

Section 166

UNITED STATES GOVERNMENT

Memorandum

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Mr. Conrad *JWG*

DATE: 1/24/69

FROM : W. D. Griffith *W.D.G.*

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS

Griffith

Reference is made to my memorandum to you dated 1/24/69, regarding the request of the New Orleans District Court to petition the Fairfax County, Virginia, Court to compel the testimony of SA Shaneyfelt in the Clay L. Shaw case.

There is attached a copy of the Order to Testify in Out of State Criminal Proceedings in the matter of proceedings to compel the attendance of Lyndal L. Shaneyfelt as a witness in a criminal proceeding in the State of Louisiana. This court order was prepared by the Department of Justice in cooperation with the office of the Commonwealth Attorney for the County of Fairfax and states that SA Shaneyfelt is ordered to appear before Section "C" of Criminal District Court for the Parish of Orleans, State of Louisiana, on February 3, 1969, at 10 o'clock a. m., to testify in trial of State of Louisiana vs. Clay L. Shaw. It further states that in the event SA Shaneyfelt receives telephone notice prior to that date from the District Attorney in New Orleans, that his appearance on that date is not necessary, he shall not be compelled to attend but shall present himself before the New Orleans Court within 24 hours after receiving telephone or telegraph notice from the District Attorney in New Orleans that his attendance is needed.

RECOMMENDATION: None. For information.

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach */*
- 1 - Mr. Rosen */*
- 1 - Mr. Bishop
- 1 - Mr. Sullivan
- 1 - Mr. Conrad
- 1 - Mr. Frazier
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt

JWG
REC 43
~~REC 43~~

✓
6684

JAN 29 1969

Griffith
FED. REC. UNIT

LS:pal (10)

5 FEB 7 1969

SEVENTH JUDICIAL CIRCUIT OF THE COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

IN THE MATTER OF PROCEEDINGS TO COMPEL
THE ATTENDANCE OF LYNDAL L. SHAWYFELT
AS A WITNESS IN A CRIMINAL PROSECUTION
IN THE STATE OF LOUISIANA.

ORDER TO TESTIFY IN COURT
OF STATE CRIMINAL PROCEEDINGS

This day came before me the matter of the issuance of an order requiring Lyndal L. Shawyfelt to attend as a witness for the State of Louisiana and testify in criminal proceedings in New Orleans, Louisiana, in the trial of the case of State of Louisiana vs. Clay L. Shaw. This matter comes before this Court to be heard pursuant to an order entered by the undersigned on the 22nd day of January, 1969, which order was served on the said Lyndal L. Shawyfelt on the 22nd day of January, 1969, directing his appearance before this Court on this date so that a determination might be made as to whether he should be ordered to appear as a witness at the aforesaid trial.

AND IT APPEARED TO THE COURT that Lyndal L. Shawyfelt is a necessary and material witness upon the trial of the case of the State of Louisiana vs. Clay L. Shaw which criminal proceeding is now pending in Section "C" of the Criminal District Court for the Parish of Orleans, State of Louisiana, and that the presence of the said Lyndal L. Shawyfelt as a witness for the State of Louisiana is requested on the 27th day of January, 1969, and that the laws of the State of Louisiana where said proceeding is pending, and of any other state or states through which the said Lyndal L. Shawyfelt as a witness in attending said trial may be required to pass by the ordinary course of trial, give him protection from arrest and from service of civil and criminal process while in the State of Louisiana or going to or passing through said State or other states in obedience to an order directing him to so attend

and testify in the State of Louisiana and while returning therefrom, all of which appears from the certificate of Judge Edward A. Ezzerty, Jr., Judge of Section "C" of the Criminal District Court of the Parish of Orleans, State of Louisiana, which Court is a court of record,

AND IT FURTHER APPEARED TO THE COURT that the attendance of the said Lymal L. Shamyfelt as such witness will not cause undue hardship to the said Lymal L. Shamyfelt and also that the tender of travel cost and witness fee has been made to the said Lymal L. Shamyfelt,

AND IT FURTHER APPEARED TO THE COURT that the Department of Justice and the said Lymal L. Shamyfelt consent to his appearance as a witness in the trial of the State of Louisiana vs. Clay L. Shaw and that in the interest of avoiding inconvenience to Lymal L. Shamyfelt in connection with this appearance it is requested of this Court that the order be made flexible enough so that the witness might be available upon reasonable telephone notice from the State of Louisiana, said condition being agreeable to the Office of the District Attorney for the Parish of Orleans,

IT IS THEREFORE IT IS HEREBY ORDERED that Lymal L. Shamyfelt appear before Section "C" of the Criminal District Court for the Parish of Orleans, State of Louisiana, on February 3, 1969, at 10:00 o'clock A.M. to testify in the trial of State of Louisiana vs. Clay L. Shaw. In the event the said Lymal L. Shamyfelt receives telephone notice prior to that date from the Office of the District Attorney for the Parish of Orleans that his appearance will not be necessary on that date, he shall not be compelled to attend on such date but he shall present himself before the aforesaid Court within 24 hours after receiving telephone or telegraph notice from the District Attorney of the Parish of Orleans that his attendance is needed.

Department of Justice

By:

We ask for this:

ROBERT P. HOSAN, JR.
Commonwealth Attorney for the
County of Fairfax

LYNDAL L. BRADY

Memorandum

1 - Mr. Conrad
1 - Office, 7133
1 - Mr. Frazier

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

DATE: January 23, 1969

TO : Mr. Conrad *JW*

FROM : R. H. Jevons *RHJ*

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963,
DALLAS, TEXAS

Reference is made to the memorandum from R. H. Jevons to Mr. Conrad dated 1/22/69, regarding the court order received by SA Robert A. Frazier, FBI Laboratory, concerning his appearance in Prince George's County Circuit Court at 9:30 a.m. on 1/24/69, for further proceedings in connection with the request of New Orleans authorities for SA Frazier's testimony in New Orleans in connection with the trial of Clay L. Shaw.

Departmental Attorney William P. Arnold advised SA Frazier today that this hearing had been postponed until 10:00 a.m. on 1/28/69. Mr. Arnold stated he made arrangements for this postponement through the Prince George's County and the New Orleans State's Attorney's Offices so that the Department would have additional time to consider the matter of SA Frazier's testimony.

As of 2:00 p.m., Mr. Arnold could furnish no information as to whether a similar hearing in connection with SA Lyndal Shaneyfelt's testimony would also be continued from its scheduled time of 10:00 a.m. on 1/24/69, in Fairfax, Virginia, County Courthouse.

ACTION: None. For information.

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Goble
- 1 - Mr. Rosen
- 1 - Mr. Sullivan

RAF:ljw (10)

JW
REC 82
1 JAN 25 1969
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JW
1969
RHJ

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3
M. J. Sullivan
January 16, 1969

Statement of Burke Marshall

Since October 1966 I have acted on behalf of the Kennedy family as their representative in dealing with all matters and inquiries regarding the Letter Agreement of October 29, 1966 and the X-ray and photograph material relating to the autopsy of the late President Kennedy.

Last year, the Attorney General informed me that he had ordered the 1968 Panel Review and that it had been conducted. He described the contents of the panel's report.

I concluded that the report simply confirmed the autopsy report and saw no reason to concern members of the Kennedy family, and did not do so.

I have advised the Attorney General, in response to an inquiry from him, that I see no basis to object to the release of the report and no reason to do so.

I have since informed Mrs. Onassis and Senator Edward Kennedy of this matter and they have both asked me to say that they will have no comment to make on the report or its release.

REC 82

12 JAN 30 1969

ENCLOSURE

ENC. BEHIND FILE

67 FEB 5 1969

62-109000

5-110
Sullivan
Date
made

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach *DL*

DATE: 1/22/69

- Tolson _____
- DeLoach _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen
- Sullivan
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

FROM : T. E. Bishop *TEB*

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY
 NOVEMBER 22, 1963
 DALLAS, TEXAS

Memorandum from Jevons to Conrad dated 1/22/69 (copy attached) reflects that SA Robert A. Frazier of the Laboratory received a court order issued by a Prince Georges County Circuit Court, Upper Marlboro, Maryland, to appear in that court on 1/24/69 in connection with proceedings to subpoena him as a witness in the trial of Clay L. Shaw in New Orleans. By letter of 1/22/69, the Attorney General has been advised of this court order and requested to advise as to what response SA Frazier is to make to the court order and whether or not SA Frazier is to furnish testimony in the trial of Clay L. Shaw.

CURRENT DEVELOPMENT:

At 5:30 p. m., 1/22/69, Jack McKenzie of "The Washington Post" telephoned Bishop from New Orleans where he is covering the trial of Shaw. He stated that he had been informed that a subpoena had been issued for Frazier's appearance in New Orleans, and he desired to know if Frazier would appear in answer to the subpoena. He was informed that this is a decision which must be made by the Attorney General, and it was suggested that he direct his inquiry to the Department of Justice. He indicated that he would do so.

RECOMMENDATION:

For information.

Enclosure

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Conrad
- 1 - Mr. Rosen

TEB:emm (6)

REC-24

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 10 JAN 30 1969
61 R...
5-7W

Memorandum

DEPARTMENT OF JUSTICE

Mr. Tolson	
Mr. Callahan	
Mr. Mohr	
Mr. DeLoach	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Director,
Federal Bureau of Investigation

DATE: January 23, 1969

FROM : *[Signature]*
The Attorney General

SUBJECT: Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas

This is in response to your memoranda dated January 22 and 23, concerning the subpoenas recently served on Special Agents Robert A. Frazier and Lyndal L. Shaneyfelt for the purpose of eliciting their testimony at the trial of Clay Shaw now in progress in the Criminal District Court for the Parish of Orleans, New Orleans, Louisiana.

After careful consideration of this matter, I have concluded that these Agents should appear in New Orleans in response to the subpoenas. This decision is based on my understanding that the substance of the testimony that these Agents are in a position to give has already been made a matter of public record in connection with the Warren Commission proceedings.

United States Attorney Louis LaCour, of the Eastern District of Louisiana, will be instructed to have his staff present in court during the times Agents Frazier and Shaneyfelt are testifying in order to assure that the interests of the Government and the witnesses are protected.

JAN 24 1969
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5 FEB 6 1969

62-109060

112 JAN 30 1969

FBI

Date: 1/27/69

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-109060)
 FROM: SAC, NEW ORLEANS (89-69)
 SUBJECT: ASSASSINATION OF PRESIDENT
 JOHN FITZGERALD KENNEDY,
 DALLAS, TEXAS,
 NOVEMBER 22, 1963
 MISC. - INFO CONCERNING
 (OO: DALLAS)

Bureau

Enclosed for the Bureau are four (4) newspaper articles appearing in New Orleans newspapers concerning above-captioned matter.

Copies of these newspaper articles are enclosed for Dallas and Miami.

Ranf...

- ③ - Bureau (Enc. 4)
- 1 - Dallas (89-43) (Enc. 4)
- 1 - Miami (Enc. 4)
- 1 - New Orleans

REC-33

6690

25 JAN 29 1969

ECW/srl
(6)

ENCLOSURE
C. C. Bishop

5-1

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

56 FEB 6 1969

(Mount Clipping in Space Below)

Lack of Veniremen Stalls Shaw Trial

18 Jurors Excused in 26 Minutes

This morning's session of the trial of Clay L. Shaw was cut short when Judge Edward A. Haggerty Jr. ran out of potential jurors and had to adjourn court until this afternoon.

Shaw, 55, is on trial in Criminal District Court for conspiracy to assassinate President Kennedy. Four jurors have been sworn in so far. Twelve jurors and two alternates are needed.

JUDGE HAGGERTY ran through 18 potential jurors in 26 minutes this morning after sending the rest of the panel home until 1:30 p. m. With no more jurors on hand, the court could not proceed and recessed at 10:45 a. m.

When court opened at 10 a. m. the judge had six jurors left over from yesterday's

batch and 12 more names were pulled from the box. These 18 names were expected to occupy the morning session and the other 103 panelists were released until 1:30.

In other action today the state issued three subpoenas for witnesses to appear Feb. 3 and changed the date on an earlier subpoena.

SUBPENAED by the office of District Attorney Jim Garrison for Feb. 3 were:

—Mrs. Mary Moorman of Dallas, along with a photo she took at the scene of Kennedy's assassination in Dallas Nov. 22, 1963.

—Dr. Robert R. Shaw of Dallas, the physician who attended Gov. John Connally of Texas when he was shot while riding in the Kennedy car.

—James Altgens of Dallas, an Associated Press photographer, along with photos he took at the assassination scene.

In addition, a subpoena for Robert Frazier, a Federal Bureau of Investigation firearms expert, was amended to be returnable Feb. 3. He had been subpoenaed for Jan. 27.

THE PICTURES taken by Altgens are in the exhibit volume of the Warren Commission report. Altgens testified before the commission he was stationed along Elm st. and had a good vantage

point at the time the shots were fired.

He said he snapped one picture "almost simultaneously" with the firing of the first shot.

