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TWO JURORS SELECTED FOR CLAY SHAW TRIAL

Third Man Challenged by Defense Counsel

By CLARENCE G. DOUCET

Two men were selected here Tuesday to sit on the jury that will decide if Clay L. Shaw participated in a conspiracy to murder President John F. Kennedy.

Accepted by both the state and defense counsels were Irvin Mason, a 56-year-old machine operator, and Oliver M. Schultz, 33, an employe of New Orleans Public Service Inc.

One other prospective juror, Junius George Johnson Jr., was acceptable to the state but was challenged by the defense, which used the first of 12 peremptory challenges it is allowed to use to charge a juror without giving a reason.

The tedious process of selecting the jury in the Criminal District Court of Judge Edward A. Haggerty got under way at 10 a. m. and during the course of the day:

—Shaw's defense announced that the 56-year-old retired executive would take the witness stand in his own behalf.

—The state listed six overt acts it would attempt to prove were carried out in furtherance of the alleged conspiracy which the state claims included Shaw, Lee Harvey Oswald and David L. Ferrie.

The selection of Schultz as a juror came at 5:30 p. m., about a half-hour after he began undergoing questioning by Judge Haggerty and the defense and state counsels.

Assistant District Attorney James E. Alcock handled all of the questioning of prospective jurors for the state, and P. Irvin Dymond, one of the four attorneys who are representing Shaw, asked the questions for the defense.

Sitting with Alcock were Assistant DAs Alvin Oser, Andrew Sciambra, William Alford and

Luina Bertel. In addition to Dymond, Shaw is represented by William J. Wegmann, Edward F. Wegmann and Salvatore Panzeca.

The selection of jury members will resume at 10 a. m. Wednesday in Judge Haggerty's court.

VERBAL CLASHES

On two occasions Alcock and Dymond became involved in verbal arguments over legal technicalities they assert will become important when Shaw's trial gets under way. One involved the question of motive, and the other concerned what the state must prove "beyond reasonable doubt" in relation to the charge against Shaw.

In questioning the prospective jurors, Alcock explained that in order for the state to obtain a conviction, it must establish that a conspiracy existed and that an overt act was committed in furtherance of the object of the conspiracy. He emphasized that while the state listed six overt acts it would attempt to prove, legally it needs to prove only one of the six.

These are the six overt acts which Alcock listed:

1. There was a meeting between Shaw, Oswald and Ferrie in Ferrie's apartment at 2330 Louisiana Ave. Pkwy. in September, 1963, at which the assassination of Kennedy was discussed.

2. At the meeting at Ferrie's apartment, a discussion took place concerning the means and execution of the conspiracy, the weapons to be used, particularly the selection of a high-power rifle, the establishment and selection of means of escape, and a discussion as to how a crossfire or triangulation of fire could be produced.

TRIPS DETAILED

3. Shaw took a trip to Baton Rouge in the Fall of 1963 and met Oswald and Jack Ruby in the Capitol House Hotel where

a sum of money was delivered.

4. Shaw took a trip to the West Coast in November, 1963.

5. Ferrie took a trip to Houston, Texas, in November, 1963.

6. Oswald, on the morning of Nov. 22, 1963, the day Kennedy was assassinated in Dallas, took his rifle from the garage of the home of Mrs. Ruth Paine and brought it with him to the Dallas Book Depository Bldg.

All six of the state's contentions are either a matter of records or events the state has alleged in the past. Shaw has denied ever knowing Oswald, Ferrie or Ruby and he has denied the charge against him.

WARREN REPORT

The Warren Commission, which investigated the death of President Kennedy named Oswald as the lone assassin. Ferrie was a suspect in the assassination investigation of District Attorney Jim Garrison that culminated with Shaw's arrest on March 1, 1967, on the conspiracy charge. Ferrie died here on Feb. 22, 1967, shortly after Garrison's investigation was made public.

Shaw has said he was in San Francisco on the day of the assassination, and before his death Ferrie acknowledged taking a trip to Houston on the day of the assassination, but he claimed it was a bird-hunting trip.

Regarding Oswald's taking the rifle to the Dallas Book Depository, the Warren Commission said Oswald shot Kennedy with the rifle from a top floor window of this building.

At one point Tuesday, Alcock accused Dymond of "dragging a red herring" before prospective jurors to confuse them.

Dymond was questioning one of the prospective jurors and he asked him if, in the event the state does not show a motive, he would consider this favorably for the defendant.

After Dymond asked the question, Alcock rose to his feet

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SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 1-22-69
Edition: 1-22-69
Author:
Editor: GEORGE W. HEALY
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and argued that the state does not have to prove motive as an essential element in the crime, and charged that Dymond was using the motive point to confuse prospective jurors.

Dymond promptly denied the charge and Judge Haggerty asked him to repeat the question.

Again Dymond asked: "In the event that the state is unable and does not prove any motive, will you consider this, as the law requires, as a fact favorable to the defendant?"

Alcock objected again and his objection was sustained by Judge Haggerty. Dymond immediately announced his intention of filing a bill of exception.

It was the second time during the opening day of the Shaw

trial that the defense lost a legal round to the state.

