

## JURIST EXCUSES FIVE WITNESSES

Admit Fixed Opinions at  
Shaw Hearing

By CLARENCE DOUCET

Five of 40 witnesses—all persons whose names were taken from the jury wheel—were excused as witnesses Monday because they said they had fixed opinions about the Clay L. Shaw case.

Most of the other witnesses admitted to having impressions about the case, but they testified that they were impressions which would give way to evidence presented during a trial.

Shaw, facing trial for allegedly participating in a conspiracy to assassinate President John F. Kennedy, is seeking to have his trial moved from New Orleans, claiming the publicity in the New Orleans area during the past year prevents his having a fair trial here.

The 40 prospective jurors called on Monday will be followed by a similar number Tuesday when the change of venue hearing is resumed at 10 a. m. in the Criminal District Court of Judge Edward A. Haggerty Jr.

The hearing got off to a slow start Monday with only eight of the witnesses being heard during the morning session. However Judge Haggerty, lawyers for Shaw and Asst. District Attorney James Alcock hit upon a routine during the afternoon that enabled them to hear 32 witnesses between 1 and 4:30 p. m.

District Attorney Jim Garrison contends that Shaw, Lee

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Harvey Oswald and David Ferrie participated in a conspiracy.

Oswald was named by the Warren Commission as the lone assassin of President Kennedy. Both Oswald, shot by Jack Ruby, and Ferrie are dead.

When the hearing began at 10 a. m. Monday all of the 80 persons whose names were selected appeared in the courtroom, but 40 were excused and told to report at 10 a. m. Tuesday.

The 80 prospective jurors represent 10 names from the jury panels of each of the eight sections of the Orleans Parish Criminal District Court.

### LIST GIVEN

Those excused were Rudolph J. McCormick, 3433 Benefit; Oliver I. Williams, 4624 Rhodes dr., Milan King Yager, 3521 River Oaks dr., Harry Joslin O'Neill, 5617 Marshall Foch; and John A. Terranova, 6700 Dorian.

One witness, Freddie Barry, 2707½ First, took the stand but was later excused by Judge Haggerty who decided Barry did not understand the legal questions involved.

Others testifying were Marshall McKinley, 4735 Loyola; Pasquala Palumbo, 2561 Madrid; Guy C. Harris, 6229 Caldwell dr.; Fred J. Schuber Jr., 39 Warbler; Carlos H. Kirby Sr., 136 Danny dr.; Ernest J. Talbot, 3220 Plymouth; August Parker Sr., 2040 Caffin; James P. Cooney, 516 Soniat; Hamilton M. Neal Jr., 8437 Apricot, and Richard P. Mansfield, 1469 Athis.

Also, Warren L. Carragan, 908 Belleville; Lloyd A. Caruso, 1707 Richland dr.; George J. Kehoe, 1421 S. Peters; Jame A. McLaughlin, 2925 Eads.

And, Walter E. Keys Jr., 6061 Gen Diaz; Thomas Harvey, 2115 Peniston; Harold R. Johnson, 147 28th st.; Louis P. Dewenter Sr., 5322 Magazine; Hugh J. Farnet, 4485 St. Roch; Roland J. Ayo, 5010 S. Claiborne; Joseph V. Waddell Jr., 2016 Lapeyrouse; Willie Samuel, 3519 Eagle; Joseph Andrew Massey, 4726 Ramsey dr., Edouard Menard Ferrier, 1210 Calhoun; Lawrence Joseph McAlister, 1202 Louisa, George Sartis, 3210 Somerset dr., David J. Meilleur, and James Taplin, 807 Harmony.

Also, Paul Irby Joffrion, 6103 Laurel; Douglas Allen, 6406 N. Tonti; Rudolph A. McLeod, 5029 Columbia; R. M. Williams, 5627 Pratt, Charles J. Nait, 1125 Southlawn blvd.

After Judge Haggerty excused the first witness who said he had a fixed opinion, defense attorneys objected that the witness was allowed to leave the witness stand without being cross-examined. They maintained that the reasons behind the hearing was

the claim that local publicity would prevent Shaw from being able to get a fair trial here, and they could bring this out in cross examination.

However Judge Haggerty continued to excuse those witnesses with fixed opinions without permitting them to be cross-examined.

### BILLS FILED

The defense filed bills of exception in each case.

The witnesses were first questioned by Judge Haggerty who had each testify that he or she had heard about the case via newspapers, television, radio or conversation. He then asked each witness if they had formed any opinions or impressions about the case, and then asked them if they could give Shaw a fair and impartial trial.

Defense attorneys generally asked if the witnesses watched television news programs, read The Times-Picayune and New Orleans States-Item, and had talked to others about the case.

Specific stories cited were an interview with Garrison that appeared in Playboy magazine; a story about the investigation in Ramparts magazine; a news story in the National Observer; the text of a Garrison speech which was published in the Los Angeles Free Press, and television network specials on the assassination and the Garrison probe.

In some cases, when the defense attorneys did not mention the articles specifically, Asst. DA Alcock, in his cross-examination, did mention them.

On several occasions witnesses who told Judge Haggerty they had no impressions or opinions, admitted to the defense that they did have some opinions, only to answer the assistant district attorney, when he questioned them, that they had no opinions about the case.

The hair-splitting testimony revolved around fixed impressions or fixed opinions compared with impressions or opinions that could be swayed by evidence.

The 34 witnesses who said they had no fixed opinions said they could give Shaw a fair and impartial trial.