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Legal Definition of 'Conspiracy' Given

By BERT HYDE

What is a conspiracy?

Clay L. Shaw, 35-year-old retired businessman, is on trial here on charges of conspiring to kill President John F. Kennedy.

In order to obtain a conviction, the state will have to prove he participated in a combination of one or more persons (the number is unlimited) to commit a crime—in this case, the murder of the president.

KENNEDY WAS SHOT TO DEATH IN Dallas Nov. 22, 1963. District Attorney Jim Garrison charges Shaw conspired with Lee Harvey Oswald and others here in September, 1963, to commit the crime.

According to the Warren Commission, which investigated the slaying, Oswald acted alone in killing the president. The commission reported it could find no credible evidence of a conspiracy.

The Louisiana statute under which Shaw is charged makes it a violation on the part of each of the conspirators if any member of the conspiracy commits any act in furtherance of the plan—even if no member actually takes an active part in the crime itself.

SHOULD THE CRIME OCCUR, a party to the conspiracy can be charged with the commission of the crime or with conspiracy.

Should the conspiracy occur in Louisiana and the crime in another state (as is alleged in the Shaw matter), a conspirator could be charged with the crime in another state and still charged in Louisiana with conspiracy.

A conspiracy can be terminated at any time prior to commission of the crime by any member of the conspiracy, provided he conveys to every one of the other conspirators that he wants to get out. It cannot be broken

merely by dropping out unilaterally or by not showing up for the commission of the crime.

TO BE CONVICTED OF CONSPIRACY does not prevent the conspirator from being prosecuted for the crime itself, in Louisiana or out of state.

Louisiana law requires a 12-man jury in such cases. At least nine members of the jury must vote guilty to obtain a conviction.

By the same token, at least nine members must vote not guilty for an acquittal to result. If nine jury members cannot agree one way or another, a verdict will result. The state then has the option of setting the case for trial again, or dropping the charges.

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

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SECTION 1

STATES-ITEM

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Being Investigated

THE PENALTY FOR CONSPIRACY to 20 years at hard labor in the state penitentiary.

No matter what the sentence, it is possible under Louisiana law for a first offender to apply for parole immediately after he is imprisoned.

Whether a first offender or not, a convicted man under a 20-year sentence would automatically come up for pardon or parole after serving a third of his sentence, or 80 months. He can be freed on parole, but the governor has the final say or pardon and restoration of citizenship.

THE PARDON BOARD IS MADE UP OF the lieutenant governor, the attorney general and the presiding judge at the trial.

While in prison, the convict may appear before the pardon board at any of its quarterly meetings seeking a commutation of sentence or shortening of term merely by filling an application.

Should the board recommend commutation and the governor concur, the prisoner can be pardoned or paroled at any time after serving a third of his sentence.

A lot of names, many familiar, some not so familiar, will be in the news as the trial of Clay L. Shaw continues.

Hundreds of names have come up since District Attorney Jim Garrison's probe of the assassination of President John F. Kennedy was made public in February, 1967.

Here is a list of names of persons who will probably come up in the Shaw trial:

James L. Alcock, chief prosecutor for the trial. His correct title is assistant district attorney.

Capt. Roy Allemand, Harbor Police, state witness.

Dean A. Andrews Jr., New Orleans attorney. He told the Warren Commission a mysterious Clay Bertrand called him after the assassination and asked him to defend Lee Harvey Oswald.

Sergio Arcacha Smith, a Cuban exile leader.

Bernard J. Bagert, senior judge of Criminal District court.

W. Guy Banister, deceased, private investigator.

Alvin Beauboef, friend of David Ferrie who accompanied him to Texas the day after the assassination.

Marie Bermudez, an associate of Shaw.

Clay Bertrand, the mysterious figure who Dean Andrews says asked him to defend Oswald. Garrison says Shaw is Bertrand.

Clem Bertrand, the name by which Perry Raymond Russo says he was introduced to Shaw.

Tom Betzell, a Garrison investigator.

Edgar Eugene Bradley, like Shaw charged with conspiring to kill Kennedy.

Carlos Bringuler, New Orleans Cuban exile leader.

Vernon B. Bandy, a state witness.

John "the Baptist" Casler, a convicted burglar.

David L. Chandler, Life Magazine reporter.

Ramsey Clark, attorney general of the United States.

Melvin Coffey, a friend of David Ferrie who went to Houston with him the day after the assassination.

J. B. Dauenhauer III, a Shaw associate.

Charles Davis, 6609 Glendale, Metairie, a state witness.

Eugene C. Davis, a French Quarter bar owner who Andrews said at one point was Clay Bertrand.

Ricardo Davis, an anti-Castro Cuban.

F. Irvin Dymond, chief counsel for Shaw.

Hugh B. Exaklos, attorney for Alvin Beauboef, defense witness.

