

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Carl W. Belcher, Chief
General Crimes Section
Criminal Division

DATE: May 17, 1967

BFG:scv

FROM : Barry F. Greenberg

129-11

SUBJECT: Garrison Probe--Subpoena of
Federal Bureau of Investigation
Agents

On May 15, 1967, I dictated the following pleadings and orders to the United States Attorney, New Orleans, which had been filed in the case of North Carolina v. Gordon S. Carr:

1. Motion for Order to Surrender Custody
2. Temporary Restraining Order
3. Petition for Removal of Criminal Contempt Proceedings
4. Order to Surrender Custody Dated February 2, 1967

FILE

RE: Regis L. Kennedy, Special Agent, Federal Bureau of
Investigation,

Belcher
5-17-67

129-11

IN THE CRIMINAL DISTRICT COURT
FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

Reasons for Denial of Motion to Quash

The duly empaneled grand jury for the Parish of Orleans, State of Louisiana, caused to be issued a subpoena to Special Agent Regis L. Kennedy of the Federal Bureau of Investigation. Through his counsel, the Office of the United States Attorney for the Eastern District of Louisiana, Agent Kennedy filed a motion to quash the subpoena. Opposition thereto was filed by the District Attorney for the Parish of Orleans "the representative of the State of Louisiana before the Grand Jury and its legal adviser." See Article 64, Louisiana Code of Criminal Procedure.

In support of its position for a motion to quash the United States Attorney furnished the court with a copy of Department of Justice Order No. 324-64 which provides that no officer or employee of the Department of Justice shall furnish information or material contained in the files of the Department of Justice in response to a subpoena unless prior approval is given by the Attorney General.

The contend that the statutory basis for the above regulation is Title 5 U.S. C. 22 which provides:

"The head of each Department is authorized to proscribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of its records, papers and property appertaining to it."

The serious question presented herein is whether the Executive Branch of our government has the general and unlimited authority to instruct its many employees and subordinates not to give testimony in cases pending in court. This presents the anomalous situation of a party to a judicial controversy being in addition to the party litigant the judge and the jury. It is believed that this contravenes the fundamental concept of our founding fathers that the posterity of our country rested upon a system of "checks and balances." This system of "checks and balances" is sustained by the three departments of our government, to wit: the Executive, the Legislative and the Judicial. Each has its separate function and non has the constitutional authority to encroach upon the jurisdiction of the other.

sec
2214
PC F. 28
321 325

The principle of "privilege" from giving testimony as advocated by the United States Attorney has been recognized by the United States Supreme Court as early as 1953. See United States v. Reynolds, 345 U. S. 1, 73 Supreme Court 528. In recognizing the privilege, the court in that case said:

"Judicial Control over the evidence in a case cannot be abdicated to the caprice of executive officers."

Both parties to this controversy have cited the above case, plus others. The court has carefully read all of these decisions and say that there is no conflict in any of them. Unfortunately, the decisions cited by the United States Attorney do not support his position.

The controlling case is Giancana v. Johnson, 335 Fed. Reporter, 2d Series, 373. [7th Circuit 1964]. In this case, the Special Agent in Charge of the Chicago office of the Federal Bureau of Investigation was found guilty of criminal contempt after he was subpoenaed as a witness to testify and refused to do so on the basis of an Executive Order of the United States Attorney General. On appeal, the agent contended that the Executive Order gave him a privilege from testifying. The appellate court sustained the conviction for contempt, recognized the validity of the Executive Order regulation [Order No. 260-62] which has been amended by Order No. 324-64.

It went on further to say that the question of the privilege is one to be determined by the court and not by the Executive Department. In a concurring opinion supporting the right of privilege of the United States Attorney General, Mr. Justice Frankfurter said:

"In joining the court's opinion I assume * * * that the Attorney General can be reached by legal process. Although he may be so reached what disclosures he may be compelled to make is another matter. It will of course be open to him to raise those issues of privilege from testimonial compulsion which the court rightly holds are not before us now * * * to hold now that the Attorney General is empowered to forbid his subordinates, though within a court's jurisdiction, to produce documents and to hold later that the Attorney General himself cannot in any event be procedurally reached would be to apply a fox-hunting theory of justice that ought to make Bentham's skeleton rattle."