During the morning session there was a brief legal wrangle over the procedure to be followed in questioning the prospective jurors.

CONFUSION IN LAW

Judge Haggerty cited confusion in the law and ruled that the state did not have to accept a juror before passing him on to defense examination.

Defense had argued that the state, after questioning the prospective juror, should either accept or challenge him before the defense began its questioning.

Of the first 24 prospective jurors whose names were called, two were accepted as jurors, four were excused because they said they had fixed opinions about the guilt or innocence of Shaw, and 10 others were excused for miscellaneous reasons ranging from illness in their family to the fact that their employers would not pay them their salaries during the period of their jury service if they were selected.

Ironically, the name of the first man called for prospective jury duty was John Kennedy. Kennedy was excused because he said he had a fixed opinion.

Mason, the first man selected for jury duty, was the second person called. His questioning started shortly after 10:30 a.m. and continued until noon when the trial paused for lunch.

ACCEPTED FOR JURY

Questioning of Mason resumed at 1:55 p.m., and at 2:31 p.m. both state and defense an-

is employ by Freeport Sulphur Co.

R. H. Johnson was the third man questioned and he was excused when he said he had a fixed opinion.

Johnson was questioned at length by both sides and only after the state said it would accept him did the defense announce it was exercising one of its peremptory challenges. Garrison made a brief appearance in the courtroom while Johnson was questioned.

Following Johnson, the jury selection followed this course: Dudley Hughes Smith was excused because he had a fixed opinion.

Donald Joseph Gautreaux was excused for the same reason.

David Joseph Hebert was excused because he said he had a fixed opinion.

The court announced that Howard Lawrence Rapp was being excused because of an illness in his family.

Schultz was accepted. He is with NOPSI's overhead lines section.

As the session ended about 6 p.m., several other men were excused from jury duty. These included Charles F. Bennett, Willie Fluence Sr., Frank J. Durant, Fred Jerome Hagesberger, L. Valentine Lee Jr., Karl Wellington Seyler and James Thomas O'Reilly.

TELEPHONE CALLS

The two jurors selected were permitted one telephone call each to their families and to their employers. During the remainder of the trial they will be "locked up," that is not permitted to go home. Both are married, and both have children.

Judge Haggerty said he was taking this action because of "security reasons." Should they wish to communicate with their families or vice versa, messages will be

transmitted through Criminal Sheriff Louis Heyd.

During questioning Tuesday, prospective jurors were asked if their being away from their families for as long as two months would create any hardships, indicating that both the state and defense think the trial may last as long as eight weeks.

Jurors will be quartered at hotels and motels in the city. Judge Haggerty said they will be permitted to read news-

not be permitted to read or listen to stories about the progress of the trial.

Some 169 potential jurors available now, but more could be added if necessary.

In another move Tuesday, the defense issued a subpoena for Mrs. Marina Oswald Porter, the widow of Lee Harvey Oswald who now resides in Irving, Tex.

SUBPENA FOR FILM

The state also issued a subpoena for a film taken of the assassination by Abraham Zapruder and bullet fragments found at the scene of the Dallas assassination. All of these materials are in the National Archives in Washington.

Shortly after 9 a.m., the key figures in the Shaw case began to assemble at the courthouse on Tulane ave. and Broad st. First to appear outside the building was Judge Haggerty.

Arriving about 9:30 a.m. was Perry Raymond Russo, the star witness for the prosecution at the preliminary hearing which resulted in Shaw's trial. Russo was accompanied by a companion identified as John Bloemer.

Russo told reporters that Bloemer may be a witness.

At 9:50, Shaw arrived with his attorneys. He smiled at members of the press and said "hello" but nothing more.

WITNESSES CHECKED

The witnesses answering subpoenas Tuesday were checked as the courtroom got under way. Some of the witnesses were missing, but both the state and defense indicated their witnesses were available and pronounced themselves satisfied.

Following this, the judge directed court crier Vincent Martell to pick 12 names from a box containing names of the 169 potential jurors. The first name he picked was Kennedy's.

Thirteen names were drawn by Martello, the additional one because one potential juror, John Williams Kibler, was excused by the judge for medical reasons.

After the 12 names were read, the remaining jury panel left

the courtroom. Thus began the process of calling the first 12 persons for questioning.

The trial — pending since Shaw's arrest March 1, 1967 — began one day after Garrison's office withdrew a last-minute request for a delay.

Both sides in the case have 12 peremptory challenges by which they can discharge a juror without giving a reason. After these are used up, it is up to the judge to decide whether a juror is fit to serve.

