

Jury Still Incomplete in Week-Old Shaw Trial

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No Prosecution Evidence Revealed So Far in Case Characterized by Aura of Unreality

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NEW ORLEANS—The trial of Clay Shaw enters its second week here today with a full jury yet to be selected and the first scrap of Dist. Atty. Jim Garrison's evidence against him still to be produced.

What happened here last week in Judge Edward Haggerty Jr.'s courtroom did nothing to dispel the aura of unreality which has characterized Garrison's investigation of President John F. Kennedy's assassination since it first surfaced more than two years ago.

The district attorney made one brief courtroom appearance late last Tuesday, the first day of jury selection. He sat down beside the prosecution counsel, mumbled to an assistant, listened as another aide questioned a prospective juror, but took no part in the proceedings.

He remained about 20 minutes, then ambled from the courtroom never

to be seen again thus far by newsmen.

"He's working in his office," assistants replied later when asked about Garrison. "Jury selection is a tedious repetition. It's not necessary for him to take part."

Critical Statement

What about the critical opening statement for the prosecution which will outline the Garrison case against Shaw whom he has charged with plotting the murder of John F. Kennedy?

"He'll be there," Asst. Dist. Atty. Andrew J. Sciambra promised.

But will the district attorney personally deliver the statement?

"He'll be there," Sciambra repeated noncommittally.

As Garrison himself said when he first began making headlines with extravagant claims of having "solved" the presidential assassination: "This case

is straight out of 'Alice in Wonderland'."

Time, two years of it, appears to have done little to alter that analysis, which, of course, Garrison himself never intended as prophecy.

Nevertheless, the nitty-gritty of five days of jury selection, which resulted in the seating of only eight men in the box, produced the kind of dogged courtroom in-fighting that against any other background would indicate momentous days ahead.

The defense clearly is seeking to obtain the better educated, more sophisticated juror, with the prosecution struggling to seek men who might have been living in a vacuum since Nov. 22, 1963.

James Alcock, Garrison's top assistant, concentrated on prospects who said they had read or heard almost nothing about either the assassination or the Garrison investigation or at least claimed they had not.

The sparring wound up in a near draw by the time court adjourned at noon Saturday when a second judge's panel of veniremen was exhausted.

Four men who either had graduated from or attended college were qualified during the first week, plus four blue-collar workers.

Five Challenges

The state has used five peremptory challenges (without cause) during the week, the defense three. Each has a total of 12.

Nearly 200 prospects were questioned during the week. Only two were women. Women serve on juries here only if they volunteer. Both female candidates were excused when they said that with small children at home they could not afford to be separated from their families for what is expected to be a trial of considerable duration.

The Shaw jurors are being sequestered in a luxury motel not far from the Criminal Courts Building. Alcock, in questioning prospective jurors, has repeatedly estimated that testimony and arguments will consume two months.

One prospective juror, a retired U.S. customs inspector who obviously didn't appear to think much of the Garrison case against Shaw, contradicted Alcock, suggesting:

"I don't think this case will last any two months."

He was quickly disqualified, but only when he said he might be distracted during testimony by worry about being separated from his wife.

About a third of the candidates were disqualified for financial reasons; they explained that their bosses would not pay them during jury service or that they were self-employed and that businesses would suffer. Jurors are not paid for service in New Orleans.

About another third were excused because they said they had unalterable preconceptions about Shaw's guilt or innocence. The remainder were dismissed for a wide variety of other reasons.

Moral Reservations

An oil company geophysicist was excused when he said he had mental and moral reservations about the conspiracy law under which Shaw was charged. He expressed the reservations after Alcock reiterated, as he frequently did, that "the state does not have to prove John F. Kennedy was murdered as a result of this conspiracy," and Judge Haggerty amplified: "You could have had 50 conspiracies in the United States . . . in 50 different cities . . . even though none of them resulted in the assassination." To convict a man, the judge added, the state needed only to prove "an agreement was entered into" and an "overt act was

undertaken in furtherance of it."

What appeared to bother the geophysicist was the wording of one of the six overt acts Garrison proposes to prove: that Shaw took a trip to California at the time of the assassination.

Judge Haggerty assured him the state would have to prove the trip was in furtherance of the conspiracy, but the geophysicist was not satisfied.

Shaw, white-haired and massive of build, appeared nervous only at the outset of the trial last week. He composed himself after a few minutes and thereafter followed raptly even the most tiresome question-and-answer progressions.

Totally Resigned

He appears to be a man totally resigned to the fate his 12 peers, once selected, may settle upon him.

Like Garrison, Shaw — retired director of the International Trade Mart and a prominent figure in civic, social and cultural circles here — is a man given to literary allusion.

Reflecting on his life the last two years, he wryly adapted a line from poet T. S. Eliot in commenting to a friend one day recently:

"I have literally measured out my life in coffee spoons." *end*