel summer suits and traditional boredom, elbow to elbow with bewhiskered, be-sandaled apostles, recording a latter-day Acts, if not Gospels. One is fragrant to a fault. There is no rapport between the two groups.

There are just over sixty spectator seats in the rented courtroom. Many are filled early by unidentified U.S. marshals. Other specta-

tors are then seated, almost all of them obviously Brown sympathizers. All are young, most are black. Except for their race, they would hardly be noticed in the French Quarter, dressed as they are in late hippie and recent Salvation Army.

Whenever someone leaves the room for a smoke or for nature or from boredom, the marshals at the door signal for someone else to enter; SNCC people are waiting outside throughout the trial.

The defense table adjoins the press table. Lead defense attorney William Kunstler, from New York, is a graying, craggily handsome man with the voice and bearing of a Shakespearean actor. He is to wear the same gray herringbone suit, too heavy for New Orleans, throughout the nine-day trial, probably aggravating the summer cold he brought to town with him. The simplicity is supposed to impress the jury — he is later to bring into the record the old Volkswagen in which he commutes.

Rap's other two attorneys are Negro. Murphy Bell, from Baton Rouge, is short and mustached; he is to earn the censure of Judge Lansing Mitchell for wearing a turtle-neck before the very proper federal bench. Howard Moore, Jr., from Atlanta, bears a resemblance to Jomo Kenyatta that is emphasized by his Van Dyke beard. Both speak softly and intelligently.

The government table is next to the jury box and to the witness stand. At its head is U. S. Attorney Louis LaCour, whose principal previous notoriety has been his failure to make the government's case against rackets figure Carlos Marcello. Assisting LaCour are Harry Connick and Gene Palmisano. Connick probably is headed for elective politics; Palmisano handles much of the government's direct examination of witnesses.

Judge Lansing Mitchell is a portly man with closely cropped gray hair, two-tone rims on his glasses, and relatively new judicial robes. His brief experience on the bench and his anxiety not to cause a reversible error add to the length and tedium of the trial, and his deter-



mination to preserve order do not make for the spots of humor that enliven some court proceedings. Everyone is pretty grim throughout.

The eighth dramatis persona in this production is Rap. On the opening Monday of the trial, he entered the courtroom calmly, almost languidly (concealing what maze of emotion?). He is surprisingly tall, perhaps 6'4". He wears a "natural" haircut and drooping mustache which emphasize his sad eyes and rarely smiling full mouth. His Granny glasses are lightly tinted in some shade of yellow.

Throughout the trial, he wears turtleneck sweaters—not the variety now in vogue—jeans, heavy woolen socks, high tennis shoes, an African talisman around his neck, and, ironically, a skirted khaki field jacket of the safari, or white hunt-

er, variety. He is telling us he doesn't give a damn, that it just doesn't matter.

Courthouse chatter, wherever it is possible to hold a conversation without the omnipresent law, is that he will be found guilty. There is little sympathy for him among whites. One ACLU lawyer observing the case said to me during a break (taken in Comeaux's Bar on Royal), "I hope they hang the bastard." Welcome to America's Most Interesting City, Mr. Brown.

THE LAWYERS BEGIN. They are going through the motions, literally and seemingly figuratively. Even in moving for dismissal, change of venue, and the whole ritualistic lawyer thing, Kunstler asks the court's indulgence in "getting through these housekeeping mo-

tions."

But Kunstler maintains Judge Mitchell has demonstrated bias in the matter of Bell's turtleneck. "You cannot sit in fair judgment of this man." Mitchell is impassive. All defense motions are denied.

Kunstler attacks from a flank: it is an improper courtroom; there is a police-dominated atmosphere; spectators are being subjected to interrogation by "scores of fully armed state law enforcement officers." No luck.

The Justice Department asks the judge to read a transcript of secretly recorded conversations of Rap, dealing with "a national security matter" but unrelated to the case. Kunstler objects. Overruled. The government has again tacitly admitted illegal investigative technique.

CONTINUED ON PAGE 90 ➡➡

NOTES

CONTINUED FROM PAGE 17

Kunstler asks the court to order the transcript open for inspection, dismiss the case, or postpone it until defense can plan further action.

But the judge reads the manuscript in camera, which is lawyer talk for alone. What "national security matter" we perhaps shall never know.

The first day is over. In the dreary hallway, Rap talks with SNCC leaders. There is this elaborate ritual of shaking hands, like a fraternity grip or a Moose convention. There is relief outside, to be out of that box of a courtroom. But still there is the fuzz, completing the first of what are to be nine wearing, twelve-hour days.

Rap has no interest in talking to the press. The local dailies, both Newhouse, have little interest in talking to Brown. Or to Kunstler, or to LaCour. The trial moves variously from page one to page nineteen, capably and objectively reported by

Gordon G'sell and Emile Lafourcade for *The Times-Picayune* and Jim Hearty for *The States-Item*.

Local television has cameramen outside the building, covering the trial itself sporadically. There are other things happening in New Orleans, and air time is tight.

The out-of-town press has ready access to Rap. But they are in uniform, *de facto* members of SNCC. Double agents.

Uptight, I approach Rap. "Mr. Brown . . ." and I identify myself. He's taller than I, which I'm unaccustomed to, and I have to look up. I talk Southern, a regional problem. He really cools me with his eyes, through those weird yellow glasses. He strides down the hall. I keep up, tell him that I hope to get the story in *Evergreen*.

Gears change.

"I know that. That's where they've always got Roi Jones. You write it like it is in there and I'll talk to you."

He wants to see my notes, and my hang-up is that nobody sees my notes. So we cool it for the time.

Tuesday is the day of the big camera flap and the selection of the jury.

Some marshal (he was Rufus Campbell, one of a number of Negro marshals) wants to know if one of the SNCC spectators has a camera in the courtroom. Conferences. Motions. Resolution, with no one excluded from the court. During this nonsense, Marshal Victor Wogan tells the court that there are four teen deputy marshals from the Eastern District of Louisiana and ten from "out of town" assigned to the case.

Marshal Wogan chews gum, calmly takes in the scene, day after day. He has the patience of Madam Defarge, along with similar power of observation. He well complements the court of Judge Lansin R. Mitchell.

The jury selection is fascinating to the various court buffs who have begun to compete with the marshals and SNCC people for seats. An interesting percentage in the panel have sick wives and children. Others are ill themselves. "I come up with the high blood," says one Negro woman. Still others, marshals, acknowledge they have reached a conclusion. One Negro man says so. SNCC sneers him out as he is excused.

It looks as though they might exhaust the panel. But finally they get a jury, and the alternates. There are three Negro women, six white women, and three white men. (One of the Negro women, a pretty one with a complexion similar to Rap's, which is relatively light, causes some confusion in the defense. Barry Winograd of the *L.A. Free Press* quotes one of the defense attorneys: "We have two Negroes on the jury and one woman is alleged to be black.")

Kunstler surprises this Southerner only once: he accepts a white woman who works as a secretary at New Orleans' Southern Baptist Hospital. The Southern Baptist Convention is not known for its enlightenment in racial matters; it is the policy of the hospital to hire only Baptists in such positions, usually the wives of seminary students.

→

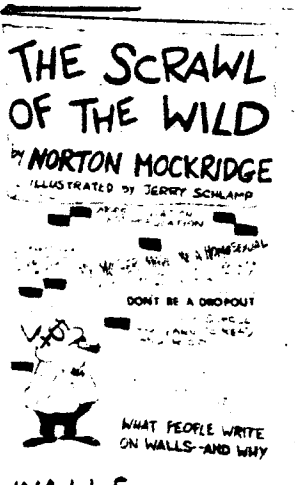
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ergo, there is a reasonable doubt as to the lady's objectivity. Perhaps a resident of Westchester County should not be expected to know this, but his local associate, Mr. Bell, should.

The jury is quartered in the Royal Orleans across the street, a pearl in the Hotel Corporation of America chain and a place of board and room few of them are likely to enjoy again.

