

NOVEL WILL BE RETURNED--OHIO

N.O. 5-5/10/67
No Restrictions Wanted,
Says McElroy

The Ohio governor's office gave assurances Tuesday that assassination investigation witness Gordon Novel will be returned as soon as proper extradition papers are received from Louisiana.

John McElroy, assistant to Gov. James A. Rhodes, said his office is not attempting to keep Novel from testifying in District Attorney Jim Garrison's investigation into the assassination of President John F. Kennedy.

The assurance was made in spite of a recent letter from McElroy requesting that a written statement disclaiming that Novel was sought for investigation testimony accompany his extradition papers.

"If your governor will get the papers in order, Gov. Rhodes will return him," McElroy declared Tuesday, adding, "Why don't we get this show on the road and quit talking about it?"

SURPRISE VOICED

Assistant district attorney James L. Alcock expressed surprise at the latest McElroy statement and pointed to the previous disclaimer request.

Alcock said papers for Novel and former New Orleans anti-Castro leader Sergio Arcacha Smith were being perfected, and that he hoped to mail them to Gov. McKeithen Tuesday.

Alcock said the Novel extradition papers will be "legally proper within the framework of extradition proceedings," and will not bear the requested disclaimer.

Arcacha Smith and Novel extradition proceedings spring from charges of conspiracy to commit simple burglary of a munitions bunker near Houma.

McElroy denied that his office had been pressured into slowing or halting Novel's extradition when asked of the possibility. "That's a ridiculous question," he said.

"Perhaps you should read the letter," McElroy told a reporter. Informed that a reporter had read it, McElroy asserted: "He'd better read it again. He misinterpreted it."

BOTH OUT ON BOND

Both sought men are free on the burglary conspiracy charge, Novel on a \$10,000 bond in Columbus, Ohio, and Arcacha Smith on a \$1,500 bond in Dallas, Tex.

Technical deficiencies were sighted by each state as reasons for returning extradition papers previously sent.

Meanwhile, one of Arcacha Smith's former close associates is scheduled to appear before the grand jury Wednesday.

The subpoenaed man, Carlos Quiroga, 30, 3134 Derby pl., said Tuesday that he is "convinced that Oswald was a Communist, and added that he has "proofs" to this effect.

His subpoena was served Monday, the day after Garrison charged the Central Intelligence Agency and the Federal Bureau of Investigation with collaborating in concealing the facts of the assassination from the Warren Commission.

Left out of the material presented to the commission, Garrison said, was significant evidence of Lee Harvey Oswald's associations with anti-Castro elements in New Orleans.

Sources in New Orleans said Monday that Quiroga was involved with an anti-Castro organization which Arcacha headed.

END

Garrison Charges C.I.A. and F.B.I. Conceal Evidence on Oswald

By MARTIN WALDRON

Special to The New York Times

NEW ORLEANS, May 9 — District Attorney Jim Garrison has begun an investigation of the Federal Bureau of Investigation and the Central Intelligence Agency, charging that both agencies are trying to withhold evidence about the assassination of President Kennedy.

Apparently untrifled by an accusation by Newsweek magazine that the only "plot" in the assassination was one Mr. Garrison had created in his own mind, the tall, flamboyant district attorney subpoenaed two Federal agents to appear before a New Orleans grand jury to-morrow.

Mr. Garrison refused to comment directly on the Newsweek assertion that one of his investigators had offered money to a friend of David W. Ferrie, a former airline pilot, to testify that he had overheard the formation of a plot to kill President Kennedy.

The district attorney set a regular meeting of the New Orleans grand jury to hear Regis Kennedy, an F.B.I. agent, and Warren DeBruyn, a "Government agent," to appear for questioning.

Questioned Ferrie

During the Warren Commission's investigation of the assassination, Regis Kennedy questioned the late Mr. Ferrie, who Mr. Garrison had described as "the central figure" in a conspiracy to murder the President.

In a not-for-attribution interview with two reporters of The New Orleans States-Item last Thursday, the district attorney said that he had information indicating that Oswald was an agent of the C.I.A., engaged in a secret operation with anti-Castro Cubans, and that the F.B.I. knew it. Yesterday, Mr. Garrison said that The States-Item article was "essentially correct."

According to The States-Item, Mr. Garrison said that in the summer of 1963 Lee Harvey Os-

wald, the man accused by the Warren Commission of being the sole assassin, was "shepherded everywhere he went in New Orleans by an individual known to have been in the employ of the Central Intelligence Agency."

That C.I.A. man, a source close to Mr. Garrison said, is now dead.

The Newsweek accusation appears in the current issue in an article by Hugh Aynsworth, a former Dallas newspaper reporter who joined the magazine staff about four months ago.

Visit to Beaubouef

The article said that last March, in an attempt to "shore up" a conspiracy charge against Clay L. Shaw, New Orleans businessman, two investigators from Mr. Garrison's office went to visit Alvin Beaubouef, a 21-year-old service station operator who was once in business with Mr. Ferrie.

Mr. Shaw has been indicted by a New Orleans grand jury and charged with being a co-conspirator in a plot to murder President Kennedy.