Altgens told the commission the shot which hit the President's head "was the last shot—that much I will say with a great degree of certainty."

ANOTHER Altgens picture, the photographer believes, showed Lee Harvey Oswald in front of the Texas School Book Depository Building just before the shots were fired.

However, the Commission identified the person in the picture as another bystander, Billy N. Lovelace. The report said Lovelace identified himself in the picture and later his presence was confirmed by another person shown in the photo.

The name of Mary Moorman does not appear in the Warren Report. It does include movie films by a Mrs. Munchmore which, along with the better-known Abraham Zapruder film, form a key link in the Warren Commission's account of the slaying.

JUDGE HAGGERTY announced that if the jury cannot be completed from among the 103 names left on the jury list, he will take some from

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-23-69

Edition:

RED FLASH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

or

Classification: 89-

Submitting Office:

N.O., La.

Being Investigated

other sections of court.

If this still isn't enough, the judge said, he will use the new jury list coming up for the month of February. The list will be available by next Thursday, he said.

The still-uneventful trial moved into its third day today with jury selection moving at a snail's pace. The four jurors already picked watched today's proceedings from the jury box after being locked up overnight.

THE FIRST potential woman juror's name came up this morning, but she was released because she has small children to care for. She is Mrs. JoAnn Taylor Newcomb, who had volunteered to have her name placed on the jury wheel. Women are eligible for jury service in Louisiana only if they volunteer.

Called by Judge Haggerty, Mrs. Newcomb took the witness stand and the judge said:

"We thank you for volunteering for jury duty."

He then asked her about her family and she said she had small children at home with no one to care for them.

The judge excused her.

MOST OF the other 17 persons questioned this morning were excused because they said they had already formed opinions on the case.

On two occasions Judge Haggerty pressed jurors further when they said they had fixed opinions.

"You hesitated for a moment," the judge told Donald J. Dicket, a shoe store manager. "Is your opinion that fixed?"

Dicket answered, "Yes."

Henry Robert Ohlen, a geologist, also was pressed by the judge:

"**IS YOUR** opinion that deep-rooted that nothing the defense or state presented could change your mind?"

Ohlen answered that it is.

Some of those excused today said they cannot afford to serve without pay for two months, the expected length of the trial. Jurors receive no pay.

The jurors picked so far are:

Charles Daniel Ordes, 39, of 5111 Bacon, a supervisor for American Can Co.

William Ricks Jr., 26, of 2841 Maurepas, a teacher at Booker T. Washington High School.

Oliver M. Schultz, 39, of 7136 Lamb rd., a New Orleans Public Service Inc. employe.

Irvin Mason, 50, of 2308 Tennessee, a machine operator.

Mason and Schultz were picked Tuesday, Ricks and Ordes yesterday.

SO FAR, the jury contains two whites and two Negroes and is all-male.

IF THE PACE of selecting two jurors a day is maintained, it will take a week to confirm 12 jurors and two alternates. These 14 persons will be sequestered for the duration of the trial.

Each side is entitled to 12 peremptory challenges, meaning they can reject a juror without giving a reason. So far, the state has used three and has nine left. The defense has used only one.

THE POTENTIAL jurors are being asked whether they

believe the Warren Commission was right in saying Lee Harvey Oswald shot Kennedy, acting alone. The only answer acceptable to both sides is "I have no opinion."

Assistant DAs Alvin V. Oser and James L. Alcock handled questioning for the state, chief Shaw counsel F. Irvin Dymond for the defense.

At the start of yesterday's session, Judge Haggerty, addressing the jurors already selected, told them he was sorry they were not permitted to read the newspaper, and added:

"It was a pretty good story."

DURING THE questioning of Ricks yesterday, the school teacher said he was versed on the assassination. Asked how many articles he has read on it, he replied:

"As they came out."

Dymond asked him: "Do you have a fixed opinion about the case?"

Ricks: "I would say I'm an agnostic as far as this case is concerned."

JUDGE HAGGERTY interrupted to explain Ricks meant, "He doesn't know what to believe."

Oser asked the judge if he could ask Ricks why he feels that way.

"I don't think you have the right to ask him why," said Haggerty.

(Mount Clipping in Space Below)

DA Calls 6 Out- of-State Witnesses

The office of District Attorney Jim Garrison today subpoenaed six new out-of-state witnesses for the trial of Clay L. Shaw, now in its third day here. All the new witnesses related to events in Dallas Nov. 22, 1963, the day President Kennedy was assassinated.

~~There is a 22-year-old~~ retired one of the other seven sections of Criminal District Court and have that section's jury venire report to his court tomorrow:

The judge said he feels that by then he will have nearly exhausted the 169 potential jurors on his original panel of 169.

SUBPENAED by the state to appear Feb. 3 were:

—Mrs. Mary Moorman of Dallas, along with a photo-

businessman, is on trial for conspiring to kill Kennedy. The slow process of picking a jury has dominated the trial so far. As today's morning session ended, only four had been sworn in.

AS THE afternoon session opened today, Judge Haggerty announced he will open court at 9 a. m. tomorrow. He had been beginning at 10.

He said later today he will draw by lot the designation of graph she took at the scene of the assassination.

—Dr. Robert R. Shaw of Dallas, the physician who attended Gov. John Connally of Texas when he was shot while riding in the Kennedy car.

—James Altgens of Dallas, an Associated Press photographer, along with photos he took at the assassination scene.

—Meyer Goldberg of World Wide Photos, New York, N.Y.,

along with negatives and prints of Altgens' photos he allegedly possesses.

—Ptn. Bobby W. Hargis of the Dallas police department.

—Ptn. Billy J. Martin of the Dallas police.

Also, a subpoena for Robert Frazier, a Federal Bureau of Investigation firearms expert, was amended to be returnable Feb. 3. He had been subpoenaed for Monday.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-23-69

Edition: FINAL

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

or

Classification: 89-

Submitting Office:

N.O., LA.

Being Investigated

This morning's session of the trial was cut short when Judge Haggerty ran out of potential jurors and had to adjourn court until this afternoon.

Mary Moorman was not mentioned in the Warren Report. In Mark Lane's book, "Rush to Judgment," the author says Mrs. Moorman snapped a picture of the Kennedy motorcade at the time of the assassination from across the street from the Texas Book Depository.

Lane said the sixth-floor window of the depository, from where the Warren Commission said Oswald fired his shots, is clearly visible in Mrs. Moorman's photo.

HE GOES on to report that her picture was turned over to the Dallas sheriff's office and subsequently to the Secret Service. It does not appear in the Warren Report, although, Lane says, another picture of Mrs. Moorman taking the picture does.

Hargis and Martin were part of the motorcycle escort in the Kennedy parade.

The still-uneventful trial moved into its third day today with jury selection moving at a snail's pace. The four jurors already picked watched today's proceedings from the jury box after being locked up overnight.

THE FIRST potential woman juror's name came up this morning, but she was released because she has small children to care for. She is Mrs. JoAnn Taylor Newcomb, who had volunteered to have her name placed on the jury wheel. Women are eligible for jury service in Louisiana only if they volunteer.

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dressing the jurors already selected, told them he was sorry they were not permitted to read the newspaper, and added:

"It was a pretty good story."

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"As they came out."

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Ricks: "I would say I'm an agnostic as far as this case is concerned."

JUDGE HAGGERTY interrupted to explain Ricks meant, "He doesn't know what to believe."

Oser asked the judge if he could ask Ricks why he feels that way.

"I don't think you have the right to ask him why," said Haggerty.

(Mount Clipping in Space Below)

Shaw Defense Witness Afraid, Hiding --Attorney Would Tell Everything Only in Iowa

An attorney for a key defense witness in the trial of Clay L. Shaw says she is hiding somewhere in Iowa, afraid to come to New Orleans to testify in Shaw's trial.

Attorney Lex Hawkins of Des Moines didn't say what the witness, Mrs. Harold McMaines, is afraid of. She earlier had refused to come here to testify in District Attorney Jim Garrison's probe of the assassination of President John F. Kennedy.

Shaw, 55, is on trial on charges of conspiring to kill Kennedy. The morning session of the trial today ended with 37 more potential jurors excused or rejected for various reasons, and no new jurors empaneled.

Most of those excused this

morning complained they could not afford to serve because their incomes would stop. Jurors are not paid by the state.

Six jurors have been sworn in so far. Twelve are needed, with two alternates.

HAWKINS SAID Mrs. McMaines, who was Sandra Moffet when she lived here, is willing to tell everything she knows but wants to do it in Iowa.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-24-69

Edition: RED FLASH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF
PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63
or

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

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

THE WARREN Commission investigating the president's death said Oswald killed him. It found no evidence of a conspiracy. Garrison says Ferrie, who died here Feb. 22, 1967, was a key figure in the assassination plot.

Hawkins says Mrs. McMaines told him her testimony would tear Russo's to shreds.

Shaw attorney F. Irwin Dymond earlier this week subpoenaed Mrs. McMaines as a witness in his trial. However, inasmuch as Iowa is not a party of the interstate agreement for extradition of witnesses, there is no way of compelling her to appear.

Asked about Mrs. McMaines' statements, Shaw attorney William Wegmann said, "She's been saying that for two years."

Asked what the defense would do about her reluctance to come to New Orleans, Wegmann said:

"We'll cross that bridge when we come to it."

SHAW'S TRIAL, entering its fourth day today, began an hour early as Criminal District Judge Edward A. Haggerty Jr. sought to speed up the process of selecting a jury.

Meanwhile, in Fairfax, Va., the U.S. Justice Department told Virginia Judge Arthur Sinclair it will not oppose appearance of Lyndal L. Shaneyfelt at the Shaw trial.

Garrison's office had subpoenaed Shaneyfelt, a photo analyst for the Federal Bureau of Investigation.

JUSTICE DEPARTMENT lawyers said they will permit Shaneyfelt, of Alexandria, Va., to testify and are working out a judicial order that will make it unnecessary for the agent to be in New Orleans throughout the trial.

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 by Abraham Zapruder at the Warren commission's version of the slaying.

As this morning's session opened, a defense witness challenged his subpoena, and the judge promised to grant him a hearing at an unspecified date.

The witness, Metairie attorney Hugh B. 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 the day of the assassination.

Bauboeuf in 1967 charged that two Garrison aides threatened and tried to bribe him to testify against Shaw, and Exnicios said he had a tape of the conversation. The defense had subpoenaed Exnicios to produce the tape.

The judge accepted Exnicios' motion and said he would give him a chance to argue it later.

The defense executed its third peremptory challenge on Beverly H. Harlton, a cashier, 935 Dumaine.

DYMOND ASKED Harlton if he had seen the movie "Rush to Judgment" and if he had formed an impression from it.

Harlton said he got the impression from the movie the president might have been the victim of a conspiracy, but added he was also impressed by the Warren Commission Report when it said there was no conspiracy.

At this point, Judge Haggerty broke in and said:

"WE'RE NOT TRYING the Warren Report. We're not trying the death of President Kennedy. We're trying this case, which is in the jurisdiction of Orleans Parish."

Dymond objected: "One of the necessary elements of the state's case is that it must prove there was a conspiracy. If a prospective juror already thinks there was a conspiracy . . . the state is already half-

a juror. It was the third peremptory challenge by the defense. The state has used up four. Each side has 12 such challenges, by which they can reject a juror without giving a reason. Otherwise, it is up to the judge to determine whether a juror is fit to serve.

THE SECOND WOMAN to be called as a potential juror was excused because she had small children to care for. She is Mrs. Margaret J. K. Negus, who had volunteered to be on the jury list.

In contrast to the first day of the trial Tuesday, the courtroom was only half filled. There were fewer newsmen and only a handful of spectators.

Shaw entered the courtroom this morning flashing a smile. He acknowledged the greetings of newsmen sitting on the left side of the courtroom.

"Good morning, good morning," he said as he went to his seat behind a table in the center of the room.

Two new jurors were sworn in yesterday afternoon to join the four selected earlier. They are:

Herbert John Kenison, 28, a microfilm printer, 8534 Edenborn.

James G. O'Quinn, 30, a petroleum engineer, 6229 Brighton pl., Algiers.

All six were locked up overnight and watched today's proceedings from the jury box. The jury will be sequestered for the duration of the trial.

FOR THE FIRST three days, court opened at 10 a. m. In an effort to speed things up, Judge Haggerty began at 9 a. m. today and said he will continue to do so.

The judge abandoned plans announced earlier to hold Sunday sessions. The schedule will be 9 a. m. to noon and 1:30 p. m. to 5:30 p. m. Mondays through Saturdays.

Also yesterday, Garrison's office issued subpoenas for six more out-of-state witnesses for Feb. 3. All six related to events in Dallas the day of the assassination. They are:

—Mrs. Mary Moorman of Dallas, who allegedly snapped a picture just as Kennedy was shot. The subpoena says the photo, "with other evidence,

fired into the presidential limousine from more than one direction."

—Dr. Robert R. Shaw of Dallas, the physician who attended Gov. John Connally of Texas after he was shot while riding in the Kennedy car.

