

JUROR IN SHAW CASE TELLS OF FUND DONATION

T.P. — 9/27/64
Testifies Associate Gave
to Garrison Probe

A member of the Grand Jury which returned a conspiracy indictment in the assassination of President Kennedy against Clay L. Shaw testified Monday afternoon that one of his business associates had contributed money to a group known as Truth or Consequences.

Truth or Consequences is an organization which financially supported District Attorney Jim Garrison's investigation of an alleged assassination probe against the late President.

The testimony was given the first day of a pretrial hearing by Criminal Dist. Judge Edward Haggerty on a motion by Shaw's defense attorneys to quash the conspiracy indictment.

The other 11 former Orleans Parish grand jurors were also questioned.

The hearing was adjourned at 6:10 p. m. until 10:30 a. m. Tuesday.

The witness and former grand jury member who admitted knowledge of the contribution was J. C. Alvarado, vice-president of Louisiana & Southern Life Insurance Co.

NO IDENTIFICATION

Haggerty ruled, however, that Alvarado could not identify the donor, who is an officer of the insurance company, by name or title.

Defense attorney F. Irvin Dymond said the insurance official should be identified by title, because if his rank is above that of Alvarado it was possible he could've been influenced in his indictment decision.

Haggerty said he made the ruling "because I'm not going to let you (Dymond) obtain indirectly information which I have previously forbade you to obtain directly."

PREVIOUS ATTEMPTS

The judge referred to Dymond's previous attempts to get a list of the members and benefactors of the Truth or Con-

sequences group.

Haggerty told Dymond his actions indicated he thought he was arguing a case before a jury.

"I remind you that you are not before a jury and you don't impress me," the judge said.

Much of the proceedings during the questioning of the former grand jurors seemed to be reduced to legal quibbling over what testimony was allowed from the grand jurors, Judge Haggerty's rulings on objections to such questions by the state and the entering of numerous bills of exceptions by Dymond.

In general, information sought from the former jurors by Dymond dealt with whether they, their business associates and members of their families had donated money to Truth or Consequences or the dis-

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trict attorney's assassination prob.

Dymond also asked each of the jurors if state witness Perry Raymond Russo testified before the Grand Jury and if Sandra Moffet McMaines and a number of other probe investigation figures were subpoenaed by the jury to appear for questioning.

OBJECTIONS RAISED

The state raised objections after each question put to the jurors, as Haggerty interrupted Dymond and asked if the state had objections. The objections were sustained and Dymond entered a bill of exception to each one.

Mrs. McMaines, presently residing in Kansas, is fighting extradition to Louisiana as a material witness in the case.

It was during the questioning of the first of the 12 ex-grand jurors, Constant C. DeJoie, that the quibbling and entry of bills of exception started. And the entry of such bills came almost as a matter of form with the questioning of the remaining former jurors.

Dymond said he was attempting to perfect his bills in case the entire matter eventually wound up in the Supreme Court.

TESTIMONY RULED OUT

Haggerty said testimony obtained by the Grand Jury or during Shaw's pre-trial hearing couldn't be used in the quash hearing unless a witness was either dead or couldn't be found or unless impeachment proceedings against the district at-

torney were involved.

He added that such testimony could, however, be included in bills of exception.

Dymond told the court it was important to find out to what extent the Grand Jury or the district attorney had gone to have Mrs. McMaines returned to Louisiana.

"Because of the harassment," Dymond said, "the state has deprived the defense of what it feels is an essential witness for the defense."

PUBLIC STATEMENTS

"She has publicly made statements which contradict Russo's testimony; and because of the action of the Orleans Parish Grand Jury, she has retained an attorney who has seen fit to keep her from coming here to testify. Therefore, the defense is deprived of a fair trial."

Asst. Dist. Atty. James L. Alcock said, "Mrs. McMaines told us she didn't have money or clothes to come here. We offered to get her some decent clothes and pay her fare here."

"Then she went on national television and tried to make the district attorney's office look bad."

Garrison has alleged that Shaw conspired with Lee Harvey Oswald and David William Ferrie, both now dead, to assassinate the President.

Earlier in the day, seven criminal district court judges and four Orleans Parish Jury Commissioners occupied the witness stand.

