

APPROVED FOR RELEASE 1994
CIA HISTORICAL REVIEW PROGRAM



STANHOPE FORM NO. 64

~~SEC. 1~~

NO-172-68

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Domestic Contact Service
Attn.: Operational Support Staff (Musulin)
FROM : Chief, New Orleans Office

DATE: 29 May 1968

SUBJECT: Case 49364 - Garrison Investigation

Attached are the following clippings:

Times-Picayune - 23, 25, 28 and 29 May 68

New Orleans States-Item - 27 and 29 May 68

Lloyd A. Ray
Lloyd A. Ray

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Att.

FILE

~~SEC. 1~~

CONFIDENTIAL

RONFIN SHAW CASE

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[Treasury Department]

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Court Order Blocks Shaw Trial in June

Federal District Judge Frederick J. R. Heebe has issued a temporary restraining order, blocking the scheduled June trial of Clay L. Shaw, accused of conspiring to kill President John F. Kennedy.

Shaw had been scheduled to go to trial June 11 before Criminal Court Judge Edward A. Haggerty Jr. on the plot charge which grew out of District Attorney Jim Garrison's assassination probe.

THE ORDER, issued yesterday, restrains Garrison and his staff from prosecuting Shaw pending further orders from the court.

The order was sought in a suit filed Monday by Shaw's attorneys. The suit also asked that preliminary and permanent injunctions against Garrison and his staff be issued.

The suit also asked that the findings of the Warren Commission Report on the Kennedy assassinations be declared valid and admissible as evidence to all courts in the country.

JUDGE HEEBE said Shaw's complaint raises "real issues of alleged deprivations of liberty through the actions of the state."

The complaint, read as a whole, Judge Heebe said, "presents much more than a recitation of isolated wrongs, but impugns the entire prosecution against the petitioner and attempts to raise the actions of the defendants, prior to and during the criminal proceedings, to the level of a concerted pattern of persecution of the petitioner and the wholesale and willful disregard of the petitioner's constitutional rights."

Judge Heebe said that, because there is a likelihood that Shaw "may prevail on the merits" and because Shaw's complaint attacks the constitutionality of various "pertinent Louisiana statutes, a three-judge court is required in this matter . . ."

THE JUDGE said it would not be possible for such a court to be convened and a hearing concluded before the scheduled trial date.

Under federal procedure, Judge Heebe will now ask Chief Judge John R. Brown of the U.S. Fifth Circuit Court of Appeals to designate two other judges to sit with him to hear the Shaw suit.

The immediate effect of Judge Heebe's order is that the Shaw trial is delayed indefinitely. The three-judge court, after hearing the suit, could rule in Shaw's favor, preventing a trial at all.

ASSISTANT DA James L. Alcock said he is "mystified" about the decision and said "This is totally unprecedented in federal and state relations." He added that his "optimism" is

for P
J. Garrison '68.

THE TIMES-PK

N.O. Man Asks JFK Files Open

A New Orleans gas station owner has started a petition which he plans to circulate nationally aimed at forcing the federal government to open all files on the assassination of President John F. Kennedy.

He is Baltzer J. Conrad Jr., president of an organization called "We The People Speak."

The petition states, "The American citizens whose names appear below demand that the files on the assassination of the late President John F. Kennedy, which are closed to the American public, be opened immediately and not seventy-one (71) years from now."

Conrad said "We The People Speak" is a nonprofit group "formed for the sake of freedom and justice." He said the aim of the group is to compile a larger petition than ever before attempted.

The address is "We The People," Post Office Box 29426, New Orleans, La., 70129.

examination, however, Washington lawyer John Wasserman, Collins said, and Marcello landed was not enough to feel.

Marcello is reported to occupy a high place in the American underworld. He has served only two jail terms, however, the last one in 1938.

Collins testified that the clash with Marcello came when he rushed to the side of a fellow agent, Joseph Avignone, who was assigned to photograph Marcello arriving in New Orleans after testimony before a New York grand jury.

Collins said he came upon Marcello outside the airport terminal after Joseph Marcello, brother of the defendant, started yelling obscenities and asking photographers: "haven't you got enough pictures?"

Collins said he was with Marcello, "I'm the boss down here, are you looking for some trouble?" Collins said Marcello then made three or four jabs with his left hand and started a roundhouse right that was stopped when Joseph Marcello hit his brother's arm.

Asked by Wasserman if any punches landed, Collins said: "if they did, they were so slight I didn't notice them."

Collins said, however, that he was afraid he might get hurt during the encounter.

Wasserman then began a round of questioning in which he asked Collins' sleeve length (33) and asked him to guess at Marcello's. Collins' height (6'1") and asked him to guess Marcello's height and weight.

U. S. Dist. Judge Rer. J. Connally intervened to stop the comparisons.

The defense tried to establish that the airport for swinging the power of the universities did not interfere with the offices of the FBI agents. Collins and Avignone said they were dispatched to the airport to photograph and observe Marcello, his traveling companions and whoever met him at the airport.

Connally, apparently in behalf of the defense, assed the 12-person jury venire if any bore any prejudices against persons of Italian descent.