This court finds that the authority to subpoena a Special Agent of the Federal Bureau of Investigation is amply supported in law. The motion to quash is denied.

s/

Bernard J. Bagert, Judge

New Orleans, Louisiana

May 17, 1967

DEPARTMENT OF JUSTICE

129-11

TO (1) Mr. Sanders (2) Mr. Belcher

- ATTORNEY GENERAL
 - EXECUTIVE ASSISTANT
 - OFFICE OF PUBLIC INFORMATION
- DEPUTY ATTORNEY GENERAL
 - EXECUTIVE OFFICE-U. S. ATTORNEYS
 - EXECUTIVE OFFICE-U. S. MARSHALS
- SOLICITOR GENERAL
- ADMINISTRATIVE DIVISION
 - LIBRARY
- ANTITRUST DIVISION
- CIVIL DIVISION
- CIVIL RIGHTS DIVISION
- CRIMINAL DIVISION
- INTERNAL SECURITY DIVISION
- LANDS DIVISION
- TAX DIVISION
- OFFICE OF LEGAL COUNSEL
- OFFICE OF ALIEN PROPERTY
- BUREAU OF PRISONS
- FEDERAL PRISON INDUSTRIES, INC.
- FEDERAL BUREAU OF INVESTIGATION
- IMMIGRATION AND NATURALIZATION SERVICE
- PARDON ATTORNEY
- PAROLE BOARD
- BOARD OF IMMIGRATION APPEALS
- ATTENTION: _____

- | | |
|---|---|
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> COMMENT | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> YOUR INFORMATION | <input type="checkbox"/> CALL ME |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | |

REMARKS:

RE: Assassination of President John Fitzgerald Kennedy, November 22, 1963
Dallas, Texas 5/14

Mr. LaCour tells me that his contacts have reported that Garrison intends to file an answer tomorrow to our motion to quash claiming that our motion was premature. It would be his contention that the agent really should be permitted to go before the grand jury and when the questions are put to him then he can exercise his privilege which would then be litigated before the court. Garrison would claim that we don't know the nature of the inquiry, therefore we cannot object to the agent testifying. (This is a lot of malarky.) The source of information would like Louie to believe that if we resist in this fashion that the District Attorney would not pursue the matter further. I can't believe an iota of that. I have tentatively told Louie to maintain our position to the effect that the agent will not testify before that grand jury for the above or any other purpose in connection with this hearing. Louie will be in communication with us as soon as he gets a copy of Garrison's papers.

I think we ought to resolve the CIA matter early this afternoon. CIA will be here at 2 p. m.

FILE

FROM N. E. Kossack
First Asst., Criminal Div. DATE 5/15/67

COPY-----COPY-----COPY

IN RE: Regis L. Kennedy Subpoenaed to Appear Before
Orleans Parish Criminal District Court
Parish of Orleans, State of Louisiana

STATE'S OPPOSITION TO MOTION TO QUASH

Now into court through the undersigned Assistant District Attorney comes the State of Louisiana for the purpose of filing the State's opposition to Motion to Quash the subpoena of the Orleans Parish Grand Jury served upon Special Agent Regis L. Kennedy of the Federal Bureau of Investigation and alleges and answers as follows:

I

The State denies that the Department of Justice Order No. 324-64 has the effect of law in the instant case and further denies that the Attorney General of the United States is empowered to prohibit the production or disclosure of any information pursuant to Department of Justice Order No. 324-64 or 5 USC 22 except information which is privileged. The sole ^{er} prerogative ~~xxxxxxxxxx~~ of determining whether information is privileged rests with the judiciary. See United States v. Reynolds, 345 U.S. 1 (1953), NLRB v. Capitol Fish Company, 294 F. 2d 868, C.A. 5 (1961), Giancana v. Johnson, 335 F. 2d C.A. 7 (1964).

II

Agent Regis Kennedy's subpoena for personal testimony (unlike a subpoena duces tecum) did not specify the subject matter of the questions nor the information required of Agent Kennedy. Therefore, movers motion presumes, without justification or authority, the nature and substance of the questions to be propounded to Agent Kennedy. The scope and subject matter of the Grand Jury inquiry cannot be limited by paragraph 2 of the Motion to Quash.

III

(1) The State denies that the facts alleged in subparagraph 3 of the Motion to Quash are true and the State further denies that the allegations of fact of subparagraph 1 are relevant.