NO WOMEN'S NAMES

Dymond and Shaw's other attorneys, Edward and William Wegmann and Salvatore Panzeca, hammered away at the fact there were no women's names submitted to Judge Bernard J. Bagert to select the Grand Jury which returned the indictment against Shaw March 23.

But if nothing else could be said for the often-dull and tedious repetition of questions for each of the judges and the jury commissioners, one thing was accomplished. The number of names which are used to select the makeup of petit and grand juries was counted and found to be 739.

Jury commissioner Daniel R. Hughes Sr. testified the names had not been counted since he took office in 1964 and most other commissioners, chairman Noel J. Rada, Mrs. Louise Bistes and Philip J. Meyer, were hazy on the total, though they guessed anywhere from 700 to

1,600 names were in it.

COUNTING OF NAMES

Criminal District Court Judge Edward A. Haggerty Jr. had injected the counting of the names into the regular course of the proceedings, appointing Panzeca for the defense and Asst. District Atty. Joseph N. Marcal III to do the official counting. States-Item reporter Hoke May and a sheriff's deputy looked in on the counting to avoid "any irregularities," as Judge Haggerty lightly stated it.

Judge Bagert was the first witness of the day. He said that two Negroes served on the grand jury, but there were no women.

As the questioning of Judge Bagert opened, Dymond tipped his hand, many courtroom observers felt. He said that a woman's viewpoint might have been advantageous.

Judge Haggerty told Dymond that the question of women serving on grand juries had been settled by the Louisiana Supreme Court in the Lea case, "but I will let you continue this line of questioning, however."

COURT RULING

The case to which Haggerty

referred was the State vs. Robert E. Lea in 1953. The Supreme Court ruled that if there is a challenge of the exclusion of women from a grand jury, it must be done by a woman. Also if there is a challenge of the exclusion of Negroes from grand juries, this must be posed by a Negro.

Dymond questioned Bagert, "Have you ever had a woman submitted among the 75 names for grand jury service?"

"To the best of my recollection, there were none on the grand jury venire list," admitted Bagert.

Dymond asked Bagert that, in selecting Negroes on the last grand jury he made up, if the ratio of Negroes to whites was consistent with the ratio of the city's population. He said it wasn't.

PROUD OF TWO

Bagert said he was quite proud of the two Negroes he had on the grand jury. "I selected two of the finest citizens of this community," said Bagert. "One is a ward leader and the other the publisher of a fine weekly paper which serves the Negro community."

Judge Bagert testified that he

had several women serve on petit juries for him. He said that Mrs. Milton Adler was selected as foreman for one of his juries.

Judge Frank J. Shea said that he asked for 100 names when he made up his only grand jury — each judge makes up a grand jury about once every four years. He said he couldn't recall a woman's name.

Shea said that he had five Negroes serving on the grand jury. "I don't believe in putting Negroes on the grand jury merely for the sake of having Negroes on the jury," explained Shea. "They happened to be among the first 12 qualified persons."

Asked if he ever knew women to serve as grand jurors, Judge Shea said, "no." Then he added, "But I don't keep up with other grand juries."

O'HARA QUESTIONED

Judge Malcolm V. O'Hara told the pre-trial hearing that he asked for "from 75 to 125 names — I can't remember the exact number."

In the questioning of O'Hara, Dymond made the notation that O'Hara's grand jury was the first to be selected after the Bagert grand jury returned the Shaw indictment. He said this was significant because it might show there was a new policy of having women on the grand jury.

O'Hara said there is one woman on his current grand jury, which was sworn in last week.

Judge Thomas M. Brahney Jr. said he had selected two grand juries, and in neither case had there been a woman on the list of prospective jurors submitted to him. There were Negroes, he said.

Dymond asked Judge Matthew S. Braniff, "When is the first time you knew of any Negroes being on a grand jury?"

"I don't recall the year," replied Braniff, "but it seems like it was in the last 10 or 12 years."

DECISION IN 1954

"Would it refresh your memory if I reminded you of Judge William O'Hara's decision on Negroes and women in 1954?" questioned Dymond.

"This is right," said Braniff. "Gee, I think I remember something like that."

"Do you know of any woman except Mrs. Dan Fleming who appeared on a jury?"

asked Dymond.

"I can't say," replied Braniff. "Off hand, no."

Judge Rudolph E. Becker said he never had a woman serve on his grand jury.

"Other than Mrs. Dan Fleming, have you ever known a

lady to serve on a grand jury?" Dymond asked.

