

Mistrial Ruled in Midwest Insurance Fraud Case

BSMARCK, N. D., March 27 (UPI)—A mistrial was declared in a \$3-million insurance fraud prosecution today because of a defendant's story that he was attacked by gunmen because he had vital information about President Kennedy's assassination.

The mistrial ruling applied only to this defendant, **David R. Kroman**. There are four other defendants.

Federal District Court Judge Edward Devitt said in ordering the mistrial: "There is reasonable cause to believe that Kroman may be insane or otherwise so mentally incompetent that he is unable to assist in his own defense."

Judge Devitt revoked Mr. Kroman's \$5,000 recognizance bond and ordered him committed for 45 days to the Federal penitentiary at Springfield, Mo., for mental examination.

Mr. Kroman and other defendants objected to the mistrial ruling, as did the prosecution.

Mr. Kroman said: "In the 1950's, the Government, in order to ruin a man, called him a Communist. Now they call him some kind of nut."

Found Partly Conscious

The 43-year-old lawyer was found partly conscious — a loaded shotgun across his knees — in a rented car on the shoulder of a highway about 30 miles east of Bismarck early today.

He told Judge Devitt that he had been forced off the highway at pistol point by pursuers as he drove here with documents that "tend to prove or in some cases do prove" that persons other than Lee Harvey Oswald killed President Kennedy.

Mr. Kroman said he was convinced the highway incident was connected with his investigation of the assassination and not with his trial in the alleged insurance fraud conspiracy.

Judge Devitt's ruling of a mistrial was resisted by attorneys for Phillip Kitzer Sr. and Cyrus Magnusson, Minnesota Insurance Commissioner, two of the defendants.

The attorney for another, Phillip Kitzer Jr., said he would examine press reports of today's incidents and might ask tomorrow that a mistrial be ordered for all defendants.

Judge Devitt said that if necessary he would interrogate jurors and decide whether a fair trial was still possible. If it is not, he said, other jurors will be chosen.

The chief Federal prosecutor, Patrick J. Foley, said he con-



Associated Press

Mrs. Lilly Mae McMaines of Omaha, the former Sandra Moffett, New Orleans district attorney moved to arrest her as material witness in his investigation of the Kennedy assassination.

sidered Mr. Kroman's story of the attack a ruse.

Judge Devitt said: "Whether he's incompetent or it's a ruse, he's going to go on and it's going to hurt these other defendants."

Mr. Kroman told the court he was followed by two cars early today as he drove toward Bismarck from Minneapolis. He said he had thought he had lost them by halting at Moorhead, Minn., but "they picked me up again" west of Fargo.

As he neared Bismarck, he said, one car drew abreast of his, and an occupant leaned out and pointed a gun at him.

"I would either be shot or I would go off the road," he said. "I went off the road."

Mr. Kroman's testimony before Judge Devitt was on a prosecution motion to revoke his \$5,000 bond "because of this and other incidents." Mr. Kroman, a onetime lawyer for the Minnesota Insurance Department, said the Government move was "an attempt to shut me up."

Mr. Kroman told the court he didn't know the names of the men who pursued him but knew "who they represented." Asked why, in his opinion, they had not killed him, he indicated he

thought they believed they had achieved their end.

"If I am completely ruined as far as my name is concerned, and if I am torn apart physically, then I wouldn't be of any use any more," he said.

In Touch With Garrison

In a hospital room news conference before the court hearing, he told newsmen that "the assassination is solved" and that he would reveal the name of Mr. Kennedy's killer within the next few days.

Mr. Kroman said he had been in touch with District Attorney Jim Garrison of New Orleans, who says he has "solved" the assassination.

"Jim Garrison has most of it correct but not the whole story," Mr. Kroman said.

Under questioning by Judge Devitt, he said that he had been attacked on March 18, that papers were taken from him in a Tennessee motel in January, 1964, and that on other occasions assailants had attempted to seize papers from him.

Mr. Kroman's attorney, Richard E. Olson, quoted Dr. Gerd Fisher, who examined Mr. Kroman at Bismarck Hospital, as having said that Mr. Kroman apparently had suffered an epileptic seizure and lost control of his car.

Mr. Kroman was limping when he left the hospital at midday.

Mr. Olson said Mr. Kroman had armed himself because of "at least three attempts on his life because of what he knows about the Kennedy assassination."

Mr. Kroman said he began his investigation of the assassination in December, 1963, when he heard "a drunken Cuban blabbing" in a Miami bar.

Mr. Kroman and his codefendants are being tried on charges of conspiracy in the collapse of the American Allied Insurance Company of St. Paul.

Garrison Issues Warrant

NEW ORLEANS, March 27 (AP) — District Attorney Jim Garrison's office issued a warrant today for the arrest of Mrs. Lilly Mae McMaines of Omaha, connected to Mr. Garrison's assassination investigation by Perry R. Russo.

Mr. Russo, a 25-year-old Baton Rouge insurance salesman, said Mrs. McMaines—the former Sandra Moffett of New Orleans—was one of several persons who attended a party in David W. Ferrie's apartment after which, he says, he heard Mr. Ferrie, Lee Harvey Oswald and

Clay L. Shaw conspire to kill President Kennedy.

Mrs. McMaines, married to a part-time minister, Harold McMaines, told newsmen last Friday that she did not attend the party. The 22-year-old woman acknowledged knowing Russo and said she had once been in love with him.

Mr. Garrison's office swore out a warrant for her arrest as a material witness in its investigation. The warrant was signed by Criminal District Judge Edward A. Haggerty Jr., who set bond at \$5,000.

"We feel sure she is a very important witness," said Assistant District Attorney Andrew Sciambra.

Mr. Russo's testimony came during a preliminary hearing for Mr. Shaw, accused by Mr. Garrison of conspiring to kill Mr. Kennedy. Mr. Russo said the party at Mr. Ferrie's apartment took place in September, 1963—two months before Mr. Kennedy was slain in Dallas.

Mrs. McMaines told newsmen in Omaha she did not meet Mr. Ferrie until 1965. She said she refused to accompany two Garrison investigators back to New Orleans after they got in touch with her March 8.

Attorneys for Mr. Shaw, a wealthy retired business executive, also expressed an interest in questioning Mrs. McMaines.

"My opinion now is that she will be a very useful witness," F. Irvin Dymond, a defense attorney, said.

A lawyer for Gordon Novel, also described by Mr. Garrison as a material witness in the investigation, asked Judge Haggerty today to quash a warrant calling for his client's arrest. Judge Haggerty ordered a hearing Wednesday on the request.

Mr. Novel a 29-year-old former bar owner here, disappeared last Wednesday, the day he was to have appeared before a grand jury. Mr. Garrison did not disclose Mr. Novel's connection with the inquiry.

Steve Plotkin, Mr. Novel's attorney, told newsmen today his client would return to New Orleans when he was assured he would not be jailed.

Judge Haggerty, who will preside at Mr. Shaw's conspiracy trial, directed the prosecution not to make public statements about the case or discuss the evidence with newsmen. He said he wanted to "prevent the flow or prejudicial pre-trial publicity."

Mr. Shaw probably will be arraigned next week, the judge said. No trial date has been set.