Tuesday, November 12, 1968

CLERK: Docket No. 16645 and 16819, State of Tennessee versus James Earl Ray, charged with murder in the first degree and carrying a dangerous weapon.

MR. FOREMAN: Before any announcement on the part of Ray by the prosecution, your Honor, as agent of the defendant, I have a clerical motion which I would ask the Court to consider before an announcement of ready by the prosecution.

MR. HANES: Your Honor, may it please the Court, it is my understanding that the defendant in this case has written a letter to me requesting that I do nothing further in his behalf in this case and I have not seen the letter yet although I do have a copy. Yes, I am now being handed another letter which I think is the original which has just been handed to me since I have been on the case, your Honor. And, in view of this letter, I move your Honor to remove my name and that of my son as Attorney of Record for the defendant James Earl Ray in this case, your Honor.

THE COURT: Mr. Sheriff, would you hand Mr. Ray this? Mr. Ray, I have here a copy of, what reports to be a copy of a letter dated November 10, 1968, from you directed to Mr. Hanes. I wish you to examine and see if you wrote that letter.

DEFENDANT: Yes, Sir.

THE COURT: Did you send that letter?

DEFENDANT: Yes, Sir.

THE COURT: And, I believe in that letter you state that you wish to determinate the services of Mr. Hanes in this case?

DEFENDANT: Yes, Sir.

THE COURT: And want to hire ccunsel. Alright, Sir, you may be seated.

MR. DWYER: Before the Court rules, if the Court is fixing to rule, might the State be heard in this matter? Your Honor, in view of the motion that has been made by Mr. Hanes here, it is the State's position that that motion should be disallowed. Now, we feel this way, if the Court pleases, this man was taken into custody on June the 8th. On June the 13th of this year he employed and was represented by Mr. Hanes and I believe at that time Mr. Hanes was in London, England where the defendant was incarcerated and holding himself out to be Attorney of Record. He was transferred, extradicted back to the United States and was lodged in the Shelby County Jail on July the 19th of this year. On the 21st, Mr. Hanes appeared in this Court, he represented to this Court that he was Counsel of Record and by consent agreed we set today as the

date of trial for this case. From the investigation that the Attorney General has made, we have found that Mr. Hanes has been also making an investigation and from what I read and from what I have been told he was prepared to go to trial today in this matter. Now, at the last moment, if the Court pleases, as of Sunday, I believe, the defendant here, states that he doesn't want Mr. Hanes to represent him any more. What I'm making, if the Court pleases, he's been here four months or better and it appears to me he's trifling with the Court. Now, he's employed or attempting to emply counsel, if the Court pleases, as I understand the law, it's a discretionary matter with the Court. He's attempting to employ counsel here. I don't know the gentlemen from Texas. I read something about him along the way and heard some things about him. He's before the Court at this time saying and I've been furnished with a copy of some kind of motion here entitled "First Continuance" and in that motion the player is that 90 days hence from now if he is employed and if he comes in a case 90 days hence, we will meet again and reach an agreeable date to try this case. Now, if the Court pleases, just about the entire community is disrupted by a normal piece of business really in these Criminal Courts. He's been represented

and no one to this date including this gentlemen here from Texas who said himself that the attorney Mr. Hanes and his son are competent attorneys, paid counsel, if the Court pleases. The State of Tennessee is ready for trial. We made an exempted, exhausted investigation into this matter. We have something like 90 witnesses alerted nationally in various parts of the world to come in here. We feel in substance that this motion here is made by this man accused of murder here at the last minute, if the Court pleases, what assurance or what guarantees does the Court have that at the last moment, he might not come back in here again and say to the Court, "Well, I don't like this gentlemen here", Mr. Foreman, I believe is his name. So, then, "I want an opportunity to hire counsel." This is an unusual and unique case in the eyes of the world but it is still a piece of business in these Courts, if the Court pleases. We are ready for trial. We feel this, if the Court pleases, that it is a discretionary matter. From what I understand in the motion, from what I read and see in the newspapers or television, these gentlemen have been paid a fee, not all of it. Why can't Mr. Foreman, if he wants, to come into this case, associating himself with these gentlemen? Let's try this case today and let's move this case, if the Court pleases. In substance, that's the

State's motion, if the Court pleases. The State feels that Mr. Hanes ought to be compelled to stay in this case because he has been paid. If Mr. Foreman wants to come into this case, let him sit where he is now and let's go to trial today. A man of his many experiences and years of experience at the bar. His counsel has made an exhausted investigation and I think those gentlemen will agree with me as to that.

