

Asks Prosecution Halt Shaw Petitions Top Court

(States-Item Bureau)

WASHINGTON — Counsel for Clay L. Shaw today appealed to the U.S. Supreme Court to halt prosecution of Shaw by District Attorney Jim Garrison.

Shaw is charged under Louisiana law with conspiring to assassinate President John F. Kennedy.

Attorney Edward Wegmann today filed a lengthy appeal with the high court, asking for a hearing on Shaw's request for a permanent injunction barring Garrison from prosecuting him in state court.

IF THE SUPREME COURT agrees to hear the case, it will set a hearing after it reconvenes Oct. 7. If it declines, the case will revert to state court and Shaw can be tried on the conspiracy charges.

The appeal filed by Wegmann today was from a decision by a three-judge federal panel in New Orleans. The panel denied Shaw's injunction but did hold up the prosecution until a Supreme Court appeal could be taken.

Thus, today's action was expected. If the appeal had not been filed within a reasonable time, state court action could have proceeded.

IN THE APPEAL, SHAW asked for the same remedies that the three-judge panel denied in its July 23 decision; a ban on prosecution by Garrison; a judgment that the Warren Report conclusions be declared valid, accurate and binding on all courts; a quashing of the indictment against Shaw; a ruling that certain Louisiana laws under which Shaw has been prosecuted are unconstitutional; joining U.S. Attorney General Ram-

sey Clark to the case as defendant.

The Warren Report concluded that Lee Harvey Oswald killed the President, acting alone. Garrison charges that Shaw conspired with Oswald, David William Ferrie and others to kill Kennedy.

THE APPEAL CONTENTS that the Louisiana law preventing women from being selected for jury service unless they request it is invalid, as well as the laws regarding selection of the grand jury venire.

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Further, the appeal argues that Louisiana law preventing attorneys from accompanying clients into grand jury proceedings is unconstitutional and that Garrison's prosecution of Shaw violated his civil rights.

"PUBLIC OFFICIALS are conducting a reign of terror by misusing and abusing their offices by conducting an illegal, unwarranted probe of the assassination of President Kennedy," the appeal said.

The prosecution of Shaw is for the "sole purpose of getting a judicial forum for attacks on the Warren Report," the appeal said.

The three-judge federal court, composed of Circuit Judge Robert A. Ainsworth Jr. and District Judges Frederick J. R. Heebe and James A. Comiskey, erred in several respects, the appeal says.

Errors cited included:

—Denying Shaw his fundamental rights of freedom of expression, fair trial and due process by not granting the injunction.

—Not holding an evidentiary hearing on Shaw's requests for relief.

—Upholding the Louisiana conspiracy law.

—Holding that injunctive relief was barred because the

matter still is pending in state court.

—Not noting the bad faith of the prosecution in pressing the matter with no hope of gaining a conviction.

—Not noting the importance of the Warren Report and not declaring it valid, accurate and binding.

Not making the U.S. attorney general a party to the case.

Shaw was arrested March 1, 1967, and subsequently indicted on the conspiracy charge. Various legal delays since then have prevented the case from coming to trial.

Shaw, a 55-year-old retired businessman, was the first person charged in Garrison's probe of the assassination.