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STATES-ITEM

OF PROGRESS

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Subject to Arrest

Return for Suit

Deny Plea For Ohio Disposition

Federal District Judge James A. Comiskey today refused to permit Gordon Novel to make a deposition in Columbus, Ohio, in his \$50 million suit against District Attorney Jim Garrison and his supporters.

In effect, the ruling means that Novel will have to return to New Orleans to testify in order to press the suit. This could put him in jeopardy of arrest, since he is wanted on an Orleans Parish warrant for conspiracy to commit burglary.

Judge Comiskey ruled today on a motion by Novel's attorney Steve Plotkin to quash a move by Garrison's attorneys to require that Novel do his testifying in New Orleans.

THE JUDGE RULED that his liability to prosecution on other charges was no reason to permit him to give his deposition elsewhere.

Novel, the elusive witness in Garrison's probe of the death of President John F. Kennedy, is suing Garrison and members of Truth and Consequences, claiming a loss of civil rights and character assassination.

Plotkin told Federal District Judge James A. Comiskey that under the law the court has unlimited discretion to take Novel's deposition elsewhere, "namely in Columbus, Ohio," or to proceed by submitting written questions for Novel to answer.

THE ATTORNEY POINTED out that there are criminal charges brought by Garrison pending against Novel.

Plotkin asked Judge Comiskey to consider issuing an order protecting Novel from arrest and incarceration should the court rule that Novel's deposition should be taken here Friday before U.S. Commissioner Fritz Windhorst.

Otherwise, Plotkin said,

Garrison will have accomplished in a civil action what he has not been able to do otherwise—get Novel back to New Orleans for questioning as a material witness in the probe.

MALCOLM W. MONROE, representing Garrison, argued that the law already provides

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Probe--

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Novel protection against arrest and incarceration. He said Novel chose to file his civil action in this district and that, therefore, Novel's deposition should be taken in this district. Monroe said he does not see why the defense should have to bear the expense of traveling elsewhere to take the deposition.

He asked Judge Comiskey to issue an order obligating Novel to pay for expenses incurred by the defense if the court rules the deposition will be taken outside Louisiana.

Waiting to present his argument was Claude W. Duke, attorney for Willard E. Robertson, one of the group of businessmen who are bankrolling Garrison's probe and are now being sued by Novel.

Plotkin replied to what he called a "fallacious, illogical and erroneous" contention that Novel would be protected from arrest and prosecution under the Louisiana Code of Criminal Procedure should he be ordered to give testimony here.

All four articles cited, he said, referred to "witnesses." Novel is charged with a felony, therefore these articles could not apply to him, Plotkin argued.

Plotkin said the defendants in the civil suit Novel filed "refuse to say they are speaking for a public official who is a defendant in the lawsuit."

MONROE OBJECTED TO Plotkin's request for a month's continuance of the deposition hearing.

"I suggest there is no valid reason for a continuance," said Monroe. He told the court that where there are serious charges brought against citizens in a civil case, the case should be

heard promptly.

"We'd like the hearing in 10 days or two weeks at the most," said Monroe.

HE DISAGREED WITH Plotkin concerning the use of the word "witness" in the immunity statute and said it refers to "a person."

Judge Comiskey, asked Monroe whether the immunity he spoke of was also the construction placed on the statute by Garrison.

"It is our view as attorneys," Monroe replied. "I have not had the opportunity to discuss the question of the interpretation of the statute with the district attorney and cannot say if, in his official capacity, he would concur."

THOMAS RAYER, counsel for Cecil Shilstone, also a defendant in the Novel suit, told the court it is possible that his client's defense to the suit may be different from Garrison's: that Shilstone had no authority to arrest Novel and Shilstone's attorney should not be put to the expense of going to Columbus to take testimony.

On another front of Garrison's controversial probe, attorneys for Clay L. Shaw have indicated they may call Lee Odom, whose name appears in Shaw's notebook, to testify at a hearing here Monday.

The Monday session before Criminal District Court Judge Edward A. Haggerty Jr. will open what may be a long series of pre-trial battles in Dist. Atty. Jim Garrison's Kennedy death plot investigation.

SHAW'S LAWYERS yesterday asked the court to subpoena 32 witnesses, including the DA, seven criminal court judges and the entire Orleans Parish Grand Jury, to appear.

The hearing's main action will revolve around Shaw's plea to quash the indictment which charges him with complicity in

the murder of President John F. Kennedy.

Odom is the Irving, Tex., man whose name appears in Shaw's address book above the notation "P.O. Box 19106," which Garrison contends is the enciphered version of Jack Ruby's 1963 unlisted telephone number at Dallas.

The DA said he found identical references to the post office box number in the notebooks of Shaw and accused presidential assassin Lee Harvey Oswald.

Both numbers decode, Garrison has said, to the telephone number of Ruby, who gunned down Oswald in the Dallas police station two days after Kennedy's slaying.

MONDAY, Garrison charged that Shaw met with Ruby and Oswald at Baton Rouge in the fall of 1963 to make further plans for the President's assassination. He said Shaw gave both men money.

Shaw has said the presence of the post office box numbers in the two books is a coincidence. He said Odom is a friend who gave him the box number in 1966. Odom, who said he met Shaw while he was trying to find someone to promote a bull fight, has confirmed the Shaw statement.

