

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	Harold F. Reis to Ramsey Clark	2/28/67	B
Memo	Fred M. Vinson, Jr. to Ramsey Clark	9/22/67	C
Memo	Fred M. Vinson, Jr. to Ramsey Clark	9/22/67	C
<p><i>opened 6-15-92</i></p> <p><i>TH</i></p>			

FILE LOCATION

Personal Papers of Ramsey Clark Box 33C
 "JFK ASSASINATION - PRESERVING DOCUMENTS"

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

Mr. Ramsey Clark
Acting Attorney General

February 28, 1966

Harold F. Reis
Executive Assistant to the
Attorney General

Public Disclosure of Warren
Commission Records

This refers to a memorandum to you from the Director, FBI, on the above-captioned subject dated February 24, 1967. In his memorandum the Director noted that the Washington Evening Star of February 23, 1967, contained an article referring to material believed to involve David William Ferrie, which has been kept secret. He stated that an employee of the National Archives has advised that newspaper correspondents have inquired concerning information about Ferrie developed by the FBI in 1963.

With his memorandum, the Director enclosed 55 pages of investigative material which have been withheld from Document No. 75^{1/} of the Warren Commission's Numbered Document File. The Director stated that pursuant to disclosure guidelines these pages have been withheld because they "would be a source of embarrassment to innocent persons" and contain "gossip and rumor or details of a personal nature having no significant connection with the assassination of the President." The Director stated that the FBI has no objection to making the withheld material public and requested you to advise the Bureau and the National Archives of your decision concerning the matter.

I recommend that, for the time being at least, the material not be made public. In addition, you may wish to consider the advisability of requesting the FBI to make further investigation concerning Ferrie's whereabouts on November 22, 1963, and immediately preceding that date.

The deleted material relates to an FBI investigation made shortly after the assassination of President Kennedy with respect to allegations made by one Jack S. Martin with respect to Ferrie's possible

^{1/} Document No. 75 is a collection of FBI reports paginated consecutively. It includes material relating to Lee Harvey Oswald's activities and connections in New Orleans.

connection with Oswald and possible implication in the assassination. The material makes it rather clear that Martin strongly disliked Ferrie and in effect concocted a theory involving Ferrie with Oswald in the assassination. The theory was based on the fact that both Oswald and Ferrie had at one time been connected with the Civil Air Patrol in New Orleans.

The material publicly available in Document No. 75 does not convey the extent of the investigation which the FBI actually made of the possible Ferrie involvement. However, the material supplied with Mr. Hoover's memorandum discloses substantial effort to determine whether Ferrie and Oswald were acquainted and produces no information that they were. Moreover, the withheld interviews with Martin (pp. 217-218, 309-311) on their face indicate he is a somewhat disreputable character and disclose his very strong dislike of Ferrie and the far-fetched nature of his theory. It was his idea that Ferrie "may have hypnotized Lee Oswald and planted a post-hypnotic suggestion that he kill the President." (309)

Nevertheless, release of the deleted material would not necessarily allay suspicions about Ferrie's involvement. It contains some investigation concerning Ferrie's whereabouts on November 22, 1963. According to Ferrie, he left New Orleans on a trip to Houston and other points in Texas and Louisiana at approximately 6:30 p.m. on November 22, 1963, in the company of Alvin Beaubouef and Melvin Coffey. Ferrie was able to describe his itinerary in considerable detail. Coffey confirmed Ferrie's story concerning the trip (227-228). However, Beaubouef refused to talk to Bureau agents in the absence of his attorney (307-308) and apparently was not further interviewed.

Nor does the material, with two exceptions, deal with Ferrie's whereabouts before 6:30 p.m. on November 22, 1963. One exception relates to a statement made by attorney G. Wray Gill, who said that he remembered the morning of November 22, 1963, because that morning a jury in New Orleans returned a verdict in favor of Gill's client, Carlos Marcello. Gill thereupon contacted his secretary, Mrs. Alice Guidroz, who told him that Ferrie, who was working for Gill as an investigator on the case, was in the office at 12:15 p.m. of that day and would return at about 1:30 p.m. (220). Mrs. Guidroz, however, was apparently

not interviewed with respect to this matter. The withheld material also contains a statement by Ferrie that the Marcello trial lasted from November 4, 1963, through November 22, 1963, and that he was in New Orleans during the whole period (287). Nevertheless, the file contains no direct corroboration that he was in New Orleans before he picked up Beaubouef and Coffey sometime after 6:30 p.m. on November 22. Moreover, Ferrie and others stated that he owned a four-place Stinson 150 mono-plane at the time, but that it was not in flying condition. There is no indication that the condition of the airplane or its possible use on or before November 22, 1963, were ever investigated.