MR. FOREMAN: Will the Court hear a reply to that?

THE COURT: Yes, Sir.

MR. FOREMAN: May it please the Court, I speak from personal privilege for so far I have not been and I realize that I have no right but I will speak upon personal privilege. Most of the, in most of the world, your Honor, people in the position of the distinguished General, District Attorney is (INTERRUPTED)

MR. DWYER: I wish that Mr. Foreman would leave the personalities out, if the Court pleases and address himself to the Court in a legal method.

THE COURT: He's within his rights.

MR. FOREMAN: May I proceed, your Honor?

THE COURT: Yes, Sir.

MR. FOREMAN: In most of the world today, the State says who can represent a defendant but in those countries deriving their jurisprudence through England, the Commonlaw and Anglo-Saxon principles, the defendant

has a right to, the defendant himself has a constitutional right both under the laws of this State of Tennessee and under those of the constitution of the United States to select his attorney. I don't think that it's any reflection on my client or on these distinguished gentlemen from our sister State of Alabama either. A disagreement has arisen between them. Disagreements arise between law partners, almost invariably between Judges at the level and some Appellate branch and frequently between husbands and wives that call for a divorce and evidently some such disagreement has arisen in this case. Frankly, your Honor, I would be much better off physically and financially if the Court adhered to the adjuration of the distinguished prosecuting attorney. However, I feel it my responsibility under my oath as a lawyer and to my profession if this man wants me and needs me and feels that he does and this Court will so permit to make myself available to the defense of this case. With reference to the passage of time, may it please the Court, there is ample authority, to-wit Delaney versus the United States, the First Circuit decision when the Mayor of Boston was on trial and set the trial immediately after the investigative committee headed by the great and late Senator from this great State, conducted

the investigation in Boston, the publicity there too was of such enveloping nature in the city that the Appellate Court said that case could not have been trial anywhere in the United States at the time and that it should have been postponed, I think it says, a year or two years so that there is, this man is not, as the motion said, at liberty. He's in jail. He is not dangerous to the community and except for the inconvenience to your very capable and efficient and courteous Sheriff's Department, Police Department and State Highway Department, there is no inconvenience. There might be some expense but justice doesn't have a price tag on it at this time. I speak not for myself, your Honor, but for my client and for the law, the very law that this gentlemen, he has the advantage of knowing my name, I do not know his but he has the responsibility, he has spoken his piece, it is now going out over the news media but we are here to administer justice and I don't know what the procedure is in the State of Tennessee. I have no doubt as to the wisdom and justice of the Court and the Court's decision in this matter. We are perfectly willing to let his speech go without response except for the Court's invitation to speak. As far as working with these gentlemen, nothing

would make me happier if we were either in the State of Texas or in the State of Alabama, nothing about their ability or their personality or anything else but the first young man as the paper says is 26 years old. The other gentleman is exactly the type lawyer that I am. He is a front chair lawyer. He is not, neither of these men, your Honor, are licensed in the State of Tennessee and I have stated in the motion that I have prepared for my client to sign or I hope that he is going to sign, the defendant. That he and certainly I, if and when I am authorized to do so, intend to engage a member of the Bar of the State of Tennessee so that this Court will be able to control this case in all stages and any part of it because while we all appreciate the hospitality of the State of Tennessee in permitting us under foreign licenses to practice here, this Court will have better control and regardless of any, if the prosecution hears a continuance, I will tell the Court very frankly, if at the time this case is set for trial at a future date and we are not ready, I contend that we will so tell the Court but I will do my best consistent with my responsibilities to this Court and my oath and to this defendant to be ready. I only submit it as a matter of abstract justice, Judge Battle, and ask the Court to grant both the request of

the distinguished lawyers from Alabama and of the defendant for postponement that he may have the attorney of his choice.

THE COURT: Anything else?

MR. HANES: Your Honor, may I say in reply to Mr. Dwyer and to Mr. Foreman that I wish to reiterate my request, your Honor, and desire to withdraw from the case as counsel. Thank you.

MR. DWYER: I still haven't heard a legal reason from Mr. Foreman, if the Court pleases.