(2) The State denies that the Department of Justice Order No. 324-64 has the effect of law in the instant case and further denies that the Attorney General of the United States is empowered to prohibit the production or disclosure of any information pursuant to Department of Justice Order No. 324-64 or 5 USC 22 except information which is privileged. The sole prerogative of determining whether information is privileged rests with the Judiciary. See United States v. Reynolds, 345 U.S. 1 (1953), NLRB v. Capitol Fish Company, 294 F. 2d 868, C. A. 5 (1961), Giancana v. Johnson, 335 F. 2d C.A. 7 (1964).

(3) Notwithstanding the fact that an instruction from the Attorney General pursuant to Order No. 324-64 could not deem the information to be privileged. * Nowhere in the record is there a specific instruction from the Attorney General to Agent Kennedy ordering him not to give any testimony before the Orleans Parish Grand Jury in response to this particular subpoena. } 7

* (Which decision is a judicial decision alone - see Article I of State answer).

IV

Article 4 of the Motion to Quash requires no answer.
AND THE STATE FURTHER ANSWERS AND ALLEGED:

V

The Grand Jury subpoena for Agent Regis Kennedy should not be quashed for the following reasons:

1. LIMITED POWER OF ATTORNEY GENERAL. The Attorney General of the United States would not have the power through a departmental regulation to place subpoenas beyond the reach of legal processes. Giancana v. Johnson, 335 F. 2d C.A. 7 (1964)

2. JUDICIAL DETERMINATION OF PRIVILEGE. 5 USC 22 cannot be construed to establish authority in the executive departments to determine whether certain papers and records are privileged. Its function is to furnish the departments with housekeeping authority. It cannot bar the judicial determination of the question of a privilege or demand the production of evidence found not privileged. The ultimate determination of the privilege remains with the courts. The responsibility for deciding the question of privilege properly lies in an impartial, independent judiciary - not in the party claiming the privilege and not a party litigant. See Pitcher v. U.S.A., 199 F. Supp. 862 (1961). See United States v. Reynolds, 345 U.S. 1 (1953)

3. PREMATURITY OF ASSERTION OF PRIVILEGE. Agent Kennedy's motion is premature as he has not been asked any ~~me~~ questions upon which he can assert a privilege at this time. The United States Supreme Court in United States v. Reynolds analogized a similar executive privilege with that of the privilege against self-incrimination wherein the court inquires into the validity of the assertion of the privilege upon the specific questions propounded to the witness. The proper procedure would be for the witness, Regis Kennedy, to appear before the Grand Jury and, when and

if he is asked questions upon which he asserts the privilege, that the witness be brought before this court to determine whether the privilege can validly be asserted to the particular question. This procedure was held to be the requirement of the Reynolds case in Pitcher v. U.S.A., 199 F. Supp. 862 (1961).

WHEREFORE, the State prays that for the reasons above cited that the Motion to Quash be denied.

/s/ James L. Alcock
Executive Assistant District
Attorney

Department of Justice

RC:FMV:NEK:al
t 5/15/67
129-11 42 23

MR. REGIS L. KENNEDY
FEDERAL BUREAU OF INVESTIGATION
701 LOYOLA AVENUE
NEW ORLEANS, LOUISIANA 70130

RECORD
A

RE: SUBPOENA SERVED ON YOU TO TESTIFY BEFORE
GRAND JURY IN ORLEANS PARISH CRIMINAL DISTRICT
COURT MAY 16, 1967. *THIS CONFIRMS THAT*
~~YOU SHOULD APPEAR PURSUANT~~
~~TO THE SUBPOENA~~ PURSUANT TO DEPARTMENT
ORDER 324-64, DATED OCTOBER 8, 1964, AND FEDERAL
REGISTER VOLUME 29, NO. 199, PAGE 14027, DATED
OCTOBER 10, 1964, YOU ARE DIRECTED TO RESPECTFULLY
REFUSE TO TESTIFY ABOUT OR DISCLOSE INFORMATION
OR MATERIAL ACQUIRED IN THE PERFORMANCE OF YOUR
OFFICIAL DUTIES OR BECAUSE OF YOUR OFFICIAL STATUS.
SEE UNITED STATES EX REL TOUHY V. REGAN, 340 U.S.
462 AND CONSULT ORDER 324-64 FOR PROCEDURE TO BE
FOLLOWED.

cc: Records
Chron.
Mr. Vinson
Attorney General's office
Mr. Kossack
Nathaniel E. Kossack
First Assistant, Criminal Division

RAMSEY CLARK
ATTORNEY GENERAL

RE 7 8200

5/15/67 5 p.m.