"I really couldn't say," replied Becker. "I'm not familiar with all the grand juries. I don't recall one, but I can't say for certain."

Judge Oliver P. Schulingkamp was asked if he has ever had a woman on his grand jury.

"No," replied Schulingkamp.

"Has a woman ever appeared on your list?" Dymond asked.

"No," answered Schulingkamp.

"Do you attempt to keep the ratio of Negroes to whites on the grand jury equal to the population ratio?" asked Dymond.

"No," said the judge. "If a Negro meets the requirements, then he may be a grand juror."

RADA QUESTIONED

Questioning of Rada was extensive.

Rada, besides coming in for questioning by Dymond, was also grilled by an apparently irked Judge Haggerty who was miffed when Rada seemed oblivious to requests made earlier by Haggerty for getting additional jurors' names.

"Don't you get monthly a list of names from Orleans Parish Registrar of Voters A. P. Gallinghouse?" prompted Judge Haggerty.

"No," said Rada, "I don't remember when we got the last one."

"Don't you get names of Negroes from Negro carnival and civic organizations?" Judge Haggerty asked.

"No, sir," replied Rada.

"Don't you get names of prospective jurors from large employers?" asked Judge Haggerty.

"No, sir," replied Rada.

Peeved, Haggerty said, "I don't know where you've been all this time; you were there when I requested you do these things."

SOURCES OF NAMES

Rada told Dymond that he gets the list of names from "city directories, voter registration

lists and occasionally a few volunteers."

Dymond asked Rada if he had ever counted the number of names in the big brass cage.

"No," replied Rada, but he said he thought there were at least 1,500 in the cage.

Rada testified that women have just recently started coming in to volunteer. The procedure, he said, is that they must first go to the clerk of court's office and sign a waiver before their names become eligible for the grand jury and petit jury list.

'PURELY CHANCE'

As for why there have been no names of women for the grand juries, Rada said, "It's purely chance, sorta like a lottery."

Meyer said that he thought there were "500 to 600 names" in the big brass cage.

Dymond asked Meyer if he needed a jury panel of 125 names, "Wouldn't you put 125 names in the cage?"

Meyer replied, "No, more than that, maybe 300."

When Rada and Meyer had finished their testimony, Haggerty explained to Dymond, "You have to remember these are part-time political jobs (jury commissioners) appointed by the governor; they have a lot of different ideas about how to run the job."

"That's pretty obvious," said Dymond.

"It's obvious to me also," said Haggerty.

Mrs. Bistes told Dymond she thought there were about 1,500-1,700 names in the brass cage.

When asked if she could say why women are excluded from the grand jury list, Mrs. Bistes reminded Dymond that women must first go to the clerk of



PERRY RAYMOND RUSSO (right), —Photo by The Times-Picayune. chief witness against Clay L. Shaw in the President Kennedy assassination conspiracy case, arrives in court Monday with Asst. Dist. Atty. Andrew Sciambra. Russo, who testified he overheard Shaw and others plotting to kill Kennedy, was one of 30 persons subpoenaed for a pre-trial hearing by Shaw's attorneys who are attempting to quash the indictment.

court's office and sign a waiver.

She said the wheel is refilled with names, taken from a cabinet, just before the drawing.

Mrs. Bistes said Gallinghouse "keeps us constantly supplied with names."

But she said no organizations have ever supplied the jury commissioners with names.

Hughes indicated that the last time the wheel was cleared was in 1952.

Dymond asked Hughes if he had ever opened the wheel.

"No," said Hughes.

"Have you ever seen any-

one do it?" asked Dymond.

"No," said Hughes.

Hughes said it was his guess there were 1,600 names in the wheel "at all times."

Dymond asked Hughes if he had ever seen the name of a woman presented to a judge for his grand jury.

"Don't believe I can recall one," said Hughes.

Shaw sat through the proceedings in his usual manner—looking straight ahead, rarely moving, cigarette lit. He was dressed in a grey business suit and smiled freely as he talked with his lawyers.

T-P



—Photo by The Times-Picayune.
CLAY L. SHAW (right), accused by New Orleans Dist. Atty. Jim Garrison of conspiring to murder President John F. Kennedy, chats with his attorney, Edward Wegmann, upon their arrival Monday for a pretrial hearing at the Criminal District Court Bldg.