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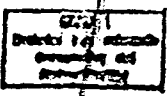


SECRET

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ROUTING AND RECORD SHEET				
SUBJECT: (Optional) Case 49364 - Garrison Investigation				
FROM: Chief, St. Louis Office		EXTENSION	NO. NO-27-69	
			DATE 29 January 1969	
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. Director, DCS Att'n: OSS (Musulin)	1/31/69		SBM	Attached are clippings from The Times-Picayune dated 25, 26, 28 and 29 January 1969 and from the New Orleans States-Item dated 27 and 28 January 1969. <i>Barack Brandt</i> DABrandt/gn FILE No Dissem
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SECRET



TWO MORE JURORS OK'D IN SHAW TRIAL

Key Witness for Defense Reported in Hiding

By CLARENCE DOUCET

Two more jurors were accepted Friday for duty in the conspiracy trial of Clay L. Shaw, and a key witness for Shaw's defense was reported to be hiding in Iowa, afraid to come here to testify.

Two new jurors—the seventh and eighth to be accepted by both the state and the defense in four days — were sworn in during the afternoon in a courtroom session cut short by the exhaustion of the remainder of the 163 prospective jurors on the panel of Criminal District Court Judge Edward A. Haggerty.

Jury selection will enter its fifth day at 9 a. m. Saturday when 44 prospective jurors from the panel of Criminal District Court Judge Frank Shea have been ordered to appear for possible duty.

Larry D. Morgan, an aircraft mechanic who resides at 922 Alaba, and Lloyd E. Heintz, an employee of Chevron Oil Company, who resides at 5113 Conitt, were the two jurors seated Friday. Morgan, 34, is married and has a five-month-old son. Heintz, who is 40, is also married and has one daughter and one stepdaughter.

SUBPENA CHALLENGED

In another development Friday, Jefferson Parish attorney Hugh Exnicot, another defense witness, challenged his subpoena. Judge Haggerty promised to grant him a hearing on his motion to quash the subpoena as soon as possible after the jury is selected.

Mrs. Harold McMaines, whose testimony, according to her attorney, would contradict the testimony of the state's star witness, is the defense witness reported in hiding.

Her attorney, Lex Hawkins of Des Moines, did not say what is causing her to be fearful of testifying in the Shaw trial. Earlier she had refused to come here in District Attorney Jim Garrison's probe of the assassination of President John F. Kennedy.

Shaw, 33, is on trial on charges that he participated in a conspiracy to murder Kennedy.

WILLING TO TALK

Hawkins said Mrs. McMaines, whose maiden name was Sandra Moffett when she lived here, is willing to tell everything she knows, but wants to do it in Iowa.

When she lived here, Mrs. McMaines was a friend of Perry Raymond Russo, who was the state's star witness at a preliminary hearing for Shaw in March, 1967. He testified then that in September, 1963, he heard Shaw plotting the assassination with Lee Harvey Oswald and David W. Ferrie at a party in Ferrie's apartment.

Russo said Mrs. McMaines was at the party, but she has denied it.

The Warren Commission, following its investigation of the Kennedy assassination, said Os-

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TWO MORE JURORS PICKED

Continued from Page 1

wald, acting alone, killed the President.

CAN'T BE COMPELLED

Mrs. McMannes was subpoenaed earlier this week. However, since Iowa is not a party to the interstate agreement for extradition of witnesses, there is no way of compelling her to appear.

In another development Friday, this in Fairfax, Va., the U.S. Justice Department told Virginia Judge Arthur Sinclair that it will not oppose the appearance of Lyndal L. Shaneyfelt at Shaw's trial.

Garrison's office had subpoenaed Shaneyfelt, a photograph analyst for the Federal Bureau of Investigation. According to the extradition papers, the state hopes to use Shaneyfelt's testimony to show that more than one person fired shots during the assassination.

Shaneyfelt's analysis of a movie film taken at the assassination scene by Abraham Zapruder was a key link in the Warren Commission's version of the slaying.

DEFENSE CHALLENGE

A total of 34 prospective jurors were called Friday morning. The sixth person called, Beverly H. Harlton, was excused by the defense through peremptory challenge. It was the third time the defense has used this manner to excuse prospective jurors. The state has exercised four peremptory challenges. Each side is entitled to 12 such challenges.

Harlton said he had no fixed opinion in the case when he was questioned by Judge Haggerty. Under questioning by Assistant District Attorney James L. Alcock, Harlton said he had seen Garrison's appearance on the Johnny Carson "Tonight" show on television, "and my thoughts that night were not with Mr. Garrison, because I thought Mr. Carson was treating Garrison, as a guest, very poorly."

Under questioning by the defense he said he had seen the movie, "Rush to Judgment," and he left the theater impressed that Kennedy "was killed as a result of a conspiracy rather than by one man."

Defense attorney F. Irvin Dymond asked Judge Haggerty to excuse Harlton for cause because he had an impression that required negation. Alcock objected and the judge sustained the objection.

impression from his mind. He said "yes" and Judge Haggerty excused him, emphasizing he was not excusing him because he had doubts about the federal government's findings, but rather because he had an impression that would require evidence to remove.

The state filed a bill of exception to Judge Haggerty's decision.

Morgan, the first of the two jurors selected Friday, said that he had worked for a flying service at New Orleans Lakefront Airport and had seen Ferrie on two or three occasions, although he had never talked to him.

HAS SOME DOUBTS

Heintz, the second selected, also admitted to having some doubts about the findings of the Warren Commission, but he asserted they were not of the nature that would impair his ability to give Shaw a fair trial.

In all, 68 prospective jurors were questioned Friday. Of the 169 names on Judge Haggerty's jury list, this was the disposition of them during the first four days of jury selection:

Jurors selected	8
Excused for:	
Loss of pay	44
Fixed opinion	35
Medical reasons	22
All other reasons	50
Attachments	3
Challenges	7

In seeking the hearing to have his subpoena quashed, Exnicios said testimony by him would violate his lawyer-client relationship with Alvin Beauboeuf, also under subpoena as a defense witness.

Beauboeuf was a friend of Ferrie and accompanied him to Texas on the day of the assassination, Nov. 22, 1963.

In 1967, Beauboeuf claimed that two Garrison aides threatened and tried to bribe him to testify against Shaw, and Exnicios had a tape of the conversation. The defense had subpoenaed Exnicios to produce the tape.

REASONS FOR EXCUSAL

These are the 34 prospective jurors who were excused during the three-hour morning session and the reasons:

- James G. Ortega, because he suffers migraine headaches;
- Mrs. Margaret J. K. Negus, the second woman volunteer to

would cause undue concern for family.

