UNITED STATES GOVER. ENT

`RTMENT OF JUSTICE

Memorandum

: Carl W. Belcher, Chief General Crimes Section DATE: March 20, 1967

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FROM : Edward Molenof

129-11

SUBJECT: Dave Ferrie -

In connection with United States v.

Marcello, Conspiracy,

New Orleans

In connection with our discussions of last Friday evening, and Saturday, I am hereunder setting forth my recollection of the above named Dave Ferrie which was in entirety in connection with my association in the above criminal case, scheduled for trial in New Orleans on November 11, 1963.

As per direction of court, and by pre-arrangement with Jack Wasserman, counsel for Marcello, we made all documentary evidence intended for trial introduction available to defense counsel for inspection purposes on Saturday morning, November 9, 1963, in the United States Attorney's library. Mr. Owen Neff, with whom I was associated, had custody of the documents, and supervised the inspection process. Around noon of November 9, I went into the library to check on the progress made and in addition to the several defense counsel, I saw a man whom I had not seen before in connection with the matter. Mr. Neff advised me that the person's name was Dave Ferrie; that he was an investigator for Mr. Wasserman in the case. I made a point of Ferrie's presence with Wasserman and stated that he was not authorized to be there inasmuch as he was not counsel. Ferrie was an "odd" looking individual, particularly his facial features. I didn't like his "looks", nor his status in the case, so I asked him to leave the room. Wasserman made an argumentative point, and we permitted him to stay, but not handle documents.

Prior to and during the course of the trial, which commenced on November 11, and concluded on November 22, 1963, Mr. Ferrie appeared active in the case, investigative wise, both in and out of New Orleans and the court was openly critical of certain of his investigative techniques, which were to say the least unethical, and in fact bordered on the criminal.

FILE-J.A.A.

During the course of the trial I observed Ferrie on several different occasions, in and out of the courtroom.

On November 22, 1963, the day was taken up with final arguments and jury instruction. My recollection is that I saw Ferrie, as I was leaving the courtroom, in the corridor just outside of the courtroom where a few others had gathered within a minute or two after the jury retired to deliberate its verdict. My best recollection is that the time was around 1:00 P.M., give or take a half-hour, New Orleans time. To the best of my recollection I did not see Ferrie thereafter.

FMW:DCS:em File: 129-11 3/17

stephenson Copeland Dep.A.G.

Honorable John Stennis, United States Senate, Washington, D. C. 20510

Dear Senator Stennis:

The President has asked me to reply to a petition of the Port Gibson High School Government Class addressed to the President which you transmitted to him in your letter of March 17, 1967, to Mike N. Manatos, Administrative Assistant to the President.

A copy of my reply of this date is enclosed.

Sincerely yours,

Frank M. Wozencraft Assistant Attorney General Office of Legal Counsel

Enclosure

INSPITE AND HALLED COMMUNICATIONS SEC.

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FMW:DCS:em File: 129-11

cc:Files
Stephenson
Senator Stennis
Copeland

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Mr. J. E. McElroy, Government Class, Port Gibson High School, Port Gibson, Mississippi 39150

Dear Mr. McElroy:

President Johnson has asked me to reply to the petition addressed to him by you and 35 students of the Government Class of Port Gibson High School regarding the assassination of President Kennedy. The petition, which was transmitted to the President by Senator Stennis, declares that the documents relating to the assassination, "especially the documents which the Warren Commission had put away to be opened at a later date," should be made public and that there should be a new investigation.

With respect to the public availability of documents and other evidence relating to the assassination, it is not true that the Warren Commission ordered certain documents not to be opened until a specific date. The Warren Commission gathered a vast amount of material, much of it having only remote connection with the assassination. bulk of the material that was before the Commission either was published in its 26-volume Hearings or is available to researchers at the National Archives. The relatively small portion which is not now available to the public consists primarily of national security intelligence or investigative reports -- dealing largely with activities far removed from the assassination itself -- which if disclosed might compromise confidential sources or techniques, or in some cases jeopardize the lives of individuals Public availability of other information had been abroad. delayed pending completion of the prosecution of Jack Ruby,

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but this information will now be released. All of the Commission material which has not yet been released will be reviewed periodically until all of it has been made available to the public.

