

KENNEDY PROBE SUBPENA ISSUED

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Ferrie Died of Natural Causes—Coroner

Using a new legal power for the first time, the district attorney's office late Tuesday afternoon said it had subpoenaed a man for questioning in connection with its probe of a Presidential assassination plot. The subpoena, which was signed by Criminal District Court Judge Bernard J. Bagert, was issued for a man identified as James Lewallen. No further information was given concerning the man.

Meanwhile, Dr. Nicholas J. Chetta, Orleans parish coroner, announced his findings that William David Ferrie had died of natural causes. Ferrie had been prominently mentioned in District Attorney Jim Garrison's probe of President Kennedy's assassination.

Newsmen, who had been waiting in Garrison's office since 3 p.m., were told by an aide shortly before 5 p.m. that Garrison would not make an appearance and that the subpoena had been issued.

MARKS FIRST TIME

Garrison had called the press conference for what he termed a "briefing" of his probe thus far. It was to have been his first public appearance in this regard since Saturday.

Judge Bagert said the subpoena was delivered to the criminal court clerk's office shortly before 4 p.m. The office closes at 4 p.m. and no information could be obtained after the announcement of the subpoena by the Garrison aide.

Later, Judge Bagert told The Times-Picayune that the subpoena issued by him marked the first time in state history that it has been used.

He said it makes appearance before the DA mandatory, and its use was authorized by a change in the Louisiana Criminal Code which was adopted by the Legislature last year. It has been in effect since Jan. 1, Judge Bagert said.

LAW STRENGTHENS

Normally, once the subpoena

reaches the clerk's office is sent to the criminal court's office for processing and serving.

However, because it arrived so late at the clerk's office it could not be learned if officials had time to get it to the sheriff's office.

A spokesman at the sheriff's office said: "I'm sorry but we are unable to give any information pertaining to the district attorney's investigation."

Once in the sheriff's hands, it is assigned to a deputy who serves it, or attempts to serve it.

While the DA could subpoena individuals in the past, said Judge Bagert, the new law makes the subpoena power stronger with appearance mandatory.

PLENTY OF ACTIVITY

Last Saturday, after a week of new developments in the alleged local probe, Garrison said he would have no more public statements for "two or three days." Then it was announced that he would brief newsmen on Tuesday.

It was believed that his briefing might have some relation to the Tuesday morning press conference conducted by Dr. Nicholas Chetta, Orleans Parish coroner.

While there was plenty of activity in Garrison's office

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Tuesday afternoon with assistant DAs and aides scurrying in and out of different offices, the DA, himself, made no appearance.

The aide, who announced the subpoena action, said of Garrison: "He is tied up on this investigation."

'NATURAL DEATH'

Dr. Chetta, meanwhile, stood by a previous tentative opinion by emphatically stating that Ferrie died of natural causes.

"This man died a natural death. There was no evidence that would indicate any violence of any kind, certainly not of murder nor of suicide," the Orleans Parish coroner said at a news conference in his office Tuesday.

Dr. Chetta backed up anatomical findings that Ferrie died of a massive brain hemorrhage with results of further toxicological tests.

A note written on Ferrie's typewriter, with the salutation "Dear Al" and with the name "Dave" typed at the bottom,

was first revealed at the conference.

TERMED DANGEROUS

"When you receive this I will be quite dead, so no answer will be possible," the letter began. It was found on a piano in Ferrie's apartment, Dr. Chetta said.

Ferrie was termed by the coroner as "a very dangerous individual . . . capable of almost anything." "This man was definitely a psychopath and a very intelligent psychopath," Dr. Chetta said.

He also claimed that Ferrie "had a fantasy about concocting a drug" which would not be detectable in the body. However, the coroner said modern laboratories and electronic equipment make this possibility slight.

"I would certainly classify this man as a very dangerous individual who was capable of almost anything," Dr. Chetta said.

Referring to District Attorney Jim Garrison's investigation, he said, "I don't think we should prejudice because the individual, or individuals are psychopaths."

Further toxicological tests were negative for the presence of heavy metals, such as arsenic, and compounds which included alcohol, cyanide, barbiturates, organic acid compounds, organic neutral compounds and organic neutral compounds, Dr. Chetta said.

ITEMS LISTED

Various pills and medications in Ferrie's apartment at the time of his death were found to contain the following, according to Dr. Chetta: terramycin, codeine, demerol, paregoric, an anti-biotic known as prostaphlin, an antihistamine known as benadryl, a thyroid extract known as proloid, a laxative and a prison.

Two empty vials were also found in the apartment, the coroner said.

"At this time . . . I can state to you that our anatomical findings will stand," Dr. Chetta said, and later added "This man died of natural causes."

Objects found in Ferrie's apartment, according to Dr. Chetta, included a camera, a transistor radio, rifle shell casings, shotgun shells, .22-caliber blanks, a radio receiver tuning antenna, a radio transmitter tuning antenna, two sets of earphones, two U.S. Army signal corps field

telephones, one small .22-caliber rifle, one flare pistol, 100-pound practice bomb (without explosives), and one Springfield muzzle loading rifle.