Entered into evidence was a picture taken during the scuffle by Associated Press photographer Jack R. Thorrell. Thorrell testified that Marcello had in Sec. 1, Page 2, Col. 6 that in Sec. 1, Page 2, Col. 1, "moved his left arm toward

then a few miles south of the Azores. It was due in Norfolk, Va., at 1 p.m. Monday from an extended training operation in the Mediterranean.

May 21.

NORMAL PROCEDURE

The Pentagon said it is normal for a submarine making a submerged passage to observe radio silence for extended periods.

Thomas H. Moore, chief of naval operations, told newsmen at a hurriedly called news conference that the Scorpion was a few miles south of the Azores at the time of the last communication.

Moore indicated, however, he feels the submarine would have been nearer the United States at the time it encountered difficulty.

What may have happened to the Scorpion was a mystery.

"The weather out there is very, very bad," Moore said.

The submarine, *Shark*, dispatched as part of the search, reported surface waves of 15 to 22 feet.

STAYING SUBMERGED

At one point Moore suggested the Scorpion may have chosen to ride out severe weather by remaining submerged. He also suggested that in bad weather a message informing Norfolk that the Scorpion was being delayed could have been lost.

Moore acknowledged, however, that the submarine would have attempted to contact shore in event of a delay. If its radio communications had failed, the Scorpion could have sent other signals.

"So far we have not received any emergency messages," Moore said in response to questions.

PRIMARY SEARCH ZONE

The primary search zone at this point is the Atlantic area adjacent to Norfolk and extending along a 2,100-mile stretch covering the track the Scorpion could have followed from its last transmission.

The Atlantic ranges to 2,000 fathoms deep in some points along the Scorpion's route home, but she would have had to pass over a mid-ocean ridge only 1,600 fathoms at one point.

Within about 55 miles of Norfolk, the Scorpion probably would have begun approaching to surface at the edge of the continental shelf, which is generally around 600 feet deep at its lowest points.

Moore said that if the sub-

ject in Sec. 1, Page 2, Col. 8

Attorneys Seeking Order to Halt Shaw Prosecution

FRENCH REJECT STRIKE ACCORD

Want Warren Report Declared Binding

Crisis Continues: Regime to Oppose Marches

By LOUIS NEVIN

PARIS (AP) — Factory workers throughout France shouted down Monday a compromise settlement of their 11-day general strike.

President Charles de Gaulle's government said it would crush any unauthorized marches in the face of apparent determination by workers to press further in demands that lay behind the worst domestic crisis since war times.

The government's warning came after a stock of "murderous weapons" was reported confiscated by police at Lyon. The Interior Ministry said extremists were preparing to use fire bombs, pistols, knives and homemade mines "to make impossible any return to civil peace."

About 50,000 persons, both union members and students, massed into a stadium on the south side of Paris. They heavily applauded a speech calling for "power in the factories" turned over to the workers and the power of the universities turned over to the students."

PACT UNDERCUT

A "protocol of agreement" hammered out in 27 hours of negotiations by government, unions and management representatives, was largely undercut by the unions' central organizations and by union members in industries over wide areas of the country.

There was a slim possibility that the local union membership would approve portions of the agreement in voting during the next two days. And there were the section of Judge Edward A.

Lawyers for Clay L. Shaw asked a federal court Monday to decree that the Warren Commission Report on President John F. Kennedy's assassination is "valid and binding" and that prosecution of Shaw be stopped.

The attorneys said Shaw, a 33-year-old businessman, will be deprived of his constitutional rights if Dist. Atty. Jim Garrison is not restrained from prosecuting him on charges of conspiring to murder the President.

In a 47-page petition filed in U. S. 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.

INJUNCTION SOUGHT

The petition also requested a permanent injunction. If this is to be denied, they asked 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 court to rule that the Warren Commission Report is "valid, accurate, binding and controlling upon all courts in the United States."

The report holds there is "no credible evidence" that anyone other than Lee Harvey Oswald had anything to do with the assassination of Kennedy in Dallas, Tex., on Nov. 22, 1963. The Warren Commission said Oswald was the lone assassin.

The report was ruled inadmissible during a preliminary hearing for Shaw in Criminal District Court.

The petition urged that the report be made admissible in and binding on Section C of Criminal District Court. This is

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Shaw Lawyers File Petition

Continued from Page 1

Haggerty Jr., who is scheduled to try Shaw.

TRIAL DELAY POSSIBLE

The petition asked that a three-judge federal panel be convened immediately to rule on the temporary restraining order to grant relief from "parable harm" if granted, the hearing could postpone Shaw's trial, which is set for June 11.

The case was allotted to U.S. District Court Judge Frederick J. R. Keebe, who was to confer with the attorneys Monday on the petition.

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

The petition contained 116 points and a prayer for relief, earlier in state courts by Shaw's

lawyers, who is scheduled to try Shaw.

under the U.S. Constitution and 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 pleasure" of Garrison. The cases was illegally constituted and cited were those of Life magazine reporter David L. Chandler and the combined case of television newsmen Walter Sheridan and Richard Townley.