Dr. Esmond A. Fattler, a state witness.

David William Ferrie, deceased. Russo has testified he heard Shaw, Oswald and Ferrie plot the assassination here in September, 1963.

Robert A. Frazier, Hillcrest Heights, Md., an FBI firearms expert. State witness.

Jim Garrison, Orleans Parish District Attorney.

4911 Magazine, rented apartment to Oswald. Defense witness.

Capt. Clifford Giarrone, head of police narcotics division. Defense witness.

Manuel Garcia Gonzales, a mysterious Cuban sought by Garrison.

Max Gonzales, a court clerk and Garrison associate.

Leonard Garvich, former Garrison aide, private detective.

William H. Garvich, private investigator, former Garrison investigator.

Louis S. Garvich, brother of William and Leonard, president of New Orleans Private Patrol Service Inc., a private detective agency.

Aloysius J. Habighorst, New Orleans policeman.

Edward A. Haggerty Jr., judge of Criminal District Court.

Frank Hayward, policeman and state witness.

Matt Herzon, 1232 Pine, defense witness.

Louis A. Heyd Jr., Criminal Sheriff of Orleans Parish.

Ray R. Hiatt, 1411 Marigny, laborer, state witness.

Lewis E. Hopkins, 7114 Marigny, travel consultant for Shaw, state witness.

Louis Ives, Garrison investigator.

L. Roy Jacob of the Jefferson Parish Sheriff's office, defense witness.

Roy Kellerman, Bethesda, Md., Secret Service agent, state witness.

Jim Kemp, WVUE newsman, defense witness.

John F. Kennedy, President of the United States, shot to death in Dallas Nov. 22, 1963.

Regis L. Kennedy, FBI agent, state witness.

Connie E. Kays, French Quarter singer, state witness.

Aaron Kohn, Garrison foe and managing director of the Metropolitan Crime Commission.

Fred Leemans, bathhouse and bar operator.

James Lewallen, associate of Dave Ferrie.

David F. Lewis, former private investigator, state witness.

Lynn Lolsel, Garrison aide.

John Manchester, town marshal of Clinton, La., a state witness.

Dante Marachiol, connection to case unknown, once testified before grand jury.

Capt. Francis Martello, New Orleans policeman, questioned Oswald after arrest here.

Layton Martens, Ferrie associate, indicted for perjury.

Gordon Novel, fugitive witness, former N. O. bar owner.

Alvin V. Oser, assistant DA. Lee Harvey Oswald. The Warren Commission said he acted alone in killing JFK.

Marina Oswald, Lee's widow. Salvatore Panzeca, Shaw attorney.

Pia. Girod Ray, Harbor Police, arrested Oswald on riverfront giving out leaflets.

Sgt. Warren Roberts Jr., New Orleans policeman, state witness.

John F. Reilly, New Orleans policeman, state witness.

Perry Raymond Russo, state witness, testified earlier he heard Shaw, Ferrie and Oswald plotting the assassination here in September, 1963.

Andrew J. Scambora, assistant DA.

Lyndal L. Shaneyfelt, Alexandria, Va., FBI photography expert, state witness.

Clay L. Shaw, charged with conspiring to kill Kennedy.

Peter Schuster, state witness, coroner's aide.

Charles H. Steele Jr., state witness, says Oswald hired him to hand out leaflets.

Kerry Wendell Thornley, Oswald Marine Corps buddy, charged with perjury.

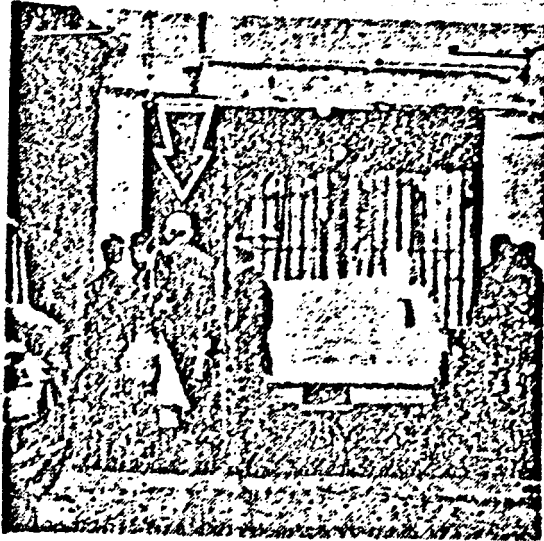
Charles R. Ward, first assistant DA.

Edward F. Wegmann, Shaw counsel.

William Wegmann, Shaw counsel.

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CLAY L. SHAW, arrow, is escorted by his attorneys —States-Item photo. as he arrives at the Parish Prison entrance to the Criminal Courts Bldg. yesterday for the start of his trial on charges of conspiring to kill President John F. Kennedy.