

# BAR TRIAL, SHAW ASKS U.S. COURT

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.

Shaw, 55, is charged with conspiracy to kill the president, and faces trial June 11.

His attorneys contended today he will be deprived of his constitutional rights if District Attorney Jim Garrison is not restrained from prosecuting him.

ON A 47-PAGE petition filed in Federal District Court here, Shaw's lawyers asked for a temporary restraining order against Garrison and his two top aides, Charles Ray Ward and James L. Alcock.

Further, the petition seeks a permanent injunction. If this is denied, they are asking the court to force Garrison to disclose much of his evidence against Shaw.

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 United States."

THE REPORT, which holds there is "no credible evidence" that anyone other than Lee Harvey Oswald had anything to do with the president's assassination on Nov. 22, 1963, was ruled inadmissible in a preliminary hearing for Shaw in Criminal District Court here.

The petition specifically urged that the report be made admissible in and binding on

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"Section C of Criminal District Court of Orleans Parish." This is the section of Judge Edward A. Haggerty Jr., who is scheduled to try Shaw.

It asks that a three-judge federal panel be convened immediately to rule on the temporary restraining order, which could delay the June 11 trial.

The case was allotted to Federal District Judge Frederick J. R. Heebe.

After a conference with attorneys for Shaw, Alcock, Garrison and Ward, Judge Heebe said he would rule at 1 p. m. tomorrow on whether the temporary restraining order is to be granted.

The main thrust of the petition, signed by all four Shaw attorneys, is that Shaw must seek sanctuary in the federal courts in order to preserve his constitutional rights. The four attorneys are F. Irvin Dymond, Edward Wegmann, William Wegmann and Salvador Panzeca.

The petition contains 116 points and a prayer for relief.

IT CONTENDS that the federal court has jurisdiction under several statutes, especially under the federal Constitution and its amendments 1, 4, 5, 6 and 14.

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 1, 1967.

It 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.

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 held for Shaw on March 14 and a motion for a bill of particulars "to ascertain the essential facts of the charge against Shaw."

It charged that the three-judge panel conducting this hearing was illegally constituted, and that the grand jury which indicted Shaw was illegally chosen.

AT THE HEARING, the petition said, 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."

Russo testified that Shaw conspired with Oswald, David William Ferrie and others to kill the president. Bundy testified that he saw Oswald and Shaw together.

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 failed.

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, as it did in its unsuccessful bid to have the trial moved outside New Orleans, charged that the DA and his staff have waged a "concerted campaign . . . to convince the public at large that the president was not killed by Lee Harvey Oswald or any other lone assassin, but as a result 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.

IT ATTACKS the grand jury selection procedure followed by Criminal District Judge Bernard J. Bagert, who picked the jury which indicted Shaw. It claims women and members of other groups were systematically excluded. On this basis, it asks that the indictment be quashed.

The petition holds that Shaw is entitled to injunctive relief from further prosecution. Should this be denied, it de-

mands that Shaw be furnished with a transcript of 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.

In the preliminary hearing, the three-judge panel of Judges Bagert, Matthew S. Braniff and Malcolm V. O'Hara ruled it inadmissible as "hearsay."

The petition charges that Judge Haggerty has stated in open court that the Warren Report would not be admissible in evidence if and when offered as such in Shaw's trial.

It asks for a transcript of all grand jury testimony by such individuals as Mrs. Marina Oswald, Mrs. Ruth Paine, Dean Andrews, Loren Hall, Kerry Thornely, Mrs. Barbara Reid, Mrs. Jo Hug "and others not known to your plaintiff."