

WEDNESDAY, MAY 29, 1968

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# JUDGE RESTRAINS SHAW PROSECUTOR

## Issues a Temporary Order Barring Action in Case

NEW ORLEANS, May 28 (UPI)—United States District Judge Frederick Heebe issued a temporary restraining order today against District Attorney Jim Garrison, prohibiting "any further prosecution" of Clay L. Shaw.

Mr. Shaw is charged with having conspired to assassinate President Kennedy. The action taken by the judge will probably at least delay Mr. Shaw's trial, scheduled to start June 11.

Judge Heebe indicated he would schedule a "speedy hearing" on the merits of Mr. Shaw's petition.

In a six-page decision explaining his ruling, he said, "There is a very real likelihood that the plaintiff may prevail on the merits."

Attorneys for Mr. Shaw contended yesterday that the Louisiana conspiracy statutes were constitutional, and that Mr. Garrison had conducted a "reign of terror by the misuse and abuse of the powers of the public office . . ."

They called his assassination investigation "illegal, unwarranted, fraudulent and useless."

Judge Heebe said: "The complaint read as a whole presents much more than a recitation of isolated wrongs, but impugns the entire prosecution against the petitioner."

"The thrust of these allegations raises serious questions concerning the relationship between this Federal District Court and the Louisiana Criminal District Court and indeed between Federal and state courts across the nation."

"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."

He said that the seriousness of the charges required Federal intervention.

He indicated that because of the allegations of the unconstitutionality of the conspiracy statutes a "three-judge court is required on this matter."

He did not comment on Mr. Shaw's request that the find-

ings of the Warren commission be made binding on the courts.

The Warren commission concluded that Lee Harvey Oswald acted alone to assassinate Mr. Kennedy Nov. 22, 1963, in Dallas. Mr. Garrison has said that Oswald did not fire a shot.

Mr. Shaw, 55 years old, was arrested March 1, 1967, and later indicted on charges of conspiring with Oswald, David Ferrie, Jack Ruby and "others" to kill Mr. Kennedy.

### Jersey Motorcyclist Killed

Special to The New York Times

LEONIA, N. J., May 28—A 21-year-old man riding on a motorcycle that was being towed was killed early today when he was struck by a car on Route 95. The state police identified the man as Jan O. Brennan of Norwood. The driver of the car that struck the motorcycle was Peter DiIorio, 59, of Edgewater, the police said.

Not listed in News Summary and Index