

PROBERS CALL TWO OSWALDS

Court Rejects Plea for Phelan to Testify

By ROBERT USSERY

The district attorney's assassination probe took an unusual twist Wednesday when two men were subpoenaed to give investigation testimony. Both men are named Oswald.

Adding to what may be pure coincidence is the fact that one of the Oswalds is employed by the Standard Coffee Co., where Lee Harvey Oswald once worked, and the other worked there during several summers.

William S. Oswald, 2704 Wychwood, Metairie, showed up at the district attorney's office about 4 p. m. and said he had never met the accused president assassin even though he had worked at the coffee company during the time Lee Oswald had.

Julius J. Oswald, 3908 Westgate, currently employed as a clerk by Standard, was commanded by a Criminal District Court order to appear at 11 a. m. Thursday. This Oswald refused to discuss the matter.

In other developments Wednesday a plea by Clay L. Shaw's defense attorneys to bring magazine writer James Phelan here for immediate testimony was tossed out of Criminal District Court, and a Columbus, Ohio, court refused to dismiss a third Louisiana complaint against fugitive witness Gordon Novel.

REFERENCE, BELIEF

William Oswald, a soft-spoken man of about five feet, nine inches, with close-cut red hair, spoke to reporters briefly before being ushered into the inner office for questioning by Assistant District Attorney Richard Burnes.

"At the time of the assassination the Secret Service had called me," Oswald said. The reason, Oswald believes, is that Lee Oswald used his name and

address as a reference for a job application with Standard.

He said he thinks Lee Oswald erred, and in reality meant to put the address of the subpoenaed Oswald's uncle, also named William Oswald, and who resides at 136 Elmeer pl. in Metairie.

Oswald said he believes there may be some distant relationship by marriage between Lee Oswald and his branch of the family.

The uncle, William Oswald of Elmeer pl., said by phone that Lee Oswald had paid him a visit in the summer of 1963, and refused to answer further questions.

Deputies of Criminal Sheriff Louis A. Heyd Jr. dispatched the subpoenas to the two Oswalds soon after they were issued. Julius Oswald received his at the Standard Coffee Co. office, and William Oswald, the nephew, received his shortly afterward.

Warren Report lists of witnesses questioned after the assassination included neither William S. nor Julius J. Oswald.

J. Lee Rankin, New York attorney who served as chief counsel for the Warren Com-

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mission, could not be reached Wednesday night for comment on why the two Oswald men were not questioned by the commission or whether the commission knew anything about the two men.

In the local court action, the attorneys for Shaw, the only living man accused of conspiring to kill President John F. Kennedy, wanted Phelan to give a sworn statement in open court.

HAGGERTY OVER-RULES

Judge Edward A. Haggerty Jr. over-ruled the motion after less than one-half hour of argument.

Defense attorney F. Irvin Dymond argued that two sections of the state criminal code give the court authority to take Phelan's testimony.

Arguing on the state's side, assistant district attorney James Alcock said the law covers

only persons who have been arrested on material witness warrants and who are in jail and unable to make bond.

Dymond called the strict interpretation of the law oppressive, and added, "the law does not force a judge to perform futile and useless acts. The question is, 'does a man have to go to jail, or can he give testimony voluntarily.'"

Phelan, who wrote a Saturday Evening Post story criticizing Garrison's investigation, travels world-wide in his job and may not be available when the Shaw case is tried, Dymond maintained.

NOVEL ARRESTED

Novel went before municipal court at Columbus while the Shaw hearing was in progress in New Orleans.

He was arrested Tuesday on a fourth Louisiana charge and released immediately on the \$10,000 bond under which he was placed on April 1.

This last arrest resulted from direct burglary charges field by Terrebonne Parish authorities in connection with the disappearance of explosives from a Slumberger Well Service munitions bunker near Houma in 1961.

Garrison has charged Novel and former anti-Castro leader Sergio Arcacha Smith with conspiring to commit the burglary.

Municipal Court Judge Bruce Jenkins denied a motion by Novel to cancel the fourth charge and continued all of Novel's cases until July 3.

He also gave Louisiana Gov. John J. McKeithen an extra 30 days to perfect extradition papers in Louisiana's attempt to get Novel back.

IMPORTANCE CITED

Jenkins said he felt the burglary "is of considerable importance to Louisiana," and added he felt it is "in the best interest of the public to give Louisiana authorities additional time to return the Louisianian."

However, he warned, "if they don't do something by the end of 60 days, they're out of business. We can't string this on forever. If they have a case, let them get on with it."

Novel has said the Houma incident was no burglary at all, contending it was a routine pick-up of explosives for use in connection with the Bay of Pigs invasion.