

(Mount Clipping in Space Below)

# 3-Hour Session Fails to Add Jurors

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

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

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

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

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

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

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

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

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

what the state is attempting to prove.

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

Duplantier said he believed he could make a fair judgment.

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

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

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

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

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

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

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

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

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

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

Lloyd T. Heintz, 45, an oil company employee, 5218 Conti.

Larry D. Morgan, 21, an aircraft mechanic, 627 Maple.

Harold J. Robinson, 23, a microfilm printer, 834 Edenborn.

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

Charles Darius Ordes, 33, a supervisor for American Can Co., 5111 Baelech.

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

Oliver M. Schmitz, 33, a NOPSI employe, 7123 Lumbard.

Irvin Mason, 33, a machine operator, 2333 Tennessee.

Heintz and Morgan were sworn in yesterday.

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PAGE 1

SECTION 1

STATES-ITEM

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

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

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

Alcock, who will direct the prosecution, has emphasized that the state must prove only the two elements of the crime of conspiracy: First, an agreement or arrangement (a meeting of the minds) to commit a crime, and second, one overt act in furthering the object of the conspiracy.

He has pointed out that law does not require that the state prove motive.

Dymond, on the other hand, has told prospective jurors that there is one other essential element and that is the state must prove "beyond reasonable doubt" that Shaw was a party to a conspiracy. He has asserted that if motive is not shown, it should be considered in the favor of the defendant.

He has admonished them that creating the probability is not enough, adding that he doubts the state will be able even to do that.

Judge Haggerty has repeatedly told prospective jurors that neither the Warren Report nor the assassination of President Kennedy is on trial. He has emphasized that conspiracy and murder are two separate crimes.

Alcock, on occasion, has said that the state does not have to prove the murder of President Kennedy, but he has added that the state may attempt to do this. Meanwhile, many witnesses

subpenaed by the state are persons who were in Dealey Plaza in Dallas, Tex., Nov. 22, 1963, when President Kennedy was assassinated.

Friday, Judge Haggerty said at one point: "I'm not saying that the state will be permitted to go into Dealey Plaza." When the defense asked for something more definite, he answered: "We'll cross that bridge when we come to it."