

UNITED STATES GOVERNMENT

Memorandum

TO Mr. W. C. Sullivan

FROM Mr. W. A. Branigan

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

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Wick
- 1 - Mr. Rosen
- DATE: 5-19-67
- 1 - Mr. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Lenihan

Tolson	✓
DeLoach	✓
Mohr	✓
Cullivan	✓
Conrad	✓
Felt	✓
Gale	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

The purpose of this memorandum is to briefly summarize the circumstances surrounding the appearance of Special Agent (SA) Regis L. Kennedy before the Orleans Parish Grand Jury 5-17-67. We are attaching for approval a letter to the Attorney General setting forth the facts concerning SA Kennedy's testimony and Departmental instructions which had been issued to him in this regard. It appears there was a conflict in Departmental instructions which resulted in SA Kennedy being left to answer questions on his own judgment. SA Kennedy's actions before the Grand Jury appear proper* and no administrative action being recommended concerning him.

BACKGROUND:

SA Kennedy has been handling security matters in the New Orleans Office for several years and has conducted considerable investigation in connection with the assassination of President Kennedy. He received a subpoena to appear before the Orleans Parish Grand Jury on 5-17-67 and did appear after Department efforts to quash subpoena were rejected by Criminal District Court in New Orleans.

DEPARTMENTAL INSTRUCTIONS:

On 5-16-67 U. S. Attorney (USA) Louis C. LaCour made available to SA Kennedy a statement he was to use in refusing to answer certain questions in accordance with Departmental Order 324-64 which relates to the confidential nature of Department of Justice documents and material. USA LaCour initially instructed SA Kennedy, after he was subpoenaed, to invoke the privilege on all questions put to him and told SA Kennedy to only answer as to his name, the fact that he was a SA of the FBI and was assigned to the New Orleans Office of the FBI. SA Kennedy followed these instructions at the hearing relating to the Department's attempt to quash the subpoena.

That same afternoon on 5-17-67 SA Kennedy was instructed by the Criminal District Court to appear before the Orleans Parish Grand Jury. Assistant USAs Ciolino and Veters, in the absence of USA LaCour, tempered LaCour's instructions and told SA Kennedy it would be necessary for him to justify invoking the privilege as

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COPY SENT TO MR. TOLSON

62 JUN 1967

*and in accordance with the instructions of the Assistant U. S. Attorneys,

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it would be subject to judicial review. They told SA Kennedy to use his own judgment in invoking the privilege and that he should answer questions of his own personal knowledge, and if he was in doubt on any question, he could come out of the Grand Jury room and ask them about it.

SA Kennedy anticipated that he might be asked certain questions by Garrison and his staff and posed an example to Ciolino and Veterans as to the type of question he might be asked and what his response should be. They told him that he should answer questions that concerned his own personal knowledge. These instructions resulted in SA Kennedy being left on his own to decide what questions he should or should not answer based upon his own judgment.

SA KENNEDY'S TESTIMONY:

SA Kennedy testified before the Orleans Parish Grand Jury for approximately one hour and ten minutes. He was asked a number of questions by Garrison and his staff which indicates that Garrison is attempting to prove that Oswald was a Central Intelligence Agency (CIA) agent and was involved with Clay Shaw and anti-Castro Cubans in the assassination of President Kennedy.

SA Kennedy answered those questions on which he was knowledgeable from a personal standpoint and utilized Departmental Order 324-64 in refusing to answer questions which related to FBI investigation or his position as a SA of the FBI. In numerous instances when SA Kennedy did not possess any information on which he could answer the question posed to him by Garrison or his staff, SA Kennedy honestly answered that he did not know the answer.

SA Kennedy reported that many of the questions asked of him during the Grand Jury proceedings were phrased by Garrison and his staff in such a way to elicit an agreement from SA Kennedy as to the fact stated. SA Kennedy answered all of their questions in a manner that Garrison could get no agreement from him.

News media have reported SA Kennedy's appearance before the Orleans Parish Grand Jury and quote the foreman of the Grand Jury as saying that SA Kennedy's testimony before the Grand Jury "was satisfactory."

OBSERVATIONS:

It appears that there has been a conflict in Departmental instructions as to how SA Kennedy should have testified before the Orleans Parish Grand Jury. This conflict appears to have resulted from separate briefings given SA Kennedy by USA LaCour and his two assistants, Messrs. Ciolino and Veterans. SA Kennedy had no way of

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knowing that such a conflict of instructions existed. It appears that this situation could have been avoided had USA LaCour handled all of the briefings with SA Kennedy and not have delegated his responsibilities in this connection in such an important matter of national interest to two of his assistants.

SA Kennedy's appearance and demeanor before the Orleans Parish Grand Jury appears to have been completely proper and in accordance with Departmental instructions as were issued to him. No administrative action concerning SA Kennedy is warranted.

ACTION:

Attached is a letter to the Attorney General transmitting a copy of a memorandum which was prepared by SA Kennedy summarizing circumstances of his appearance before the Orleans Parish Grand Jury on 5-17-67 and pointing out to the Attorney General the apparent conflict in Departmental instructions which were issued to SA Kennedy in this particular matter.

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V. P. W.