

Garrison Declares Probe Goes on Despite Setback

FBI Agent Ordered Not to Give Testimony

District Attorney Jim Garrison Wednesday brushed off the fact that a Federal Bureau of Investigation agent was ordered by Attorney General Ramsey Clark not to testify before the Orleans Parish Grand Jury and said it would not stop his assassination probe.

U.S. Attorney Louis C. La-cour, in moving to quash a subpoena for FBI agent Regis Kennedy, revealed that Kennedy was ordered not to testify.

Garrison said the develop-ment will only slow down his



—Photo by The Times-Picayune.
REGIS KENNEDY
Ordered not to testify.

investigation into the death of President John F. Kennedy, not stop it.

The district attorney sought testimony from Kennedy, whose name appears frequently on FBI reports made during the Warren Commission's investigation. Garrison also subpoena-

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ed former FBI man Warren De-Brueys.

PARTIALLY EXPLAINED

In connection with another development, a check by The Times-Picayune revealed that an alleged "fake" photograph identified once in the Warren Commission Hearings as "Photograph of an unidentified man" was reproduced twice and is partially explained in three signed affidavits.

Garrison Wednesday obtained a court order to direct a subpoena to the Central Intelligence Agency, demanding what Garrison calls the real picture.

One of the affiants is Richard Helms, CIA director, who Garrison has challenged to produce a photograph allegedly taken of Oswald and a Latin companion as they emerged from the Cuban Embassy in Mexico City.

The subpoena asks Helms to produce a "true photograph" of the accused presidential assassin and a burly Cuban which Garrison says was taken by CIA agents in front of the Cuban Embassy in Mexico City in November, 1963.

The photograph, Garrison said, was suppressed when the Warren Commission requested a picture of Oswald and his Cuban companion. The district attorney said the picture was taken with a concealed camera as the two men emerged from the Cuban embassy a few days before the assassination.

He said the CIA produced a "fake photograph" because "one or both of those men was employed by an agency of the federal government."

However, a check of the commission hearings reveals that none of the affidavits refers to the supposedly substituted photo as purporting to be that of Oswald as Garrison had charged.

On page 468 of hearings volume XI Federal Bureau of Investigation agent Bardwell D. Odum swore in an affidavit that he received the picture from the CIA the day after the assassination and attempted to show it to Marina Oswald at a Dallas motel the afternoon of the same day.

"I desired to show this photograph to Marina Oswald in an attempt to identify the individual portrayed in the photograph and to determine if he was an associate of Lee Harvey Oswald," the agent said.

This would be on Nov. 23, 1963, well before the commission could have requested the alleged photo of Oswald and his supposed companion. Agent Odum said he instead showed the photo to Mrs. Marguerite Oswald, Oswald's mother, when she told him that the accused assassin's wife was too exhausted to be interviewed.

HAD NEVER SEEN HIM

Mrs. Oswald, Odum said, stated that she had never seen the individual in the picture. Odum noted that he had

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trimmed the background of the picture, in view of the source, to avoid possibly disclosing the location where the picture was taken.

The copy of the photo Odum presented to the commission with his affidavit on July 10, 1964, appears as Odum Exhibit No. 1 in Hearings Volume XX.

Helms' affidavit, sworn to on Aug. 7, 1964, and which appears on pages 469 and 470 of Volume XI, reveals that "the original photograph was taken outside of the continental United States sometimes during the period July 1, 1963 to November 23, 1963."

The other copy of the same photo was submitted by FBI inspector James R. Malley on Feb. 11, 1964, according to his affidavit, on pages 468 and 469 of Volume XI.

This copy is reproduced as Hearings Exhibit 237, the exhibit which some news stories have suggested was the only reference to the unidentified individual.

On the motion to quash the subpoena of Kennedy, Assistant U.S. Attorneys John C. Ciolino and Frederick W. Veters launched a four-point attack on it.

Their motion before Criminal District Court Judge Bernard J. Bagert asked for a quash because:

1. "Traditionally, FBI 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.
2. "Department of Justice Order 324-64 (which has the force of law) prohibits any officer or employe of the department from producing or disclosing information or 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 . . .

ORDER CITED

3. "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 . . .

4. "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."

Cuban sources here said they remembered both Kennedy and DeBrueys, attending meetings of anti-Castro groups organized to fight the island's Communist regime in 1961.

Kennedy questioned the late David W. Ferrie when he was arrested by Garrison's office three days after the assassination.

Garrison charges Ferrie was a pivotal figure in what he says was a plot to kill Kennedy. He contends Ferrie conspired with Oswald and Clay L. Shaw, 54-year-old retired businessman. Shaw was indicted in the conspiracy March 22 and is free on \$10,000 bond.

In recent days Garrison declared that Oswald was not a Communist, as the Warren Commission said, but was "controlled" by federal undercover agents.

He charged that the CIA and the FBI engaged in a massive coverup to dupe the Warren Commission and mask the association of CIA-employed persons with Oswald.

Author Mark Lane testified before the Grand Jury Wednesday and upon emerging from the jury room identified the CIA as the "powerful domestic force" which he said last month "participated in the original plan which, in fact, culminated in the death" of the president.

Two other witnesses called by the Grand Jury are 30-year-old Carlos Quiroga of New Orleans, a once active anti-Castro leader, and a New Orleans truck salesman, Oscar Deslatte.

Deslatte said he was approached in 1961 before the Bay of Pigs invasion, by two men who wanted to purchase trucks. He said one of them used the name Oswald and a purchase offer was made in that name.

District attorney's office sources said Lee Harvey Oswald was still in Russia at the time and did not return to New Orleans until early 1963.

A bid sheet from Deslatte's firm with Oswald's name on it was taken as evidence by the FBI Nov. 25, 1963, three days after the assassination. It was

not introduced as evidence before the Warren Commission.

Quiroga is a former close associate of Sergio Arcacha Smith, 44, former leader of the Cuban Democratic Revolutionary Front and a fugitive from Garrison's inquiry.

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