Somewhat slyly, LaCour stipulates before the jury that the government has no objection if the jurors return home to collect clothes and toilet articles. Kunstler rises immediately to point out that defense so stipulated the previous day. Jury manipulation. Titters in the gallery. "Order!" from the judge. "Order, order!" from the marshals. Another crisis conquered.

During the day, and throughout the trial, I sit three or four feet from Rap. He offers no recognition. I introduce myself to Kunstler and request an interview. "Well, if we have time . . ." It's understandable they work into the morning hours.

I despair of getting a story. Tuesday night, I type out the following with a carbon to Kunstler:

May 15, 1968

FROM: Jud James, 922 Ursuline, New Orleans (522-6310)
TO: Mr. H. Rap Brown

I would like responses to the following questions for inclusion in an article assigned by *Evergreen Review*. If possible, I would like to talk to you in relative seclusion from attorneys, followers and press. Failing that, your answers in writing will help my story and your national press exposure.

1. Do you endorse the Black Panther Platform as published in *New York Free Press*, particularly point nine of "What We Believe"? If so, are whites entitled to an all white jury, even if the crime of which they are accused is against a black? (A copy of the *Free Press* is attached.)
2. Do you believe you can get a fair trial in New Orleans?
3. Do you believe you can get a fair trial in the federal courts?
4. Can you tell me where the majority of your supporters at the trial came from?
5. How are your supporters at the trial financed?
6. Who is paying your legal expenses?
7. A broadcast network reported yesterday that you were secretly married recently. Is this true? If

so, please give me something to go on about your wife.

8. Do you enjoy your recent notoriety? What are the problems and discomforts involved?
9. Do you have any comment on the King assassination? Do you have any comment on Dr. King's work?
10. What are your plans for your own work and for the future of SNCC?

These are the lines of questioning I would like to pursue. I believe Mr. Kunstler will agree with me that *Evergreen* is a favorable medium in which your ideas might be presented. Thanks for your attention.

Jud James

WEDNESDAY MORNING, I visit defense headquarters. Place d'Armes Motor Hotel, a reasonably posh place on Jackson Square. But Kunstler has just left. Outside the courtroom, I hand my letter to Rap, who hands it disdainfully unread to Don Stone, a dark, heavy man with a beard and dark glasses who seems to be a sort of chief of staff and bodyguard.

Later, Kunstler accepts his carbon with thanks and preoccupation.

What we have here is a failure to communicate.

And the government, finally, gets down to the demonstration of the transport of an M-1 carbine from New York to New Orleans to New York. The carbine and its red plastic carrying back are on exhibit, as an abundance of government witnesses (brought to New Orleans at what cost?) associate the weapon with Rap during his armed odyssey.

Now the current M-1 carbine, fellow ex-heroes, is not the weapon you and I learned to know and love. It is a sinister-looking two-handed affair, apparently designed to be fired full-automatic from the hip. Hardly a game gun, and hardly destined to calm a jury including nine women in a nervous nation. So there was this *thing*.

During it all, Rap sits, usually slouched, his long legs extended far under the defense table, seldom taking noticeable interest. From his seat, he cannot see the witness stand. It is only on the second Monday that I first detect him looking directly at the judge.

Kunstler, trying the case under a standing objection based on Articles Four, Five, and Six of the Bill

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U. S. ATTORNEY
NEW ORLEANS, LA.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CLAY L. SHAW

Plaintiff,

versus

CIVIL ACTION

NO. 68-1063

SECTION "B"

JIM GARRISON individually, and
as District Attorney for the Parish
of Orleans, State of Louisiana, and
JAMES L. ALCOCK individually,
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES
R. WARD individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana,

Defendants.

MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR AN INJUNCTION OR STAY ORDER PENDING APPEAL
TO THE SUPREME COURT OF THE UNITED STATES
FROM JUDGMENT DENYING INJUNCTIVE RELIEF

MAY IT PLEASE THE COURT:

STATEMENT OF THE CASE

On July 29, 1968, judgment was rendered in these proceedings dismissing plaintiff's suit for an injunction prohibiting and restraining the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, Louisiana. On July 23, 1968, the written opinion of the Court in support of the judgment of July 29, 1968, was published. On that same date, the Defendant James L. Alcock stated publicly via various news media that it was his intention to fix the case of "State of Louisiana vs. Clay L. Shaw" for trial either in the month of August or September, 1968, unless a stay order or other injunctive relief was granted to plaintiff by this Court. On August 1, 1968, by means of a letter addressed to the Clerk of the Criminal District Court for the Parish of Orleans, Louisiana, defendants set the case for trial on September 10, 1968.

On August 1, 1968, counsel for plaintiff filed with the Clerk of this Court a Notice of Appeal to the Supreme Court of the United States. Under

the provisions of Title 28 USC 1253, plaintiff is given the right to appeal to the Supreme Court of the United States from this Court's judgment of July 29, 1968, denying him the injunctive relief as well as the other relief sought by him by virtue of these proceedings.

Under the provisions of Rule 62-A of the Federal Rules of Civil Procedure, a final judgment in an action for an injunction is not stayed during the pendency of an appeal therefrom unless so ordered by the Court. Under the provisions of Rule 62-C, when an appeal is taken from a judgment denying an injunction, the Court in its discretion may grant an injunction during the pendency of the appeal. Under the further provisions of Rule 62-C:

"If the judgment appealed from is rendered by a district court of three judges, specially constituted pursuant to a statute of the United States, no such order shall be made except (1) by such court sitting in open court, or (2) by the assent of all of the judges of such court evidenced by their signatures to the order."

There was attached to and made part of plaintiff's motion for this injunction a form of order which, if it had been signed by the Court, would have directed the defendants to show cause on a day and at an hour fixed by the Court, why this Court should not issue its order enjoining and restraining the defendants during the pendency of plaintiff's appeal to the Supreme Court of the United States, from further prosecution of the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, Louisiana. The request for this order which would have afforded plaintiff a hearing in open court on this motion was denied to plaintiff by the senior member of this three-judge court. Counsel for plaintiff has been informed that the Court will render its judgment on this motion, on the pleadings alone, and without a hearing thereon.

ARGUMENT

At the outset, the Court's attention is called to the provisions of Rule 62-C and, in particular, the last sentence thereof, set forth above. It is submitted that the plaintiff is entitled to and should be afforded an opportunity for oral argument of this motion in open court. That the aforesaid rule which is binding on this Court makes it mandatory upon the Court to afford the plaintiff a hearing in open court. It is submitted that if the motion is heard by

the full Court, in open court, that the motion can be granted by any two of the three members of the Court, whereas if plaintiff is required to submit the matter for adjudication simply on the face of the pleadings, the motion can be granted only by the unanimous judgment of all members of the Court.

As is stated by Professor Moore in *Moore's Federal Practice* at page 1366:

"This opinion and exception numbered 2 of Rule 62-C, *supra*, clearly indicate that action out of court requires the assent of all of the judges where a three-judge court is required to hear the injunctive proceedings, but as to open court proceedings, the *Cumberland (Cumberland Telephone and Telegraph Company vs. Public Service Commission, 1922, 260 U.S. 212, 219, 43 Sup.Ct. 75, 67 L. ed 217)* opinion and exception numbered 1, Rule 62-C, *supra*, are not quite so clear. In proceedings taken in open court, only two assents (a majority) would seem necessary since the order is sought in regular course, and since two judges have the power to order or deny the interlocutory or final injunction on the merits."

See also the case of *Radio Corporation of America vs. United States* (ND Illinois 1950) 95 F.SUPP. 660 (Judge LaBuy dissenting) affirmed 1951 341 U.S. 412, 71 Sup. Ct. 8806, 95 L. Ed. 1062, wherein a temporary restraining order, restraining an order of the Federal Communications Commission promulgating standards for transmission of color television, was continued in effect until the aggrieved parties had an opportunity to perfect an appeal to the Supreme Court, although the defendant's motion for summary judgment was allowed.