—James Altgens, Dallas, an Associated Press photographer, who was directed to bring with him photos he took at the assassination scene.

—Meyer Goldberg of World Wide Photos, New York, who was directed to bring with him negatives and prints of Altgens' photos he allegedly possesses.

—Patrolmen Bobby W. Hargis and Billy J. Martin of the Dallas police, both of whom were part of the motorcade escort for Kennedy.

(Mount Clipping in Space Below)

Judge Acts To Speed Shaw Trial

Criminal District Judge Edward A. Haggerty Jr. opened court an hour early today in an effort to speed up the process of selecting a jury to try Clay L. Shaw.

Shaw, 55, is on trial on charges of conspiring to kill President John F. Kennedy. As the trial moved into its fourth day today, six jurors had been sworn in. Six more jurors and two alternates are needed.

Meanwhile, in Virginia, the office of District Attorney Jim Garrison began extradition proceedings against a Federal Bureau of Investigation photo analyst wanted as a state witness in the trial.

ACCORDING TO the extradition papers, Garrison hopes to use test testimony by Lyndal L. Shaneyfelt of Alexandria, Va., to show that more than one person fired shots during the assassination.

Garrison disputes the conclusion of the Warren Commission that Lee Harvey Oswald acted alone in killing Kennedy. Shaneyfelt's analysis of a movie film taken by Abraham Zapruder at the assassination scene on Nov. 22, 1963, was a key link in the Warren commission's reasoning.

Shaneyfelt was due to appear in Northern Virginia Circuit Court today for a hearing on the extradition request. Garrison has frequently had difficulty in getting his out-of-state witnesses returned.

THERE WAS NO indication whether the Justice Department would oppose the extradition request.

Two new jurors were sworn

in yesterday afternoon to join the four selected earlier. They are:

Herbert John Kenison, 28, a microfilm printer, 8534 Edenborn.

James G. O'Quinn, 30, a petroleum engineer, 6229 Brighton pl., Algiers.

All six were locked up overnight and watched today's proceedings from the jury box. The jury will be sequestered for the duration of the trial.

THE STATE AND the defense each exercised one peremptory challenge yesterday. The state so far has used up four and the defense two. Each side has 12 such challenges, by which they can reject a juror without giving a reason. Otherwise, it is up to Judge Haggerty to decide on a juror's fitness to serve.

So far, jury selection has progressed at a steady rate of two per day. At this rate, it would take a week to fill the quota.

At the close of yesterday's session, Judge Haggerty had run through 92 of the names on his panel of prospective jurors, and had 77 left. If these are exhausted before the jury is completed, the judge will start on the venire of Judge Frank Shea.

FOR THE FIRST three days, court opened at 10 a.m. In an effort to speed things up, Judge Haggerty began at 9 a.m. today and said he will continue to do so.

The judge abandoned plans announced earlier to hold Sunday sessions. The schedule will be 9 a.m. to noon and 1:30 p.m. to 5:30 p.m. Mondays through Saturdays.

Also yesterday, Garrison's office issued subpoenas for six more out-of-state witnesses for Feb. 3. All six related to

events in Dallas the day of the assassination. They are:

—Mrs. Mary Moorman of Dallas, who allegedly snapped a picture just as Kennedy was shot. The subpoena says the photo, "with other evidence, will establish that shots were fired into the presidential limousine from more than one direction."

—Dr. Robert R. Shaw of Dallas, the physician who attended Gov. John Connally of Texas after he was shot while riding in the Kennedy car.

—James Altgens, Dallas, an Associated Press photographer, who was directed to bring with him photos he took at the assassination scene.

—Meyer Goldberg of World Wide Photos, New York, who was directed to bring with him negatives and prints of Altgens' photos he allegedly possesses.

—Patrolmen Bobby W. Hargis and Billy J. Martin of the Dallas police, both of whom were part of the motorcade escort for Kennedy.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-24-69

Edition: RED COMET

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

or

Classification: 89-

Submitting Office:

N.O., LA.

Being Investigated

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 28 1969

TELETYPE

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

FBI WASH DC

FBI NEW ORLS

7:50PM

URGENT

1/28/69

JDM

THREE PAGES

TO: DIRECTOR (62-109060) AND DALLAS (89-43)
FROM NEW ORLEANS

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE,

MISC. - INFOR CONCERNING. 00: DALLAS.

NEW ORLEANS STATES-ITEM, FINAL EDITION, JANUARY TWENTYEIGHT,
INSTANT, REPORTED THAT RETIRED FIRE DEPARTMENT CAPTAIN SIDNEY J.
HEBERT, JR., FIFTYFIVE, OF FOUR ZERO TWO SIX EUNICE DRIVE,
WAS ACCEPTED AS A JUROR IN THE CLAY SHAW TRIAL YESTERDAY.

THE ARTICLE FURTHER REPORTED THAT TWO NEW JURORS WERE
SWORN IN TODAY IN THE TRIAL OF CLAY L. SHAW, BRINGING THE TOTAL
EMpaneled SO FAR TO TEN. THE ARTICLE IDENTIFIED THE JURORS
SELECTED AS HAROLD W. BAINUM, JR., TWENTYFOUR, OF TWO NINE
ONE ONE BANKS, A CREDIT MANAGER, AND WARREN E. HUMPHREY,
FIFTYTWO, OF SIX FIVE TWO FOUR PROVIDENCE, A POSTAL EMPLOYEE.
NEW ORLAEANS FILES CONTAIN NO IDENTIFIABLE INFORMATION ON
HEBERT, BAINUM AND HUMPHREY.

THE ARTICLE REPORTED THAT YESTERDAY JUDGE EDWARD A.
HAGGERTY, JR. RULED THAT CHIEF PROSECUTOR JAMES L. ALCOCK

END PAGE ONE

REC

669/5

56 FEB 6 1969

COPIES DESTROYED

11 JAN 30 1969

44 JAN 17 1973

NO 89:69

PAGE TWO

AND DEFENSE ATTORNEY F. IRVIN DYMOND MUST STOP ASKING PROSPECTIVE JURORS QUESTIONS ABOUT THE WARREN REPORT.

ACCORDING TO THE ARTICLE, TODAY, JUDGE HAGGERTY BEGAN ASKING THE PROSPECTIVE JURORS AS A GROUP IF THEY WOULD BE PAID BY THEIR EMPLOYERS DURING THE COURSE OF THE TRIAL WHICH MAY LAST TWO MONTHS. IF THE JURORS DID NOT KNOW, THEY WERE EXCUSED TO CALL THEIR EMPLOYERS TO FIND OUT THE ANSWER TO THIS QUESTION.

THE ARTICLE REPORTED BY THE END OF THE MORNING SESSION, POTENTIAL JURORS ON THE LIST TAKEN FROM MATTHEW S. BRANIFF'S COURT HAD BEEN PROCESSED LEAVING ONLY FOUR NAMES FOR THE AFTERNOON SESSION. JUDGE HAGGERTY ORDERED ATTACHES TO BEGIN TELEPHONING MEMBERS OF THE JURY PANEL OF JUDGE OLIVER P. SCHULINGKAMP TO TRY TO GET THEM INTO COURT FOR THE AFTERNOON SESSION.

THE ARTICLE REPORTED THAT DURING YESTERDAY'S SESSION OF COURT, DEFENSE WITNESS ALVIN BEAUBOEUF, THROUGH AN
END PAGE TWO.

NO 89:69

PAGE THREE

ATTORNEY, INTRODUCED A MOTION WAIVING HIS LAWYER-CLIENT
RELATIONSHIP WITH HUGH EXNICIOS OF MATAIRIE. THE ARTICLE
REPORTED THAT EXNICIOS HAD PREVIOUSLY OBJECTED TO PRODUCING
A TAPERECORDING SOUGHT BY DEFENSE ATTORNEYS CITING HIS
LAWYER-CLIENT RELATIONSHIP WITH BEAUBOEUF AS GROUNDS FOR HIS
OBJECTION. THE ARTICLE REPORTED THAT THE TAPE ALLEGEDLY
WOULD SHOW AN ATTEMPT BY TWO GARRISON AIDES TO THREATEN AND
BRIBE BEAUBOEUF TO TESTIFY AGAINST SHAW.

THE ARTICLE REPORTED THAT JUDGE HAGGERTY SAID THAT MATTER
WILL BE HEARD BETWEEN THE TIME OF THE SELECTION OF THE JURY
AND THE BEGINNING OF TESTIMONY.

THE ARTICLE REPORTED THAT CIRCUIT JUDGE HARRY BOWEN, JR.
IN PRINCE GEORGE COUNTY, MARYLAND, COURT ORDERED FIREARMS
EXPERT ROBERT A. FRAZIER TO TESTIFY AT SHAW'S TRIAL AS A
STATE WITNESS.

MEMO
NO LHM BEING SUBMITTED.

END.

WA...SAA

FBI WASH DC

TU

ALROK ROSEN

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
 DeLoach _____
 Mohr _____
 Bishop _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

TO : Mr. Conrad

DATE: 1/27/69

FROM : W. D. Griffith

SUBJECT: ASSASSINATION OF PRESIDENT
 JOHN FITZGERALD KENNEDY
 NOVEMBER 22, 1963
 DALLAS, TEXAS

[Handwritten signatures and initials]

On United Press International (UPI) news flash dated 1/24/69, dateline Fairfax, Virginia, regarding testimony of FBI photographic expert at Clay Shaw trial stating District Attorney Garrison contends "the FBI Agent will testify that the film proves one man could not have fired more than one accurate shot at Kennedy," the Director noted "Is this true?"

This is of course not true. The statement was undoubtedly derived from the certificate from the Criminal District Court in New Orleans, Louisiana, that was directed to the Circuit Court of Fairfax County, Virginia, requesting that SA Lyndal L. Shaneyfelt be compelled to appear as a witness in the Clay Shaw trial. This certificate states "that as a result of Mr. Shaneyfelt's tests, it was determined by him that the Zapruder camera ran at an average speed of 18.3 frames per second. This testimony is material as it will establish the period of time involved in the murder of President John F. Kennedy, and will further tend to show that President Kennedy was struck by bullets fired by more than one individual."

While there was considerable controversy over the number of shots fired and the time available for firing these shots, the conclusion of the Warren Commission that "the shots which killed President Kennedy and wounded Governor Connally were fired from the sixth floor window at the southeast corner of the Texas School Book Depository" and that "three shots were fired in a time period averaging from approximately 4.8 to in excess of 7 seconds" was based primarily on the time studies that were made by SA Shaneyfelt of the camera and film and by SA Robert A. Frazier of the time required to fire three shots from Oswald's rifle. Shaneyfelt's testimony, therefore, supports the findings of the Warren Commission.

RECOMMENDATION: None. For information only.

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Bishop

- 1 - Mr. Sullivan
- 1 - Mr. Conrad
- 1 - Mr. Frazier
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt

LLS:pal (10)

59 FEB 5 1969

REC-26

6692

[Handwritten initials and signatures]

F B I

Date: 1/28/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-109060)
FROM: SAC, NEW ORLEANS (89-69)
SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS,
NOVEMBER 22, 1963
MISC. - INFO CONCERNING
(OO: DALLAS)

Enclosed for the Bureau are seven (7) newspaper articles appearing in New Orleans newspapers concerning above-captioned matter.

Copies of these articles are enclosed for Dallas and Miami.

C. C. - Bishop

- 3 - Bureau (Enc. 7)
- 1 - Dallas (89-43) (Enc. 7)
- 1 - Miami (Enc. 7)
- 1 - New Orleans

ECW/srl
(6)

ENCLOSURE

62-109060

~~NOT RECORDED~~
18 JAN 31 1969

5- [Handwritten initials]

[Handwritten initials]

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

HUNT FOR SHAW PANEL NEARING HALFWAY POINT

Fifth and Sixth Jurors Agreed Upon

By CLARENCE DOUCET
A 28-year-old microfilm printer and a 30-year-old petroleum engineer were accepted for jury duty late Thursday afternoon in the criminal conspiracy trial of Clay L. Shaw, becoming the fifth and sixth jurors agreed upon in three days of questioning.

Herbert John Kenison, the microfilm printer, was sworn in as a juror at 4:20 p.m. Twenty-three prospective jurors were excused prior to Kenison's acceptance, 18 of them during a rapid 26-minute parade to the witness stand during the morning session.

Kenison, who is married and has a 14-month-old child, is employed by Kalvar Corp. He resides at 8534 Edenborn.

James G. O'Quinn, a petroleum engineer for Chevron Oil Co., who was the last prospective juror called Thursday, was accepted and sworn in at 5:51 p.m., just minutes before Criminal District Court Judge Edward A. Haggerty, who will hear the case, adjourned the jury selection phase of the trial until 9 a.m. Friday.

O'Quinn is also married and has a six-year-old daughter. He lives at 6229 Brighton pl., Algiers.

Twelve jurors and two alternates will be selected.

ONE CHALLENGE EACH

The state and the defense each exercised one peremptory challenge Thursday: the defense to excuse John G. Cline, 46, and the state to excuse Richard B. Newcomb, 33. Newcomb's wife was excused by mutual consent during the morning session.

