

Life in Danger--Lawyers ^{S-2}

4/25/67

Court Voids DA Warrant For Sandra

A material witness charge against Sandra Moffett McMaines was thrown out of an Omaha court today after her attorneys declared their client's life would be in danger if she returned to New Orleans.

Dist. Atty. Jim Garrison wanted the 22-year-old former girlfriend of star witness Perry R. Russo to testify in the Kennedy death plot investigation here.

Today's court ruling at Omaha blocked her return from that state, and her attorneys announced she is now a legal resident of Des Moines, Iowa.

IOWA DOES not honor an interstate legal compact requiring the return of material witnesses, a compact under which Garrison and courts here sought her return.

Mrs. McMaines, who used the name Sandra Moffett when she lived here during the early 1960s, did not attend the hearing. She was free under \$1,000 bond after her arrest March 28 on Garrison's material witness warrant.

As the hearing opened in Omaha Municipal Court, Douglas County Attorney Donald Knowles asked Judge John Clark to forfeit Mrs. McMaines' bond.

"I BELIEVE that motion is premature," the judge said. "There are some other motions to consider."

Knowles immediately moved to dismiss the charge, and

Judge Clark said, "Motion granted."

In their motion filed this morning, Mrs. McMaines' attorneys said her life would be in danger if she were returned to testify here.

"BASED UPON the history of other persons and witnesses associated with the alleged Kennedy assassination plot who have mysteriously disappeared or died under questionable circumstances," the motion asserted, "her personal appearance and public exposure could endanger her life."

The motion was referring to recent magazine articles reciting the deaths of some individuals with alleged connections to Kennedy's murder at Dallas.

Knowles said he still had a certificate of attendance issued following the earlier warrant. The certificate requires Mrs. McMaines' return here under the interstate witness compact.

"IF SHE EVER sets foot in Nebraska, it will be served," Knowles said.

Mrs. McMaines, married

See PROBE—Page 6-A

Probe--

Continued from Front Page

since her departure from New Orleans, was living at Omaha when the warrant was sworn out.

At Garrison's office, Asst. DA James Alcock said of the Omaha court action: "We're frustrated on her. There's nothing we can do. Our material witness charge against her will not hold up, apparently."

ALCOCK SAID he had sent a letter to police at Des Moines, but nothing had come of it.

"It seems a little strange," he added, "if you don't know anything to pick up bag and baggage and move to another state — especially one of the few states in the union that will be sanctuary."

In the hallway outside the Omaha court, Mrs. McMaines' attorney, Lex Hawkins of Des Moines, said of the 10-minute hearing: "That's what I call instant justice."

Mrs. McMaines was linked to the investigation by Russo.

RUSSO TESTIFIED at a preliminary hearing for 54-year-old Clay L. Shaw that he took Sandra Moffett to a party at the Louisiana ave. pkwy. apartment of the late David W. Ferrie the night Russo claims he heard Shaw, Ferrie and Lee Harvey Oswald plot Kennedy's murder.

Shaw has been indicted for conspiracy to kill Kennedy. Ferrie, a former airline pilot, died Feb. 22—five days after Garrison's investigation became public knowledge.

Mrs. McMaines said she knew Ferrie, but added she met him in 1965—two years after the murder conspiracy was supposed to have taken place. She said she was once in love with Russo but denied attending the party.

At New Orleans, Shaw's attorneys turned their client's complete U.S. Army file over to newsmen following a court hearing in which Garrison's office lost its bid to keep the documents secret.

Garrison had subpoenaed the files from the Veterans Administration office at Washington, and Shaw signed a waiver here yesterday, releasing the records to Criminal

District Court.

HOWEVER, Judge Edward A. Haggerty ruled that Garrison's subpoena was drawn improperly and threw it out of court.

Defense Attorney F. Irvin Dymond immediately handed over copies of the papers to newsmen, declaring:

"We don't have anything to hide. In fact, he is very proud of his Army record."

At Baton Rouge, meanwhile, Gov. John J. McKeithen's staff was working to correct defects in extradition papers seeking the return of another fugitive witness, Gordon Novel, from Columbus, Ohio.

Novel, wanted by Garrison as a material witness, has been charged with conspiracy to burglarize a munitions bunker at Houma in 1961. His extradition papers were returned by Ohio Gov. James A. Rhodes because of what were described as technical deficiencies.