

# Gurvich, Attorney Kept Apart--Alcock

S-1 7/4/69



WILLIAM J. GURVICH

An assistant district attorney testified in Criminal District Court today that William J. Gurvich was prevented from consulting with his attorney while being questioned before a grand jury which later indicted him for theft.

Assistant DA James L. Alcock said Gurvich was told on several occasions on June 28, 1967, by Albert Labiche, then Orleans Parish Grand Jury foreman, that he could not leave the jury room to confer with his attorney.

Gurvich, who had resigned shortly before as District Atty. Jim Garrison's chief investigator in the probe of the

Kennedy assassination, was charged by Garrison in March, 1968 with theft of "property valued at \$19" from the DA's office. The property is believed to be a copy of the master file of the assassination investigation.

TESTIMONY WAS heard this morning by Criminal District Court Judge Frank J. Shea on motions by Gurvich's attorneys that the charge be thrown out.

The motions claim that Gurvich's constitutional rights were violated in that he was prevented from conferring with his lawyer while testifying. It is also alleged that Gurvich appeared before the grand jury while he was unknowingly suspected of the theft.

In his testimony today, Alcock said Richard V. Burnes, Lien, an assistant DA, did not advise Gurvich he had the right to consult with his attorney before answering any questions.

However, said Alcock, Gurvich was allowed to leave the grand jury room at least twice to talk with his lawyer, Edward M. Baldwin. This was before the instances in which he was prevented from doing so, Alcock added.

ACCORDING TO Alcock,  
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Burnes told Gurvich that there were "certain things" he could not discuss with his lawyer. He said Burnes also read to Gurvich the statute pertaining to grand jury secrecy.

The witness also was advised that he had a right to refuse to answer any incriminating questions, and that his statements could be used against him, said Alcock.

Present at the 1967 hearing in addition to himself, said Alcock, were Garrison, Burnes, and Criminal Court Judge Alvin Oser, who was then an assistant DA.

BALDWIN TOLD the court that at one point during the hearing, he knocked on the door and asked a juror to tell Gurvich he wanted to see him.

Gurvich testified that Baldwin's message was not delivered to him. He also said he was confused as to what he could legally discuss with Baldwin after the instructions he received in the grand jury room.

Gurvich went before the grand jury on two occasions, on June 28 and on July 12, 1967.

"Shortly after being there," he told the court today, "I got the impression I was there more as a suspect than

as a citizen who wanted to be heard."

Gurvich had said at the time of his resignation from Garrison's office that he would appear voluntarily before the grand jury to divulge information about the conduct of the DA's assassination probe. . . .

One of the grand jury's questions, said Gurvich, concerned whether he possessed the Kennedy investigation file.

**GURVICH CLAIMED** he was denied permission to leave the jury room "six to 10 times."

Milton Brener, representing Gurvich at today's criminal court proceedings, requested that he be allowed access to the grand jury records, in that the prosecution used these records in questioning witnesses.

Judge Shea ordered that Brener file a memorandum on his request by Sept. 15. The state has until Sept. 22 to file a response to the memorandum.

In response to Brener's question as to whether Gurvich was suspected of an offense when he appeared at the July 12 grand jury hearing, Alcock said that he was suspected.

"In candor, I might say we were concerned about the master file," said Alcock.

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