1 1

FMW:DCS:em
File: 129-11

5/11
cc: Files ✓
Stephenson
Dep. A.G.
Copeland

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

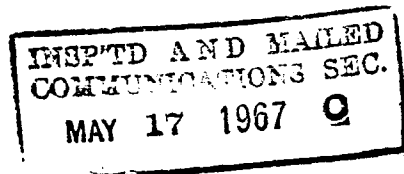
Dear Mr. Horton:

The Attorney General has asked me to reply to your letter of May 11, 1967, requesting his comments on a letter to you from [REDACTED] 7C
questions the Warren Commission report and asks your opinion of it and whether you have taken any action to bring about a new investigation of the assassination of President Kennedy.

25
mp
FD
You may wish to consider pointing out to [REDACTED] 7C
that the authors who have criticized the conclusions of the Warren Commission 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.

Sincerely yours,

Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel



FRANK HORTON
39TH DISTRICT OF NEW YORK

COMMITTEES:
GOVERNMENT OPERATIONS
DISTRICT OF COLUMBIA
SMALL BUSINESS

1220 LOWWORTH HOUSE OFFICE
(202) 225-4516

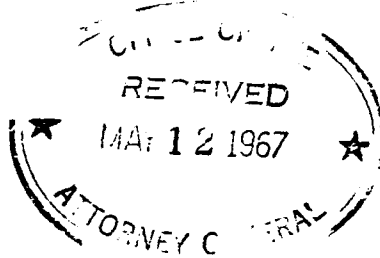
DISTRICT OFFICE:
107 FEDERAL BUILDING
ROCHESTER, NEW YORK 14614
(716) 546-4900

Congress of the United States
House of Representatives

Washington, D.C. 20515

May 11
1967

Hon. Ramsey Clark
Attorney General
Department of Justice
Washington, D. C.



Dear Sir:

In behalf of my constituent, who is identified in the attached letter copy, I should like to request your consideration of this matter.

Thank you for whatever information and assistance you can provide. I look forward to your reply.

With kindest personal regards, I am

Sincerely,

Frank Horton

Frank Horton
Member of Congress

Stephenson

FH:g
Attachment

129-11	
DEPARTMENT OF JUSTICE	R E C O R D
27 MAY 12 1967	PCR
ATTORNEY GENERAL	

OFFICE OF LEGAL COUNSEL

ac

MAY 8 1967

[REDACTED]

7C

5/4/67

Daer Sir;

After much research into the murder of President Kennedy, I question the Warren Report.

May I please have your opinion of it, and word of any position and action you have taken about a new probe.

Sincerely,

[REDACTED]

7C

From
Director
Federal Bureau of Investigation
To

May 15, 1967

5/10

- The Solicitor General
- Deputy Attorney General
- Assistant Attorney General

MR. J. WALTER YEAGLEY

- Director, Bureau of Prisons
- The Pardon Attorney
- Chairman, Parole Board
- Assistant Attorney General for Administration
- Immigration and Naturalization Service
- Office of Alien Property
- Chief - Accounts Branch
- Chief - Administrative Services Office
- Chief of Personnel
- General Litigation Section, Civil Division
- Records Administration Office

Mr. Oliver

- Attention:
- Antitrust Division
 - Civil Division
 - Civil Rights Division
 - Criminal Division
 - Internal Security Division

*re Lake Pontchartrain
Camp of Richard G. ...
Harrison ... that
Civilian ...
line of ...
Mr. ...*

- A. No further action will be taken in this case in the absence of a specific request from you.
- B. Please advise what further investigation, if any, is desired in this matter.
- C. For your information, I am enclosing a communication regarding the holder of a diplomatic or international organization visa.
- D. For your information.
- E. Please note change in caption of this case.

John Edgar Hoover
Director

Enc. (Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

771

Type;d:5/22/67
FMV:RCN:ss
129-11

5/10

May 23, 1967

Honorable John J. Duncan
House of Representatives
Washington, D. C.

