

Memorandum

DeLoach	_____
Mohr	_____
Bishop	_____
Carper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. W. C. Sullivan

DATE: May 3, 1968

FROM : Mr. W. A. Branigan

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

Handwritten initials/signature

The purpose of this memorandum is to briefly summarize certain alternate courses of action the Department is considering for dealing with false allegations of William S. Walter, former Security Patrol Clerk of the New Orleans Office. Walter is falsely claiming that the New Orleans Office received a teletype from Bureau Headquarters 11/17/63 reporting a threat to President Kennedy in connection with the latter's trip to Texas. Departmental officials have orally requested Bureau's views regarding these alternate courses of action before these Departmental officials make specific recommendations to the Attorney General in this matter.

BACKGROUND:

New Orleans District Attorney James C. Garrison alleged on the Johnny Carson television show 2/1/68 that Walter, former Security Patrol Clerk of the New Orleans Office, informed Mark Lane, current Garrison assistant, that New Orleans Office of FBI received a TWX message from Bureau Headquarters 11/17/63 reporting threat to President Kennedy in Texas. On 2/1/68 and 2/5/68 Walter contacted Special Agent in Charge (SAC) D. K. Brown of Jacksonville Office and SAC Robert Rightmyer of the New Orleans Office, respectively, and denied Garrison's allegation and stated he knew of no such TWX or teletype message. On 3/15/68 Walter contacted United States Attorney Louis LaCour in New Orleans and told LaCour and two of latter's assistants there was such FBI message 11/17/63. On 3/26/68 Walter was interviewed by SAC Robert Jensen of the Memphis Office and insisted there was an FBI message 11/17/63 reporting threat to President Kennedy. Walter refused to give signed statement in this regard.

(Enclosure)
62-109060

ENCLOSURE

REC 36 62-109060 - 6392

- 1 - Mr. C. D. DeLoach
- 1 - Mr. J. P. Mohr
- 1 - Mr. W. S. Tavel
- 1 - Mr. A. Rosen
- 1 - Mr. W. C. Sullivan
- 1 - Mr. D. E. Moore
- 1 - Mr. W. A. Branigan
- 1 - Mr. R. E. Lenihan
- 1 - Mr. N. P. Callahan

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Memorandum to Mr. C. Sullivan
RE: ASSASSINATION PRESIDENT JOHN FITZGERALL KENNEDY
62-109060

CURRENT DEVELOPMENTS:

Walter's attorney, Guy Wootan of New Orleans, has written a letter dated 4/30/68 to United States Attorney Louis LaCour (copy attached) advising that Walter, his client, is being asked to disclose information relating to material contained in the files of the Department of Justice while previously employed by the FBI. Wootan states in his letter that as soon as his client is subpoenaed by the Orleans Parish District Attorney's Office, Wootan assumes a member of Mr. LaCour's staff will appear with Walter before any court or other authority and furnish same a copy of the Federal regulations dealing with executive privilege (under Departmental Order 324-64 Walter would respectfully decline to furnish any information relating to his former FBI employment).

Departmental officials are currently considering how best to deal with Wootan's letter to Mr. LaCour and orally discussed the various alternatives involved with Inspector Donald E. Moore and Supervisor Robert E. Lenihan of the Domestic Intelligence Division 5/2/68. The Departmental officials requested Bureau consider the various alternatives involved and if Bureau has no objection to Department's proposed course of action, these Departmental officials will make specific recommendations to the Attorney General. Bureau would also officially be given the proposed course of action for Bureau approval.

POSSIBLE COURSES OF ACTION:

1. Department could answer Wootan's letter in very carefully chosen language, point out to Wootan that Walter's allegations regarding an FBI teletype of 11/17/63 are absolutely false and that the Government is prepared to conclusively establish there was no such teletype. Department would point out to Wootan that if Walter persists in such false allegations and falsely testifies before any court or other authority, this Government would view such testimony with extreme concern and take what necessary action is desirable to protect the Government's interest. Department feels such letter would cause Wootan to visit the United States Attorney where the matter would be discussed in detail and that Wootan might thereafter strongly suggest to Walter that Walter not engage in any falsehoods but stick strictly to the truth in testimony before anybody.

* Suppressed by
Dept. order
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2. Walter would be contacted by United States Attorney's Office in New Orleans and be instructed to utilize the executive privilege in refusing to discuss any matters dealing with his former employment with the FBI. This would be the normal course of action that would be followed in dealing with a subpoena issued to an ex-FBI employee. However, the Department recognizes Walter is a liar who cannot be trusted and that even though he was instructed to use the executive privilege he very well, when questioned by Garrison's attorneys, furnish information of a false nature. This would place this Government in a bad position in future criminal proceedings against Walter since this Government probably would have to produce evidence before a court or Federal Grand Jury which it had previously instructed Walter not to furnish under the executive privilege category.