Judge Edward A. Haggerty, aware that he will probably exhaust the 169 prospective jurors on his court section's panel, set the wheels in

motion at mid-afternoon to begin receiving the names of prospective jurors from other sections of criminal district court.

By lot, the jury panel of Judge Frank Shea's section was selected as the first to be used for names of additional prospective jurors.

Shortly before adjourning until 9 a.m. Friday, Judge Haggerty announced in court that he has decided not to hold trial sessions on Sundays, as he had previously planned. He said that the trial will be held Mondays through Saturdays until its conclusion from 9 a.m. to noon and from 1:30 p.m. until 5:30 p.m.

On Tuesday and Wednesday of this week he had begun the jury selection sessions at 10 a.m., but apparently has decided to add an hour to them in an attempt to obtain the required 14 jurors — 12 jury members and two alternates — as soon as possible.

SIX SUBPENAED

Two jurors, Irvin Mason, 50, and Oliver M. Schultz, 39, were selected Tuesday, and two others, Williams Ricks Jr., 26, and Charles Eugene Ordes, 39, were picked Wednesday.

Meanwhile on Thursday the office of District Attorney Jim Garrison subpoenaed six new out-of-state witnesses, all related to events in Dallas, Tex., on Nov. 22, 1963, the day President John F. Kennedy was assassinated.

Shaw is charged with participating in a conspiracy to murder Kennedy.

Ordered to appear here Feb. 3 by the new subpoenas were:

—Mrs. Mary Moorman of Dallas, directed to bring with her a photograph she took at the scene of the assassination;

—Dr. Robert R. Shaw, Dallas, the physician who attended Gov. John Connally of Texas after he was shot while riding in the Kennedy car.

—James Altgens, Dallas, an Associated Press photographer, directed to bring with him photos he took at the assassination scene.

TWO POLICEMEN

Meyer Goldberg of World Wide Photos, New York City, directed to bring with him negatives and prints of Altgens' photos he allegedly possesses;

—Ptn. Bobby W. Hargis of the Dallas Police Department.

—Ptn. Billy J. Martin of the Dallas Police Department.

Also, a subpoena for Robert Frazier, a firearms expert for the Federal Bureau of Investigation, was amended to be returnable on Feb. 3.

Hargis and Martin were part of the motorcycle escort in the Kennedy motorcade in Dallas on Nov. 22, 1963. Mary Moorman is not mentioned in the Warren Report but the author of one of the books critical of the report says she took a picture of the Kennedy motorcade at the time of the assassination from across the street from the Texas Book Depository, which the Warren Report says is the building from which Lee Harvey Oswald shot President Kennedy. The Warren Commission said that Oswald acted alone.

FIXED OPINIONS

Shaw is charged with having conspired with Oswald, David W. Ferrie and others. He denies ever knowing either man as well as having conspired with them. Oswald and Ferrie are dead.

Fixed opinions on the part of prospective jurors, formed because of what they have "either read, seen, heard or discussed" about the case continue as the major factor in eliminating a large number of them from possible selection. Thus far 92 of the 169 names on Judge Haggerty's list have been used and this is the disposition:

Jurors accepted	6
Excused for:	
Fixed opinion	26
Medical reasons	12
Loss of pay	16
All other reasons	26
Challenges	6
Names remaining	77
Total	169

Both the state and the defense are entitled to 12 peremptory challenges, a legal vehicle by which they may excuse any prospective juror without giving a reason. Once these challenges have been exhausted

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-24-69
Edition:
Author:
Editor: GEORGE W. HEALY
Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS
Character: 11-22-63
or
Classification: 89-
Submitting Office: N.O., LA.
 Being Investigated

ENCLOSURE

only the judge can excuse prospective jurors for cause.

EIGHT AND TEN

Thus far, the state has exercised four challenges and has eight remaining. The defense has exercised two and has 10 left.

It is still unclear what the state will attempt to prove after the jury is selected. James L. Alcock, an assistant district attorney who will handle most of the case for the prosecution, has repeatedly told prospective jurors that the state does not have to prove that Kennedy was killed as a result of the alleged conspiracy, but he has added, "although the state may prove this," indicating that the state may attempt to link the two. On Thursday Judge Haggerty emphasized that the charge of criminal conspiracy may be obtained even if the conspiracy did not result in the crime being committed for which the members conspired, i.e., a conspiracy to commit an armed robbery does not have to result in the armed robbery for conspirators to be found guilty. If there is an agreement between them and an overt act in furthering the object of the conspiracy, the crime of conspiracy has been committed.

'WOULD BE GUILTY'

Judge Haggerty said that there could have been 50 conspiracies in 50 different cities in the United States to assassinate President Kennedy and none of them had to result in his death. However, he added, if each of the 50 consisted of an agreement or meeting of the minds and an overt act, then the parties of each conspiracy would be guilty of the crime.

In his questioning of prospective jurors, F. Irwin Dymond, chief defense counsel, has emphasized that in addition to the two elements of the crime cited by the state—an agreement and an overt act—there is one other, and that is that the state must show "beyond reasonable doubt" that Shaw was a party to the alleged conspiracy. He has also said that while the state does not have to prove motive, jurors should consider it favorable to the defendant if no motive is shown.

Thursday to obtain the two additional jurors. Judge Haggerty now has prospective jurors remaining on his panel.

JUROR ONCE BEFORE

Kenison was the sixth prospective juror called during the afternoon and the 24th to be called during the day; O'Quinn was the 24th prospective juror to be called during the afternoon and the 42nd of the day.

During his questioning, Kenison said that about six years ago attorney Hugh Exnicious, one of the witnesses called by the defense, notarized a legal document for him concerning a boat sale, but, he added, this was the extent of his connection with the Jefferson Parish attorney.

O'Quinn, who said he had served on a criminal jury once before, about a year and a half ago, was questioned for about 10 minutes by the state and only a few minutes by the defense because each side announced its acceptance of him.

ABRUPT HALT

The morning session came to an abrupt end at 11:45 a. m., some 45 minutes after it started, when 18 consecutive prospective jurors were excused. The majority were excused because they said they had already formed a fixed opinion regarding the guilt or innocence of Shaw.

It took Judge Haggerty exactly 26 minutes to question the 18. Included among them was Mrs. Jo Ann Taylor Newcomb, the first woman called as a prospective juror in the case. Judge Haggerty thanked Mrs. New-

comb, a housewife, for volunteering for jury duty, but under questioning she said she had children and if she was selected for jury duty there would be no one to care for her family. The state and defense agreed to the excusal of Mrs. Newcomb.

In Louisiana, the names of women are placed on the jury panel only if they volunteer.

Of the 18 persons excused during the brief morning session, 13 said they had fixed opinions, two were excused because they would not be paid by their employers should they be accepted for jury duty; two, including Mrs. Newcomb, for reasons related to their families, and one because he did not meet citizenship requirements for jury duty.

LIST OF PROSPECTS

These are the 18 persons excused Thursday morning and

opinion; —Donald C. Becnel, fixed opinion; —Tommy S. Portis, would receive no pay; —Sidney R. Labat, fixed opinion; —Glenn B. Barrett, fixed opinion; —Clarence Smith, fixed opinion; —Arthur W. Dorsey, would receive only one week's pay; —Mrs. Newcomb, because there would be no one to care for her family; —Frank J. Muller Jr., fixed opinion; —John H. Schindler, fixed opinion; —John L. Schmidt, fixed opinion; —Donald J. Dicket, fixed opinion; —Anthony O. Johnson Jr., would be concerned about his family which includes a two-month-old infant; —John Paul Duet, fixed opinion; —William F. Vincent, not a U.S. citizen, which is a requirement for jury duty; —Walter C. Hannemann, fixed opinion; —Henry Robert Ohlen, fixed opinion; —Clarence Henry Jr., fixed opinion. Excused during the afternoon session in this order were: —Eston D. Sites, because he would not be paid by his employer. —John Gustave Cline, peremptory challenge by the defense; —Richard D. Newcomb, peremptory challenge by the state; —Leon M. Levy Jr., because he would suffer a loss of part of his earnings; —Henry W. Hermes, for medical reasons; —John H. Franzier, because of his job at the Veterans Administration Hospital; —Ronald Peter Herman, because he is attending law school at night at Loyola University; —Andrew E. Freibert, because he would suffer a loss of part of his earnings; —Edward James Parker, for medical reasons; —Frank Dotson, because he works on a commission basis and would lose earnings; —Richard J. Beanel Jr., because he is attending night classes at Louisiana State University in New Orleans; —Herbert E. Jones, fixed opinion; —Elwood J. Heinsz, fixed opinion; —Milton J. Becnel, because of his job as supervising principal of Carver Junior High School; —Lucien J. Tujaque, for medical reasons; —Frank Richards, fixed opinion; —George Lee Mack, because he would receive no pay; —Everard L. Durr, because he is an acquaintance of one of Shaw's attorneys; —John Heyd Jr., because of his position as secretary-treasurer for a business firm and the necessity of his presence at that position; —Gilbert H. Smith, because of loss of earnings; —Philip J. Zermott, because he would be concerned for his family over an extended period of time.

(Mount Clipping in Space Below)

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 in 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 169 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 Alabo, and Lloyd E. Heintz, an employe of Chevron Oil Company, who resides at 5218 Conti, were the two jurors seated Friday. Morgan, 24, is married and has a five-month-old son. Heintz, who is 40, is also married and has one daughter and one step-daughter.

SUBPENA CHALLENGED

In another development Friday, Jefferson Parish attorney Hugh Exnicios, 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, 55, 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 Oswald, acting alone, killed the President.

CAN'T BE COMPELLED

Mrs. McMaines 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.

Harlton 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 al-

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-25-69

Edition:

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

or

Classification: 89-

Submitting Office:

N.O., I.A.

Being Investigated

ready half-way home with its case regarding that juror. Judge Haggerty replied that Harlton 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 Harlton 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 Harlton 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 Alcock 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

gerty excused him, emphasizing he was not excusing him because of 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.

Bauboeuf 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. Ortego, because he suffers migraine headaches;

—Mrs. Margaret J. K. Negus, the second woman volunteer to be called, because she has four children and would be unable to care for them.

—John Bernardt Heidmann, fixed opinion;

longed period;

—Otis Signal Sr., fixed opinion;

—Beverly H. Harlton, sense exercised peremptory challenge;

—Sylvester 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. Paysse Jr., concern for his family's welfare;

—Marion A. Kern, fixed opinion;

—Peter L. Schmidt, medical problem in family;

—Emmett 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. Glapion 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. Boreras, has infant son and would be concerned about welfare of his family;

—James N. Eustis, fixed opinion;

—John H. Knipmeyer, duty

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;

—Joseph James Meyer, jury 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 Dusset, 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 I. 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.

(Mount Clipping in Space Below)

JURY ACCEPTED IN SIRHAN TRIAL

Eight Men, Four Women on Panel

By GENE HANDSAKER

LOS ANGELES (AP) — Prosecution and defense reached surprise agreement Friday on eight men and four women to try Sirhan Bishara Sirhan on a charge he murdered Sen. Robert F. Kennedy.

Court was then recessed until next Wednesday, when the defense will argue a motion to quash the Los Angeles County Grand Jury indictment against Sirhan, on grounds the panel is not representative of the community.

Jurors were ordered to report to court next Thursday, but the judge and attorneys indicated testimony in the case—expected to last three months—wouldn't begin until the following week.

The jury agreement came on the last day of the third week of the trial, and about a week earlier than attorneys had indicated they thought they would have a panel.

The defense said during the morning session it would accept the group. The prosecution, after considering it over the noon hour, agreed.

"If the court please," said Deputy Dist. Atty. David N. Fitts, "the people accept."

TO PICK ALTERNATES

Selection of six alternate jurors is needed before testimony begins.

Sirhan, slender 24-year-old Jordanian, is accused of fatally shooting Kennedy June 5 after the latter won victory in California's Democratic presidential primary election.

Superior Judge Herbert V. Walker told the newly impaneled jury: "So far as you're concerned the case is recessed until next Thursday at 9:30. . . Do not talk about the case among yourselves or with anyone else. Do not take person-

al phone calls . . . ~~Keep your~~ heath."

He said it is "extremely unlikely" they would be locked up Thursday night in a hotel — as will happen after testimony begins. And he cautioned them that if they bring personal possessions— "don't leave anything in your cars. We've got the finest bunch of thieves in this state."

Chief defense attorney Grant B. Cooper said the defense team needs Monday and Tuesday to prepare for presentation of evidence Wednesday on the motion to quash the indictment.

Cooper earlier in the trial had told newsmen that a major reason for attacking the makeup of the grand jury is to lay groundwork for a possible future appeal in the case. The defense contends that because the grand jury selection system excludes persons of certain occupations it is unbalanced.

'LOOK ALL RIGHT TO ME'

Fitts, asked why the prosecution accepted the jury, said: "Why not? It just seemed all right." Was he pleased? "They look all right to me."

