

Reporter Off Subpena List Until Nov. 9

The Orleans Parish district attorney's office agreed today not to subpoena David L. Chandler, a Life Magazine reporter, to appear before the Orleans Parish Grand Jury until Nov. 9.

The agreement was made after a conference with Chandler's attorneys and United States District Judge James A. Comiskey.

Dist. Atty. Jim Garrison has been trying to force Chandler to the grand jury in connection with a series of articles published in Life which contends that organized crime flourishes in Louisiana.

CHANDLER, who has fought the subpoena in state and federal courts, says Garrison wants him to testify before the jury in order to charge him with perjury.

Garrison and first assistant D.A. Charles M. Ward have called the Life articles "lies."

Judge Comiskey said the purpose of the delay is to allow both sides to file briefs in an effort to determine whether a three-judge court should be convened to hear Chandler's charges that Garrison is trying to entrap him.

LAST WEEK Judge Comiskey denied Chandler's request for an order restraining Garrison from subpoenaing him. However, the reporter's attorney, C. C. Sessions took the case to U.S. Fifth Circuit Court of Appeals Monday.

Chandler had been subpoenaed to appear before the grand jury tomorrow.

No Arrests Before Shaw Trial Due-DA

District Attorney Jim Garrison says there will be no more arrests in his Kennedy assassination probe until after the conclusion of the Clay L. Shaw conspiracy trial.

Shaw, who was arrested March 1 and charged with participating in a conspiracy to assassinate the late President, is scheduled to come to trial in February.

Garrison made the statement yesterday following a session of the Orleans Parish Grand Jury.

Testifying before the jury yesterday was a man who describes himself as an early foe of Cuban Prime Minister Fidel Castro. William Dalzell would say only that he was called in connection with the background of the Kennedy assassination.

The jury, which earlier heard witnesses in its probe of organized crime in the city, recessed after hearing Dalzell.

Theater: 'The Trial of Lee Harvey Oswald' Arrives

Taste of Sensationalism in Dramatic Method

The Cast

THE TRIAL OF LEE HARVEY OSWALD, play by Amram Ducovny and Leon Friedman, based on an idea by Harold Steinberg and Amram Ducovny. Staged by Tunc Yalman; lighting by Jules Fisher; set design by Robin Wagner; costumes by Thoeni V. Aldredge; art director, Lewis Zacks; brutality by Joseph Raposo; production stage manager, Del Hughes. Presented by Gene Persson; associate producer, Jay Fuchs. At the ANTA Theatre, 245 West 52d Street.

Lee Harvey Oswald . . . Peter Masterson
Judge Hammond Morton . . . Dan Pries
Lawrence Phelps . . . Clifton James
Henry Rogers . . . Ralph Waite
Witnesses . . . John Garsford, Glen Kezer,
Douglas Stark, Barton Stone, Garrett
Saunders, Charles Randall, William
Leach, Anne Shropshire, Louise Stubbs.

By CLIVE BARNES

THE question of who killed President Kennedy is not one that properly speaking concerns this column. If evidence were produced to demonstrate that Brutus was perfectly innocent of any part in the assassination of Julius Caesar it would not affect anyone's estimation of Shakespeare's play.

This was the initial thought—or at least the initial premise—that I brought to "The Trial of Lee Harvey Oswald," which opened at the ANTA Theater last night. Was it a good play, whatever facts it produced or disputed? That, I felt, was surely the question to be answered. (I must warn you that one of the problems of seeing any trial play for a critic is that when he comes back he instinctively starts writing as if he were preparing a harangue for a jury.)

Yet then I asked myself why the play had been produced? There could be three answers. One is that the people producing it thought they had a good controversial subject that might prove a box-office bonanza; another is that they seriously believed that the question of Oswald's guilt or innocence had been insufficiently established. Finally, their motives might be a mixture of both of these.

Is this play, in a phrase, meant to be sensationalism or propaganda? Certainly there is a flavor of sensationalism in the dramatic method, which embeds one enormous lie in a seeming tissue of truth. The lie has nothing to do with President Kennedy or his assassin; the lie concerns Lee Harvey Oswald and Jack Ruby, for the play postulates that Ruby failed to kill Oswald and we are watching Oswald's subse-



Peter Masterson

quent trial.

This is either a fairly adroit piece of stagecraft on the part of the playwrights, Amram Ducovny and Leon Friedman, in the second place, or on the part of Harold Steinberg and Mr. Ducovny, who are attributed with the responsibility for dreaming up the idea of the play in the first place. So what the play finally consists of is a kind of fictional documentary.

