

UNITED STATES GOVERNMENT

Memorandum

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

DATE: January 27, 1969

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

TO : Mr. Conrad

FROM : R. H. Jevons

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

Reference is made to my memorandum to you dated 1/22/69, regarding the request of the New Orleans District Court to petition the Prince George's County, Maryland, Court to compel the testimony of SA Robert A. Frazier in the trial of Clay L. Shaw.

By letter dated 1/23/69, the Attorney General advised that SA Frazier should appear in response to a subpoena in this matter since the substance of the testimony he is in a position to give has already been made a matter of public record in connection with the Warren Commission's proceedings.

On 1/27/69, a court order was issued in the Circuit Court for Prince George's County, Maryland, a copy of which is attached, which was prepared by the Department of Justice in cooperation with the State's Attorney for Prince George's County, Maryland, which directs SA Frazier to appear in New Orleans on February 3, 1969, to testify at the Shaw trial. This order further states that if SA Frazier is not needed on February 3, 1969, the District Attorney in New Orleans will notify him by telephone or telegraph and will then advise the date on which SA Frazier should appear or will further contact SA Frazier 24 hours prior to the time on which he should appear.

ACTION: None. For information only.

Enclosure
62-109060

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

REC-39

10 JAN 31 1969

RAF:js
54 K 1087-1969

5- AB

IN THE CIRCUIT COURT FOR PRINCE GEORGES COUNTY, MARYLAND

STATE OF LOUISIANA

v.

CLAY L. SHAW

;
;
;
;
;

Criminal Trial No. 8627

ORDER TO TESTIFY IN OUT OF STATE CRIMINAL PROCEEDINGS

This day came before me the matters of the issuance of an order requiring Robert A. Frazier 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 21st day of January 1969, which order was served on the said Robert A. Frazier on the 21st 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 APPEARING TO THE COURT that Robert A. Frazier 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 Robert A. Frazier as a witness for the State of Louisiana is requested, and that the laws of the State of Louisiana where said prosecution is pending, and of any other state or states through which the said Robert A. Frazier as a witness in attending said trial may be required to pass by the ordinary course of trial, give him protection from arrest and the service of civil and criminal process while in the

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. Haggerty, 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 APPEARING TO THE COURT that the attendance of the said Robert A. Frazier as such witness will not cause undue hardship to the said Robert A. Frazier and also that the tender of travel cost and witness fee has been made to the said Robert A. Frazier,

AND IT FURTHER APPEARING TO THE COURT that consent has been given to the appearance of Robert A. Frazier as a witness in the trial of the State of Louisiana vs. Clay L. Shaw and that in the interest of avoiding inconvenience to Robert A. Frazier 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,

NOW THEREFORE IT IS HEREBY ORDERED that Robert A. Frazier appear before Section "C" of the Criminal District Court for the Parish of Orleans, State of Louisiana, on February 3, 1959, at 10:00 o'clock A.M. to testify in the trial of State of Louisiana vs. Clay L. Shaw. In the event that said Robert A. Frazier 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

receiving telephone or telegraph notice from the District
Attorney of the Parish of Orleans that his attendance is
needed.

Judge of the Circuit Court for
Prince Georges County, Maryland

SUBMITTED BY:

ANTHONY A. MARSHALL, JR.
State's Attorney for Prince
Georges County, Maryland

CONSENTED TO:

JEFFREY F. ANGELRAD
Attorney
Department of Justice
Washington, D. C.
Attorney for Robert A. Frazier

F B I

Date: 1/30/69

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

Via
AIRTEL

AIRMAIL

(Priority)

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: 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)

R. J. [Signature]

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

Copies of these articles are enclosed for Dallas and Miami.

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

ENCLOSURE

REC-20

62-109060-6703

4 FEB 1 1969

ECW/srl
(6)

C. C. Bishop

[Handwritten initials]

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

Ninth, Tenth Jurors Sworn at Shaw Trial

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-28-69
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

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. Bainum 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 SEEN 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 3339 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

pro prospective jurors the follow-

ing 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 LINE OF LAW involved often brought baffled state prospective jurors as outlined for them.

Despite Garrison's sweeping attack on the Warren Report and the coupling of Shaw and Oswald as co-conspirators, the prosecution frequently tells prospective jurors the case involves only a conspiracy here.

It may be, Alcock says, that no attempt will be made to show the alleged conspiracy resulted in Kennedy's death.

JUDGE HAGGERTY usually puts his own clarification:

"There might have been 50 conspiracies to assassinate the President in 50 different cities, and in any one of them, though, somebody else got to the President first; if it is proven there was a 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 Trial Session Not Productive

Former Texas Gov. John B. Connally said last night he will come to New Orleans and testify in the trial of Clay L. Shaw only if a Texas court says he must.

"I don't intend to go voluntarily but if a Texas District Court allows the subpoena to be served, we'll have to go," Connally said in Houston.

District Attorney Jim Garrison yesterday subpoenaed Connally and his wife, both of Houston, as state witnesses in the trial of Shaw, 55, who is charged with conspiring to kill President John F. Kennedy.

The morning session of the trial's eighth day passed today with no new jurors accepted. Fifty-four persons were questioned and excused.

By the end of yesterday's session, 10 jurors had been sworn in. Twelve, plus two alternates, are needed.

Gov. and Mrs. Connally were riding with Kennedy in the presidential limousine when the president was shot to death in Dallas' Dealey Plaza Nov. 22, 1963. The governor was seriously wounded by the gunfire.

The Garrison subpoena said the Connallys' testimony will help show "that shots were fired into the limousine from more than one direction, pursuant to a conspiracy formulated by Clay L. Shaw and others."

GARRISON CHARGES Shaw

conspired with Lee Harvey Oswald and others here to assassinate Kennedy. The Warren Commission investigating the slaying found no evidence of a conspiracy.

Connally said he and his wife told the commission everything they knew about the tragedy. However, the governor in the past has differed with the commission's theory of which bullet struck him.

The commission concluded the first shot fired hit both Kennedy and Connally. The governor has insisted he heard the first shot before he was hit. Inasmuch as bullets travel faster than sound, this presents a dilemma which many Warren Commission critics have seized on.

THE CONNALLY subpoenas, along with others issued earlier, pose a key question in the Shaw trial. Will the state be permitted to "go into Dealey Plaza" and introduce testimony about the assassination itself?

Judge Edward A. Haggerty Jr. has said "we'll cross that bridge when we come to it. I can't tell the state how to present its case." The question has been raised several times by chief defense attorney F. Irvin Dymond.

Chief prosecutor James L. Alcock has said the state may or may not delve into the assassination itself. To obtain a conviction under the state law, the state must prove a conspiracy involving Shaw was formed inside its jurisdiction, then show at least

one overt act was committed in furtherance of the object of the conspiracy. The overt act need not be the assassination itself.

BUT THE SUBPENAS for Connally and others connected with the events in Dealey Plaza indicate Garrison intends to deal directly with the slaying, in effect putting the Warren Commission Report on trial along with Shaw.

In court yesterday, the ninth and 10th jurors were agreed upon and took their place in the jury box. They are:

W. W. Bainum Jr., 24, of 2911 Banks, a credit manager.

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

So far, the jury includes seven whites and three Negroes. It is all male.

This morning, the defense exercised its ninth and 10th peremptory challenges in rejecting two potential jurors accepted by the state. This leaves the defense with only two more such challenges, the state with three. Each side had 12 to begin.

Peremptory challenges reject jurors with no reason given. Otherwise, the judge decides on a juror's fitness to serve.

EACH SIDE WILL get two more peremptory challenges as soon as the 12-man panel is completed, to use in the selection of the two alternates.

Rejected by the defense today were Frank B. Payette Sr., 62, and Edward Fisher Jr., 38.

The judge ordered 34 members of the jury panel of Judge Thomas M. Brahney to report for this afternoon's session.

Through yesterday, Judge Haggerty had run through 370 prospective jurors with only 10 selected. Most were rejected either because they already had a fixed opinion in the case or because they said they couldn't afford to serve two months without pay. Jurors are not paid in New Orleans.

Through the legal sparring over jurors, the big, white-haired defendant has chain-smoked and watched with an air of detachment.

The penalty on the conspiracy charge is one to 20 years in prison. It takes at least nine members of the jury to acquit or convict. Alcock says he expects the trial to run two months.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-29-69

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

672

(Mount Clipping in Space Below)

CONNALLY WON'T HEED SUBPENNA VOLUNTARILY

(c of
d state.)

PAGE 1

SECTION 1

STATFS-ITEM

NEW ORLEANS, LA.

Date: 1-29-69
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

Shaw Trial Moves Into Eighth Day

Former Texas Gov. John B. Connally said last night he will come to New Orleans and testify in the trial of Clay L. Shaw only if a Texas court says he must.

"I don't intend to go voluntarily but if a Texas District Court allows the subpoena to be served, we'll have to go," Connally said in Houston.

District Attorney Jim Garrison yesterday subpoenaed Connally and his wife, both

of Houston, as state witnesses in the trial of Shaw, 55, who is charged with conspiring to kill President John F. Kennedy.

THE TRIAL MOVED into its eighth day today with the jury still incomplete. By the end of yesterday's session, 10 jurors had been sworn in. Twelve, plus two alternates, must be selected.

Gov. and Mrs. Connally were riding with Kennedy in the presidential limousine when the president was shot to death in Dallas' Dealey Plaza Nov. 22, 1963. The governor was seriously wounded by the gunfire.

The Garrison subpoena said the Connallys' testimony will help show "that shots were fired into the limousine from more than one direction, pursuant to a conspiracy formulated by Clay L. Shaw and others."

GARRISON CHARGES Shaw

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17

times by chief defense attorney F. Irvin Dymond.

Chief prosecutor James L. Alcock has said the state may or may not delve into the assassination itself. To obtain a conviction under the state law, the state must prove a conspiracy involving Shaw was formed inside its jurisdiction, then show at least one overt act was committed in furtherance of the object of the conspiracy. The overt act need not be the assassination itself.

BUT THE SUBPENAS for Connally and others connected with the events in Dealey Plaza indicate Garrison intends to deal directly with the slaying, in effect putting the Warren Commission Report on trial along with Shaw.

In court yesterday, the ninth and 10th jurors were agreed upon and took their place in the jury box. They are:

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

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

So far, the jury includes seven whites and three Negroes. It is all male.

By the end of yesterday's session, the state had used nine peremptory challenges, the defense eight. Thus, the state has three left, the defense four.

Peremptory challenges reject jurors with no reason given, and each side started with 12. Otherwise, the judge decides on a juror's fitness to serve.

EACH SIDE WILL get two more peremptory challenges as soon as the 12-man panel is completed to use in the selection of the two alternates.