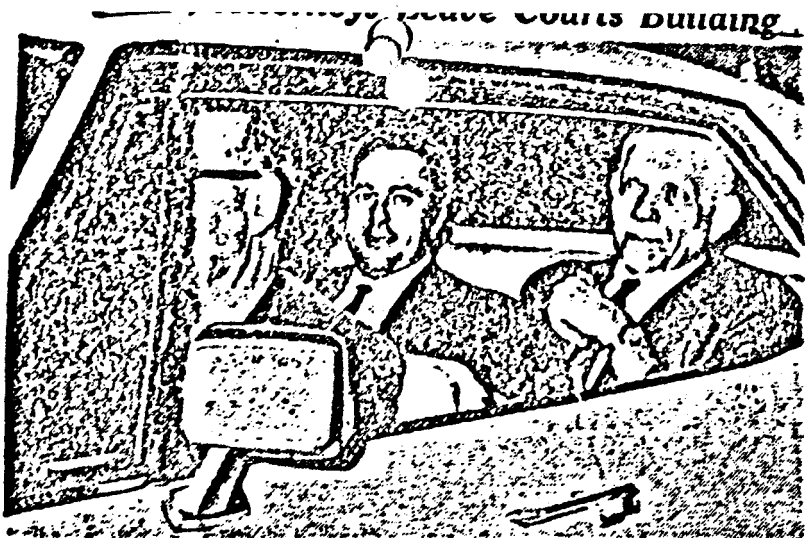
Criminal Sheriff Louis A. Heyd Jr. said security precautions have been put into effect and will be tightened when testimony begins.

Admission to the courtroom is by credentials only. All persons entering will be frisked.

As an added security measure, a soundless closed-circuit television camera has been installed in the courtroom with an outlet in the sheriff's office.

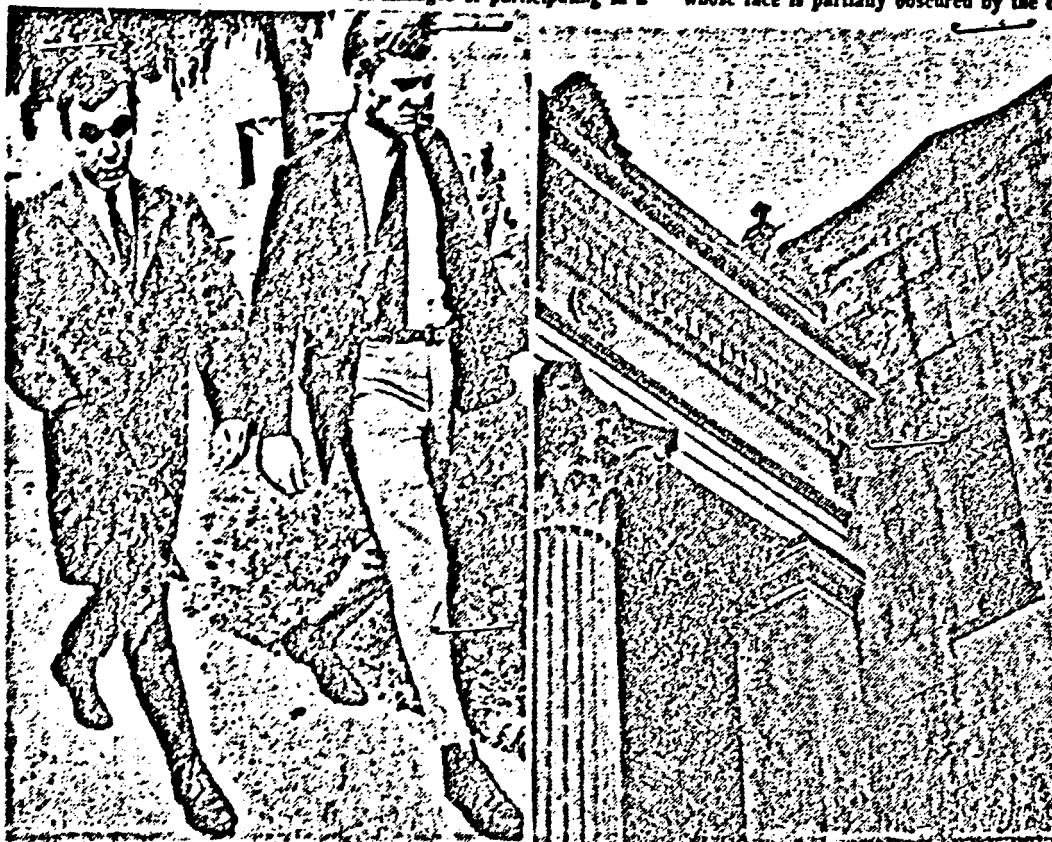
One of the defense witnesses, William Gurvich, was reported ill Tuesday. Gurvich is a former investigator for Garrison.

While the trial is under way, Shaw will remain free on \$10,000 bond.



CLAY SHAW (right), along with two of his attorneys, rides away from the Criminal Courts Building Tuesday after the first day of his trial on charges of participating in a

conspiracy to murder President John F. Kennedy. In the back seat with Shaw is Salvem Panzera. The driver is F. Irvia Dymally whose face is partially obscured by the c



PERRY RAYMOND RUSSO (left), star witness for the state, arrives Tuesday for the opening day of the trial of Clay Shaw, accused of plotting to assassinate President Kennedy. He is accompanied by John Bloemer, who Russo said may be a witness.

SECURITY was tight at the Criminal Courts building Tuesday as the murder conspiracy trial of Clay Shaw began. Deputy sheriffs armed with rifles were stationed on the roof of the building.