It is submitted that to deny plaintiff a hearing in open court on this motion is to deny him the due process of law guaranteed to him by the Fourteenth Amendment to the Constitution of the United States as exemplified and set forth with particularity in Rule 62-C.

The right of a litigant to appeal to a superior tribunal to review, reverse, correct or affirm the decision of his case by an inferior court is traditional in the American legal system. Admittedly the denial or lack of a provision in the law for review or appeal or for a stay order pending appeal is not a denial of due process nor is it an inherent or inalienable right. It is also quite true that every litigant is entitled to a hearing as an essential part of due process of law. Daniel Webster said in the *Dartmouth College* case that by due process of law is meant:

"A law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial."

It is submitted that this Court must, if it is to avoid the commission of gross error, afford plaintiff a hearing in open court presided over by all members of the Court as constituted by the order of the Senior Justice of the Fifth Circuit Court of Appeal.

Counsel for plaintiff has sought without success, in the course of his research, for guidelines for the Court as to when and under what circumstances and upon what set of facts the Court should exercise its discretion by granting the injunctive relief herein sought during the pendency of plaintiff's appeal to the Supreme Court of the United States. The jurisprudence abounds with cases involving the exercise of the Court's discretion to grant or deny injunctive relief under the circumstances; however, the jurisprudence sets down no hard and fast rules and few if any guidelines. It would appear that where the litigant would suffer irreparable injury by a denial of the injunctive relief, it should be granted. It would appear that where there is a serious question as to the correctness of the lower court's decree, the Court should exercise its discretion and grant injunctive relief pending appeal. In the exercise of its discretion, the Court should balance the equities. The question directs itself to the sound discretion of the Court.

It is quite obvious that unless this Court does exercise its inherent power and right to grant plaintiff the injunctive relief herein sought, plaintiff's rights which he has sought to protect by means of this litigation will be irreparably prejudiced. It is quite obvious and self-evident that unless this Court grants this motion and issues an order enjoining and restraining the defendants from the further prosecution of the matter entitled "State of Louisiana vs. Clay L. Shaw", it would avail plaintiff nothing to perfect his appeal and process same to a final determination by the Supreme Court of the United States. It is submitted that to deny plaintiff the injunctive relief herein sought is, to all practical purposes, to deny him the right of appeal which is granted to him as a matter of right by law. There can be no doubt but that unless the relief sought by this motion is granted, the defendants will, on September 10, 1968, proceed anew to use

the plaintiff as a "patsy" and a "pawn" or as a vehicle toward a judicial determination of their theories with respect to the Warren Commission Report and most especially that theory under the terms of which they have proclaimed to the world that the Warren Commission Report is false and a fraud upon the people of the United States.

Subsequent to the dissemination by this Court of its written reasons for the judgment rendered herein on July 29, 1968, the defendants again exhibited to the world their utter contempt for the American judicial system and this Court. Reference is had to the letter addressed to the Clerk of the Criminal District Court for the Parish of Orleans by the defendant Alcock under date of August 1, 1968, fixing the case of "State of Louisiana vs. Clay L. Shaw" for trial. Further and more particular reference is had to the television appearances of Patrolman Aloysius J. Habighorst, the statements made by him, reports of his statements as contained in the local press, the statements of Police Superintendent Giarrusso, the erstwhile investigation conducted by him, and finally, his report and conclusion of the results of said investigation. Copies of the stories carried in the local press are attached hereto as Exhibit "A".

Acting under the authority and direction of the defendants Garrison and Alcock, the New Orleans Police Department, through Police Superintendent Joseph I. Giarrusso and Patrolman Aloysius J. Habighorst, publicized records which they claim, prove that the plaintiff herein, Clay L. Shaw, used the alias "Clay Bertrand". Patrolman Habighorst stated on television, Station WVUE, Channel 12, that on the night of his arrest, i. e., March 1, 1967, the plaintiff herein, Clay L. Shaw, admitted to him that he used the alias "Clay Bertrand". The court is undoubtedly aware of the fact that the plaintiff was arrested and proclaimed to the world by the defendant Garrison and his associates to be Clay Shaw alias "Clay Bertrand", the fictitious "Clay Bertrand" being the person who allegedly sought legal assistance for Lee Harvey Oswald on the day following his assassination of President John F. Kennedy. Needless to say, no mention was made by the defendants or any of their actors of the fact that Mr. Shaw had been arrested as Clay Shaw alias "Clay Bertrand" as is evidenced by the "arrest register" (See Exhibit

or that the application for the search warrant of Mr. Shaw's home caused to be issued by the defendants on March 1, 1967, and the supporting affidavit therefor, repeatedly refer to "Clay Shaw alias Clay Bertrand." This latest gross disregard for the plaintiff's federally guaranteed constitutional right to a fair trial is further exemplification of the irreparable injury, clear and imminent, which the plaintiff has suffered, continues to suffer and will be required to suffer unless the relief herein sought is granted. This latest exhibition of the fraud being practiced upon the plaintiff by unethical public prosecutors who have no regard for the canons of ethics or the constitutional rights of the accused is further evidence of the lack of good faith in the prosecution of plaintiff by the defendants. There can be no doubt but that this latest violation of plaintiff's federally guaranteed constitutional rights was written, produced and directed by the defendants Garrison and Alcock. That such is the case is best evinced by the statement contained in the formal report of Police Superintendent Giarrusso, of his investigation of the incident as reported in the public press:

"The report revealed that Officer Habighorst had cleared his appearances on television through James Alcock of the District Attorney's Office, as well as through the police department."

Superintendent Giarrusso did not follow the original script, for in a prior statement issued to the public press, Giarrusso condemned Habighorst for having made an extra identification card for his own personal use. In his last statement he approves Habighorst's actions and in fact commends him for his industriousness.

The question of whether or not Clay L. Shaw is "Clay Bertrand" or has used the alias "Clay Bertrand" is a vital issue in the prosecution and defense of the charges pending against plaintiff. Obviously, neither the Defendant Garrison or the Defendant Alcock have ever read or familiarized themselves with the canons of ethics, nor are they familiar with the report of the Reardon Committee on Fair Trial, Free Press, recently adopted by the American Bar Association. Both prohibit such public utterances by the prosecutor and the district attorney--the defendants in this case. There can

This Court has held and has found as a fact that the defendants are striving for a conviction. Much is made of the fact and great stress is afforded a statement by the defendants that the state court proceedings were fixed for trial on June 11, 1968. According to the defendants, "The case of State of Louisiana vs. Clay L. Shaw has been set for trial in the Criminal District Court on September 10, 1968. This is merely the latest of several settings." (Emphasis added.) The defendants have also asserted in these proceedings that the case was also fixed for trial on February 10, 1968. Such statements are gross misstatements of fact and are completely false and erroneous. A careful examination of all minute entries in the official clerk's record of the Criminal District Court for the Parish of Orleans in the matter entitled "State of Louisiana vs. Clay L. Shaw", filed with the Court by the defendants, together with their second supplemental memorandum in support of the motion to dismiss fails to disclose any minute entry reflecting that this case has ever been fixed for trial. As of this date, counsel for the plaintiff have yet to receive a notice of trial, although they have received a copy of the letter which the Defendant Alcock addressed to the Clerk of the Criminal District Court on August 1, 1968, directing him to fix the case for trial on September 10, 1968.

The defendants do not call the Court's attention to the fact that they, and they alone, control the docket. Under the provisions of Article 702 of the Louisiana Code of Criminal Procedure, cases are to be fixed for trial by the court on motion of the state. As is stated in the official revision comment:

"This Article preserves the basic right of the State to control the prosecution as was provided in Article 17 of the 1928 Code. The same idea is expressed in Article 61 of this Code which provides that the district attorney determine when he shall prosecute."

