

DEPT. OF CRIMINAL JUSTICE  
7 N. BROAD ST. CLEVELAND, OHIO

St. - Stern  
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# Perjury Case Basis Asked By Martens

The attorney for a young music student who once roomed with key Kennedy assassination probe figure David W. Ferrie filed two motions in Criminal District Court today seeking the basis upon which his client was indicted for perjury.

Milton Brener asked the court to provide a bill of particulars on the indictment of 24-year-old Layton Patrick Martens, who was charged April 5 with lying about the mysterious burglary of a munitions dump at Houma.

In Ohio, meanwhile, a fugitive witness wanted in Dist. Atty. Jim Garrison's Kennedy death plot investigation was scheduled to appear before a state Senate committee hearing today to testify as an expert witness on wiretapping.

GORDON NOVEL, a 29-year-old former New Orleans bar owner, was asked to testify before the Ohio Senate Judiciary Committee as the Buckeye state's governor was considering whether to return Novel here on a fugitive warrant.

Garrison has charged Novel with conspiring to burglarize a Schlumberger Wells Service Co. munitions bunker at Houma in 1961. The indictment of Martens grew out of Garrison's inquiry into the same incident.

Novel was asked to testify as an expert witness on two anti-wiretapping bills introduced by state Rep. Ralph Regula, a Republican House member from Akron.

AT NEW ORLEANS, Brener went before Judge Oliver P. Schulingkamp to seek a full transcript of the testimony about which the grand jury accuses Martens of lying.

He asked for a "true and exact copy" of the questions asked Martens before the jury on March 29 and a transcript of a lie detector test given the University of Southwestern Louisiana student in December.

Martens told reporters when he posted bond April 6 that he had taken a polygraph examination and added that a lie detector technician and a Garrison aide told him it proved he was telling the truth.

IN A SEPARATE "Prayer for Oyer," Brener asked for transcripts of all written statements made to Garrison's office by Martens.

Seeking a bill of particulars against his client, the attorney requested "information in detail" on three questions the grand jury released when it handed down Martens' indictment. The testimony went like this:

**Q. How often—how well do you know Gordon Novel?**

**A. I don't recall ever hearing of or meeting Gordon Novel.**

**Q. Are you telling me that even when the boxes were being removed from the bunk-**

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er, you did not know the purpose of the trip?

**A. No, as best as I can remember, I was there. Yes, I do remember being there. The purpose of the trip was not revealed to me.**

**Q. You do not remember Sergio Arcacha Smith being on the trip?**

**A. No, I don't.**

Arcacha, 44, is a former anti-Castro leader in New Orleans whom Garrison has accused of conspiring with Novel and Ferrie to burglarize the munitions dump. Arcacha was arrested at Dallas, where he is free on \$1,500 bond. Novel was released on \$10,000 bail at Columbus, Ohio, pend-

ing a hearing May 3.

Judge Schulingkamp accepted Brener's motions this morning and gave the DA's office until April 26 to show cause why they should not be granted. A hearing will be held at 10:30 a. m. that day.

Novel was once president of a specialized electronics firm in New Orleans and sold anti-bugging equipment to Gov. John J. McKeithen's office in 1965.

A request for Novel's extradition reached Ohio Gov. James A. Rhodes yesterday, and sources there said a decision on what legal steps must be taken will be made next week.

"WE'LL PROBABLY spend the weekend going over Louisiana law," an aide to Rhodes said.

Novel is wanted in Louisiana on additional warrants charging him as a material witness in the Kennedy murder plot probe and with simple burglary at Houma in Terrebonne Parish.

The Orleans Grand Jury met again today, and Garrison went into the jury room shortly before noon. There was, however, no immediate indication of whether further action in the investigation would result.

"I've gone before the grand jury many times," Garrison told reporters. "There's no special significance in this."

In still another development today at Baton Rouge, state officials indicated Garrison may be forced to make a public listing of all private donations used to finance his inquiry.

STATE LAW, State Treasurer A. P. Tugwell noted, requires a public listing of all donations with the treasurer's office. It must name the source, terms and conditions, trustees and persons authorizing expenditures.

Tugwell said the law, known as the "Anti-Slush Fund Law," to his knowledge has never been enforced.

Asked about the development, Garrison said, "I'll never have any comment on anything like that."

Late yesterday, Dean A. Andrews Jr., the rotund lawyer charged with perjury in connection with the Kennedy investigation, filed a \$100,000 suit in federal court against

Garrison.

Andrews charged Garrison violated his civil rights by compelling him "to answer questions designed to trap him, full knowing that plaintiff had no knowledge of any conspiracy or any facts material to a conspiracy to murder John F. Kennedy."

ANDREWS WAS twice indicted by the grand jury. The first charge was dropped when Andrews' attorney, Sam Monk Zelden, sought to have the accusation thrown out. He was reindicted Thursday in an 11-foot-long, 2,000-word document which centered on testimony about a mysterious Clay Bertrand and 54-year-old Clay L. Shaw.

Bertrand is the man Andrews told the Warren Commission, who telephoned him immediately after Kennedy's death and asked him to represent accused assassin Lee Harvey Oswald.

SHAW, A RETIRED New Orleans businessman, has been indicted here for allegedly conspiring with Oswald and the late David W. Ferrie to kill Kennedy. Garrison contends Shaw and Bertrand are the same man.

In testimony before the grand jury, Andrews said he could not connect the two. In yesterday's damage suit, Andrews said he told the DA earlier there "was no connection between Clay Shaw and Clay Bertrand."

A suspended assistant district attorney in Jefferson Parish, Andrews pleaded innocent for the second time yesterday to the perjury charge during a formal arraignment in Criminal District Court.