To the extent that current speculation about a "New Orleans plot" to assassinate President Kennedy is not based on Ferrie's involvement, release of the withheld material would not affect such speculation. To the extent that the speculation is based on his involvement, the withheld material would not satisfy doubters because of the absence of corroboration that he was in New Orleans before 6:30 p.m., November 22. Indeed, the material raises the question whether an effort to fill the gaps should now be made.

The withheld material contains numerous references (217, 284, 299, 300, 304, 313, 341) to Ferrie as a homosexual, and these were apparently the principal reasons for withholding the material. Since Ferrie is now dead and such references have been made in the newspapers, this reason has less force than it did in the past. Nevertheless, it would have some impact on his associates, e. g., Coffey and Beaubouef. In addition, there is one reference by Martin to a man named W. Hardy Davis as a "self-confessed homosexual". (207)

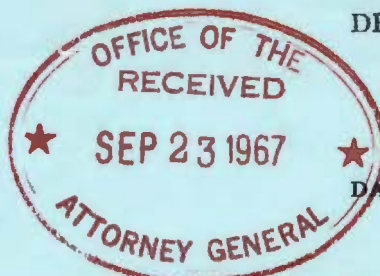
In view of the foregoing I do not recommend release of the withheld material at this time. I have prepared and am attaching a proposed letter to the National Archives and a proposed memorandum to the Director embodying this recommendation.

Attachments

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum



DATE: September 22, 1967

TO : Mr. Ramsey Clark
The Attorney General

FROM : Fred M. Vinson, Jr. and J. Walter Yeagley
Assistant Attorney General Criminal Division Assistant Attorney General Internal Security Division

SUBJECT: Assassination of President John F. Kennedy

Attached for your information is a copy of the memorandum summarizing the conference held Thursday, September 21, 1967, between Mr. Nathaniel E. Kossack, First Assistant, Criminal Division, and Messrs. Edward F. Wegmann and Irvin Dymond, counsel for Clay L. Shaw. A copy of this memorandum has been furnished to Lawrence Houston, General Counsel, Central Intelligence Agency, with a request for his comments.

At the conference, Messrs. Dymond and Wegmann expressed their belief that if Clay L. Shaw is convicted of conspiring to assassinate President Kennedy, not only will the Warren Commission and the Commission's Report be completely discredited, but confidence throughout the world in the United States Government will be undermined. They expressed amazement and horror that one prosecutor in one medium-sized city could so affect the international stature of the United States. They cited the results of a public opinion poll taken in Louisiana during August at the direction of Governor John J. McKeithen, which revealed that 88% of those interviewed had a favorable impression of Jim Garrison. The District Attorney is a dangerous, irresponsible man and must be stopped, they concluded.

Dymond and Wegmann were disparaging of Judge Haggerty, who is scheduled to preside at the Shaw trial, saying that he is a notorious alcoholic. Also, that he is rumored to have "bounced" a number of checks in the New Orleans area, checks which Garrison is supposed to have covered and collected, and now keeps in a file to guarantee Haggerty's "cooperation." Because of Haggerty's (possibly forced) disposition against Shaw, Dymond and Wegmann are hesitant to seek a change of venue, lest Haggerty assign the case to another parish where the political climate might be even less favorable.

Dymond and Wegmann, who claim that they are forced "to play with a stacked deck," presented a strong plea for investigative assistance and cooperation to help them refute charges that are otherwise unanswerable. Ultimately, their objective is access to information in the CIA files. Mr. Kossack said only that we would communicate with them further, without any pledge of assistance.