EXCUSED IN AFTERNOON

Excused during the abbreviated afternoon session were the following:

- Ernest A. Dunkley, cares for elderly parents with whom he resides;
- Harding Berger, for medical reasons;
- Sam E. Baio, a self-employed barber who would lose his earnings;
- Stanley H. Perrin Sr., for medical reasons;
- Ralph Jackson, would not be paid;

—Earl H. Hellmers Sr., jury duty would represent too much of a burden as he and his wife are the parents of nine children;

- Edward Joseph Jones Jr., would not be paid;
- Joseph W. Becker, for medical reasons;
- John A. Heil, works on commission and would lose his earnings;

—Stanley R. Oliver, jury duty would represent a hardship;

—Joseph N. Hardy Jr., self-employed and would suffer a loss of earnings;

—Peter L. Mitchell, jury duty would represent an undue burden on his wife in caring for their three young children;



Hamilton then said he had read one article about the assassination and received one impression, and then after reading another article had another impression.

Dymond continued to attempt to make his point with Judge Haggerty and the judge emphasized that neither the Warren Report nor the death of President Kennedy is being tried, but rather a conspiracy. "We are not going into a field that may not be part of this case," he said.

DEFENSE ARGUMENT

Dymond countered that if the prospective juror was already convinced that there was a conspiracy then the state was already half-way home with its case regarding that juror. Judge Haggerty replied that Hamilton had not said he was "convinced."

After a few more exchanges, Judge Haggerty told Dymond: "I'm not saying that the state will be permitted to go into Dealey Plaza," referring to an attempt the state might make to prove the alleged conspiracy resulted in Kennedy's death and Dymond asked him when he would make a decision.

"We'll cross that bridge when we come to it," the judge answered.

Dymond continued questioning Hamilton about his impressions, and the prospective juror said: "It's my impression he could have been killed either way. I have no opinion."

Dymond then tended Hamilton back to the state which announced he was acceptable. The defense then excused him through its peremptory challenge.

A similar situation developed as Paul J. Sicard was being questioned.

Sicard said he had an opinion, but it was not fixed, and that he "has grave doubts about the federal government's position that there was no conspiracy."

Dymond objected, asserting: "This man already feels there was a conspiracy," and Judge Haggerty answered that Sicard "did not say he believed that there was a conspiracy in New Orleans."

MOVE DENIED

The defense then moved that Sicard be challenged for cause, but the move was denied by the judge.

As Albeck was questioning Sicard, he asked him if there was any reason why he felt he might not be qualified as a juror and Sicard replied the only thing he could think of was the "grave doubts" he had expressed to Judge Haggerty. The judge then asked Sicard if he would require some evidence to remove this

children and would be unable to care for them.

—John Bernard Headmann, fixed opinion.

—Bernard F. Heintz, because he would be concerned about his family over a prolonged period.

—Otis Signal Sr., fixed opinion.

—Beverly H. Hamilton, defense exercised peremptory challenge.

—Silvester J. Osterhold, would receive no pay.

—Marion J. Kennedy, concern for his family's welfare.

—Frank L. Noto Jr., concern for his family's welfare.

—Bryant W. Payse Jr., concern for his family's welfare.

—Marion A. Kern, fixed opinion.

—Peter L. Schmidt, medical problem in family.

—Fannett A. Hamilton Jr., would receive no pay.

—George A. Walther, would suffer financial hardship as he is self-employed.

—Larry Joseph Garnett, would receive no pay.

—Lawrence P. Glapson Jr., would receive no pay.

—Corbett J. Glynn, would receive no pay.

—Albert L. Jones Sr., works on commission and would receive no pay.

—Thomas B. Harris, illness in his family.

—Carroll E. Delacroix, would receive no pay.

—Paul Johnson, would be concerned for family.

—Gerald F. Heintz, would receive no pay.

—Adolph F. Tanet Jr., would receive no pay.

—Ashton R. Delahoussaye, self-employed and would suffer loss of earnings.

—Donald S. Chenoweth, fixed opinion.

—Paul J. Sicard, excused for cause by judge after he said he had impressions about the case which would require evidence to take them from his mind.

—Ronald J. Dyer, because jury duty would interfere with his studies for certification as a certified public accountant.

—Milton C. Seeger, would receive no pay.

—Moses Frank Faciane, would receive no pay.

—Milton J. Smith, would receive pay only for 30 days.

—Adolph Joseph DuConge, self-employed and would suffer loss of earnings.

—James F. Moragne, concern for family.

—Vincent J. Borerias, has infant son and would be concerned about welfare of his family.

—James N. Easus, fixed opinion.

—John H. Knigmeier, duty

duty would represent a burden.

—Henry R. Nuss, medical reasons.

—Stanly J. Dabon, resides with a relative who has glaucoma, whom he takes care of.

—Richard Phoenix, would receive no pay.

—Mitchell Joseph Dussel, would receive only one month's pay.

—George Lee Johns, duty would represent a hardship.

—Louis Joseph Simkin, an insurance agent working on a commission basis, he would lose his earnings.

—Glenn A. Schurman, fixed opinion.

—Ernest J. Handy, would receive no pay.

—Peter L. Hall, would receive no pay.

—Walter W. Marler, manages a body and paint shop and would have to be replaced.

—John Rodman Jr., excused because of an illness in his family.

—Nelson J. Marcotte, a waiter, he would suffer a financial hardship.

—Louis J. Edmondson, fixed opinion.

—Samuel Gordon, would not be paid.

—Maurice J. Baradino, would not be paid.

—E. Gaston Frank Alciatore, for medical reasons.

—Vincent A. Skelly, for medical reasons.

—Howard W. Heidke, fixed opinion.

—Charles B. Gambrell Jr., would cause an undue hardship in his home.

WASHINGTON (AP) — The Justice Department agreed Friday to permit FBI photographic analyst Lyndal L. Shaneyfelt to testify at the Clay Shaw trial in New Orleans.

The department also is expected to take the same action in two other extradition proceedings instituted by New Orleans District Attorney Jim Garrison scheduled for Tuesday and Wednesday in neighboring Maryland counties for FBI Agent Robert A. Frazier and for former Secret Service Agent Roy Kellerman.

Shaneyfelt analyzed the 16-millimeter movie of the assassination taken by amateur photographer Abraham Zapruder.

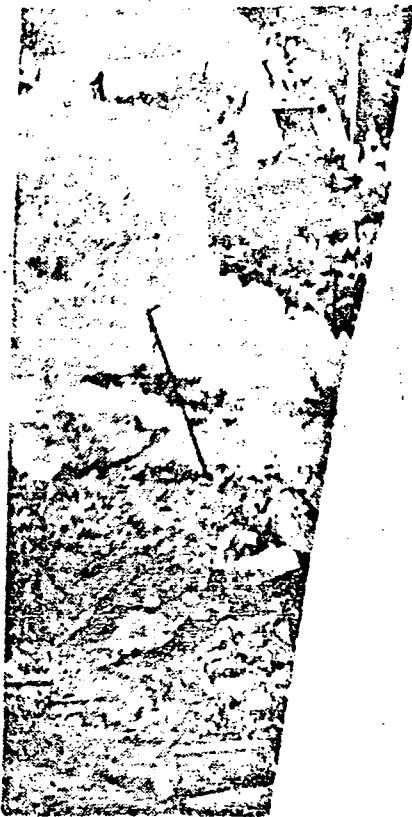
Fairfax, Va., Circuit Court Judge Arthur W. Sinclair, ordering Shaneyfelt to appear at the trial, noted that the Justice Department had raised no objection.