Through yesterday, Judge Haggerty had ~~run~~ through 370 prospective jurors with only 10 selected. Most were rejected either because they already had a fixed opinion in the case or because they said they couldn't afford to serve two months ~~without~~ pay. Ju-

rors are not paid in New Orleans.

Through the legal sparring over jurors, the big, white-haired defendant has chain-smoked and watched with an air of detachment.

The penalty on the conspiracy charge is one to 20 years in prison. It takes at least nine members of the jury to acquit or convict. Alcock says he expects the trial to run two months.

(Mount Clipping in Space Below)

EX-GOV. CONNALLY NAMED IN SUBPENA

Two More Jurors Picked in Shaw Trial

By CLARENCE DOUCET

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

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

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

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

REPLY TO DYMOND

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

The two new jurors tapped were:

Harold W. Bainum Jr., 24, 2911 Banks, a unit manager of Westinghouse Credit Co.

Warren E. Humphrey, 52, 6524 Providence pl., a post office employe.

As jury selection was recessed at 6 p.m. Tuesday, Frank B. Rayette Sr., of 7719 Green st., a bus operator for

New Orleans Public Service, was being questioned by the prosecution.

Judge Haggerty instructed him not to discuss the case overnight and to return at 9 a.m. Wednesday for further examination.

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

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

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

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

OBJECTIONS SUSTAINED

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

A total of 85 prospective jurors was called Tuesday, bringing the eight-day total to 370. Thus far, in addition to the exhausted jury panel list of Judge Haggerty, prospective jurors have been called from the panels of Judge Frank Shea, Judge

Rudolph F. Becker Jr., Judge Matthew S. Braniff and Judge Oliver P. Schulinkamp.

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

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

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

ASKED ABOUT OPINION

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

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

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

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

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

'SAME OLD DILEMMA'

Alcock, expressing his views, told Judge Haggerty he thought the question asked the prospec-

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

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-29-69

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

67

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

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

Alcock again objected, and his objection was again sustained.

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

Alcock objected and Judge Haggerty sustained the objection.

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

PEREMPTORY CHALLENGE

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

Those prospective jurors excused during the morning session were:

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

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

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

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

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

EXCUSED IN AFTERNOON

Excused during the afternoon session:

The following because they would suffer a financial loss:

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

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

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

Excused from a jury panel list for Section F of Criminal District Court, Judge Schulingkamp, because they would suffer a financial loss were: Rus-

self, Arthur Bailey, Clarence V. Baker, Joseph Thomas Deah, Louis Joseph Dugas Jr., Martin Miller, Thomas Muse, Lloyd Joseph Ernest, Antoine Farve Sr., Thomas Freeman, Larry Lynn Grayson, Richard Philip Haydel, Clarence Walter Poncet and Leslie Joseph Stuart.

John Lawrence Helmore was excused on a peremptory challenge by the state.

Others excused were: Joseph Pierre Sr., concern for family; James A. Simpson, concern; James William Ponseti, concern, and Elmer Henry Dorsey, ~~imposition because of prior jury duty.~~

F B I

Date: 1/31/69

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

Via AIRTEL AIRMAIL
(Priority)

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: 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)

Shirley

Enclosed for the Bureau are three (3) newspaper articles appearing in New Orleans newspapers concerning above-captioned matter.

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

1A

ENCLOSURE

Taylor

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

62-109060-6704

4 FEB 3 1969

ECW/srl
(6)

5-2473c
Rap...
SIX

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

53 FEB 10 1969

(Mount Clipping in Space Below)

Connally Won't Appear For DA Voluntarily

ge, name of city and state.)

Former Texas Gov. John B. Connally said last night he will come to New Orleans and testify in the trial of Clay L. Shaw only if a Texas court says he must.

"I don't intend to go voluntarily but if a Texas District Court allows the subpoena to be served, we'll have to go," Connally said in Houston.

District Attorney Jim Garrison yesterday subpoenaed Connally and his wife, both of Houston, as state witnesses in the trial of Shaw, 55, who is charged with conspiring to kill President John F. Kennedy.

The morning session of the trial's eighth day passed to-

day with no new jurors accepted. Fifty-four persons were questioned and excused.

By the end of yesterday's session, 10 jurors had been sworn in. Twelve, plus two alternates, are needed.

Gov. and Mrs. Connally were riding with Kennedy in the presidential limousine

when the president was shot to death in Dallas' Dealey Plaza Nov. 22, 1963. The governor was seriously wounded by the gunfire.

The Garrison subpoena said the Connallys' testimony will help show "that shots were fired into the limousine from more than one direction, per-

suant to a conspiracy formulated by Clay L. Shaw and others."

GARRISON CHARGES Shaw conspired with Lee Harvey Oswald and others here to assassinate Kennedy. The Warren Commission investigating the slaying found no evidence of a conspiracy.

Connally said he and his wife told the commission everything they knew about the tragedy. However, the governor in the past has differed with the commission's theory of which bullet struck him.

The commission concluded the first shot fired hit both Kennedy and Connally. The governor has insisted he heard the first shot before he was hit. Inasmuch as bullets travel faster than sound, this presents a dilemma which many Warren Commission critics have seized on.

THE CONNALLY subpoenas, along with others issued earlier, pose a key question in the Shaw trial. Will the state be permitted to "go into Dealey Plaza" and introduce testimony about the assassination itself?

Judge Edward A. Haggerty Jr. has said "we'll cross that bridge when we come to it. I can't tell the state how to present its case." The question has been raised several times by chief defense attorney F. Irvin Dymond.

Chief prosecutor James L. Alcock has said the state may or may not delve into the assassination itself. To obtain a conviction under the state law, the state must prove a conspiracy involving Shaw was formed inside its jurisdiction, then show at least

one overt act was committed in furtherance of the object of the conspiracy. The overt act need not be the assassination itself.

BUT THE SUBPENAS for Connally and others connected with the events in Dealey Plaza indicate Garrison intends to deal directly with the slaying, in effect putting the Warren Commission Report on trial along with Shaw.

In court yesterday, the ninth and 10th jurors were agreed upon and took their place in the jury box. They are:

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

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

So far, the jury includes seven whites and three Negroes. It is all male.

This morning, the defense exercised its ninth and 10th peremptory challenges in rejecting two potential jurors accepted by the state. This leaves the defense with only two more such challenges, the state with three. Each side had 12 to begin.

Peremptory challenges reject jurors with no reason given. Otherwise, the judge decides on a juror's fitness to serve.

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-29-69

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

EACH SIDE WILL get two more peremptory challenges as soon as the 12-man panel is completed, to use in the selection of the two alternates.

Rejected by the defense today were Frank B. Payette Sr., 62, and Edward Fisher Jr., 38.

The judge ordered 34 members of the jury panel of Judge Thomas M. Brahney to report for this afternoon's session.

Through yesterday, Judge Haggerty had run through 370 prospective jurors with only 10 selected. Most were rejected either ~~because~~ they already had a fixed opinion in the case or because they said they couldn't afford to serve two months without pay. Jurors are not paid in New Orleans.

Through the legal sparring over jurors, the big, white-haired defendant has chain-smoked and watched with an air of detachment.

The penalty on the conspiracy charge is one to 20 years in prison. It takes at least nine members of the jury to acquit or convict. Acock says he expects the trial to run two months.

(Mount Clipping in Space Below)

DA Renews Bid for JFK Autopsy Info

District Attorney Jim Garrison today ordered renewed legal efforts to obtain from Washington secret autopsy data for use in the trial of Clay L. Shaw.

Assistant DA Numa V. Bertel Jr. said pleadings will be filed in Washington tomorrow in the stalled move to subpoena autopsy data on President John F. Kennedy.

Shaw, 55, is on trial in Criminal District Court here for conspiring to kill the President, who was shot to death in Dallas Nov. 22, 1963.

The trial hit a snag as it entered its ninth day today, still short one juror and two alternates.

JUDGE EDWARD A. Haggerty Jr. had ordered the 66 members of the jury panel from Section H, Judge Bernard J. Bagert's section of court, to appear at 10 a. m. for possible use in the Shaw trial.

But Judge Bagert was picking a jury himself in an armed robbery case, so his jurors were unavailable and no others were on hand. Court attaches said it would be this afternoon before the Shaw case could resume.

Meanwhile, Judge Haggerty ordered the names of 150 new

prospective jurors drawn from the jury wheel. These persons were to be subpoenaed by this afternoon and should be in court tomorrow morning.

COURTHOUSE SOURCES said that if the jury is completed by the end of tomorrow's session, the judge probably will set aside Saturday to hear motions, and opening statements to the jury will be made Monday.

The 11th juror, picked late yesterday, is David I. Powe, 417 Pacific, Algiers, a credit manager.

On the matter of the Kennedy autopsy data, Bertel declined to say what tack would be taken in the renewed court arguments.

THE DATA includes 45 photographs and X-rays. Garrison says they are vital evidence in his effort to show the President was shot from more than one direction.

This would contradict the Warren Commission's conclusion that Lee Harvey Oswald acted alone in killing Kennedy. Garrison charges Shaw conspired with Oswald and others to slay the President.

On Jan. 17, Judge Charles E. Halleck Jr. of General Sessions Court in Washington, D. C., gave Bertel two weeks to show the autopsy records are relevant to the Shaw case.

THAT DEADLINE expires tomorrow.

The autopsy reports have been sealed in the National Archives until 1971 at the request of the Kennedy family.

In court yesterday, 318 persons paraded through the jury box before the single juror was agreed upon. In all, 508 persons have been questioned in the eight days, out of which 11 jurors have been seated.

PICKING OF THE 12th juror may come quickly today, however, inasmuch as both the state and defense are down to their last peremptory challenge, by which a juror may be rejected without giving a reason. Each side started out with 12.

In the selection of alternate jurors, each side will get two more peremptory challenges.

Most of the potential jurors were excused yesterday for one of two reasons, the same ones that have snagged the process since the trial opened. Either they already had a fixed opinion in the case, or they could not afford to serve two months without pay. Jurors are unpaid in New Orleans.

THERE WERE fewer clashes yesterday between chief prosecutor James L. Alcock and chief defense coun-

sel F. Irving Dymond than in recent days, but Dymond was stressing to jurors the key points the state must prove in order to convict.

Dymond said Garrison's whole case hinges upon whether it can prove Shaw met with Oswald and David William Ferrie in New Orleans to plot the assassination.

"There is no way in the law that Shaw can be held responsible for the state's other contentions unless the state proves a conspiracy meeting was held," Dymond told a prospective juror.

"AND IF THERE is a doubt in your mind that such a meeting was held, then you must return a verdict of not guilty," Dymond said.