The request for a new investigation apparently reflects the criticisms of the conclusions of the Warren Commission expressed by various authors. These authors do not claim to have any significant new evidence, so far as we are aware. Rather their criticisms and demands for a new inquiry are based upon different conclusions they have drawn from parts of the same body of evidence that was examined by the Commission. The Commission made a thorough inquiry and detailed analysis of the facts concerning the assassination. The evidence amply supports the basic conclusions of the Commission. In these circumstances, we see no basis for a new inquiry.

The President appreciates the expression of interest in this subject by the individuals signing this petition. It is hoped that the foregoing information may be helpful to them in their study of this matter.

Sincerely yours,

Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel

T 2 WHITE HOUSE OFFICE

REFERRAL

Date: March 22, 1967 The Attorney General **ACTION REQUESTED** _ Draft reply for: ____ President's signature. __ Undersigned's signature. NOTE Memorandum for use as enclosure to reply. Prompt action is essential. If more than 48 hours' delay is encountered, __ Direct reply. please telephone the undersigned immediately, ___ Furnish information copy. Code 1450. X Suitable acknowledgment or other appropriate handling. Basic correspondence should be returned when _ Furnish copy of reply, if any. draft reply, memorandum, or comment is requested. _ For your information. _ For comment. REMARKS: Forwarded by Senator Stennis 3/17/67 Description: X Letter: ____ Telegram: Other: petition enclosed To: Senator John Stennis for the President From: J. E. McElroy, tchr. Govt. class, Pt. Gibson HS, Port Gibson, Miss. 39150 Date: no record; recd. by Sen. Stennis 2/3/67, by undersigned 3/22/67 Subject: Warren Commission report By direction of the President: Paul M. PMARe 23 1967 Assistant to the President

(Copy to remain with correspondence)

DEFICE OF LEGAL COUNSEL

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March 21, 1967

Dear Senator:

Thank you for your letter of March 17 enclosing a potition to the President signed by students of the Government class of Port Gibson High School regarding the investigation of the assassination of President Kennedy.

Your courtesy in transmitting the petition is appreciated.

Sincerely,

Mike Manatos
Administrative Assistant
to the President

Honorable John Stennis United States Senate Washington, D. C.

File: Paul Popple

jl/jf

OFFIGE OF LEGAL DOUNSEL

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Port Gibson High School Port Gibson, Mississippi 39150

Mr. John Stennis:

Our Government class has drawn up a petition which we would like for you to bring to the attention of the President. We have studied this in our current events section of our Government class. We have found that there are many questionable findings which we find should be more fully investigated.

Would you please advise us as to your accomplishments in receiving the President's attention on this matter.

Sincerely yours,

J. E. McElroy, Teacher

JEM:LDE

Port Gibson High School Port Gibson, Mississippi 39150

Mr. President:

We, the undersigned, hereby declare that we believe that the documents concerning President Kennedy's assassination should be made public. Especially the documents which the Warren Commission had put away to be opened at a later date. We believe these documents could not cause any farther pain for either the Kennedys or the Oswalds than what they have already encountered. It is our sincere belief that these documents could shed a great light on the assassination.

Futhermore, we feel that the findings of the Warren Commission have been excessively questioned. As has been the identity of the real assassin, the number of assassins, and the originality of the assassin's plot. We believe that the Commission should have a farther investigation of the assassination and the whole facts of the investigation should be made public.

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32501-12 Ellerichen
34. Knick & Smiden
35. W. D. Stovenes

Port Gibson High School Government Class

5. Linda Witer 6. Elaine Wife Linda Kiley

RICHARD B. RUSSELL, GA., CHAIRMAN RICHARD B. RI
STENNIS, MISS.
T SYMINGTON, MO.
' M. JACKSON, WASH.
. ERVIN, JR., N.C.
RD W. CANNON, NEV.
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M. INDIVER MANAIL

MARGARET CHASE SMIT...,
STROM THURMOND, S.C.,
JACK MILLER, IOWA
JOHN G, TOWER, TEX,
JAMES B. PEARSON, KANS,
PETER H. OOMINICK, COLO.