Cooper said he was pleased. "We've got people from all walks of life." Is that good? "Yes. I wouldn't know what particular type of juror to choose in this case, so the next best thing is to try to get a good conglomeration."

Another defense attorney, Emile Zola Berman of New York, remarked that the jury has "a fair run of minorities," including, he said, four apparent Mexican-Americans, a person of Italian extraction and a Jew.

Said Berman, himself a Jew: "Psychologically, minorities are deeply opposed to capital punishment. Being minorities they've suffered insults and been looked upon as second class citizens. I believe they could identify with another minority, which Sirhan certainly is."

Said Sirhan's mother, Mary, 55, who has watched the trial daily from a back row: "They are nice people . . . I am satisfied."

During jury selection the defense exercised but five peremptory challenges and the prosecution seven. Each side was permitted 20 of the challenges, which permit them to dismiss a juror without giving a reason.

(Indicate page, name of newspaper, city and state.)

PAGE 12

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Being Investigated

(Mount Clipping in Space Below)

3-Hour Session Fails To Add Jurors

Attorneys in the trial of Clay L. Shaw today ran through 37 veniremen in a vain quest for new jurors and Judge Edward A. Haggerty Jr. said morosely, "I don't think we'll ever get a jury if we continue at this pace."

Having temporarily run out of potential jurors to try Shaw, 55, on charges of conspiring to kill President Kennedy, Judge Haggerty recessed court until 9 a.m. Monday.

TODAY'S session, the fifth day of the trial, ran less than three hours. It was the first day to go by without a single juror being sworn in. So far, eight have been empaneled.

"We did the best we could," the judge said glumly as he adjourned the trial. On Monday, he will begin calling up members of the jury list of Criminal District Judge Rudolph Becker.

Persons on the jury list of Judge Frank Shea were called for this morning, but only 35 of them showed up. Attachments were sent out for the missing nine and, if they are found, they will be first on the docket Monday morning.

TWO HOLDOVERS from Judge Haggerty's original list were excused first today, then all 35 from Judge Shea's were questioned without a single one qualifying.

Most already had fixed opinions in the case. Others said they couldn't afford to serve two months without pay. Jurors are unpaid in New Orleans.

Judge Haggerty clashed with chief prosecutor James L. Alcock on what constitutes a fixed opinion during the questioning of potential juror Gerald F. Duplantier, 37, of 2227 Acacia.

DUPLANTIER said he had always felt Oswald did not act alone in killing Kennedy. Alcock challenged him, although such an opinion on the part of a juror would coincide with

what the state is attempting to prove.

The judge asked Duplantier, "Wouldn't your opinion yield to evidence presented in court?"

Duplantier said he believed he could make a fair judgment.

Alcock insisted on his challenge and the judge then made his remark about fearing he would never get a jury.

WHEN DUPLANTIER indicated he did indeed have a fixed opinion in the case, the judge excused him.

The eight jurors already picked must be locked up over the weekend, but Judge Haggerty said he is trying to arrange to allow them to go to church and perhaps take a sightseeing tour.

Twelve jurors and two alternates must be picked before testimony can begin.

THE DEFENSE exercised one peremptory challenge today, its fourth. The state has also used four. Each side started out with 12, permitting them to reject that many jurors without giving a reason. Otherwise, the judge must decide an individual's fitness to serve.

YESTERDAY, the office of District Attorney Jim Garrison won a victory in Fairview, Va., where Circuit Court Judge Arthur W. Sinclair ordered FBI photo expert Lyndall L. Shaneyfelt to testify as a state witness in the Shaw trial.

The state's success in getting Shaneyfelt ordered to testify raised hopes that two other witnesses in the Washington, D. C., area might be returned also. Garrison has frequently had trouble getting out-of-state witnesses extradited.

THE JUSTICE Department indicated it will make no objection to testimony by the other two witnesses, FBI agent Robert A. Frazier and former Secret Service Agent Roy Kellerman. The two along with Shaneyfelt, were key witnesses for the Warren Commission, which found Lee Harvey Oswald acted alone in killing the President.

Shaneyfelt examined a movie film taken by Abraham Zapruder the day of the assassination in Dallas, Nov. 22, 1963. Frazier testified about Oswald's rifle and Kellerman was riding in the car with Kennedy when he was shot.

The eight jurors seated so far include two Negroes and no women. The jurors are:

Lloyd E. Heintz, 45, an oil company employe, 5218 Conti.

Larry D. Morgan, 26, an aircraft mechanic, 922 Alamo.

Herbert J. Robinson, 28, a microfilm printer, 8334 Edenborn.

James G. O'Quinn, 30, a petroleum engineer, 6223 Brighton Pl., Algiers.

Charles Darius Ordes, 39, a supervisor for American Can Co., 5111 Baeleth.

William Riels Jr., 25, a teacher at Booker T. Washington High School, 841 Maurepas.

Oliver M. Schultz, 39, a NOPSI employe, 7133 Lamb rd.

Irvin Mason, 50, a machine operator, 2303 Tennessee.

Heintz and Morgan were sworn in yesterday.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-25-69

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Author:

Editor: GEORGE W. HEALY

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PRESIDENT JOHN F.

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Being Investigated

objections, but generally the tedious job of selecting a jury to hear the Shaw case moved along relatively calmly.

The major announcement by the defense was that Shaw would take the witness stand in his own behalf. Dymond made a point of emphasizing this to each prospective juror, he questioned and then asking them if they were prepared to accept the testimony of Shaw as they will the testimony of other witnesses in the trial.

The state outlined six overt acts it will attempt to prove were activities in furthering the object of the conspiracy but the state has consistently emphasized to prospective jurors that the law requires that it prove only one, although it may attempt to prove others.

Alcock, who will direct the prosecution, has emphasized that the state must prove only the two elements of the crime of conspiracy: 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

subpenaed 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."

(Mount Clipping in Space Below)

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

~~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.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-27-69

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KENNEDY, TEXAS

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Being Investigated

(Mount Clipping in Space Below)

2-MONTH TRIAL QUOTES RAPPED

Jury Selection Resumes This Morning

A defense lawyer in the Clay L. Shaw conspiracy trial Sunday labeled as "ridiculous" statements by the trial judge and prosecution that the trial may run two months.

The remark was made by Edward Wegmann, one of the attorneys defending Shaw, 55, against a charge of plotting to kill President John F. Kennedy in 1963.

"The only way it could last that long," Wegmann said, "would be if the court allows the state to try to prove all of Garrison's criticisms of the Warren Report."

Dist. Atty. Jim Garrison has charged that Shaw conspired with David W. Ferrie, Lee Harvey Oswald, and others, to murder the President. A commission headed by Chief Justice Earl Warren concluded that Oswald, a New Orleans school dropout, killed Kennedy ~~five years~~ ago in Dallas, and that no others were involved.

The prosecution says it is not required to prove the alleged conspiracy here led to Kennedy's death, in order to obtain a conviction. The penalty is one to 20 years imprisonment.

Jury selection proceedings took up five days last week, with eight jurors chosen, and resumes at 9 a.m. Monday. Four more jurors and two alternates must be selected.

Meanwhile it was reported that Sandra Moffett McMaines was still hiding "somewhere in Iowa" Sunday, according to her attorney, Lex Hawkins of Des Moines.

Mrs. McMaines had been previously sought by Garrison to appear before the parish grand jury. She is now being sought by the defense to appear here as a witness for Shaw.

Hawkins said Sunday he was served with a subpoena for Mrs. McMaines to appear here, but he said the subpoena is not valid in Iowa and his client would not return voluntarily.

(Indicate page, name of newspaper, city and state.)

PAGE 1

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Horan Backs Extradition Of Shaw Trial Witness

By **STEPHEN GREEN**
Star Staff Writer

Fairfax Commonwealth's Atty. Robert F. Horan Jr. says he will fight any Justice Department attempt to stop extradition of an FBI photo analyst to testify at the Clay Shaw conspiracy trial in New Orleans.

A Fairfax Circuit Court hearing was being held today on the request by New Orleans Dist. Atty. Jim Garrison to extradite as a material witness Lyndal L. Shaneyfelt of 6125 Vernon Terr., south of Alexandria.

Shaw is accused of being part of a conspiracy to assassinate President Kennedy.

Horan told Judge Arthur W. Sinclair that the Justice Department had indicated to him in a telephone conversation that it will agree to the extradition.

He asked Sinclair to hold the matter "open" until a representative of the department appeared in court later today. A Justice spokesman, however, refused to comment.

The extradition papers ask

that Shaneyfelt appear in New Orleans by Monday.

The papers say Shaneyfelt was the FBI employe who analyzed the 16-mm photographs of the assassination taken by Abraham Zapruder, an amateur photographer.

Shaneyfelt will testify the Zapruder film was shot at a speed of 18.3 frames per second, indicating one man would not have had time to fire accurately more than one shot at Kennedy, Garrison contends.

Under a federal executive privilege law, an employe from the executive branch may not testify about his work in a state court if the head of his department objects.

Horan, however, has said he does not believe that "a federal officer should be permitted not to testify in a state court just because he is a federal official.

"State employes must testify in a federal court," he added.

In three days of grilling, six jurors had been accepted as of yesterday.

Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

The Washington Post _____
Times Herald _____
The Washington Daily News _____
The Evening Star (Washington) 12-4
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Sun (Baltimore) _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Examiner (Washington) _____

Date JAN 24 1959

62-10700-112

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

[Handwritten signature]

UPI-149

(AGENT)

FAIRFAX, VA.--THE JUSTICE DEPARTMENT HAS AGREED TO ALLOW EXTRADITION OF AN FBI PHOTOGRAPHIC EXPERT FOR TESTIMONY AT THE CLAY SHAW CONSPIRACY TRIAL IN NEW ORLEANS, THE FAIRFAX COUNTY COMMONWEALTH'S ATTORNEY SAID TODAY.

THERE WAS NO IMMEDIATE CONFIRMATION FROM THE JUSTICE DEPARTMENT.

THE ATTORNEY, ROBERT F. HORAN JR., SAID THE GOVERNMENT MOVE CLEARED THE WAY FOR ISSUANCE OF A CONSENT ORDER FOR AGENT LYNDAL L. SHANEYFELT OF ALEXANDRIA, VA., TO APPEAR AS NEW ORLEANS DISTRICT ATTORNEY JIM GARRISON ATTEMPTS TO PROVE THAT MORE THAN ONE PERSON WAS INVOLVED IN THE JOHN F. KENNEDY ASSASSINATION IN 1963.

SHANEYFELT ANALYZED 16-MM MOVIE FILM MADE DURING THE ASSASSINATION BY AMATEUR PHOTOGRAPHER ABRAHAM ZAPRUDER.

GARRISON, WHO IS PROSECUTING SHAW FOR ALLEGED CONSPIRACY IN THE KILLING, CONTENDS THE FBI AGENT WILL TESTIFY THAT THE FILM PROVES ONE MAN COULD NOT HAVE FIRED MORE THAN ONE ACCURATE SHOT AT KENNEDY.

1724--TS418PES

Is this true?

REC-25

6693

59 FEB 5 - 1969

WASHINGTON CAPITAL NEWS SERVICE

SEVEN

UNITED STATES GOVERNMENT

Memorandum

- 1-Mr. DeLoach
- 1-Mr. Sullivan
- 1-D. J. Brennan

DATE: 1/23/69

TO : MR. TOLSON

FROM : C. D. DE LOACH *CDD*

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS

Handwritten notes and signatures:
 Tolson _____
 DeLoach _____
 Mohr _____
 Bishop _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____
 D. J. Brennan
 G. P. [unclear]
 [unclear]
 [unclear]

Secret Service Director James Rowley called at 2:30 p. m. this afternoon. He made reference to the captioned matter and stated that one of his former men, now retired, by the name of Kellerman, who was in the front seat in President Kennedy's car the day of the assassination, has been subpoenaed by Garrison to testify in the trial of Clay L. Shaw.

Rowley told me that he and Secret Service want to vigorously fight this matter. He stated he was having difficulty, however, in that the Treasury Department, in view of the period of transition, had no General Counsel and therefore the Secret Service found it necessary to turn to the Department of Justice and consult with an attorney by the name of Yardley. Rowley stated that Yardley had advised him that Kellerman would definitely have to appear and testify. Rowley stated that he still did not believe this was necessary and that he and Secret Service planned to do everything possible to prevent it.

Rowley asked me what the FBI was doing with respect to Special Agent Frazier of our Laboratory. I told him we had immediately notified the Department of Justice by letter and that we, of course, were awaiting a decision in this regard. I stated that with respect to a former Agent who had investigated aspects of this matter in New Orleans and who was now a resident of the State of Louisiana, had been subpoenaed; that the Department had also been notified in this instance and were considering invoking Executive Privilege. I stated, of course, that the difference between the former field Agent and the Laboratory Agent lay in the fact that the field Agent actively investigated the case in Garrison's territory. I told Rowley that the deplorability of the entire matter was the fact that all necessary testimony appears to have been given to the Warren Commission that that obviously Garrison was simply out to make more publicity for himself. Rowley agreed and stated that he would keep us advised regarding any actions taken by him.