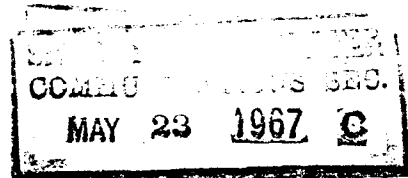
Dear Congressman:

President Johnson has asked that I reply to your letter of May 10, 1967 concerning a recent newspaper article regarding the assassination of President Kennedy.

The authors who have criticized the conclusions of the Warren Commission 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 Warren Commission gathered a vast amount of material, much of it having only remote connection with the assassination. The 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 abroad. Public availability of other information had been delayed pending completion of the prosecution of Jack Ruby, 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.

Records
Chrono
Nalley
White House
Mr. Vinson
DAG



The photographs and X-rays taken in connection with the autopsy of President Kennedy were transferred to the National Archives by his family under restrictions which the government accepted pursuant to the statute governing the deposit of historical materials relating to former presidents. The autopsy pictures are available for official inspection by any government body having authority to investigate matters relating to the assassination. They will also be available, after a five-year period, for nonofficial inspection by experts in pathology or related areas of science, subject to restrictions suitable to the subject matter of these pictures.

It should be noted that the most meaningful evidence of autopsy findings consists of the expert analysis made by the doctors who performed the autopsy; the X-rays and photographs are simply a record of what the doctors saw and evaluated. Two of the doctors who performed the autopsy of the late President and testified before the Commission have examined the X-rays and photographs in the Archives and informed the press that the pictures corroborate the findings to which they had testified.

With respect to the New Orleans matter, we can only point out that Mr. Garrison has not discussed his proceedings with Federal authorities. It would not be proper for us to comment on the evidence in a case pending before a state court.

The President has asked that I assure you of his appreciation of your interest in this matter.

Sincerely,

FRED N. WINSON, Jr.
Assistant Attorney General

THE WHITE HOUSE OFFICE

REFERRAL

To: Mr. Sol Lindenbaum
Executive Assistant to the Attorney General
Department of Justice

Date: May 11, 1967

OFFICE OF THE
RECEIVED

ACTION REQUESTED

★ MAY 12 1967

ATTORNEY GENERAL

- Draft reply for:
 - President's signature.
 - Undersigned's signature.
- Memorandum for use as enclosure to reply.
- Direct reply.
- Furnish information copy.
- Suitable acknowledgment or other appropriate handling.
- Furnish copy of reply, if any.
- For your information.
- For comment.

NOTE

Prompt action is essential.

If more than 48 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

RECEIVED

REMARKS:

MAY 12 1967

CRIMINAL DIVISION

Description:

Letter: Telegram: Other:

To: The President
 From: Cong. John J. Duncan
 Date: May 10, 1967
 Subject: Article from the Allen-Scott Report New JFK Probe.

129-11

27	MAY 12 1967
DEPARTMENT OF JUSTICE	
CRIMINAL-GEN. CRIME SEC.	

R.A.C.

By direction of the President
 H.H.W.
 Henry H. Wilson, Jr.
 Administrative Assistant
 to the President

(Copy to remain with correspondence)

JOHN J. DUNCAN
2D DISTRICT, TENNESSEE

1528 LONGWORTH HOUSE OFFICE BLDG.
PHONE: 225-5435

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 10, 1967

COMMITTEES:
VETERANS' AFFAIRS
SUBCOMMITTEES:
HOSPITALS
HOUSING
EDUCATION AND TRAINING
PUBLIC WORKS
SUBCOMMITTEES:
RIVERS AND HARBORS
PUBLIC BUILDINGS AND GROUNDS
SPECIAL SUBCOMMITTEE
ON THE FEDERAL-AID
HIGHWAY PROGRAM

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

The attached article from the Allen-Scott Report
has been called to my attention.

I would agree that a great number of people are
concerned about unanswered questions, and it might be
well to use the resources of the Federal government for a
complete and impartial re-investigation of this matter.

Very truly yours,

JOHN J. DUNCAN
Member of Congress

JJD:ku

Enclosure

129-11

DEPARTMENT OF JUSTICE		RECORDED
27	MAY 12 1967	
R.A.G.		INDEXED
CRIMINAL-GEN. CRIME SEC.		

By ROBERT S. ALLEN
and PAUL SCOTT

WASHINGTON — For the first time since the Warren Commission published its findings, President Johnson is seriously considering designating a federal agency to receive and examine any new evidence turned up on the assassination of President Kennedy.