THE COURT: Well, Mr. Dwyer, I think this, I think the defendant in a criminal case has a right at any time to dispose of counsel. He has an absolute right to if he wants to. There's no question but what this motion comes not only at the 11th hour but, so to speak, in the 59th minute, or 59th second, before trial. So far as I knew as related in the news Sunday this would be, everything was green light, so to speak, until then. Now, it's also true that a tremendous amount of human energy and time and money have gone to the preparation of this case for trial at this time. Equipment has been moved in here from elsewhere into this Courtroom and the Courthouse. A lot of people have spent a lot of money traveling. It's an awful thing at this time to have to continue a case but the defendant's right to counsel is guaranteed

by the Tennessee constitution, Article One, Section Nine, by the United States Constitution, Amendment 614. As late as October 1, 1968, in this State in the case of Bible against the State, in the Court of Criminal Appeals, a case where the Court forced a defendant to go to trial with lawyers he had discharged and the Court had this to say and I quote, "~~Oath bearing~~ Both by constitutional provision, Article One, Section Nine, Constitution of Tennessee, and by statute, TCA, Section 40-2001,2,3, every person accused of a crime is entitled to counsel in all matters necessary to his defense, citing Johnson versus State, 213, Tennessee, 372 SW (2nd), 192. The assistance of counsel implies that the accused shall have an opportunity to select his counsel and in the event of his failure, counsel must be assigned by the Court. The defendant must use due diligence in procuring counsel. The right to select his own counsel can not be insisted upon in a manner that will obstruct an orierly procedure in Courts of justice and deprive such Courts of their inherent powers to control same. See Lee against the United States, 35 Federal (2nd), 219. If the defendant was forced to go to trial represented by counsel whom he had discharged and was selected by the Court over his objection and we think that the Court abused its discretion in appointing the dis-

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charged counsel over his protest and that he has been fundamentally prejudiced in his defense." The case involved is a capital case. The State has announced already that they are seeking the death penalty. Under the unique facts and circumstances of this case, the Court is of the opinion that the motion that the defendant change counsel should be granted and motion for continuance granted. All other considerations yielding to the defendant's right to be represented by counsel of his own choosing in a trial for his life. I call your attention, both Mr. Ray and Mr. Foreman to the words of the opinion just read, the defendant must use due diligence in procuring counsel. The right to select his own counsel can not be insisted upon in a manner that will obstruct an orderly procedure in the Courts of justice and deprive such Courts of the exercise of their inherent powers to control same. The case must be tried on the next setting unless legal grounds for continuance exist. You have been granted extraordinary relief at a great cost and this Court will certainly examine most critically any further attempts to change counsel. As to Mr. Hanes, Sr.'s status of the case, Mr. Ray in his statements to the Court make it clear that the legal services of Mr. Hanes are being dispensed with by Ray from this time forward. I have decided however,

that Mr. Hanes should only be discharged conditionally from further responsibilities in the case. That is, one, Mr. Hanes shall remain counsel of record in the case in so far as they both continue to be bound by the Court's orders on publicity; second, Mr. Hanes shall cooperate with Mr. Foreman in making available to him everything disclosed by their investigation in this case and fully acquainting him of their actions in readying the case for trial. I understand that there is a difference between you all about some money matters but that's a civil matter between you and Mr. Ray. Mr. Hanes is one of the defendants tried by the Court for contempt and is now under a finding of guilty of contempt by the Court with a sentence withheld by the Court. From reports of the Court's amici curiae committee, Mr. Hanes may be the defendant in further contempt citations. Mr. Hanes is a citizen of the State of Alabama and contempt is not an extraditable offense. Let Mr. Hanes make an appearance bond in the amount of $1000.00 before he leaves this jurisdiction. I suggest that an order be entered pertaining to these matters decided upon by the Court and I think to simply the drawing of the order, I think that these records should be written out. They should be attached to the order. Mr. Foreman, I would like

today, I understand to some extent, it's pig in the poke, I think that we should recess here, I think that you should confer with General Canale and associates and see if we can't come to some reasonable date to set this trial and we will try it here on that date if humanly possible.

MR. FOREMAN: I file this motion for continuance and any lawyer of the Texas Bar, your Honor, and when I am given the opportunity that your Honor has not given me, I, that's the reason I never file a motion. If I am given a long enough time and if -- I appreciate the Court's making it available and I feel sure that Mr. Hanes would have done it with further consideration anyhow and I know that he will do it fully, completely and graciously, it will facilitate my work and I am ready to do that right now.

