

TWO MORE JURORS OK'D IN SHAW TRIAL

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Key Witness for Defense
Reported in Hiding

By CLARENCE DOUCET

Two more jurors were accepted Friday for duty in the conspiracy trial of Clay L. Shaw, and a key witness for Shaw's defense was reported in hiding in Iowa, afraid to come here to testify.

Two new jurors—the seventh and eighth to be accepted by both the state and the defense in four days — were sworn in during the afternoon in a courtroom session cut short by the exhaustion of the remainder of the 169 prospective jurors on the panel of Criminal District Court Judge Edward A. Haggerty.

Jury selection will enter its fifth day at 9 a. m. Saturday when 44 prospective jurors from the panel of Criminal District Court Judge Frank Shea have been ordered to appear for possible duty.

Larry D. Morgan, an aircraft mechanic who resides at 922 Alabo, and Lloyd E. Heintz, an employe of Chevron Oil Company, who resides at 5218 Conti, were the two jurors seated Friday. Morgan, 24, is married and has a five-month-old son. Heintz, who is 40, is also married and has one daughter and one stepdaughter.

SUBPENA CHALLENGED

In another development Friday, Jefferson Parish attorney Hugh Exnicios, another defense witness, challenged his subpoena. Judge Haggerty promised to grant him a hearing on his motion to quash the subpoena as soon as possible after the jury is selected.

Mrs. Harold McMaines, whose testimony, according to her attorney, would contradict the testimony of the state's star witness, is the defense witness reported in hiding.

Her attorney, Lex Hawkins of Des Moines, did not say what is causing her to be fearful of testifying in the Shaw trial. Earlier she had refused to come here in District Attorney Jim Garrison's probe of the assassina-

tion of President John F. Kennedy.

Shaw, 55, is on trial on charges that he participated in a conspiracy to murder Kennedy.

WILLING TO TALK

Hawkins said Mrs. McMaines, whose maiden name was Sandra Moffett when she lived here, is willing to tell everything she knows, but wants to do it in Iowa.

When she lived here, Mrs. McMaines was a friend of Perry Raymond Russo, who was the state's star witness at a preliminary hearing for Shaw in March, 1967. He testified then that in September, 1963, he heard Shaw plotting the assassination with Lee Harvey Oswald and David W. Ferrie at a party in Ferrie's apartment.

Russo said Mrs. McMaines was at the party, but she has denied it.

The Warren Commission, following its investigation of the Kennedy assassination, said Os-

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wald, acting alone, killed the President.

CAN'T BE COMPELLED

Mrs. McMaines was subpoenaed earlier this week. However, since Iowa is not a party to the interstate agreement for extradition of witnesses, there is no way of compelling her to appear.

In another development Friday, this in Fairfax, Va., the U.S. Justice Department told Virginia Judge Arthur Sinclair that it will not oppose the appearance of Lyndal L. Shaneyfelt at Shaw's trial.

Garrison's office had subpoenaed Shaneyfelt, a photograph analyst for the Federal Bureau of Investigation. According to the extradition papers, the state hopes to use Shaneyfelt's testimony to show that more than one person fired shots during the assassination.

Shaneyfelt's analysis of a movie film taken at the assassination scene by Abraham Zadruder was a key link in the

Warren Commission's version of the slaying.

DEFENSE CHALLENGE

A total of 34 prospective jurors were called Friday morning. The sixth person called, Beverly H. Harlton, was excused by the defense through peremptory challenge. It was the third time the defense has used this manner to excuse prospective jurors. The state has exercised four peremptory challenges. Each side is entitled to 12 such challenges.

Harlton said he had no fixed opinion in the case when he was questioned by Judge Haggerty. Under questioning by Assistant District Attorney James L. Alcock, Harlton said he had seen Garrison's appearance on the Johnny Carson "Tonight" show on television, "and my thoughts that night were not with Mr. Garrison, because I thought Mr. Carson was treating Garrison, as a guest, very poorly."

Under questioning by the defense he said he had seen the movie, "Rush to Judgment," and he left the theater impressed that Kennedy "was killed as a result of a conspiracy rather than by one man . . ."

Defense attorney F. Irvin Dymond asked Judge Haggerty to excuse Harlton for cause because he had an impression that required negation. Alcock objected and the judge sustained the objection.

