

CHANDLER CASE BRIEFS SOUGHT

T.P. Walker
Newsman Discloses Role
on Governor's Staff

A special three-judge federal court took under submission Wednesday the case in which newsman David L. Chandler is fighting a subpoena to appear before the Orleans Parish Grand Jury in connection with a Life Magazine charge of rampant organized crime in New Orleans.

Chandler, who disclosed at the court hearing that he has been commissioned as a special investigator on the staff of Gov. John J. McKeithen, is fighting the grand jury appearance on grounds that he is being harassed by the office of District Attorney Jim Garrison and has been threatened with being charged with perjury.

Judges hearing the matter, Robert A. Ainsworth Jr., of the United States Fifth Circuit Court of Appeals and District Judges Edward J. Boyle Sr., and James A. Comiskey, asked for briefs from opposing attorneys at the conclusion of Wednesday's day-long hearing.

Cicero Sessions, attorney for Chandler, was given 10 days from Thursday to file his brief and James Alcock, an assistant district attorney, was given an additional 10 days to reply.

QUICK DECISION

Judge Ainsworth said that the court will expedite its decision and obtained a promise from Alcock that the district attorney's office will take no steps to enforce the jury subpoena until the case is decided. Alcock also told the court that his office will not attempt to prosecute Chandler on any charge connected with the matter while it is under submission.

Chandler had been subpoenaed to appear before the grand jury Thursday at 9 a. m.

Garrison was called to the

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stand during the hearing and under questioning by Sessions the district attorney said that he is convinced that if Chandler appears before the grand jury he will tell the truth.

He also told Sessions "You seem to think I'm going to put Dave Chandler in jail. That is the last thing in my mind. He is to be treated like any other witness."

In Baton Rouge, Gov. John J. McKeithen said "I didn't realize it was a big secret" that Chandler had been named an investigator on his staff.

"I said publicly I asked Life to let us have one of their men to come back here with one of us so that we could show them our good faith, as we had investigated the charges made against us," McKeithen said.

"To further prove that we had nothing to hide, I gave him a special commission with instructions to Col. (Thomas) Burbank (state police superintendent) that he be advised of everything we were doing and that no secrets were to be kept from him," the governor added.

"The illegal gambling and other vice that had been going on in our state has been completely cleaned up and I wanted someone from Life to be able to attest to this.

"I want a Life man to see that we weren't just putting up a front, that we wanted to rid our state of all illegal gambling and vice."

OTHER HIGHLIGHTS

Other highlights of the hearing included these:

1. Chandler testified that he had sought to question the district attorney's office about a \$3,000 bribe which may have been paid to free the late David Ferrie when he was arrested by Garrison's office in connection with the assassination of President Kennedy.

2: Testimony by the Life newsman that had he been questioned by the grand jury when he was originally subpoenaed on Jan. 26 he could have testified about an alleged \$52,000 bribe which he said was offered Garrison by Carlos Marcello.

3. A claim by Chandler that a statement he had given Garrison's chief assistant Charles R. Ward on Jan. 26 had been

altered in certain respects.

4. Chandler testified that he was puzzled by what he characterized as Garrison's "blind or ignorant" attitude towards the possible involvement of organized crime in the assassination investigation.

SPECIAL OFFICER

Chandler began his testimony by explaining that he met with Gov. McKeithen and State Police Supt. Thomas Burbank and was sworn in as a special officer in the state police on Sept. 28.

He said that he still is serving in that capacity without pay and "advises" the governor on organized crime in the state.

Chandler was subpoenaed to appear before the grand jury after a series of articles appeared in Life dealing with alleged operations of organized crime in New Orleans and the surrounding area.

Garrison has contended that there is no organized crime in New Orleans.

The newsman testified that he was subpoenaed to appear before the grand jury originally on Jan. 26 but when he went to the jury room he was told by Assistant District Attorney Alvin Oser to go to the district attorney's office and see Ward.

THREAT CHARGED

The witness claimed that Ward then questioned him under oath and during the interrogation threatened him with perjury.

Chandler charged that the threat was made before a stenographer was called in to transcribe the questioning and does not appear in the record.

He also claimed that there are other inaccuracies in the transcript of what went on during the questioning and that he was not advised of his right to have an attorney present at the time as is recorded in preliminary remarks in the transcript.

Chandler said that he was subpoenaed after he had asked the DA's chief investigator, Louis Ivon, and a former investigator, Max Gonzales, if the \$3,000 bribe had been paid in 1963 to free Ferrie.

