

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Wick

May 19, 1967

ST 104
 The Attorney General
 REC 46(2) 101040-5235
 Director, FBI

- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Lenihan

ASSASSINATION OF PRESIDENT
 JOHN FITZGERALD KENNEDY
 NOVEMBER 22, 1963
 DALLAS, TEXAS

There is attached a copy of a memorandum dated May 18, 1967, which was prepared by Special Agent (SA) Regis L. Kennedy of our New Orleans Office and which sets forth information concerning SA Kennedy's appearance before the Orleans Parish Grand Jury on May 17, 1967.

For your information, on May 16, 1967, United States Attorney Louis C. LaCour made available to SA Kennedy the following statement which SA Kennedy was to utilize in the event he was questioned by the Orleans Parish Grand Jury relative to information in his possession as a result of official investigation conducted by him as a Special Agent of the Federal Bureau of Investigation:

"I respectfully decline to answer the question on the ground that to answer the question would require me to disclose information and material which has been acquired by me in the performance of my official duties and official status as a Special Agent of the Federal Bureau of Investigation.

MAILED 2
 MAY 22 1967
 COMM-FBI

"I would like to further inform this Grand Jury that I have been directed in a telegram from the Attorney General of the United States as follows: 'Re subpoena served on you to testify before Grand Jury in Orleans Parish Criminal District Court May 16, 1967. This confirms that pursuant to Departmental Order 324-64 dated October 8, 1964, and Federal Register Volume 29, Number 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. Ragen, 340 U. S. 462 and consult Order 324-64 for procedure to be followed.' And further that I am prohibited by Department of

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

62-109060

REL:lag
 (13)

SEE-NOTE, PAGE 3

MAY 25 1967 TELETYPE UNIT

PERS. REC. UNIT

The Attorney General

Justice Order Number 324-64 from giving any information and material which has been acquired by me in the performance of my official duties and status as a Special Agent of the Federal Bureau of Investigation."

You will note in the enclosed memorandum, which was prepared by SA Kennedy, that United States Attorney LaCour initially instructed SA Kennedy, after he was subpoenaed, to invoke the privilege on all questions put to him and to only answer as to his name, the fact that he is an Agent, and that he is assigned to the New Orleans Office of the Federal Bureau of Investigation. You will also note that after the hearing on the morning of May 17, 1967, when the Government's motion to quash the subpoena of SA Kennedy was denied and prior to SA Kennedy's appearance before the Orleans Parish Grand Jury, Assistant United States Attorneys Ciolino and Veters tempered Mr. LaCour's instructions to the extent that it would be necessary for SA Kennedy to justify invoking the privilege as it would be subject to judicial review. Assistant United States Attorneys Ciolino and Veters told SA Kennedy to use his own judgment in invoking the privilege and that he should answer questions of his own personal knowledge, and that if he was in doubt on any question, he could come out of the Grand Jury room and ask them about it.

You will further note that SA Kennedy anticipated he might be asked certain questions by New Orleans District Attorney James Garrison and he cited an example of a question to Assistant United States Attorneys Ciolino and Veters. You will note that in the example cited, SA Kennedy was told he should answer in the affirmative as this was a matter of his own personal knowledge.

It is the understanding of this Bureau that a question has been raised in the Department as to why SA Kennedy testified as he did before the Orleans Parish Grand Jury on May 17, 1967, and did not follow the original instructions issued to him by United States Attorney LaCour. As pointed out above and in the enclosure, the original instructions of United States Attorney LaCour were tempered by instructions given SA Kennedy by Assistant United States Attorneys Ciolino and Veters immediately prior to SA Kennedy's appearance before the Orleans Parish Grand Jury. This resulted in SA Kennedy being placed in a position where he was to decide which questions he should or should not answer based upon his own judgment.

The Attorney General

It would appear to this Bureau that United States Attorney LaCour could have prevented any possible misinterpretation of Departmental instructions by SA Kennedy had Mr. LaCour personally handled all briefings in this matter with SA Kennedy and not have delegated such responsibilities to Assistant United States Attorneys Ciolino and Veters.

I trust that this letter and the enclosure will answer any questions you may have concerning SA Kennedy's testimony before the Orleans Parish Grand Jury on May 17, 1967.

Enclosure

- 1 - Mr. Harold Barefoot Sanders, Jr. (Enclosure)
Assistant Attorney General
- 1 - Mr. Fred M. Vinson, Jr. (Enclosure)
Assistant Attorney General
- 1 - Mr. J. Walter Yeagley (Enclosure)
Assistant Attorney General

NOTE:

See cover memorandum W. A. Branigan to W. C. Sullivan dated May 19, 1967, captioned same, prepared by REL:cls.