ACTION: For record purposes.

CDD:amr (4)

53 FEB 1969

Handwritten marks:
 ✓
 62-109000
 [unclear]

FBI

Date: 1/29/69

Mr. Mohr	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEW ORLEANS (89-69)

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS,
NOVEMBER 22, 1963
MISC. - INFO CONCERNING
(OO: DALLAS)

Long

Enclosed for the Bureau are five (5) newspaper articles concerning above-captioned matter.

Copies of these newspaper articles are enclosed for Dallas and Miami.

K

- 3 - Bureau (Enc. 5)
- 1 - Dallas (89-43) (Enc. 5)
- 1 - Miami (Enc. 5)
- 1 - New Orleans

ECW/srl
(6)

G.C. Bishop

5 ENCLOSURE

REC-64

24
25 JAN 31 1969

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Approved: _____

Special Agent in Charge

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Per _____

13 FEB 10 1969

(Mount Clipping in Space Below)

Shaw Trial Jury Loses Member to Illness

Panel Left With 7 Persons

Judge Edward A. Haggerty Jr. lost ground today in his effort to empanel a jury to try Clay L. Shaw when one juror already sworn in was excused because of illness.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy.

Lloyd E. Heintz, 40, an oil company employe, the last juror sworn in Friday, became ill after Saturday's session of court and the judge dismissed him from the jury today.

"THE DOCTOR said it seems to be a kidney attack of some kind," Heintz told newsmen who reached him at Touro Infirmary.

This leaves the jury with seven members. Five more are needed, plus two alternates. No new ones were picked this morning.

Through the first week of the trial, potential jurors who have pleaded "fixed opinion" have been automatically dismissed. Today, Judge Haggerty began to question them more closely.

When one juror used the phrase "fixed opinion" today, the judge said:

"I'm not surprised to hear you say that. It's been in the paper for the past four days."

AS COURT OPENED this morning, Judge Haggerty announced Heintz's illness and said:

"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 that the law does not provide for such an exclusion. The judge replied:

"I'm aware that there's no legal relief for excusing a juror, but criminal law should be reasonable, not unreasonable."

THE JUDGE then called nine potential jurors left over from the panel of Judge Frank Shea's section of court. All nine were excused, mostly because they had fixed opinions in the case.

A brief recess was declared while members of the jury list from Judge Rudolph Becker's court were summoned. They were expected to occupy the rest of the day.

One of the nine, Anthony J. Sciortino, a bus mechanic of 2656 Myrtle, was rejected by the defense on a peremptory challenge. It was the fifth such challenge exercised by the defense. The state has used four.

EACH SIDE started out with

12 peremptory challenges, by which they can reject a juror without giving a reason. Otherwise, the judge must decide on an individual's fitness to serve.

Dymond and Alcock clashed, as they have in the past, over the definition of a fixed opinion. One potential juror under questioning by Dymond said he had faith in the Warren Commission.

Alcock jumped up and said he did not hear the answer. Dymond interrupted and told the judge he didn't think the witness should have to repeat himself. Alcock replied:

"I'M NOT ASKING you, I'm asking the man on the witness stand."

Judge Haggerty excused the juror without further comment.

Many jurors have been excused because they say they cannot afford to serve two months without pay. Jurors are not paid in New Orleans.

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

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-27-69

Edition: RED FLASH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

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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.

(Mount Clipping in Space Below)

Shaw Juror Excused; 7 Left on Panel

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When one juror used the phrase "fixed opinion" today, the judge said:

"I'm not surprised to hear you say that. It's been in the paper for the first four days."

As during the first five days

of the trial ~~last week~~, the bulk of questioning of potential jurors was handled by F. Irvin Dymond for the defense and by chief prosecutor James L. Alcock for the state.

AS COURT OPENED this morning, Judge Haggerty announced Heintz's illness and said:

"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 that the law does not provide for such an exclusion. The judge replied:

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The defense today used two more of its peremptory challenges, by which it can reject a juror without giving a rea-

son. Otherwise, the judge decides an individual's fitness to serve.

Rejected today by Shaw attorneys were Anthony J. Sciorina, a mechanic, and Earl P. Marcel, a bus driver.

So far, the defense has used up six of its 12 peremptory challenges, and the state, four.

Dymond and Alcock clashed, as they have in the past, over the definition of a fixed opinion. One potential juror under questioning by Dymond said he had faith in the Warren Commission.

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KENNEDY, TEXAS

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(Mount Clipping in Space Below)

Ninth, Tenth Shaw Trial Jurors Sworn

New Rules Speed Up Selection

Two new jurors were sworn in today in the trial of Clay L. Shaw, bringing the total empaneled so far to 10. Two more jurors and two alternates are needed.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy.

New procedures adopted by Judge Edward A. Haggerty Jr. and the dwindling number of peremptory challenges possessed by both sides apparently contributed to speeding up the process of picking jurors, which had been stalled since Friday.

The two jurors picked today are:

Harold W. Balnum Jr., 24, of 2911 Banks, a credit manager.

Warren E. Humphrey, 52, of 6524 Providence, a postal employe.

Two actions by Judge Haggerty were factors in the faster action today.

Yesterday, the judge ruled that chief prosecutor James L. Alcock and defense attorney F. Irvin Dymond must stop asking prospective jurors questions about the Warren Report.

And today, Judge Haggerty began asking the prospective jurors as a group if they would be paid by their employers during the course of the trial, which may last two months. If they didn't know, they were excused to call their offices and find out.

PAY HAS BEEN a major hangup during the course of the trial, now in its seventh day. Jurors are unpaid in New Orleans, and many prospective panelists say they can't afford to miss two months' pay.

Another has been repeated wrangling between Dymond and Alcock over the relevancy of the Warren Commission Report. The report said Lee Harvey Oswald acted alone in killing Kennedy. District Attorney Jim Garrison charges Shaw conspired with Oswald and others to kill the President.

By the end of this morning's session, both the state and the defense had used up eight peremptory challenges, by which they can reject a juror without giving a reason. Each side had 12 to begin with.

AS SOON AS 12 jurors are empaneled, each side will get two more peremptory challenges during the picking of the alternates.

At the end of the morning session, most of the potential jurors on the list taken from Judge Matthew S. Braniff's court had been run through, leaving only four names for the afternoon session.

Judge Haggerty ordered attaches to begin telephoning members of the jury panel of Judge Oliver P. Schulingkamp to try to get them into court this afternoon.

OF THE 10 jurors now empaneled, seven are white and three Negro. All are male.

DESPITE THE ruling by Judge Haggerty yesterday that prospective jurors could not be quizzed about their opinions of the Warren Report, another clash erupted today over the conspiracy issue.

Walter C. Williams, 46, a postman, of 3335 Audubon, was accepted by the state and tendered to the defense. Dymond asked him:

"Do you have any opinion on whether Kennedy was killed as a result of a conspiracy?"

ALCOCK OBJECTED, saying "The court ruled yesterday that I couldn't ask a juror about the Warren Report. I think Mr. Dymond's question is out of order."

Dymond argued, "The state has made repeated statements that they may, but do not have to, prove Kennedy was shot as a result of this conspiracy. Shouldn't the defense be entitled to know if the prospective juror believes there was a conspiracy?"

Judge Haggerty ruled in favor of the state, and Dymond put into the record that he was not allowed to ask the

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Character: 11-22-53

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

prospective juror the following three questions:

1. If he thought Oswald played a part in a conspiracy.
2. If he thought there was a conspiracy.
3. If he thought David William Ferrie took part in a conspiracy. (Garrison charges that Ferrie, who died here Feb. 22, 1967, played a key role in the plot.)

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.

Alcock and Dymond had been asking potential jurors:

"Do you believe the Warren Commission's conclusion that no conspiracy existed in 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 the report is irrelevant it shouldn't be brought up at all. The judge agreed.

THE GAME OF LAW involved often brought baffled stares / prospective jurors as it was aimed 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 conspiracy, plus an overt act to further it, then the crime is there: Understand?"

The juror seated yesterday was retired Fire Dept. Captain Sidney J. Hebert Jr., 55, of 4026 Eunice dr.

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

Also yesterday, defense witness Alvin Beauboeuf, through an attorney, introduced a motion waiving his lawyer-client relationship with Hugh Exnicios of Metairie.

Exnicios last week objected to producing a tape recording sought by the defense, citing his lawyer-client relationship with Beauboeuf as grounds.

THE TAPE allegedly would show an attempt was made by two Garrison aides to threaten and bribe Beauboeuf to testify against Shaw.

Beauboeuf, in his motion filed yesterday, requests Exnicios to respond to the defense subpoena.

Judge Haggerty said the matter will be heard between the time of the selection of the jury and the beginning of testimony.

Meanwhile, in Prince George County, Maryland, Circuit Judge Harry Bowen Jr. ordered FBI firearms expert Robert A. Frazier 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.

(Mount Clipping in Space Below)

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.

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"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 conspiracy, plus an overt act to further it, then the crime is there: Understand?"

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 4026 Eunice 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 Haggerty planned to continue to work through the jury list of Judge Rudolph Becker, then call Matthew S. Braniff's panel.

Meanwhile, in Prince George County, Maryland, Circuit Judge Harry Bowen Jr. ordered FBI firearms expert Robert A. Frazier 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.

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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 253 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 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 F. 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 section 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.

Fourteen persons must be

selected—12 jurors and two 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. Waltzer 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 con-

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spiry 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 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 more of its peremptory challenges during the morning session, one to excuse Anthony J. Sciortino and the other to excuse Earl P. Marcel.

In all, 25 prospective jurors

were excused during the morning. The first prospective juror to be called Harold Cade Polk, who was excused for cause by Judge Haggerty after he said, "I'd be looking for 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 fireworks of the trial thus far although the flare-up between Alcock and Dymond was minor. 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. Barbay, 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.

in his family; Richard B. Oisen, fixed opinion; Raymond D. Murray, fixed opinion; Joseph R. Martin Jr., hardship; Leo J. Verret, will lose part of earnings; Charles J. Denson, fixed opinion. And, William H. Butts, working on project as engineer; Simmie V. Chaffin, would suffer loss of work; Samuel J. Barra, fixed opinion; Troy C. Dunaway, would believe testimony of law enforcement officers over civilians.

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 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 challenge 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. Muniz Jr., Maurice J. Shea, Lawrence Martin, Charles J. Martino, Noel A. Dolliole Sr., Louis J. Hebert, Herbert L. Pierce, Percy L. Gaines, David J. Smith, Lawrence N. Hunsinger, Richard K. Reynolds, Jeremy L. Powers, Ray J. Melinie, Louis J. Mayronne, Godfrey L. Milton, Raymond Jackson Jr., Albert Nemon, Fernando L. Patron, George J. Cassard, Cleveland Grant, Leslie C. Jones.

Others, Lester J. Held, because of a report he must get out; William Rothchild Jr., because he said the defense would have to prove Shaw's innocence; Edward A. Simmons Jr., fixed opinion; Edward M. Slaughter, fixed opinion; John J. Fernandez, illness in family; Alfred C. Green, fixed opinion; Robert J. Klein, peremptory challenge by defense; James McDermott Jr., peremptory challenge by defense; Kenneth

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-109060)

DATE: 1/30/69

FROM : SAC, ALBUQUERQUE (89-27) (RUC)

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
DALLAS, TEXAS, 11/22/63
MISCELLANEOUS - INFO CONCERNING
OO: DALLAS

Re Albuquerque letter to Bureau dated 1/13/69.
Bureau letter to Albuquerque dated 1/27/69.

Enclosed herewith for the Bureau are the original and four copies of a revised and corrected LHM concerning information furnished by one MARVIN NEWTON LLOYD, who appeared at the Albuquerque Office on December 30, 1968, and again on January 9, 1969. Two copies of this same LHM are enclosed for Dallas.

1 cc LHM To USSS AND
DEPT RAO CRIM DIV
2/7/69.