Perry Raymond Russo, the

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-30-69

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

state's star witness at a preliminary hearing for Shaw, testified he heard Shaw, Ferrie and Oswald plotting the assassination at Ferrie's uptown apartment in September of 1963. Ferrie died here Feb. 22, 1967.

The conspiracy statute requires the state to establish that a conspiracy existed and that an overt act was committed in furtherance of the conspiracy.

SHAW, SINCE his arrest March 1, 1967, has denied consistently any connection with Oswald or Ferrie, or that he had any knowledge of any assassination plot.

(Mount Clipping in Space Below)

11TH MAN PICKED FOR SHAW JURY

138 Questioned, Bringing Total to 508

By CLARENCE DOUCET

An 11th juror was seated at 5:32 p. m. Wednesday at the close of what was the most exhaustive and exhausting day thus far in the jury selection for the conspiracy trial of Clay L. Shaw.

Some 138 persons paraded to the witness box in the Criminal District Court of Judge Edward A. Haggerty, bringing the eight day total of prospective jurors questioned to 508.

The latest juror agreed upon by both state and defense is 28-year-old David I. Powe, 417 Pacific Ave., Algiers, a credit manager.

The end of jury selection may come Thursday as both state and defense have used 11 of their 12 peremptory challenges.

RESUMES AT 10 A. M.

Questioning of prospective jurors will resume at 10 a. m. Thursday.

Judge Haggerty commented from the bench Wednesday afternoon that a record may have already been set for a Louisiana court regarding the number of prospective jurors questioned in selecting a jury of 12.

After the 12 jury members are selected all that will remain for the trial to begin will be the selection of two alternates, persons who will attend the trial on stand-by in event one of the jurors becomes ill. The state and the defense will each be allowed two peremptory challenges in connection with the selection of alternates.

The defense exercised three peremptory challenges during the day and the state two. This is a legal action by which either side may excuse prospective jurors without giving a reason. Once each side has exhausted its challenges, only Judge Hag-

gerty may excuse prospective jurors, and then for cause.

JURORS DOZE

To stifle the apparent boredom, some jurors were observed "dozing" momentarily and deputy sheriffs assigned to the court had to caution some persons in the press section about napping in court.

The favorite position seemed to be bending the body forward, lowering the head as though examining the floor and resting the eyelids lightly against one another.

In contrast to Tuesday, when there were several arguments between the state and defense attorneys, Wednesday's session was marked by peaceful calm. The defense did object once to a question asked by the state, but Judge Haggerty sustained the objection and that was all there was to it.

Loss of earnings continued to be a major factor in the excusing of prospective jurors. At one point, when the jury panel from the court of Judge Malcolm V. O'Hara arrived—there were 47 in the group—26 of them were excused almost immediately by consent of both sides for this reason.

'CHARGE DENIED

Those persons who were excused by peremptory challenge by the defense were: Frank B. Payette Sr., the man who was being questioned Tuesday night when the trial was adjourned; Edward Fisher Jr., and Howard V. Plaeger. Payette and Plaeger are bus operators for New Or-

Also, Smith Collins, Alvin A. Hebert, Raymond Hansell, Robert Charles Heimstead, Eugene A. Mohrmann, Alvin George Lehmann, Cleveland M. Ponthieux, Herbert Weaver Simmons, Freddie S. Morton Jr., Melvin P. Hyman, and Edward Parker.

Others included: John Barney Davis, illness in the family; Payette, peremptory challenge; Fisher, peremptory challenge; Noah Jean Decoteau, excused by consent; Louis J. Ferbos, concern for family; Alexander Blakes, concern; Norris LaDew Fant, concern; John Terence Fisk, concern; Henry Edward

~~DeBazair~~, interfere with work; Fred J. Hagstette, unique neighborhood; William F. Rehage Jr., fixed opinion; Samuel J. Dabon, concern.

Also, Raymond F. Chagnard, concern for family; Ivory Harris, concern; Ralph C. Anderegg, fixed opinion; Georgia Lucien Harldegen, fixed opinion; Frederick H. Beter Jr., concern; Joseph L. Montreuil Jr., concern; Raymond Claude Bergeron, fixed opinion; L. C. Smith, disabled; Lawrence Willie Bentz Jr., by consent; William James Nelson, concern; Gerald J. Jacquot, concern; and Odus Joseph Lynd, concern.

OTHERS EXCUSED

Excused during the afternoon were: Joseph Ed Cicutat Seidel, by consent; Herman T. Schmitt, an acquaintance since childhood of one of the defense attorneys; August H. Smith, medical reasons; William M. Hebert III, concern; Robert L. Cowart, by consent; Rificy, peremptory challenge; Lester B. Koski, concern; Joseph George Simmons, concern; Odie Dampcer, concern; Henry F. Oleaga, concern; Emanuel Davis, concern; Ray Carlton Young, concern; James Edward Barlow, business; Henry L. Dreyfus, by consent; Joseph Felix, fixed opinion; and James N. Smith, concern.

LOSS OF EARNINGS

These are the 26 jurors from Judge O'Hara's section excused because they would suffer a loss of earnings:

Saverio J. Nicolosi, Sidney V. Opolowsky, George D. Gibson, Kenneth E. Marcell, John C. Davis, Robert Geason, Daniel C. Olsen, Nathan E. Pierre, Ernest Morris, Herbert Baker, Manuel Scott, ~~Frank~~ Morgan, Clyde B. Price, Minel J. Tastet Sr., John N. Kramer, Louis Batt, Carl J. Oertel III, Andrew O. Johnson, William N. Sayer, Robert E. Cole, James H. Parker, Joachim N. Daige, Theophile J. Jones, Samuel A. Banks, Eimore McDowell, and Lawrence A. Smith.

Others excused included Howard V. Plaeger, peremptory challenge, Richard Louis Mocklin Sr., concern; Walter Francis Garvey, heads a business;

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

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-30-69

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

Charles Donald Fisher, concern; James William Parker, concern; Ronald James Wag- uespack, concern; Louis G. Durio, peremptory challenge; Conrad A. Dussel Jr., because of occupation; Robert Hebert no pay; John Percy McCollum, concern and August H. Metoyer Jr., concern.

Excused late in the afternoon were the following:

William Valentine, concern; Warren A. Hepler, concern; Calvin Harris Jr., concern; Clifford J. Campos, fixed opinion; Joseph W. Jones, concern; Herbert W. Muller, concern; Samuel C. Santa Marina, fixed opinion; Jean B. R. Zeringue, concern; Ronald J. Mulligan, financial hardship; Samuel L. Gilbert Jr., excused by consent because daughter once attended same school as witness Perry Russo; Joseph R. Genovese,

leans Public Service Inc., and Fisher is a letter carrier for the United States Post Office.

Excused by the state's peremptory challenges were Robert J. Ridley, a production engineer for Humble Oil & Refining Co., and Louis G. Durio, a geophysicist for Pan American Petroleum Co.

Shaw is charged with having participated in a conspiracy with Lee H. Oswald and David W. Ferrie to murder President John F. Kennedy. He has denied the charge as well as denied ever knowing either man named as his co-conspirators.

FRIDAY DEADLINE

Assistant district attorney James L. Alcock, Garrison's chief prosecutor in the case, said Wednesday after court adjourned he plans to push his fight for secret autopsy data on President Kennedy.

A judge in Washington has set a Friday deadline for the state to put up evidence supporting its claim that the autopsy reports, photographs and X-rays are necessary for the trial.

Garrison's subpoena of the records was rejected Jan. 17 by Judge Charles Halleck of General Sessions Court in Washington. Garrison, the judge said, has to show some evidence that that shots were fired from more than one direction.

The Justice Department released a ~~secret~~ report by a panel of medical experts who supported the Warren Commission's findings that Kennedy was shot twice from behind.

In another development Wednesday, former Gov. John Connally of Texas, subpoenaed by the state as a witness, said will come to New Orleans and testify in Shaw's trial only if a Texas court says he must.

"I don't intend to go voluntarily but if a Texas District Court allows the subpoena to be served, we'll have to go."

CONNALLY WOUNDED

He referred to his wife who has also been subpoenaed. Connally and his wife were in the same car with President Kennedy when he was assassinated in Dallas, Tex., on Nov. 22, 1963. Connally was wounded.

The Warren Report, which investigated the assassination, said Oswald, acting alone, committed the crime.

Those prospective jurors excused Wednesday morning were: Because they would suffer a loss in earnings: Raymond J. Duroncelet, Normand E. Morris, Edward A. Molizone, John F. Miller Jr., Chris Joseph Grant, Robert C. Henderson, Willie King Jr., John M. Hart Jr., Ronald J. Marrero, Felton A. Johnson, Alvin Joseph Petit, Albert Jay Sholes, Vaurice Ned, Frank J. Pellenz, Warren J. Norton Jr., James N. Metoyer, William Anthony Fothe, Lester Harper Jr., Eugene I. Domanque, William G. Kenekey Jr., Milton J. LeBlanc, John S. Viola, Aldin Johnson, Eddie Phillips and Serge Gjurcio.

FBI WASH DC

COMMUNICATION SECTION

JAN 31 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 NEW ORLS

640PM URGENT 1-31-69 OLP

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

FROM NEW ORLEANS (89-69) 3P

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

NEW ORLEANS STATES-ITEM, FINAL EDITION, JANUARY THIRTYONE,
 INSTANT, REPORTED THAT DA ^{DISTRICT ATTORNEY} JIM GARRISON TODAY OFFERED ~~TO~~ PRESENT
 TWO EXPERT WITNESSES TO SUPPORT HIS CLAIM THAT THE AUTOPSY
 REPORT AND PHOTOS MADE AFTER THE ASSASSINATION OF PRESIDENT
 JOHN F. KENNEDY ARE NEEDED FOR THE TRIAL OF CLAY L. SHAW.

THE ARTICLE REPORTED THAT ASSISTANT DA NUMA V. BERTEL,
 JR. FILED A BRIEF TODAY BEFORE GENERAL SESSIONS JUDGE
 CHARLES E. HALLECK, JR. WHICH CONTENDS THE MEDICAL REVIEW BY
 ATTORNEY GENERAL RAMSEY CLARK'S FOUR EXPERTS RAISES NEW
 QUESTIONS AS TO THE NUMBER OF MISSILE WOUNDS ON KENNEDY'S
 BODY AND THE DIRECTION FROM WHICH THEY ^{WAS} CAME. ACCORDING TO
 THE ARTICLE, BERTEL SAID HE IS PREPARED TO PRODUCE TWO
 WITNESSES BEFORE JUDGE HALLECK WHO HE IDENTIFIED AS DR. ¹⁰⁴ FEB 5 1969
 ROBERT FORMAN, CHAIRMAN OF THE DEPARTMENT OF PSYCHOLOGY AND
 ANTHROPOLOGY AT WISCONSIN STATE UNIVERSITY, OSHKOSH, AND DR.
 END PAGE ONE

Handwritten notes:
 S. J. [unclear]
 5- [unclear]

Handwritten mark: +

Handwritten: 109060-6705

FEB 5 1969

Handwritten: 5-7-69

581-23101969 *Handwritten:* 2-2-69

PAGE TWO.

