

Shaw Attorneys Request Court to Toss Out Case

Bid to Take Deposition Denied by Judge

Attorneys for Clay L. Shaw Thursday filed a supplemental motion to quash Shaw's conspiracy indictment and at the same time lost a bid to have testimony taken from a former girl friend of Perry Raymond Russo, a major witness in District Attorney Jim Garrison's case against Shaw.

Criminal District Court Judge Edward A. Haggerty Jr. ordered the defense to file the quash motion by Wednes-

day, which was a legal holiday.

The state was ordered to answer the motion by Sept. 6. Judge Haggerty said he would try to arrange a hearing for Sept. 11 and that he would take the matter under advisement by Sept. 18. This would clear the way for setting of a trial date.

Thursday Judge Haggerty denied a previously filed motion which requested permission to take testimony by deposition from Mrs. Lillie Mae McMaines, who now resides in Iowa.

Mrs. McMaines, formerly known in New Orleans as Sandra Moffett, was a girl friend of Russo, a Baton Rouge insurance man who testified at a preliminary hearing for Shaw.

Shaw is charged with conspiring with Lee Harvey Oswald and David W. Ferrie in September of 1963 to kill President John F. Kennedy.

Mrs. McMaines has evaded attempts of the district attorney's office to get her back to New Orleans.

F. Irving Dymond, one of Shaw's attorneys, argued against the denial, saying that the state and the defense are interested in her testimony, and that she volunteered to be available in Des Moines, Iowa.

Judge Haggerty said it does not matter if the state and defense have agreed to take the testimony because the criminal code makes no provisions for taking such depositions.

TESTIMONY 'VITAL'

The quash motion claims that Mrs. McMaine's testimony is vital to the defense of Shaw. She claimed that she met Ferrie after the assassination, and that she did not know him at the time Russo said he overheard a plot during a party in Ferrie's apartment. Russo testified that Mrs. McMaines accompanied him to the party.

The motion also alleged that Shaw has been informed that one or more members of the grand jury which indicted him are members of a corporation which contributed to Truth and Consequences of New Orleans Inc. The latter group financed Garrison's investigation.

The defense also claims that the district attorney has not turned over information sufficient for Shaw to defend himself properly.

The motion says there are incidents known to the state—particularly involving Russo and state witness Vernon Bundy—which cast doubt on the veracity of prosecution witnesses. A fellow inmate of Bundy, convicted narcotics user,

has said that Bundy lied when he testified he saw Oswald and Shaw together during the summer of 1963.

The motion also charged that Garrison gave information to Life Magazine which he refused to furnish to Shaw's attorneys.

'PHOTO ALLOWED'

The motion said that the District Attorney allowed a Life photographer to photograph

Shaw through a fake mirror when he was being questioned in the district attorney's office.

In another development, an attorney for National Broadcasting Co. investigative reporter Walter Sheridan, charged with public bribery of Russo, filed three motions in Criminal District court.

Sheridan was charged following an NBC program critical of Garrison's methods and was subpoenaed to appear before the grand jury. However, a federal court has ruled that he will not have to go before the grand jury.

The motions were to quash the bribery charge, to have Garrison recused as prosecutor in the case, and for a preliminary examination.

In the quash motion attorney Milton Brener said that the violation with which Sheridan is charged is not punishable under a valid statute. The state law—Louisiana Revised Statute 14:118 — is "violative of the due process clause of the fifth and 14th amendments of the U.S. Constitution and of the Louisiana Constitution," Brener said.

The recusal motion charges that Garrison exhibited "personal animosity" toward Sheridan and that he has "a personal interest in conflict with fair, impartial administration of justice."

The motion for a preliminary examination, a hearing to determine whether a defendant should be held over for trial, maintains that there is no creditable evidence of Sheridan's guilt.