United States Senate

COMMITTEE ON ARMED SERVICES

WILLIAM H. DARDEN, CHIEF OF STAFF CHARLES B. KIRBOW, CHIEF CLERK

March 17, 1967

Mr. Mike N. Manatos Administrative Assistant to the President The White House. Washington, D. C.

Dear Mike:

I transmit this petition to you at the request of Mr. J. E. McElroy, Teacher of the Government class, Port Gibson High School, Port Gibson, Mississippi. has requested that this be given to the President.

As you will note, this petition is signed by Mr. McElroy and thirty-five students.

With every good wish, I am

Sincerely yours,

John Stennis United States Senator

JS:ch / Enc.

Form DJ-96a (Rev. 6-22-66)

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cc: Files
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129-11.5

Honorable Frank E. Evans U. S. House of Representatives Washington, D. C. 20515

Dear Congressman Evans:

I appreciate your sending along, with your letter of March 16, the further views of your constituent, in regard to the question of whether the Department of Justice would have jurisdiction under the conspiracy laws or other legislation to impanel a grand jury in the death of President Kennedy. In his letter to you of February 28, cites and discusses 18 U.S.C. 371, 372, 871, 1114 and 2384.

After reviewing these sections, it appears to me that to use any of them as the basis for an inquiry into the assassination at this time would at best appear artificial, and might well exceed the scope of these provisions. More fundamentally, a federal prosecutor must have some basis for believing that persons at liberty have committed a federal crime in order to present evidence to a grand jury. This Department knows of no evidence that could lead to indictment of any person for any of the federal crimes re-

indictment of any person for any of the federal crimes referred to by As noted in my prior letter of February 21, we believe that the evidence amply supports the basic conclusions of the Warren Commission, including its finding that Lee Harvey Oswald acted alone.

Sincerely yours,

Frank M. Wozencraft Assistant Attorney General Office of Legal Counsel

who have

FRANK E. EVANS

HOUSE OFFICE BUILDING WASHINGTON, D.C.

HOUSE COMMITTEE ON ARMED SERVICES

P.O. Box 1814
COLORADO SPRINGS
COLORADO

Congress of the United States

House of Representatives

March 16, 1967

Mr. Frank Wozencraft Assistant Attorney General Office of the Legal Counsel Department of Justice Washington, D. C.

Dear Mr. Wozencraft:

Please refer to our correspondence (your letter of February 21) in regard to the question of whether the Justice Department would have jurisdiction under the conspiracy laws or other relevant legislation to impanel a grand jury on the subject of the death of President Kennedy.

I am enclosing herewith additional material on this subject provided to me by a constituent who made this suggestion.

Would you kindly provide me with an opinion on the points made by

Thanking you for your further assistance, I am

Most sincerely yours,

FRANK E. EVANS Member of Congress

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OFFICE OF LEGAL BUTKSEL

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Form No. G-1F (Rev. 7-13-62)

FROM

OFFICE OF LEGAL COUNSEL

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TO

OFFICIAL INDICATED BELOW BY CHECK

The Attorney General		Memorandum
Executive Assistant		3/24/67
Public Information		Manders 3/24/67 Barefrot:
The Solicitor General		Barefoot:
Deputy Attorney General		Does this seem to be
Administrative Assistant Attorney General		appropriate reply?
Assistant Attorney General, Antitrust		
Assistant Attorney General, Civil	X	7
Assistant Attorney General, Civil Rights		
Assistant Attorney General, Criminal		Please return attachedite
Assistant Attorney General, Internal Security		
Assistant Attorney General, Lands		
Assistant Attorney General, Tax		
Director, Federal Bureau of Investigation		
Commissioner, Immigration and		REJEIVED
Naturalization Service		900 2 YES
Board of Immigration Appeals	-	Programme and the second secon
Director, Bureau of Prisons		
Board of Parole		
Dandan Attannou		}

February 28, 1967

Congressman Frank E. Evans House of Representatives Washington, D. C. 20515

Dear Congressman Evans:

In answer to your letter and also to the letter from the Department of Justice, be advised that the subject of the assassination of President Kennedy and the attack on Secret Service agents who were guarding the President and also the presumed attack on the Vice President and the other facets of this case involve many sections of the statutes.