Harlton then said he had read one article about the assassination and received one impression, and then after reading another article had another impression.

Dymond continued to attempt to make his point with Judge Haggerty and the judge emphasized that neither the Warren Report nor the death of President Kennedy is being tried, but rather a conspiracy. "We are not going into a field that may not be part of this case," he said.

DEFENSE ARGUMENT

Dymond countered that if the prospective juror was already convinced that there was a conspiracy then the state was already half-way home with its case regarding that juror. Judge Haggerty replied that Harlton had not said he was "convinced."

After a few more exchanges, Judge Haggerty told Dymond:

"I'm not saying that the state will be permitted to go into Dealey Plaza," referring to an attempt the state might make to prove the alleged conspiracy resulted in Kennedy's death and Dymond asked him when he would make a decision.

"We'll cross that bridge when we come to it," the judge answered.

Dymond continued questioning Harlton about his impressions, and the prospective juror said: "It's my impression he could have been killed either way. I have no opinion."

Dymond then tended Harlton back to the state which announced he was acceptable. The defense then excused him through its peremptory challenge.

A similar situation developed as Paul J. Sicard was being questioned.

Sicard said he had an opinion, but it was not fixed, and that he "has grave doubts about the federal government's position that there was no conspiracy."

Dymond objected, asserting: "This man already feels there was a conspiracy," and Judge Haggerty answered that Sicard "did not say he believed that there was a conspiracy in New Orleans."

MOVE DENIED

The defense then moved that Sicard be challenged for cause, but the move was denied by the judge.

As Alcock was questioning Sicard, he asked him if there was any reason why he felt he might not be qualified as a juror and Sicard replied the only thing he could think of was the "grave doubts" he had expressed to Judge Haggerty. The judge then asked Sicard if he would require some evidence to remove this

impression from his mind. He said "yes" and Judge Haggerty excused him, emphasizing he was not excusing him because he had doubts about the federal government's findings, but rather because he had an impression that would require evidence to remove.

The state filed a bill of exception to Judge Haggerty's decision.

Morgan, the first of the two jurors selected Friday, said that he had worked for a flying

service at New Orleans Lakefront Airport and had seen Ferrie on two or three occasions, although he had never talked to him.

HAS SOME DOUBTS

Heintz, the second selected, also admitted to having some doubts about the findings of the Warren Commission, but he asserted they were not of the nature that would impair his ability to give Shaw a fair trial.

In all, 68 prospective jurors were questioned Friday. Of the 169 names on Judge Haggerty's jury list, this was the disposition of them during the first four days of jury selection:

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|-------------------|----|
| Jurors selected | 8 |
| Excused for: | |
| Loss of pay | 44 |
| Fixed opinion | 35 |
| Medical reasons | 22 |
| All other reasons | 50 |
| Attachments | 3 |
| Challenges | 7 |

In seeking the hearing to have his subpoena quashed, Exnicios said testimony by him would violate his lawyer-client relationship with Alvin Beauboeuf, also under subpoena as a defense witness.

Beauboeuf was a friend of Ferrie and accompanied him to Texas on the day of the assassination, Nov. 22, 1963.

In 1967, Beauboeuf claimed that two Garrison aides threatened and tried to bribe him to testify against Shaw, and Exnicios had a tape of the conversation. The defense had subpoenaed Exnicios to produce the tape.

REASONS FOR EXCUSAL

These are the 34 prospective jurors who were excused during the three-hour morning session and the reasons:

—James G. Ortego, because he suffers migraine headaches;

—Mrs. Margaret J. K. Negus, the second woman volunteer to be called, because she has four children and would be unable to care for them.

—John Bernardt Heidmann, fixed opinion;

—Bernard F. Heinrich, because he would be concerned about his family over a prolonged period;

—Otis Signal Sr., fixed opinion;

—Beverly H. Harlton, defense exercised peremptory challenge;

—Sylvester J. Osterhold,

would receive no pay;

—Marion J. Kennedy, concern for his family's welfare;

—Frank L. Noto Jr., concern for his family's welfare;

—Bryant W. Paysse Jr., concern for his family's welfare;

—Marion A. Kern, fixed opinion;

—Peter L. Schmidt, medical problem in family;

—Emmett A. Hamilton Jr., would receive no pay;