Newsweek said that Mr. Beaubouef had refused to make any commitment to Mr. Garrison's investigators without talking to his lawyer. The next day, Lynn Loisel, one of the investigators, came to the lawyer's office.

"What had Loisel told Beaubouef the night before, the attorney asked?" Newsweek said.

"I told him we had liberal expense money," Loisel replied. "And I said the boss is in a position to put him in a job, also that he would make a hero out of him, instead of a villain, you understand. . . . I mean we can change the story around, you know, to positively beyond a shadow of a doubt. . . . you know, eliminate him, you know, into any kind of a conspiracy or what have you."

"The attorney wanted to know more about the offer of money," Newsweek went on. "Loisel answered: I would ven-

ture to say. . . . well, I'm, you know. . . . fairly certain we could put \$3,000 on him." Loisel then "laid out the 'conspiracy plot' to which Beaubouef presumably would testify."

'Discussed Escape Route'

"He discussed 'crossfire' and escape routes," the magazine said. "As Loisel 'recalled' it, Ferrie and Shaw had been arguing in the apartment — or maybe it had been Oswald and Shaw—the investigator couldn't quite recall for sure. Loisel added: Clay Shaw wanted some of his methods used, or his thoughts, you know, used. But anyway, that's what we have in mind—along that line."

"Was Al at the meeting?" the attorney asked. Loisel said: "No, Al wasn't at the meeting." But Loisel suggested that Dave Ferrie had told Beaubouef all about it.

To explain why he had not come forward previously, the investigator suggested that Mr. Beaubouef say that he had been "scared," Newsweek said.

The magazine said that when Mr. Garrison's "men" learned that the meeting in the attorney's office had been recorded on tape, "Loisel and a colleague returned to threaten Beaubouef. He was told if he got in the way he would be shot. Then they hauled him down to the courthouse and made him sign a statement that said, in effect, that he didn't consider the offer of \$3,000 and a job as a bribe."

Mr. Beaubouef would not comment on the Newsweek report.

He once ran a service station with Mr. Ferrie and was reported by agents of the F.B.I. and the Secret Service to have gone to Texas with Mr. Ferrie on the night that President Kennedy was shot.

Affidavit Released

Mr. Loisel could not be reached for comment. Mr. Garrison said: "This is not my problem. It's Newsweek's. They're the ones who will have to climb back off the limb."

However, Mr. Garrison made available to the press a copy of an affidavit signed by Mr. Beaubouef before a notary public and dated April 12, 1967. Mr. Beaubouef said in the affidavit, made almost a month after the visit from Mr. Loisel, that "no representative of the Orleans Parish district attorney's office has ever asked me to do anything but to tell the truth."

He said that Mr. Loisel mentioned money after "I told him that I could not afford to continue to take the time to tell the district attorney's office what I knew about the case until I found a job and solved my financial problems."

Mr. Loisel replied that if Mr. Beaubouef's evidence led to the capture of the men who killed President Kennedy he felt "I would not have to worry about either a job or money. He said, however, that it had to be the truth because the district attorney's office would require me to take a lie detector test and other tests because they were not interested in building their case on any statements about which there was any question."

Mr. Beaubouef said he met with Mr. Loisel the next day in the office of his lawyer, and that the lawyer taped the conversation.

Asks About Job Offer

The lawyer asked Mr. Loisel, "Is it true that you offered my client a job or some money to tell you the truth about the assassination?" the affidavit said.

Mr. Loisel replied that this was correct but that his office was interested only in getting the truth and that anything less than the truth would be useless, the affidavit said.

Mr. Beaubouef quoted the investigator as saying: "We want to know what part Dave Ferrie played in the assassination of the President. We know a lot of his involvement already, but we feel that Alvin Beaubouef knows some missing links that will help us get all of the men involved in the assassination."

After the investigator had left the lawyer's office, the lawyer said "that he thought that he would sell this tape and make some money," the affidavit said. "I did not want to go along with this at first but then I decided to because I needed some money to get on my feet."

Mr. Beaubouef said in the affidavit that he "later learned" that the lawyer had "called at least one magazine and offered to sell this tape for a sum of money." He said that as of that date—April 12—he had not received any money, if the lawyer had succeeded in selling the tape.

Hears Recording

Mr. Beaubouef said that some days later he and his lawyer went to the district attorney of Jefferson Parish, the county next to Orleans Parish, and played the tape recording for Frank Langridge, the district attorney there.

"After listening to the tape, Mr. Langridge indicated that he could not file a charge against anyone based on that conversation," the affidavit said.

Since the tape recording was made, Mr. Beaubouef has retained a different lawyer.

Mr. Langridge said in a telephone interview that he had listened to a tape recording brought to him about three weeks ago by Mr. Beaubouef's first attorney. However, Mr. Langridge would not comment on the contents of the recording.

Reaction of C.I.A.

Special to The New York Times
WASHINGTON, May 9 — A spokesman for the Central Intelligence Agency said today that any subpoena would be referred to the Justice Department. The Justice Department refused to comment.