Again, Article 702 of the Louisiana Code of Criminal Procedure specifically provides for notice of trial to be served on the defendant. We reiterate that as of this date no such notice has been received:

"The defendant shall be given notice of trial sufficiently in advance thereof so that he may summon his witnesses."

If in fact there has been any delay in the prosecution of the state court proceedings, the fault if any there is, is that of the defendants. If in fact the

defendants are, as has been held by this Court, striving for a conviction, their efforts and their labor are exerted, not in the court room but in the public press and before the television cameras.

The plaintiff and only the plaintiff will suffer if this motion for a stay, pending the final determination of the correctness of the Court's decision is determined by the Supreme Court of the United States. Aside from the fact that his right of appeal to that Court will be wholly frustrated and destroyed, he will be required to subject himself to the deprivation of his liberty at the hands of the defendants who have been charged in these proceedings with serious bad faith and fraud in the conduct of the public offices which they occupy. Those who have experienced the wrath of the defendants in the misuse and abuse of the prosecutorial offices which they hold, know that to direct this plaintiff to "..... seek vindication of his rights in the state courts as to this pending prosecution." is to tell him to do a vain, useless and futile thing. Had the plaintiff been afforded the evidentiary hearing in these proceedings which he so desperately sought and was denied, there would have been no doubt whatsoever that he cannot protect his constitutional rights in that court and that the court itself will not afford him the protection to which he is entitled under the law.

There are most serious questions as to the correctness of this Court's decree of July 29, 1968, and the reasons in support thereof handed down on July 23, 1968. Plaintiff's appeal involves difficult, novel and very serious questions of law which of fundamental importance to his constitutional rights and those of others who have incurred the wrath of these and other unethical public prosecutors who abuse and misuse the functions of the public offices which they hold. Plaintiff has alleged and continues to allege that the defendants, and in particular the Defendant Garrison, are conducting a reign of terror by the misuse and abuse of the powers of the public offices which they hold, and stands ready, willing and able to prove the charge. However, his right to do so has been denied to him by this Court. There is imbedded in one of the walls of the building which houses the Department of Justice in Washington, D. C., the statement that, "Where justice fails, tyranny prevails." Tyranny prevails in the Office of the District Attorney for the Parish of Orleans, State of Louisiana.

The statement that this case involves very serious, novel and important questions of law is not made lightly. As was pointed out by Judge Heebe in his reasons for the temporary restraining order granted by him in these proceedings on May 28, 1968:

"But as delicate as the comity balance must be, the points of reference on which it rests today are in a process of continual development along lines sketched by Dombrowski vs. Pfister, 380 U.S. 479"

According to this Court, Dombrowski's remedy pertains to and is justified only when First Amendment rights are imperiled. According to this Court, this plaintiff's First Amendment rights have not been violated as a result of which he is not entitled to the relief provided for by the Dombrowski decision. This Court, by its decision, has placed a very narrow interpretation on the ruling of Dombrowski. The possibility of such a narrow interpretation was recognized by Judge Heebe when he stated:

"Nonetheless, a too narrow interpretation of Dombrowski, attempting to limit its thrust solely to cases where First Amendment rights are jeopardized, would dilute the major and fundamental premise of the decision."

As we interpret the Court's decision, the allegations of the complaint as amended, fulfill and comply with one or two requirements necessary to afford plaintiff Dombrowski relief. Compliance is had with the first requirement of prosecution conducted in bad faith. Plaintiff failed to comply with the second requirement by making a showing that his First Amendment rights are imperiled by calculated, deliberate state assault. No reason is given by the Court for limiting the relief afforded by Dombrowski to a violation of First Amendment rights. No reason is given, stated or indicated why First Amendment rights are more precious, more important, entitled to more protection than those rights of the citizen which are afforded to him by the other provisions of the Constitution of the United States and the amendments thereto. It is submitted that, as was stated by Judge Heebe, other Federal rights should be equally entitled to protection. The Supreme Court of the United States, in Duncan vs. State of Louisiana, 388 Sup. Ct. 1444, 1968, held that the states cannot deny an accused a right to a trial by jury in serious criminal cases, and in Bloom vs. State of Illinois, 388 Sup. Ct. 1477, 1968, that the right to jury trial extends to trial for serious criminal contempts; that such a denial constitutes a denial of due process of law as guaranteed by the Fourteenth Amendment. Sixty-eight years ago,

the Supreme Court, in Maxwell vs. Dow, 176, U.S. 581, 586, 20 Sup. Ct. 448, 1900, held that the Sixth Amendment right to jury trial includes the right not to be convicted except by a unanimous verdict. Why, by what reasoning is a deprivation of a citizen's First Amendment rights of freedom of expression, freedom of press, freedom of speech, freedom of religion, etc., more vital, more important, worthy of more consideration, entitled to considerably more protection to the constitutional provision and guaranty that no person shall be deprived of his life, liberty or property for arbitrary reasons, i. e., without due process of law. This Court failed and refused to consider plaintiff's attack on the constitutionality of Article 782 of the Louisiana Code of Criminal Procedure which is to the effect that the jury before whom plaintiff's case is to be tried must be composed of twelve jurors, only nine of whom must concur to render a verdict. The constitutionality of the Article was upheld by the Supreme Court of the State of Louisiana in the case of State vs. Stanford, 204 La. 439, 15 So. 2d 817 (1943). This Article of the Code is obviously unconstitutional. The Supreme Court of the United States long ago held that the Sixth Amendment right to jury trial includes the right not to be convicted except by a unanimous verdict. See Maxwell vs. Dow, supra. See also Duncan vs. State of Louisiana and Bloom vs. State of Illinois, supra. If in the past there was some doubt in the minds of jurists that the Sixth Amendment was binding upon the individual states by virtue of the Fourteenth Amendment, that doubt was certainly resolved by the Supreme Court in the Duncan case. Unanimity in jury verdicts is required where the Sixth and Seventh Amendments apply. This was so held by the Supreme Court in Andres vs. U.S., 333 U.S. 740, 68 Sup. Ct. 880, as well as in Maxwell vs. Dow, supra.

The Duncan case and its holding was quite revolutionary. It is one of the latest of the innovating, far-reaching decisions of the Supreme Court of the United States issued by it in its continuing policy of providing practical and realistic protection for the fundamental constitutional rights of the citizens of this country. It is not only conceivable but quite probable that the Court will, if it is afforded an opportunity to review the proceedings had in this case, extend the principles of Dombrowski to fundamental, constitutional rights other than those provided for by the First Amendment. It will

will have no such opportunity if the relief granted by the motion is denied, since the effect of denial will be to deprive plaintiff of the right of appeal which is afforded to him by the law.

Plaintiff, in his complaint, asked this Court for a declaratory judgment decreeing that the Warren Commission Report is binding upon all courts in the United States, including the Louisiana State Court in which the prosecution is pending. As reasons for judgment, the Court brushed aside this request on the grounds that no authority had been cited in support of the request. In effect, the Court termed the request for this relief to be frivolous. A certified copy of the transcript of proceedings had in the State Criminal Court at the preliminary hearing conducted in the case of State vs. Shaw was introduced into evidence and is a part of this record. An examination of that transcript will reveal that during said preliminary hearing, counsel for the plaintiff offered in evidence a copy of the Warren Commission Report as published by the United States Printing Office. The Court considered the offer to be frivolous and somewhat ludicrous and refused to admit the Report into evidence. The Warren Report is an official record of the United States; it was compiled pursuant to an Executive Order. LRS 15:422 is as follows:

"§ 422. Judicial Notice of Specific Matters.

