

NINTH, TENTH JURORS

SWORN AT SHAW TRIAL

Two new jurors were sworn in today in the trial of Clay L. Shaw, bringing the total empaneled so far to 10. Two more jurors and two alternates are needed.

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

New procedures adopted by Judge Edward A. Haggerty Jr. and the dwindling number of peremptory challenges possessed by both sides apparently contributed to speeding up the process of picking jurors, which had been stalled since Friday.

The two jurors picked today are:

Harold W. Bainum Jr., 24,

of 2911 Banks, a credit manager.

Warren E. Humphrey, 52, of 6524 Providence, a postal employe.

Two actions by Judge Haggerty were factors in the faster action today.

Yesterday, the judge ruled that chief prosecutor James L. Alcock and defense attorney F. Irvin Dymond must stop asking prospective jurors

questions about the Warren Report.

And today, Judge Haggerty began asking the prospective jurors as a group if they would be paid by their employers during the course of the trial, which may last two months. If they didn't know, they were excused to call their offices and find out.

PAY HAS BEEN a major hangup during the course of the trial, now in its seventh day. Jurors are unpaid in New Orleans, and many prospective panelists say they can't afford to miss two months' pay.

Another has been repeated wrangling between Dymond and Alcock over the relevancy of the Warren Commission Report. The report said Lee Harvey Oswald acted alone in killing Kennedy. District Attorney Jim Garrison charges Shaw conspired with Oswald and others to kill the President.

By the end of this morning's session, both the state and the defense had used up eight peremptory challenges, by which they can reject a juror without giving a reason. Each side had 12 to begin with.

AS SOON AS 12 jurors are empaneled, each side will get two more peremptory challenges during the picking of the alternates.

At the end of the morning session, most of the potential jurors on the list taken from Judge Matthew S. Braniff's court had been run through, leaving only four names for the afternoon session.

Judge Haggerty ordered attaches to begin telephoning members of the jury panel of Judge Oliver P. Schulingkamp to try to get them into court this afternoon.

OF THE 10 jurors now empaneled, seven are white and three Negro. All are male.

DESPITE THE ruling by Judge Haggerty yesterday that

prospective jurors could not be quizzed about their opinions of the Warren Report, another clash erupted today over the conspiracy issue.

Walter C. Williams, 46, a postman, of 3339 Audubon, was accepted by the state and tendered to the defense. Dymond asked him:

"Do you have any opinion on whether Kennedy was killed as a result of a conspiracy?"

ALCOCK OBJECTED, saying "The court ruled yesterday that I couldn't ask a juror about the Warren Report. I think Mr. Dymond's question is out of order."

Dymond argued, "The state has made repeated statements that they may, but do not have to, prove Kennedy was shot as a result of this conspiracy. Shouldn't the defense be entitled to know if the prospective juror believes there was a conspiracy?"

Judge Haggerty ruled in favor of the state, and Dymond put into the record that he was not allowed to ask the prospective juror the following three questions:

1. If he thought Oswald played a part in a conspiracy.
2. If he thought there was a conspiracy.

3. If he thought David William Ferrie took part in a conspiracy. (Garrison charges that Ferrie, who died here Feb. 22, 1967, played a key role in the plot.)

UNTIL YESTERDAY, potential jurors were questioned closely as to their feelings about the Warren Report, and having almost any opinion at all on it was grounds for dismissal.

Under these conditions, only nine jurors were sworn in in six days, and one of these was excused yesterday after he suffered a kidney attack over the weekend and was hospitalized.

One new juror was chosen yesterday, leaving the net total at eight.

Alcock and Dymond had been asking potential jurors:

"Do you believe the Warren Commission's conclusion that no conspiracy existed in the assassination of President John F. Kennedy?" and "Do you believe Lee Harvey Oswald was part of a conspiracy?"

The only acceptable answer was "I have no opinion." The judge had accepted arguments that anyone who doubted the report was prejudiced in favor of the state.

BUT YESTERDAY, Judge Haggerty upheld Alcock's argument that the Warren Report is irrelevant to the case and that:

"The fact that a man may doubt the Warren Report does not in any way relieve the state of the burden of showing conspiracy here and the defendant's part in that conspiracy. If we excuse everybody who doubts the Warren Report, we'll never get a jury."

After winning, Alcock tried to keep using the Warren Report question. He was blocked by Dymond, who said it the report is irrelevant it shouldn't be brought up at all.

The judge agreed.

THE LINE OF LAW involved often brought baffled stares from prospective jurors as it was outlined for them.

Despite Garrison's sweeping attack on the Warren Report and the coupling of Shaw and Oswald as co-conspirators, the prosecution frequently tells prospective jurors the case involves only a conspiracy here.

It may be, Alcock says, that no attempt will be made to show the alleged conspiracy resulted in Kennedy's death.

JUDGE HAGGERTY usually puts his own clarification:

"There might have been 50 conspiracies to assassinate

the President in 50 different cities, and in any one of them, though, somebody else got to the President first; if it is proven there was a conspiracy, plus an overt act to further it, then the crime is there: Understand?"

The juror seated yesterday was retired Fire Dept. Captain Sidney J. Hebert Jr., 55, of 4026 Eunice dr.

The juror who became ill and was excused was Lloyd E. Heintz, 40, who had been sworn in Friday.

Also yesterday, defense witness Alvin Beauboeuf, through an attorney, introduced a motion waiving his lawyer-client relationship with Hugh Exnicios of Metairie.

Exnicios last week objected to producing a tape recording sought by the defense, citing his lawyer-client relationship with Beauboeuf as grounds.

THE TAPE allegedly would show an attempt was made by two Garrison aides to threaten and bribe Beauboeuf to testify against Shaw.

Beauboeuf, in his motion filed yesterday, requests Exnicios to respond to the defense subpoena.

Judge Haggerty said the matter will be heard between the time of the selection of the jury and the beginning of testimony.

Meanwhile, in Prince George County, Maryland, Circuit Judge Harry Bowen Jr. ordered FBI firearms expert Robert A. Frazier to testify at Shaw's trial as a state witness.

THE U.S. Justice Department made no objection. Last week, a Virginia court took similar action in the case of FBI photo analyst Lyndal L. Shaneyfelt. In the past, Garrison has often had trouble getting his out-of-state witnesses returned to New Orleans.