RC

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

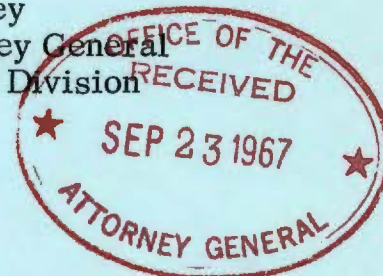
Memorandum

TO : Mr. Ramsey Clark
The Attorney General

DATE: September 22, 1967

FROM : 1 ✓ Fred M. Vinson, Jr. and J. Walter Yeagley
Assistant Attorney General Assistant Attorney General
Criminal Division Internal Security Division

SUBJECT: Assassination of President John F. Kennedy



On Thursday, September 21, 1967, at 11:15 a.m., two of the attorneys representing Clay L. Shaw, who has been indicted in New Orleans, Louisiana, for conspiring to assassinate the late President Kennedy, came to the Department of Justice to confer with Mr. Nathaniel E. Kossack, First Assistant, Criminal Division, about procedural problems and their strategy in the forthcoming trial. Mr. Kossack advised them that although their requests would be received and considered, no assurances or commitments of cooperation could be made at this time. In the course of their conversation, the Messrs. Irvin Dymond and Edward F. Wegmann indicated that they desired assistance from the Department of Justice in several matters:

1. To ascertain whatever contact existed prior to or on the date of the assassination between the Central Intelligence Agency and the following individuals:

- a. Donald P. Norton
- b. David L. Ferrie
- c. Lee Harvey Oswald
- d. Clay L. Shaw
- e. Gordon Dwane Novel
- f. Burton Klein
- g. Irvin Dymond
- h. Edward F. Wegmann
- i. William J. Wegmann
- j. Lee Odom
- k. Steven Plotkin

(Dymond and Wegmann stated that they might later submit the names of other individuals about whom they had similar questions.)

RC

2. To learn whether Federal Bureau of Investigation "rap sheets" would be available on named individuals.

3. To learn whether Perry Raymond Russo had ever been interrogated by the Federal Bureau of Investigation.

4. To learn whether Clay L. Shaw had been investigated by the Federal Bureau of Investigation in the course of the inquiry into the death of President Kennedy.

5. To learn whether Clay L. Shaw had been investigated by the Federal Bureau of Investigation since March 1, 1967, regarding the strength and merit of District Attorney Garrison's charges against him. More specifically, to learn whether an FBI agent visited and interviewed Mrs. Artrel Kirk Trelford, of Houston, Texas, concerning her social contacts with Shaw subsequent to her purchase of his property at 525 Duaphine Street, New Orleans.

6. To determine the whereabouts of Lee Odom, who vanished with the \$3,000 proceeds from a bullfight he had promoted for the July 4, 1967, Optimists' Club of Irving, Texas. Odom's last known address was P. O. Box 174, Irving. And to learn if the FBI had investigated Odom after Garrison announced that he had found in Shaw's personal notebook the same number as he claimed could be decoded from a number in Oswald's notebook. Shaw has claimed that the number in his notebook is that of a post office box used by Odom for a business he previously operated.

7. To determine the whereabouts of Jack L. Ruby and Lee Harvey Oswald during the period September 1 - September 5, 1963. More specifically, to determine whether either of them could have been in the Capitol House Hotel in Baton Rouge during that period.

8. To determine the financial situation of Lee Harvey Oswald during the month of September, 1963: i.e., when and where he cashed his regular unemployment checks.

9. To determine the whereabouts of George Senator, who was Jack Ruby's roommate in November, 1963.

10. To ascertain the FBI's willingness to conduct an investigation of Perry Raymond Russo for its psychological effect alone--i.e., to "shake up" Russo so that he would repudiate his allegedly perjurious testimony given at the preliminary examination March 14-17, 1967.

Mr. Kossack made direct answers to only two of these requests: he stated that the "rap sheets" referred to in paragraph 2 are covered by a statutory restriction, and may be distributed only to persons associated with law enforcement agencies; and he advised that Russo would be interrogated (paragraph 9) only in connection with an investigation of a violation of Federal law within the FBI's investigative jurisdiction.

Messrs. Dymond and Wegmann speculated that they might file a complaint with United States Attorney Louis LaCour stating that Shaw's civil rights have been violated through a conspiracy by Garrison, Dr. Esmond Fatter and Perry Raymond Russo, to present false testimony at Shaw's preliminary examination, and through such a complaint draw the FBI into the matter and prompt an interrogation of Russo. Mr. Kossack referred them to Mr. John Doar, Assistant Attorney General, or Mr. Robert Owen, First Assistant, Civil Rights Division, for further comment on the federal civil rights statutes.