I note with some interest that it appears that the statute involving guarding of the President was modified, however, in my opinion, the statute that existed already covered the President since he is certainly the titular head of all of the Departments of the government and as Commander-in-Chief is also head of the Army and Navy and other military establishments such as the Coast Guard. Therefore, it is my opinion that the statute as it existed would cover the President of the United States.

For your information I am copying here all of the sections that I am sure are relative to such an investigation. We are, in this effort, talking about an investigation and not about what can be proved and we are talking about the possible offenses that may exist in this particular instance which resulted in the death of the President of the United States and certainly, in the attack, officers of the Secret Service were also in great danger. In addition to that, we can presume that the Vice President of the United States was in some danger. Under the circumstances, the following sections of the laws of These are all in Title 18 and the United States would apply. are:

Conspiracy to commit offense or to defraud U.S. Conspiracy to impede or injure an officer. Section 371:

Section 372: Section 871: Threats against President and successors to the

Presidency. Section 1114: Protection of officers and employees of the U.S.

Section 2384: Seditious conspiracy. (With regard to Secyion Ill4, I would like to call attention to the fact that the President is obviously the head officer of the U. S. Coast Guard and undoubtedly the head of all the other departments mentioned in the statute. This statute, of course, has been in effect for many, many years prior to the date of the assassination of President Kennedy.)

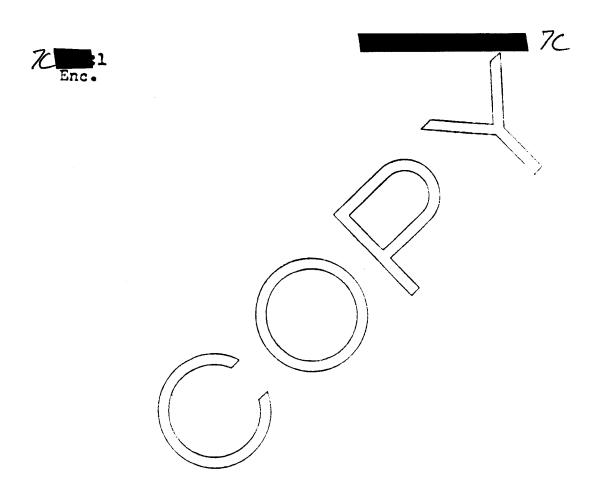
I am sure that if these points are called to the attention of the Department and, if it is the wish of the Department, that an investigation could be launched to determine whether or not conditions of this nature exist based upon the various newspaper articles that have been printed and recently, as you know, the state district attorney in New Orleans has made many charges and has apparently refused to give any information to federal agents, however, he would be required to do this if he were called as a witness.

The interesting prospects that could result from this investigation, I am sure, are important enough to justify your continued interest in carrying this forward. I do not agree with the position of the Department that the assassination or attempted assassination of the President of the United States was not a federal offense under the previous statute and I am sure that the Courts would uphold my position. It is further evident that the Department supports the conclusions of the Warren Commission and I am sure that I also support the conclusions of the Warren Commission but to lay to rest any possible implications or inferences being made which may be very damaging to President Lyndon B. Johnson, it would appear to me to be fundamental that these matters be investigated by the only agency of the government that would have any authority to prosecute offenders committing offenses against any officer of the United States. Also, this is a suggestion that the Department of Justice initiate its own investigation into the matters that have been raised and will continue to be raised and which may very well have a basic influence. The attack clearly was an attack on members of the Secret Service who are definitely protected by the statutes as they existed, therefore, an inquiry is justified if only to determine whether or not prosecution should be attempted.

