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EX-GOV. CONNALLY NAMED IN SUBPENA

Two More Jurors Picked in Shaw Trial

By CLARENCE DOUCET

The state Tuesday subpoenaed former Gov. and Mrs. John L. Connally of Texas as witnesses in the conspiracy trial of Clay L. Shaw, and two more jurors were selected, bringing to 10 the total agreed upon in eight days of selection.

Gov. and Mrs. Connally were passengers in the Presidential limousine in Dallas, Tex., on Friday, Nov. 22, 1963, when President Kennedy was assassinated. The governor was wounded.

The two subpoenas provided further strong indications that the state will attempt to link the alleged conspiracy, for which Shaw is charged, and the actual murder of President Kennedy.

Whether the state will be permitted "to go into Dealey Plaza" remains a large question mark, but on two occasions in the eight days of jury selection, Criminal District Court Judge Edward A. Haggerty has declined to announce whether he will permit them to link the alleged conspiracy and the assassination itself.

REPLY TO DYMOND

Last week he told chief defense attorney F. Irvin Dymond that he would "cross that bridge" when he comes to it, and on Tuesday, when Dymond asked him to rule on the matter, Judge Haggerty said he could not tell the state how to present its case.

The two new jurors tapped

were:

Harold W. Bainum Jr., 24, 2911 Banks, a unit manager of Westinghouse Credit Co.

Warren E. Humphrey, 52, 6524 Providence pl., a post office employe.

As jury selection was recessed at 6 p.m. Tuesday, Frank B. Payette Sr., of 7719 Green st., a bus operator for New Orleans Public Service, was being questioned by the prosecution.

Judge Haggerty instructed him not to discuss the case overnight and to return at 9 a.m. Wednesday for further examination.

There was optimism that jury selection would be completed within another day or so, and the optimism was based on two factors:

Both the state and the defense are using up the 12 peremptory challenges to which they are entitled for use in excusing prospective jurors without giving a reason, and secondly, Judge Haggerty has limited one area of questioning that in earlier selection sessions had provided a basis for challenging prospective jurors for cause.

He ruled that prospective jurors could not be asked if they have any opinions that President Kennedy's death was the result of a conspiracy. Dymond, who had been asking the question, maintained that if the prospective juror does have this opinion, then the state is already "half-way home" with proving its case, and he has

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challenged the prospective jurors for cause.

Assistant District Attorney James L. Alcock has countered that if a prospective juror does not have such an opinion, then the state would be entitled to challenge for cause. He had said the state does not think this is a basis for challenging for cause.

OBJECTIONS SUSTAINED

Alcock has objected to Dymond's various challenges and Judge Haggerty has sustained the state objections.

A total of 85 prospective jurors was called Tuesday, bringing the eight-day total to 370. Thus far, in addition to the exhausted jury panel list of Judge Haggerty, prospective jurors have been called from the panels of Judge Frank Shea, Judge Rudolph F. Becker Jr., Judge Matthew S. Braniff and Judge Oliver P. Schulingkamp.

The state has now exercised nine peremptory challenges and the defense has exercised eight, leaving the state three more and the defense four.

The legal encounter that reduced sharply the number of prospective jurors who may be challenged for cause after they have been questioned by Judge Haggerty came early in Tuesday's proceedings.

Walter C. Williams had been questioned by the state and was tendered to the defense.

ASKED ABOUT OPINION

Dymond had asked Williams if he had any opinion whether the death of President Kennedy had been the result of a conspiracy. Alcock objected and Judge Haggerty said the question was irrelevant. Judge Haggerty said that there could have been 50 conspiracies and whether the prospective juror believes there was one "makes no difference."

Dymond, already on his feet, addressed the court: "If they (the state) say they may prove that President Kennedy was killed as a result of this conspiracy, may I not ask if they believe President Kennedy was killed as a result of a conspiracy?"

And then he added: "If they (the state) say they may (prove Kennedy's death resulted from a conspiracy), we certainly have the right to protect ourselves."

Judge Haggerty then told Dy-

mond that he knew what the state has to prove "and so do the jurors," adding that there should be "some line of demarcation" in the questioning of prospective jurors.

Dymond replied that if the judge would rule "that the state may not go into Dealey Plaza, I'll withdraw my question," and Haggerty answered that "the court has no legal right to advise the state how to present its case."

