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DA TURNS DOWN

CONDITIONS FOR

Item 4/7/67

NOVEL'S

RETURN

Immunity

In Burglary Case Asked

Gordon Novel, the missing witness in Dist. Atty. Jim Garrison's probe of the assassination of John F. Kennedy, today offered to return voluntarily to New Orleans—under a long list of conditions. The DA's office quickly rejected them.

The conditions include immunity from prosecution on a 1961 burglary charge. Novel made the statement in Columbus, Ohio, where he is awaiting legal action on Garrison's bid to extradite him.

NOVEL also said that he worked for Gov. John J. McKeithen in 1965 and 1966 and that was how he came to have a card naming him a brigadier general on the governor's staff.

Novel disputed the governor's contention that the card was forged.

In another aspect of the probe, Criminal District Judge Frank Shea postponed for one week a hearing on a motion to dismiss a perjury charge against attorney Dean A. Andrews Jr.

NOVEL appeared at a news conference with his Columbus attorney, Jerry Weiner. Weiner said he would telegraph the foreman of the Orleans Parish Grand Jury today, setting forth the conditions under which Novel would return.

Weiner indicated that he would await a reply from the grand jury foreman Albert V. LaBiche, to whom the telegram was addressed. If the jury does not grant the request, Novel will fight extradition.

Besides setting aside the burglary charge — involving the theft of explosives which were later found crated for Cuba—Novel said he would insist on being questioned privately by the grand jury,

without Garrison's presence. "I would like to go back and testify to a grand jury that isn't loaded," he said.

HE ASSERTED the jury was "composed of some of his (Garrison's) best friends."

Novel also asked that he be assured immunity from any "further charges, intimidation

(Turn to Page 6, Column 2)

Continued from Front Page and harassment," and be allowed to return to Ohio after testifying.

He also asked that his testimony be made public.

Said Weiner:

"If Mr. Novel is as important as Garrison seems to think he is, then he should be allowed these immunities to go back and testify."

Novel asked that the same conditions apply to state officials as to Garrison, apparently a reference to the burglary charge against him in Houma. The charge under Garrison's jurisdiction is conspiracy to commit burglary.

Novel added that he knew "absolutely nothing" about any conspiracy to assassinate Kennedy.

Novel was arrested in Columbus Saturday on a Louisiana warrant charging him with conspiracy to burglarize explosives from an oil company bunker at Houma in 1961. He was freed Tuesday on \$10,000 bond.

GARRISON SAID he would seek to extradite Novel to answer the conspiracy charge and questions in the Kennedy probe. Novel's exact connection with the Kennedy probe has never been made clear.

Assistant DA James Alcock said, "He's not going to dictate conditions to us. He's not in a dictating position."

"Mr. Novel is a fugitive from justice, and we're going to get him back on our own conditions," said Alcock.

On the matter of the card from McKeithen's office, Novel said it has the governor's signature on it and is dated Aug. 10, 1965.

He said he worked for Mc-

Keithen in a political campaign in 1965 and 1966. The governor was elected in 1964 and was not involved in a political race in 1965, but in 1966 he waged a campaign for a constitutional amendment permitting him to succeed himself in office.

Novel said his campaign role was as part of a surveillance staff.

"I WAS HIS chief confidant," said Novel.

Novel said McKeithen's denial that he issued a brigadier general's commission "just isn't true."

Novel said he manufactures electronic "bugging" equipment, but would not comment on whether he tapped any wires for the governor.

Novel said he knows members of the governor's staff very well, particularly Aubrey Young. He said he also knows Gus Weill, who initialed electronics equipment purchase orders from Novel's firm. Weill has since left the governor's office.

JUDGE SHEA postponed the Andrews matter after a lively exchange with defense attorneys.

As the case was taken up at 10:30 this morning, Andrews came into court and asked that his name be placed on record as an attorney representing himself, along with his regular attorney, Sam Monk Zelden.

