

U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 27 1968

TELETYPE

SEC 108

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

Deleted Copy Sent David Lee
by letter 3-26-76
Per FOIA Request

Handwritten signatures and initials

FBI NEW ORLS

858PM URGENT 5/27/68 OLP

TO DIRECTOR (62-109060) AND DALLAS (89-43)
FROM NEW ORLEANS (89-69) 7P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE,
-MISC. - INFO CONCERNING. OO: DALLAS.

THE NEW ORLEANS STATES-ITEM, RED FLASH EDITION, MAY TWENTYSEVEN INSTANT, REPORTED THAT ATTORNEYS FOR CLAY L. SHAW TODAY ASKED A FEDERAL COURT TO DECREE THAT THE WARREN COMMISSION REPORT ON THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY IS "VALID AND BINDING" AND ASKED THAT FURTHER STATE PROSECUTION OF SHAW BE BARRED. THE ARTICLE REPORTED THAT SHAW'S ATTORNEYS CONTENDED TODAY THAT SHAW WILL BE DEPRIVED OF HIS CONSTITUTIONAL RIGHTS IF DISTRICT ATTORNEY JIM GARRISON IS NOT RESTRAINED FROM PROSECUTING HIM.

THE ARTICLE STATED THAT A FORTYSEVEN-PAGE PETITION FILED IN FEDERAL COURT IN NEW ORLEANS ASKED FOR A TEMPORARY RESTRAINING ORDER AGAINST GARRISON AND HIS TWO TOP AIDES, CHARLES RAY WARD AND JAMES L. ALCOCK. THE ARTICLE STATED THAT THE PETITION ALSO SEEKS A PERMANENT INJUNCTION. IF THIS IS DENIED

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JUN 6 1968

MR. DELOACH FOR THE DIRECTOR

(1)

Handwritten notes and initials

PAGE TWO

THE ATTORNEYS ARE ASKING THE COURT TO FORCE GARRISON TO DISCLOSE MUCH OF HIS EVIDENCE AGAINST SHAW.

THE ARTICLE STATED THAT WHETHER THE INJUNCTION IS GRANTED OR NOT THE DEFENSE ATTORNEYS WANT THE FEDERAL COURT TO RULE THE WARREN COMMISSION REPORT "VALID, ACCURATE, BINDING AND CONTROLLING UPON ALL COURTS IN THE U. S." THE PETITION SPECIFICALLY URGED THAT THE REPORT BE MADE ADMISSIBLE IN AND BINDING ON "SECTION C OF CRIMINAL DISTRICT COURT OF ORLEANS PARISH."

THE PETITION ASKS THAT A THREE- JUDGE PANEL BE CONVENED IMMEDIATELY TO RULE ON THE TEMPORARY RESTRAINING ORDER WHICH COULD DELAY THE JUNE ELEVEN TRIAL. THE ARTICLE REPORTED THAT THE CASE WAS ALLOTTED TO FEDERAL DISTRICT JUDGE ~~FREDERICK J. R. HEEBE~~ WHO WAS TO CONFER WITH ATTORNEYS LATER TODAY ON THIS REQUEST. LW

THE ARTICLE STATED THAT THE MAIN THRUST OF THE PETITION BY SHAW'S ATTORNEYS IS THAT SHAW MUST SEEK SANCTUARY IN THE FEDERAL COURTS IN ORDER TO PRESERVE HIS CONSTITUTIONAL RIGHTS. (2)

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PAGE THREE

ACCORDING TO THE ARTICLE, THE PETITION CONTAINS ONE HUNDRED SIXTEEN POINTS AND A PRAYER FOR RELIEF.

THE ARTICLE STATED THAT THE PETITION CONTENDS THAT THE FEDERAL COURT HAS JURISDICTION UNDER SEVERAL STATUTES, ESPECIALLY UNDER THE FEDERAL CONSTITUTION AND ITS AMENDMENTS ONE, FOUR, FIVE, SIX AND FOURTEEN. THE PETITION ASKS "SANCTUARY" TO GRANT SHAW RELIEF FROM "THE IRREPARABLE HARM" IT CLAIMS HE HAS SUFFERED AT THE HANDS OF GARRISON SINCE HIS ARREST ON MARCH ONE, NINETEEN SIXTYSEVEN.

ACCORDING TO THE ARTICLE, THE PETITION CHARGES THAT SHAW WAS ARRESTED WITHOUT CAUSE AND THAT HIS RIGHTS UNDER THE FOURTH AND FIFTH AMENDMENTS WERE VIOLATED BY THE ISSUANCE OF A SEARCH WARRANT ON HIS RESIDENCE. THE PETITION SAID HIS PROPERTY WAS SEIZED AS A RESULT OF THE WARRANT WHICH IT CONTENDS WAS ISSUED AFTER HIS ARREST AND WITHOUT PROBABLE CAUSE.

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PAGE FOUR

THE PETITION REVIVED A NUMBER OF QUESTIONS THAT WERE RAISED EARLIER IN STATE COURTS BY SHAW'S ATTORNEYS AND REJECTED BY THE COURTS. THESE INCLUDED A MOTION TO QUASH THE PRELIMINARY HEARING FOR SHAW ON MARCH FOURTEEN AND A MOTION FOR BILL-OF PARTICULARS "TO ASCERTAIN THE ESSENTIAL FACTS OF THE CHARGE AGAINST SHAW".