—George A. Walther, would suffer financial hardship as he is self-employed;

—Larry Joseph Garnett, would receive no pay;

—Lawrence P. Glapion Jr., would receive no pay;

—Corbett J. Glynn, would receive no pay;

—Albert L. Jones Sr., works on commission and would receive no pay;

—Thomas B. Harris, illness in his family;

—Carroll E. Delacroix, would receive no pay;

—Paul Johnson, would be concerned for family;

—Gerald F. Heintz, would receive no pay;

—Adolph F. Tanet Jr., would receive no pay;

—Ashton R. Delahoussaye, self-employed and would suffer loss of earnings;

—Donald S. Chenoweth, fixed opinion;

—Paul J. Sicard, excused for cause by judge after he said he had impressions about the case which would require evidence to take them from his mind;

—Ronald J. Dyer, because jury duty would interfere with his studies for certification as a certified public accountant;

—Milton C. Seeger, would receive no pay;

—Moses Frank Faciane, would receive no pay;

—Milton J. Smith, would receive pay only for 30 days;

—Adolph Joseph DuConge, self-employed and would suffer loss of earnings;

—James F. Moragne, concern for family;

—Vincent J. Boreras, has infant son and would be concerned about welfare of his family;

—James N. Eustis, fixed opinion;

—John H. Knipmeyer, duty

would cause undue concern for family.

EXCUSED IN AFTERNOON

Excused during the abbreviated afternoon session were the following:

—Ernest A. Dunkley, cares for elderly parents with whom he resides;

—Harding Berger, for medical reasons;

—Sam E. Baio, a self-employed barber who would lose his earnings;

—Stanley H. Perrin Sr., for medical reasons;

—Ralph Jackson, would not be paid;

—Earl H. Hellmers Sr., jury duty would represent too much of a burden as he and his wife are the parents of nine children;

—Edward Joseph Jones Jr., would not be paid;

—Joseph W. Becker, for medical reasons;

—John A. Heil, works on commission and would lose his earnings;

—Stanley R. Oliver, jury duty would represent a hardship;

—Joseph N. Hardy Jr., self-employed and would suffer a loss of earnings;

—Peter L. Mitchell, jury duty would represent an undue burden on his wife in caring for their three young children;

—Joseph James Meyer, jury duty would represent a burden;

—Henry R. Nuss, medical reasons;

—Stanly J. Dabon, resides with a relative who has glaucoma, whom he takes care of;

—Richard Phoenix, would receive no pay;

—Mitchell Joseph Dusset, would receive only one month's pay;

—George Lee Johns, duty would represent a hardship;

—Louis Joseph Simkin, an insurance agent working on a commission basis, he would lose his earnings;

—Glenn A. Schurman, fixed opinion;

—Ernest J. Handy, would receive no pay;

—Peter L. Hall, would receive no pay;

—Walter W. Marler, manages a body and paint shop and

would have to be replaced;

—John Rodman Jr., excused because of an illness in his family;

—Nelson J. Marcotte, a waiter, he would suffer a financial hardship;

—Louis J. Edmondson, fixed opinion;

—Samuel Gordon, would not be paid;

—Maurice J. Baradino, would not be paid;

—E. Gaston Frank Alciatore, for medical reasons;

—Vincent A. Skelly, for medical reasons;

—Howard W. Heidke, fixed opinion;

—Charles B. Gambrell Jr., would cause an undue hardship in his home.

WASHINGTON (AP) — The Justice Department agreed Friday to permit FBI photographic analyst Lyndal L. Shaneyfelt to testify at the Clay Shaw trial in New Orleans.

The department also is expected to take the same action in two other extradition proceedings instituted by New Orleans District Attorney Jim Garrison scheduled for Tuesday and Wednesday in neighboring Maryland counties for FBI Agent Robert A. Frazier and for former Secret Service Agent Roy Kellerman.

Shaneyfelt analyzed the 16-millimeter movie of the assassination taken by amateur photographer Abraham Zapruder.

Fairfax, Va., Circuit Court Judge Arthur W. Sinclair, ordering Shaneyfelt to appear at the trial, noted that the Justice Department had raised no objection.

Kellerman rode on the back of the Kennedy limousine after the Dallas shooting, while Frazier is wanted for his testimony as an expert witness on firearms handling.