

# Shaw Maneuver Balked by Court

State # 8/31 9-31-67

Attorneys for Clay L. Shaw, retired businessman charged with conspiring to murder President Kennedy, today lost their fight to have testimony taken from Mrs. Lillie Mae McMaines by deposition.

Mrs. McMaines, who was known in New Orleans as Sandra Moffett, is a former girl friend of the state's star witness in the Shaw case, Perry Raymond Russo. She is now living in Iowa, a state which does not honor an interstate legal compact requiring the return of material witnesses.

**SHE HAS** refused to return to New Orleans, and efforts by the district attorney's office to have her returned as a witness for the prosecution failed.

Today, Criminal District Judge Edward A. Haggerty denied Shaw's attorney F. Irvin Dymond's motion, which sought the court's approval to take Mrs. McMaines' testimony by deposition in Des Moines.

Judge Haggerty told Dymond that he was not filing a written answer to the motion and that the only way he could protest the ruling would be by filing a bill of exceptions, which Dymond did.

Dymond argued the ruling, saying that both the state and the defense were interested in the testimony of Mrs. McMaines and that she had volunteered to be available to give sworn testimony in Iowa. Dymond had proposed that representatives of the prose-

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cution and the defense go to Iowa to take the deposition.

**JUDGE HAGGERTY** said that he did not care whether the state and defense agreed or not, that he was not going to allow them to break the law. He said the criminal law makes no provision for taking such depositions.

Dymond also filed with the court today a supplemental motion to quash the indictment against Shaw.

Shaw, who was originally arrested March 1 and charged by DA Jim Garrison with plotting to kill the President, was indicted on the charge by the Orleans Parish Grand Jury. Garrison claims that Shaw met with the late freelance pilot David W. Ferrie, a man named Leon Oswald and others at Ferrie's apartment in mid-September, 1963, to plot the assassination. Russo, at a preliminary hearing for Shaw in March, testified that Leon Oswald was Lee Harvey Oswald, the man named as assassin by the Warren Commission. He also said he saw Shaw there and overheard the three conspiring.

In the supplemental motion to quash, Dymond claims that Mrs. McMaines' testimony is vital to the defense of Shaw. Mrs. McMaines has said publicly that she knew Ferrie but not until after the assassination. Russo testified that she attended the party in 1963.

Dymond also charges that the defendant has been informed that one or more members of the grand jury which indicted Shaw are members of a corporation which has contributed to Truth and Consequences of New Orleans, Inc., the group of businessmen bankrolling the DA's investigation.

**THE MOTION** also charges

that actions of the grand jury have deprived Shaw of his constitutional rights of due process and that actions by Garrison have made it impossible for Shaw to receive a fair trial.

The defense charges that public statements, including an open letter by Garrison to the Federal Communications Commission, have created a climate unfavorable to fair trial.

Too, the DA has not furnished Shaw with information sufficient for him to properly defend himself, the motion states.

The motion says that incidents known to the state—particularly incidents involving Russo and state witness Vernon Bundy — which cast doubt on the veracity of witnesses for the prosecution. A fellow inmate of Vernon Bundy, convicted narcotics offender, has stated publicly that Bundy lied when he said he saw Lee Oswald and Shaw together during the summer of 1963.

Finally, the motion charges that Garrison has given information to Life Magazine about the case, information

which the state has refused to furnish Shaw's attorneys.

The motion charges that the DA allowed a Life photographer to photograph Shaw surreptitiously through a fake mirror while he was being questioned in the DA's office. The defense also charges that the DA's office has evidence which would prove Shaw's innocence and is suppressing it.

On another front of Garrison's investigation, attorney Milton Brener filed three motions on behalf of television newsman Walter Sheridan, who is charged by Garrison with public bribery.

Sheridan was charged following a television special which was produced by the National Broadcasting Co., Sheridan's employer, and

which was critical of the Garrison investigation.

THE NBC reporter has accused Garrison of filing the charge against him out of personal animosity:

A federal court has ruled that Sheridan will not have to go before the parish grand jury, as desired by the DA's office.

Today, Brenner filed a motion to quash the charge against him and a second motion seeking the recusal of Garrison as prosecutor in the case. The third motion asks for a preliminary examination.

Brener in his motion to quash, stated that the offense with which his client is charged is not punishable under a valid statute. He said the state law—Louisiana Revised Statute 14:118—is "violative of the due process clause of Fifth and 14th Amendments of the U.S. Constitution and of the Louisiana Constitution."

Brener said the law, being vague and indefinite fails to meet the requirements of "certainty in criminal statutes" and he therefore asked that the charge against Sheridan be quashed and the defendant discharged.

IN HIS motion to recuse Garrison, Brener charges the latter has "a personal interest in conflict with fair impartial administration of justice" and has exhibited "personal animosity" toward Sheridan.

