

FBI Fights Subpoena in Assassination Probe

Justice Dept. Asks Judge in New Orleans
to Quash Order for Agent's Testimony

NEW ORLEANS (AP) —

The Justice Department asked a state judge Wednesday to dismiss a subpoena directing an FBI agent to testify before the Orleans Parish Grand Jury in connection with Dist. Atty. Jim Garrison's investigation of the assassination of President John F. Kennedy.

U.S. Atty. Louis C. Lacour filed a motion asking Criminal Dist. Court Judge Bernard J. Bagert to quash the subpoena Garrison obtained for Regis Kennedy. Kennedy was one of four persons subpoenaed to testify before the grand jury Wednesday. Bagert scheduled a hearing on the motion for Tuesday.

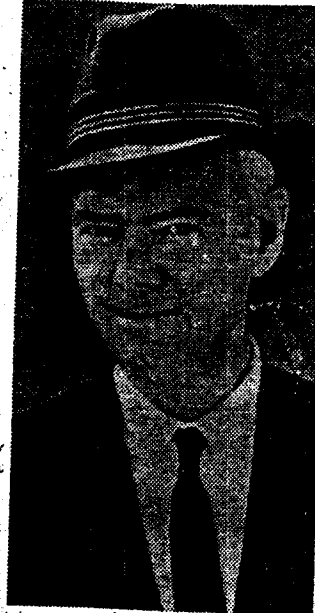
Lacour's motion stated that agent Kennedy was ordered by Atty. Gen. Ramsey Clark not to testify.

Cites Tradition

"Traditionally FBI agents do not testify before state grand juries with respect to information or material gained by their performance of their official duties or by reason of their official status," the motion said. "This rule was based upon the sound policy that the integrity and effectiveness of the FBI is protected by restricting such information and material to federal law enforcement."

Agent Kennedy and former agent Warren Debrueys investigated New Orleans aspects of the assassination. Debrueys also was subpoenaed Wednesday.

(In another development, United Press In-



Regis Kennedy

(AP Wirephoto)

ternational reported an attorney for Alvin R. Beaubouef said Beaubouef "confirms in all details" a Newsweek magazine account that he was offered money to "fill in the gaps" in Garrison's investigation.

(Attorney Burton G. Klein, at a news conference with Beaubouef present, said an affidavit released by Garrison Tuesday in which Beaubouef denied any bribe attempt "was signed because of threats and coercion."

(Newsweek said a district attorney's investigator offered Beaubouef \$3,000 and a job with an airline for testimony about the late David W. Ferrie.)

Garrison has accused New Orleans civic leader Clay L. Shaw of conspiring with Ferrie and Lee Harvey Oswald in September, 1963, to assassinate Mr. Kennedy.

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Garrison Subpoenas Helms to Testify on the C.I.A. Investigation of Oswald

By MARTIN WALDRON
Special to The New York Times
NEW ORLEANS, May 10 —
District Attorney Jim Garrison today subpoenaed Richard Helms, head of the Intelligence Agency, to answer questions before a New Orleans grand jury next week about a C.I.A. investigation of the assassination of President Kennedy.

The subpoena, signed by State District Judge Bernard J. Bagert, ordered Mr. Helms to appear next Wednesday. It also directed him to produce a photograph taken by C.I.A. agents in front of the Cuban Embassy in Mexico City in October, 1963, about seven weeks before the President was shot.

Mr. Garrison, who has said he has evidence that Lee Harvey Oswald was an undercover agent of the C.I.A., declared that a photograph alleged to show Oswald in front of the Cuban Embassy was a "fake" produced by the C.I.A. to avoid having to identify one of its agents, who was with Oswald in Mexico City and who appeared in the true photograph.

On Monday Mr. Garrison said that he had begun an investigation of the activities of the C.I.A. and of the Federal Bureau of Investigation. He accused both agencies of withholding vital evidence concerning the assassination of President Kennedy.



Associated Press Wirephoto
Alvin Beaubouef

action on material contained in the files of the Department of Justice or acquired by him in the performance of his official duties or because of his official status.

Special Agent Kennedy has been instructed by the Attorney General, pursuant to order 324-64, that he is not to testify with respect to information and material acquired by him in the performance of his official duties or because of his official status.

"Customarily, when local authorities seek information from a Federal investigation agency they inquire of the proper Federal officials. No inquiry has been made here. Therefore, it is requested that the subpoena be quashed."

A former F.B.I. agent, Warren DeBruyns, was also subpoenaed last week. He did not appear to testify. The District Attorney's office said that the subpoena had not been served.

At a news conference this afternoon, meanwhile, the attorney for Alvin Beaubouef, a one-time business partner of the late David W. Ferrie, whom Mr. Garrison has called the "central figure" in a plot to kill President Kennedy, said that a letter he reported he had been "threatened" by members of the District Attorney's staff.

In support of the motion, Mr. Lacour filed a statement saying: "Traditionally, F.B.I. agents do not testify before state grand juries with respect to information or material gained by them in the performance of their official duties or by reason of their official status."

"Department of Justice order 324-64 prohibits any officer or employe of the department from producing or disclosing information on material contained in the files of the Department of Justice or acquired by him in the performance of his official duties or because of his official status."

But today his attorney, Burton G. Klein, said that Mr. Beaubouef had signed the affidavit "because of threats and coercion."

Mr. Beaubouef, a slender man of 21 who was dressed in a brown and a blue tie, sat beside his attorney during the news conference but did not take part in it.

