

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
SEP 27 1968

REC 22

- Mr. Tolson _____
- Mr. Belmont _____
- Mr. Mohr _____
- 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

FBI NEW ORLS

5:42PM URGENT 9-27-68 FOUR PGS. LAB
TO DIRECTOR (62-109060) AND DALLAS (89-43)
FROM NEW ORLEANS (89-69)

TELETYPE

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO CONCERNING. OO: DALLAS.

NEW ORLEANS STATES-ITEM, RED COMET EDITION, INSTANT DATE, REPORTED THAT A DIARY WHICH ALLEGEDLY REFERRED TO A MAN WHO MENTIONED IN APRIL, NINETEEN SIXTYTHREE, THE POSSIBILITY THAT PRESIDENT KENNEDY WOULD BE KILLED WITH A HIGH-POWERED RIFLE FROM A BUILDING HAS BEEN SUBPOENAED BY DISTRICT ATTORNEY JIM GARRISON'S OFFICE. THE ARTICLE REPORTED THAT FLORIDA ASSISTANT ATTORNEY GENERAL SEYMOUR GLEBER IS DIRECTED BY SUBPOENA TO DELIVER THE WORK TO THE DISTRICT ATTORNEY'S OFFICE BY TEN THIRTY A.M., OCTOBER EIGHT NEXT. ACCORDING TO THE ARTICLE, THE SUBPOENA DESCRIBES THE MATERIAL AS "A CERTAIN DIARY AND NOTES KEPT BY MR. SEYMOUR GELBER WHILE AN ASSISTANT DISTRICT ATTORNEY IN DADE COUNTY, FLA., DURING AN INVESTIGATION CONDUCTED BY THE STATE'S ATTORNEY FOR DADE COUNTY INTO ACTIVITIES OF EXTREMIST GROUPS."

Brady

WJ

Roughly

file

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109-100-6583

END PAGE ONE

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EX-101

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MR. DELOACH FOR THE DIRECTOR

NO 89-69

PAGE TWO

THE ARTICLE REPORTED THAT ASSISTANT DISTRICT ATTORNEY JAMES L. ALCOCK SAID HE IS MAINLY INTERESTED IN NAMES THAT MAY "POP UP" IN THE DIARY.

THE DIARY ALSO REFES TO JOSEPH MILTEER, A GEORGIAN, *see 62-109060-4939*
was born 7 3
2/28/67
WHO REPORTEDLY TOLD WILLIE SOMERSETTE, A MIAMI INTELLIGENCE *which contains*
FBI *allegation.*
AGENT, IN APRIL, NINETEEN SIXTYTHREE, THAT KENNEDY WOULD BE ASSASSINATED. *REL*

NEW ORLEANS STATES-ITEM RED FLASH EDITION, INSTANT DATE, REPORTED THAT COUNSEL FOR CLAY L. SHAW TODAY APPEALED TO THE U.S. SUPREME COURT TO HALT PROSECUTION BY DISTRICT ATTORNEY JIM GARRISON. ACCOURING TO THE ARTICLE, ATTORNEY EDWARD WEGMANN TODAY FILED A LENGTHY APPEAL WITH THE SUPREME COURT ASKING FOR HEARING ON SHAW'S REQUEST FOR A PERMANENT INJUNCTION BARRING GARRISON FROM PROSECUTING HIM IN STATE COURT. THE APPEAL FILED BY WEGMANN TODAY WAS FROM A DECISION BY A THREE JUDGE FEDERAL PANEL IN NEW ORLEANS. THE PANEL DENIED SHAW'S REQUEST FOR A PERMANENT INJUNCTION BUT DID

END PAGE TWO

NO 89-69

PAGE THREE

UPHOLD THE PROSECUTION UNTIL SUPREME COURT APPEAL COULD BE TAKEN.

THE ARTICLE REPORTED THAT IN THE APPEAL, SHAW ASKED FOR THE SAME REMEDIES THAT THE THREE JUDGE PANEL DENIED IN ITS JULY TWENTYTHREE DECISION:

A BAN ON PROSECUTION BY GARRISON; A JUDGEMENT THAT THE WARREN REPORT CONCLUSIONS BE DECLARED VALID, ACCURATE AND BINDING ON ALL COURTS; A QUASHING OF THE INDICTMENT AGAINST SHAW; A RULING THAT CERTAIN LOUISIANA LAWS UNDER WHICH SHAW HAS BEEN PROSECUTED ARE UNCONSTITUTIONAL; JOINING U. S. ATTORNEY GENERAL RAMSEY CLARK TO THE CASE AS A DEFENDANT.

ACCORDING TO THE ARTICLE, THE APPEAL ALLEGES THE THREE JUDGE FEDERAL COURT ERRED IN THE FOLLOWING WAYS; DENYING SHAW HIS FUNDAMENTAL RIGHTS OF FREEDOM OF EXPRESSION, FAIR TRIAL AND DUE PROCESS BY NOT GRANTING THE INJUNCTION; NOT HOLDING AN EVIDENTIARY HEARING ON SHAW'S REQUEST FOR RELIEF; UPHOLDING THE LOUISIANA CONSPIRACY LAW;

END PAGE THREE

PAGE FOUR

HOLDING THAT INJUNCTIVE RELIEF WAS BARRED BECAUSE THE
MATTER STILL IS PENDING IN STATE COURT; NOT NOTING THE
BAD FAITH OF THE PROSECUTION IN PRESSING THE MATTER WITH
NO HOPE OF GAINING A CONVICTION; NOT NOTING THE IMPORTANCE
OF THE WARREN REPORT AND NOT DECLARING IT VALID, ACCURATE
AND BINDING; NOT MAKING THE U. S. ATTORNEY GENERAL A PARTY
TO THE CASE.

NO LHM BEING SUBMITTED.

END

MXS

FBI WASH DC

CC. MR. SULLIVAN