Under a proposal discussed in the White House, Justice Department, with FBI assistance, would be empowered to study and pass on new information.

Authority for such a review and the issuing of reports and findings by the Justice Department would be included in an executive order to be issued by the President. This order, it has been suggested, might be promulgated in connection with the National Freedom of Information Act enacted by Congress last year and due to become effective July 4.

This law requires the President to determine which of the still-classified records of the

Warren Commission on file at the National Archives should be made available to the public.

Approximately two-thirds of the commission's estimated 28,000 documents have been declassified since it published its findings on September 28, 1964. The remaining one-third, which include several hundred documents believed to have significant news value, are still barred from public scrutiny.

As interpreted by the Justice Department, under the new law government document can be kept secret only if the President rules that is necessary "in the interest of national defense or foreign policy."

Pending decision on what to do about the proposal plan, the President has asked Attorney General Ramsey Clark to review the still-unpublished Warren Commission documents and recommend which should be declassified.

The President also plans to discuss the proposal with the

Commission. One of them, Representative Hale Boggs, D-La., has suggested that Attorney General Clark examine the X-rays of President Kennedy's body made at the time of the autopsy.

It has been charged that the Warren Commission did not study these X-rays. This is flatly denied by Boggs, Senator John Sherman Cooper, R-Ky., and other members. They say emphatically the commission did have the X-rays and examined them.

Under arrangements between the Kennedy family and the Justice Department, the X-rays and other photographs taken during the autopsy for a five-year period, can only be seen by "persons authorized to act for a congressional committee or government agency vested with authority to investigate the assassination."

In discussion at the White House the President has been urged to have Clark, a trusted personal friend, study the X-rays and advise him what should be done regarding them.

At the President's request, the attorney general also is keeping him informed on the assassination inquiry being conducted by New Orleans District Attorney Jim Garrison.

Among the Warren Commission documents awaiting the President's decision on whether they should be declassified is a file submitted by the Mexican government covering its investigation of Oswald's visit to Mexico City before the assassination.

Some of the material from the Mexican government is included in the published report of the commission. But one document dealing with Oswald's visit to the Cuban embassy in Mexico City is still secret. He went there to try to get a visa to Cuba, but without success.

Reportedly, this document relates that Oswald showed to a Senora Silbia Tirado de Duran, a Mexican citizen employed at the Cuban embassy, a membership card in the Communist party.

This Communist party card reportedly was found among Oswald's possessions after his arrest. If it actually exists, it has never been made public.

At the time of the commission hearings, Arnold S. Johnson, an official in the American Communist party, who visited Moscow only last October, voluntarily testified under oath that Oswald was not a member.

FBI and CIA reports concerning Oswald's "CP card" also are among the still secret documents.

Allen-Scott Report-

New JFK Probe

From
Director
Federal Bureau of Investigation
To

May 12, 1967

- The Solicitor General
- Deputy Attorney General
- Assistant Attorney General

MR. J. WALTER YEAMLEY

- Director, Bureau of Prisons
- The Pardon Attorney
- Chairman, Parole Board
- Assistant Attorney General for Administration
- Immigration and Naturalization Service
- Office of Alien Property
- Chief - Accounts Branch
- Chief - Administrative Services Office
- Chief of Personnel
- General Litigation Section, Civil Division
- Records Administration Office

- Attention:
- Antitrust Division
 - Civil Division
 - Civil Rights Division
 - Criminal Division
 - Internal Security Division

- A. No further action will be taken in this case in the absence of a specific request from you.
- B. Please advise what further investigation, if any, is desired in this matter.
- C. For your information, I am enclosing a communication regarding the holder of a diplomatic or international organization visa.
- D. For your information.
- E. Please note change in caption of this case.

The allegation that the FBI possesses five letters as described in the enclosure is false.
The FBI has no knowledge of such letters.

John Edgar Hoover
Director

Enc. (Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

5/9
Mr. Oliver
re Harrison
5 letters
re CIA
Jayton Master
- 1961 during

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : The Files

DATE: May 10, 1967

FROM : Nathaniel E. Kossack
First Assistant, Criminal Division

129-11

SUBJECT: Assassination of President John F. Kennedy
Dallas, Texas, November 22, 1963

On May 10, 1967 Mr. Edward F. Wegmann of the firm which represents Clay L. Shaw met with Mr. Sanders and the writer. The obvious purpose of Mr. Wegmann's visit was to convince us to give further details to the remarks attributed to the Attorney General concerning the "clearance" of Clay L. Shaw by the Federal Bureau of Investigation. His second objective was to seek an interview of the reported "unknown Department source" who was quoted as saying that there was no connection between Shaw and the man Bertrand.

