

# Judge Heebe Issues Order to Halt Prosecution of Shaw

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## Special U.S. Court to Hear Suit Asked

District Attorney Jim Garrison's prosecution of 55-year-old businessman Clay L. Shaw on charges of conspiring to murder President John F. Kennedy was halted Tuesday by Federal District Judge Frederick J. R. Heebe.

Judge Heebe issued a temporary restraining order against Garrison and his two principal assistants, James L. Alcock and Charles R. Ward.

The restraining order was sought in a suit filed Monday by Shaw's attorneys in which they also ask that a special three-judge Federal Court be convened and that preliminary and permanent injunctions be issued against further prosecution.

Alcock said he was mystified by the decision, adding that it dampened "my optimism about bringing Shaw to trial."

Referring to the question of jurisdiction, Alcock told newsmen: "This is totally unprecedented in federal and state relations."

The suit additionally asks that the Warren Commission Report on the assassination of President Kennedy be declared valid and binding on all courts in the nation.

### JUDGE'S RULING

Judge Heebe held Tuesday in his restraining order that Shaw's complaint raises "real issues of alleged deprivations of liberty through the actions of the state."

Under federal procedure Judge Heebe will now ask Chief Judge John R. Brown of the United States Fifth Circuit Court of Appeals to designate two other judges to sit with him to hear the Shaw

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suit which complains that if Garrison is not enjoined from prosecuting he will be deprived of his constitutional rights.

The special court will be made up of Judge Heebe, another federal district judge, and a judge of the Fifth Circuit.

Judge Heebe issued the temporary order at 2:10 p. m., after conferring with attorneys for Shaw and members of the district attorney's staff.

### REASONS FOR ORDER

In his reasons for issuing the order, Judge Heebe said that the Shaw complaint "read as a whole, presents much more than a recitation of isolated wrongs, but impugns the entire prosecution against the petitioner and attempts to raise the actions of the defendants, prior to and during the criminal proceedings, to the level of a concerted pattern of persecution of the petitioner and the wholesale and willful disregard of the petitioner's constitutional rights."

Judge Heebe said that the thrust of the allegations contained in Shaw's suit against Garrison and his assistants raises serious questions concerning the relationship between the Federal District Court and the Louisiana Criminal District Court "and indeed between federal and state courts across the nation."

He added "whenever a federal court stays the hand of a state official, the delicate balance of comity, so necessary and wholesome for our federal system, is likely to be disturbed."

The judge added that at this stage in the development of the law and possible future developments indicated by the United States Supreme Court "we are not prepared to rule out the possibility of a remedy for this plaintiff under the state of facts he presents in his petition."

"And because there is a very real likelihood he may prevail on the merits, and because in view of the plaintiff's allega-

tions of the unconstitutionality of various pertinent Louisiana statutes, a three-judge court is required in this matter in the interest of the state of Louisiana . . ."

The judge asserted that it may not be possible for a federal court hearing to be held before the June 11 date which had been set for the Shaw trial in Criminal District Court and in order to prevent possible irreparable injury to Shaw "we grant the motion for temporary restraining order pending a speedy hearing on the motion for preliminary injunction."