Mr. Klein would not say who had administered the polygraph test. However, Mr. Beaubouef said on Monday that he was going to take a lie detector test yesterday in Washington.

A Long-Standing Policy
Special to The New York Times
WASHINGTON, May 10 —
The Department of Justice followed a long-standing Federal policy today when it refused to permit an agent of the Federal Bureau of Investigation to testify before a state grand jury in Louisiana.

Justice Department regulations prohibit F.B.I. agents from testifying about matters that they have investigated before state grand juries, unless the Attorney General gives his consent.

Veteran officials of the Justice Department and the F.B.I. in 1964, states that if the state said today that they could not court persists in calling upon remember an instance in which the agent to testify, he must the Attorney General had given "respectfully decline to produce

his consent for an agent to testify.

The reason for this policy is said to be that once an agent is sworn in before the grand jury, he could be required to disclose Federal secrets.

The Supreme Court has upheld the authority of Federal department heads to exercise this power in a series of cases running back to 1900. The latest decision, in 1950, involved an attempt by Roger Touhy, the Chicago gangster, to prove in habeas corpus proceedings that the F.B.I. had used fraud to send him to the penitentiary.

An F.B.I. agent refused to produce subpoenaed records in Federal district court and the Federal judge put him in jail. The Supreme Court ruled that the agent had the right to refuse, unless the Attorney General gave his permission.

When the Justice Department refused today to let Mr. Kennedy testify, it cited the current version of the regulation that the Supreme Court upheld in the Touhy case.

The regulation, which was issued by acting Attorney General Nicholas deB. Katzenbach in 1964, states that if the state judge persists in calling upon the agent to testify, he must respectfully decline to produce

or disclose the material or information demanded."

Legal observers here said today that if Louisiana officials impulsion Mr. Kennedy for refusing to testify, a Federal judge would probably order his immediate release, under the authority of the Touhy case.

A spokesman for the Central Intelligence Agency said today that any subpoenas served on C.I.A. officials in connection with the Garrison investigation "will be accepted."

The spokesman would not elaborate. However, Federal officials outside the Justice Department normally turn their subpoena papers over to the department, which then provides instructions on what course the officials should take.

Refuses to Testify

This morning, an F.B.I. agent, Regis Kennedy, refused to appear before the grand jury in answer to a subpoena issued last week. Mr. Kennedy was one of the F.B.I. agents who helped to investigate the New Orleans scene after the President's death in Dallas.

In pleadings filed in state

More Threats Charged

An article in Newsweek this week said that an investigator for Garrison had offered Mr. Beaubouef \$3,000 to testify that he had overheard discussion of an assassination plot.

Mr. Beaubouef later signed an affidavit saying that the investigator had at no time asked him to tell anything but the truth.

2 Garrison Detectives Scrutinized

**Bribe Allegations
Checked by New
Orleans Police**

BY NICHOLAS C. CHRIS
Times Staff Writer

NEW ORLEANS—The New Orleans Police Department has begun a highly sensitive inquiry into the activities of two of Dist. Atty. Jim Garrison's top investigators, it was learned Tuesday. The two, who are on loan from the department, are accused of attempted bribery and intimidation.

It is the first time the police department has been involved publicly in Garrison's investigation of an alleged plot to kill President John F. Kennedy.

"We're going to answer a few basic questions on this investigation, but that's all," a department spokesman said. "We don't have any connection with Garrison's investigation and we don't want to get involved."

Sensitive Inquiry

The inquiry is considered highly sensitive because the investigators are members of the police department—although the department itself has had nothing to do with Garrison's investigation. The police have shied away from the investigation because of its controversial nature. But because the two men, Louis Ivon and Lynn Loisel, are paid by the department, the de-

partment has final responsibility over their actions.

Both Ivon and Loisel carry the title of "detective" in Garrison's office; actually they are patrolmen. Ivon has been with the force since Nov. 7, 1955, Loisel since July 29, 1957. They joined Garrison's staff May 6, 1962.

The investigation was touched off by a statement by Albert Beauboeuf which alleges that Ivon and Loisel attempted to bribe him with an offer of \$3,000 and later threatened him.

Claims Threat

Beauboeuf previously

had alleged that the two investigators offered him the money to "help substantiate the alleged plot" to kill Mr. Kennedy. Beauboeuf had stated that the two threatened him after he made public a tape of their attempted bribe conversation.

Beauboeuf and another New Orleans man, Layton Martens, drove to Houston with David Ferrie on Nov. 22, 1963, the day the President was shot in Dallas. Garrison has charged that Ferrie, who died in February, plotted with Clay L. Shaw and Lee Harvey Oswald to assassinate the President.

Last February, Garrison said Beauboeuf and Martens had nothing to do with his investigation. Since then, however, a grand jury here has indicted Martens for perjury in connection with the inquiry and Beauboeuf has complained to the police of the alleged conduct by Loisel and Ivon.

Length Undetermined

A department spokesman said he does not know how long the investigation of Loisel and Ivon will continue.

In a related development, Criminal Court Judge Bernard J. Bagert delayed until today a decision on whether FBI agent Regis Kennedy must tell the New Orleans grand jury about Oswald and the Presidential assassination.

The FBI agent was subpoenaed by the grand jury last week but the Justice Department asked Bagert to quash the subpoena. He suspended it pending the ruling.

Agent Kennedy took part in the New Orleans phase of the Warren Commission's investigation. Garrison said his testimony was essential to show that federal agents covered up Oswald's alleged association with the Central Intelligence Agency.