Department feels that we have a prosecutable case at this time under Section 1001, Title 18, U. S. Code, since Walter has furnished conflicting and false data to FBI officials and this Bureau can categorically deny at a court trial or other proceedings that there was a teletype 11/17/63 as alleged by Walter. Department also believes it could subpoena Walter to appear at a Federal Grand Jury where he would be placed under oath. If Walter continues to falsely insist that there was an FBI teletype 11/17/63 reporting threat to President Kennedy, Department could obtain a perjury indictment against Walter.

3. Do nothing and see what happens when and if Walter is subpoenaed to testify before the Orleans Parish Grand Jury and subsequent court trial. Department feels this alternative is not satisfactory since Garrison will gain tremendous publicity through Walter's allegation that there was an FBI teletype 11/17/63 reporting a threat to President Kennedy in Texas. Anything the Government does thereafter the Department feels would be anticlimactic and would not undo the damage caused by Walter and Garrison.

4. Wait until Garrison serves a subpoena on Walter to testify at the Orleans Parish Grand Jury and then have the United States Attorney attempt to quash the subpoena. This course of action was followed when Special Agent Regis Kennedy received a subpoena from Garrison to appear before the Orleans Parish Grand Jury. However, the court refused to quash the subpoena.

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OBSERVATIONS:

The Departmental officials feel that the first course of action listed above is the best to follow in this matter. If Walter's attorney, Guy Wootan, does not attempt to talk some sense into Walter, or if Walter refuses to listen to Wootan and thereafter furnishes false testimony before a court or other authority, the Department is prepared to take criminal action against Walter under Section 1001 (furnishing false information to Bureau Agents) or Section 1621 (perjury) of Title 18, U. S. Code. Under such circumstances a Bureau representative probably would be called before a Federal Grand Jury and/or Federal court to produce testimony or evidence that there was no FBI teletype dated 11/17/63 sent to the New Orleans Office from the Bureau relating to a possible threat to President Kennedy in Texas.

This would cause us no problem. We have exhaustively reviewed our records and have determined that there was no teletype sent to the New Orleans Office from Bureau Headquarters on 11/17/63. The only FBI communication that was sent to the New Orleans Office from Bureau Headquarters on 11/17/63 (which was a Sunday), was a letter transmitting to New Orleans Office a translation of a document completely unrelated to the assassination. This particular document had been introduced as evidence in the trial of Carlos Marcello, a New Orleans hoodlum who was being prosecuted by the Government for fraud against the Government. (46-42600-121)

We have also checked our records for 11/16/63 (a Saturday) to see if any teletype was sent from Bureau Headquarters to New Orleans on that date. We recognize that a teletype dispatched late at night on 11/16/63 may not have been received by the New Orleans Office until the early morning hours of 11/17/63. We have determined that there were only three communications sent from Bureau Headquarters to New Orleans dated 11/16/63. One was a teletype in a fugitive case reporting a negative check of the National Stolen Property File (91-8909-123); the second communication was an airtel dated 11/16/63 reporting a negative check of the Identification Division files relating to a stolen motor vehicle investigation (26-323659-2); and the third communication was an airtel dated 11/16/63 dealing with an Air Force deserter and instructing that the deserter be located and apprehended (42-174353-2).

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All three of these communications were reviewed and there was nothing relating to the assassination of President Kennedy or a threat to the safety of President Kennedy in any of them.

If necessary, this Bureau could produce the one communication dated 11/17/63 and the three communications dated 11/16/63 before a Federal judge, a Federal court or any other Federal authority.

ACTION:

If you approve, Departmental officials Nathaniel Kossack, Carl Belcher and William Block who participated in the discussion with Inspector Moore and Supervisor Lennihan on 5/2/68 will be informed that the Bureau has no objection to the course of action being considered by the Department wherein a letter would be directed to Mr. Wootan, Walter's attorney. These Departmental officials will be further informed that if called upon, this Bureau would be able to produce testimony that no teletype was sent to New Orleans from the Bureau 11/17/63 and if necessary, could produce the four communications sent to New Orleans, mentioned above, which were sent from Bureau Headquarters to New Orleans Office 11/16/63 and 11/17/63. Departmental officials will also be informed that should there be any additional requirement with regard to production of Bureau records, we would insist on deciding on an individual case as the need arose. Departmental officials will be requested to bring their proposed final course of action in this matter to the Bureau's attention in writing when such plans have been completed.

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~~W.E.S.~~

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5/16/68

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Mr. Belcher and Mr. Block were informed as approved above. Dept will send Bureau memorandum in response, no action planned. Rel