'SAME OLD DILEMMA'

Alcock, expressing his views, told Judge Haggerty he thought the question asked the prospective juror by Dymond placed the jury selection "in the same old dilemma" it has been faced with before, pointing out that if the prospective juror says he has an opinion about a conspiracy then the defense will be entitled to challenge for cause, and if he says he does not, then the state will be entitled to challenge for cause, adding that "it doesn't appear to the state to be such a challenge for cause."

Dymond then announced that his next question was "Do you have an opinion whether Lee H. Oswald was one of the conspirators?"

Alcock again objected, and his objection was again sustained.

Dymond then asked the prospective juror if he had an opinion as to whether or not David W. Ferrie was one of the conspirators. (Oswald and Ferrie are named as the two men with whom Shaw conspired.)

Alcock objected and Judge Haggerty sustained the objection.

Dymond then announced his intention to file a bill of exception because the defense "feels the question is a correct one."

PEREMPTORY CHALLENGE

Dymond then tendered Williams back to the state which announced he was accepted and Dymond promptly executed a peremptory challenge, the eighth used by the defense.

Those prospective jurors excused during the morning session were:

Allison Randolph Jr., self-employed and would lose earnings; Irvin J. Schaefer, fixed opinion; Walter C. Williams, peremptory challenge by defense; Safely Peller, fixed opinion; Tommy Green, undue concern for family; William O. Rastner, may lose pay; James

R. Cook, partial loss of earnings; Dugal A. Brooks, concern; Anthony J. Irvin, concern; Mitchell A. Woodson, fixed opinion; Parham M. Raymond, fixed opinion; Hilton L. Slade, some financial loss; Ernest J. Skidmore, financial loss; Russell Henderson, concern.

Also, Robert N. Walsh, involved with project; Louis Manchester, would lose earnings; Lindsey Moore, would lose pay.

These prospective jurors were also excused because they either would not be paid or would lose a part of their earnings:

Thomas A. DeLatte, Seymour Finney, Arthur McGill, Harold Brett Sr., Vincent P. Parker, Lewis C. Parrish, Isaiah Porter, Charles G. Sloan, Clifford G. Domio, Burnie J. Moss, Alan J. Shear, Joseph W. O'Connor Sr., George R. Page Jr., John B. Diggs, Lloyd Henry Sr. and Clarence A. Niemann.

And, Joseph M. Doyle Jr., would cause undue concern; John L. Lilly, because of job responsibility, and Fellman J. Pierre Jr., undue concern.

EXCUSED IN AFTERNOON

Excused during the afternoon session:

The following because they would suffer a financial loss:

Salvador A. Ramp, Anthony J. DiVincenti Jr., Walter J. Maestri Jr., Edward D. Shanklin Sr., Charles J. Manfre, Joseph Henry, Emile R. Delamore Sr. and Anahel Hernandez.

Also excused were George Smith, challenged for cause by the defense and excused by Judge Haggerty; Herbert H. Douglas, fixed opinion; Lloyd M. Dennis Jr., challenge for cause by the defense and excused by the judge; Bernard J. Pays Jr., fixed opinion; Warren T. Parker, concern for family; George A. Brewer, concern; Carl Smith, fixed opinion; Grady A. Parker, fixed opinion; John G. Wallis, concern for family.

Murdock M. Ryninger, concern for family; Allen Mitchell, an inconvenience; Willie J. Green, knew one of the alleged conspirators; Joseph Watson Sr., concern for family; Gus J. Delaune, medical reasons; Leclaire B. Ratterre Jr., known by the defendant; Albert Dzgranados, knows law associate of one

of Shaw's attorneys; John H. Parmenter, fixed opinion; Frank J. D'aquin, concern; James V. Smith, concern; Eldridge E. Hart, fixed opinion, and Jack Mahan Jr., concern.

Excused from a jury panel list for Section F of Criminal District Court, Judge Schulingkamp, because they would suffer a financial loss were: Russell Arthur Bailey, Clemons V. Baker, Joseph Thomas Dean, Louis Joseph Dugas Jr., Martin Miller, Thomas Muse, Lloyd Joseph Ernest, Antoine Farve Sr., Thomas Freeman, Larry Lynn Grayson, Richard Philip Haydel, Clarence Walter Poncet and Leslie Joseph Stuart.

John Lawrence Helmore was excused on a peremptory challenge by the state.

Others excused were: Joseph Pierre Sr., concern for family; James A. Simpson, concern; James William Ponsetti, concern; and Elmer Henry Dorsey, imposition because of prior jury duty.