He said Garrison has "a keen personal interest in discrediting" Sheridan because his client disclosed evidence of bribery, intimidation and improper practices by the DA's staff and broadcast this information.

The motion charges that Garrison has made numerous public and private statements exhibiting personal animosity toward the reporter.

Garrison, he said, has referred to Sheridan as a "snake" and has vowed "to get" Sheridan. Garrison is also charged by Brener with receiving funds donated by private groups and individuals for which he is not required to account and has "additionally received funds from various newspapers, magazines and other publications for material furnished

by the district attorney."

THE MOTION for the preliminary examination, a hearing to determine whether a defendant should go to trial, charges that there is "no creditable evidence of his (Sheridan's) guilt" and therefore, under provisions of state law, the court should conduct such a hearing. END

## EXILE CON REFUSES TO REPLY

# Grand Jury Queries Pair In JFK Death Plot Probe

District Attorney Jim Garrison's staff brought two men before the Orleans Parish Grand Jury today for questioning in connection with the DA's probe of the John F. Kennedy assassination, but one of the men refused to answer the jury's questions.

Miguel Torres, a Cuban exile now serving a sentence for burglary, and H. H. "Andy" Anderson, former manager of the Roosevelt Hotel, were called by the jury.

Torres, who has stated publicly that the DA's staff attempted to bribe him in return for his "cooperation" in the probe, refused to answer the questions of the jury.

**THE YOUNG CUBAN**, who was brought back to New Orleans from the Angola State Penitentiary under a writ of habeas corpus for questioning, has said that Garrison's investigators offered him his freedom, heroin and a vacation if he would help them.

After appearing before the grand jury briefly, Torres was brought before Criminal District Judge Bernard J. Bagert.

Assistant DA James Alcock told the judge that Torres refused to answer two questions, relying on the Fifth Amendment. (The amendment guarantees citizens against having to incriminate themselves.)

**THE QUESTIONS WERE:**  
"Did you appear on nation-

"Were statements you made on national television on the National Broadcasting Company in June, 1967, concerning the district attorney true?"

Alcock urged that Torres and John "The Baptist" Cancler, a convicted burglar who also made statements on the NBC special, charged the DA with "wrongdoing on national television but refuse to tell the grand jury about it."

Alcock said the grand jury is interested not only in the assassination probe but also in any criminal act in Orleans Parish and if the DA's staff is doing anything improper or illegal the grand jury is the body to do something about it.

**HE CITED THE** grand jury's "historic tradition" as a body between the government and the citizens whose

purpose is to investigate wrongdoing and to protect the rights of citizens.

Alcock said that if the charges by Torres are true, it would be "a very serious matter."

However, he said Torres and Cancler "just tell television and Walter Sheridan about it. When they have an opportunity to do something about it they take the Fifth Amendment."

**AT THIS POINT**, Burton Klein, attorney for Torres, told Judge Bagert that he would like to call a witness to the stand. Judge Bagert, seemingly irritated, said "are you ready to go? We'll go all the way, all the way, this minute."

The judge cited the position of the grand jury, which he said was "created to protect

the citizenry against oppression."

**SPEAKING OF THE** current grand jury, he said he knew of the "courage" of the body jointly and individually, and knew "full well" that they would do their duty.

Klein said he was advised last week by a member of the DA's staff that there was a possibility that his client would be granted immunity if he testified before the grand jury. (Immunity can be granted under Louisiana law only in the case of public bribery.)

Offering Torres immunity, Klein said, "therefore, makes him a suspect and as a suspect he has the right to remain silent."

**HE SAID THAT** "we want to tell someone who has the legal right to investigate the charges against the DA. But here we have the grand jury whose very advisor is the accused."

After some discussion, Judge Bagert told both sides to research the question and file memoranda. Torres will appear before the new grand jury when it convenes and, if he refuses to answer the questions, Judge Malcolm V. O'Hara will rule on the issue.

Anderson, former manager of the Roosevelt Hotel, was taken before the grand jury

for questioning in connection with the probe.

**ANDERSON'S CONNECTION** was not explained. However, Anderson was employed by the Hotel Adolphus in Dallas prior to the assassination in 1963 and the hotel was involved in the Warren Commission's investigation of the President's death.

Anderson was manager of the Roosevelt during 1966, when Lee Odom of Dallas says he met Clay Shaw and asked Shaw for advice on how to promote a bullfight in New Orleans.

He said the manager of the Roosevelt recommended Shaw to him. Garrison claims Odom's post office box num-

ber in Dallas, which was found in Shaw's notebook, is the coded form of the unlisted phone number of Jack Ruby in 1963.

Garrison said the same number was found in Lee Harvey Oswald's notebook. Oswald is the man named as the assassin by the Warren Commission. Ruby shot Oswald two days after the assassination and recently died himself of cancer.

Lee Odom says he didn't know Shaw until 1966, and that he only had the post office box number about three months during that year. Post office officials said the number didn't come into being until 1965. *EW*