"As you can see this individual was a collector of many items and a saver of many items," Dr. Chetta said.

Again referring to the massive brain hemorrhage, Dr. Chetta said, "This is the cause of death, I repeat."

DETAILS OF NOTE

Details of a previously revealed unsigned note found on a living room table were also released, but Dr. Chetta refused to reveal names of public officials mentioned in the note.

"To leave this life is, for me, a sweet prospect. I find nothing in it that is desirable, and on the other hand everything that is loathsome.

"Daily we are propagandized more and more about a rising crime rate. But how do we know it is true? We don't, for we Americans have little or no access to the truth. Today I went to the police headquarters to see these 'public records' of this rising crime rate and nearly wound in jail for my trouble. I was searched, interrogated, verbally abused, had my record checked, and finally threatened. Needless to say, I did not see the 'public records.'

"Till more irking is to hear a superintendent of police, who rose through the ranks (thus proving that zero times zero equals super zero) stating that the solution to the crime problem was tighter and more stringent laws. A somewhat messianic district attorney concurred. Together these men

proved themselves utterly unfit for office, just as they proved that an electorate cannot be depended on to pick the right man. The problems of crime rest deep in society. The problems exist in the existence of divorce and the absence of regulations.

"No parents would send his child to an amateur for dental work, nor a quack for an appendectomy. Yet what atrocious negligence is permitting other amateurs to raise children. Mere kids are allowed to marry because they have the 'urge.' How stupid can you get? Every expert tells in detail how children must be cared for physically, emotionally and intellectually. Yet society lets girls and boys, not yet capable of love, beget children who, love-

starved, turn to crime for some sort of identification. However, I don't think we will often see a district attorney or a police chief with brains to realize this.

"We pay so much attention to the law. I have not figured out the reason. I have watched judges like . . . at work. The various police and district attorneys and the like get to bend the judge's ear long before the trial. These judges of today deny defendants due process of the law. They permit the state to try the case in chambers, to have district attorneys form their opinions and decisions long before the defense gets a chance. Further, these same judges (and I am afraid it pertains to nearly all of them) then comment, by word, glance, gesture or remark, on the evidence in front of a jury. If the defendant wins, these judges take it as a personal insult.

"When I was a boy my father preached that in the 'American way of life' you are innocent till proven guilty. No greater lie has been told. The man charged before the court has flat got to prove his innocence. Go witness a criminal trial and watch. The state is supposed to prove guilt beyond a reasonable doubt. If you read decisions of the various courts of appeal and the Supreme Court you discover that truth and falsehood, right and wrong have no place in court. All the state needs is 'evidence to support a conviction.' If this is justice, then justice be damned."

NO CONVICTIONS

Ferrie had never been convicted of any crime, but had had several run-ins with the law. He was accused of two morals violations several years ago, but he was found not guilty on one charge and other charges against him were dismissed. He was held for short periods and questioned in the Kennedy slaying investigation, both by local and federal authorities.

No charges were known to be pending against him at the time of his death.

There was no indication how long before his death he wrote the note, or when he made the visit to police headquarters to which he refers.

At various points in reading the note Dr. Chetta said, "there are some names in here of public officials I will not bring out," "again he's bringing in the district attorney's office," and "he mentions some judges

here."

"This man was a man of many arts. He did have some smattering of medicine though he read it out of a book," Dr. Chetta said of Ferrie. Ferrie's belief that he had encephalitis was "a figment of his imagination," Dr. Chetta said.

Ferrie's personal physician reported that he did not have the disease, Dr. Chetta said.

RELEASE TO ATTORNEY

Ferrie's body will be released to local attorney John P. Nelson Jr. "now that we have the proper authority," Chetta said. He displayed a telegram from P. T. Ferrie, Rockford, Ill.

The text of the letter found on the piano follows:

Dear Al,

When you receive this I will be quite dead, so no answer will be possible. I wonder how you are going to justify and rationalize things. Tommy said you treated me as you did because I was the one who always got you in trouble:

The police arrests.

The stripped car charge.

The deal at Kohn school.

Flying Baragona in the beech. ETC.

Well, I guess that helps ease your conscience, even if it is not the truth.

All I can say is that I offered you love and the best I could. All I got in return, in the end, was a kick in the teeth. Hence, I die alone and unloved.

You would not even straighten out Carol about me though this you started when you were going steady.

I wonder what your last days and hours are going to be like. As you sow, so shall you reap.

Goodbye,
Dave

REPORT DENIED

It had been reported that a police officer had picked up Lee Harvey Oswald with Ferrie

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here in late 1962, but the officer later denied the reports.

Several persons, who asked that their identities be withheld, said the officer had told them he had picked up Ferrie and Oswald.

It was learned that the officer was questioned by Garrison's investigators on the incident, in which he found Oswald and another man in a parked car on Breakwater rd.

He brought the pair to his headquarters where they were released when there was no evidence on which to charge them.

After the assassination, the officer said, he recognized Oswald's face and name from pictures. Last week when the Ferrie matter arose he came forward and was questioned by the DA's investigators.