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Shaw Trial NL 350

By DON MCKEE

Associated Press Writer

NEW ORLEANS AP - Defense lawyers said Friday one of their most important witnesses is hiding in Iowa, afraid to return to New Orleans to testify for Clay Shaw in his trial on a charge of conspiring to murder President John F. Kennedy.

The witness, Mrs. Harold McMaines of Des Moines, in sworn testimony last year flatly contradicted a key prosecution witness.

In Des Moines, Mrs. McMaines' attorney said she is hiding, afraid to return for the trial. No reason was given for her fear.

A subpoena for her was obtained last Wednesday by the defense. The past four days of the proceedings have been taken up in selecting eight members of the jury. Testimony may begin next week.

"If she doesn't choose to come, I know of no way we can obtain her presence," said defense attorney Edward Wegmann. "Her presence is of considerable importance to the defense."

In a deposition taken by the defense last year for a futile hearing aimed at blocking the trial, Mrs. McMaines contradicted earlier testimony of Perry Raymond Russo.

Russo, now a book salesman here, said after his memory was refreshed by hypnosis that he heard Shaw and two other men plotting to the president in September 1963.

Russo said he took Mrs. McMaines, then Sandra Moffett, to the party. In her deposition, Mrs. McMaines denied going to the party with him.

Wegmann said Des Moines attorney Lex Hawkins, representing Mrs. McMaines, said she would return to New Orleans

"if there is some way she could be protected."

Trial Judge Edward A. Haggerty Jr., meanwhile, ruled that the prosecution has the burden of proving an assassination plot was hatched in New Orleans, but does not have to show it led to Kennedy's murder.

"We're not trying the death of President Kennedy," he said.

Two jurors were selected Friday for the trial of the 55-year-old Shaw, who for years was managing director of the International Trade Mart here. Court recessed shortly after 3 p.m. and was set to resume at 9 a.m. Saturday.

The Warren Commission in its official findings said there was no credible evidence of a conspiracy and that Lee Harvey Oswald, acting alone, shot and killed Kennedy on Nov. 22, 1963, in Dallas. Oswald was killed by Jack Ruby, a Dallas nightclub operator, who died in jail of cancer.

Dist. Atty. Jim Garrison, who arrested Shaw in 1967, claims an assassination plot was brewed by Shaw, Oswald and David William Ferrie. Ferrie died soon after Garrison's disclosure of his charges.

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