1 cc Bu 2256 6-*[initials]*

②-Bureau (Enc 5)
1-Dallas (Enc 2) (Info)
1-Albuquerque
PLD/111
(4)

REC-34

6696

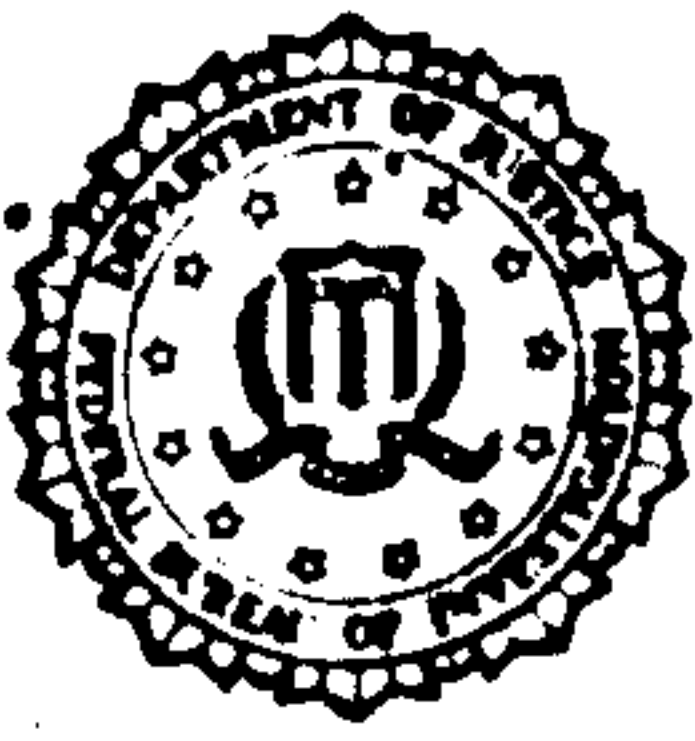
10 FEB 7 1969

[Handwritten signature]



FBI

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Albuquerque, New Mexico
January 30, 1969

MARVIN NEWTON LLOYD

MARVIN NEWTON LLOYD appeared at the Albuquerque Office of the Federal Bureau of Investigation on December 30, 1968, at which time he furnished the following information:

He has a radio transmitter and a television camera inside his body which broadcast his every word to secret agents who follow him about.

LLOYD again appeared at the Albuquerque Office of the Federal Bureau of Investigation on January 9, 1969, at which time he furnished the following information:

A dentist had illegally installed a microphone in one of his eye teeth which broadcasts by shortwave everything that he says.

LLOYD exhibited a wanted flier issued by the Federal Bureau of Investigation on his second visit to the Federal Bureau of Investigation, Albuquerque, New Mexico. This wanted flier concerned one ROBERT LEE CARR, FBI Identification Order No. 4220, FBI No. 494 007 F. LLOYD indicated he had obtained this wanted flier from one of the motels where he has stayed during his travels. He said that he keeps this wanted flier handy so that no matter where he is located, he knows where he can find the Federal Bureau of Investigation Office to make his reports.

It is to be noted that ROBERT LEE CARR was apprehended at South Gate, California, on November 4, 1968.

Among other statements made by LLOYD on his visit to the Federal Bureau of Investigation Office at Albuquerque, New Mexico, on January 9, 1969, was the following:

This document contains neither recommendations
nor conclusions of the FBI. It is the property of
the FBI and is loaned to your agency; it and its con-
tents are not to be distributed outside your agency.

UNRECORDED

ENCLOSURE

MARVIN NEWTON LLOYD

He claimed that he was at the Carrousel Night Club operated by JACK RUBY at Dallas, Texas, on November 5, 1963, and on that occasion he believes that he saw sitting at one of the tables in the night club LEE HARVEY OSWALD who was accompanied by three other individuals. LLOYD described one of the individuals as a tall, "slump" shouldered male with either blond or graying hair. There was another individual sitting at the table, described by LLOYD only as an Italian or a Mexican. He said that there was a third individual at the table and he was unable to supply any physical description of this person.

The following is the physical description of MARVIN NEWTON LLOYD:

Name	MARVIN NEWTON LLOYD
Albuquerque Address (Temporary)	Zia Motel 4611 Central Avenue N. E. Albuquerque, New Mexico Telephone 255-1676
Color	White
Sex	Male
Height	6'
Weight	260 pounds
Hair	Brown
Eyes	Hazel
Complexion	Medium
Age	43
Date of Birth	October 18, 1925
Place of Birth	Cisco, Texas

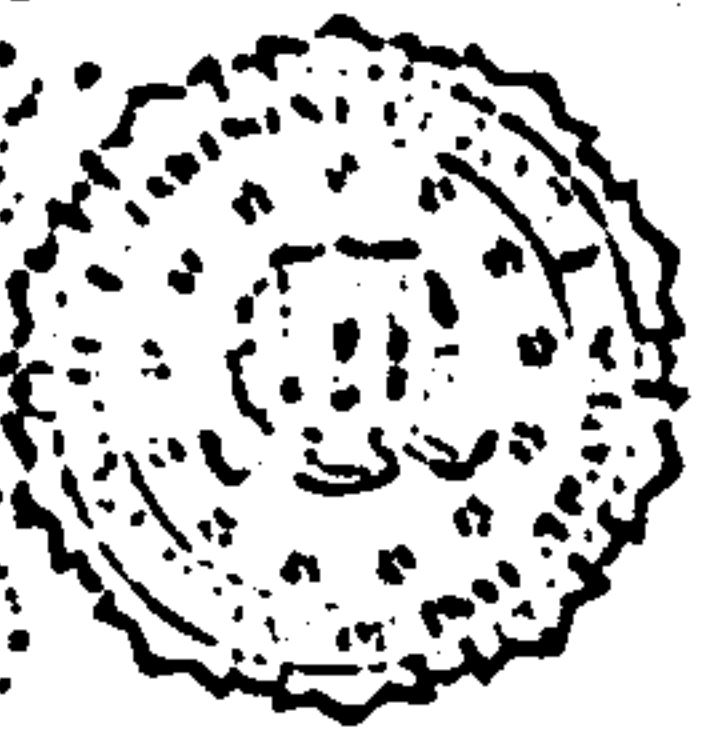
LLOYD indicated that he formerly lived at Waco, Texas, where he operated Lloyd's Studio, 503½ Austin Avenue. He said he has a 9th-grade education and had attended Waco High School, Waco, Texas.

He claimed that his vehicle had broken down and that it was stored, as of January 9, 1969, at Charlie Ben's Enco Station, 4600 Central S. E., Albuquerque, New Mexico, telephone 255-0772. LLOYD produced a Texas certificate of title to a motor vehicle numbered 51292831. The title showed the owner of the vehicle to be MARVIN N. LLOYD, 112 Buchanan, Whitesboro, Texas. The vehicle is further described as a 1950 Cadillac

MARVIN NEWTON LLOYD

Sedan (Hearse), Motor No. 5066805, Texas License JNS 108. The previous owner of the vehicle was EUGENE MC GONIGAL, Cadiz, Ohio. LLOYD said many years ago he was employed as a shipyard worker at the Mare Island Navy Shipyard in California, where he was fingerprinted.

He denied that he had ever been a patient in any mental hospital. He indicated that he had been previously interviewed by the Federal Bureau of Investigation at Waco, Texas, and at other places.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Albuquerque, New Mexico
January 30, 1969

MARVIN NEWTON LLOYD

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

JAN 24 1969

TELETYPE

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. DeLoach	<input checked="" type="checkbox"/>
Mr. Casper	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Felt	<input type="checkbox"/>
Mr. Gale	<input type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Tavel	<input type="checkbox"/>
Mr. Trotter	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Miss Holmes	<input type="checkbox"/>
Miss Gandy	<input type="checkbox"/>

FBI WASH DC

FBI NEW ORLS

709PM URGENT 1-24-69 OLP

TO DIRECTOR (62-109060) AND DALLAS (89-43)
FROM NEW ORLEANS (89-69) 4P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.
MISC. - INFO CONCERNING. OO- DALLAS.

THE NEW ORLEANS TIMES-PICAYUNE, JANUARY TWENTYFOUR,
INSTANT, REPORTED THAT THE FIFTH AND SIXTH JURORS AGREED UPON
BY THE STATE AND DEFENSE ARE HERBERT JOHN KENISON, A MICROFILM
PRINTER EMPLOYED BY KALVAR CORP., RESIDENCE ADDRESS EIGHT FIVE
THREE FOUR EDENBORN, AND JAMES G. O'QUINN, A PETROLEUM ENGINEER
FOR CHEVRON OIL CO., RESIDENCE ADDRESS, SIX TWO TWO NINE
BRIGHTON PLACE, ALGIERS.

FILES OF THE NEW ORLEANS OFFICE CONTAIN NO IDENTIFIABLE
INFO ON KENISON AND O'QUINN.

REC-34

6697

THIS ISSUE CONTAINED AN ARTICLE REPORTING THAT DA JIM
GARRISON WAS SCHEDULED TO BEGIN EXTRADITION PROCEEDINGS IN
COURT FRIDAY, AGAINST AN FBI PHOTOGRAPHIC ANALYST GARRISON
WANTS AS A WITNESS IN THE CLAY SHAW CONSPIRACY TRIAL.

END PAGE ONE

51 FEB 18 1969

62-109060

Handwritten notes and signatures, including "5-MS" and "JAN 24 1969".

MR. DELOACH FOR THE DIRECTOR

PAGE TWO

ACCORDING TO THE EXTRADITION PAPERS, GARRISON HOPES TO USE TESTIMONY BY LYNDAL L. SHANEYFELT OF ALEXANDRIA, VA., TO SHOW THAT MORE THAN ONE PERSON FIRED SHOTS DURING THE ASSASSINATION OF PRESIDENT KENNEDY.

THE ARTICLE REPORTED THAT SHANEYFELT HAS BEEN SUBPOENAED TO APPEAR IN A NORTHERN VIRGINIA CIRCUIT COURT FOR A HEARING ON THE EXTRADITION REQUEST. THE EXTRADITION PAPERS SAID HE WAS THE FBI EMPLOYEE WHO ANALYZED THE SIXTEEN MILLIMETER PHOTOGRAPHS OF THE ASSASSINATION TAKEN BY AMATEUR PHOTOGRAPHER ABRAHAM ZAPRUDER.

THE NEW ORLEANS STATES-ITEM, FINAL EDITION, JANUARY TWENTYFOUR INSTANT, IDENTIFIED THE SEVENTH JUROR CHOSEN AS LARRY DEAN MORGAN, TWENTYFOUR, OF NINE TWO TWO ALABO, AN AIRCRAFT MECHANIC FOR THE BOEING CORP. FILES OF THE NEW ORLEANS OFFICE CONTAIN NO INFO ON MORGAN.

THE ARTICLE REPORTED THAT ATTORNEY LEX HAWKINS OF DES MOINES, IOWA, SAID THAT MRS. HAROLD MC MAINES WHO HAS BEEN
END PAGE TWO

PAGE THREE

SUBPOENAED AS A DEFENSE WITNESS IN THE SHAW TRIAL IS HIDING SOMEWHERE IN IOWA, AFRAID TO COME TO NEW ORLEANS TO TESTIFY. ACCORDING TO THE ARTICLE, HAWKINS SAID MRS. MC MAINES IS WILLING TO TELL EVERYTHING SHE KNOWS BUT WANTS TO DO IT IN IOWA.

THE ARTICLE FURTHER REPORTED THAT THE U. S. JUSTICE DEPARTMENT TOLD JUDGE ARTHUR SINCLAIR IN FAIRFAX, VA., THAT IT WILL NOT OPPOSE APPEARANCE OF LYNDAL L. SHANEYFELT AT THE SHAW TRIAL. THE ARTICLE REPORTED THAT JUSTICE DEPARTMENT LAWYERS SAID THEY WILL PERMIT SHANEYFELT TO TESTIFY AND ARE WORKING OUT A JUDICIAL ORDER THAT WILL MAKE IT UNNECESSARY FOR SHANEYFELT TO BE IN NEW ORLEANS THROUGHOUT THE TRIAL.

THE ARTICLE FURTHER REPORTED THAT ATTORNEY HUGH B. EXNICIOS, A DEFENSE WITNESS, CHALLENGED HIS SUBPOENA AND JUDGE HAGGERTY PROMISED TO GRANT HIM A HEARING AT AN UNSPECIFIED DATE. ACCORDING TO THE ARTICLE, EXNICIOS SAID
-END PAGE THREE

PAGE FOUR

TESTIMONY BY HIM WOULD VIOLATE HIS LAWYER-CLIENT RELATIONSHIP
WITH ALVIN BEAUBOEUF, ALSO UNDER SUBPOENA AS A DEFENSE WITNESS.

ALFA:O
NO LHM BEING SUBMITTED.

END

MKA

FBI WASH DC

*Xerox - MR. ROSEN
MR. CONRAD*

CC MR. SULLIVAN

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 29 1969

TELETYPE

FBI WASH DC

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

FBI NEW ORLS

730PM URGENT 1-29-69 OLP

TO DIRECTOR (62-109060) AND DALLAS (89-43)

FROM NEW ORLEANS (89-69) 2P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO CONCERNING. OO: DALLAS.

NEW ORLEANS STATES-ITEM, FINAL EDITION, JANUARY TWENTYNINE,
INSTANT, REPORTED THAT DA JIM GARRISON SUBPOENAED FORMER TEXAS
GOVERNOR JOHN B. CONNALLY AND HIS WIFE YESTERDAY AS STATE
WITNESSES IN THE TRIAL OF CLAY L. SHAW. THE ARTICLE REPORTED
THAT FORMER GOVERNOR CONNALLY SAID LAST NIGHT HE WILL COME TO
NEW ORLEANS TO TESTIFY IN THE TRIAL OF SHAW ONLY IF A TEXAS
COURT ORDERS HIM TO DO SO. THE ARTICLE STATED THAT CONNALLY
SAID HE AND HIS WIFE TOLD THE WARREN COMMISSION ALL THEY KNEW
ABOUT THE ASSASSINATION OF PRESIDENT KENNEDY.

