

JURY VERDICTS ISSUE IS RAISED

Shaw Trial Puts State
Law in Spotlight

By BILL ABBOTT

Among the many legal questions that may be raised by the Clay L. Shaw conspiracy trial, one of some importance to Louisianians is whether or not the state law on jury verdicts is constitutional.

Judge Edward A. Haggerty in response to an earlier query explained to newsmen Monday afternoon that current Louisiana law provides that only nine of the 12 jurors need agree on guilt or innocence in non-capital cases before a verdict can be rendered.

The question of constitutionality comes up through the Sixth and 14th Amendments to the United States Constitution. The Sixth Amendment provides trial by jury under federal law and the 14th gives all citizens the general guarantees of "due process" and "equal protection" in the state legal systems.

The problem is whether or not the states themselves must always provide jury trials to meet the "due process" mandate, and then what kind of jury and verdict systems are required.

In recent years the Supreme Court of the United States has dealt extensively with the rights of the accused, and in a 1968 decision involving a Plaquemines Parish man (Duncan v. Louisiana) did consider the jury question.

Judge Haggerty in relation to the Shaw trial provided news media with excerpts from this decision and said that on the basis of the court's comments and an included survey of state jury laws, there is yet no Supreme Court objection to Louisiana's nine of 12 verdict provision. Thus the judge said, "I will charge it to be the law."

The judge would not venture a guess on whether Shaw, if convicted, could take his case to the U.S. Supreme Court through an objection to the nine of 12 rule. The possibility does exist nevertheless, and it is not completely unforeseeable that the Louisiana law could be seriously questioned on constitutional grounds through the Shaw case or another case in the future.