CYRIL WECHT, RESEARCH PROFESSOR OF LAW AT DUQUESNE UNIVERSITY, PITTSBURGH. THE ARTICLE SAID BOTH HAD PUBLISHED THEIR OWN CONCLUSIONS ABOUT THE KENNEDY AUTOPSY.

ACCORDING TO THE ARTICLE, THE BRIEF SAYS THE REVIEW BY ATTORNEY GENERAL CLARK'S PANEL MADE IN NINETEEN SIXTYEIGHT DOES NOT CONFORM TO THE ORIGINAL AUTOPSY FINDINGS, "BUT ON THE CONTRARY PROVIDES NEW AND MORE SERIOUS QUESTIONS AS TO THE NUMBER OF MISSILE WOUNDS AND THE DIRECTIONS FROM WHICH THE MISSILES CAME." THE BRIEF SAYS THE QUESTIONS STEM FROM WHAT IT SAID ARE "CRITICAL AMBIGUITIES" IN THE ORIGINAL AUTOPSY AND AMBIGUITIES LEFT BY THE NINETEEN SIXTYEIGHT REVIEW. ACCORDING TO THE ARTICLE, JUDGE HALLECK SAID HE WILL STUDY THE BRIEF AND SET A HEARING ON THE MATTER SOMETIME NEXT WEEK.

THE ARTICLE REPORTED THAT OF THE ONE HUNDRED FIFTY NEW POTENTIAL JURORS ORDERED TO APPEAR IN COURT TODAY BY CRIMINAL DISTRICT JUDGE EDWARD A. HAGGERTY, JR. ONLY ONE HUNDRED FORTYONE APPEARED AND OF THESE NINETYTHREE WERE QUICKLY EXCUSED MOSTLY FOR FINANCIAL OR MEDICAL REASONS.

END PAGE TWO

PAGE THREE

THE ARTICLE STATED THAT ATTORNEYS FOR THE DEFENSE
AND THE STATE BEGAN THE QUESTIONING OF THE FORTYNINE PERSONS
REMAINING ON TODAY'S LIST.

^{MEMO}
NO LHM BEING SUBMITTED.

END

MXS

FBI WASH DC

CC-ROSEN

FBI

Date: 2/3/69

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 five (5) newspaper
articles appearing in New Orleans newspapers concerning
captioned matter.

Copies of these articles are enclosed for Dallas
and Miami.

TAYLOR

K
ENCLOSURE
FEB-33

62-109060-6706

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

10 FEB 5 1969

ECW/srl
(6)
C. C. Bishop

5-1-19
6/18

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

(Mount Clipping in Space Below)

DA Renews Bid for JFK Autopsy Info

District Attorney Jim Garrison today ordered renewed legal efforts to obtain from Washington secret autopsy data for use in the trial of Clay L. Shaw.

Assistant DA Numa V. Bertel Jr. said pleadings will be filed in Washington tomorrow in the stalled move to subpoena autopsy data on President John F. Kennedy.

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The trial hit a snag as it entered its ninth day today, still short one juror and two alternates.

JUDGE EDWARD A. Haggerty Jr. had ordered the 66 members of the jury panel from Section H, Judge Bernard J. Bagert's section of court, to appear at 10 a. m. for possible use in the Shaw trial.

But Judge Bagert was picking a jury himself in an armed robbery case, so his jurors were unavailable and no others were on hand. The court resumed the jury selection process this afternoon.

Meanwhile, Judge Haggerty ordered the names of 150 new prospective jurors drawn from the jury wheel. These persons were to be subpoenaed by this afternoon and should be in court tomorrow morning.

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"AND IF THERE is a doubt in your mind that such a meeting was held, then you must return a verdict of not guilty," Dymond said.

Perry Raymond Russo, the state's star witness at a preliminary hearing for Shaw, testified he heard Shaw, Ferrie and Oswald plotting the assassination at Ferrie's uptown apartment in September of 1963. Ferrie died here Feb. 22, 1967.

The conspiracy statute requires the state to establish that a conspiracy existed and that an overt act was committed in furtherance of the conspiracy.

SHAW, SINCE his arrest March 1, 1967, has denied consistently any connection with Oswald or Ferrie, or that he had any knowledge of any assassination plot.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-30-69

Edition: FINAL

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

ENCLOSURE

(Mount Clipping in Space Below)

Final Juror; Extras Sought In Shaw Trial

Judge Edward A. Haggerty Jr. today pressed efforts to select a final juror and two alternates in the 10-day-old trial of Clay L. Shaw.

Shaw, 55, is on trial on charges of conspiring to kill President John F. Kennedy. Eleven jurors have been sworn in during the first nine days.

A shortage of prospective jurors slowed yesterday's proceedings. Judge Haggerty has used up the jury panels of all eight sections of Criminal District Court.

"IT ALREADY IS a record for the city of New Orleans. No case in this city has ever interviewed so many prospective jurors," the judge said.

Altogether, 687 prospective jurors have been interviewed. Judge Haggerty sent process servers hustling about the city last night to drum up 150 more prospects, due in court today.

As in previous days, the main problem yesterday was that the prospective jurors already had a fixed opinion in the case, or else their em-

ployers would not continue their pay. Jurors draw no pay from the city.

OTHERS SAID they would suffer "undue concern" if separated from their families for several weeks. The jury will be sequestered during the trial.

Defense attorney F. Irvin Dymond yesterday exhausted his peremptory challenges, by which a juror may be rejected without giving a reason. Each side started out with 12. Chief prosecutor James L. Alcock has one left.

Each side will get two more peremptory challenges when they begin selecting the two alternate jurors.

CRIMINAL SHERIFF Louis A. Heyd estimated yesterday that lodging, meals and miscellaneous expenses for the jury may cost the city as much as \$15,000 a month, or \$250 a week per juror.

Major expenses will be for rooms and meals. Jurors are being quartered at the Downtowner Motor Inn.

In theory, the city pays all of a juror's living expenses for the duration of the trial, including food, razor blades, haircuts, newspapers and shoe shines.

One juror already sworn in asked Judge Haggerty yesterday if he could exercise in the police gym. The judge refused, but said the city would rent him an exercise machine if he desires.

SHERIFF HEYD'S office is allotted about \$50,000 a year for jury fees and expenses. Heyd said this case will go well over that figure, and he will forward the bills to City Hall, where money is short anyway.

State law provides that jurors should be paid, but New Orleans is so hard-pressed for money the city has been unable to do so.

Prospective jurors who have spent long hours in Judge Haggerty's courtroom got one break yesterday. Traffic Judge Oliver S. Delery appeared to say that those who received traffic tickets won't have to pay them.

TICKETS PLACED on the cars of prospective jurors in the Shaw case will be not prosessed, Judge Delery said.

In another aspect of the Shaw case, Assistant District Attorney Numa V. Bertel Jr. is in Washington, D.C., to file new pleadings in District Attorney Jim Garrison's effort to subpoena autopsy records on Kennedy.

Federal Judge Charles E. Halleck Jr. of General Sessions Court in Washington gave Garrison until today to produce evidence that the records are material to the Shaw trial.

GARRISON CONTENTS the autopsy report will support his claim that Kennedy was shot from more than one direction in Dallas on Nov. 1963. The Warren Commission investigating the assassination concluded Lee Harvey Oswald fired all the shots from the rear of the president.

The autopsy records are sealed in the National Archives until 1971 at the request of the Kennedy family.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-31-69

Edition: RED COMET

Author:

Editor: GEORGE W. HEALY

Title: ASSISSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

Handwritten notes: ... be ...

Shaw Trial Jury Cost Is High

\$15,000 Monthly Possible for 'Wards,' Deputies

By CLARENCE DOUCET

Lodging, meals and miscellaneous expenses for the jury in the Clay L. Shaw trial may cost the city as much as \$15,000 a month, or \$250 a week per juror.

That is the estimate of Orleans Parish Criminal Sheriff Louis A. Heyd Jr., whose office is charged with the responsibility for providing security for the jurors. He added it may be as low as \$12,000 a month, which is still more than \$200 a week per juror.

There will be 12 jury members and two alternates.

Major expenses will be for rooms and meals. Jurors are being quartered at the Rowntowner Motor Inn. However, each juror does not have a private room.

THREE IN ROOM

There are three jurors each in three rooms, with a deputy sheriff assigned to each room. The remainder of the jurors will be in a fourth room, also with a deputy assigned. A fifth room is being used as security and communications headquarters.

During one sampling, when there were 10 jurors, said Sheriff Heyd, breakfast for the 10 and deputies assigned to them cost \$28; lunch, \$50; and dinner, \$76.

In a very real sense, persons selected for jury duty in this case become "wards" of the city. Theoretically, a juror with one penny in his pocket when he is selected should still have it when the trial is concluded. Living expenses during the trial will be provided by the city. This includes such items as razor blades, haircuts, shaving cream, magazines, newspapers and shoe shines.

Another example of expenses was mentioned in the courtroom Thursday morning. Judge Edward A. Haggerty, who is presiding at the trial, said some jurors asked if they could use the police gym to exercise. He said he can not permit this, but he will authorize rental of exercise equipment for those jurors who want it.

LONG TRIAL POSSIBLE

It has been speculated that the trial can last as long as two months, although one of Shaw's attorneys asserted this estimate is "ridiculous" unless the state is permitted to get involved during the trial with the assassination of President John F. Kennedy in Dallas. Shaw is charged with having participated in a conspiracy to murder Kennedy.

A juror is permitted to place a telephone call to his family and to his employer to let them know that he has been accepted as a member of the jury, and he probably tells them it will be quite a while before they see him.

After the first telephone call, though, any communication with his family is accomplished through deputies assigned to the jurors. If a juror needs to get a message to his family, or vice versa, the deputy serves as intermediary, either by placing the call and relaying the message to the juror. There are no telephones in the four rooms in which jurors are being lodged.

Phones are located in the fifth room.

Jurors may talk only among themselves or with the deputies, and they are not permitted to discuss the case. Also, they cannot obtain alcoholic beverages. Should a juror make a statement even remotely connected with Shaw's trial, he is cautioned by the deputy who is constantly present.

LONG HOURS WORKED

Sheriff Heyd said some of his

deputies are putting in 16-hour work days, and those sequestered with the jury are being kept from their families. Although there are no provisions for overtime pay in the sheriff's office, he says he has instructed his men to keep a record of hours they work as he will attempt to get authorization to pay overtime compensation.

