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Shaw Juror Rejected For One Killer Opinion

State Uses First of Challenges

The state today exercised a peremptory choice and rejected as a juror in the Clay L. Shaw trial a man who said he believes President John F. Kennedy was shot by only one man.

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ject a juror without giving a reason. Otherwise, Judge Edward A. Haggerty Jr. must decide on an individual's fitness to serve.

Yesterday, the defense used one of its challenges. Each side now has 11 left.

Also today, the defense issued subpoenas for Mrs. Ruth Hyde Paine of Irving, Tex.; Mrs. Harold McMaines of Des Moines, Iowa, and Metairie attorney Hugh Exnicios.

Exnicios had been subpoenaed previously by the defense but today's order calls for him to bring to court a tape recording of an alleged conversation between two aides to District Attorney Jim Garrison and Exnicios' client, Alvin Beauboeuf. The Garrison investigators and Lynn Loiseil and Louis Ivon.

Beauboeuf was a friend of the late David William Ferris, named by Garrison as one of the conspirators in the Kennedy assassination.

AN UNEVENTFUL morning session of court today ended with no new jurors agreed upon. The box score at noon stood:

Jurors accepted—2.
Potential jurors rejected or excused—28.

Chief defense counsel F. Irvin Dymond handled the questioning of jurors today for the Shaw side. Assistant DA James L. Alcock is acting as chief prosecutor.

YESTERDAY financial problems of prospective jurors appeared the major stumbling block in empanelling a jury. Many said they couldn't afford to serve two months without pay. Jurors in criminal district court get no stipend. Both the state and defense say they expect a two-month trial.

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

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 1-22-69
Edition: RED FLASH
Author:
Editor: GEORGE W. HEALY
Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS

Character: 11-22-63
Classification: 89-
Submitting Office: N.O., LA.

Being Investigated

As court opened this morning, Judge Haggerty noted he had eight potential jurors left over from yesterday's proceedings and ordered 12 more names drawn from the box. All the rest of the venire was excused until this afternoon.

FEWER PERSONS were in the courthouse corridor this morning and anyone with an official pass was admitted to the courtroom. Yesterday, only a few were admitted because the space was taken up by potential jurors.

The two jurors sworn in yesterday sat in the jury box through this morning's proceedings. They had been locked up overnight and will be until the trial is over.

The first three potential jurors to come up this morning quickly were disqualified when they told the judge they already had fixed opinions in the case.

THE STATE questioned Martin at some length and then tendered him to the defense. Under questioning by Dymond, Martin said he always has held the opinion that Kennedy was shot by only one man.

Assistant DA Alvin V. Oser asked Martin:

"Do you think President Kennedy was shot by conspirators or one man acting alone?"

Martin: "I think he was shot by one man."

Oser: "How long have you had this opinion?"

Martin: "Since he was shot."

Oser: "It's still your opinion he was shot by one man?"

Martin: "That's my opinion."

Oser: "What would it take for the state to prove a conspiracy?"

Martin: "They would have to show more than one man did the shooting."

Oser then used a peremptory challenge to reject Martin.

Mrs. Paine is a Quaker who befriended Marina Oswald in 1963. The wife of accused assassin Lee Harvey Oswald stayed with Mrs. Paine from April, 1963, until Oswald found work in New Orleans in May and again after the family left New Orleans in the fall.

Marina lived with her from until the day of the assassination.

The Warren Commission concluded there was no evidence to suggest Mrs. Paine or her husband had any connection with the assassination.

Mrs. McMaines, who was Sandra Moffett when she lived in New Orleans, was a friend of Perry Raymond Russo, who testified at a preliminary hearing he heard Shaw plot the assassination with Oswald and others. Mrs. McMaines told newsmen she did not attend the party at which Russo said the conversation took place but refused to return to New Orleans to testify in Garrison's investigation.

EXNICIOS, attorney for Alvin Beauboef, charged in 1967 he had tapes of a conversation between Beauboef and two Garrison aides who threatened and attempted to bribe his client.

The two jurors agreed upon yesterday are:

Irving Mason, 58, machine operator, 2308 Tennessee.

Oliver M. Schultz, 31, a New Orleans Public Service Inc. employe, 7134 Lamb rd.

Of the panelists dismissed yesterday, about half said their employers wouldn't continue their pay during jury confinement.

Judge Haggerty repeatedly sent prospective jurors back to his chamber to telephone their employers and confirm the matter of pay.

Under questioning, both Mason and Schultz testified they had read little about the case, seldom talked about it, saw few television reports on it, had no opinions and didn't care how long the trial lasted.

"You want to be a juror in this case, do you not?" Dymond asked Mason, regarding him with a perplexed frown. Judge Haggerty blocked the answer. Asked the same question by Alcock, Schultz smiled and said, before the judge could intervene:

"Not necessarily."

challenges in dismissing a juror the state had accepted.

Mason and Schultz, jurors, quickly found that rank has its privileges. Judge Haggerty, after they were sworn, informed them they were now among those permitted to smoke in the courtroom.

The high point of yesterday afternoon's session came when Dymond told Mason, "Clay L. Shaw will take the witness stand in his own behalf. Will you give him the same consideration as other witnesses?"

Mason replied "Yes." It was the first indication that the retired businessman would testify. A defendant has the option of testifying or remaining silent.

IN QUESTIONING jurors, Alcock explained that the state must establish that a conspiracy existed and then prove an overt act was committed in furtherance of the object of the conspiracy. He listed six overt acts the state will attempt to prove, saying it need prove only one of them to support a conviction.

The six:

1. There was a meeting between Shaw, Oswald and Ferrie in Ferrie's apartment at 2336 Louisiana ave. Parkway in September, 1963, at which the assassination was discussed. (Garrison says Ferrie, who died here Feb. 22, 1967, was a leading figure in the plot. The Warren Commission said Oswald, acting alone, shot Kennedy to death in Dallas Nov. 22, 1963.)

2. At the meeting, a discussion of the means and weapons to be used in the slaying took place.

3. Shaw took a trip to Baton Rouge in the fall of 1963 and met with Oswald and Jack Ruby in the Capitol House, where money changed hands. (Ruby shot Oswald to death the day after the assassination.)

4. Shaw took a trip to the West coast in November, 1963. (Shaw acknowledges this, denying it had anything to do with the assassination.)

5. Ferrie took a trip to Houston in November, 1963. (This is a matter of record.)

6. Oswald, on the morning of Nov. 22, 1963, took his rifle from the garage of the home of Mrs. Paine in Irving, a suburb of Dallas, and brought it with him to the

xxxx SCHOOL Book Depository Building in Dallas. (Garrison and the Warren Commission are in rare agreement on this point.)

Shaw was arrested March 1, 1967, but a series of legal delays kept him from going to trial until yesterday. He consistently has maintained he knows nothing of any assassination plot.

In a separate matter relating to Garrison's assassination probe, Texas Secretary of State Roy Barrera said yesterday in Austin he advised Gov. John Connally against extradition of a theft suspect to Louisiana because he was suspicious of the case.

Connally Friday refused extradition of James Richard Clements.

BARRERA SAID he "didn't like the looks of the case." He said he became concerned about extradition proceedings when he heard reports Clements might be wanted more for questioning by Garrison in the Kennedy probe than for theft.

Barrera noted there was a seven-year lapse between the time the crime allegedly occurred and when the extradition proceedings began.