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DA Loses--But Gets Wish

Shaw Army Files Are Made Public

Dist. Atty. Jim Garrison lost a legal bid today to obtain the Army records of Kennedy murder conspiracy defendant **Clay L. Shaw** — but Shaw's attorneys insisted on making the documents public anyway.

Thus Garrison, who charges Shaw conspired in 1963 to assassinate the late President at Dallas, probably will be able to read most of what he wants to see in the newspapers.

The ironic twist came during a court hearing before

Criminal District Court Judge Edward A. Haggerty Jr. on a subpoena issued by Garrison's office.

GARRISON HAD SUBPENAED the Veterans Administration file on Shaw—what amounted to his complete Army record.

A VA counsel first decided to turn over the records to the court after Shaw signed a waiver of his right to keep the records secret.

Then, during a hearing on whether the records would become public record, Haggerty ruled the original subpoena was invalid, and VA Chief Counsel

C. C. Bass Jr. withdrew the records.

The DA's office opposed giving the documents to the clerk of court where they would be available to newsmen and the public generally. Defense attorneys said they wanted the records made public.

"WE HAVE NOTHING to hide," defense counsel F. Irvin Dymond declared. "If the newspapers want to see the records, that's all right with us."

Judge Haggerty finally
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tossed out the subpoena after he ruled it was drawn incorrectly.

Dymond procured a copy of the records from Bass after the hearing ended and said he would make them available for inspection by the press.

Repeating Shaw had nothing to hide, Dymond asserted, "As a matter of fact, he is very proud of his military record."

A STATES-ITEM reporter looked at a copy of the Army documents. It contained about 20 pages of photographs and

photostatic copied papers.

Among other things, the papers traced Shaw's ascending military career, showing promotions from corporal to major, his duties as aide to a major general and an account of the service back injury from which he continues to suffer.

WHEN BASS ARRIVED in court this morning, he said he would turn over the documents if the DA's office produced evidence that withholding them would constitute "a miscarriage of justice."

"As of this time," he declared, "I have not been con-

vinced of that."

Bass said he would give them to Judge Haggerty if Shaw waived his right to keep the Army history confidential. Defense attorney F. Irvin Dymond immediately agreed, and a signed release from Shaw was brought into court 30 minutes later.

At Columbus, Ohio, meanwhile fugitive witness **Gordon Novel** held a news conference and made a bizarre charge against the DA.

NOVEL SAID GARRISON asked him to join a weird plot to extract a confession from the late David W. Fer-

rie, a hairless ex-airline pilot who died five days after the Garrison inquiry became public.

Novel said he met with Garrison twice in New Orleans on Feb. 21. The DA, he said, asked him to shoot Ferrie with an atrophine knockout dart so he could be taken to a secret place and questioned under the influence of sodium pentathol truth serum.

Novel released an 18-question summary of a lie detector test to back up the accusation. The test was administered in McLean, Va., March 25 by a polygraph operator named Lloyd Furr.

One question and answer said:

Q. Have you told the examiner the truth about this bizarre plan to obtain a confession from Ferrie?

A. Yes.

In a footnote, Furr explained:

"The plan to some extent was the shooting of an atro-

pine dart into the unsuspecting Ferrie, taking him to a secret place, giving him sodium pentathol and otherwise abusing him until he confessed. This included tearing off his artificial hair and eyebrows."

Novel said he planned to use a "phony," harmless dart so that he and Ferrie could expose the DA and his investigation.

The plan, he said, was ended when Ferrie was found dead at his Louisiana ave. pkwy. apartment the following morning.

NOVEL SAID THE TWO conferences with Garrison took place in the Baronne Building and later the same day in the Roosevelt Hotel.

At Baton Rouge, the governor's office said Ohio officials have asked Gov. John J. McKeithen to determine if Novel is accused of a crime involving a federal charge rather than a state charge.

The request was outlined in a letter from the Ohio governor's office in the return of extradition papers to Louisiana.

Garrison is attempting to

have Novel returned to Louisiana on a conspiracy to commit burglary charge in the alleged break-in of a munitions bunker in Houma.

THE LETTER, WRITTEN by John M. McElroy, assistant to the governor, outlined six questions the Ohio chief executive wanted answered before the extradition papers are executed.

Ed Stagg, executive secretary to Gov. McKeithen, said that McKeithen's office would do whatever is necessary to return Novel to Louisiana.

The extradition documents are expected to be returned to Garrison for further answers. Ohio governor's aides said last week the papers were being returned to cure what were described as "technicalities."

Here is the text of the letter to Gov. McKeithen:

"At the request of Gov. Rhodes, I am returning your requisition and supporting documents in the above-captioned matter. An examination of the requisition and supporting documents discloses certain defects and omissions.

"In particular, the accused is not substantially charged with the crime of conspiracy to commit simple burglary.

"THE CHARGING documents fail to disclose an essential element of the crime, namely, that one or more of the parties involved in the conspiracy committed an act in furtherance of the object of the agreement or combination."

"Also, the affidavit by Margene Mancuso does not meet the requirements of a 'supporting affidavit' as required by Section 2963.03 of the Ohio revised code.

"A supporting affidavit should specify the particulars of the crime involved in the conspiracy, the circumstances surrounding the agreement to commit simple burglary and the steps that were taken in furtherance of the object of the agreement or combination.

"Such an affidavit should be made by a person or persons having actual knowledge thereof.

"Furthermore, it is requested that the secretary of

state of Louisiana, the Honorable W. O. Martin, certify that Mr. C. C. Aycock is governor ad interim of Louisiana with power to execute the duties of the office of the governor of Louisiana.

"ALSO, PLEASE delineate

the authority of the district attorney of Orleans to prosecute for a crime which may have its locus in another parish of the State of Louisiana.

"Further, please advise whether the munitions bunker located in Houma, La., was federal property at the time of the offense charged. This question is important in that the crime alleged must be against the State of Louisiana rather than the United States government.

"Please advise further as to what action, if any, has been taken by the district attorney of Terrebonne Parish in the above matter and the current status of the prosecution of Sergio Arcacha Smith."

Copies of the letter were sent to Garrison and State Atty. Gen. Jack P. F. Gre-million.

Earlier today, Shaw received Judge Haggerty's permission to take a long weekend trip to the Mississippi Gulf Coast which is beyond the jurisdiction of Criminal District Court.

Shaw said he will leave Wednesday and return Monday.

At Omaha, Neb., meanwhile, the leading attorney for 22-year-old Sandra Moffett McMaines revealed his client has moved to Des Moines, Iowa.

a state which does not honor a legal compact under which courts here sought her return as a witness.

The lawyer, who Saturday identified himself publicly with the case for the first time, is Lex Hawkins, a top Midwest ~~political leader~~ and a director of the American Trial Lawyers Association. He is chairman of the Midwest Democratic State Chairmen's Association and former state Democratic chairman of Iowa.

MRS. M'MAINES, who linked herself as a former girl friend of star Garrison witness Perry R. Russo of Baton Rouge, is free under \$1,000 bond under a material witness warrant issued by the DA here.

Russo testified at Shaw's preliminary hearing that Mrs. McMaines, then calling herself Sandra Moffett, accompanied him to a 1963 party at the apartment of David W. Ferrie. It was following the party, Russo said, that he heard Shaw, Ferrie and Lee Harvey Oswald, Kennedy's accused assassin, plot the late President's death.

Mrs. McMaines admitted knowing Ferrie, but said she did not meet him until 1965—two years later. A hearing on the material witness warrant is scheduled at Omaha tomorrow.