The requirement of assigning men to jury members is causing other deputy sheriffs, to double-up on routine jobs in the criminal sheriff's office.

Heyd said other expenses in connection with the trial are being kept to a minimum. Closed circuit television cameras were purchased—one is located in the courtroom and the other in the hall outside Judge Haggerty's court—but these will be used in Parish Prison after the trial is over.

Since the sheriff's office is allotted about \$30,000 a year for all jury fees and expenses, it is obvious that the city will have to come up with additional funds for this case. Heyd said he will forward bills for the jury to City Hall.

Deputies Huey Farrell, Jay Schaefer and Matt Perkins are in charge of security for the jurors.

Though "locked out" juries are not uncommon, Sheriff Heyd said "locked out" periods usually last only a day or two. The most lengthy criminal trial in recent times that he recalls lasted 18 days.

Still in the jury selection phase, Shaw's trial began 10 days ago Thursday. This has included nine days of jury selections and a Sunday when the trial was recessed.

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

PAGE 12

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-31-69

Edition:

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

(Mount Clipping in Space Below)

DA Submits New Brief to Get JFK Info

An aide to District Attorney Jim Garrison today filed a new brief in federal court in Washington, D. C., seeking to obtain the autopsy report and photographs taken after the assassination of President John F. Kennedy.

General Sessions Judge Charles E. Halleck Jr. said he will study the brief and set a hearing on the matter some time next week.

GARRISON IS seeking the autopsy records, now sealed in the National Archives, as evidence in the trial of Clay L. Shaw, which moved into its 10th day here today still short one juror and two alternates.

Shaw, 55, is on trial on charges of conspiring to kill the president, who was shot to death in Dallas Nov. 22, 1963.

Criminal District Judge Edward A. Haggerty Jr. had ordered 150 new potential jurors subpoenaed for today, but only 141, plus one leftover from an earlier panel, showed up this morning.

Of these, 93 quickly were excused, mostly for financial or medical reasons. Among them were two women who said they couldn't be away from their families for the duration of the trial.

The judge ordered 150 more jurors called at 10 a. m. tomorrow, and an additional 150

Monday. Attorneys for both sides then began the process of questioning the 49 persons remaining on today's list.

Garrison contends the autopsy report will support his claim that Kennedy was shot from more than one direction.

The Warren Commission investigating the assassination concluded Lee Harvey Oswald fired all the shots from the rear of the president.

BY ORDER of former President Lyndon B. Johnson, the report and photos were sealed in the National Archives until 1971 at the request of the Kennedy family.

Assistant DA Numa V. Bertel Jr. filed the brief today with Judge Halleck. Its contents were not immediately made public, but Bertel said it rebuts conclusions drawn by four medical experts who examined the autopsy records at the request of former U.S. Attorney General Ramsey Clark.

Bertel said the brief presents information independent of the autopsy reports and that information tends to show Kennedy was caught in a crossfire.

JUDGE HALLECK on Jan. 17 gave Garrison until today to present evidence that the autopsy records are material to the Shaw trial.

Garrison contends Shaw conspired with Oswald and others to kill the president.

Yesterday, Judge Haggerty used up the last of the 687 prospective jurors on the panels of the eight sections of Criminal District Court and had subpoenas issued for 150

jurors whose additional names were gleaned from the jury wheel.

A shortage of prospective jurors slowed yesterday's proceedings. Judge Haggerty has used up the jury panels of all eight sections of Criminal District Court.

"IT ALREADY IS a record for the city of New Orleans. No case in this city has ever interviewed so many prospective jurors," the judge said.

As in previous days, the main problem yesterday was that the prospective jurors already had a fixed opinion in the case, or else their employers would not continue their pay. Jurors draw no pay from the city.

OTHERS SAID they would suffer "unfit concern" if separated from their families for several weeks. The jury will be sequestered during the trial.

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Each side will get two more peremptory challenges when they begin selecting the two alternate jurors.

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

PAGE

SECTION

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-31-69

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

62-111-6706

SHERIFF HEYD'S office is allotted about \$30,000 a year for jury fees and expenses. Heyd said this case will go well over that figure, and he will forward the bills to City Hall, where money is short anyway.

State law provides that jurors should be paid, but New Orleans is so hard-pressed for money the city has been unable to do so.

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(Mount Clipping in Space Below)

ANOTHER SHAW VENIRE CALLED

Panels from All Court Sections Exhausted

By CLARENCE DOUCET

Sheriff's deputies began contacting 150 more prospective jurors—their names pulled by lot from the jury wheel—as Judge Edward A. Haggerty late Thursday afternoon exhausted the last of 557 panel members from the jury lists of all sections of the Criminal District Court in the nine-day-old attempt to seat a jury for the trial of Clay L. Shaw.

New candidates for jury duty are to report at 10 a.m. Friday.

No new jurors were selected Thursday; and during the process of questioning, the defense used the last peremptory challenge to which it is entitled for the choosing of the 12 jurors.

After the 12 jurors are seated, both the state and the defense will be permitted two more peremptory challenges for selection of two alternates—one challenge for each alternate.

Thus far, 11 jurors have been selected.

The 557 figure represents a record for seating a jury in a criminal case in Orleans Parish.

Shaw, 55-year-old retired managing director of the International Trade Mart, is standing trial on a charge that he participated in a conspiracy with Lee Harvey Oswald and David W. Ferrie to murder President John F. Kennedy.

EFFORT RENEWED

Meanwhile, District Attorney Jim Garrison ordered a renewed legal effort to obtain secret material concerning the autopsy of President Kennedy for use in the trial.

Assistant District Attorney Numa Bertel left Thursday night to file pleadings in Washington,

D. C., Friday in an effort to subpoena the ~~data~~.

Bertel declined to say what approach will be taken; but James L. Alcock, chief prosecutor in Shaw's trial, said a "pretty firm" decision has been made to press for the material.

Garrison claims that the data, including 45 photographs and 24 X-rays, will show that President Kennedy was shot from more than one direction.

Chief defense counsel F. Irvin Dymond exercised his last peremptory challenge to excuse Alvin A. B. Gerthro, a general insurance agent. Gerthro was questioned for about 25 minutes—15 minutes by the state and 10 minutes by the defense. The state said they would accept him, but Dymond announced the peremptory challenge.

The state has used 11 of its challenges and has one left.

The defense also challenged for cause the last prospective juror to be called, Alcee C. Perrault Jr.; and after much discussion between Dymond, Alcock and Judge Haggerty, the judge excused Perrault for cause.

Perrault was questioned by the state and was tendered to the defense. He said he saw the movie "Rush to Judgment"; and Dymond asked him if, after seeing the movie, he had the impression or opinion that President Kennedy's death resulted from a triangulation of gunfire.

One overt act that the state alleges in connection with the conspiracy charge is that Shaw, Oswald and Ferrie, in discussing how the assassination could be carried out, discussed a triangulation of gunfire.

Alcock objected to the question. He maintained that Dymond was attempting to accomplish something indirectly that the court ruled he could not do directly.

He was referring to Judge Haggerty's ruling earlier that prospective jurors can not be asked if they have an impression or opinion whether President Kennedy's death resulted from a conspiracy.

Alcock maintained that if Perrault said he did have an impression about a triangulation of gunfire, then indirectly he was saying he had an opinion about a conspiracy.

Dymond countered that, because the state lists one of the alleged overt acts as a discussion involving such a cross-fire, "the defense is entitled to know if a juror has a preconceived" opinion about it.

EXCUSED FOR CAUSE

Judge Haggerty then asked the prospective juror some additional questions concerning his impression of the movie and finally approved Dymond's challenge. Perrault was excused for cause.

The morning session did not get underway until after 11 a.m. Judge Bernard J. Bagert whose list of jurors was being used, was not able to excuse his jurors until that time because of cases in his own court.

The brief session, which was recessed at 11:50 a.m., was devoted to excusing those jurors who would not be paid in the event of their selection and to setting the order in which remaining jurors would be called during the afternoon session.

The following were excused for reasons related to loss of earnings or their job responsibilities:

- James Joseph Covell, John Moore Day, Irwin Joseph Durel, Joseph Henry Keller, Newton Dewey McLean Jr., Roy Joseph Meyers, George John Muller, William Nelson, John Bernard Perotti, Harold ~~John~~ Hebert, Leo Lawrence Heitmeier, Elio Nicholas Herbert Jr., Manuel F. Herrera Sr., Lewis Albert Remele, Ralph Joseph Romig, Frank Angelo Sciortino and George Sims Jr.

The following were excused during the afternoon:

- Antoine Farve Sr., excused for cause; Edward M. Henry Sr., unemployed; Irwin Joseph Durel, acquainted with the defendant; John D. Hergenroder, concern for family; Robert Eugene Manar, medical reasons; Larry Thomas Barrios, concern; Elliot James Cabirac, fixed opinion.

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

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-31-69

Edition:

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

6706

Also, Richard John Mendel, excused for cause; Thomas B. Dupuy, concern; John Edward Seknicka, concern; Edward Albert Crabtree, concern; Michel A. Hardouin, because of job responsibilities; Crespin W. Johnson, concern.

Also, Julius Robert Jung Jr., concern; Theodore John Fallon, concern; Gerthro, peremptory challenge; John Louis Dufrechou, concern; Robert Dale Dahlem, because of firm commitments; Ned Francis LeBlanc,

concern; Glenn Francis Saulny, concern; Hampton David Percy, concern; Milton George Schabel, concern.

And, Foster Guido Plauche, concern; Carl Columbus Smith, concern; Robert L. Draper, fixed opinion; John A. Voight Jr., concern; Ardley R. Hanemann Sr., concern; Donald D. Dunlap, concern; Crawford J. Powell, concern; Anthony H. Heck, concern; Roger H. Heirsch, unemployed; Howard E. Schlegel, because of job, and Perrault, excused for cause.

City to Nol Prose

Parking Offenses

Prospective jurors who, after having spent long hours in the courtroom of Judge Edward A. Haggerty awaiting being questioned for possible jury duty in the Clay L. Shaw trial, returned to their cars and found overtime parking tickets on windshields will get a break from the city.

Traffic Judge Oliver S. Delery was in Judge Haggerty's courtroom Thursday to inform the judge that those persons will not have to pay their fines as the city intends to nol prose the citations.

Judge Delery said he did not know how many tickets were involved. More than 500 prospective jurors have been questioned.

THIS SERIAL HAS BEEN REFERRED TO
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 6707

PAGE NO. ENTIRE DOCUMENT

NO. OF PAGES 2

SECTION NO.