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

that the grand jury which indicted Shaw was illegally chosen.

PRINCIPAL WITNESSES

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 J. Chetac, the Orleans Parish coroner who died Saturday.

The petition said 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 alleged that Shaw's subsequent indictment by the grand jury was "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 "exact and indefinite" charges against Shaw have failed.

GARRISON ATTACKED

They charged that 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 "impinged the civil and constitutional rights of all citizens of this country, including its highest and most esteemed public officials and perhaps even imperiled the security of the country itself."

As it did in its unsuccessful bid to have the trial moved outside New Orleans, the defense 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

SELECTION PROCEDURE

It attacked the grand jury selection procedure followed by Criminal District Court Judge Bernard J. Bagert, who picked the jury which indicted Shaw. It claimed women and members of other groups were systematically excluded.

On this basis, it asked that the indictment be quashed.

The petition holds that Shaw is entitled to injunctive relief from further prosecution.

Should this be denied, it demanded 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.

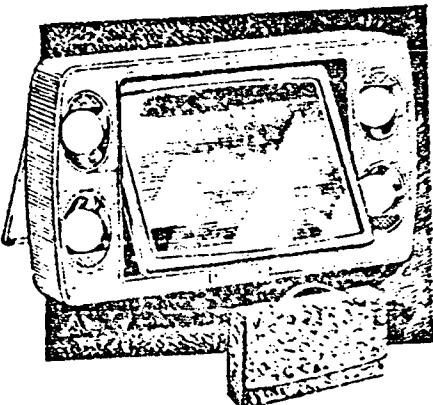
It asked for a transcript of all grand jury testimony by such individuals as Mrs. Morina Oswald, Mrs. Ruth Paine, Dean Andrews, Loren Hall, Kerry Thornley, Mrs. Barbara Reid, Mrs. Josephine Jo Hug "and others not known to your plaintiff."

The petition charged 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.

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

AMNESTY PROMISES BRINGS TAX FUNDS

JERUSALEM (AP) — An amnesty that called on Israeli income tax dodgers to cough up and be forgiven has netted about \$26 million in back taxes.



Grant a Graduate's Wish with Mirror-Go-Lightly

Elegant portable, lighted make-up mirror for use at home or on the road. Provides perfect shadow-free lighting for application of cosmetics. Dual mirrors swivel easily from regular to magnifying. Lightweight, durable, compact. Recessed bulbs prevent breakage. Complete with handsome white travel case.

Boutique, First Floor

ADLER'S
THE CANAL
NEW ORLEANS

Schedule changes eff. June 1

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 31.

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

ON A 6-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. Aleck.

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 evi-

dence" 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

Turn to Page 7, Column 1

MONDAY

NEW ORLEANS

Shaw Asks Report Be Made Binding

(Continued from Front Page)

"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, could delay the June

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 in-

volving 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.

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

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.

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

Garrison and Ward, Judge Debebe 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 PEARING, the petition said, the principal witnesses introduced in support of the charges against Shaw were Perry Raymond Russo, Vernon Bundy Jr., Dr. Esmond Fetter, and the late Dr. Nicholas Cretta, 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

T-P
MAY 25, 1968

SECTION ONE—PAGE NINETEEN

The district attorney's office! The subpoena contended that material remain sealed in the national archives in Washington until the year 2039 at the request of the Kennedy family.

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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

district attorney's office

has taken steps to amend a sub-

poena requiring the United States

archivist in Washington, D. C.,

case against Clay L. Shaw, who

to produce photos and X-rays is charged with conspiring to

of the body of President John

murder Kennedy.

The district attorney's office

claimed to have information

James L. Alcock said the

change was necessary because

struck by bullets fired from

three different directions.

President Lyndon B. Johnson

has ordered that all of the ma-

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WEDNESDAY, MAY 29, 1968

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 contend 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. Garrison's request that the trial be stayed.

LEONIA, N. J., May 29—A

21-year-old man riding on a motorcycle that was being towed

acted alone to assassinate Mr. Kennedy Nov. 22, 1963, in Dallas was killed early today when he

was struck by a car on Route 175. Mr. Garrison has said that Oswald did not fire a shot.

Mr. Shaw, 55 years old, was identified as the man as Jim O. Brennan of

Norwood. The driver of the car conspired with Oswald. David, the man who struck the motorcycle was

Peter D'Amato, 59, of Edgewater, the police said.

WASH POST 5/29/68

Court Stays Clay Shaw's Prosecution

NEW ORLEANS, May 28 (UPI)—A U.S. district judge today granted a temporary restraining order against district attorney Jim Garrison, prohibiting "any further prosecution" of Clay L. Shaw.

Shaw is charged with conspiring to assassinate President John F. Kennedy, and the action taken by Judge Frederick Heebe probably will at least delay Shaw's trial, scheduled to start June 11.

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

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

Attorneys for Shaw contend Monday that the Louisiana conspiracy statutes are unconstitutional, and that Garrison had conducted a "reign of terror by the misuse and abuse of the powers of the public office"

They called Garrison's assassination investigation "illegal, unwarranted, fraudulent and useless."

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

"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," the judge added.

"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.