

JURY CHOOSING CHORE HALTED

T.P. 1-26-69
36 Persons Excused in
Clay Shaw Trial

By CLARENCE DOUCET

Jury selection in the conspiracy trial of Clay L. Shaw was halted shortly before noon Saturday in the Criminal District Court of Judge Edward A. Haggerty after 36 more prospective jurors were excused.

Sessions to select the remaining six jurors will be resumed at 9 a.m. Monday. Saturday, the fifth day of jury selection efforts, was the first day since Shaw's trial has started that no jurors were picked. Twelve jurors and two alternates are required.

The state exercised a peremptory challenge during the two-and-a-half-hour session Saturday to excuse Patrick Hugh McGehee Sr., an electrical engineer. It was the fifth time the state used the challenge to dismiss witnesses without giving a reason. The defense has exercised three such challenges. Each side is entitled to 12 peremptory challenges.

Another prospective juror, Gerald Francis Duplantier, was excused by Judge Haggerty after he said he had impressions about the assassination of President John F. Kennedy that would require evidence to remove.

CONSPIRACY ALLEGED

Shaw is charged with having participated in a conspiracy to murder President Kennedy. The conspiracy is alleged to have involved Shaw, Lee Harvey Oswald and David W. Ferrie. The Warren Commission names

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Oswald as the lone assassin.

Two of the 38 prospective jurors who appeared in court Saturday were from Judge Haggerty's panel. They were ordered to appear earlier in the trial but did not, and attachments were ordered for their appearance Saturday. The other 34 were members of the jury list for the court section of Judge Frank Shea.

Beginning Monday, jurors from the lists of other sections

of Criminal District Court will be called. Prospective jurors from Section E, that of Judge Rudolph F. Becker, will appear at the morning session. Jurors from the list of Judge Matthew S. Braniff's section will appear at the Monday afternoon session which begins at 1:30 p. m.

In issuing instructions to the eight jurors already selected prior to adjourning the trial at 11:45 a. m. Saturday, Judge Haggerty said arrangements will be made to take them on a sightseeing tour, and they will also be permitted to attend church Sunday.

The Shaw jury is a "locked-out" jury, meaning members cannot return to their homes until the trial is concluded, and they are kept under police guard. Judge Haggerty said he decided to "lock out" the jury for security reasons. He has not elaborated.

McGehee, who was challenged by the state, was questioned by F. Irvin Dymond for the defense and James L. Alcock, assistant district attorney, for the state, the two opposing attorneys who have done most of the talking in the courtroom thus far.

In answer to a question, McGehee told Dymond that he does have an impression regarding whether or not Oswald shot Kennedy in an action originated by himself and carried out alone, and Dymond immediately called for his excusal by Judge Haggerty for cause.

Haggerty declined to excuse McGehee; and after a few more questions, Dymond tendered the prospective juror back to the state, which promptly exercised its challenge.

Concerning Duplantier, Alcock asked Judge Haggerty to remove him for cause after he said he had an impression about whether or not Oswald, acting alone, killed Kennedy. Again Judge Haggerty refused to excuse the prospective juror, and Alcock asserted that Duplantier's reply was very much like that of an earlier prospective juror who was excused after he said he had "grave doubts" about the findings of the Warren Commission.

Regarding some prospective jurors he excused earlier because they had impressions, Haggerty told Dymond: "I think I may have been a little lenient

for excusing them on that."

However, under more questioning, Duplantier said his impression was such that it would require evidence to remove. He was excused by the judge.

Those persons excused Saturday were Cash Morrison, Edgar J. Smith, Aaron Hartman, Robert F. Saucier, Aaron Walker Jr., Herbert Mitchel, McGehee, Earl John Roberts, Melvin L. Sinegal, Florian P. Nesossis, Charles Burke, Robert Martin Kagan, John H. Allemand, Edward Oneal Dominique, and Wallace A. Hellwig.

Also, James S. Boudreaux Sr., Lawrence J. Henling Jr., John D. Burns, William Guy Candlish Jr., Sylvus Cambridge, Shannon T. Diamond, Raphael J. Muller, Hewitt B. Gomez, Louis F. Vonau Jr., Johnnie Mury Jenkins, Robert Alan Baker, Richard R. Averill, George Charles Geier, Paul R. Kieth.

And, Rayfield L. Palmer Jr., Duplantier, Lester L. Mauler Sr., Thomas N. DeCourcy Jr., Arthur Cummings, Paul William Toye Jr., and Frank Ross Gatti Jr.

The jury selection phase of Shaw's trial began Tuesday and jurors were selected at the rate of two a day through Friday, when Judge Haggerty was forced to recess at 3:30 p. m. because he had exhausted the 169 names on his list of prospective jury members.

The two jurors selected Tuesday were Irvin Mason, 50, and Oliver M. Schultz, 39. Wednesday, William Ricks Jr., 26, and Charles Eugene Ordes, 39, were agreed upon. Herbert John Kenison, 28, and James G. O'Quinn, 30, were sworn in Thursday, and on Friday, Larry D. Morgan, 24, and Lloyd E. Heintz, 40, were selected.

There were minor arguments between the defense and the state during the week and some objections, but generally the tedious job of selecting a jury to hear the Shaw case moved along relatively calmly.

The major announcement by the defense was that Shaw would take the witness stand in his own behalf. Dymond made a point of emphasizing this to each prospective juror he questioned and then asking them if they were prepared to accept the testimony of Shaw as they will the testimony of other witnesses in the trial.

The state outlined six overt acts it will attempt to prove were activities in furthering the object of the conspiracy but the state has consistently emphasized to prospective jurors that the law requires that it prove only one, although it may attempt to prove others.

Alcock, who will direct the prosecution, has emphasized that the state must prove only the two elements of the crime of conspiracy: First, an agreement or arrangement (a meeting of the minds) to commit a crime, and second, one overt act in furthering the object of the conspiracy.

He has pointed out that law does not require that the state prove motive.

Dymond, on the other hand, has told prospective jurors that there is one other essential element and that is the state must prove "beyond reasonable doubt" that Shaw was a party to a conspiracy. He has asserted that if motive is not shown, it should be considered in the favor of the defendant.

He has admonished them that creating the probability is not enough, adding that he doubts the state will be able even to do that.

Judge Haggerty has repeatedly told prospective jurors that neither the Warren Report nor the assassination of President Kennedy is on trial. He has emphasized that conspiracy and murder are two separate crimes.

Alcock, on occasion, has said that the state does not have to prove the murder of President Kennedy, but he has added that the state may attempt to do this. Meanwhile, many witnesses subpoenaed by the state are persons who were in Dealey Plaza in Dallas, Tex., Nov. 22, 1963, when President Kennedy was assassinated.

Friday, Judge Haggerty said at one point: "I'm not saying that the state will be permitted to go into Dealey Plaza." When the defense asked for something more definite, he answered: "We'll cross that bridge when we come to it."