

# La. Judge Orders FBI to Testify <sup>W Post</sup> 5/19/67

NEW ORLEANS, May 17 (AP)—Criminal District Judge Bernard Bagert ruled today that the Justice Department does not have the authority to prohibit its agents from testi-

fyng before a grand jury investigating the Kennedy assassination.

Bagert ordered FBI Agent Regis Kennedy to appear before the Orleans Parish grand jury.

The New Orleans-based FBI agent had been subpoenaed last week. Federal attorneys asked Judge Bagert to dismiss the subpoena. They said Attorney General Ramsey Clark had ordered Kennedy not to testify because of a Justice Department executive order forbidding FBI agents from disclosing information surrounding their official work.

In making his ruling, Judge Bagert said, "the serious question presented herein is whether the Executive Branch of our Government has the general and unlimited authority to instruct its many employes and subordinates not to give testimony in cases pending in court."

Bagert said the question of privilege must be determined by the courts and not by the arbitrary decisions of executives of Federal agencies.

Government attorneys filed notice of objection to the ruling.

Before ruling on the Kennedy subpoena, the judge turned over to the foreman of the grand jury a report from the Central Intelligence Agency. Contents of the report were not revealed.

In another development, the Dallas Times Herald said that the Lee Odom mentioned in the investigation is a real person. New Orleans District Attorney Jim Garrison had described the Odom Post Office box number in Dallas as a "code" of Jack Ruby's unlisted phone number. Ruby shot Lee Harvey Oswald, named as the slayer of President Kennedy.

Odom said in an interview that the fact that the number was in Clay Shaw's address book had no unusual meaning. He said he had approached Shaw, since accused of conspiracy in the assassination, because Shaw was recommended as "a good man to see" about plans to stage a bullfight.