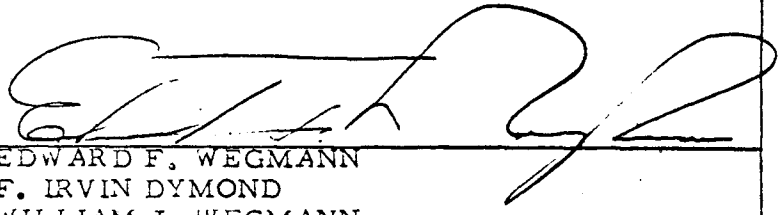
Judicial cognizance is taken of the following matters:

- (1) The laws of this state and of the United States, whether public or private, but not municipal or parochial ordinances;
- (2) The proclamation of the governor of this state and of the President of the United States;
- (3) The seals of all the courts of this state and of the United States;
- (4) The accession to office and the official signatures and seals of the public officers of this state and of the United States;
- (5) The existence, title, national flag and seal of every foreign country and sovereign recognized by the executive of the United States;
- (6) The laws of nature, the measure of time, the facts disclosed by the calendar, the facts of geography, the geographical and political divisions of the world, the facts of history and the political, social and racial conditions prevailing in this state;
- (7) The matters pending in the court taking such cognizance and who are its attorneys."

Can there be any doubt but that the assassination of John F. Kennedy, late President of the United States, is a fact of history? Can there be any doubt but that Executive Order No. 11130, creating a commission to ascertain, evaluate and report upon the facts relating to the assassination of the late President John F. Kennedy, and the subsequent violent death of the man charged with the assassination, i. e., Lee Harvey Oswald, which said commission is now known as the Warren Commission, is a fact of history? The answer is, of course, obvious. It is submitted that no further citation of authorities is required for this Court to hold that the Warren Report is admissible in evidence and that it should be so admitted by the Criminal District Court for the Parish of Orleans, Louisiana.

There can be no doubt but that there are many very serious, important and novel questions of law presented by this litigation, only some of which have been hereinabove referred to.

In conclusion, it is submitted that the judgment of this Court is contrary to the law and such evidence as was before the Court at the time of the rendition of its decree. That the plaintiff will suffer irreparable injury unless the relief herein sought is granted, by virtue of his having to defend himself in the State Court proceedings without definite and final adjudication of his constitutional rights by the Supreme Court of the United States. That the defendants will suffer no harm if the State Court proceedings are delayed, pending the final determination of plaintiff's appeal by the Supreme Court of the United States. That this Court, in the exercise of its powers, should balance the equities and issue an injunction prohibiting the further prosecution of the charges pending against the plaintiff in the Criminal District Court for the Parish of Orleans, Louisiana, during the pendency of his appeal to the Supreme Court of the United States.



EDWARD F. WEGMANN
F. IRVIN DYMOND
WILLIAM J. WEGMANN
SALVATORE PANZECA,

Attorneys for Plaintiff,
1047 National Bank of Commerce Building,
New Orleans, Louisiana - Telephone 524-0732

Shaw Allegedly Linking Shaw, Bertrand Released

Exhibit "A"

Consist of Booking Sheet, Fingerprint Card

The New Orleans Police Department released Monday the documents in which Dist. Atty. Jim Garrison claims Clay L. Shaw is identified as being the alias of Clay Bertrand.

The NOPD records consist of a Central Lockup "booking sheet" and a Bureau of Identification fingerprint card.

Police Supt. Joseph J. Giarrusso said such records were compiled when Shaw was booked the night of March 1, 1964, with conspiracy to murder President John F. Kennedy.

Police Sgt. Aloysius J. Habighorst, who revealed the contents of the documents last week, helped compile the B of I card the night of Shaw's arrest.

This card is signed by Shaw, and his signature also appears on the card. Habighorst turned over to Garrison.

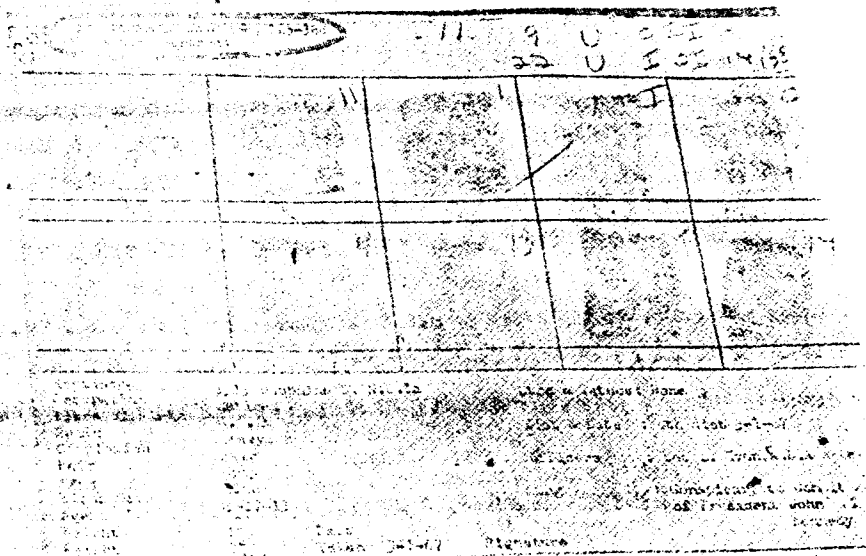
The Central Lockup booking sheet also carries the "Clay Bertrand" alias, but the only signatures on it are those of the desk sergeant and policeman. Giarrusso said the arrestee does not sign the booking sheet.

The fingerprint card, he added, are identification papers, and require the arrested's signature.

THREE CARDS

He said during booking of arrested, three fingerprint ID cards are made, one for the B of I, one for the state police

Alias, Signature on NOPD Fingerprint Card



BUREAU OF IDENTIFICATION fingerprint card made the night Clay L. Shaw was arrested shows alias of Clay Bertrand (circle) and Shaw's signature (arrow). Initials at

lower left are those of Aloysius J. Habighorst and Ptn. James Millet who compiled card.

SHAW DOCUMENTS RELEASED

Continued from Page 1

and one for the Federal Bureau of Investigation.

Giarrusso said both the state and the federal agencies have their copies of the fingerprint cards and therefore he has to assume that Habighorst made more than the usual number of

fingerprints each the night of March 1.

The fingerprint card and booking sheet are on the order in which the words FBI form and carries his signature, that of Ptn. James Millet who a two helped compile the cards, and Shaw's.

The card, as well as the two NOPD records, carries the Clay Bertrand alias.

Also released Monday by Asst. Dist. Atty. James L. Abcock was a copy of a written statement given by Garrison on Jan. 21, 1964.

In addition to stating that Shaw admitted to the accuracy of the information on the cards,

Habighorst stated that he and Millet compiled only three ID cards, all of which Shaw signed. Because of the wording in the statement, it is unclear whether Shaw signed his name to the cards before or after they were completed.

A police information officer said the directions in the Manual of Procedure "indicate," by the order in which the words appear, that all cards should be typed first and then signed by the arrested. He said this is "indicated" twice on Page 227 of Section 9 in the manual, and this is the procedure that has been followed by officers.

Giarrusso said the police records were locked up by Garrison as evidence after Shaw was booked and apparently no one who handled Shaw's booking remembered the alias and signature on the ID cards until Habighorst re-

leased the "extra" he had.