Kellerman rode on the back of the Kennedy limousine after the Dallas shooting, while Frazier is wanted for his testimony as an expert witness on firearms handling.

Full Associated Press (AP), National News and
Chicago News Wires and AP WIREPHOTO.

NEW ORLEANS, SUNDAY MORNING, JANUARY 26, 1969

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JURY CHOOSING
CHORE HALTED36 Persons Excused in
Clay Shaw Trial

By CLARENCE DOUCET

Jury selection in the conspiracy trial of Clay L. Shaw was halted shortly before noon Saturday in the Criminal District Court of Judge Edward A. L. Haggerty after 36 more prospective jurors were excused.

Sessions to select the remaining six jurors will be resumed at 9 a.m. Monday. Saturday, the fifth day of jury selection efforts, was the first day since Shaw's trial has started that no jurors were picked. Twelve jurors and two alternates are required.

The state exercised a peremptory challenge during the two-and-a-half-hour session Saturday to excuse Patrick Hugh McGehee Sr., an electrical engineer. It was the fifth time the state used the challenge to dismiss witnesses without giving a reason. The defense has exercised three such challenges. Each side is entitled to 12 peremptory challenges.

Another prospective juror, Gerald Francis Duplantier, was excused by Judge Haggerty after he said he had impressions about the assassination of President John F. Kennedy that would require evidence to remove.

CONSPIRACY ALLEGED

JURY CHOOSING CHORE HALTED

Continued from Page 1

Oswald as the lone assassin. The state outlined six overt acts it will attempt to prove. Two of the 38 prospective jurors who appeared in court Saturday were from Judge Haggerty's panel. They were ordered to appear earlier in the trial but did not, and at the same time the law requires that the state must prove only one, although it may attempt to prove others.

other 34 were members of the jury list for the court section prosecution, has emphasized of Judge Frank Shea.

Beginning Monday, jurors from the lists of other sections of conspiracy: First, an agreement of Criminal District Court will be called. Prospective jurors from Section F, that of Judge crime, and second, one overt act from Rudolph F. Becker, will appear in furthering the object of the conspiracy.

at the morning session. Jurors from the list of Judge Matthew S. Braniff's section will appear at the Monday afternoon session which begins at 1:30 p. m.

In issuing instructions to the eight jurors already selected prior to adjourning the trial at 11:45 a. m. Saturday, Judge Haggerty said arrangements will be made to take them on a sightseeing tour, and they will also be permitted to attend church Sunday.

The Shaw jury is a "locked-out" jury, meaning members cannot return to their homes until the trial is concluded, and they are kept under police guard. Judge Haggerty said he decided to "lock out" the jury for security reasons. He has not elaborated.

McGehee, who was challenged by the state, was questioned by F. Irvin Dymond for the defense and James L. Alcock, assistant district attorney, for the state, the two opposing attorneys who have done most of the talking in the courtroom thus far.

In answer to a question, McGehee told Dymond that he does have an impression regarding whether or not Oswald shot Kennedy in an action originated by himself and carried out alone, and Dymond immediately called for his excuse by Judge Haggerty for cause.

Haggerty declined to excuse McGehee; and after a few more questions, Dymond ordered the prospective juror back to the state, which promptly exercised its challenge.

Concerning Duplantier, Alcock asked Judge Haggerty to remove him for cause after he said he had an impression about whether or not Oswald, acting alone, killed Kennedy. Again Judge Haggerty refused to excuse the prospective juror, and Alcock asserted that Duplantier's ready was very much like

that the state must prove only the two elements of the crime: First, an agreement or arrangement (a meeting of the minds) to commit a crime, and second, one overt act in furthering the object of the conspiracy.

He has pointed out that law does not require that the state prove motive.

Dymond, on the other hand, has told prospective jurors that there is one other essential element and that is the state must prove "beyond reasonable doubt" that Shaw was a party to a conspiracy. He has asserted that if motive is not shown, it should be considered in the favor of the defendant.

He has admonished them that creating the probability is not enough, adding that he doubts the state will be able even to do that.

Judge Haggerty has repeatedly told prospective jurors that neither the Warren Report nor the assassination of President Kennedy is on trial. He has emphasized that conspiracy and murder are two separate crimes. Alcock, on occasion, has said that the state does not have to prove the murder of President Kennedy, but he has added that the state may attempt to do this. Meanwhile, many witnesses subpoenaed by the state are persons who were in Dealey Plaza in Dallas, Tex., Nov. 22, 1963, when President Kennedy was assassinated.

Friday, Judge Haggerty said at one point: "I'm not saying that the state will be permitted to go into Dealey Plaza." When the defense asked for something more definite, he answered: "We'll cross that bridge when we come to it."

nd by ending infiltration of the south.
 "Once the war of aggression is terminated," Lam said, "there is no problem that cannot achieve a satisfactory and rapid solution among the Vietnamese themselves."

He presented Saigon's offer "welcome back" the NLF if it would abandon Communist ideology and the use of force.

The NLF spokesman rejected all this as "absurd."

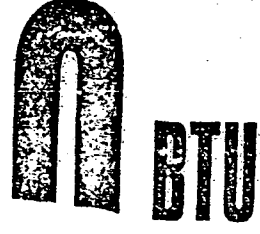
The Americans and South Vietnamese concentrated military questions and the other side bore down most heavily on the political side.

U.S. spokesman Jorda asked about this, said: "We believe the basic problem is the continuance of hostilities and fighting. We would like to do everything we can to bring it level of violence down and put an end to the war. We believe that political matters are for the South Vietnamese themselves to take care of."

As for the front, its spokesman conceded that such military questions as the U.S. aggression "had to be discussed for a 'correct solution' to be achieved. But the whole thrust of the NLF-Hanoi side was toward political recognition of the front.

ASUTRALIA HELPS MALAYSIA DEFENSE
KUALA LUMPUR — Australia's \$50 million defense aid plan for Malaysia was finally confirmed recently in a meeting between Australian and Malaysian defense officials in Kuala Lumpur, according to Straits Times.

SPECTACULAR!