166

CIA

REFERRAL

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. Conrad

DATE: January 31, 1969

FROM : W. D. Griffith

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

Reference is made to my memorandum to you dated 1/24/69, regarding the request of the New Orleans District Attorney to petition the Fairfax County, Virginia, Court to compel the testimony of Special Agent Lyndal L. Shaneyfelt in the Clay L. Shaw case. Referenced memorandum set out the specific terminology of the court order prepared by the Department in cooperation with the Commonwealth Attorney of Fairfax County and the District Attorney in New Orleans.

On the evening of January 30, 1969, the Deputy Sheriff of Fairfax County served a certified copy of the court order on Special Agent Lyndal L. Shaneyfelt. A copy of that order is attached.

RECOMMENDATION: None. For information.

Enclosure

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

REC 1

4 FEB 7 1969

LLS:pb (10)

54 FEB 13 1969

SEVL

SIXTEENTH JUDICIAL CIRCUIT OF THE COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

IN THE MATTER OF PROCEEDINGS TO COMPEL
THE ATTENDANCE OF LYNDA L. SHANEYFELT
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. Shaneyfelt 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. Shaneyfelt 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 APPEARING TO THE COURT that Lyndal L. Shaneyfelt 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. Shaneyfelt 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 prosecution is pending, and of any other state or states through which the said Lyndal L. Shaneyfelt as a witness is attending said trial are to be required to pass by the ordinary course of travel, and the production of same arrest and the service of civil and criminal process with the

and testify in the State of Louisiana and while returning therefrom, all of which appears from the certificate of Judge Edward A. Eaggerty, 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 APPEARING TO THE COURT that the attendance of the said Lyndal L. Shaneyfelt as such witness will not cause undue hardship to the said Lyndal L. Shaneyfelt and also that the tender of travel cost and witness fee has been made to the said Lyndal L. Shaneyfelt,

AND IT FURTHER APPEARING TO THE COURT that the Department of Justice and the said Lyndal L. Shaneyfelt 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 Lyndal L. Shaneyfelt 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,

NOW THEREFORE IT IS HEREBY ORDERED that Lyndal L. Shaneyfelt 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 Lyndal L. Shaneyfelt 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 required.

Department of Justice

By:

[Handwritten signature]

We ask for this:

Robert F. Horan, Jr.
ROBERT F. HORAN, JR.
Commonwealth Attorney for the
County of Fairfax

Lyndal L. Shampfett
LYNDAL L. SHAMPFETT

A COPY TESTE:

W. FRANKLIN GOODING, CLERK

By: *Suzanne M. Presgrave*
Deputy Clerk

COMMUNICATIONS SECTION
FEB 4 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

6:46PM URGENT 2/4/69 JDM TWO PAGES

TO: DIRECTOR 62-109060 AND DALLAS 89-43

FROM: NEW ORLEANS 89-69

Rec'd

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

MISC. - INFO CONCERNING. 00: DALLAS.

TR

NEW ORLEANS STATES-ITEM, FINAL EDITION, FEBRUARY FOUR, INSTANT, REPORTED THAT ONE ALTERNATE JUROR CHOSEN YESTERDAY IS JOSEPH DEILMAN, JR., TWENTYSIX, A KALVAR CORP. EMPLOYEE. NEW ORLEANS INDICES NEGATIVE ON BEILMAN.

THE ARTICLE REPORTED THAT NINETYSIX POTENTIAL JURORS WERE PROCESSED DURING THE MORNING SESSION OF COURT AND WERE EITHER REJECTED OR EXCUSED. ABOUT FIFTY MORE POTENTIAL JURORS WERE TO BE PROCESSED DURING THE AFTERNOON'S SESSION.

REC 43

6707

THE ARTICLE REPORTED THAT THE STATE ISSUED A SUBPOENA FEB 7 1969 TODAY TO TIME, INC. IN NEW YORK FOR THE FILM OF THE ASSASSINATION TAKEN BY ABRAHAM ZAPRUDER OF DALLAS. ACCORDING TO THE ARTICLE, ZAPRUDER TOOK THE FILM IN DEALEY PLAZA THEN SOLD IT TO LIFE MAGAZINE FOR TWENTYFIVE THOUSAND DOLLARS. COPIES OF THE FILM

5-1

END PAGE ONE.

55 FEB 17 1969

NO 89-69

PAGE TWO

WERE USED EXTENSIVELY BY THE WARREN COMMISSION AND SEVERAL
FRAMES APPEAR IN THE WARREN COMMISSION REPORT'S EXHIBIT
VOLUME.

THE ARTICLE REPORTED THAT THE MAJOR DEVELOPMENT IN THE
TRIAL YESTERDAY WAS A REQUEST BY THE DEFENSE THAT JUDGE
HAGGERTY GRANT IMMUNITY FROM PROSECUTION TO MRS. HAROLD
MC MAINES OF DES MOINES, IOWA, IF SHE WILL COME TO NEW
ORLEANS TO TESTIFY AS A DEFENSE WITNESS. THE ARTICLE
STATED THAT CHIEF DEFENSE COUNSEL F. IRVIN DYMOND SAID
MRS. MC MAINES IS AN IMPORTANT DEFENSE WITNESS BECAUSE
SHE DENIES A STORY TOLD BY PERRY RAYMOND RUSSO AT THE
PRELIMINARY HEARING THAT HE TOOK MRS. MC MAINES TO A PARTY
IN SEPTEMBER, SIXTYTHREE, AT THE LOUISIANA AVE. PKWY.
APARTMENT OF DAVID WILLIAM FERRIE AND WHILE THERE HE
HEARD SHAW, FERRIE AND OSWALD PLOTTING TO KILL KENNEDY.

NO ^{MEMO} LHM BEING SUBMITTED.

END

CKG

FBI WASH DC

cc - ROSEN

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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

TELETYPE

FBI NEW ORLS

535PM URGENT 2-3-69 CDC

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69

Handwritten initials

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE,
MISC. - INFO CONCERNING. 00: DALLAS.

NEW ORLEANS TIMES-PICAYUNE, SUNDAY, FEBRUARY TWO, LAST,
REPORTED THAT PETER M. TATUM, A MECHANIC FROM KAISER ALUMINUM,
WAS SELECTED AS THE TWELFTH JUROR IN THE CLAY SHAW CONSPIRACY
TRIAL. EFFORTS TO SELECT TWO ALTERNATE JURORS AT SATURDAY'S
SESSION FAILED TO LOCATE AN ALTERNATE.

Handwritten initials

NEW ORLEANS INDICIES NEGATIVE RE TATUM.

NEW ORLEANS STATES-ITEM, FINAL EDITION, FEBRUARY THREE,
INSTANT, REPORTED THAT DA JIM GARRISON WILL PERSONALLY MAKE
THE STATE'S OPENING STATEMENT TO THE JURY IN THE TRIAL OF
CLAY SHAW.

Large handwritten letter 'K'

THE ARTICLE REPORTED THAT ONE HUNDRED FIFTY POTENTIAL
JURORS WERE SUMMONED TO APPEAR FOR TODAY'S SESSION BUT
ONLY ONE HUNDRED FORTYFOUR SHOWED UP AND OF THESE ONE HUNDRED
END PAGE ONE

EX-113 REC. 25

Handwritten file number and date
62-109060-6710
17 FEB 7 1969

~~58 FEB 12 1969~~
MAR 3 1969

PAGE TWO

THREE WERE QUICKLY EXCUSED FOR MEDICAL REASONS, FIXED OPINIONS,
OR FINANCIAL PROBLEMS. ACCORDING TO THE ARTICLE, QUESTIONING
OF THE REMAINING FORTYONE POTENTIAL JURORS BEGAN SHORTLY
BEFORE NOON BUT THE ARTICLE DID NOT SHOW THAT ANY ALTERNATE
JURORS WERE SELECTED.

THE ARTICLE REPORTED THAT IT WAS LEARNED THAT OFFICIALS
IN HOUSTON, TEXAS, HAVE NOTIFIED DA GARRISON THAT FORMER
GOVERNOR JOHN CONNALLY OF TEXAS AND HIS WIFE WILL TESTIFY
AS STATE WITNESSES.

NO ^{MEMO} LHM BEING SUBMITTED.

END

ERT

FBI WASH DC

TUCLRP

FBI

Date: 2/4/69

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)

*TAF
RA*

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.

DA

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

ECW/srl
(6)

ENCLOSURE

C. C. - Bishop

REC-114

SEARCHED INDEXED SERIALIZED FILED

3 FEB 6 1969

RECEIVED

5- [Signature]

6/11

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

DA Asks Court in D.C. To Hear Warren Critics

District Attorney Jim Garrison today offered to present two expert witnesses to support his claim that the autopsy report and photos made after the assassination of President John F. Kennedy are needed for the trial of Clay L. Shaw.

In a brief filed by a Garrison aide in federal court in Washington, D. C., the DA's office again sought release of the records from the National Archives, where they are sealed until 1971.

GENERAL SESSIONS

Judge Charles E. Halleck Jr. said he will study the brief and set a hearing on the matter some time next week.

His experts, Garrison said, will present conclusions about the autopsy different from those reached by the Warren Commission or by a panel of medical experts that studied the autopsy documents last year.

Shaw, 55, is on trial on charges of conspiring to kill the president, who was shot to death in Dallas Nov. 22, 1963.

Criminal District Judge Edward A. Haggerty Jr. had ordered 150 new potential jurors subpoenaed for today, but only 141, plus one leftover from an earlier panel, showed up this morning.

Of these, 93 quickly were excused, mostly for financial or medical reasons. Among them were two women who said they couldn't be away from their families for the duration of the trial.

The judge ordered 150 more jurors called at 10 a. m. tomorrow, and an additional 150

Monday. Attorneys for both sides then began the process of questioning the 49 persons

remaining on today's list.

Garrison contends the autopsy report will support his claim that Kennedy was shot from more than one direction. The Warren Commission investigating the assassination concluded Lee Harvey Oswald fired all the shots from the rear of the president.

BY ORDER of former President Lyndon B. Johnson, the report and photos were sealed in the National Archives until 1971 at the request of the Kennedy family.

Assistant DA Numa V. Bertel Jr. filed the brief today with Judge Halleck. Bertel said it rebuts conclusions drawn by four medical experts who examined the autopsy records at the request of former U.S. Attorney General Ramsey Clark.

IN THE BRIEF, Garrison contends the medical review by Clark's four experts raises new questions as to the number of missile wound on Kennedy's body and the direction from which they came.

He says he is prepared to produce two witnesses before Judge Halleck. They are:

—Dr. Robert Forman, chairman of the Department of Sociology and Anthropology at Wisconsin State University, Oshkosh.

—Dr. Cyril Wecht, research professor of law at Duquesne University, Pittsburgh.

BOTH HAVE PUBLISHED their own conclusions about the Kennedy autopsy, the brief says.

