

URGENT
SHAW 3RD NL
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, THE ASSOCIATED PRESS LEARNED.

IN DES MOINES, MRS. MCMAINES' ATTORNEY DISCLOSED FRIDAY THAT SHE WENT INTO HIDING, AFRAID TO RETURN FOR THE TRIAL. NO REASON WAS GIVEN FOR HER FEAR.

A SUBPOENA FOR HER TO APPEAR AT THE SHAW TRIAL WAS OBTAINED

HAVE BEEN TAKEN UP IN JURY SELECTION. EIGHT HAVE BEEN CHOSEN. 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 SWORN DEPOSITION TAKEN BY THE DEFENSE LAST YEAR IN DES MOINES AND FILED AS AN EXHIBIT IN A FUTILE FEDERAL COURT 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 HYPNOTISM--THAT HE ATTENDED A PARTY IN NEW ORLEANS IN SEPTEMBER 1963 AND HEARD SHAW AND TWO OTHER MEN PLOTTING TO KILL THE PRESIDENT.

RUSSO SAID HE TOOK MRS. MCMAINES, THEN SANDRA HOFFETT, TO THE PARTY. IN HER DEPOSITION, MRS. MCMAINES DENIED GOING TO THE PARTY WITH RUSSO.

AN EXCHANGE FROM THE DEPOSITION:

Q. AM I TO UNDERSTAND THAT IT IS IMPOSSIBLE FOR YOU TO HAVE BEEN WITH HIM AT THAT PARTY?

A. I WASN'T THERE. THAT'S RIGHT.

WEGMANN SAID DES MOINES ATTORNEY LEX HAWKINS, REPRESENTING MRS. MCMAINES, SAID SHE WOULD REFUSE

IF THERE IS SOME WAY SHE COULD BE PROTECTED. NEITHER LAWYER INDICATED WHAT SHE WANTED PROTECTION FROM.

TRIAL JUDGE ETC., 5TH GRAF 2ND NL
6656PCS JAN 24

WEDNESDAY

CV-NU

URGENT

SHAW TRIAL 2ND NL

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NEW ORLEANS (AP)-DEFENSE ATTORNEYS SAID FRIDAY A FEARFUL WITNESS, WHO HAS GONE INTO HIDING IN IOWA, HAS KNOWLEDGE OF "CONSIDERABLE IMPORTANCE" IN THE DEFENSE OF CLAY L. SHAW, CHARGED WITH CONSPIRING TO ASSASSINATE PRESIDENT KENNEDY IN 1963.

THE WITNESS, MRS. HAROLD MCMAINES OF DES MOINES, LIVED IN NEW ORLEANS FIVE YEARS AGO. HER ATTORNEY DISCLOSED FRIDAY SHE WENT INTO HIDING, AFRAID TO RETURN FOR THE TRIAL.

A SUBPOENA FOR HER WAS OBTAINED BY THE SHAW DEFENSE WEDNESDAY DURING SELECTION OF A TRIAL JURY. EIGHT JURORS HAVE BEEN CHOSEN IN FOUR DAYS. TESTIMONY APPARENTLY WILL 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 FOLLOWING DISCLOSURE OF THE WITNESS'S GOING INTO HIDING.

"HER PRESENCE IS OF CONSIDERABLE IMPORTANCE TO THE DEFENSE," WEGMANN SAID. HE SAID DEFENSE ATTORNEYS HAVE MADE TWO TRIPS TO IOWA TRYING TO PERSUADE MRS. MCMAINES TO RETURN TO NEW ORLEANS.

WEGMANN SAID DES MOINES ATTORNEY LEX HAWKINS, REPRESENTING THE WITNESS, INDICATED "IF THERE IS SOME WAY SHE COULD BE PROTECTED, SHE WOULD BE ALLOWED TO COME."

NEITHER WEGMANN NOR HAWKINS WOULD INDICATE WHAT MRS. MCMAINES FEARED. HAWKINS SAID, HOWEVER, THAT MRS. MCMAINES HAS SAID HER TESTIMONY WOULD SHRED TO PIECES THAT OF STAR PROSECUTION WITNESS PERRY RAYMOND RUSSO, WHO HAS TESTIFIED HE HEARD SHAW AND TWO OTHER MEN PLOTTING TO KILL KENNEDY FIVE YEARS AGO.

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.

ONE PROSPECTIVE ETC., 7TH GRAF NL
RM/6522PCS JAN 24