In the trial
 the testimony of other witnesses
 testimony of Shaw as they will
 were prepared to accept the
 and then asking them if they
 prospective juror he questioned
 point of emphasizing this to each
 own behalf. Dymond made a
 take the witness stand in his
 the defense was that Shaw would
 The major announcement by
 along relatively calmly.
 to hear the Shaw case moved
 tedious job of selecting a jury
 objections, but generally the
 states during the week and some
 between the defense and the
 There were minor arguments
 were selected.
 gan, 24, and Lloyd E. Heintz, 40,
 and on Friday, Larry D. Mor-
 30, were sworn in Thursday.
 son, 28, and James G. O'Quinn,
 agreed upon. Herbert John Ken-
 Charles Eugene Ocker, 39, were
 day. William Hicks Jr., 26, and
 Oliver M. Schultz, 39, Wednes-
 day were Irvin Mason, 50, and
 The two jurors selected Tues-
 bers.
 list of prospective jury mem-
 hausted the 163 names on his
 p. m. because he had ex-
 was forced to recess at 3:30
 Friday, when Judge Haggerty
 the rate of two a day through
 and jurors were selected at
 Shaw's trial began Tuesday.
 The jury selection phase of
 Gall Jr.
 lam Toye Jr., and Frank Ross
 Arthur Cummings, Paul Wil-
 St. Thomas X. DeCourcy Jr.,
 Duplantier, Lester L. Mawler,
 And, Rayfield L. Palmer Jr.,
 Charles Ocker, Paul R. Kitch-
 Richard R. Averill, George
 Jenkins, Robert Alan Baker,
 P. Vonau Jr., Johnnie Mur-
 Miller, Hermit B. Corner, Louis
 roon T. Diamond, Raphael J.
 Jr., Symus Cambridge, Shan-
 D. Burns, William Guy Candlish
 Lawrence J. Henning Jr., John
 Also, James S. Boudreaux Sr.,
 Wallace A. Hellwig.
 ward Oreal Dominique, and
 Kagan, John H. Allmand, Ed-
 Charles Burke, Robert Martin
 Smeigal, Florian P. Nicosias,
 Earl John Roberts, Melvin L.
 Jr., Herbert Mitchell, McChes-
 er F. Saucier, Aaron Walker,
 J. Smith, Aaron Hartman, Rob-
 day were Cash Morrison, Edgar
 Those persons excused Satur-
 was excused by the judge.
 require evidence to remove. He
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 lioning. Duplantier said his in-
 However, under more ques-
 for excusing them on that
 I may have been a little lenient
 Haggerty told Dymond. "I think
 cause they had impressions, to
 jurors he excused earlier be-
 Regarding some prospective
 rea Commission.
 about the findings of the War
 said he had "grave doubts"
 juror who was excused after he
 that of an earlier prospective

JUROR EXCUSED; ANOTHER PICKED

Total Remains at Eight
in Shaw Trial

By CLARENCE DOUCET

Eighty-two more prospective jurors in the conspiracy trial of Clay L. Shaw were excused Monday—seven by peremptory challenges—and one more juror was selected.

However, the selection of retired Fire Capt. Sidney J. Hebert Jr. had the effect of regaining ground lost earlier in the day when Criminal Court Judge Edward A. Haggerty announced he was excusing one of the jurors already selected because of illness.

Lloyd E. Heintz, 40, who was selected last Friday, took ill over the weekend and was taken to Touro Infirmary where he was still recuperating Monday.

Heintz had become the eighth juror, but until Hebert was agreed upon by both the state and the defense at 5:10 p. m. Monday, the jury had fallen back to seven members.

CHALLENGED BY STATE

One other prospective juror seemed on the edge of acceptance just before Judge Haggerty adjourned the Monday session at 6:04 p. m., but the state exercised a peremptory challenge to excuse Miss Nancy L. McDaniel.

Thus far, some 285 prospective jurors from the panels of three different sections of the Criminal Court have been questioned for possible jury duty.

The defense used four more peremptory challenges on Monday; the state, three. Each side

Cont. in Sec. 1, Page 3, Col. 4

JUROR EXCUSED; ONE CHOSEN

Continued from Page 1

is allowed 12 such challenges. legal moves by which they may excuse a juror without giving a reason. The state has four remaining and the defense five. Once each side has exhausted its challenges only the judge may excuse prospective jurors and then for cause.

ALCOCK, DYMOND ARGUE Monday's session was punctuated with a few arguments between Assistant District Attorney James L. Alcock and Irvin Dymond, the chief counsel for Shaw.

Shaw is charged with having participated in a conspiracy to assassinate President John F. Kennedy.

The new juror retired from the New Orleans Fire Department in June, 1967, and is now an inspector for the Housing Authority of New Orleans. He resides at 4026 Eunice dr., is married and has one child. He is 55 years old.

Miss McDaniel was the third woman called as a prospective juror thus far in the jury selection which began last Tuesday. The two other women, both married, were excused when they said jury duty would impose a hardship on their families.

The jury selection will be resumed at 9 a.m. Tuesday.

Judge Haggerty announced the plight of Heintz as the trial resumed Monday morning, explaining: "We cannot proceed with this trial until all the jurors are physically present. Therefore, because of this physical infirmity, I will excuse Mr. Heintz."

Dymond objected immediately arguing that law does not provide for such an excusal, and Judge Haggerty told him he was aware of this, but added "criminal law should be reasonable, not unreasonable."

The first nine prospective jurors called were those left over from the 44 names that were on the jury list for Judge Frank Shea's session of the court. The remaining 72 persons called during the day were from the jury list of Judge Rudolph F. Becker Jr.

BRANIFF'S SECTION

On Tuesday, those persons on Judge Becker's list still not questioned will be called, and prospective jurors from the list of Judge Matthew S. Braniff's section are being ordered to appear for the session beginning at 1:30 p. m.

Forty-two persons must be selected—12 jurors and two

David W. Ferrie and that the prospective juror's answer is important. However, Judge Haggerty again sustained the state's objection and a few minutes later Dymond used a peremptory challenge to excuse Klein.

McDermott had said, when questioned about the death of Kennedy, he had a feeling "it just couldn't be one person involved. After additional questions by Dymond, the defense attorney asked for another excusal for cause, but again the state objected and the judge sustained the state's objection.

Regarding the assassination itself, Alcock maintained that all persons having an opinion about whether the death of the President resulted from a conspiracy or was the act of one man would be eligible for excusal by Dymond's thinking. Those with an opinion about a conspiracy would be challenged for cause by the defense and those with an opinion about the death resulting from the actions of one man, by the state.

It has been stated repeatedly in the court that conspiracy and murder are two separate crimes. Conspiracy involves an arrangement or meeting of the minds coupled with an overt act by one of the members furthering the object of the conspiracy. At one point during the morning Judge Haggerty told a prospective juror that the Warren Report is not an official document and is "fraught with hearsay and unsworn testimony."

TWO CHALLENGES

The defense exercised two of its peremptory challenge by the state; Edward J. Scortino and the other to excuse Earl P. Marcel.

In all, 25 prospective jurors—either from the lists of Judge Becker—were excused during the morning. The first prospective juror to be called was Harold Cade Pierce, Percy L. Gaines, David Poff, who was excused for cause by Judge Haggerty after Mr. Poff said, "I'd be looking for my L. Powers, Ray J. Melnie, Mr. Shaw's attorneys to prove his innocence, rather than for the district attorney to prove his guilt."