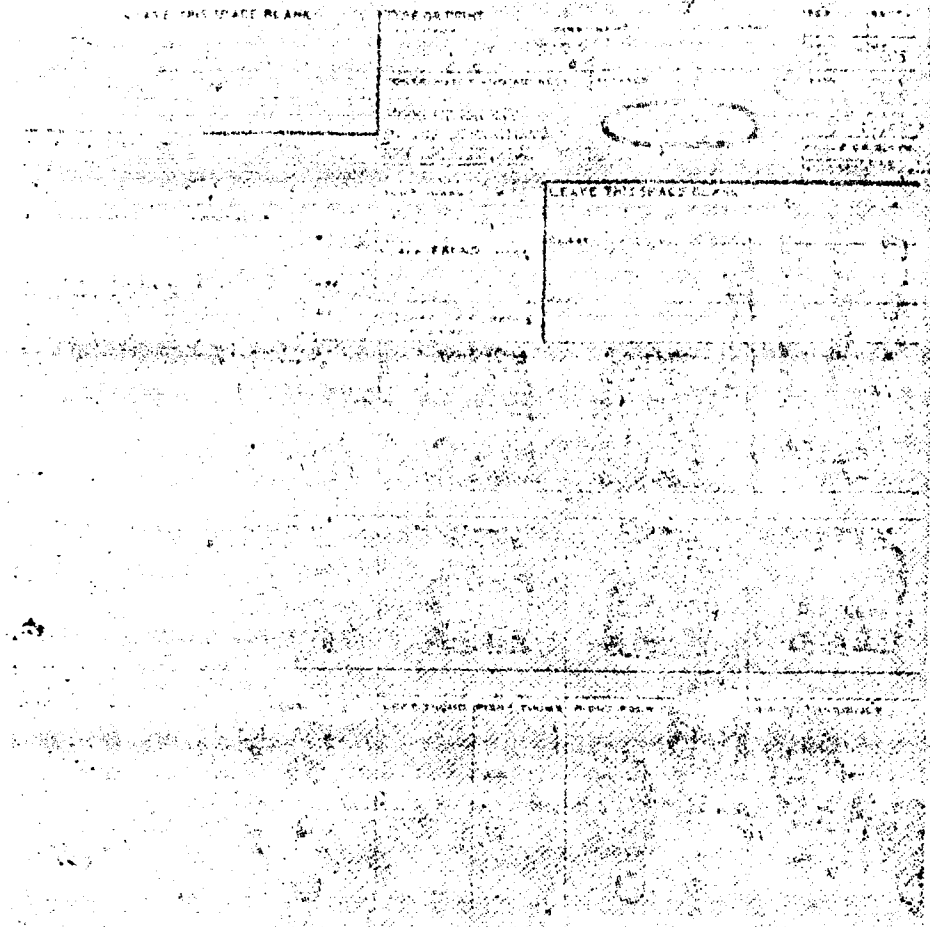
He said he won't have a clear idea of what happened that night and how extra cards were

made until an investigation into the matter is completed. However, Garrison charged Monday that one of Shaw's at-

torneys, Edward F. Wegmann, is making a big issue of the ID cards, "so I'll have to answer him."

Fingerprint Card Given DA by Habighorst

Exhibit "A"
(continued)



CLAY BERTRAND appears in alias blank fingerprint card on form to be used by Federal Bureau of Investigation. Clay Shaw's signature appears at upper left. Names are signatures of Habighorst and Pat Jones Bluet who compiled card. This

card was turned over to Dist. Atty. Jim Garrison by Habighorst. Police Supt. Joseph I. Giarrusso said Monday this card may be an extra card, not being Shaw signed more than the usual three fingerprint cards compiled when a person is booked.

THE TIMES-PICAYUNE, NEW ORLEANS, LA., TUESDAY MORNING, JULY 30, 1968

Booking Sheet Also Contains 'Bertrand' Alias

NAME: CLAY L. BUSH
 ADDRESS: 1713 CALIFORNIA ST., NEW ORLEANS, LA.
 BIRTH: 3-17-13
 HEIGHT: 5-20 PM
 WEIGHT: 130 LB
 HAIR: BLUE
 EYES: FAIR
 BUILD: HEAVY
 OCCUPATION: NONE
 EDUCATION: NONE
 RELIGION: NONE
 SOCIAL SECURITY: 586775
 U.S. CITIZENSHIP: U.S.
 MARRIAGE: NONE
 FINGERPRINTS: 10-4-24-63-11-22-83
 IDENTIFICATION: 10-4-24-63-11-22-83
 SIGNATURE: CLAY BERTRAND
 PHOTO: [Signature]
 PHOTO TAKEN BY: GEORGE VOGLT, III
 PHOTO DATE: 7-1-67
 PHOTO PLACE: [Signature]
 PHOTO NUMBER: 525,000.00

N.S. 14 (REV. 2-5-50) RELATIVE TO
 COMPARISON AND RATINGS INTO ONE
 CATEGORY OR COMPARISON INTO ONE
 FOR THE OTHER PURPOSES FOR THE PURPOSE
 OF COMMITTING THE CRIME OF
 NUMBER OF JUDICIAL REMEDY: 225,000.00

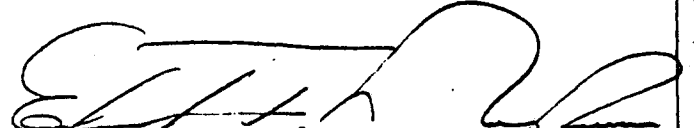
SUBJECT ARRESTED AFTER AN INVESTIGATION REVEALED THAT HE HAD CONSPIRED AND
 ENTERED INTO AN AGREEMENT OR CONSPIRACY WITH ONE OR MORE OTHER PERSONS FOR
 THE SPECIFIC PURPOSE OF COMMITTING THE CRIME OF MURDER OF JOHN F. KENNEDY.
 THE ABOVE BOND, \$25,000.00 WAS SET BY ASSISTANT DISTRICT ATTORNEY A. OSER.

PATH. THOMAS DALEY
 GEORGE VOGLT, III

CARBON COPY of Clay L. Shaw's booking at Central Lockup the night of March 1, 1967 shows Clay Bertrand alias on the 10th line. Police Supt. Joseph I. Giarrusso said this copy is attached to the fingerprint card kept on file at the Bureau of Identification.

C E R T I F I C A T E

I certify that a copy of the above and foregoing Memorandum has
been mailed to counsel of record herein, this, the 12th day of August,
1968.


EDWARD F. WEGMANN

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

August 2, 1968

129-11

PERSONAL ATTENTION
DO NOT OPEN IN MAIL ROOM

Mr. Carl W. Belcher
Chief, General Crimes Section
Criminal Division
Room 2113
Department of Justice
Washington, D. C. 20530

In re: Clay L. Shaw vs. Jim Garrison,
et als.; Civil Action #68-1063-B

Dear Mr. Belcher:

In connection with the above captioned matter,
we enclose herewith two copies of the Notice of Appeal to
the Supreme Court of the United States, which we received
on this date.

Very truly yours,

LOUIS C. LaCOUR
United States Attorney

By: *[Signature]*
GENE S. PALMISANO
First Assistant U.S. Attorney

GSP:cbu
Encls.

FILE

*cc sent Civil
Div 7/5*

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U. S. ATTORNEY
NEW ORLEANS, LA.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CLAY L. SHAW,

Plaintiff,

versus

CIVIL ACTION

JIM GARRISON individually, and
as District Attorney for the Parish
of Orleans, State of Louisiana, and
JAMES L. ALCOCK individually,
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES
R. WARD, individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana,

NO. 68-1063

SECTION "B"

Defendants.

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

I. Notice is hereby given that CLAY L. SHAW, the plaintiff above named, hereby appeals to the Supreme Court of the United States from the judgment dismissing the complaint entered into this action on July 23, 1968.

This appeal is taken pursuant to 28 USCA, Section 1253.

II. The Clerk will please prepare a transcript of the record in this cause for transmission to the Clerk of the Supreme Court of the United States and include in said transcript the entire record.

III. The following questions are presented by this appeal:

1. The right of the plaintiff to a declaratory judgment decreeing the Report of the Warren Commission to the President of the United States, pursuant to Executive Order No. 1130, to be valid, accurate and correct and binding upon all courts of the United States and admissible in evidence in the Criminal District Court for the Parish of Orleans in the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of said Court, wherein the plaintiff is charged with having wilfully conspired with David W. Ferrie, Lee Harvey Oswald and others to murder John F. Kennedy.

2. The right of the plaintiff to join the United States Attorney General as a defendant or an unwilling plaintiff, pursuant to Rule 19 of the Federal Rules of Civil Procedure, 28 USC 1361, 1391(e) and 509.

3. The constitutionality of LSA-RS 14:26, the Louisiana Conspiracy Statute and Article 782 of the Louisiana Code of Criminal Procedure which provides that cases in which punishment is necessarily at hard labor shall be tried by a jury composed of twelve jurors, nine of whom must concur to render a verdict.

