

First Alternate Chosen for Jury in Shaw Trial

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Judge Optimistic Second
Will Be Picked Today

By CLARENCE DOUCET

The first of two alternate jurors was selected Monday afternoon in the Clay L. Shaw conspiracy trial.

Selection of the second alternate is now all that stands in the way of the actual presentation of evidence in the trial. Judge Edward A. Haggerty, who is hearing the case, expressed optimism that the second alternate will be agreed upon Tuesday, in which case the trial will begin Wednesday.

Another 150 special prospective jurors have been ordered to be present in Judge Haggerty's court at 10 a. m. Tuesday, bringing to 600 the total of these special prospective jurors ordered since all of the jury lists of the various sections of the Criminal District Court were exhausted last Thursday.

The first alternate selected at 3:11 p. m. Monday was John Joseph Beilman Jr., a 26-year-old group leader for Kalvar Corp. He is married and resides at 4440 Gentilly rd.

CHALLENGE USED

After Beilman's selection, the state exercised the only peremptory challenge to which it is entitled for the selection of the second alternate. The state excused Arthur E. Wagner, 5245 MacArthur blvd., a manufacturing and testing engineer for Chrysler Corp. Space Division.

Judge Haggerty adjourned the trial shortly after 4 p.m., but just before adjournment the defense filed a motion seeking a protective order from the court for one of its key witnesses, Sandra Moffett McMaines.

In essence, the motion asks that Mrs. McMaines be granted immunity from prosecution by the District Attorney's office during her presence here. The motion says she is concerned about a complaint sworn out by the DA's office on March 27, 1967, claiming she is a material witness, and if she comes to New Orleans to testify she is

concerned that her "constitutional and legal rights" will be ignored by the DA.

ORAL ARGUMENTS

Judge Haggerty said he would have oral arguments on the motion between the close of jury selection and the start of the trial.

If the second alternate is selected on Tuesday, Judge Haggerty says he will adjourn the trial immediately until Wednesday morning. On Wednesday morning he will hear arguments on the defense motion entered Monday and other motions still pending. After these matters are heard, he will call a brief recess, and following the recess, the trial will be started.

District Attorney Jim Garrison will personally make the state's opening statement, and it is expected his statement will

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be the equivalent, approximately of 15 typewritten pages.

The defense has indicated that it, too, may make an opening statement, although it has not made a definite decision.

A total of 135 names of prospective jurors was acted upon Monday.

Before Beilman's selection as the first alternate, the defense exercised its only peremptory challenge in the first alternate selection to excuse Calvin A. Griffin, a foreman for the U. S. Post Office. Beilman was questioned for nearly 30 minutes.

After the defense filed its motion for a protective order for Mrs. McMaines, Judge Haggerty indicated that the hearing on the motion would be held after the jury selection is complete.

Mrs. McMaines was an acquaintance of Perry Raymond Russo, who is the state's star witness against Shaw. At a preliminary hearing in March, 1967, Russo testified that he heard Shaw, Lee Harvey Oswald and David W. Ferrie, discuss the assassination of President Kennedy. Russo claims Mrs. McMaines, then known as Sandra Moffett, was at the party where he overheard the conversation. He said the party was held in mid-September, 1963, at Ferrie's apartment here.

Mrs. McMaines has denied having attended such a party, and a deposition accompanying the motion quotes her as saying she wasn't at the party. Shown a picture of Shaw, she reportedly said, "No, I've never seen him before." The

deposition was taken last June 24 in Des Moines, Iowa.

Shaw is charged with having conspired with Oswald and Ferrie in plotting to assassinate President Kennedy. The Warren Commission Report said Oswald, acting alone, killed the President.

Judges at Meeting;

Councilmen Absent

Six Criminal District Court judges showed up for a meeting Monday called by the City Council to discuss a problem that has plagued jury selection in the Clay Shaw trial—but not a single councilman attended the meeting.

The meeting was called to discuss pay for jurors in Criminal District Court proceedings.

Jurors in Orleans Parish are not paid for service in criminal cases, although other parishes do compensate jury members.

During the 12 days of jury selection in the Shaw trial, some 1,000 prospective jurors have been excused, with many of them saying their employers would not pay them for jury service and they could not afford to serve in a long trial.

Bernard B. Levy, the city's chief administrative officer, said the six judges briefly discussed pay for jurors and other fiscal matters. He did not discuss the absence of councilmen at the meeting, reportedly called by Council President Maurice Landrieu.