Gerald Seymour Hennessey was excused because he said he had a fixed opinion, and Walter L. O'Rourke was also excused for the same reason. It was O'Rourke's appearance that set the stage for the first five weeks of the trial thus far although the flare-up between Al-

Two Local Order of the Moose GOING TO SESSIONS MOOSE OFFICIALS

...course between those two ex-... what we must do is to state a... in a significant statement, "It... it is my belief," Nixon said... made in East-West political... bold back until progress is... and others advocating that he... forward with such talks at once... with some people saying to go... two extreme points of view... clear mistakes be said there are... approaches to the limitation of... in recommending... problem will be different... tactics for handling a particular... various points he indicated his... and the United States. But at... nuclear missile forces by Russia... weapons, such as no one put... to block the spread of nuclear... ways, on ratification of the treat... China unless it changes its the... nonrecognition of Communist... goods laid down in the pact on... similarity be held to the basic... in producing results... these might have more success

opinion; Leonard J. Harding, medical reasons; Norman J. Dubuclet, would not be paid; Raleigh J. Santiago, fixed opinion; John I. Hebert, because of his position as head of a business; Randolph W. Nicaise Jr., would lose a part of his earnings; John H. Schluter, peremptory challenge by state; Elmo C. Waltzer, peremptory chal-

lenger by the state; Edward J. Pinkney Jr., fixed opinion. Also, the following because they would not be paid or suffer a loss of part of their earnings:

John M. Parker III, Henry J. Moniz Jr., Maurice J. Shea, Lawrence Martin, Charles J. Martino, Noel A. Dellole Sr., Louis J. Hebert, Herbert L. be called was Harold Cade Pierce, Percy L. Gaines, David Poff, who was excused for cause by Judge Haggerty after Mr. Poff said, "I'd be looking for my L. Powers, Ray J. Melnie, Mr. Shaw's attorneys to prove his innocence, rather than for the district attorney to prove his guilt."

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alternates—before the actual trial of Shaw can begin.

Although Judge Haggerty took a new approach to questioning jurors Monday, the results remained the same.

Last week he asked them if because of what they had "read, seen, heard or discussed" they had formed a fixed opinion. On Monday he asked them additional questions to determine how strong the opinion was, or if it was merely a strong impression, but a high number of the prospective jurors still managed to be excused because they said their opinions were firmly fixed.

At one point, Judge Haggerty told a prospective juror who had just said he had a fixed opinion: "I'm not surprised to hear you say that; it's been in the paper for the past four days."

USE OF CHALLENGES

The state exercised its peremptory challenges to excuse John H. Schluter, Elmo C. Walzter and Miss McDaniel. In addition to two challenges during the morning, the defense utilized two more during the afternoon: Robert J. Klein and James McDermott Jr.

It was during the questioning of Klein and also McDermott that the defense asked Judge Haggerty to excuse the witnesses for cause because of statements they made.

Klein, who admitted to having read parts of the Warren Report, said, "There are some things in there that are hard to believe."

Questioned by Dymond, Klein said he did have some opinions about whether the death of President Kennedy resulted from a conspiracy.

Judge Haggerty reminded Dymond that the Warren Report was not on trial, but rather a criminal activity that allegedly took place in New Orleans.

Dymond then challenged Klein for cause, maintaining that in order to convict the defendant the state must prove a conspiracy before showing Shaw as a part of it and the prospective juror already admitted to having an opinion about a conspiracy.

OBJECTION SUSTAINED

Alcock objected and Judge Haggerty sustained the objection.

Dymond then asked Klein a question about his opinion of whether Lee Harvey Oswald might have been involved in a conspiracy and Alcock again objected, asserting Dymond's question was "totally absurd."

Dymond pointed out that Shaw is accused of having conspired with Oswald and

At one point Judge Haggerty cautioned the two attorneys not to get excited, and seconds later, when Dymond answered a question Alcock had asked the judge, Alcock raised his voice and said, "I'm not asking you, Mr. Dymond." The judge pleaded for decorum in the courtroom.

CAUSE OF ARGUMENT

The argument developed when Alcock asked to have O'Rourke repeat a statement, which Alcock claimed he had not heard. Dymond objected because, he said, Alcock had not said at the time the question was asked that he couldn't hear, but had waited a minute or so. Alcock maintained that he could not decide if the witness should be excused for cause if he could not hear what he had said, but finally agreed to accept Judge Haggerty's judgment in the matter and the brief flare-up ended.

Sciortino was then challenged by the defense, and in rapid order the following were excused: Harrison W. Johnson, because he had taken time off from his job to complete some research; and, if selected, would in effect suffer a loss of the time off; Glen J. Barbary, because of a fixed opinion; John Ed Simpson, because he would have undue concern for his family; Harold G. Meyers Jr., because he would receive only 30 days' pay, and Warren Angelo Hains, because he said he did not think he could be a fair and impartial juror.

This exhausted the 44 names of the prospective jurors from Judge Shea's list, and following a brief recess Judge Haggerty began calling the names of jurors from Judge Becker's section.

Excused were: William E. Haar Sr., because of an illness in his family; Richard B. Hellkamp, because he would suffer a partial loss of earnings; Lucious Jenkins Jr., because of concern he would have for his family (which includes nine children); James Hall, who would not be paid; and Marcel who was challenged by the defense.

Prior to recessing for lunch, Judge Haggerty excused the following because of financial problems they would encounter if selected: Alton F. Durio, George Gray Jr., Woodrow W. George, Sidney A. Minor III, Floyd S. Rawls, John Scott Jr., David A. Smith, Edward Reynolds Sr., Kenneth J. Lapeyre, Willard J. Nolan and Charles B. Felton.

PERSONS EXCUSED

These persons were excused during the afternoon:

Timothy R. Clifford, fixed

Fernandez, illness in family; Alfred C. Green, fixed opinion; Robert J. Klein, peremptory challenge by defense; James McDermott Jr., peremptory challenge by defense; Kenneth E. Olsen, fixed opinion; Raymond D. Murray, fixed opinion; Joseph R. Martin Jr., hardship; Leo J. Verret, will lose part of earnings; Charles J. Denison, fixed opinion.

And, William H. Butts, working on project as engineer; Summie V. Chaffin, would suffer loss of work; Samuel J. Barra, fixed opinion; Troy C. Dunaway, would believe testimony of law enforcement officers over civilians.

Louis A. O'Brien, fixed opinion; Terry R. Heaberlin, fixed opinion; Robert Griffin, hardship; John M. Hebert, because of professional fees he must take; Ervin M. Arata, knows a member of the district attorney's staff personally; Wesley A. Senette, fixed opinion; Matthew E. Gormly Jr., fixed opinion, and Miss McDaniel, peremptory challenge by state.

U.S. Won't Try to Block Testimony

WASHINGTON (AP)—New Orleans District Attorney Jim Garrison learned Monday the Justice Department will not attempt to block the testimony of federal agents Garrison wants at the Clay Shaw conspiracy trial. For the second time in four days, a circuit court judge ordered an FBI agent to go to New Orleans in the absence of any objection from the Justice Department.

