

Andrews Seeks To Lift Quiz Lid

5/11/67

Dean Andrews, Jr. filed three motions today in Criminal District Court aimed at prying open the lid of secrecy clamped on the Orleans Parish grand jury's investigation into the assassination of President John F. Kennedy.

Andrews, indicted by the jury for perjury, filed a motion for over, a motion to inspect his testimony before the jury, and a motion for an order permitting the disclosure of grand jury testimony.

Each of the motions is a different legal maneuver designed to make public Andrews' complete testimony before the jury on March 16.

A SUSPENDED Jefferson Parish assistant district attorney, Andrews was indicted two weeks ago in an unprecedented 11-foot-long charge after an earlier indictment was dismissed by the district attorney's office.

In his motions today, Andrews argued that he is unable "to properly prepare his defenses or to assist his counsel."

Andrews told the Warren Commission in its investigation of the Kennedy death that he received a telephone call from a "Clay Bertrand" shortly after the assassination asking him to defend Lee Harvey

Oswald, whom the commission says killed the President.

GARRISON HAS identified Bertrand and Clay L. Shaw, retired managing director of International Trade Mart, as the same man.

Shaw has been accused by

Garrison of conspiring with Oswald and the late David W. Ferrie to kill Kennedy. Shaw has denied the charge and also that he used the name of Clay Bertrand as an alias.

The indictment against Andrews charges he did not tell the truth when questioned about whether Clay Bertrand was actually Clay Shaw.

IN ANOTHER development today, the district attorney's office filed exceptions to a petition by Shaw's attorneys to make magazine writer James Phelan a material witness in the case against Shaw.

Phelan is author of an article which appeared in the Saturday Evening Post that suggested that Perry Russo, the man who testified he heard Shaw, Ferrie and Oswald plot to kill Kennedy, may have been under a post-hypnotic suggestion when he was questioned.

Assistant Dist. Attys. James Alcock, Andrew Sciambra and Richard Burnes filed a written answer to the defense's petition before Judge Frank Shea. Judge Shea ordered a 10:30 a. m. hearing Wednesday on the matter.

THE STATE argued that there is no provision under Louisiana law to take testimony of a witness in advance of a trial except in a preliminary hearing, which has already been held, or in the case of a witness who is imprisoned.

The assistant district attorney contended that the only way testimony can be taken in advance of the trial is before the grand jury.

They noted that Phelan has

said he is willing to testify and the "state is equally interested in obtaining his sworn statement."

LATER THIS morning, Sciambra issued a statement asking Phelan to testify with him.

In his article, Phelan said that the first time Russo talked with Sciambra, no mention was made of the alleged meeting which Russo attended in which he overheard the plot.

Sciambra has called the article untrue.

In his statement, Sciambra

said that in law the only way at the present time for Phelan to testify under oath "would be a joint appearance by Mr. Phelan and myself before the Orleans Parish Grand Jury."

SCIAMBRA SAID Phelan has stated over radio and television broadcasts his willingness to testify in New Orleans and added that "if Mr. Phelan is sincere in his request, at this time I would like to extend an invitation to him to appear with me voluntarily before the grand jury where we can both tell our stories under oath and subject to cross-examination and the laws of perjury of the state of Louisiana.

"This would give an impartial body of 12 men an opportunity to decide once and for all what is fact and what is fiction," he said.

Sciambra said that the district attorney's office will pay for Phelan's transportation and lodging in New Orleans and added that "I stand by every statement I have ever made concerning Mr. Phelan and his article." **END**

Asks No Tie-in to JFK Plot

Gov. James Rhodes of Ohio has asked assurances that the extradition of Gordon Novel from Ohio on a burglary conspiracy charge not include plans for questioning the wanted man in the Kennedy assassination probe.

The Ohio governor's request drew an immediate reaction from Garrison who called it "one of the most incredible things I've ever seen."

"I have never heard of anything like this before," the New Orleans DA declared. "The obstacles they have put in front of us are amazing."

The request for assurances on this point were in addition to an earlier letter from Rhodes to Gov. John J. McKeithen, rejecting the extradition on the grounds of insufficient material.

At Garrison's office here, meanwhile, a newly subpoenaed witness who works at the same coffee company which employed accused assassin Lee Harvey Oswald in the summer of 1963 brushed aside reporters' questions and was closeted with Asst. Dist. Atty. James Alcock.

THE SUBPENAED WITNESS, Julius J. Oswald of 8908 Wingate, arrived at the DA's office shortly before his scheduled 11 a. m. appearance. He was wearing a grey suit and appeared to be in his early 40s.

Oswald refused again today to answer newsmen's questions. Asked if he were "Mr. Oswald," he replied: "I wouldn't know him if I saw him."

Oswald asked a receptionist to permit him to sit behind a railing which fences an inner reception area from the main DA's waiting room.

Asked if he were Julius Oswald, he replied, "I'm here on business," and waited silently until he was ushered into Alcock's office.

Oswald remained in Alcock's office about 45 minutes and left by way of a back elevator shortly before noon, avoiding waiting reporters.

NOVEL'S EXTRADITION

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—States-Item Photo.

JULIUS J. OSWALD

papers were returned to the state and forwarded to New Orleans Dist. Atty. Jim Garrison, who has been seeking to get the fugitive witness returned to the state in connection with his extensive investigation of President Kennedy's slaying.

John M. McElroy, assistant to the governor of Ohio, said in a letter to McKeithen dated April 24, three days after the first letter returning the extradition papers, that he had been in touch with the district attorney's office by phone.