It is noted that the Department seems to consider this as a new inquiry but, as a matter of fact, this would be the original inquiry since the Warren Commission had no legal stand and could not, under any circumstances, have taken any action to prosecute any persons who might be guilty of offenses. Also an inquiry of this nature would serve to silence the cries that have been raised that nothing has been done to further investigate all of the matters important to the proper functioning of the government of the United States.

I feel that your continued interest in this matter will be important in this area of good government. If I can be of further assistance to you, do not hesitate to call on me.

Yours very truly,



Section 371: Conspiracy to commit offense or to defraud United States.

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor. June 25, 1948, c. 645, 62 Stat. 701.

Section 372: Conspiracy to imped or injure officer.

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force Intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than \$5,000 or imprisoned not more than six years, or both.

June 25, 1948, c. 645, 62 Stat. 701.

Section 871: Threats against President and successors to the Presidency.

Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, the Presidentelect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Section 871 (continued)

(b) The terms "President-elect" and "Vice President-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectifely, as ascertained from the results of the general elections held to determine the electors of President and ?Wice President in accordance with title 3, United States Code, sections 1 and 2. The phrase "other officer next in the order of succession to the office of President" as used in this section shall mean the person next in the order of succession to act as President in accordance with title 3, United States Code, sections 19 and 20. June 25, 1948, c. 645, 62 Stat. 740; June 1, 1955; c. 115, Sec. 1, 69 Stat. 80; Oct. 15, 1962, Pub.L. 87-829, Sec. 1, 76 Stat. 956.

Section 1114: Protection of officers and employees of the United States.

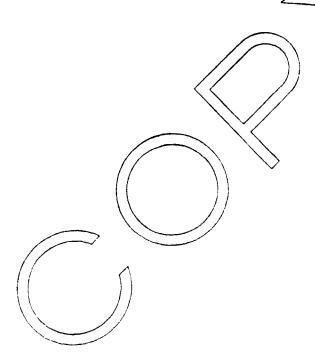
Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal or person employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Marcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the proptection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Ricc, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Adimal Industry of the Department of Agriculture, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration and Space Administration, any security officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare to conduct investigations or inspections under the Fe

Section 1114 (continued)

in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections llll and lll2 of this title.

Section 2384: Seditious Conspiracy

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to everthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or mossess any property of the United States conteary to the authority thereof, they shall each be fined not more than 35,000 or imprisoned not more than six years, or both. June 25, 1943, c. 645, 62 Stat. 808.



CLASSIFICATION U. S. INFORMATION SERVICE FROM: USIS CAMBERRA TO: USIA WASHINGTON REF: March 15, SUBJECT: USIS Sydney Secures Wide Coverage of Warren Commission Report Through a combination of fortituous circumstances connected with the publication of the William Monchester book, "Death of a Fresident", by the Sydney Sun, USIS Sydney was able to organize the reprinting of the entire text of the one-volume edition of the "Marren Commission Report" in a rival afternoon newspaper, the Sydney Daily Mirror. When the Sun (circulation 326,630), the aftermoon newspaper published by Associated Newspapers Ltd., announced that it would bring out the Manchester book on a series of four-page lift-outs and gave this feature a large publicity build-up, the Daily Mirror, (circulation 323,020), the rival afternoon paper in Sydney, obtained a copy of the Marren Commission Report from USIS Sydney and launched a campaign featuring this account of President Kennedy's assassination as the "Official" version. Teating its rival to the punch, the <u>Daily Mirror</u> began its serialization of the Mayren Commission Report a day before the first issue of serialization of "The Death of a President" appeared in <u>The Sun</u>. The <u>Mirror</u> reprinted the entire text of the Warren Commission Report in a series of five four-page lift-outs and gave the book a very strong promotional effort through newsstand sales, posters and radio advertising. USIS Sydney, taking advantage of the intense circulation rivalry between those two Sydney afternoon newspapers thus was able to get the entire Warren Commission Report widely publicized and med by Sydneyriders and throughout Australia. LeVan Roberts Public Affairs Officer

UNCLASSIFIED CLASSIFICATION

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OFFICE OF