The audience is invited to be jury (a device in itself not exactly original) at Oswald's trial. The evidence for the prosecution and the defense is presented. According to the authors, "All testimony given by prosecution and defense witnesses is based on actual evidence uncovered in the investigation of the assassination."

Now this statement begs an awful lot of questions. "Actual evidence uncovered"—sounds pretty much like the truth, yet this is certainly not so, because much of the evidence is conflicting. Also we must ask, "uncovered by whom?"

I doubt also whether authors, however sincere or gifted, can in the course of a two-hour courtroom drama fairly balance complex and conflicting evidence upon which an audience can justifiably be invited to offer an opinion. This is a parody of a court of law passing itself off as something like a free inquiry. This might be a dangerous procedure.

Finally there is the "evi-

dence" purported to be given by Oswald himself when he is put up on the stand in his own defense. Here he is made to say that he was the victim of a conspiracy, and this assertion is perhaps intended as the emotive climax

of the play. If Oswald had lived, and if he had made such an assertion, then perhaps this would have been investigated. But he didn't live, and he didn't make such an assertion so it couldn't be investigated.

When I started I admit-

ted that who killed the President was not here my concern. But many people feel that either the whole truth is not known or, at the very least, the whole is not seen to be known. It seems to me to be morally reprehensible to use such doubts as the basis for an Agatha Christie-like courtroom drama. The theater is a fine arena for political debate, but not for serious forensic argument, and I think it is wrong to use the discussion surrounding what is one of the great tragedies of the 20th century as an excuse for such a necessarily flimsy play.

Having said that let me suggest that it is also not a very good play. All court dramas have a certain modest fascination (I can never hear those classic cries of "Objection!" "Objection sustained" or "Objection overruled" without wishing I had been to law school) but the well-thumbed to say the least. How many bullets? How many shots? How many assailants? Unless they have led very sheltered lives, most of the audience will find most

Audience Becomes Jury for Fictional Case

of the play extraordinarily familiar.

The play is rewardingly staged, with Robin Wagner's boldly diagrammatic courtroom lending itself to projecting slides and film clips of evidence that prove by far the most effectively dramatic part of the evening.

Tunc Yalman's direction is well-paced, and invests a certain variety into a play that must of necessity be monotonous in its structure, whereby merely one witness after another takes the stand. The acting is also efficient, with Peter Masterson looking appropriately bewildered and mixed-up as Oswald, and Clifton James (for the prosecution) and Ralph Waite (for the defense) arguing their cases in a histrionically traditional but modestly effective style.

If it were a better play I admit I would still consider it a perversion of democratic processes, but as it is, that question scarcely arises.

Theater Petitions Ask Assassination Inquiry

First-nighters for "The Trial of Lee Harvey Oswald" at the ANTA Theater were asked to sign a petition to Congress "to renew the investigation into the assassination of John F. Kennedy" by members of a group called the 1967 Citizens' Committee of Inquiry.

Trent Gough, who described himself as an actor and chairman of the committee, said his organization had been formed six weeks ago and had no connection with the Citizens Committee of Inquiry once headed by Mark Lane, which is no longer operating.

His group, which has about 20 volunteer members, he said, collected 1,000 signatures during the week of previews and at the opening. The group has "no single assassination theory," he added, "but we believe an injustice has been done and a new investigation is called for."

Seize Smith In Hoffa Case Bribe

(Special to the States-Item)
LOS ANGELES—D'Alton C. Smith, indicted Sept. 29 by the East Baton Rouge Parish Grand Jury on charges of attempted public bribery, was arrested yesterday a second time on the warrant.

Smith, a New Orleans contractor who was once active in Los Angeles County politics is charged with offering \$25,000 to Aubrey Young, a former aide to Gov. John J. McKeithen, to act as an intermediary in an effort to get Edward G. Partin, a Baton Rouge Teamster Union official, to change testimony he gave during the 1962 jury tampering trial of Teamster President James Hoffa.

SMITH was released last night on a \$27,500 bond after his arrest, and is scheduled for arraignment at 11 a.m. Friday.

Partin, who testified against Hoffa, said he was offered \$1 million to change his testimony.

Smith's first arrest came when he surrendered to police in Denton, Tex., and released on a \$1,500 bond. He was to have surrendered to Los Angeles police with his attorney but turned up in Texas.

LAST week a duplicate warrant for his arrest was received by the Los Angeles County District Attorney's office from the East Baton Rouge sheriff.

Los Angeles police, who had been told by Smith's attorney that he was in Texas, thought the duplicate warrant might be a mistake. However, they checked with Baton Rouge authorities and were told that the original warrant was

valid.

Two detectives arrested Smith as he was removing letters from his mail box in front of his Laurel Canyon home.