MR. DWYER: Might I make an inquiry, as I understand the Court's order, the Court is discharging the two Hanes as counsel. Alright. Then do I further understand that as of now Mr. Foreman is the Attorney of Record in this case?

MR. FOREMAN: I have filed here an application to be permitted and I will give you a copy of it, Sir, and ask you to consider it, Mr. --

MR. DWYER: The name's Dwyer.

MR. FOREMAN: Thank you. I always feel handicapped as

a private attorney. Everyone for the State is a general.

MR. DWYER: Your Honor, in view of the Court's order, it is the motion of the State, seeing as how Mr. Foreman is going to be given the fruits of the investigation of the two Mr. Hanes, we feel that there is not any need to discuss as I see it a trial date. We were looking for a trial date as of today. We were ready. So, the Court is granting Mr. Foreman's motion to be Attorney of Record and motion for continuance. We are ready in open Court to discuss trial dates.

THE COURT: Well, I'm allowing a recess to talk with Mr. Canale, that's my orders, Mr. Dwyer. I think too, Mr. Foreman, at this time, you might sign the jacket.

MR. HANES: Your Honor, may it please the Court, I would like the record to show as noting my exceptions as to my conditional release from this case, your Honor.

THE COURT: You may note your exceptions.

MR. CANALE: Your Honor, I would like the record to show that as far as the State's announcement of being ready today, that pertains to the charge of murder in the first degree which we agreed to go to trial on and we still assume that the charge of carrying a dangerous weapon will be held in abeyance. We were ready to go to trial on the murder charge with the understanding that the dangerous weapon

charge was not to be taken up for consideration today.

THE COURT: As the Court has already ruled, that can never be tried.

MR. CANALE: Alright, now, your Honor, in a prior hearing here, the State was directed under the statute pertaining to this procedure in the State of Tennessee to exhibit to the defense attorney certain physical evidence which the State has in its possession. Now, I would like to get it on the record at this time, whether we are to go along those lines with Mr. Foreman or whether he wants to file a separate motion to come in on such a matter. The State is ready at any time to abide by the previous Court's order to make available to Mr. Foreman the physical evidence in the case which under State law he is entitled to examine. The State of course, is ready at this time if the Court so orders to give to Mr. Foreman the list of prospective witnesses that the State might call.

THE COURT: I think, General, that you should do both.

MR. CANALE: The State is willing to do anything along those lines to facilitate the setting of this case for trial, your Honor.

MR. HANES: Your Honor, may it please the Court, I would like the record to show one other statement from me and that is that the defense was ready to go to trial today and would have started the defense

of Mr. Ray today. We were prepared to go to trial today.

THE COURT: Anything else before we take a recess?

MR. FOREMAN: I don't anticipate we are going to have the trouble, but the distinguished gentlemen on the end seems to have, I don't have that trouble with, I take it for granted that we are all adults and that there will be no personality conflicts. I know I can get along with Mr. Canale and I hope before the day is over I can get along with Mr. Dwyer.

THE COURT: Alright, Sir, anything else? Alright, we'll take a recess.

(RECESS)

MR. CANALE: May it please the Court, the defense counsel and we have not been able to agree upon a date for this case to be reset for trial. Of course, the State's position is that under Tennessee law, the statutes provide there only has to be a three day waiting period in a capital case after indictment. I understand that that could not be followed in this case but that is the law. Let me state the State's position to your Honor. We want to get this case to trial. We want to get it to trial as soon as possible. It is the suggestion of the State that this case be set on the Tuesday following

the third Monday in January which is the beginning of a new term. That would give Mr. Foreman better than 60 days in which to prepare this case for trial. It would also, if your Honor saw fit to do so, give the, under Court's direction, give the jury commissioner the opportunity to draw sufficient jurors for the new term where when we get into the trial of the case we do not have to be drawing from day to day special venires and it is the request of the State that this case be reset for trial no later than the Tuesday following the opening of the January Term in the third Monday of January.