... THE ARTICLE REPORTED THAT DURING THE MORNING SESSION OF
COURT FIFTYFOUR PERSONS WERE QUESTIONED AND EXCUSED AND NO
NEW JURORS WERE ACCEPTED. ACCORDING TO THE ARTICLE, JUDGE
HAGGERTY ORDERED THIRTYFOUR MEMBERS OF THE JURY PANEL OF
END PAGE ONE

62-109060-6698

16 FEB 8 1969

REC-34

51 FEB 18 1969

PAGE TWO

JUDGE THOMAS M. BRAHNEY TO REPORT FOR THE AFTERNOON SESSION. THE
ARTICLE REPORTED THAT THE TOTAL OF THREE HUNDRED SEVENTY
PROSPECTIVE JURORS HAD BEEN PROCESSED THROUGH YESTERDAY.

MEMO
NO LHM BEING SUBMITTED.

END

BGM

FBI WASH DC

XEROX ROSEN

F B I

Date: 1/27/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR FBI (62-109060)
FROM: *W. C. Bishop* OKLAHOMA CITY (89-41) C

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963,
DALLAS, TEXAS

Re Bureau airtel 1/8/68 concerning JAMES HICKS, Enid,
Oklahoma.

Enclosed for the Bureau, Dallas and New Orleans is one
copy each of a newspaper clipping from the Sunday Oklahoman,
Oklahoma City, Oklahoma, dated 1/26/69, which concerns the
appearance of JAMES FREDERICK HICKS of Enid, Oklahoma, as a
prospective witness in the CLAY SHAW trial, New Orleans, La.

ENCLOSURE

- 3 - Bureau (Enc. 1)
- 1 - Dallas (89-43) (Enc. 1)
- 1 - New Orleans (89-69) (Enc.)
- 1 - Oklahoma City

DSB:pwm
(6)

REC 11

62-109060-6699

JAN 31 1969

W. C. Bishop

5- [Signature]

FEB 7 - 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

(Mount Clipping in Space Below)

Ex-Convict Awaits Call to New Orleans Trial

By Jack Taylor

The heavy-set ex-convict sat in a downtown Oklahoma City tavern living an impossible dream — that he is the star witness in the Kennedy assassination conspiracy trial now unfolding in New Orleans.

James Frederick Hicks apparently refuses to believe that he is no longer wanted by the New Orleans district attorney who once talked to him about the Clay Shaw case.

Hicks was a witness that fateful day in Dallas more than 5 years ago when President John F. Kennedy was assassinated.

He was subpoenaed to appear in New Orleans in 1967 to relate what he saw for the benefit of District Attorney Jim Garrison, who disputes the Warren Commission findings that a single assassin killed the president.

Hicks also disputes the Warren Commission's findings. But whatever he had to say in New Orleans apparently is not considered necessary for the ears of jurors now being selected for Shaw's trial.

"I've been subpoenaed," Hicks maintains. "I'm the chief witness."

"From what Mr. Garrison told me, I'll be the first or second witness and I'll be on the stand from 3 weeks to 3 months.

"I can identify the other parties who shot him (the president)," Hicks said. "I know them personally."

Hicks said he is not in New Orleans now for his own protection and Garrison told him he could stay in Oklahoma until needed.

As far as Garrison is concerned, Hicks probably can stay in Oklahoma forever.

Hicks has not been subpoenaed and most probably will not be.

Hicks' residence for at least 51 days in the last 1

(Indicate page, name of newspaper, city and state.)

5 Sunday Oklahoman
Oklahoma City

Date: 1-26-69
Edition: Weekly

Author: Jack Taylor
Editor: Charles L. Bennett
Title: James Frederick
Hicks

Character:

or

Classification: 89-41-351.355
Submitting Office: Oklahoma City

Being Investigated

6611

months has been the Garfield County jail in Enid and Western State Hospital at Fort Supply.

While in jail for his most recent stay, Hicks fired off a stream of letters to Garrison seeking the latter's help in securing Hicks' release.

Jailers who censored his mail said Hicks finally did receive a reply from Garrison. The New Orleans prosecutor told Hicks he wouldn't be needed again — ever, Deputy Bill Henderson said.

Hicks was released from the Enid jail on January 13 after he paid a \$250 fine for writing hot checks. He had been behind bars for more than 3 months.

He claims he went to New Orleans after his release, but that could not be verified. If he did go to New Orleans and if he did try to talk again with Garrison, his effort apparently was in vain.

His story of what he claims to know about the assassination may have found its most attentive listener in the local bartender Hicks claims Garrison

has asked him to retain as a bodyguard.

"I saw two shoot at the president," Hicks repeated in the tavern. "One from a car trunk behind the fence on the knoll, the other one on the other side of the knoll.

"Neither one was Oswald (Lee Harvey Oswald, whom the Warren Commission names as the assassin).

"I had met them in Dallas, including a man by the name of Clay Bertrand. He looks exactly like Clay Shaw.

"There were five of them in all," Hicks said. "Three I can identify; the others I can't."

Hicks' apparent trouble with his memory is nothing compared with his civil and criminal troubles that have run the course of his marriage and an FBI rap sheet.

He has been arrested numerous times over the last 11 years and his wife finally divorced him last June.

Hicks maintains the man with the criminal record is someone else. "That's not me. I'm James Fred

Hicks, not James Frederick Hicks," he said.

If so, it is someone born 30 years ago in the same town in Arkansas of the same parents, who was married to and divorced from the same two women and whose photograph is identical.

Floyd Schultz, a Garfield County sheriff's deputy, got to know Hicks pretty well during six incarcerations over the last year.

"They need to watch that guy," Schultz said. "He's going to wind up hurting somebody."



James Frederick Hicks

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	
(sic)	

TRANSLATION FROM FRENCH

Envelope is addressed to a Mr. John Edgard Hoover, Director of the FBI, United States Department of Justice, Official Business, Washington, D. C. 20535, U. S. A., and was sent by registered mail no. 715. It is postmarked at Willebroek, Belgium, on January 22, 1969. The envelope is marked "Strictly Personal." The return address reads:

De Wit Louis
61 Rue Breendonk
Willebroek, Belgium

De Wit Louis
61 Rue Breendonk
Willebroek, Belgium

Willebroek,
January 22, 1969

Mr. John Edgar Hoover,
Director of the FBI
United States Department of Justice, Official Business
Washington, D. C. 20535, U. S. A.

Dear Director:

I just read in a Belgian newspaper that the attorney Jim Garrison has demanded to see the X-rays that were taken of the late President John F. Kennedy and the results of the autopsy. The report of the Warren Commission claims that the President was assassinated by Lee Harvey Oswald. The commission also said that the President was killed by a single bullet. I tell you that Oswald did not kill the President, and you know it as well as I do! I have asked you several times to investigate the matter, after my letter dated November 19, 1963, in which I warned the late

JAN 28 1969
FBI
MP

JAN 28 1969
FEB 10 1969

62-109060

REC-12
NO 6-11-69
JAN 25 1969
5
STAN

TRANSLATED BY: *ret*
MADELEINE TORRES: *cjs*
January 27, 1969

RECORDED COPY

President that he would be assassinated before Christmas 1963!
You answered me that the Bureau did not have the authority to
conduct an investigation based on my letter. Do you not think,
Mr. Hoover, that before your death you should tell the world
the truth? You, sir, know the truth and you also know, as well
as I do, who was behind the conspiracy! I entreat you to tell
the truth to the whole world before you die. You know what
the truth is!

Please let me have the address of Lee Harvey Oswald's
mother, if you can. I would also like to ask you to ask
the Postmaster General in Washington the name of the person
who received my airmail communication on November 21, 1963.

I would like to hear from you as soon as possible.
As always, I remain

Respectfully,

(Signature illegible)

P. S. - On March 21, 1968, I also sent a warning to Senator
Robert Kennedy. The letter was addressed to him at
the United States Senate in Washington, D. C. I
never received an answer, but he was assassinated!

(Signature)

De Wit Louis
Ren Breendonk
Willebroek
Belgique

Willebroek le 26 Janvier 1968.

Monsieur John Edward Hoover directeur de la F.I.
United States Department of Justice Official Business
Washington D.C. 20535. U.S.A

Monsieur le Directeur

Je viens de lire dans un journal belge que Monsieur le procureur Jim Garrison a demandé les résultats de la radio X du feu président John F Kennedy et de l'intérieur. Le rapport de la Commission Warren prétend que le président a été assassiné par le nommé Lee Harvey Oswald, la Commission dit également que le président a été tué par une seule bal! Je vous ai dit moi que Oswald n'a pas tué le président vous le savez aussi bien que moi! Je vous ai demandé plusieurs fois de faire des recherches après ma lettre du 19/11/1963 dans laquelle j'ai averti le feu président qu'il sera assassiné avant Noël 1963! Vous m'avez répondu que votre bureau n'avait pas le pouvoir de rechercher ma lettre. Ne croyez vous pas Monsieur qu'il est temps avant de mourir de dire la vérité au monde? Vous Monsieur vous savez la vérité et vous savez aussi bien que moi qui est l'auteur du complot! Je vous prie avant de mourir dite la vérité au monde entier car vous le savez la vérité! Je vous en prie aussi de bien vouloir me faire parvenir l'adresse de la mère de Lee Harvey Oswald. Je vous prie également de bien vouloir demander à Monsieur le directeur de la police Central à Washington le nom de la personne qui a reçu ma lettre comme et par avion le 21/11/1963. Je vous prie de répondre le plus vite possible, Je vous salue respectueusement et reste votre serviteur

~~_____~~
P.S Le 21/3/1968 j'ai averti également le Senator Robert Kennedy. La lettre est adressée à lui à United States Senate à Washington D.C je n'ai pas eu de réponse mais il a été assassiné!
~~_____~~

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

JAN 30 1969

TELETYPE

Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI NEW ORLS

706PM URGENT 1/30/69 JDM TWO PAGES

TO: DIRECTOR 62-109060 AND DALAS89-43

FROM: NEW ORLEANS 89-69

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.
MISC. - INFO CONCERNING. OO: DALLAS.

NEW ORLEANS STATES-ITEM, FINAL EDITION, JAN. THIRTY
INSTANT, REPORTED THAT THE ELEVENTH JUROR IN THE TRIAL OF
CLAY L. SHAW PICKED LATE YESTERDAY IS DAVID I. POWE., FOUR ONE
SEVEN PACIFIC, ALGIERS, LA., A CREDIT MANAGER. FILES OF THE
NEW ORLEANS OFFICE DO NOT CONTAIN ANY IDENTIFIABLE INFORMATION
ON POWE.

REC-39 62-109060

AG

W/P

W/P

THIS SAME ARTICLE REPORTED THAT DA JIM GARRISON TODAY
ORDERED RENEWED LEGAL EFFORTS TO OBTAIN FROM WASHINGTON
SECRET AUTOPSY DATA FOR USE IN THE TRIAL OF CLAY L. SHAW.

JAN 31 1969

ACCORDING TO THE ARTICLE, ASSISTANT DA NUMA V. BERTEL,
JR. SAID PLEADINGS WILL BE FILED IN WASHINGTON TOMORROW IN
AN EFFORT TO OBTAIN THE AUTOPSY DATA. HOWEVER, HE DECLINED
TO SAY WHAT TACK WOULD BE TAKEN IN THE RENEWED COURT ARGUMENTS
END PAGE ONE.

5-70

54 FEB 7 - 1969

62-109060

NO 89-69

PAGE TWO

THE ARTICLE SAID THAT THE DA'S OFFICE HAD BEEN GIVEN TWO WEEKS TO SHOW THE AUTOPSY RECORDS ARE RELEVANT TO THE SHAW CASE BY JUDGE CHARLES E. HALLECK, JR. OF GENERAL SESSIONS COURT IN WASHINGTON, D. C. WHICH DEADLINE EXPIRES TOMORROW.

THE ARTICLE REPORTED THAT JUDGE EDWARD A. HAGGERTY HAD ORDERED SIXTYSIX MEMBERS OF THE JURY PANEL FROM SECTION H, JUDGE BERNARD J. BAGERT'S SECTION OF COURT TO APPEAR AT TEN A.M. TODAY FOR POSSIBLE USE IN THE SHAW TRIAL. HOWEVER, JUDGE BAGERT WAS PICKING A JURY IN AN ARMED ROBBERY CASE AND HIS JURORS WERE NOT AVAILABLE.

THE ARTICLE REPORTED THAT COURTHOUSE SOURCES SAID THAT IF THE JURY IS COMPLETED BY THE END OF TOMORROW'S SESSION, JUDGE HAGGERTY PROBABLY WILL SET ASIDE SATURDAY TO HEAR MOTIONS AND OPENING STATEMENTS TO THE JURY WILL BE MADE MONDAY.

NO LHM BEING SUBMITTED.

~~CORR PAGE ONE LINE TEN FORST FIRST WORD SHOULD BE THIS~~

END

CKG

FBI WASH DC

