

GARRISON UPHELD ON F.B.I. SUBPOENA

Judge Rules Agent Must
Testify at Plot Inquiry

NEW ORLEANS, May 17 (AP)—Criminal District Judge Bernard Bagert ruled today that the Justice Department does not have the authority to prohibit its agents from testifying before a grand jury investigating the Kennedy assassination.

Judge Bagert ordered Regis Kennedy, an agent of the Federal Bureau of Investigation, to appear before the Orleans Parish grand jury. When the New Orleans-based agent was subpoenaed last week, Federal lawyers cited a Justice Department order forbidding F.B.I. agents to disclose information about official work unless the Attorney General approved.

In his ruling today, Judge Bagert said: "The serious question presented herein is whether the Executive branch of our Government has the general and unlimited authority to instruct its many employes and subordinates not to give testimony in cases pending in court." This question of privilege, he said, must be determined by the courts, not by Federal agencies.

U.S. Declines Comment

Special to The New York Times

WASHINGTON, May 17—Spokesmen for the Justice Department declined to comment on the ruling today. When situations of this nature have occurred before, the department has moved immediately in Federal court for an order countermanding the state judge's order.

Explanation for "Code"

DALLAS, Tex., May 17—A "code" that New Orleans District Attorney Jim Garrison says connects Clay Shaw with Lee Harvey Oswald and Jack Ruby in an assassination conspiracy may be nothing more than the postoffice box number of a bullfight promoter, The Dallas Times Herald said in a copyrighted article today.

It reported that Lee Odom, a year-old promoter, says he is the "Lee Odom, Post office box 19106, Dallas, Tex." that Mr. Garrison cited from Mr. Shaw's address book.

Mr. Shaw, 54, a retired New Orleans businessman, has been indicted on a conspiracy charge and is awaiting trial.

Using a complex decoding system, Mr. Garrison has said the Dallas postoffice box num-

ber translates into Ruby's 1963 Dallas telephone number — Whitehall 1-5601. The number "19106" was found in Oswald's notebook.

Mr. Odom said "19106" was the number of a postoffice box he rented in the summer of 1966.

Recalling a trip to New Orleans last November, Mr. Odom said:

"I asked the manager of the Roosevelt Hotel in New Orleans about who would be a good man to see about finding a place for my bullfight." He suggested Mr. Shaw, so the manager called him. He (Shaw) came over to the hotel, as I recall, and we talked for 15 or 20 minutes. He gave me his business card and I gave him my address in Dallas. The bullfight didn't come off and we never communicated again. That's all there was to it."