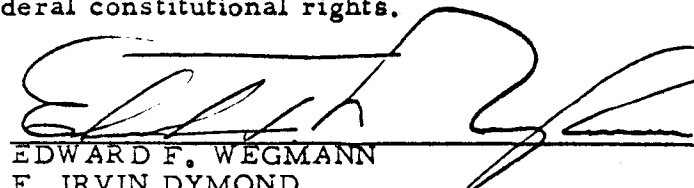
4. The constitutionality of Articles 402, 403, 409 and 413 of the Louisiana Code of Criminal Procedure and Article 7, Section 41, of the Louisiana Constitution of 1921, which provisions are concerned with the qualifications and the manner of selection of jurors.

5. The constitutionality of Articles 484 and 485 of the Louisiana Code of Criminal Procedure which deal with bills of particulars of the crime alleged to have been committed by the plaintiff.

6. The constitutionality of Articles 433 and 434 of the Louisiana Code of Criminal Procedure which are concerned with grand jury proceedings.

7. Does Title 42 U.S.C. 1983 which provides a civil action for deprivation of civil rights constitute an exception to Title 28, Section 2283, which forbids a United States Court to grant an injunction to stay State Court proceedings except as expressly authorized by Act of Congress.

8. Do the facts and circumstances alleged in the complaint, as amended, constitute sufficient irreparable injury and/or such special and extraordinary circumstances which would warrant the exercise by the Federal Court of its broad equity powers to grant plaintiff the injunctive relief he seeks for the protection of his basic, federal constitutional rights.



EDWARD F. WEGMANN
F. IRVIN DYMOND
WILLIAM J. WEGMANN
SALVATORE PANZECA,

Attorneys for Plaintiff.
1047 National Bank of Commerce Building,
New Orleans, Louisiana 70112
Telephone - 524-0732

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U. S. ATTORNEY
NEW ORLEANS, LA.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CLAY L. SHAW,

Plaintiff,

versus

CIVIL ACTION

JIM GARRISON, individually, and
as District Attorney for the Parish
of Orleans, State of Louisiana, and
JAMES L. ALCOCK, individually,
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES
R. WARD, individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana,

NO. 68-1063

SECTION "B"

Defendants.

MOTION FOR INJUNCTION PENDING APPEAL
FROM JUDGMENT DENYING INJUNCTION

Upon the complaint, the amended complaint, the exhibits thereto, all affidavits, pleadings and all other papers filed herein, plaintiff moves the Court for an order restraining the defendants from the further prosecution of the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, Louisiana, pending the hearing and determination of plaintiff's appeal to the Supreme Court of the United States, from the judgment of this Court dated and entered July 23, 1968, dismissing the complaint herein; and for such other and further relief as to the Court may seem just; and shows to the Court as follows:

1. On May 27, 1968, plaintiff filed a complaint herein which sought judgment, permanently enjoining and restraining defendants, and each of them and their respective assistants, attorneys and/or associates from further prosecution of the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of Section "C" of the Criminal District Court for the Parish of Orleans, State of Louisiana; and other relief set forth in detail in the complaint itself.

2. On May 28, 1968, the Honorable Frederick J. R. Heebe, a member of this Court, upon the motion of plaintiff, rendered a temporary restraining order enjoining and restraining the defendants, and each of them, from taking any further action in the prosecution of the case entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, State of Louisiana, pending the further orders of this Court.

3. On July 23, 1968, final judgment wherein the complaint was dismissed on the merits was entered by this Court.

4. On the 1st day of August 1968, plaintiff duly filed in this Court, a Notice of Appeal from said final judgment to the Supreme Court of the United States.

5. Under the provisions of Title 28 USCA, 1253, plaintiff is given the right to appeal to the Supreme Court of the United States from the judgment rendered herein on July 23, 1968, which denies to plaintiff the injunctive relief sought by him, as well as all other relief sought by him, by virtue of the complaint filed in these proceedings. On July 23, 1968, James L. Alcock, defendant herein, stated publicly via various news media that it was his intention to fix the case of "State of Louisiana vs. Clay L. Shaw" for trial either in the month of August or September, 1968, unless a stay order or other injunctive relief was granted to plaintiff by the Court.

6. Plaintiff requires a further affirmative exercise of this Court's power and right to grant injunctive relief, in order to protect his rights and the subject matter of this litigation, pending its review by the Supreme Court of the United States. Plaintiff's appeal involves difficult and novel questions of law which are of fundamental importance, not only to his constitutional rights, but also to the public interest. Among these questions is the constitutionality of the Louisiana Conspiracy Statute LSA-RS 14:26, the basis for the charges pending against plaintiff; the validity of the Warren Report as to the cause and circumstances surrounding the assassination of the late John F. Kennedy, President of the United States; the right of plaintiff to injunctive relief from prosecution by the defendants who are

*

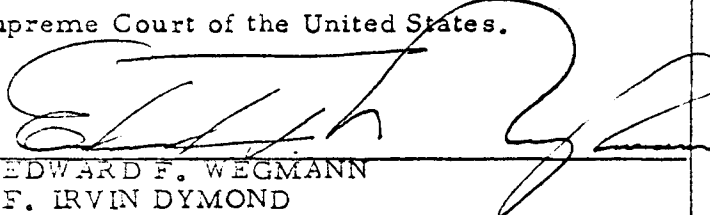
guilty of and whose action constitutes "serious bad faith."; the question of whether or not 42 USC, Section 1983, is an expressly authorized exception to the Federal Injunction Statute, Title 28, Section 2283.

7. Unless, pending plaintiff's appeal to the Supreme Court of the United States, the defendants are enjoined from the further prosecution of the proceeding entitled "State of Louisiana vs. Clay L. Shaw," No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, State of Louisiana, irreparable damage will result to the plaintiff, should said judgment be reversed on appeal. Unless the defendants are enjoined from further prosecution of the plaintiff, pending his appeal, plaintiff will be required, at great expense, to go to trial and defend himself against the fraudulent charges caused to be brought against him by the defendants. To deny plaintiff the injunction herein sought is, to all practical purposes, to deny him the right of appeal to the Supreme Court of the United States which is granted to him as a matter of right by law.

8. The granting of the injunction herein sought will not in any way harm or prejudice the defendants, but to the contrary, denial of said injunction will result in irreparable injury to the rights of the plaintiff and will, in effect, deny him due process of law.

9. The plaintiff's rights will be irreparably prejudiced if the injunctive relief herein sought is denied to him.

10. Under the provisions of Rule 62A of the Federal Rules of Civil Procedure, plaintiff is not afforded an automatic stay, pending the appeal of this Court's judgment to the Supreme Court of the United States. Under the provisions of Rule 62C of the Federal Rules of Civil Procedure, this Court may, in the exercise of its discretion, grant plaintiff an injunction prohibiting the further prosecution of the charges pending against him in the Criminal District Court for the Parish of Orleans, State of Louisiana, during the pendency of his appeal to the Supreme Court of the United States.


EDWARD F. WEGMANN
F. IRVIN DYMOND
WILLIAM J. WEGMANN
SALVATORE PANZECA,

Attorneys for Plaintiff,
1047 National Bank of Commerce Building,
New Orleans, Louisiana 70112
Telephone - 524-0732

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U. S. ATTORNEY
NEW ORLEANS, LA.