The C.I.A. spokesman said that in the Warren report John A. McCone, then C.I.A. director, stated that the agency had never been associated directly or indirectly with Oswald.

Article Stirs New Row in Assassination Probe

Newsweek Writer Alleges DA Investigator Offered Witness Bribe to Substantiate Plot

Exclusive to The Times from a Staff Writer

NEW ORLEANS — An article in Newsweek magazine stirred a new furor Tuesday over Dist. Atty. Jim Garrison's already controversial investigation into the assassination of President John F. Kennedy.

The Newsweek writer, Hugh Aynesworth, claimed to have evidence that a Garrison investigator "offered an unwilling 'witness' \$3,000 and a job with an airline — if he would 'fill in the facts' of an alleged meeting to plot the death of the President."

When Garrison's men learned the alleged bribery attempt had been tape recorded, Aynesworth said, they threatened the witness, 21-year-old Alvin R. Beaubouef, with physical harm.

Prompt Counterattack

Garrison wasted no time Tuesday in counter-attacking. He released an affidavit in which Beaubouef denied an investigator for Garrison had offered him money or a job to tell a story to substantiate the alleged conspiracy plot.

It quoted Beaubouef as saying: "The rumor has been going around that Lynn Loisel (a Garrison investigator) . . . supposedly offered me money to produce some sort of false statement.

"I want to state again that no representative of the . . . district attorney's office has ever asked me to do anything but tell the truth. Any inference or statement by anyone to the contrary has no basis in fact."

Aynesworth, a member

of Newsweek's Dallas bureau, told The Times the affidavit is the same statement he referred to in his article as having been made by Beaubouef under duress. The affidavit is several weeks old, Aynesworth said.

Aynesworth wrote that the alleged attempt to bribe Beaubouef was made shortly before a pretrial hearing for New Orleans civic leader Clay L. Shaw began March 4.

Shaw is under indictment on charges of conspiring with Lee Harvey Oswald and the late David W. Ferrie, a homosexual former pilot, to assassinate Mr. Kennedy. The Warren Commission found that Oswald was the lone assassin.

Beaubouef was acquainted with Ferrie. In fact, he was one of two young men who drove with him to Houston in a driving rain Nov. 22, 1963—the day of the assassination—an occurrence which led to rumors — discounted by the Warren Commission — that Ferrie was Oswald's getaway pilot.

Scuffed at Probe

Ferrie, described by Garrison as "one of history's most important men," died Feb. 22 of a cerebral hemorrhage after scoffing at the district attorney's investigation as a farce. He previously was questioned and cleared by the FBI.

A week after Ferrie's death, Aynesworth said, "Garrison ruefully admitted to me in his home, 'Yeah, we helped kill the son of a bitch.'"

Beaubouef was approached by two Garrison

investigators to help them "substantiate the alleged plot," Aynesworth said. Beaubouef replied, the writer said, that he wouldn't agree to anything without his attorney present, and a meeting was arranged for the next day.

Hugh Exnicios, the attorney, arranged for the taping with Beaubouef's knowledge, Aynesworth said.

"Then," wrote Aynesworth, "Loisel laid out the 'conspiracy plot to which Beaubouef presumably would testify.' He discussed 'crossfire' and escape routes. As Loisel 'recalled it,' Ferrie and Shaw had been arguing . . . or maybe it had been Oswald and Shaw . . ."

This parallels testimony offered by Garrison's star witness, Perry Raymond Russo, in Shaw's pretrial hearing. Russo claimed he overheard Oswald, Shaw and Ferrie plotting the assassination in Ferrie's apartment in September, 1963.

Describes Threat

But, according to Aynesworth, the false testimony Beaubouef was asked to offer would consist of second-hand information about that meeting—admissions he would claim Ferrie relayed to him.

"Beaubouef," wrote Aynesworth, "told Loisel that he really knew nothing about any plot concerning Ferrie or the assassination."

The writer continued:

"When the D.A.'s men learned that the meeting

in the attorney's office had been recorded on tape, Loisel and a colleague returned to threaten

Beaubouef. He was told if he got in the way he would be shot.

"Then they hauled him down to the courthouse and made him sign a statement that said, in effect, that he didn't consider the offer of \$3,000 and a job as a bribe."

In his Newsweek story, Aynesworth wrote:

"They (Garrison's investigators) told him bluntly that they had enough on him to ruin him. Today, with a wife, an 11-month-old son and a job, Beaubouef is as worried about

the existence of some pictures the D.A. holds over his head as he is about physical harm."

Besides releasing the Beaubouef affidavit, Garrison also suggested that the Louisiana Bar Assn. investigate Beaubouef's lawyer, Exnicios. "It would seem," Garrison said, "that if he sincerely believed there was some form of bribery going on he would either notify your committee (the bar's grievance and ethics committee) or call it to the attention of the grand jury."

Garrison issued no direct comment on the Newsweek story, other than to say he thought the Beaubouef affidavit was self-explanatory.

Aynesworth ended his Newsweek article on this note:

"The real question in New Orleans is no longer whether Garrison has 'solved' the assassination. The question is how long the people of the city and the nation's press will allow this travesty of justice to continue."