

Jury Panel Trouble in the Thoresen Case

By TOM HALL
Examiner News Staff

FRESNO — The unusual gun-shipping trial of the millionaire San Francisco couple, William E. Thoresen III and his wife, Louise, has again been continued.

But not because of the atmosphere resulting from Senator Robert F. Kennedy's assassination, as defense attorneys had contended earlier.

U.S. District Judge William N. Goodwin ordered the delay until June 24 because selection of the jury panel, called for today, was not done in compliance with the law.

Defense attorneys John J. Flynn and Urban A. Lester challenged the selection procedure used primarily on the ground that 99 percent came from Fresno county.

OLD METHOD

Only 1 percent came from the seven other counties in the Eastern District. This was done despite the fact Fresno County only has one-third of the district's population.

And in addition to some being selected from the voting registry, others had been selected by the jury commissioner and the clerk of the court from the city directory, club rosters, etc.

The latter is known as the "key man" method and not approved today.

Defense attorneys also complained that of about 400 persons sent questionnaires, only 166 were eventually used to select a panel of about 50.

"Apparently the jury commissioner used an entirely subjective criteria known only to himself," it was contended.

LONG TASK

This, they argued, denied the Thoresens equal protection under the law as guaranteed by the 14th Amendment to the Constitution.

Goodwin, 58, assigned to the case from Tacoma, Wash., indicated it would be no small, quick task to "select a new jury panel in compliance with the law."

"But I'm going to stay here however long it takes." Then, with a smile for defense attorneys, he ordered a two-week continuance which they had asked in connection with the assassination.

He earlier brushed aside

the argument that the cry now for stronger gun control laws would make it impossible for the Thoresens to get a fair trial here or anywhere in the nation at this time.

MORATORIUM

"If your contention is correct then a moratorium would have to be declared throughout the land because murders are committed with guns every day," he commented.

An inference that William Thoresen, 30, and Louise, 31, are not exactly a happy couple came during argument on a motion for separate trials, which was denied.

Lester, Mrs. Thoresen's attorney, hinted that her defense may be that she was coerced by her husband into the alleged acts.

And Flynn, Thoresen's attorney, said a separate trial was the only way for his client to get a fair trial.

The judge read a non-public affidavit filed by Ben Lazarow, one of Mrs. Thoresen's former attorneys, and commented to Flynn:

NO WARMTH

"If I agree with you, I'd be trying a state domestic relations case. I'd have to rule on whether she has grounds for

a divorce based on his treatment of her, as set forth in this affidavit."

Observers have noted the Thoresens' conduct toward each other in their court appearances seems to have cooled. No warmth was displayed between them yesterday, in or out of court.

In asking for a separate trial, each defendant argued a joint trial would be prejudicial because neither could effectively exercise the marital privilege of not having a spouse testify against the other.

The Thoresens positions

are conflicting, the attorneys contend, and in a joint trial each would be in the position of defending himself or herself at the expense of the other. U.S. Attorney Cecil F. Poole and an assistant, Jerrold Ladar, opposed all motions.

A MYSTERY

The Thoresens are charged in 10 counts with illegal interstate shipment of guns and ammunition. Included are four rifles, seven pistols, a sub-machine gun, a 37 mm. cannon, two 20 mm. anti-tank rifles and 26,650 rounds of ammunition.

Actually some 70 tons of firearms and ammunition were seized April 21, 1967, following a raid on their 2801 Broadway, San Francisco, mansion by Alcohol and Tobacco Tax agents of the Treasury Department.

There has never been any explanation of why they were collecting such an arsenal.