MR. FOREMAN: May it please the Court, this case will take priority over all cases on my docket and I intend to seek the consent of my client in all civil cases to the association in cases of other attorneys who can try those cases as well or better than can I. But, the very mechanics of getting those consents of those various clients and getting the other attorneys familiar with the case will take some time, not a great deal. The Crimiaal cases I feel certain that other Judges in Texas will defer to this Court and even so I would not have the demerity to suggest that as any limitation on this Court's decision in setting the case because I come into the case as I do under the circumstances. May it

please the Court, limiting therefore our consideration solely to this case and the problems that it presents timevise I have been advised by the prosecuting attorneys that they are tendering me or have heretofor tendered or will tender a total of 360 potential witnesses. They do not expect to offer perhaps more than 80 to 100 such witnesses but your Honor knows from your Honor's presiding here and your Honor's practice before your Honor was honored by your Honor's present position, that the witnesses that the prosecutors are not going to use are frequently the very ones that the defense at least should interview. Therefore, taking the figures as presented by the District Attorney himself, 360 witnesses, and taking two hours per witness, and taking eight hours a day, or at least taking eight hours a day into 360 witnesses even at an hour per witness, you come up with 90 days of interviews. Now, the law of the United States Supreme Court and of the Court of Criminal Appeals which is our Supreme Court in criminal cases, and I am sure that of the State of Tennessee because while I haven't researched it in this State I have in many other of the common law states and everywhere I have I have found the uniform ruling in which the Supreme Court of that

particular jurisdiction said that it is not only the right of defense counsel to interview all of the witnesses of the prosecution but that it is his duty to do that or at least to attempt to do that. They are not required to talk with him as we know but we don't need to go into that. So, if I just do the duty that is put on me by law in view, and I'm not responsible and neither is perhaps, I hope not, I'm not responsible at any rate for the facts of this case, I have to work with it just like your Honor and the prosecution does from where we come into it and accept the facts as they are. I know that these gentlemen don't want an unfair advantage but all I ask is a fair field and no favor, I don't expect one. But, just the very magnitude of the geographical area involved, that is, all of the United States, from the west coast to the Pacific, Mexico, Canada, England, Portugal, as I recall the news stories. We have here your Honor, something that's far beyond the order of a three day trial. It's not within the realm of the remotest concept to compel this man to go to trial until his lawyer -- now, I have just asked as I came back into the Courtroom if there are any interviews of any of the prosecution's witnesses in the

file that will be before the day is over delivered to me by Mr. Hanes. He says there is not, not one, no such interview. Therefore, we are renegated to an initial preparation. May it please the Court, I have never in my life talked to a single defense witness until I had talked to all of the prosecution's witnesses known to me and who would talk with me. It's basic in my approach to the preparation of a lawsuit because of various reasons which time doesn't require me to give. I can only do that which I can do and the interviewing of witnesses by either private detectives or other investigators to me I learned a long time ago never to use one. It isn't just what's on the paper, they tell you what they think you want to hear and then after you have sifted through all of those, you come up with nothing and furthermore, if one of them quits working for you, he tries to go to work for the other side. So, that in my experience I find that the only satisfactory way to prepare a case for trial is talk to the witnesses and as I said in the motion this has been done continuously since April the 3rd. I am presuming as the law requires me to and all of us to do, the innocence of my client and whatever explanation or whatever wheat I may win on from these interviews I assure your Honor I intend to do my best to talk to every-

one of the 360 who will talk with me. I only ask that your Honor take that into consideration and when I asked for the opportunity to determine and to come back in 90 days and agree on a date I didn't ask that in the ultimate, I simply suggested that I couldn't tell the Court at this time how soon I could be ready and wouldn't know until some indefinite time. I know that your Honor has the right and the responsibility and that your Honor will set the date and I want a date fixed that will not require more shadow boxing as we sometimes do in these motions. I want to be ready but I just want the opportunity to be ready and I understand that I will be required if I follow my responsibility as a lawyer and my general practice and I tell you, your Honor, I am not even going to be able to get started on that until I can get off the docket of a great many other Judges that are now — I am committed to trial actually and made the lawsuits in every week except Christmas week through the month of March but I am not asking the Court to consider that at all. I ask for this by appearing here today and I expect to follow up whatever the Court says but I suggest that the second term of Court at the very earliest, not only the end

of this term but at the end of the next which as I understand from Mr. Canale would take us into the month of May. Now, that's my situation, your Honor, and I submit my client's welfare to your Honor with that explanation.

MR. HANES: May it please the Court, without making any attempt to suggest in any form when the trial will be set but to clarify the record of Mr. Foreman, his statements. Either he misunderstood our answer or we misunderstood his question. We thought his question to us was when he came back in a moment ago, "Had the prosecution turned over to us any statements that they had taken from the State's witnesses?" And, we told him, "No, Sir, we have not." That was our understanding and I would like the record to show that because I can assure Mr. Foreman that we have prepared the case and we were ready to go to trial today.