Asks No Tie-in to JFK Plot

Gov. James Rhodes of Ohio has asked assurances that the extradition of Gordon Novel from Ohio on a burglary conspiracy charge not include plans for questioning the wanted man in the Kennedy assassination probe.

The Ohio governor's request drew an immediate reaction from Garrison who called it "one of the most incredible things I've ever seen."

"I have never heard of anything like this before," the New Orleans DA declared. "The obstacles they have put in front of us are amazing."

The request for assurances on this point were in addition to an earlier letter from Rhodes to Gov. John J. McKeithen, rejecting the extradition on the grounds of insufficient material.

At Garrison's office here, meanwhile, a newly subpoenaed witness who works at the same coffee company which employed accused assassin Lee Harvey Oswald in the summer of 1963 brushed aside reporters' questions and was closeted with Asst. Dist. Atty. James Alcock.

THE SUBPENAED WITNESS, Julius J. Oswald of 8908 Wingate, arrived at the DA's office shortly before his scheduled 11 a. m. appearance. He was wearing a grey suit and appeared to be in his early 40s.

Oswald refused again today to answer newsmen's questions. Asked if he were "Mr. Oswald," he replied: "I wouldn't know him if I saw him."

Oswald asked a receptionist to permit him to sit behind a railing which fences an inner reception area from the main DA's waiting room.

Asked if he were Julius Os-

wald, he replied, "I'm here on business," and waited silently until he was ushered into Alcock's office.

Oswald remained in Alcock's office about 45 minutes and left by way of a back elevator shortly before noon, avoiding waiting reporters.

NOVEL'S EXTRADITION

(Turn to Page 4, Column 5)



—States-Item Photo.
JULIUS J. OSWALD

NS STATES-ITEM

Gov. Rhodes Would Limit Novel Quiz

Continued from Front Page

papers were returned to the state and forwarded to New Orleans Dist. Atty. Jim Garrison, who has been seeking to get the fugitive witness returned to the state in connection with his extensive investigation of President Kennedy's slaying.

John M. McElroy, assistant to the governor of Ohio, said in a letter to McKeithen dated April 24, three days after the first letter returning the extradition papers, that he had been in touch with

the district attorney's office by phone.

"Persistent press reports in Ohio papers state that Dist. Atty. Garrison is seeking the extradition of Gordon Novel in order to have him available for questioning or as a witness in the grand jury investigation of events leading to the assassination of the late President Kennedy," McElroy wrote.

"It would be helpful if your letter of transmittal of your requisition could contain a statement expressly disclaiming the foregoing as the purpose of the extradition.

"If Dist. Atty. Garrison is seeking testimony from Gordon Novel, he could avail himself of Ohio's uniform out-of-state witness act, which has also been adopted by Louisiana."

McELROY SAID he had been in touch with Garrison's assistant, Alcock, and advised him that Gov. Rhodes wanted the additional assurances on the questioning of Novel.

Alcock confirmed today that the DA's office has received a copy of the letter from Gov. Rhodes. He said no decision has been made on what will be done in reply to the Ohio governor's request.

William Redmann, chief counsel to Gov. McKeithen, said that the Louisiana chief executive has been in touch by telephone with Gov. Rhodes about the extradition matter, but that apparently no issues had been resolved.

He said all papers and letters are being sent to Garrison for disposition.

Thus far, neither the governor's office nor the attorney general's office has received anything other than the original extradition papers which were returned. Garrison's office has not refiled with the state for extradition of Novel.

THE DISTRICT attorney's office in Terrebonne Parish, where Novel is accused of burglary (rather than conspiracy as in New Orleans), has not submitted extradition papers to the state.

Procedure for extraditing persons from another state includes approval of the form by the attorney general's of-

fice, preparation of the documents by the secretary of state, and signing of the documents by the governor or acting governor.

Redmann said that if Garrison wants to question Novel about the Kennedy probe, it may not be sufficient to rely on the out-of-state witnesses act to bring him back to Louisiana where he would enjoy certain immunities.

In addition to the questioning phase, McElroy also informed the governor's office that Novel is now officially under bail from the municipal court of Columbus.

He indicated that jurisdiction over Novel has passed from the chief of police of Gahanna, Ohio, where he was arrested, to the chief of police of Columbus.

JULIUS OSWALD was one of two men named Oswald subpoenaed yesterday as Garrison's Kennedy death plot investigation continued.

Last night, Julius Oswald refused to tell reporters whether he had known Lee

Harvey Oswald when the accused assassin worked at Standard Coffee Co. here shortly before Kennedy's murder.

The other subpoenaed witness, William S. Oswald, 2704 Wychwood, Metairie, said he believes his entrance into the inquiry may have resulted from a case of mistaken identity.

Questioned yesterday, William Oswald told reporters outside the district attorney's office that Lee Harvey Oswald used his name and address as a reference with Standard Coffee when he applied for a job there in early 1963.

HE SAID HE believes Lee Harvey Oswald really meant to use the name of the witness' uncle, another William Oswald, who lives at 136 Elmeor pl., Metairie.

The uncle, reached by telephone, said Lee Oswald visited him in the summer of 1963. He declined to answer further questions.

Although the subpoenaed William Oswald said he was questioned by the Secret Service after Kennedy's assassination, the Warren Commission report does not list him as a witness. Nor does it include his uncle or Julius Oswald.