

S-Pic

tional Gateway

MORNING, JANUARY 23,

THIRD, FOURTH JURORS CHOSEN

Slow Process Continues
in Shaw Trial

By CLARENCE DOUCET

A third and fourth juror were tapped Wednesday as the trial of Clay L. Shaw went into its second tedious day of jury selection.

Fourteen prospective jurors were called to answer questions before William Ricks Jr., 2841 Maurepas, a teacher at Booker T. Washington High School, was accepted by both state and defense counsels at 2:10 p. m.

After his selection, Ricks was sworn in as a juror and took his place in the jury box next to Oliver M. Schultz, 39, and Irvin Mason, 50, the two jurors accepted Tuesday.

At 3:55 p. m. Charles Daniel Ordes, a supervisor for American Can Co., was accepted as the fourth juror and sworn in.

THREE CHALLENGES

The state executed three peremptory challenges Wednesday.

The trial, being held in the Criminal District Court of Judge Edward A. Haggerty Jr., was recessed at 5:50 p. m. after 29 prospective jurors were called. In addition to the two jurors selected and the three challenges exercised by the state, 24 were excused for cause. The jury selection will enter its third day at 10 a. m. Thursday.

Shaw is charged with partici-

pating in a conspiracy to murder President John F. Kennedy, who was assassinated in Dallas, Tex., on Nov. 22, 1963.

Assistant District Attorneys Alvin Oser and James L. Alcock handled the questioning of prospective jurors on Wednesday for the state and F. Irvin Dymond again asked questions for the defense.

Other than the sometimes rapid parade of prospective jurors and their equally rapid excusal for various reasons, it was an uneventful day in the courtroom with no major announcements from either side.

On Tuesday, during questioning of prospective jurors, Dymond announced that Shaw would take the witness stand in his own behalf, and the state, through the questions of Alcock, outlined the six overt acts it will attempt to prove as furthering the alleged conspiracy involving Shaw, Lee Harvey Oswald, David W. Ferrie and others.

STATEMENTS REPEATED

Oser recounted the six acts Wednesday and Dymond repeated that Shaw would take the stand.

There was one brief exchange between Dymond and Oser over what the state must prove in its case against Shaw "beyond reasonable doubt."

Dymond asked one of the prospective jurors if, should he be accepted for jury duty, he would require the state to remove every reasonable doubt as to the guilt of the accused. Oser argued that the burden of proof on the state is to prove beyond reasonable doubt only those essential elements of the charge against Shaw.

Dymond maintained that his question was proper.

A disagreement over a similar question arose Tuesday.

DEFENSE OBJECTION

On another occasion Dymond objected to the way Alcock asked a question regarding overt acts that further the object of a conspiracy. Alcock said that the act can be innocent as long as it furthers the conspiracy. Dymond maintained that while the act, in itself, may be innocent it is removed from the innocent class by virtue of the fact that it is part of the crime.

Judge Haggerty said he disagreed with Dymond and

he promptly overruled the defense's objection.

Some 12 additional names of prospective jurors were called Wednesday morning and another 15 as court resumed following a recess for lunch.

This brought to 51 the total number of prospective jurors whose names have been taken from the list of 169 impaneled for the trial.

Eleven of those prospective jurors who were excused Wednesday took the witness stand during the morning session.

At the start of the session, Judge Haggerty, addressing the two jurors who were selected Tuesday, told them that he was sorry they were not permitted to read the newspaper adding, "but it was a pretty good story."

MORE QUESTIONED

After the names of 12 additional prospective jurors were selected—the third set of 12 names drawn up to that point—Judge Haggerty began questioning the remaining eight men left over from Tuesday.

Within 15 minutes the first three men were excused by mutual consent of the state and defense after they each said they had already formed fixed opinions in the case. They were: Herbert Leonard Evensky, Albert Rashford Burgess and Peter B. Dudenhefer.

The fourth man called, Leo Martin, was questioned at length by both Oser and Dymond, but was finally challenged peremptorily by the state. Although Martin told Judge Haggerty that he had no fixed opinion, under questioning by Dymond he said that he had always thought that the assassination of President Kennedy was performed by one man.

This was the first peremptory challenge exercised by the state.

Norward Champaign, the fifth prospective juror to take the stand, was excused because he said his employer would not pay his salary if he was accepted for jury duty.

The sixth man, Adrien M. Eugene, was excused by mutual consent after attorneys from the two sides conferred with Judge Haggerty.

George Joseph Newton was excused because of his poor eyesight.

Albert V. Parker Jr. was ex-

cused only after lengthy questioning by both sides. At the outset Parker, who is employed by the U.S. Post Office, said he delivers mail in the National Bank of Commerce Building, where two of Shaw's attorneys have offices. However, he said this would not affect, in his opinion, his ability to be a fair and impartial juror.

'MIXED OPINION'

Parker said he had no fixed opinion, but rather a "mixed opinion," feeling sometimes one way and sometimes the other. He was excused when he said that if he was selected for jury duty he would be concerned about the welfare of his wife.

