

(Mount Clipping in Space Below)

# Shaw Defense Witness Afraid, Hiding -- Attorney Would Tell Everything Only in Iowa

An attorney for a key defense witness in the trial of Clay L. Shaw says she is hiding somewhere in Iowa, afraid to come to New Orleans to testify in Shaw's trial.

Attorney Lex Hawkins of Des Moines didn't say what the witness, Mrs. Harold McMaines, is afraid of. She earlier had refused to come here to testify in District Attorney Jim Garrison's probe of the assassination of President John F. Kennedy.

Shaw, 55, is on trial on charges of conspiring to kill Kennedy. The morning session of the trial today ended with 37 more potential jurors excused or rejected for various reasons, and no new jurors empaneled.

Most of those excused this

morning complained they could not afford to serve because their ~~incomes~~ would stop. Jurors are not paid by the state.

Six jurors have been sworn in so far. Twelve are needed, with two alternates.

HAWKINS SAID Mrs. McMaines, who was Sandra Moffet when she lived here, is willing to tell everything she knows but wants to do it in Iowa.

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SECTION 1

STATES-ITEM

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Mrs. McMaines was a friend of Perry Raymond Russo, star witness for the state at a preliminary hearing for Shaw. He testified he heard Shaw plotting the assassination with Lee Harvey Oswald and David William Ferrie at a party at Ferrie's apartment here in September, 1963.

**THE WARREN** Commission investigating the president's death said Oswald killed him. It found no evidence of a conspiracy. Garrison says Ferrie, who died here Feb. 22, 1967, was a key figure in the assassination plot.

Hawkins says Mrs. McMaines told him her testimony would tear Russo's to shreds.

Shaw attorney F. Irwin Dymond earlier this week subpoenaed Mrs. McMaines as a witness in his trial. However, inasmuch as Iowa is not a party of the interstate agreement for extradition of witnesses, there is no way of compelling her to appear.

Asked about Mrs. McMaines' statements, Shaw attorney William Wegmann said, "She's been saying that for two years."

Asked what the defense would do about her reluctance to come to New Orleans, Wegmann said:

"We'll cross that bridge when we come to it."

**SHAW'S TRIAL**, entering its fourth day today, began an hour early as Criminal District Judge Edward A. Haggerty Jr. sought to speed up the process of selecting a jury.

Meanwhile, in Fairfax, Va., the U.S. Justice Department told Virginia Judge Arthur Sinclair it will not oppose appearance of Lyndal L. Shaneyfelt at the Shaw trial.

Garrison's office had subpoenaed Shaneyfelt, a photo analyst for the Federal Bureau of Investigation.

**JUSTICE DEPARTMENT** lawyers said they will permit Shaneyfelt, of Alexandria, Va., to testify and are working out a judicial order that will make it unnecessary for the agent to be in New Orleans throughout the trial.

papers, the state hopes to use Shaneyfelt's testimony to show that more than one person fired shots during the assassination.

Shaneyfelt's analysis of a movie film taken by Abraham Zapruder at the Warren commission's version of the slaying.

As this morning's session opened, a defense witness challenged his subpoena, and the judge promised to grant him a hearing at an unspecified date.

The witness, Metairie attorney Hugh B. Exnicios, said testimony by him would violate his lawyer-client relationship with Alvin Beauboeuf, also under subpoena as a defense witness.

**BEAUBOEUF WAS** a friend of Ferrie and accompanied him to Texas the day of the assassination.

Beauboeuf in 1967 charged that two Garrison aides threatened and tried to bribe him to testify against Shaw, and Exnicios said he had a tape of the conversation. The defense had subpoenaed Exnicios to produce the tape.

The judge accepted Exnicios' motion and said he would give him a chance to argue it later.

The defense executed its third preemptory challenge on Beverly H. Harlton, a cashier, 935 Dumaine.

**DYMOND ASKED** Harlton if he had seen the movie "Rush to Judgment" and if he had formed an impression from it.

Harlton said he got the impression from the movie the president might have been the victim of a conspiracy, but added he was also impressed by the Warren Commission Report when it said there was no conspiracy.

At this point, Judge Haggerty broke in and said:

"**WE'RE NOT TRYING** the Warren Report. We're not trying the death of President Kennedy. We're trying this case, which is in the jurisdiction of Orleans Parish."

Dymond objected: "One of the necessary elements of the state's case is that it must prove there was a conspiracy. If a prospective juror already thinks there was a conspiracy . . . the state is already half-

a juror. It was the third preemptory challenge by the defense. The state has used four. Each side has 12 such challenges, by which they can reject a juror without giving a reason. Otherwise, it is up to the judge to determine whether a juror is fit to serve.

**THE SECOND WOMAN** to be called as a potential juror was excused because she had small children to care for. She is Mrs. Margaret J. K. Negus, who had volunteered to be on the jury list.

In contrast to the first day of the trial Tuesday, the courtroom was only half filled. There were fewer newsmen and only a handful of spectators.

Shaw entered the courtroom this morning flashing a smile. He acknowledged the greetings of newsmen sitting on the left side of the courtroom.

"Good morning, good morning," he said as he went to his seat behind a table in the center of the room.

Two new jurors were sworn in yesterday afternoon to join the four selected earlier. They are:

Herbert John Kenison, 28, a microfilm printer, 8534 Edenborn.

James G. O'Quinn, 30, a petroleum engineer, 6229 Brighton pl., Algiers.

All six were locked up overnight and watched today's proceedings from the jury box. The jury will be sequestered for the duration of the trial.

**FOR THE FIRST** three days, court opened at 10 a. m. In an effort to speed things up, Judge Haggerty began at 9 a. m. today and said he will continue to do so.

The judge abandoned plans announced earlier to hold Sunday sessions. The schedule will be 9 a. m. to noon and 1:30 p. m. to 5:30 p. m. Mondays through Saturdays.

Also yesterday, Garrison's office issued subpoenas for six more out-of-state witnesses for Feb. 3. All six related to events in Dallas the day of the assassination. They are:

—Mrs. Mary Moorman of Dallas, who allegedly snatched a picture just as Kennedy was shot. The subpoena says the photo, "with other evidence,

fired into the presidential limousine from more than one direction."

—Dr. Robert R. Shaw of Dallas, the physician who attended Gov. John Connally of Texas after he was shot while riding in the Kennedy car.

—James Allgens, Dallas, an Associated Press photographer, who was directed to bring with him photos he took at the assassination scene.

—Meyer Goldberg of World Wide Photos, New York, who was directed to bring with him negatives and prints of Allgens' photos he allegedly possesses.

—Patrolmen Bobby W. Hargis and Billy J. Martin of the Dallas police, both of whom were part of the motorcade escort for Kennedy.