'VERY PUZZLED'

"I was very puzzled," Chandler said, "because he (Ward) started asking me questions about a 1962 incident and did

not go into the questions I had asked Gonzales and Ivon."

He added that during the interview Ward appeared "hostile" and "particularly sensitive" about the question of the bribe.

When the Life reporter brought up the "ignorant" attitude he claimed was taken by the DA concerning the possible involvement of organized crime in the assassination, Ward objected; and Chandler

replied, "He knows as well as I know that David Ferrie's primary employer was Carlos Marcello."

Ferrie, one of the prime figures in Garrison's assassination probe, was a private investigator for G. Wray Gill, one of Marcello's attorneys, following Ferrie's dismissal as an airline pilot after he was arrested on morals charges.

NO RECORDER SEEN

Chandler had contended on direct examination that part of his interview by Ward had been electronically recorded but on cross examination by Alcock the witness admitted that he did not actually see any recording device in the office at the time. He said that he had seen a recording device in Ward's office on a previous occasion.

The reporter did not elaborate on his charge that he could have told the jury about a \$52,000 bribe if he had been taken before the jury on Jan. 26.

He said that he had no personal independent information of any such bribe but had received his information from confidential informants.

WARD QUESTIONED

Following Chandler's testimony Sessions called Ward to the stand for cross examination as a hostile witness and questioned the chief assistant DA about a television interview in which Sessions claimed Ward called Chandler a liar.

Ward claimed that he did not refer to Chandler personally as a liar but said that the Life allegations were false and said "it is a lie."

The prosecutor said that he has called Chandler a liar in private.

"Do you say to this court that he is a liar?" Sessions asked.

"Yes, sir," Ward replied, and added that he referred to the allegation by Chandler that he

was threatened.

NOTHING TO FEAR

Ward asserted that he is "positive" that Chandler has nothing to fear if he goes before the grand jury and tells the truth.

"In that context, what do you mean by the truth?" Sessions questioned.

"I would expect him to say if he has evidence of the operation of three bookie rings in the Fontainebleau Hotel and I would hope to get more information," Ward replied.

Asked by Sessions if it is the normal policy of the DA's office to use a grand jury subpoena to get a witness into the office for questioning, Ward said that it has always been his policy to find out what a witness is going to say before taking him before the jury.

NOT SUSPECT

He also testified that unless the prospective witness is a suspect he is not advised of his right to an attorney. He added that Chandler was not a suspect in January and is not one now.

Garrison was first questioned by Sessions about a series of newspaper articles in which the district attorney made statements concerning the Life allegations of organized crime in the area, including one in which Garrison said that he was astounded by Gov. McKeithen's apology to Life.

The district attorney said that he believes that the governor called him the next day and brought up Chandler.

"He said 'Dave Chandler tells me he is afraid you are going to put him in jail,'" Garrison testified.

"My answer was that he has nothing to fear if he answers the questions of the jury," Garrison added.

The prosecutor denied that he told the governor "You are reading my mind" after McKeithen asked about putting Chandler in jail.

"I said you must be reading my mind," Garrison testified.

GOVERNOR QUOTED

The witness further quoted the governor as saying "I hope you are not going to arrest that man. It would be a great problem to me with regard to Life Magazine."

He said that he then told the governor in substance that Chandler would not be arrest-

ed unless McKeithen was told first.

Asked if he had ever called Chandler a liar, Garrison replied that there have been times when he did not agree with what the reporter said "but I don't believe he is a liar."

Garrison added, "I cannot predict what the truth will be. My personal judgment is that Dave Chandler will tell the truth before the grand jury."

The prosecutor also said that he has no intention of entrapping Chandler into perjury and does not intend advising the jury that no matter what testimony he gives he should be indicted.

Ward claimed when examined by Alcock that his purpose in questioning Chandler in January was to see if he had

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any evidence to give to the grand jury "and he told me he had none."

He denied that any of the interview was recorded electronically and said that the only electronic device in his office at the time was a dictating machine in his cabinet and that it would have had to be placed on his desk and the microphone held in front of Chandler to record the questioning.

Other witnesses included Miss Lorraine Schuler, Garrison's personal secretary, who testified that she took down all conversation between Ward and Chandler, from their very first words until all parties left the office, and Ivon who said that he sat in on the interview as a witness. He denied that Chandler was threatened or that any part of the questioning was electronically transcribed.