THE PETITION CHARGED THAT THE THREE-JUDGE STATE PANEL CONDUCTING THIS HEARING WERE ILLEGALLY CONSTITUTED AND THAT THE GRAND JURY WHICH INDICTED SHAW WAS ILLEGALLY CHOSEN.

THE PETITION ALLEGED THAT AT THE HEARING THE PRINCIPAL WITNESSES INTRODUCED IN SUPPORT OF THE CHARGES AGAINST SHAW WERE PERRY RAYMOND RUSSO, VERNON BUNDY, JR., DR. ESMOND FATTER AND THE LATE DR. NICHOLAS CHETTA, THEN ORLEANS PARISH CORONER. THE PETITION SAID THAT CROSS-EXAMINATION REVEALED THAT RUSSO GAVE HIS TESTIMONY AFTER BEING SUBJECTED TO HALLUCINATORY DRUGS AND HYPNOSIS AND THAT BUNDY WAS "A DOPE ADDICT AND CONFIRMED THIEF."

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PAGE FIVE

THE PETITION ALLEGES THAT SHAW'S SUBSEQUENT INDICTMENT BY THE GRAND JURY WAS RETURNED "SOLELY AND ONLY ON THE HALLUCINATORY DRUG-INDUCED AND HYPNOTICALLY INDUCED TESTIMONY" OF RUSSO.

THE DEFENSE ATTORNEYS SAID THEIR REPEATED ATTEMPTS TO GET DETAILS OF THE "VAGUE AND INDEFINITE" CHARGES AGAINST SHAW HAVE FAILD. THEY CHARGED GARRISON HAS MISUSED THE LEGAL PROCESSES TO SUCH AN EXTENT THAT THE FUNDAMENTAL CIVIL AND CONSTITUTIONAL RIGHTS OF ALL CITIZENS ARE AFFECTED AND THAT THE CONDUCT OF HIS OFFICE HAS "IMPERILED THE CIVIL AND CONSTITUTIONAL RIGHTS OF ALL CITIZENS OF THIS COUNTRY, INCLUDING ITS HIGHEST AND MOST ESTEEMED PUBLIC OFFICIALS AND PERHAPS EVEN IMPERIL THE SECURITY OF THE COUNTRY ITSELF."

THE DEFENSE ATTORNEYS CHARGED THAT THE DISTRICT ATTORNEY AND HIS STAFF HAVE WAGED A "CONCERTED CAMPAIGN...TO CONVINCCE THE PUBLIC AT LARGE THAT THE PRESIDENT WAS NOT KILLED BY LEE HARVEY OSWALD OR ANY OTHER LONE ASSASSIN, BUT AS A RESULT

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PAGE SIX

OF A WELL-PLANNED CONSPIRACY INVOLVING MANY INDIVIDUALS AND ORGANIZATIONS. THE NUMBER OF ALLEGED CONSPIRATORS AND THE NUMBER OF ORGANIZATIONS INVOLVED IN THE CONSPIRACY INCREASED WITH EACH PUBLIC UTTERANCE...

THE PETITION CITES TWO OTHER CASES IN WHICH IT CONTENDS A FEDERAL COURT HAS GIVEN SANCTUARY TO PERSONS WHO HAVE INCURRED THE "WRATH AND DISPLEASURE" OF GARRISON. THE CASES CITED WERE THOSE OF LIFE MAGAZINE REPORTER DAVID L. CHANDLER AND THE COMBINED CASE OF TELEVISION NEWSMEN WALTER SHERIDAN AND RICHARD TOWNLEY. LA NY

THE PETITION ATTACKS THE GRAND JURY SELECTION PROCEDURE FOLLOWED BY CRIMINAL DISTRICT JUDGE BERNARD J. BAGERT, WHO PICKED THE JURY THAT INDICTED SHAW. IT CLAIMS WOMEN AND MEMBERS OF OTHER GROUPS WERE SYSTEMATICALLY EXCLUDED. ON THIS BASIS, IT ASKED THAT THE INDICTMENT BE QUASHED.

THE PETITION HOLDS THAT SHAW IS ENTITLED TO INJUNCTIVE RELIEF FROM FURTHER PROSECUTION. SHOULD THIS BE DENIED, IT DEMANDS THAT SHAW BE FURNISHED WITH A TRANSCRIPT OF

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PAGE SEVEN

TESTIMONY BY ALL WITNESSES BEFORE THE GRAND JURY, COPIES OF ALL WRITTEN STATEMENTS BY WITNESSES QUESTIONED BY GARRISON AND HIS STAFF, THE NAMES OF ALL INDIVIDUALS INTERVIEWED AND QUESTIONED, THE NAMES AND ADDRESSES OF ALL STATE WITNESSES AND A DESCRIPTIVE LIST OF ALL PHYSICAL EVIDENCE TO BE USED BY THE STATE.

THE PETITION ASKS FOR A TRANSCRIPT OF ALL GRAND JURY TESTIMONY BY SUCH INDIVIDUALS AS MRS. MARINA OSWALD, MRS. RUTH PAIN, DEAN ANDREWS, LOREN AHLL, KERRY THORNLEY, MRS. BARBARA REID, MRS. JO HUG "AND OTHERS NOT KNOWN TO YOUR PLAINTIFF."

MEMO
NO LHM BEING SUBMITTED.

END

CAB

FBI WASH DC

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CC. MR. SULLIVAN