We repeated the position we have consistently taken with Mr. Wegmann and all other persons involved in the New Orleans prosecutions that the Department of Justice cannot intrude and will not interfere with the State processes except to protect the integrity of our own investigations (citing the motion to quash the subpoena on Agent Kennedy).

Mr. Sanders stated that he saw no useful purpose in the Department denying rumors and regretted that we were unable to assist Mr. Wegmann in his defense of Mr. Shaw. We suggested to Mr. Wegmann that he might find the material in the National Archives, which is available for public review, useful to him. After some extended conversations concerning his problems with Mr. Garrison Mr. Wegmann left to go to the National Archives (that was his announced intention).

FILE-J.R.R.

cc: Mr. Sanders

FILE (Neil Garrison Section in A file)

CBS Interview with Ramsey Clark after his nomination hearing,
March 2, 1967:

- Neil Strawser: General Clark, you said two days ago after your nomination was announced that you would hope that District Attorney Garrison would turn over any information he has from his New Orleans probe. Has he turned over any information on the arrest of this latest gentleman?
- Mr. Clark: No, he has not. We haven't heard from District Attorney Garrison and I feel that, as I said the other day, if he really has any information or evidence he has an obligation to bring it to the Federal authorities who have been involved in the overall investigation. He has not at this date. I remain doubtful that he has anything.
- Neil Strawser: Has the Justice Department made any attempt to contact District Attorney Garrison about this?
- Mr. Clark: We have not made any contact in view of his statements over the last week or so.
- Neil Strawser: Mr. Clark, do you have information yourself about Clay Shaw?
- Mr. Clark: He was involved in an FBI investigation ~~in the investigation~~ in the New Orleans area in November-December 1963. We have the evidence that's there involved and you can assume what their conclusions were from the Warren Commission report.
- Neil Strawser: He was not mentioned in the Warren Commission report, was he?
- Mr. Clark: He was not.
- Neil Strawser: So, you don't believe he did have any connection with the ---
- Mr. Clark: On the evidence that the FBI had there was no connection found.
- A reporter: You say that he was checked out and found clear, more or less?
- Mr. Clark: That's right. That's true.

6/2/67

Statement by a Department Spokesman

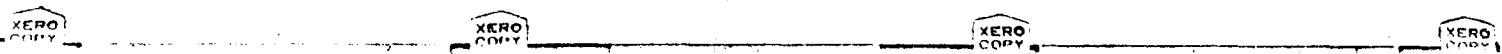
Mr. Edward F. Wegmann, a lawyer in New Orleans, wrote the Department of Justice on May 24, 1967, requesting a public clarification of news stories concerning his client, Mr. Clay Shaw. He referred to an impromptu press interview of the Attorney General on March 2, 1967. This statement is in response to Mr. Wegmann's request.

The FBI investigation in New Orleans following the assassination of President Kennedy covered allegations by Dean A. Andrews, Jr. which included a reference to "Clay Bertrand." "Clay Bertrand" was not identified as a real person. No evidence was found that Clay Shaw was ever called "Clay Bertrand."

The Attorney General's comment on March 2 that Mr. Shaw was involved in the investigation was based on a briefing that morning. The Attorney General has since determined that this was erroneous. Nothing arose indicating a need to investigate Mr. Shaw. As the Attorney General stated in the interview, no connection between Mr. Shaw and the assassination was found in the thorough investigation by the FBI.

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The Department of Justice is convinced that Lee Harvey Oswald alone assassinated President Kennedy.



ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	<i>Mr. Rossack</i>			
2.	<i>Mr. Beale</i>			
3.				
4.				

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What answers would they give to the two questions promulgated in par. 3, page 1?

see 2/24-II

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	<i>MAIL ROOM</i>			
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DEPARTMENT OF JUSTICE
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2	<i>Mr. Beede</i>			
3				
4				

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- ANSWER OR ACKNOWLEDGE ON OR BEFORE
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- COMMENT
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- YOUR INFORMATION

What answers would they give to the two questions promulgated a P 3 page 2

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