STATE OF LOUISIANA
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared

EDWARD F. WEGMANN,


who being by me first duly sworn, did depose and state:

That he is, a practicing attorney, a member of the Louisiana Bar Association, of counsel of record in these proceedings; that on the 1st day of August, 1968, he served copies of the foregoing Notice of Appeal to the Supreme Court of the United States on the several parties thereto, as follows:

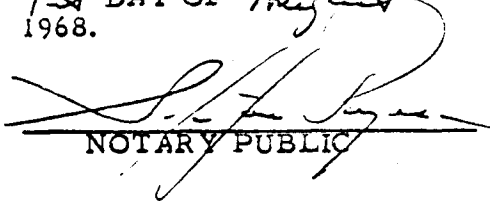
1. On the United States, by mailing a copy in a duly addressed envelope, with first class postage prepaid, to the Honorable Louis C. LaCour, United States Attorney for the Eastern District of Louisiana, 500 St. Louis Street, New Orleans, Louisiana, 70130; and by mailing a copy in a duly addressed envelope, with air mail postage prepaid, to the Solicitor General, Department of Justice, Washington, D. C. 20530.

2. On Jim Garrison, James L. Alcock and Charles R. Ward, defendants, by mailing copies in duly addressed envelopes, with first class postage prepaid, to 2700 Tulane Avenue, New Orleans, Louisiana 70119.

3. On Numa V. Bertel, Jr., attorney of record for the defendants Jim Garrison, James L. Alcock and Charles R. Ward, by mailing a copy in a duly addressed envelope, with first class postage prepaid, to 2700 Tulane Avenue, New Orleans, Louisiana 70119.


EDWARD F. WEGMANN, Attorney for
CLAY L. SHAW, Plaintiff
1047 National Bank of Commerce Building
New Orleans, Louisiana 70112

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
1st DAY OF August
1968.


NOTARY PUBLIC

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AUG 2 10 02 AM '68

U. S. ATTORNEY
NEW ORLEANS, LA.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CLAY L. SHAW,

Plaintiff

versus

CIVIL ACTION

JIM GARRISON, individually, and
as District Attorney for the Parish
of Orleans, State of Louisiana, and
JAMES L. ALCOCK, individually,
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES
R. WARD, individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana,

NO. 68-1063

SECTION "B"

Defendants.

ORDER GRANTING INJUNCTION PENDING APPEAL

This cause came on to be further heard on motion of plaintiff for an injunction pending appeal, and it appearing to the Court that the relief herein granted is necessary to preserve plaintiff's rights, pending appeal by the plaintiff to the Supreme Court of the United States, for the reasons appearing in the findings of fact and conclusions of law filed herewith,

IT IS ORDERED that, until such time as the plaintiff's appeal has been disposed of by the United States Supreme Court, the defendants be and they are hereby restrained and enjoined from further prosecution of the case entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal District Court for the Parish of Orleans, State of Louisiana.

New Orleans, Louisiana, this _____ day of _____, 1968.

JUDGES

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U. S. ATTORNEY
NEW ORLEANS, LA.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

CLAY L. SHAW,
Plaintiff

versus

CIVIL ACTION

JIM GARRISON, individually, and
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JAMES L. ALCOCK, individually,
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES
R. WARD, individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana,

NO. 68-1063

SECTION "B"

Defendants.

ORDER

Plaintiff having presented a motion for an order restraining
defendants, pending the hearing and determining of plaintiff's appeal to the
Supreme Court of the United States from the judgment of this Court, entered
July 23, 1968 dismissing the complaint herein, from further prosecution of
the matter entitled "State of Louisiana vs. Clay L. Shaw", No. 198-059 of
the Docket of the Criminal District Court for the Parish of Orleans, pending
determination of his appeal herein,

IT IS ORDERED that the defendants be and appear before this
Court at _____ hour o'clock on _____ day of _____, 1968, then
and there to show cause, if any they have, why this Court should not issue
its order enjoining and restraining the defendants, during the pendency of
the appeal of the plaintiff from the final judgment of this Court, entered on
July 23, 1968, from further prosecution of the matter entitled "State of
Louisiana vs. Clay L. Shaw", No. 198-059 of the Docket of the Criminal
District Court for the Parish of Orleans, State of Louisiana.

IT IS FURTHER ORDERED that notice of the hearing of such
application for an injunction pending appeal be given by service of a copy of
this order and of plaintiff's motion at least five days before the date of the
hearing upon the respective attorneys of record for the defendants.

JUDGES

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Kozlowski			2120
2.	Mr. [unclear]	9-4		
3.	Mr. [unclear]			2115
4.	Larry McWhorter			2120

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- PREPARE REPLY FOR THE SIGNATURE OF _____
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

CMH

7/26

Sect 9
SAG Criminal

Larry McWhorter
Had for
Bill Block
CMH 7/29

FROM:	NAME	BUILDING & ROOM	EXT.	DATE

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

July 23, 1968

129-11

PERSONAL ATTENTION
DO NOT OPEN IN MAIL ROOM

Mr. Carl W. Belcher
Chief, General Crimes Section
Criminal Division
Department of Justice
Washington, D. C. 20530

FILE

In re: Clay L. Shaw vs. Jim Garrison, et al
Civil Action No. 68-1063-B

Dear Mr. Belcher:

We enclose herewith copy of Per Curiam Opinion rendered by the three judge panel in the above captioned matter.

Respectfully,

LOUIS C. LaCOUR
United States Attorney

By:

Gene S. Palmisano
GENE S. PALMISANO
First Assistant U.S. Attorney

GSP:cbu
Encl.

FILE

7/30
AUSA Palmisano?
press speculates
Shaw trial MAY be
set for late Aug or
early Sept
CWB 7/26

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

2113

.....
CLAY L. SHAW

NO. 68-1063

VS.

CIVIL ACTION

JIM GARRISON, individually, et al
.....

SECTION B

BEFORE: AINSWORTH, Circuit Judge, and HEEBE and COMISKEY, District Judges.

PER CURIAM:

The plaintiff Clay L. Shaw is under indictment in the Criminal District Court for the Parish of Orleans, Louisiana, for having "wilfully and unlawfully conspire[d]...to murder John F. Kennedy." He has filed this suit against Jim Garrison, District Attorney for the Parish of Orleans, and two of his assistants for declaratory and injunctive relief in an effort to arrest the prosecution. He was initially charged on March 1, 1967 by the defendant Garrison with participating in a conspiracy to murder President Kennedy. Thereafter on March 14, 1967 a preliminary hearing was held in the State court before a three judge panel to determine whether there was sufficient evidence to establish probable cause to charge Shaw with conspiracy.

*Sent to the
1187 ✓*

The State offered four witnesses, one of whom, Perry Raymond Russo, testified that he was present when the plaintiff and Lee Harvey Oswald and David William Ferrie conspired to kill the President. Another witness, Vernon Bundy, stated that he saw plaintiff having a conversation with Oswald near Lake Pontchartrain in New Orleans. The three-judge panel ruled that sufficient evidence had been presented to establish probable cause that a crime had been committed and to justify continuing the prosecution against the plaintiff. On March 22, 1967, plaintiff was indicted for conspiracy to murder John F. Kennedy by the Orleans Parish Grand Jury. On August 1, 1967, the defendants moved to select a trial date, but on September 27, 1967, plaintiff asked for a continuance, or a change of venue. A hearing was held on the motion and upon the suggestion of the defendants Garrison and Alcock, the court granted a continuance until February, 1968. On February 19, 1968, citing the great publicity the case had received, the plaintiff moved the Criminal District Court to order a change of venue. An extensive evidentiary hearing was conducted by the trial judge after which the motion was denied on April 4. The Supreme Court of the State of Louisiana denied plaintiff's application for writs of certiorari on the question of venue on April 23, 1968. The trial was then set for June 11, 1968.

Now, on May 27, 1968, nearly 15 months after the plaintiff was originally charged, he filed this suit asking for an injunction against the prosecution for which trial was set on June 11, 1968. A temporary restraining order against taking any further action in the prosecution was issued by one member of our panel on May 28, 1968, after which this three-judge court was constituted to hear the case.

Plaintiff's complaint contains numerous allegations of constitutional infirmities in the State prosecution against him. He contends that the preliminary hearing was illegal because it was heard before a three-judge state court, which was not authorized by the Louisiana statutes concerning preliminary hearings; that the defendants made a search of plaintiff's premises and confiscated much of his property under the authority of an illegally