

Shaw to Take Witness Stand. Trial Begins

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NEW ORLEANS—The trial of Clay L. Shaw began Tuesday on a note of irony, and with the disclosure that Shaw plans to take the stand in his own defense.

The name of the first prospective juror questioned was John Kennedy—the same as that of the late President whom Shaw is accused of conspiring to kill.

John William Kennedy, 58, a pudgy maintenance man for the city of New Orleans, disqualified himself when he said he already had formed "a fixed opinion" about the guilt or innocence of Shaw, retired director of the New Orleans International Trade Mart. Kennedy was not required to say what his opinion was.

During his examination of another prospective juror, Shaw's chief defense counsel, Irvin Dymond, announced that Shaw "will take the witness stand in his own behalf."

First Revelation

It was the first time the defense has revealed that Shaw would be a witness in the defense against charges that he conspired with Lee Harvey Oswald and others in the assassination of Mr. Kennedy.

By the day's end, two of seven men examined from a panel of 169 persons had been qualified as jurors, supporting an estimate by both defense and prosecution that the selection process may take only slightly more than a week.

Two other men were disqualified because they also held an unalterable opinion about the controversial case, another

because the financial burden of serving without pay would be too great for him to bear.

Still another man was eliminated from jury service when the defense exercised one of 12 peremptory challenges which are allowed to each side. Dist. Atty. Jim Garrison.

the man who claimed two years ago to have "solved" the Kennedy assassination and charged Shaw, largely was conspicuous by his absence on the opening day of the long-delayed trial.

The session opened at 10 a.m. Garrison entered the courtroom at 3 p.m., and despite his great size, went almost unnoticed before slipping into a chair at the counsel table.

He reflected a studied disinterest, fiddling with a pencil, whispering briefly to an aide, then leaving after 20 minutes without saying a word aloud.

Disclosed by Times

James L. Alcock, Garrison's chief assistant, handled the examination of jurors Tuesday. He reiterated a major point disclosed last spring by The Times:

It is the prosecution's position that it does not have to prove that the plot in which Shaw allegedly engaged culminated in Dallas Nov. 22, 1963.

Alcock emphasized in his questioning of prospective jurors that:

"It is not the state's burden in this case to show John F. Kennedy was murdered—though it may or may not do that . . . The state only has to prove the defendant conspired to murder John F. Kennedy, not that the

defendant murdered him . . . The state does not have to prove the conspiracy necessarily resulted in the murder of the President."

Alcock also said the state was going to show that Shaw was not even in Texas at the time of the

murder.

But he stressed that Garrison need only prove that Shaw engaged in a serious conversation about assassinating President Kennedy with alleged co-conspirators. A single "overt act" undertaken by any of the alleged conspirators was sufficient, he said, to prove Shaw guilty.

In questioning prospective jurors, Alcock outlined six overt acts the state proposed to establish were undertaken. They were:

1—Shaw met with Lee

Harvey Oswald and the late David W. Ferrie in the latter's apartment here in September, 1963, and discussed the assassination with them.

2—The three men considered means of escape after the killing, and talked of how the President would be caught in a cross-fire by high-powered rifles.

3—Shaw met Oswald and Jack Ruby in a Baton Rouge hotel and money was exchanged. (Ruby shot and killed Oswald two days after the assassination).

4—Shaw traveled to California in November, 1963. (Shaw made a speech in San Francisco the day of the killing. The state claims his presence there was connected with the murder).

5—Ferrie drove in a

blinding rain to Houston the day of the assassination. (Ferrie admitted this before his death but claimed he and two companions were on a bird-hunting trip.)

6—Oswald took the intended murder rifle from his home in suburban Dallas to the Texas School Book Depository on the day of the assassination. (The Warren Commission held Oswald shot Kennedy from the window of the

depository building).

Alcock claimed that only one of the alleged overt acts need be substantiated to prove "furtherance or an agreement" to kill the President. He also stressed that "only one conspirator need to have committed the act."