Following Parker's excusal and before the lunch recess, three other jurors were also excused: Albert H. Porea, because he would not receive pay from his employer if he was selected for jury duty; Lawrence C. Reed Jr., because of illness, and Bryne Lucas Ray, because he said he had a fixed opinion.

Peter J. Giovingo Sr., the first prospective juror called before the court after lunch, said he had no fixed opinion about the case and he said his employer would continue his salary if he was selected. However, Giovingo said his selection would be a burden on his family and he did not feel he would be able to give the case the attention it would require. He was excused by mutual consent.

ATTENDING CLASSES

Harold J. Doucet was excused by mutual consent after he said he was attending classes at Louisiana State University in New Orleans. Doucet also said he had attended high school with Vernon Bundy, one of the state's witnesses, but it was his attendance at LSUNO that was the cause for his being excused.

Laurence C. Holmes, the 14th prospective juror to appear, was excused because he said he had a fixed opinion.

Ricks was called next. When he was asked if he had any opinions regarding the trial, Hicks replied that he is "an agnostic as far as the case is concerned."

The next man questioned, Thomas Jacob Dupree, was excused because of a fixed opinion.

The state exercised its second peremptory challenge on

Alfred B. Hebeisen. Hebeisen said he had no fixed opinion. He admitted to having met Shaw on two previous occasions and he said that in his position as director of personnel for Orleans Parish Public Schools, he may have met some of the attorneys in the case or their professional associates.

Ordes, 39, was the 18th pros-

pective juror called during the day. He has had previous jury duty, he said. It was while Ordes was being questioned that Dymond raised his objection about Alcock's referring to the overt act as something that can be innocent.

CAUSE FOR EXCUSALS

Following Ordes' selection this was the order of the excusals and the cause:

— John R. Goris, by mutual consent, as he heads a department where he works;

— Cavanagh F. Bayard, retired superintendent of docks for the Dock Board, who said he had social contacts with Shaw, because he said sitting on the jury would be embarrassing to him;

— Robert Allen Dubuisson, excused by mutual consent after attorneys for both sides conferred with Judge Haggerty; no reason given;

— Holmes Earl, self-employed, excused by mutual consent because selection would represent a financial burden;

— William Patrick Dillon, who manages an art gallery, excused because his place of business would have to close if he wasn't there.

— Hunley Lemoine, a truck driver, excused because he would not be paid by his employer if selected for jury duty;

— Victor L. Mariano, a cab driver, because selection would represent a financial burden;

— Maceo Antoni George, a retired U.S. Treasury Department customs official excused by Judge Haggerty because he said he would be inclined to believe the testimony of law enforcement personnel over the testimony of lay persons;

— Harold M. DuCharm, dismissed by the state's execution of its third peremptory challenge;

— Rodney Gautreaux, because he would not receive his regular

wages if selected for jury duty.

MORAL RESERVATIONS

The last prospective juror called was Charles F. Dougherty Jr., a professional man with a petroleum company. He took the stand at 5:15 p.m. and was questioned by Judge Haggerty and the state until about 5:50 p.m. when he was finally excused because he had certain moral reservations about the conspiracy law.

Dymond expressed strong objections because he was not permitted to question Dougherty before he was excused.

Dougherty said he had no fixed opinions in the case and he said there was some question in his mind as to whether or not the Warren Commission had left out any information in the report.

When he began expressing his reservations about the principle of the conspiracy law, Alcock called for him to be excused for cause.

Just as the courtroom session was about to recess for the night, one of the prospective jurors who was to be questioned Thursday, Vincent F. Schott, was excused by mutual consent because he and William Wegmann know each other personally.

PEREMPTORY CHALLENGES

At the start of the trial both the state and the defense had 12 peremptory challenges, legal moves by which they dismiss any prospective juror without giving a reason.

The defense executed one of its challenges on Tuesday and has 11 left. The state did not utilize any Tuesday, but because of the three it used Wednesday has nine such challenges remaining.

In other action related to Shaw's trial, the defense on Wednesday issued subpoenas for Mrs. Ruth Hyde Paine of Irving, Tex.; Mrs. Harold McMaines of Des Moines, Iowa, and Metairie attorney Hugh Exnicios.

Exnicios was subpoenaed previously, but the Wednesday subpoena directs him to bring to court a tape recording of an alleged conversation between two aides to District Attorney Jim Garrison and Exnicios' client, Alvin Beauboef. The Garrison investigators are Lynn Loisell and Louis Ivon.

Beauboef was a friend of

the late David Ferrie, one of the men Shaw allegedly conspired with.

Mrs. Paine was a friend of Marina Oswald, Lee Oswald's widow. Marina Oswald, now remarried, stayed with Mrs. Paine from April, 1963, until Oswald found work in New Orleans in May and again after the family left New Orleans and returned to Texas in the fall of 1963. Marina lived with her from then until the day of the assassination.

Mrs. McMaines, who was Sandra Moffett when she lived here, was a friend of Perry Raymond Russo, a state witness who testified at a preliminary hearing in March, 1967, that he heard Shaw, Oswald and Ferrie plot the assassination. Mrs. McMaines has said she did not attend the party at which Russo claimed the conversation took place.