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Federal Judge Won't Dismiss Clay Shaw Suit

A federal judge here today refused to throw out a \$5 million damage suit brought against District Attorney Jim Garrison and several of his backers by Clay L. Shaw for their role in the Kennedy assassination investigation.

U.S. District Judge Frederick J. R. Heebe denied a motion to dismiss filed by Garrison but issued no written reason for the denial. The decision was announced in a court minute entry.

Shaw, who won acquittal in 1969 on charges that he conspired to assassinate President John F. Kennedy, claimed his constitutional rights were violated by the prosecution.

The suit was brought against the district attorney, Joseph M. Rault Jr., Cecil M. Shilstone and Willard E. Robertson, members of the "Truth and Consequences" organization which partly financed the DA's probe; Perry Raymond Russo, a state witness in the trial; and Dr. Esmond A. Fatter, who allegedly put Russo in a trance to elicit his testimony.

The suit, filed in February, 1970, is also against certain unknown persons who may have joined in the alleged conspiracy to prosecute Shaw.