TP
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DA OFFICE FAILS TO GET RECORDS

But Newsmen Can Look at Data on Shaw

The district attorney's office failed in an attempt to obtain the military records of Clay L. Shaw, accused of conspiring to assassinate President John F. Kennedy, when a criminal district court judge ruled that the subpena for the record was invalid.

Veterans Administration Chief Counsel C. C. Bass Jr. appeared in the section of court of Judge Edward A. Haggerty with Shaw's records as directed in a subpena.

The Veterans Administration decided to turn the records over to the court after Shaw signed a waiver of his right to keep them secret.

However, during a hearing on whether or not the records should become public, Judge Haggerty ruled that the district attorney's subpena was invalid; and Bass withdrew the records.

Bass then gave the records to Shaw's defense attorneys, who said they would be made public.

ABOUT 20 PAGES

A reporter who looked at a copy of the Army documents noted that it contained about 20 pages of photographs and photostatic copied papers.

They also recorded his promotions from corporal to major, his duties as aide to a major general and an account of a back injury from which he still suffers.

After the court action assistant district attorney James L. Alcock said he foresaw no further attempts to get the records and accused the federal government of not allowing his office to follow state law.

"The federal government will not, no matter what we do, permit us to follow the law as set out in the new Code of Criminal Procedure," he said.

He said his office proceeded under Article 66 of the Code, which gives the district attorney power to subpena individuals and papers.

"The point is we could not get the records by following state law because the federal government would not recognize the state law," Alcock maintained.

One of Shaw's attorneys, F. Irvin Dymond, said it is all right for news media to examine the records.

"We have nothing to hide. If the newspapers want to see the records, that's all right with us," he said.

"As a matter of fact, he is very proud of his military record," Dymond added.

In Columbus, Ohio, fugitive probe witness Gordon Novel held a news conference in which he accused District Attorney Jim Garrison of having asked him to participate in a plot to extract information from David W. Ferrie, a pilot under investigation by Garrison's office. Ferrie died five days after the investigation became public.

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Novel said he and Garrison met twice in New Orleans Feb. 21, the day before Ferrie died. Novel said Garrison asked him to shoot Ferrie with an atrophine knockout dart so he could be taken to a secret place and questioned under the influence of sodium pentathol, known as truth serum.

To back up his charge, Novel released an 18-question summary of a lie detector test administered to him on March 25 by a polygraph operator named Lloyd Furr.

One question and its answer were:

Q. Have you told the examiner the truth about this bizarre plan to obtain a confession from Ferrie?

A. Yes.

Furr offered the following explanation to the question in a footnote:

"The plan to some extent was the shooting of an atrophine dart into the unsuspecting Ferrie, taking him to a secret place, giving him sodium pentathol and otherwise abusing him until he confessed. This included tearing off his artificial hair and eyebrows."

Novel claimed that he planned to use a "phony," harmless dart so that he and Ferrie could expose the district attorney and his investigation.

Ferrie's death the next morning precluded the plan, Novel said.

The office of Gov. John J. McKeithen said Ohio officials requested that he determine whether Novel is accused of a crime involving a federal charge or a state charge.

Garrison is attempting to extradite Novel from Ohio on a charge that he conspired in 1961 to burglarize a munitions bunker near Houma, La.

PAPERS RETURNED

The request is outlined in a letter from the Ohio governor's office with return of extradition papers to Louisiana.

The letter, written by John M. McElroy, assistant to the Ohio governor, put forth six questions the governor wants answered before extradition papers are executed.

Extradition papers on Novel were returned to Louisiana to remedy what Ohio officials called "technicalities."

The text of the letter to McKeithen follows:

"At the request of Gov. Rhodes, I am returning your requisition and supporting documents in the above-captioned matter. An examination of the requisition and supporting documents discloses certain defects and omissions.

"In particular, the accused is not substantially charged with the crime of conspiracy to commit simple burglary.

"The charging documents fail to disclose an essential element of the crime, namely, that one or more of the parties involved in the conspiracy committed 'an act in furtherance of the object of the agreement or combination.'

"Also, the affidavit by Marlene Mancuso does not meet the requirements of a 'supporting affidavit' as required by Section 2963.03 of the Ohio Revised Code.

"A supporting affidavit should specify the particulars of the crime involved in the conspiracy, the circumstances surrounding the agreement to commit simple burglary and the steps that were taken in furtherance of the object of the agreement or combination.

"Such an affidavit should be made by a person or persons having actual knowledge thereof.

"Furthermore, it is requested that the Secretary of State of Louisiana, the Honorable W. O. Martin, certify that Mr. C. C. Aycock is governor ad interim of Louisiana with power to execute the duties of the office of the governor of Louisiana.

"Also, please delineate the authority of the district attorney of Orleans to prosecute for a crime which may have its locus in another parish of the state of Louisiana.

"Further, please advise whether the munitions bunker located in Houma, La., was federal property at the time of the offense charged. This question is important in that the crime alleged must be against the state of Louisiana rather than the United States government.

"Please advise further as to what action, if any, has been taken by the district attorney of Terrebonne Parish in the above matter and the current status of the prosecution of Sergio Arcacha Smith."

Earlier Monday Shaw obtained Judge Haggerty's permission to take a trip to the Mississippi Gulf Coast. Shaw said he will leave Wednesday and return Monday.

Officials Working on Extradition Case

BATON ROUGE (AP)—Louisiana officials worked Monday to get extradition papers for Gordon Novel into order to satisfy the office of Ohio Gov. James Rhodes.

These papers were returned to the office of Gov. John McKeithen with a letter saying they had some legal defects.

Novel, once a New Orleans night club operator, is wanted by the Orleans district attorney as a witness in the Kennedy assassination probe. His return to Louisiana is sought in a charge that he conspired to burglarize a munitions cache at Houma in 1961.

William Redmann, legal counsel to Gov. McKeithen, said he consulted during the day with Atty. Gen. Jack P. F. Gremillion and Dist. Atty. Jim Garrison of New Orleans, who wants Novel returned from Columbus, Ohio, where he is held on bond.

Rhodes' letter questioned whether Novel was substantially charged with the crime of burglary conspiracy.

It also questioned whether Dist. Atty. Garrison has authority to charge Novel with conspiracy to commit burglary in another parish, and whether Lt. Gov. C. C. Aycock, who signed the papers as acting governor, has authority to do so.