"You're entitled to represent yourself," Judge Shea answered. "Put Mr. Andrews down as his own counsel."

Assistant DA Alcock then said:

"Your honor, the state moves for a continuance of one week of this hearing."

Zelden jumped to his feet to protest. He said that due to the "unusual circumstances connected with the defendant" it would be to Andrews' disadvantage to delay the case.

"This is hanging over his head and impairing him and his family . . . it is an unusual situation," said Zelden.

ALCOCK AGREED that it was indeed an unusual situation, and this was his rea-

son for seeking a delay. He said Andrews gave 73 pages of testimony before the grand jury and "the state would like a little more time to study the situation."

Judge Shea said, "I can't see how one week is going to change anything that much." He said Andrews was getting an exceptionally fast hearing. "Remember, Mr. Andrews was arraigned within four days after he was indicted." "I'm going to give them seven days," the judge said.

AT THIS POINT Zelden said he wanted to file four new motions.

Judge Shea said that if he had announced this earlier, the argument over the delay could have been avoided, since there must be a delay for the state to study the new motions.

Zelden said he didn't file the motions earlier because "I thought there was a grave possibility that your honor

would quash the indictment today."

"File your pleadings," said Shea. "We just wasted our breath."

ZELDEN'S MOTIONS asked the judge to extend the time for filing special pleadings until May 1, on the grounds that the defense has not been furnished a list of witnesses, nor with the entire transcript of testimony before the grand jury.

Zelden's motions further contended that the indictment does not contain the pertinent provision to the section of the criminal code allegedly violated.

He also filed a motion for an order permitting grand jurors to come into court and disclose the testimony alleged to be perjurious.

ANOTHER MOTION asked a copy of the testimony for Andrews. The fourth motion was similar, but was filed for technical legal reasons.

Judge Shea looked over the motions and said, "I see you ask a delay until May 1."

"Your honor, that was because of the unusual circumstances," Zelden remarked.

"**THAT'S WHY** I'm giving them an additional seven

days," the judge retorted.

The judge reset the hearing on the motion to quash the indictment for next Friday at 9:30 a. m. He took Zelden's new motions under advisement.

On the Novel matter, William Gurvich, Garrison's chief investigator, said, "Novel will be in jail here before Shaw comes to trial."

Shaw is Clay L. Shaw, under indictment for criminal conspiracy in the slaying of President Kennedy.

"If we need Novel for the Shaw trial, we'll subpoena him from Angola," said Gurvich.

ANDREWS, UNDER suspension as an assistant DA in Jefferson Parish, was indicted on the perjury charge March 16 after testifying before the grand jury.

Zelden has moved that the charge be dismissed on grounds that the indictment was defective. He said it does not specify the alleged falsehood in Andrews' testimony.

At his arraignment March 22, Andrews pleaded not guilty to the perjury charge.

The nature of Andrews' testimony before the grand jury was not revealed. His connection with the Kennedy probe is that he testified before the Warren Commission that a man named "Clay Bertrand" approached him after the President was shot in Dallas Nov. 22, 1963, and asked him to defend Lee Harvey Oswald, then accused of the killing.

GARRISON HAS charged that Bertrand is an alias for Shaw. Shaw denies this, and Andrews says he is unable to say whether they are the same.

In a major development in the probe yesterday, a subpoena was issued for the military records of Shaw.

A Garrison spokesman said the subpoena was sent by registered mail to William J. Driver, administrator of Veterans Affairs, to have Shaw's file ready to be produced in Criminal District Court April 24. Shaw was an Army major in World War II.

AN AFFIDAVIT filed by Assistant DA Andrew J. Sciambra said, "The district attorney is conducting an investigation into the background of the defendant, in-

cluding, but not limited to, his affiliation with the United States armed forces, his duties at that time, his whereabouts during that time, his family connections, his date of birth and his general service and medical record."

Sciambra said the office is interested only in the records, and Driver does not have to appear personally. He said the April 24 date was set to allow "reasonable time" for finding the records.

Seventh Underground