After speculating that they might seek a change of venue to another Louisiana parish, and commenting on the alleged chronic intoxication of Judge Haggerty and the apparent liaison between Judge O'Hara and the Teamsters, the two attorneys left a 12:15 p.m.

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Ramsey Clark Acting Attorney General			4111
2.				
3.				
4.				

- ☐ SIGNATURE ☐ COMMENT ☐ PER CONVERSATION
☐ APPROVAL ☐ NECESSARY ACTION ☐ AS REQUESTED
☐ SEE ME ☐ NOTE AND RETURN ☐ NOTE AND FILE
☐ RECOMMENDATION ☐ CALL ME ☒ YOUR INFORMATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS

RECEIVED

JAN 16 1967

Deputy Attorney General

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	M.R. Richman			1/12/67

GENERAL SERVICES ADMINISTRATION



JAN 12 9 27 AM '67
OFF. OF LEGAL COUNSEL

Washington, D.C. 20405

JAN 11 1967

Honorable Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, D. C. 20530

Dear Mr. ~~Wozencraft~~ *Wozencraft*:

Enclosed herewith is response from Edward J. Ennis, Esq., to our letter of December 30 concerning autopsy X-rays and photographs of the late President Kennedy.

This copy is being provided so that your files may be complete in the matter.

Sincerely yours,

Bill

William H. Brewster
Special Assistant
to the General Counsel

Enclosure

File #
129-012-3

Freedom in Your Future With U.S. Savings Bonds

JKK-ASSASSINATION
Preserved Documents

EDWARD J. ENNIS

ATTORNEY AT LAW

165 BROADWAY, NEW YORK 6, N.Y.

BARCLAY 7-6343

January 5, 1967

Mr. Lawson B. Knott, Jr.
Administrator
General Services Administration
Washington, D. C. 20405

Dear Mr. Knott:

I thank you for your reply of December 30 to my letter of November 23 to the Acting Attorney General. I appreciate your explaining so fully the regulatory authority and circumstances under which the autopsy material was accepted and is held.

Sincerely yours,


Edward J. Ennis

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 10 1967	
FBI - NEW YORK	
NA	

RECEIVED
OFFICE OF THE

JAN 16 9 41 AM '67

DEPUTY
ATTORNEY GENERAL

Warren Com

RC

A - Commission was wrong; demands for new inquiry

The authors who have criticized the conclusions of the Warren Commission do not claim to have any significant new evidence, so far as we are aware. Rather, their criticisms and demands for a new inquiry are based upon different conclusions they have drawn from the same body of evidence that was analyzed by the Commission. No convincing demonstration has yet been made, in our opinion, that the conclusions of any of the authors ought to be accepted in preference to those of the Commission. In these circumstances, we see no basis for a new inquiry at this time.

B - Withholding of Commission evidence

The Warren Commission gathered a vast amount of material, much of it having only remote connection with the assassination. The bulk of the material that was before the Commission either was published in its 26-volume Hearings or is available to researchers at the National Archives. The relatively small portion which is not now available to the public consists primarily of intelligence or investigative reports, which if disclosed might compromise confidential sources or jeopardize the lives of individuals abroad. Public availability of other information is being delayed pending completion of the prosecution of Jack Ruby, but will then be released. All of the Commission material which has not yet been released will be reviewed periodically until all of it has been made available to the public.

C - Autopsy pictures

The photographs and X-rays taken in connection with the autopsy of President Kennedy were transferred to the National Archives by his family under restrictions which the Government accepted pursuant to the statute governing the deposit of historical materials relating to former presidents. The autopsy pictures are available at any time for official inspection by any government body having authority to investigate matters relating to the assassination. They will also be available, after a five-year period, for non-official inspection by experts in pathology or related areas of science, subject to restrictions suitable to the subject matter of these pictures.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. Ramsey Clark
Acting Attorney General

DATE: December 15, 1966

64 FROM : Carl Eardley
Second Assistant
Civil Division

SUBJECT:

It is our opinion that the Department of Justice should neither attempt to further interrogate Ruby nor instigate any inquiries by the press:

1. Ruby, in our judgment, cannot make any statements which would be helpful in resolving the critic's charge that someone other than Oswald participated in the assassination of the President. His polygraph interrogation conducted by the Commission at Ruby's request is found at R. 807, and his testimony before the Commission is found at V:181-213, and XIV:514-570.

