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by BURT RBB

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NEW ORLEANS AP - A federal three-judge panel refused a permanent injunction today and, in effect, gave the green light to state prosecution of Clay L. Shaw on a charge of conspiring to assassinate President John F. Kennedy.

The panel also denied a motion by Shaw's attorneys for a decree that the Warren Commission report on Kennedy's death should be "valid and binding on all courts."

Two other Shaw motions were denied by the judges, including a request that U.S. Atty. Gen. Ramsey Clark be made a party to the suit. The panel also denied a request that assistants of Dist. Atty. Jim Garrison be required to answer questions of Shaw's lawyers.

Garrison, who has charged Shaw with conspiracy in a plot to assassinate Kennedy, had asked the panel to refuse the injunction and argued that the federal court had no jurisdiction in the case while it was pending in a state court.

The three-judge panel also rejected a challenge by Shaw's lawyers against the constitutionality of state laws under which Shaw was being prosecuted.

"We believe that it is obviously improper to rule on the constitutionality of the numerous procedural statutes challenged by the plaintiff," the decision said.

Members of the panel were Judge Robert A. Emsworth of the 5th U.S. Circuit Court of Appeals and Judge Frederick J. A. Heebe and Judge James A. Comiskey, both of U.S. District Court.

Judge Heebe issued a temporary restraining order against further prosecution of Shaw on May 29 and ordered the case to go to the special panel.

Shaw's lawyers contended at the hearing before Judge Heebe that Shaw would be deprived of his constitutional rights if Garrison were not restrained from prosecuting him.

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RMB:pcd July 23