The department is not expected to object either to the extradition of a retired Secret Service agent for the Shaw trial, due in a Maryland court proceeding later this week.

In Monday's hearings, circuit Judge Harry Perry G. Bowen Jr., of Maryland's Prince Georges County, ordered FBI firearms expert Robert A. Frazier to appear at the Shaw trial where Garrison wants him as a material witness. Shaw is accused of conspiracy in the assassination of President John F. Kennedy.

On Jan. 24 a Northern Virginia circuit court judge ordered the appearance of FBI photo analyst Lyndal L. Shaneyfelt at the New Orleans trial after the Justice Department filed a consent order in his case.

Former Secret Service agent Roy Kellerman, who rode in the death car in Dallas, Tex., is scheduled to appear in another Maryland court Wednesday for an extradition hearing. It is expected the Department will file a consent order in the Kellerman case too.

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133rd YEAR, NO. 5

Full Associated Press (AP), Ni
 Chicago News Wires and AP

EX-GOV. CONNALLY NAMED IN SUBPENA

Two More Jurors Picked in Shaw Trial

By CLARENCE DOUCET

The state Tuesday subpoenaed former Gov. and Mrs. John L. Connally of Texas as witnesses in the conspiracy trial of Clay L. Shaw, and two more jurors were selected, bringing to 10 the total agreed upon in eight days of selection.

Gov. and Mrs. Connally were passengers in the Presidential limousine in Dallas, Tex., on Friday, Nov. 22, 1963, when President Kennedy was assassinated. The governor was wounded.

The two subpoenas provided further strong indications that the state will attempt to link the alleged conspiracy, for which Shaw is charged, and the actual murder of President Kennedy.

Whether the state will be permitted "to go into Dealey Plaza" remains a large question mark, but on two occasions in the eight days of jury selection, Criminal District Court Judge Edward A. Haggerty has declined to announce whether he will permit them to link the alleged conspiracy and the assassination itself.

REPLY TO DYMOND

Last week he told chief defense attorney F. Irvin Dymond that he would "cross that bridge" when he comes to it, and on Tuesday, when Dymond asked him to rule on the matter, Judge Haggerty said he could not tell the state how to present its case.

The two new jurors tapped were:

Harold W. Bainum Jr., 34, 211 Banks, a unit manager of Westinghouse Credit Co.

Warren E. Humphrey, 52, 624 Providence pl., a post office employee.

As jury selection was recessed at 6 p.m. Tuesday, Frank R. Payette Sr., of 717 Green st., a bus operator for New Orleans Public Service, was being questioned by the prosecution.

Judge Haggerty instructed him not to discuss the case overnight and to return at 8

NIXON GIVES OK TO N-SHOTS USE

Blasts in Australia May Dig Harbor

By DOUGLAS B. CORNELL

WASHINGTON (AP) — The Nixon administration gave the go ahead Tuesday for determining whether a harbor can be dug in Australia with five nuclear shots.

It also showed signs of retaining the 10 per cent income surtax at least through the middle of next year, and took a stance for stepping up the war on crime and for restoring presidential power to reshuffle and reorganize federal agencies.

Sen. Everett M. Dirksen, R-Ill., came out of a meeting of Senate and House GOP leaders and the President saying:

"It would appear if we are going to maintain a budget surplus that the surtax certainly will have to be maintained for the time being."

Ronald L. Ziegler, Nixon's press secretary, told reporters later that "I think Dirksen was making it clear he was only making an assumption from the conversation this morning."

Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, talked about nuclear power in relation to national security and peaceful usage and then announced the Australian project afterward.

U.S. WILL HELP

He told reporters that the United States will furnish the explosives and probably help in financing a \$10-million effort to create a port at Cape Kerandren which ocean-going vessels can use to take on ore from the interior.

At the same time, the project will provide a test for the feasibility of using nuclear power to excavate a new sea level canal across Central America Seaborg said.

am. Wednesday for further examination.

There was optimism that jury selection would be completed within another day or so, and the optimism was based on two factors:

Both the state and the defense are using up the 12 peremptory challenges to which they are entitled for use in excusing prospective jurors without giving a reason, and secondly, Judge Haggerty has limited one area of questioning that in earlier selection sessions had provided a basis for challenging prospective jurors for cause.

He ruled that prospective jurors could not be asked if they have any opinions that President Kennedy's death was the result of a conspiracy. Dymond, who had been asking the question, maintained that if the prospective juror does have this opinion, then the state is already "half-way home" with proving its case, and he has

Cont. in Sec. 1, Page 2, Col. 7

A row of five nuclear explosives will be touched off 200 feet below the surface of the sea in the nuclear dredging operation in Australia. Seaborg said it is hoped to set off the explosives by the end of 1970, with tests in the meanwhile of the practicality and feasibility of the operation.

Seaborg disclosed, too, that President Nixon has asked him to stay on as chairman of the AEC for an indefinite time. He has agreed. His present term of the commission ends June 30, 1970.

In other developments:

Secretary of the Interior Walter J. Hickel announced on Nixon's behalf that Russell E. Train of Washington, president of the Conservation Foundation, has been appointed undersecretary.

Train is 44, a specialist in tax law, a one-time head of the Treasury's legal advisory staff, and was a judge of the U.S. Tax

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Gist of the News

—Wednesday Morning, January 29, 1969—

International Affairs

Enemy sends thousands of troops from sanctuaries, and sharp battles flare in Vietnam border areas. —Sec. 1, Page 1

Czech conservatives attempt to discredit motives for Palach death; seen push toward showdown. —Sec. 1, Page 7

National Affairs

Nixon studying possibility of joint action by U.S., Soviets in Middle East conflict. —Sec. 1, Page 9

U.S. says root of problem in Laos is presence of 40,000 N. Viet troops, in reply to Gromyko. —Sec. 1, Page 23

Local Affairs

Two associates of Dr. Martin Luther King agree that assassination was result of conspiracy. —Sec. 1, Page 4

Half-mile section of Chef Hwy. sealed off for 90 minutes after truck carrying flammable gases overturns. —Sec. 1, Page 5

Police say arrest of man as he left Fair Grounds parking lot has ended streak of 23 armed robberies. —Sec. 1, Page 5

Stadium Commission spent \$1,191,077 in 1968; hotel-motel tax collection totaled \$1,528,590. —Sec. 1, Page 6

Concentrated Employment Program trainees, working at old Times-Picayune building, start new program. —Sec. 1, Page 6

Electrical Association of N. O. to honor three pioneers in industry for 50 years or more. —Sec. 1, Page 9

A 26-man contingent of ILA officials arrives here today as dock strike enters 40th day. —Sec. 1, Page 21

Message of hope, help, being sent out by Committee on Alcoholism, president tells meeting. —Sec. 1, Page 23

Ptn. Hosty given police department's second highest award; other officers also honored. —Sec. 1, Page 23

Two physicians tell of GIs who risk lives on day off to help sick, wounded in Vietnam. —Sec. 2, Page 2

Mardi Gras National Debate tournament will be held Friday through Sunday at Tulane University. —Sec. 2, Page 2

Dr. Leonard Sanderson stresses theme at Louisiana Baptist Convention Conference in Bossier City. —Sec. 3, Page 4

SHAW TRIAL

Continued from Page 1

challenged the prospective jurors for cause.