Garrison says the review by Clark's panel made in 1968 does not conform to the original autopsy findings, "but on the contrary provides new and more serious questions as to the number of missile wounds and the directions from which the missiles came."

THE BRIEF SAYS the questions stem from what it said are "critical ambiguities" in the original autopsy and ambiguities left by the 1968 review.

As an example of questions raised, the brief cites a statement in the 1968 review that in a section of Kennedy's brain there were found "numerous small, irregular metallic fragments, most of which are less than 1 mm. in maximum dimension."

The brief adds as unanswered questions, "How many larger than 1 mm.? How large?"

JUDGE HALLECK on Jan. 17 gave Garrison until today to present evidence that the autopsy records are material to the Shaw trial.

Garrison contends Shaw conspired with Oswald and others to kill the president.

Yesterday, Judge Haggerty used up the last of the 687 prospective jurors on the panels of the eight sections of Criminal District Court and had subpoenas issued for 150 jurors whose additional names were gleaned from the jury wheel.

A shortage of prospective jurors slowed yesterday's proceedings. Judge Haggerty has used up the jury panels of all eight sections of Criminal District Court.

"IT ALREADY IS a record for the city of New Orleans. No case in this city has ever interviewed so many prospective jurors," the judge said.

As in previous days, the main problem yesterday was that the prospective jurors already had a fixed opinion in the case, or else their employers would not continue their pay. Jurors draw no pay from the city.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-31-69

Edition: FINAL

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

ENCLOSURE

0711

OTHERS SAID they would ~~suffer undue concern~~ if separated from their families for several weeks. The jury will be sequestered during the trial.

Defense attorney F. Irvin Dymond yesterday exhausted his peremptory challenges, by which a juror may be rejected without giving a reason. Each side started out with 12. Chief prosecutor James L. Alcock has one left.

Each side will get two more peremptory challenges when they begin selecting the two alternate jurors.

CRIMINAL SHERIFF Louis A. Heyd estimated yesterday that lodging, meals and miscellaneous expenses for the jury may cost the city as much as \$15,000 a month, or \$250 a week per juror.

Major expenses will be for rooms and meals. Jurors are being quartered at the Downtowner Motor Inn.

In theory, the city pays all of a juror's living expenses for the duration of the trial, including food, razor blades, haircuts, newspapers and shoe shines.

One juror already sworn in asked Judge Haggerty yesterday if he could exercise in the police gym. The judge refused, but said the city would rent him an exercise machine if he desires.

SHERIFF HEYD'S office is allotted about \$30,000 a year for jury fees and expenses. Heyd said this case will go well over that figure, and he will forward the bills to City Hall, where money is short anyway.

State law provides that jurors should be paid, but New Orleans is so hard-pressed for money the city has been unable to do so.

Prospective jurors who have spent long hours in Judge Haggerty's courtroom got one break yesterday. Traffic Judge Oliver S. Delery appeared to say that those who received traffic tickets won't have to pay them.

Judge in D.C. Asks DA's Plan for Clay Shaw Trial

Raises Issue of Linking Alleged Plot, Death

By CLARENCE DOUCET

A Washington, D. C., judge has directed that he be informed by Wednesday if District Attorney Jim Garrison intends to show that President John F. Kennedy's death resulted from the alleged conspiracy involving Clay L. Shaw.

Judge Charles Halleck of the Court of General Sessions wants the information before he rules on Garrison's efforts to obtain release of the autopsy photographs and X-rays of the assassinated President. They are being held secret in the National Archives.

Judge Halleck said if no effort is to be made by Garrison to link the conspiracy--for which Shaw is charged--and the assassination, then it is irrelevant where the shot that killed Kennedy came from.

Fulfillment of Judge Halleck's directive will bring to a head an issue that has been bubbling below the surface since the jury selection started in Shaw's trial.

LINK NOT NECESSARY

That is the question of whether Garrison will attempt to link the alleged conspiracy with Kennedy's death. Although the state does not have to link the two to obtain a conspiracy conviction, Assistant District Attorney James L. Alcock, chief prosecutor, has intimated several times in court that the state may do this.

Because the state is not obligated to link the death of President Kennedy with the alleged conspiracy, Criminal District Court Judge Edward A. Haggerty has not permitted defense attorneys to ask prospective jurors if they have any opinion whether the President's death resulted from a conspiracy.

In setting the Wednesday

noon deadline, Judge Halleck said that hopefully the state will have made its opening statement to the jury in the Shaw trial by then.

"Then we'll all know what you expect to show," he said to Garrison's aides at the hearing in Washington. He expressed concern about wide publicity that could be given the Kennedy autopsy pictures if they are released.

GUIDELINES SET

Assistant DA Numa F. Bertel Jr. told Judge Halleck that Judge Haggerty has set guidelines about such matters and "they're rather strict."

The autopsy pictures were placed in the care of the National Archives by Kennedy's widow, now Mrs. Aristotle Onassis, and his brother, the late Sen. Robert F. Kennedy.

It was done by agreement to prevent "undignified or sensational" use of the material with the understanding it would not be made public for five years and then only to the government investigators.

In the courtroom Friday -- the 10th day of jury selection -- it was a day of jury excusal instead of jury selection. Some 141 of the special 150 prospective jurors called by Judge Haggerty were excused for various reasons, mostly because they would not be paid or because they had fixed opinions.

One other prospective juror, called from Section F, was also excused, making a total of 142 for the day.

Judge Haggerty, still attempting to seat the 12th jury member, has ordered an additional 150 persons to appear in his courtroom for questioning regarding possible jury duty at 10 a. m. Saturday.

Another 150 are being ordered to appear at 10 a. m. Monday.

FINAL CHALLENGE

The state exercised its final peremptory challenge during the day, excusing a draftsman for the Boeing Co., who had already been proclaimed acceptable to the defense.

Leo Andrew Hastman, 36, was questioned for more than 30 minutes by Alcock, and only 10 minutes by F. Irvin Dymond, Shaw's chief counsel.

Each side has exhausted its 12 peremptory challenges allowed for selection of the 12 members of the jury, giving rise to the belief that the final jury member will be selected Saturday.

After that person is selected, both sides will still have to agree upon two alternates, and each side will be allowed two more peremptory challenges -- one for each alternate.

BRIEF FILED

A brief filed by Garrison aides in Washington contends that a medical review of the autopsy pictures provides new questions as to the number of missile wounds Kennedy suffered and the directions from which they came.

Assistant DA Numa F. Bertel Jr. said in Washington it is not necessary to show in Shaw's trial that Kennedy's death resulted from the conspiracy.

Shaw is charged with having conspired with Lee Harvey Oswald and David W. Ferrie. The Warren Report concluded that Oswald, acting alone, assassinated the President.

Judge Halleck set Friday to hear evidence to back up Garrison's contentions that the material should be released, but he said he wanted the statement of the DA's intent in the Shaw trial by noon Wednesday.

Garrison wants the data for use in Shaw's trial. In their brief, Garrison's aides said they were prepared to produce two

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

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 2-1-69

Edition:

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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6711

hearing. They named them as Dr. Robert Forman, a man of the department of zoology and anthropology, Wisconsin State University, Oshkosh, Wis., and Dr. Cyril Wecht, research professor of law at Duquesne University. Both have published their own conclusions about the autopsy on President Kennedy.

MEDICAL REVIEW

The brief said that the medical review made by a panel in 1968 does not confirm the original autopsy findings, "but on the contrary provides new and more serious questions as to the number of missile wounds and the direction from which the missiles came."

The brief said the questions stem from what it said were "crucial ambiguities" in the original autopsy and ambiguities left also by the 1968 panel.

As an example, the brief cites a statement in the 1968 review saying that in a section of Kennedy's brain there were found "numerous small, irregular metallic fragments, most of which are less than one mm maximum dimension," and adds: "How many larger than one mm? How large?"

The 1968 panel of medical experts that reviewed the autopsy, said the findings were correct as detailed in the Warren Commission Report and proved Kennedy was shot twice from behind.

Garrison maintains at least one of the bullets came from the front.

Garrison's attorneys first appeared before Judge Halleck on Jan. 17 to ask for the autopsy photographs and X-rays, but the judge refused and gave Garrison's staff two weeks to reveal part of what it calls substantial evidence that the autopsy documents would show Kennedy was shot from both the front and rear, not by a lone assassin.

Neither of the two doctors offered as witnesses by Garrison took part in the autopsy or the medical review last year. They reached their conclusions on the basis of the Warren Report and other published accounts.

COURT ADJOURNED

Judge Haggerty was forced to adjourn the jury selection at 3:40 p. m., when the last of the prospective jurors called during the day was excused because he said he had a fixed opinion. The morning session probably set some sort of a record, if such records are kept, when 100 persons were excused in a brief session that lasted one hour and 40 minutes.

These included persons who were either in the court or those who were unable to appear for various reasons, such as illness, out of town on business trips or moved from the city.

When Judge Haggerty resumed the jury selection at 1:30 p. m. following the luncheon recess, he announced that it had been brought to his attention that some news photographers had taken pictures of the men selected for jury duty, and he said publication of these photographs would be in violation of the guidelines he has set down regarding the trial.

"If any of these pictures are published," he said, "we intend to cite that person" (the photographer) for contempt of court.

He added that when all of the jurors have been selected he will permit a "pool" photographer to take some pictures of the jury.

The only light moment during the proceedings came when a prospective juror was asked what his marital status was. He replied, "Everything's okay!" and deputy sheriffs had to call for order to quell the laughter.

Speedup in Trial Of Shaw Expected

With both sides finally out of peremptory challenges, Judge Edward A. Haggerty Jr. had hopes today of breaking the logjam that has stalled jury selection in the Clay L. Shaw trial since Wednesday.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy. As the trial entered its 11th day today, one more juror and two alternates were still to be chosen.

The state yesterday exercised its last peremptory challenge, by which a juror is rejected without giving a reason. From here on, Judge Haggerty will determine an individual's fitness to serve. The defense used its final challenge Thursday.

ONCE THE 12TH juror is selected, each side will get one more peremptory challenge for each alternate juror.

Another group of 150 citizens was subpoenaed to court this morning to be asked:

"Do you know of any reason that would keep you from being a fair and impartial juror in this case?"

UNLESS THEY are radically different from the 830 potential jurors who preceded them through the court during the past two weeks, most of them will answer, "Yes."

None of the 150 called yesterday survived examination. Most either said they had a fixed opinion in the case or couldn't afford to serve two months without pay.

Another 150 are due in court at 10 a. m. Monday.

The main action in the Shaw case yesterday came 966 miles away, in a Washington, D. C., courtroom.

