

Judge in D.C. Asks DA's Plan for Clay Shaw Trial

Raises Issue of Linking Alleged Plot, Death

By CLARENCE DOUCET

A Washington, D. C., judge has directed that he be informed by Wednesday if District Attorney Jim Garrison intends to show that President John F. Kennedy's death resulted from the alleged conspiracy involving Clay L. Shaw.

Judge Charles Halleck of the Court of General Sessions wants the information before he rules on Garrison's efforts to obtain release of the autopsy photographs and X-rays of the assassinated President. They are being held secret in the National Archives.

Judge Halleck said if no effort is to be made by Garrison to link the conspiracy—for which Shaw is charged—and the assassination, then it is irrelevant where the shot that killed Kennedy came from.

Fulfillment of Judge Halleck's directive will bring to a head an issue that has been bubbling below the surface since the jury selection started in Shaw's trial.

LINK NOT NECESSARY

That is the question of whether Garrison will attempt to link the alleged conspiracy with Kennedy's death. Although the state does not have to link the two to obtain a conspiracy conviction, Assistant District Attorney James L. Alcock, chief prosecutor, has intimated several times in court that the state may do this.

Because the state is not

D.C. JUDGE ASKS FOR DA'S PLANS

Continued from Page 1

obligated to link the death of President Kennedy with the alleged conspiracy, Criminal District Court Judge Edward A. Haggerty has not permitted defense attorneys to ask prospective jurors if they have any opinion whether the President's death resulted from a conspiracy.

In setting the Wednesday noon deadline, Judge Halleck said that hopefully the state will have made its opening statement to the jury in the Shaw trial by then.

"Then we'll all know what you expect to show," he said to Garrison's aides at the hearing in Washington. He expressed concern about wide publicity that could be given the Kennedy autopsy pictures if they are released.

GUIDELINES SET

Assistant DA Numa F. Bertel Jr. told Judge Halleck that Judge Haggerty has set guidelines about such matters and "they're rather strict."

The autopsy pictures were placed in the care of the National Archives by Kennedy's widow, now Mrs. Aristotle Onassis, and his brother, the late Sen. Robert F. Kennedy.

It was done by agreement to prevent "undignified or sensational" use of the material with the understanding it would not be made public for five years and then only to the government investigators.

In the courtroom Friday — the 10th day of jury selection — it was a day of jury excusal instead of jury selection. Some 141 of the special 150 prospective jurors called by Judge Haggerty were excused for various reasons, mostly because they would not be paid or because they had fixed opinions.

One other prospective juror, called from Section F, was also excused, making a total of 142 for the day.

Judge Haggerty, still attempting to seat the 12th jury member, has ordered an additional 150 persons to appear in his courtroom for questioning regarding possible jury duty at 10 a. m. Saturday.

Another 150 are being ordered to appear at 10 a. m. Monday.

FINAL CHALLENGE

The state exercised its final peremptory challenge during

the day, excusing a draftsman for the Boeing Co., who had already been proclaimed acceptable to the defense.

Leo Andrew Hastman, 36, was questioned for more than 30 minutes by Alcock, and only 10 minutes by F. Irvin Dymond, Shaw's chief counsel.

Each side has exhausted its 12 peremptory challenges allowed for selection of the 12 members of the jury, giving rise to the belief that the final jury member will be selected Saturday.

After that person is selected, both sides will still have to agree upon two alternates, and each side will be allowed two more peremptory challenges — one for each alternate.

BRIEF FILED

A brief filed by Garrison aides in Washington contends that a medical review of the autopsy pictures provides new questions as to the number of missile wounds Kennedy suffered and the directions from which they came.

Assistant DA Numa F. Bertel Jr. said in Washington it is not necessary to show in Shaw's trial that Kennedy's death resulted from the conspiracy.

Shaw is charged with having conspired with Lee Harvey Oswald and David W. Ferrie. The Warren Report concluded that Oswald, acting alone, assassinated the President.

Judge Halleck set Friday to hear evidence to back up Garrison's contentions that the material should be released, but he said he wanted the statement of the DA's intent in the Shaw trial by noon Wednesday.

Garrison wants the data for use in Shaw's trial. In their brief, Garrison's aides said they were prepared to produce two

witnesses for questioning at the hearing. They named them as Dr. Robert Forman, chairman of the department of sociology and anthropology, Wisconsin State University, Oshkosh, Wis., and Dr. Cyril Wecht, research professor of law at Duquesne University. Both have published their own conclusions about the autopsy on President Kennedy.

MEDICAL REVIEW

The brief said that the medical review made by a panel in 1968 does not confirm the original autopsy findings, "but or

the contrary provides new and more serious questions as to the number of missile wounds and the direction from which the missiles came."

The brief said the questions stem from what it said were "crucial ambiguities" in the original autopsy and ambiguities left also by the 1968 panel.

As an example, the brief cited a statement in the 1968 review saying that in a section of Kennedy's brain there were found "numerous small, irregular metallic fragments, most of which are less than one mm maximum dimension," and adds: "How many larger than one mm? How large?"

The 1968 panel of medical experts that reviewed the autopsy, said the findings were correct as detailed in the Warren Commission Report and proved Ken-

nedy was shot twice from behind.

Garrison maintains at least one of the bullets came from the front.

Garrison's attorneys first appeared before Judge Halleck on Jan. 17 to ask for the autopsy photographs and X-rays, but the judge refused and gave Garrison's staff two weeks to reveal part of what it calls substantia evidence that the autopsy documents would show Kennedy was shot from both the front and rear, not by a lone assassin.

Neither of the two doctors offered as witnesses by Garrison took part in the autopsy or the medical review last year. They reached their conclusions on the basis of the Warren Report and other published accounts.

COURT ADJOURNED

Judge Haggerty was forced to adjourn the jury selection at 3:40 p. m., when the last of the prospective jurors called during the day was excused because he said he had a fixed opinion.

The morning session probably set some sort of a record, if such records are kept, when 100 persons were excused in a brief session that lasted one hour and 40 minutes.

These included persons who were either in the court or those who were unable to appear for various reasons, such as illness, out of town on business trips or moved from the city.

When Judge Haggerty resumed the jury selection at 1:30 p. m. following the luncheon recess, he announced that it had been brought to his attention that some news photographers had taken pictures of the men selected for jury duty, and he said publication of these photographs would be in violation of the guidelines he has set down regarding the trial.

"If any of these pictures are published," he said, "we intend to cite that person" (the photographer) for contempt of court.

He added that when all of the jurors have been selected he will permit a "pool" photographer to take some pictures of the jury.

The only light moment during the proceedings came when a prospective juror was asked what his marital status was. He replied, "Everything's okay!" and deputy sheriffs had to call for order to quell the laughter