Assistant District Attorney James L. Alcock has countered that if a prospective juror does not have such an opinion, then the state would be entitled to challenge for cause. He had said the state does not think this is a basis for challenging for cause.

OBJECTIONS SUSTAINED

Alcock has objected to Dymond's various challenges and Judge Haggerty has sustained the state objections.

A total of 85 prospective jurors was called Tuesday, bringing the eight-day total to 370. Thus far, in addition to the exhausted jury panel list of Judge Haggerty, prospective jurors have been called from the panels of Judge Frank Shea, Judge Rudolph F. Becker Jr., Judge Matthew S. Braniff and Judge Oliver P. Schulingkamp.

The state has now exercised nine peremptory challenges and the defense has exercised eight, leaving the state three more and the defense four.

The legal encounter that reduced sharply the number of prospective jurors who may be challenged for cause after they have been questioned by Judge Haggerty came early in Tuesday's proceedings.

Walter C. Williams had been questioned by the state and was tendered to the defense.

ASKED ABOUT OPINION

Dymond had asked Williams if he had any opinion whether the death of President Kennedy had been the result of a conspiracy. Alcock objected and Judge Haggerty said the question was irrelevant. Judge Haggerty said that there could have been 50 conspiracies and whether the prospective juror believes there was one "makes no difference."

Dymond, already on his feet, addressed the court: "If they (the state) say they may prove that President Kennedy was killed as a result of this conspiracy, may I not ask if they believe President Kennedy was killed as a result of a conspiracy?"

And then he added: "If they (the state) say they may prove Kennedy's death resulted from a conspiracy, we certainly have the right to protect ourselves."

Judge Haggerty then told Dymond that he knew what the state has to prove "and so do the jurors," adding that there would be "some line of demarcation" in the questioning made by the state of prospective jurors.

These prospective jurors were also excused because they either would not be paid or would lose a part of their earnings:

Thomas A. DeLatte, Seymour Finney, Arthur McGill, Harold Brett Sr., Vincent P. Parker, Lewis C. Parrish, Isaiah Porter, Charles G. Sloan, Clifford G. Domo, Burnie J. Moss, Alan I. Shear, Joseph W. O'Connor Sr., George R. Page Jr., John B. Diggs, Lloyd Henry Sr. and Clarence A. Niemann.

And Joseph M. Doyle Jr., would cause undue concern; John L. Lilly, because of job responsibility, and Fellman J. Pierre Jr., undue concern.

EXCUSED IN AFTERNOON

Excused during the afternoon session:

The following because they would suffer a financial loss:

Salvador A. Ramp, Anthony J. DiVincenti Jr., Walter J. Maestri Jr., Edward D. Shanklin Sr., Charles J. Manfre, Joseph Henry, Emile R. Delamore Sr. and Anabel Hermanides.

Also excused were George Smith, challenged for cause by the defense and excused by Judge Haggerty; Herbert H. Douglas, fixed opinion; Lloyd M. Dennis Jr., challenge for cause by the defense and excused by the judge; Bernard J. Pays Jr., fixed opinion; Warren T. Parker, concern for family; George A. Brewer, concern; Carl Smith, fixed opinion; Grady A. Parker, fixed opinion; John G. Wallis, concern for family.

Murdock M. Ryninger, concern for family; Allen Mitchell, an inconvenience; Willie J. Green, knew one of the alleged conspirators; Joseph Watson Sr., concern for family; Gus J. Delaune, medical reasons; Leclaire B. Ratterre Jr., known by the defendant; Albert Digranados, knows law associate of one of Shaw's attorneys; John H. Parmenter, fixed opinion; Frank J. D'aquin, concern; James V. Smith, concern; Eldridge E. Hart, fixed opinion, and Jack Mahan Jr., concern.

Excused from a jury panel list for Section F of Criminal District Court, Judge Schulingkamp, because they would suffer a financial loss were: Russell Arthur Bailey, Clemons V. Baker, Joseph Thomas Dean, Louis Joseph Dugas Jr., Martin Miller, Thomas Muse, Lloyd Joseph Ernest, Antoine Farve Sr., Thomas Freeman, Larry Lynn Grayson, Richard Philip Haymond, Clarence Walter Pomeroy and Leslie Joseph Stuart.

John Lawrence Helmer was excused as a peremptory challenge by the state.

Dymond replied that if the judge would rule "that the state may not go into Desley Plaza, I'll withdraw my question," and Haggerty answered that "the court has no legal right to advise the state how to present its case."

'SAME OLD DILEMMA'

Alcock, expressing his views, told Judge Haggerty he thought the question asked the prospective juror by Dymond placed the jury selection "in the same old dilemma" it has been faced with before, pointing out that if the prospective juror says he has an opinion about a conspiracy then the defense will be entitled to challenge for cause, and if he says he does not, then the state will be entitled to challenge for cause, adding that "it doesn't appear to the state to be such a challenge for cause."

Dymond then announced that his next question was "Do you have an opinion whether Lee H. Oswald was one of the conspirators?"

Alcock again objected, and his objection was again sustained.

Dymond then asked the prospective juror if he had an opinion as to whether or not David W. Ferrie was one of the conspirators. (Oswald and Ferrie are named as the two men with whom Shaw conspired.)

Alcock objected and Judge Haggerty sustained the objection.

Dymond then announced his intention to file a bill of exception because the defense "feels the question is a correct one."

PEREMPTORY CHALLENGE

Dymond then tendered Williams back to the state which announced he was accepted and Dymond promptly executed a peremptory challenge, the eighth used by the defense.

Those prospective jurors excused during the morning session were:

Allison Randolph Jr., self-employed and would lose earnings; Irvin J. Schaefer, fixed opinion; Walter C. Williams, peremptory challenge by defense; Safely Peller, fixed opinion; Tommy Green, undue concern for family; William O. Restner, may lose pay; James R. Cook, partial loss of earnings; Dugal A. Brooks, concern; Anthony J. Irvin, concern; Mitchell A. Woodson, fixed opinion; Parham M. Raymond, fixed opinion; Hubert L. Stagle, some financial loss; Ernest J. Sudmore, financial loss; Russell Henderson, concern.

Also, Robert N. Walsh, involved with project; Louis Manchester, would lose earnings; Lindsey Moore, would lose pay

Pierre Sr., concern for family; James A. Simpson, concern; James William Ponsell, concern, and Elmer Henry Dorsey, opposition because of prior jury duty.

