

SHAW WITNESS

IS AFRAID, HIDING- -LAWYER

Larry Dean Morgan, 24, 922 Alabo, an aircraft mechanic for the Boeing Corp., became the seventh juror to be chosen today in the Clay Shaw trial.

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 vari-

ous 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, whose maiden name, when she lived here, was Sandra Moffet is willing to tell everything she knows but wants to do it in Iowa.

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. Irvin Dymond earlier this week subpoenaed Mrs. McMaines as a witness in his trial. However, inasmuch as Iowa is not a party to 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.

According to the extradition 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 assassination scene is a key link in the Warren commission's version of the slaying.

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

The witness, Metairie attorney Hugh B. Exnicios, said testimony by him would violate him 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 peremptory 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 halfway home."

He then rejected Harlton as a juror. It was the third peremptory challenge by the defense. The state has used up 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.

A heated exchange broke out between Judge Haggerty and attorneys for both sides during the questioning of Carl Joseph Sicard, 40, a field engineering specialist.

Asked if he had a fixed opinion in the case, Sicard answered:

"**I HAVE GRAVE** doubts about the federal government's position that there was no conspiracy."

Dymond objected: "This man already feels there was a conspiracy—there's no point to further questioning."

Judge Haggerty overruled Dymond and asked Sicard if he could weigh the case on the evidence presented. Sicard said he thought he could.

Earlier, under questioning by chief prosecutor James-L. Alcock, Sicard said he was well read on the assassination, had seen the motion picture "Rush to Judgment" and several TV programs on the subject.

WHEN THE JUDGE indicated he would probably excuse Sicard, Alcock strongly objected, saying, "Every juror that's been selected so far has an opinion."

Shaw attorney Edward F.

Wegmann countered: "That's an insult to this jury."

Alcock apologized, and said he was trying to say that anyone who might be selected might have some kind of opinion and not a completely open mind because of the publicity dealing with the assassination.

The quarrel ended with Judge Haggerty ruling:

"He cannot be a fair juror."

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.