

T-P 5/6/67

JURY SUBPENAS FBI AGENT IN JFK PROBE

Second Man Also Faces Call to Testify

By ROBERT USSERY

District Attorney Jim Garrison's Kennedy assassination probe touched for the first time the Federal Bureau of Investigation when grand jury subpoenas were issued for two men, one of whom is an FBI agent, and the other a former agent.

Subpenas for Regis J. Kennedy, 523 Homestead ave., Metairie, who is known to be an FBI agent, and for Warren De Brueys, 4827 Michoud blvd. were received by the office of Criminal Sheriff Louis A. Heyd Jr. Friday afternoon.

Each subpoena listed 701 Loyola ave., the Federal Office Building address, in which the New Orleans office of the FBI is located, as one serving address in addition to the home addresses of Kennedy and De Brueys.

Heyd's men served Kennedy's subpoena on him in the New Orleans FBI office, but were told that the object of the other one had been transferred to Washington, a spokesman for the sheriff's office said.

However, a Warren De Brueys of 4827 Michoud blvd., is listed in the city directory as an engineer for the Boeing Co. at the Michoud test facility.

DeBrueys is a former FBI agent who worked here with Kennedy in the New Orleans investigation in 1963 and early 1964.

According to a book critical of the Warren Report, De Brueys moved to Dallas after Lee Harvey Oswald did in 1963. The author, Harold Weisberg, testified before the grand jury here with Garrison and four assistant DAs on April 26, just two weeks before the scheduled appearances of DeBrueys and Kennedy.

Weisberg's book, "White-wash," says DeBrueys "seems

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NO RESTRICTION IN NOTE--CLAIM

Can't Reach Rhodes About Novel—Governor

By C. M. HARGRODER

(The Times-Picayune Staff Correspondent)
BATON ROUGE, La.—Louisiana's governor denied Friday that Ohio's governor wrote him restricting return of Gordon Novel and complained "now I can't get him on the telephone."

Gov. John J. McKeithen said the only letter he had from Gov. James Rhodes requested to know why Novel was wanted in Louisiana, information which McKeithen said he thought was contained in the papers for extradition.

Orleans Dist. Atty. Jim Garrison asked Novel be returned to face questioning about an alleged conspiracy to burglarize a Houma munitions dump. Novel has been mentioned by Garrison in his Kennedy assassination probe.

LETTER QUOTED

A letter quoted in Friday editions of The Times-Picayune from an assistant to Gov. Rhodes asked McKeithen to disclaim reports Novel's extradition is sought in connection with the Kennedy probe.

McKeithen told a press conference that he had discussed the Novel case with Rhodes before the Ohio governor returned the legal papers for clarification, but now "I can't get him on the telephone." He said Rhodes was said to be stumping the state on constitutional amendment. McKeithen said only Rhodes' assistant was available.

McKeithen quoted an unnamed assistant to Rhodes as telling him "when the papers are in order," Ohio "will certainly" return Novel to Louisiana. Thus far, Garrison is believed to still have the extradition papers which were returned and no new ones for-

warded to Ohio. McKeithen said "We've done everything they've asked us to." He said "they" also included Garrison.

In his press conference, the governor also:

—Said a downtown site for the dome stadium at New Orleans is "very much in contention," and he expects Gulf South Research Institute to recommend this soon. He denied that delay in selecting the site would hinder design and preparation of specifications for the facility by architects selected Thursday.

NEED 'GOOD PERSON'

—Said he felt he needed "some good person to take charge" of the Tourist Commission, but he might put the commission back under Commerce and Industry from which he separated it in 1964. Alleged irregularities have forced an investigation by the Division of Administration which has included a personal probe by Edward W. Stagg, executive secretary to the governor, and legislative auditor J. B. Lan-

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Jury Subpenas Federal Agent

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to have been an FBI Cuban expert. It is interesting to note that he moved to Dallas after Oswald did. His presence in Dallas was revealed by accident and testimony before the commission on March 3, 1964.

A spokesman for the local FBI office refused to answer any questions when he learned that the subpenas may be connected with the assassination probe.

Both subpenas list Wednesday as the date to testify.

OUT OF TOWN

Regis L. Kennedy, a Federal Bureau of Investigation agent, had not been served his subpoena when a Times-Picayune reporter called him at the local FBI office, 701 Loyola.

Asked if he would answer the subpoena, Kennedy replied, "No comment."

A call to the home of Warren C. DeBrueys, 4827 Michoud blvd., revealed that he was out of town and unavailable until later in May.