"Persistent press reports in Ohio papers state that Dist. Atty. Garrison is seeking the extradition of Gordon Novel in order to have him available for questioning or as a witness in the grand jury investigation of events leading to the assassination of the late President Kennedy," McElroy wrote.

"It would be helpful if your letter of transmittal of your requisition could contain a statement expressly disclaiming the foregoing as the purpose of the extradition.

"If Dist. Atty. Garrison is seeking testimony from Gor-

don Novel, he could avail himself of Ohio's uniform out-of-state witness act, which has also been adopted by Louisiana."

M'ELROY SAID he had been in touch with Garrison's assistant, Alcock, and advised him that Gov. Rhodes wanted the additional assurances on the questioning of Novel.

Alcock confirmed today that the DA's office has received a copy of the letter from Gov. Rhodes. He said no decision has been made on what will be done in reply to the Ohio governor's request.

William Redmann, chief counsel to Gov. McKeithen, said that the Louisiana chief executive has been in touch by telephone with Gov. Rhodes about the extradition matter, but that apparently no issues had been resolved.

He said all papers and letters are being sent to Garrison for disposition.

Thus far, neither the governor's office nor the attorney general's office has received anything other than the original extradition papers which were returned. Garrison's office has not refiled with the state for extradition of Novel.

THE DISTRICT attorney's office in Terrebonne Parish, where Novel is accused of burglary (rather than conspiracy as in New Orleans), has not submitted extradition papers to the state.

Procedure for extraditing persons from another state includes approval of the form by the attorney general's office, preparation of the documents by the secretary of state, and signing of the documents by the governor or acting governor.

Redmann said that if Garrison wants to question Novel about the Kennedy probe, it may not be sufficient to rely on the out-of-state witnesses act to bring him back to Louisiana where he would enjoy certain immunities.

In addition to the questioning phase, McElroy also informed the governor's office that Novel is now officially under bail from the municipal court of Columbus.

He indicated that jurisdiction over Novel has passed from the chief of police of Gahanna, Ohio, where he was arrested, to the chief of police of Columbus.

JULIUS OSWALD was one of two men named Oswald subpoenaed yesterday as Garrison's Kennedy death plot investigation continued.

Last night, Julius Oswald refused to tell reporters whether he had known Lee

Harvey Oswald when the accused assassin worked at Standard Coffee Co. here shortly before Kennedy's murder.

The other subpoenaed witness, William S. Oswald, 2704 Wytchwood, Metairie, said he believes his entrance into the inquiry may have resulted from a case of mistaken identity.

Questioned yesterday, William Oswald told reporters outside the district attorney's office that Lee Harvey Oswald used his name and address as a reference with Standard Coffee when he applied for a job there in early 1963.

HE SAID HE believes Lee Harvey Oswald really meant to use the name of the witness' uncle, another William Oswald, who lives at 136 Elmeor pl., Metairie.

The uncle, reached by telephone, said Lee Oswald visited him in the summer of 1963. He declined to answer further questions.

Although the subpoenaed William Oswald said he was questioned by the Secret Service after Kennedy's assassination, the Warren Commission report does not list him as a witness. Nor does it include his uncle or Julius Oswald. *END*

DA 'Plot' Probe Unfair, Claims Ruby Attorney

The defense attorney who represented Jack Ruby has predicted that Dist. Atty. Jim Garrison's Kennedy death plot investigation will result in convictions "on peripheral charges."

"I don't think it's right," Melvin Belli of San Francisco, added. "It is unfair. I believe the Warren Commission was right."

Belli made his comments yesterday at San Antonio, Tex., where he spoke to a Law Day dinner of the San Antonio Trial Lawyers Association.

HE WAS THE chief attorney for Ruby when the Dallas night club owner was convicted of slaying Lee Harvey Oswald, who was named by the Warren Commission as President John F. Kennedy's lone assassin.

Garrison charges Oswald conspired with the late David W. Ferrie and 54-year-old retired New Orleans businessman Charles L. Shaw to murder Kennedy in Dallas in 1963.

Ferrie, a onetime airline pilot, died Feb. 22—five days after Garrison's investigation became public. The coroner said he died of natural causes. Shaw is free on \$10,000 bond here awaiting trial.

MEANWHILE, a hearing is scheduled at Columbus, Ohio,

tomorrow on a fugitive warrant issued by Garrison against a witness wanted in the investigation.

Gordon Novel, a 29-year-old former New Orleans bar owner, is scheduled to go to court there to show why he shouldn't be returned to New Orleans. Garrison has charged Novel and former New Orleans anti-Castro leader Sergio Arcacha Smith with conspiracy to burglarize an explosives dump at Houma in 1961.

Yesterday, another Garrison probe witness, Dean A. Andrews Jr., asked Criminal District Court to lift the lid of secrecy on Grand Jury inquiries into the case.

ANDREWS, A suspended Jef-

erson Parish DA's assistant, has been indicted for perjury in connection with the investigation.

In a motion filed with Judge Frank G. Shea, Andrews asked for all testimony taken in his appearance before the jury, plus the right to inspect all grand jury testimony in the case.

Andrews contended the defense needs the testimony in order to prepare his case. He told the Warren Commission a mysterious man named Clay Bertrand asked him to represent Oswald after Kennedy's slaying. Garrison has said Bertrand and Shaw are the same man. Andrews told grand jurors he could not connect the two. **END**