

Shaw Juror Excused; 7 Left on Panel

Judge Edward A. Haggerty Jr., lost ground today in his effort to empanel a jury to try Clay L. Shaw when one juror already sworn in was excused because of illness.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy.

Lloyd E. Heintz, 40, an oil company employe, the last juror sworn in Friday, became ill after Saturday's session of court and the judge dismissed him from the jury today.

"THE DOCTOR said it seems to be a kidney attack of some kind," Heintz told newsmen who reached him at Touro Infirmary.

This leaves the jury with seven members. Five more are needed, plus two alter-

nates. No new ones were picked this morning.

Through the first week of the trial, potential jurors who have pleaded "fixed opinion" have been automatically dismissed. Today, Judge Haggerty began to question them more closely.

When one juror used the phrase "fixed opinion" today, the judge said:

"I'm not surprised to hear you say that. It's been in the paper for the past four days."

As during the first five days

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of the trial last week, the bulk of questioning of potential jurors was handled by F. Irvin Dymond for the defense and by chief prosecutor James L. Alcock for the state.

AS COURT OPENED this morning, Judge Haggerty announced Heintz's illness and said:

"We cannot proceed with this trial until all the jurors are physically present. Therefore, because of this physical infirmity I will excuse Mr. Heintz."

Dymond objected that the law does not provide for such an exclusion. The judge replied:

"I'm aware that there's no legal relief for excusing a juror, but criminal law should be reasonable, not unreasonable."

THE JUDGE then called nine potential jurors left over from the panel of Judge Frank Shea's section of court. All nine were excused, mostly because they had fixed opinions in the case.

A brief recess was declared while members of the jury list from Judge Rudolph Becker's court were summoned. They were expected to occupy the rest of the day.

The defense today used two more of its peremptory challenges, by which it can reject a juror without giving a reason. Otherwise, the judge decides an individual's fitness to serve.

Rejected today by Shaw attorneys were Anthony J. Sciorina, a mechanic, and Earl P. Marcel, a bus driver.

So far, the defense has used up six of its 12 peremptory challenges, and the state, four.

Dymond and Alcock clashed, as they have in the past, over the definition of a fixed opinion. One potential juror under questioning by Dymond said he had faith in the Warren Commission.

Alcock jumped up and said he did not hear the answer. Dymond interrupted and told the judge he didn't think the witness should have to repeat himself. Alcock replied:

"I'M NOT ASKING you, I'm asking the man on the witness stand."

Judge Haggerty excused the juror without further comment.

Many jurors have been excused because they say they cannot afford to serve two months without pay. Jurors are not paid in New Orleans.

But one of the attorneys defending Shaw said yesterday it was "ridiculous" to predict a two-month trial.

"The only way it could last that long would be if the court allows the state to prove all of (District Attorney Jim) Garrison's criticisms of the Warren Report," said Edward Wegmann, one of the attorneys defending the 55-year-old Shaw.

GARRISON, WHO heads the assassination probe, said after Shaw's arrest in 1967 that a conspiracy hatched in New Orleans "culminated in the assassination of President Kennedy."

However, the prosecution need not prove Shaw was in a conspiracy that actually led to Kennedy's death in Dallas in 1963 to get a conviction under the state conspiracy law. They must prove only that a conspiracy existed, that Shaw was a part of it, and that an overt act was committed in furtherance of the object of the conspiracy.

A commission headed by United States Chief Justice Earl Warren concluded that Lee Harvey Oswald, 24, acting alone, shot Kennedy.