Earlier Friday attorneys for Clay L. Shaw filed motions in Criminal District Court to quash their client's assassination conspiracy indictment, and, among other things, to subpoena all records of Truth and Consequences, a private organization which contributes money to Garrison's investigation.

The four motions were: application for a bill of particulars; motion to quash and for subpenas duces tecum; prayer for oyer and motion for the return of seized property and the suppression of evidence.

30-DAY PERIOD

In addition, the motions contain requests for complete dis-

closure of grand jury testimony and proceedings surrounding Shaw's indictment and demand the return of five cardboard boxes full of material seized in Shaw's French Quarter apartment.

Criminal District Judge Edward A. Haggerty Jr. gave Garrison's office 30 days to study the motions and file replies.

At about the same time attorney Sam "Monk" Zelden requested that Judge Frank J. Shea quash a perjury charge against suspended Jefferson Parish assistant district attorney Dean A. Andrews Jr.

Andrews had told the Warren Commission that a man named Clay Bertrand asked him to represent Lee Harvey Oswald after the death of President John F. Kennedy.

He was indicted for perjury after he testified to the Orleans Parish Grand Jury that he could not be sure if Clay Bertrand and Shaw were the same men. Garrison contends that they are and has listed Clay Bertrand as Shaw's alias.

Zelden contended that Andrews' indictment was faulty because it failed to cite what part of his testimony was supposed to be incorrect.

Judge Shea gave the state until May 25 to answer Zelden's motion and said a hearing will be held then if both sides agree.

'PROBABLE CAUSE'

Garrison's men obtained a search warrant for Shaw's apartment on March 1, the same day he was arrested, and carted off ledger sheets, maps, a shotgun and case, 17 folders of papers, a photo album, five

whips, three pieces of rope, a black hood and cape, a black net type hat, personal documents, three manuscripts, and other material.

Shaw was not indicted until after a three-judge panel ruled there was probable cause to bind him over for trial on the conspiracy charge.

Perry R. Russo of Baton Rouge testified in a preliminary hearing before the three judges that he overheard Shaw, Oswald and David W. Ferrie plot Kennedy's death.

In their motion to quash, attorneys F. Irvin Dymond and William and Edward Wegmann struck at what they termed the "vagueness" of the indictment.

The motion said Shaw was unable to determine "when and where the alleged conspiracy took place; what overt act or acts, if any, are alleged to have been committed by either him or the other alleged co-conspirators" or "when and where, according to the terms of the alleged conspiracy, the murder of John F. Kennedy was to take place . . ."

HOMESTEAD CERTIFICATE

The indictment, therefore, is "so vague and indefinite that your defendant cannot properly prepare his defense to same," the motion said.

In a prayer for oyer the defense asked for 93 specific sources of relief. Among personal effects desired return is a \$30,000 homestead certificate.

The motion to quash was also based on the fact that Truth and Consequences supplies funds to Garrison's investigation and

contains a request for the subpoena of the organizations records.

It said the funds were not "administered in accordance with the provisions of the law."

It indicated that the use of funds for the investigation "without any accountability" is contrary "to the Public Policy and Statutory Law of Louisiana, against good morals and decency," and "in conflict with the obligations of the district attorney to the public."

The motion also asks whether any member of the grand jury contributed to the funds.

Oilman Joseph M. Rault Jr. and automobile executive Willard E. Robertson established Truth and Consequences after Garrison complained that publication of public records of his expenditures was hampering his investigation.

The application for a bill of particulars asked that the prosecution furnish names and addresses of those individuals who are not specifically named in the indictment.

The indictment charges that Shaw conspired with David W. Ferrie and Oswald "and others, not herein named, to murder John F. Kennedy . . ."

The defense asked that the "others" be named by the prosecution.

Also requested was the "day or dates between Sept. and Oct. 10, 1963," on which the prosecution contends that the "alleged agreement or combination" was made.

The defense also listed a series of names that have appeared prominently in the connection with the Garrison investigation and asked if these people are included in "and others" mentioned in the indictment.

The names are Russo, Sandra Moffett McMains, who Russo claims went with him to a party at Ferrie's house, Leon Oswald, Leon Bertrand, Clem Bertrand, Clem Oswald, Niles "Lefty" Peterson, Dean Andrews, Gordon Novel, Sergio Arcacha Smith, Emilio Santana, Miguel Tores, Julio Buznedo, Carlo C. Guiroga and Manuel Garcia Gonzales.