New K. Goes to Dr. Carter

Dr. Lamore Carter, professor of psychology at Grambling College, has been named consultant and field reader for the Office of Education, Bureau of Education for the Handicapped, Washington, D.C.

Dr. Carter is the administrator of the institutional research center at Grambling. In his new role as consultant he will review and evaluate proposals involving grants from the education office for projects and programs in research, development, demonstration and dissemination. He will also examine literary reports and non-print products such as visual aids, and serve as a non-federal aide involved in providing approval of various proposals.

A certified and licensed psychologist, Dr. Carter is a graduate of Fisk University, Nashville, Tenn., received the masters degree from the University of Wisconsin, and the Ph.D. in educational and experimental psychology, University of Iowa. He has done post doctoral work at Columbia University.

The Times-Picayune

Published daily and Sunday by The Times-Picayune Publishing Corp., 2800 Howard Ave., New Orleans, La. 70112.

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Subscription rates effective Sept. 28, 1964:

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Jury Selection Resumes in Trial of Shaw

Selection of jurors for the Clay L. Shaw conspiracy trial resumed here today with Judge Edward A. Haggerty Jr. determined to tap every available source for a panel.

Eight jurors were picked out of nearly 200 persons in the first five days. Four more plus two alternates remain to be chosen.

Haggerty begins today with prospective jurors taken from the venire of Judge Rudolph Becker's section of Criminal District Court. If necessary, Haggerty has indicated he would start summoning extra veniremen.

PREDICTIONS BY Haggerty and the prosecution that the trial of Shaw on a charge of conspiring to kill President John F. Kennedy may take two months has led to the exclusion of many veniremen. Prospective jurors would not be paid for jury duty and say they would be concerned if their families are left alone for that long.

But one of the attorneys defending Shaw said yesterday it was "ridiculous" to predict a two-month trial.

"The only way it could last that long would be if the court allows the state to prove all of (District Attorney Jim) Garrison's criticisms of the Warren Report," said Edward Wegmann, one of the attorneys defending the 55-year-old Shaw.

GARRISON, WHO heads the assassination probe, said after Shaw's arrest in 1967 that a

See SHAW—Page 4

Shaw

Continued from Page 1

conspiracy hatched in New Orleans "culminated in the assassination of President Kennedy."

However, the prosecution need not prove Shaw was in a conspiracy that actually led to Kennedy's death in Dallas in 1963 to get a conviction under the state conspiracy law. They must prove only that a conspiracy existed, that Shaw was a part of it, and that an overt act was committed in furtherance of the object of the conspiracy.

A commission headed by United States Chief Justice Earl Warren concluded that Lee Harvey Oswald, 24, acting alone, shot Kennedy.

THE GRAND jury indictment returned here charges Shaw conspired with David W. Ferrie and Oswald, both now dead, and "others" unidentified "to murder John F. Kennedy."

Shaw has denied the charge and said he never met Oswald.

NA - State - 28 Jan 67

Shaw Jury Selection May Be Speeded Up

The trial of Clay L. Shaw—numerically no nearer to having a complete jury than it was last Friday—moved into its seventh day today amid some hope that the jury selection process will be speeded up.

The hope stemmed from two sources—both sides are running out of peremptory challenges, and Judge Edward A. Haggerty Jr. has ruled out questions about the Warren Report.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy. The Warren Commission investigating Kennedy's assassination said Lee Harvey Oswald acted alone in killing the President, but District Attorney Jim Garrison charges Shaw conspired with Oswald and others to assassinate JFK.

UNTIL YESTERDAY, potential jurors were questioned closely as to their feelings about the Warren Report, and

having almost any opinion at all on it was grounds for dismissal.

Under these conditions, only nine jurors were sworn in in six days, and one of these was excused yesterday after he suffered a kidney attack over the weekend and was hospitalized.

One new juror was chosen yesterday, leaving the net total at eight. Twelve must be empaneled, plus two alternates.

CHIEF PROSECUTOR James L. Alcock and defense attorney F. Irvin Dymond had been asking potential jurors:

"Do you believe the Warren Commission's conclusion that no conspiracy existed in

★ ★ ★ ★ ★ Today's Chuckle

Women not only drive as well as men, but they can do it on either side of the road.

See SHAW—Page 4

Shaw--

Continued from Page 1

the assassination of President John F. Kennedy?" and "Do you believe Lee Harvey Oswald was part of a conspiracy?"

The only acceptable answer was "I have no opinion." The judge had accepted arguments that anyone who doubted the report was prejudiced in favor of the state.

BUT YESTERDAY, Judge Haggerty upheld Alcock's argument that the Warren Report is irrelevant to the case and that:

"The fact that a man may doubt the Warren Report does not in any way relieve the state of the burden of showing conspiracy here and the defendant's part in that conspiracy. If we excuse everybody who doubts the Warren Report, we'll never get a jury."

After winning, Alcock tried to keep using the Warren Report question. He was blocked by Dymond, who said it the report is irrelevant it shouldn't be brought up at all. The judge agreed.

THE LINE OF LAW involved often brought baffled stares from prospective jurors as it was outlined for them.

Despite Garrison's sweeping attack on the Warren Report and the coupling of Shaw and Oswald as co-conspirators, the prosecution frequently tells prospective jurors the case involves only a conspiracy here. It may be, Alcock says, that no attempt will be made to show the alleged conspiracy resulted in Kennedy's death.

JUDGE HAGGERTY usually puts his own clarification.

"There might have been 50 conspiracies to assassinate the President in 50 different cities, and in any one of them, though, somebody else got to the President first; if it is proven there was a con-

Further if, then the crime is there: Understood."

Each side began with 12 peremptory challenges, by which a juror may be rejected with no reason given. By the end of yesterday's session, the score stood:

State — seven challenges used, five remaining.

Defense — eight challenges used, four remaining.

IN THE ABSENCE of a peremptory challenge, it is up to the judge to decide a juror's fitness to serve.

The juror seated yesterday was retired Fire Dept. Captain Sidney J. Hebert Jr., 55, of 4028 Danice dr.

The juror who became ill and was excused was Lloyd E. Heintz, 40, who had been sworn in Friday.

THE EIGHT persons on the panel include six whites and two Negroes. All are male. The state used a peremptory challenge yesterday to reject a woman, Miss Nancy L. McDaniel.

Through yesterday, 285 persons had been questioned as potential jurors. Judge Hagerty planned to continue to work through the jury list of Judge Rudolph Becker, then call Matthew S. Brant's panel.

Meanwhile, in Prince George County, Maryland, Circuit Judge Harry Bowen Jr. ordered FBI firearms expert Robert A. Prater to testify at Shaw's trial as a state witness.

THE U.S. Justice Department made no objection, last week, a Virginia court took similar action in the case of FBI photo analyst Lyndal L. Shaneyfelt. In the past, Garrison has often had trouble getting his out-of-state witnesses returned to New Orleans.