Criminal District Court on

JUDGE CHARLES F. Halleck, Jr., of General Sessions court in Washington directed that he be informed by Wednesday if District Attorney Jim Garrison intends to show Kennedy's death resulted from a conspiracy involving Shaw. The state has dodged that issue so far in the trial. Chief prosecutor James L. Alcock has stressed to jurors that all the state has to prove is that there was a conspiracy involving Shaw and that someone committed an overt act in furtherance of the object of the conspiracy. This would not necessarily be the assassination of Kennedy itself.

In fact, the assassination is not among the six overt acts Alcock tells jurors the state will attempt to prove.

ON THE OTHER hand, by subpoenaing former Gov. John Connally of Texas and others who were on the scene when Kennedy was shot to death in Dallas on Nov. 22, 1963, Garrison clearly has indicated he intends to "go into Dealey Plaza," as the judge puts it.

Judge Haggerty has been noncommittal on whether he will allow such evidence to be introduced.

Judge Halleck wants to know Garrison's intentions before he rules on the DA's efforts to obtain autopsy photographs and X-rays of the assassinated president. They have been sealed in the National Archives until 1971 at the request of the Kennedy family.

IF NO EFFORT is to be made by Garrison to link the alleged Shaw conspiracy and the assassination, it is irrelevant where the shot that killed Kennedy came from, Judge Halleck reasons.

Garrison contends the autopsy records will show Kennedy was shot from more than one direction. The Warren Commission investigating the slaying said he was shot only from the back, and Lee Harvey Oswald alone was involved.

IN SETTING the Wednesday noon deadline, Judge Halleck said ~~properly~~ the opening statements to the jury in the Shaw trial will have been made by then. "Then we'll all know what you expect to show," he told assistant DA ~~Norman V. Bertel Jr.~~

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 7-1-69

Edition: FINAL

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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6711

12TH SHAW CASE JUROR IS PICKED

Trial Is Recessed Until Tomorrow Morning

By PAUL ATKINSON

Peter M. Tatum, a mechanic for Kaiser Aluminum, early Saturday afternoon became the 12th juror for the Clay Shaw conspiracy trial.

Tatum, in his mid-40s, withstood a 30-minute barrage of questions by Assistant District Attorney James L. Alcock and Chief Defense Counsel F. Irvin Dymond to qualify at 12:45 p.m.

Following a 90-minute recess for lunch, Criminal District Court Judge Edward A. Haggerty and attorneys for the State and defense raced through another 21 men, seeking two alternates. The State in the process used one of its two peremptory challenges, but no one was accepted as an alternate.

By 3 p.m., the total of 132 who appeared for the day had been questioned and Judge Haggerty adjourned the court until 10 a.m. Monday. Another 150 persons have been summoned for questioning then. Additionally, eight others who were served with notices for Saturday but who didn't show will be called into court for possible jury duty.

Judge Haggerty indicated that even if the two alternate jurors are picked Monday morning, he will not get into the trial proper until the next day, Tuesday. The judge said both sides have requested a break to allow them to contact witnesses who live out-of-town and are on standby.

There were 110 prospective jurors turned back before Tatum took the stand. Most were disqualified because of financial hardship, but one, Frank P. Barbier, drew chuckles from the sparse audience with his reason.

Judge Haggerty explained, "He says he has no particular reason, except he is 84." The

judge immediately excused Barbier.

Tatum told Judge Haggerty that he is a native of Prattville, Ala., but has lived in New Orleans since 1953. He told the judge he has no opinion of the guilt or innocence of Shaw.

KNOWS SOME POLICEMEN

Under questioning by Alcock, Tatum acknowledged that he knew some policemen, who are members of his American Legion Post, but he wouldn't give their testimony any more weight than anyone else's.

Tatum said he didn't know any of the alleged co-conspirators in the case, the late Lee Harvey Oswald, David Ferrie or Jack Ruby.

Tatum told Alcock his wife works for a candy company on Canal st. and his 19-year-old daughter works for a life insurance company. But he said he didn't believe an extended trial—possibly as long as eight weeks — would work an undue hardship on him or his judgment.

Alcock asked Tatum if he could return a guilty verdict if the state is able to prove only one of six overt acts took place in the alleged conspiracy. He said he could.

Dymond questioned Tatum if he had any notions or impressions as to the validity of the case against Shaw after seeing DA Jim Garrison on television. He said he didn't.

DID NOT FOLLOW CASE

Tatum testified he didn't follow the news accounts of the preliminary hearing in early 1967.

"Then you don't have any impressions?" Dymond asked.

"That's right," replied Tatum. "I don't believe half of what I read."

Dymond then asked him if he had formed an opinion of the validity of the Warren Commission Report. But Alcock objected and the objection was sustained by Judge Haggerty.

Moments later, Dymond said the defense accepted Tatum.

The morning proceedings went with dull precision as the prospective jurors marched up to Judge Haggerty's bench and told him of their financial circumstances. He explained that the state and the defense had agreed to allow the procedure whereby 91 men were dismissed in less than two hours.

For a brief while it appeared that both the state and defense would accept Roy James Henderson, a 54-year-old mail carrier. But both Alcock and Dymond excused Henderson by consent.

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

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 2-2-69

Edition:

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

ENCLOSURE

6711

(Mount Clipping in Space Below)

Two Alternate Shaw Jurors To Be Selected

The job of choosing the final two alternate jurors needed for the trial of Clay L. Shaw began today.

Both the prosecution and defense agreed on a jury of 12 men Saturday, but still must agree on the alternates.

Asst. Dist. Atty. James L. Alcock, who has handled most of the courtroom work in the case, said the state hopes to make its opening statement tomorrow.

THE STATE'S job is to prove an alleged New Orleans-based conspiracy to assassinate President John F. Kennedy, involving Shaw.

The prosecution has declined to state whether the alleged conspiracy actually resulted in the November, 1963, assassination of the President.

Judge Charles E. Halleck Jr. of General Sessions Court in Washington gave Dist. Atty. Jim Garrison until Wednesday to make clear his effort to link the two if Garrison expects him to declare the Kennedy autopsy record relevant to the trial.

GARRISON IS seeking a court order for the record to be released, maintaining it would help back up his claim that Kennedy died in a cross-

fire, instead of being slain by Lee Harvey Oswald alone.

Meanwhile, it was learned that officials in Houston have notified Garrison that former Texas Gov. John Connally and his wife will testify as state witnesses.

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

PAGE 1

SECTION 1

STATIS-ITEM

NEWORLEANS, LA.

Date: 2-2-69

Edition: RLD COMET

Author:

Editor: GEORGE W. HEALY

Title: ASSISSINATION OF
PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

or

Classification: 89-

Submitting Office: N.O., LA.

Being investigated

ENCLOSURE

6/11

(Mount Clipping in Space Below)

DA to Make Opening Trial Statement

Selection Of Jurors Continues

District Attorney Jim Garrison will personally make the state's opening statement to the jury in the trial of Clay L. Shaw, the States-Item learned today.

Garrison, whose investigation of the assassination of President John F. Kennedy led to the indictment of Shaw on charges of conspiring to kill the President, has made only one brief appearance so far in the 12-day-old trial.

But courthouse sources today indicated he will make a lengthy statement of the state's case as soon as the jury selection process is completed.

Jury selection continued to drag on today. A panel of 12 has been sworn in, but two alternates must still be picked.

JUDGE Edward A. Haggerty Jr. summoned 150 jurors to appear this morning, but only 144 showed up. Of these, 103 were quickly excused for medical reasons, fixed opinions or financial problems.

Questioning of the remaining 41 potential jurors began shortly before noon.

Thus far in the trial, most of the state's courtroom work has been done by assistant DA James L. Alcock, named by Garrison as chief prosecutor before the trial got under way.

ASKED TODAY if Garrison would make the opening statement, Alcock nodded affirmatively and said:

"Yes, I believe so."

In court today for the first time was author Mark Lane, a leading critic of the Warren Commission which reported that Lee Harvey Oswald acted alone in killing Kennedy on Nov. 22, 1963. Garrison contends Shaw conspired with Oswald and others to kill the President.

LANE sat behind the state's table and conferred frequently with assistant DA Alvin Oser.

Courtroom observers expressed some hope that the two alternate jurors would be picked today, so that the opening statements by both state and defense could come tomorrow.

Each side has a peremptory challenge, by which it can reject a juror without giving a reason, for each of the alternates.

The state used one of its challenges Saturday, and will get no more until the first alternate is chosen.

GARRISON'S opening statement may answer the question which has been raised all through the trial: Will the state attempt to prove that the alleged conspiracy involving Shaw actually resulted in the death of Kennedy?

Under the state conspiracy law, the prosecution is only required to show a conspiracy involving Shaw existed, and that an overt act in furtherance of the object of the conspiracy was committed.

But Garrison, in subpoenaing former Gov. John Connally of Texas and other persons who were present in Dealey Plaza when Kennedy was shot, has indicated he intends to put the Warren Report on trial and challenge its version of what happened there.

LAST WEEK, Federal Judge Charles E. Halleck Jr. of General Sessions Court in Washington gave Garrison until Wednesday to make clear his intentions, so Halleck can decide whether autopsy reports and photos on Kennedy are relevant to the Shaw case.

GARRISON IS seeking a court order for the record to be released, maintaining it would help back up his claim that Kennedy died in a cross-fire, instead of being slain by Oswald alone.

Meanwhile, it was learned that officials in Houston have notified Garrison that Connally and his wife will testify as state witnesses.

The Connallys were riding in the car in which Kennedy was shot in Dallas. Garrison subpoenaed them last week.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-3-69

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

ENCLOSURE

6/11

(Mount Clipping in Space Below)

150 NEW NAMES FOR SHAW JURY

Source Reports Connally Will Testify

The prosecution and the defense have a new list of 150 names from which to choose two alternate jurors when the conspiracy trial of Clay Shaw resumes Monday in Criminal District Court.

A jury of 12 men was completed Saturday. Peter M. Tatum, a maintenance mechanic, was the final juror chosen, after 110 prospects were reviewed.

Selection of the alternates and disposal of one motion must be finished before the prosecution unfolds its case. Asst. Dist. Atty. James Alcock said he expects to make opening remarks Tuesday.

Houston officials have notified DA Jim Garrison that former Texas Gov. John Connally and his wife will testify as witnesses for the state, according to a confidential court source. Connally earlier said he would not come to New Orleans for the trial willingly.

The Connallys, who were riding in the car in which President John F. Kennedy was shot in Dallas, were among several witnesses called by the state. The subpoenas indicated that events dealing with the assassination would come up in the trial.

The prosecution, however, has refused to state clearly if it intends to link the assassination with the alleged New Orleans-based conspiracy. A Washington, D. C., judge has instructed Garrison to make clear by Wednesday any supposed link if Garrison expects the judge to declare the secret Kennedy autopsy records relevant to the trial.

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THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 2-3-69

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.

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Author:

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Character: 11-22-63

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