MR. CANALE: May it please the Court, there is no doubt that this defendant has rights to a fair and impartial trial but I don't think we ought to overlook in this case the rights of the citizens of this State to get this case on trial and give them a fair and impartial and speedy trial and get rid of this case. This defendant has been in custody since June. Now, it's not unheard of in these Courts as your Honor knows where these

delaying tactics are used when you come right down to the day of trial and the defendant comes in and says, "I'm firing my counsel. I want a new counsel." Now, that can not go on. If he decides to fire Mr. Foreman whenever the case is set for trial, there should be some provision made where he can be brought speedily to trial and I don't know how that would be but your Honor should give that some thought, that if he decides to use this delaying tactic again, that it will not be tolerated by this Court and the State of Tennessee is going to insist that this case get a speed and early setting. I don't think there's any secret and I'm not telling Mr. Foreman anything he doesn't know, when I say that a continuance in any criminal case militates against the State's case. It usually helps the defendant's case as a genral rule. Now, I want to do everything I can to protect the rights of this State and the citizens of this State in getting this show on the road and getting a fair and impartial and a speedy trial. Now, if Mr. Foreman has all these private cases he's talking about, then I think he's going to have to make arrangements to do something with them if he's coming into this Court and ask for an unreasonable delay in preparing this case for trial since the defendant has been in custody.

The State of Tennessee has 4500 cases a year we've got to dispose of in these Courts and this case has bogged us down to a great extent. I don't think that every one of the criminal cases we've got in this county should continue to suffer by continuances and the turmoil which goes on around here pending the trial of this case and I am going to have to insist with your Honor that the rights of the State be recognized in the early setting of this case.

MR. FOREMAN: May I make one reply to that? May it please the Court, the rights of the State are not necessarily limited to a verdict of guilty. The rights of the State are and if justice prevails, an individual is acquitted whoshould be acquitted just as when one is convicted that should be convicted and if delay does work in favor of a defendant it's not necessarily in derogation of the rights of the State. I only offer that for provocation on the part of the prosecution.

MR. CANALE: I didn't say anything about guilt or innocence your Honor, I said a fair and impartial and speedy trial.

THE COURT: Well, you gentlemen have dumped this right in my lap. It's up to me to decide. I think the cause is unique in many ways, unique number of witnesses. I understand the State has 360

potential witnesses and the defense will have X witnesses. These witnesses are scattered all over the United States, Mexico, Canada, England, Portugal, is it France, I don't recall. Anyway, over a good portion of the North America and Europe. It's a very delicate matter to balance the rights of this defendant and of this community. They both have rights and they must be equally weighed and equally put together. 90 days from now would be the 12th of February. Mr. Foreman, I am going to set this case on Monday, the 3rd of March and I do it with this proviso, I understand that you have a great many committments and I am setting it without any regard to those committments that you will do something, whatever is necessary about them. I think that you will know a great deal more about your case 30 days from today, the 12th of December. I request of you to let the Court know on or about that day if you can get ready by the 3rd of March and I would like to have some firm understanding by the 12th of December.

MR. FOREMAN: We have such understanding. I will do that, your Honor. I will report in person and also will show the Court what I have done. If I may for the record, your Honor, state that the 3rd of

March is the day after Tennessee won Texas' independence from Mexico.

THE COURT: Very interesting.

MR. CANALE: If it please the Court, I don't know who that date fits into the selection of the new jury panel for the three weeks which they generally serve over here. I would just like to make the suggestion to the Court that whenever a new panel is called, if it appears like we are going to trial and a new panel is to be called, that the Court direct the jury commissioner to have drawn from the box sufficient names where we will have enough jurors so that we won't have to be calling special venires every day. The Sheriff has to send 25 or 50 men out all during the day and night to get a special venire, I just want to make that suggestion to the Court that when we start on this thing, let's have enough jurors even if they come in day by day, not all at the same time but have them qualified to come in so we won't have any unnecessary delay once we get started on this.

THE COURT: I think your position is well taken and the Court will do whatever is necessary for that. Alright, anything further?

MR. CANALE: Nothing.

MR. FOREMAN: Nothing, your Honor.

THE COURT: Alright.