

# 'LIFE' REPORTER GRANTED STAY

## Court Holds Up Grand

### Jury Appearance

T-P 1/24/67  
An order staying appearance of David L. Chandler, a Life Magazine writer, before the Orleans Parish Grand Jury was issued about 2:20 p. m. Wednesday, 10 minutes before his scheduled appearance.

The Louisiana Supreme Court issued the stay order until further order of the court and gave Chandler five days to file necessary documents in support of his application.

Also, self-admitted former Ku Klux Klan leader Jules Kimble testified before the East Baton Rouge Parish Grand Jury which is investigating both the May bombing of the home of AFL-CIO president Victor Bussie and allegations that organized crime is being conducted in Louisiana.

Kimble has said he can name three persons who plotted to bomb Bussie's Baton Rouge home and the Port Allen home of a Negro school teacher active in civil rights work.

### JUDGE TESTIFIES

In New Orleans, Municipal Court Judge Andrew G. Bucaro was locked in with the grand jury here for about an hour. The jury adjourned for the day shortly after 4 p.m. but did not report to a judge.

Cicero C. Sessions, Chandler's lawyer, appealed to the Supreme Court after Criminal District Court Judge Matthew S. Braniff overruled a motion to quash Chandler's subpoena.

Judge Braniff gave Chandler's attorneys until 11 a.m. Monday to file an appeal, but in the meantime refused to stay the matter.

He originally set a deadline of 11 a.m. Friday, but changed the date when he learned Chandler is under another subpoena to appear in Vidalia at 9 a.m. Friday before the Concordia Parish Grand Jury.

Chandler's attorney also filed a motion that Chandler be allowed to have his lawyer present in the grand jury session.

Other motions filed for Chandler were to recuse District Attorney Jim Garrison and his staff, to compel Garrison and the grand jury foreman to state in open court the crime under investigation and to quash Chandler's grand jury subpoena, and a motion asking for a copy of questions and answers elicited from Chandler during questioning by Assistant District Attorney Charles Ward Jan. 26.

### REFUSAL ALLEGED

Ward reacted sharply to Chandler's attempt to avoid a grand jury appearance, saying that in effect Chandler "has refused to testify and tell the truth claiming that the truth would tend to incriminate him.

"It is unbelievable that a man who is directly responsible for charging that organized crime is flourishing in New Or-

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leans should claim the 5th Amendment just as a common criminal would."

Chandler told The Times-Picayune late Wednesday afternoon that, although the Concordia Parish subpoena was served on him, he "talked it over" with the Concordia district attorney and was actually going to appear voluntarily.

"We (Chandler and his attorney) don't mind testifying before grand juries in cases where threats have not been made," said Chandler. He claimed that threats were made against him by Garrison as a result of references to organized crime in New Orleans made in the Life articles.

The motion to recuse said Life stories on organized crime and other stories concerning Garrison's investigation of the assassination of President Kennedy have been publicly denied by Garrison or members of his staff.

This showed personal animosity on Garrison's part, it said, "which is inconsistent with the impartial administration of justice."

It charged the district attorney had his office illegally misuse the grand jury's subpoena power by having Chandler

subpoenaed to appear before the jury Jan. 26 when he was not actually wanted by the jury.

### OATH ALLEGED

The motion said Chandler was required to make a sworn statement to Ward, "who castigated him for his investigation and threatened him with criminal prosecution."

It charged Garrison wants to get Chandler in front of the grand jury to entrap him and then prosecute him for perjury. It also alleged that Garrison is pursuing a scheme to prevent Chandler "from pursuing his privilege under the First Amendment to investigate crime" as a news reporter.

The third motion said Chandler was informed that the district attorney said he is going to arrest Chandler and prosecute him criminally.

It said the subpoena violates Chandler's right to remain silent and not give evidence against himself.

The Supreme Court, after granting the stay order and five days for Chandler to answer, gave the district attorney three days after that to file a return with the court.

The twin Orleans-East Baton Rouge probes Wednesday included questioning by investigators of C. H. Downs, aide to Gov. John J. McKeithen, about a Capitol telephone which allegedly was used for conversations between rackets figure Carlos Marcello and former McKeithen aide Aubrey Young.

Before Kimble's testimony he was transported to Baton Rouge from New Orleans where he was under \$5,000 bond in Parish Prison on charges of impersonating a state police trooper.

Young, until recently an inmate of Southeast Louisiana Hospital in Mandeville, has turned state's evidence in the East Baton Rouge Parish Grand Jury investigation.

### INDICTMENT MADE

The jury returned an indictment against former New Orleans contractor D'Alton Smith for public bribery in an alleged offer of \$25,000 to Young to arrange a meeting in an effort to purchase freedom for convicted Teamster head James R. Hoffa.

In the questioning of Downs, it was pointed out that his office was in the section that

served as the governor's office at the time of the alleged telephone calls between Marcello and Young. The governor's office complex has since been moved higher in the Capitol building.

Life Magazine claims that there may have been up to 60 conversations between Young and Marcello on the telephone involved, but Young has testified that only two such calls took place.

McKeithen has reclaimed a colonel's commission from Joseph Marcello, Carlos' brother, which he said was issued in error.

In a related issue, East Baton Rouge Parish District Attorney Sargent Pitcher said Wednesday he was not able to reach an attorney for Gordon Novel in Columbus, Ohio, to make final plans for Novel's return here to testify before the grand jury in Baton Rouge.

Jerry Weiner, Novel's attorney, told Pitcher that he would call him at 9:30 a. m. Wednesday to discuss Novel's return, but the call never came.

Novel, former New Orleans night club operator, agreed to return to Louisiana to give testimony in Baton Rouge if he is given immunity from arrest in connection with Garrison's probe. He is also wanted by Garrison for questioning in the Kennedy murder. Immunity has been granted.