

# Shaw Seeks to Call Complete Jury Role

Attorneys for Clay L. Shaw filed a motion today to subpoena every person whose name is now in the jury wheel, about 700 to 800 persons, in the hearing on moving Shaw's trial outside New Orleans. Judge Edward A. Haggerty Jr. said he would rule on the motion this afternoon.

Attorneys for Clay L. Shaw today paraded newsmen and news executives to the stand in an effort to prove that the Shaw trial should be removed from New Orleans.

Shaw, 54, faces trial for conspiracy in the assassination of President John F. Kennedy. His attorneys contend he cannot get a fair trial within 100 miles of New Orleans because of wide publicity about the case.

TODAY MARKED the second day of the hearing before Criminal District Judge Edward A. Haggerty Jr. It was marked, as was yesterday's opening, by clashes between Haggerty and defense attorneys on whether publicity about District Attorney Jim Garrison's assassination investigation is distinguishable from his case against Shaw.

The defense contends that all publicity about the assassination probe harms Shaw's chances of getting a fair trial. Garrison says he has been careful not to say anything about Shaw's charges, and that nothing else is relevant to the change of venue motion. The judge has thus far supported Garrison on this issue.

On the stand longest this morning was George W. Healy Jr., executive editor of the States-Item and The

Times-Picayune. He said he thought the assassination probe story, which was originally broken by the States-Item, was the biggest news story of the past year.

Both papers, he said, were objective in their coverage of the story.

DOING MOST of the questioning of witnesses this morning were Assistant District Attorney James L. Alcock for the state and attorney F. Irvin Dymond for the defense.

Shaw attorney William Wegmann clashed frequently with Judge Haggerty this morning during the questioning of David Wagenvoord, president and general manager of WWOM-TV and radio.

Wagenvoord was questioned about two programs. One was a "Hot Seat" television show during which comedian Mort Sahl and author Mark Lane were questioned on the Garrison probe by Wagenvoord.

THE SECOND program was on radio, consisting of a tape of an interview by newsmen of Garrison and a Ramparts Magazine writer.

The disagreement between Haggerty and Wegmann resulted from a decision by the judge not to admit the radio tape as evidence until it had been determined how much of the tape was used on the air.

The state objected to the admission of the tape as evidence until it was known how much of it was used, contending that the only thing that mattered is what part had a chance to influence prospective jurors.

Wegmann contended it did not matter how much of the tape was used, that it is admissible if even one person eligible to become a juror

was attending the press conference Dec. 26.

He said that even if Garrison talked about the case to one prospective juror in a bathroom, that would have a hearing on the change of venue hearing.

HE CONTENDED that the information on the tape coming out of the press conference is disseminated even if one prospective juror is present.

Haggerty had ruled first that the tape was admissible, then changed his ruling.

Wegmann then showed Wagenvoord a copy of a press release issued by the DA's office yesterday concerning the hearing. He asked Wagenvoord if as president of WWOM he decided "what goes on" television and radio.

When Wagenvoord said he did make the decisions, Wegmann asked him, "Do you draw any distinction between the Clay L. Shaw case and the Garrison probe?"

THE STATE objected to this question and Judge Haggerty immediately agreed that the witness need not answer.

Judge Haggerty said, "It makes no difference" whether Wagenvoord makes a distinction.

Wegmann countered "All day yesterday you talked about prospective jurors. This man is a prospective juror."

The attorney's reference was to repeat remarks by Judge Haggerty yesterday that the test to determine whether a change of venue is called for is whether prospective jurors have been influenced to the point that they could not give a defendant a fair trial.

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

PAGE 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 3-6-68

Edition: RED FLASH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, DALLAS, TX

11-22-63

Character: AFO

or Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

ENCLOSURE

62-109060-6246

WEGMANN asked Wagenvoerd, "Could you give Clay Shaw a fair trial if you were chosen as a juror?"

"Yes," Wagenvoerd quickly replied.

"That's all of the questions," said Wegmann.

Haggerty commented, "Now we're getting down to the meat of the matter."

The first witness was John C. Vath, an official of WSMB Radio.

HE TESTIFIED concerning two Joe Pyne interview programs aired over the station which had as guests Edgar Eugene Bradley of California and Edward Butler of New Orleans. Bradley, like Shaw, is charged with conspiracy in the President's death. Butler is head of INCA, an anti-Castro organization in New Orleans.

Vath was asked if either of the shows to his knowledge pertained directly or indirectly to the Shaw case. He said he had no direct knowledge of this.

ALCOCK objected to admission of the tapes because no foundation had been laid by defense attorneys and that it is not known whether Shaw's name was mentioned in the programs.

Judge Haggerty said apparently admission of the material would have to wait until it can be heard.

The next witness was Healy. After Healy took the stand, his attorney, John C. Wegmann, provided the court with

photostatic copies of States-Item and Times-Picayune news clippings relating to the assassination investigation. They were introduced into evidence.

HEALY testified that to the best of his knowledge, they were all the clippings published in both papers since March 1, 1967.

At that point, in response to a request by Dymond, Healy broke down the circulation figures of The Times-Picayune and States-Item within the city.

He explained the areas affected by the various editions of the five Times-Picayune editions and five editions of the States-Item.

Then he listed for the court the parishes with the smallest Times-Picayune circulation: Avoyelles, Caddo, Caldwell, Grant, Jefferson Davis, LaSalle, Lincoln, and Madison.

In answer to a question by Judge Haggerty, Healy said that The Times-Picayune is read throughout Louisiana, but that the readership is much greater in the "retail trading area."

This, he described as Orleans, Jefferson, St. Bernard and St. Tammany parishes.

ASKED BY Dymond what he considered the biggest news story of the past year for the state, Healy replied:

"In my opinion, it was the

investigation by Mr. Garrison of the assassination of President Kennedy."

Dymond then attempted to get Healy to testify on whether he differentiated between Garrison's investigation and the charge against Shaw.

After objections by Alcock, Judge Haggerty instructed Dymond to ask whether the editor differentiated in the treatment of news coverage of the Warren Report, Garrison's investigation, and the case against Shaw.

"From a news point of view, I would regard them all one to another," said Healy.

Asked about coverage by specific reporters, Healy said in the early stages of the investigation, the principal reporters were David Snyder, Rosemary James and Jack Dempsey of the States-Item.

Healy added that Hoke May and Ross Yockey "covered portions of this story."

He said now general assignment reporters generally handle the coverage.

DYMOND asked next whether The Times-Picayune or States-Item had been furnished with a so-called "master file" of Garrison's investigation.

The judge sustained an objection by the state.

At this point, Healy identified a copy of today's Times-Picayune, which was introduced into evidence, as was

a press release, which was issued to the newspaper yesterday by Garrison.

Asked whether he had seen the press release, Healy said: "Yes, it came in while I was at the States-Item's city desk."

UNDER questioning by Alcock, Healy said that he did not distinguish between types of stories. Whether a story is "favorable or unfavorable is a matter of opinion," Healy said.

Both papers, Healy testified, have attempted to be completely objective in their coverage of the story.

Alcock then asked the editor whether he had assigned reporters to cover a cocktail party for Shaw.

"I had no knowledge of a cocktail party for Mr. Shaw," Healy replied.

Judge Haggerty then asked whether it could be assumed that the case was not arousing as much interest now as it had a year ago because general assignment reporters were covering the story.

Healy said that "the developments have not been as rapid in recent months as they were at first."

Copies of the circulation records Healy brought into court were also introduced as evidence and Healy was excused.