2. To commence an inquiry of this nature would lead to a conclusion that the Department of Justice was not satisfied with the Warren Report, and was re-opening the matter.

3. To inquire of Ruby would lead to demands that we inquire of other, and more important witnesses, many of whom are listed in the Esquire article.

It seems highly probable that Ruby has sold his story to someone, and that some time, sooner or later, his memoirs will be published. We do not know of any way to prevent this, if it were deemed desirable, and if the Department now undertakes to get a statement from Ruby we shall probably be adding interest and weight to a statement, which in our opinion cannot possibly still or quiet the criticisms which are being aired (and exploited). (Perhaps some thought should be given to the possibility that the FBI has later information, which if known to us, might change our recommendation. We think this possibility slight, and we do not recommend any stimulation of FBI activity.)

RECEIVED

Assassination

RC

RECEIVED

DEC 13 1966

Deputy Attorney General

do not recommend any stimulation of FBI activity.)
recommendation. We think this possibility, and we
inter information, which is known to us, and we
thought should be given to the possibility that the FBI has
which are being cited (and exhibit) that some
our opinion cannot possibly still or direct the criticisms
will be adding interest and weight to a statement, which in
now undertakes to get a statement from Kuryl we shall prop-
tise, if it were deemed desirable, and if the Department
will be surprised. We do not know of any way to prevent
to someone, and that some time, sooner or later, his memoirs
it seems highly probable that Kuryl has told his story

which are listed in the entire article.

indirect of other, and more important witnesses, many of

3. To indirect of Kuryl would lead to demands that we

matter.

satisfied with the Warren Report, and was re-opening the
to a conclusion that the Department of Justice was not

5. To commence an indirect of this nature would lead

at A:181-312, and X:214-220.

8. 802, and his testimony before the Commission is found
conducted by the Commission at Kuryl's request is found at
nation of the President. His voluntary interrogation
that someone other than Oswald participated in the assassi-
which would be helpful in resolving the critic's charge

1. Kuryl, in our judgment, cannot make any statements

investigate and inquiries by the press:

should neither attempt to further interrogate Kuryl nor

It is our opinion that the Department of Justice

SUBJECT:

FROM : CIVIL DIVISION
SECOND ASSISTANT
CIVIL ENQUIRY

TO : ACTING ATTORNEY GENERAL
MR. KENNETH CLARK

DATE: December 12, 1966

Memorandum

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Mr. Ramsey Clark
Acting Attorney General

December 15, 1966

Carl Eardley
Second Assistant
Civil Division

It is our opinion that the Department of Justice should neither attempt to further interrogate Ruby nor instigate any inquiries by the press:

1. Ruby, in our judgment, cannot make any statements which would be helpful in resolving the critic's charge that someone other than Oswald participated in the assassination of the President. His polygraph interrogation conducted by the Commission at Ruby's request is found at R. 807, and his testimony before the Commission is found at V:181-213, and XIV:514-570.

2. To commence an inquiry of this nature would lead to a conclusion that the Department of Justice was not satisfied with the Warren Report, and was re-opening the matter.

3. To inquire of Ruby would lead to demands that we inquire of other, and more important witnesses, many of whom are listed in the Esquire article.

It seems highly probable that Ruby has sold his story to someone, and that some time, sooner or later, his memoirs will be published. We do not know of any way to prevent this, if it were deemed desirable, and if the Department now undertakes to get a statement from Ruby we shall probably be adding interest and weight to a statement, which in our opinion cannot possibly still or quiet the criticisms which are being aired (and exploited). (Perhaps some thought should be given to the possibility that the FBI has later information, which if known to us, might change our recommendation. We think this possibility slight, and we do not recommend any stimulation of FBI activity.)



November 25, 1966

To the Acting Attorney General:

It looks quite possible
that this letter is intended to provide
a basis for the litigation which Mark
Lane has threatened. I have there-
fore sent the original to OLC with
the request that it reply directly
after clearing with the Civil Division. *~*
prepare a reply for GSA

HFR
HFR

RECEIVED

NOV 25 1966

Deputy Attorney General

RC

EDWARD J. ENNIS
ATTORNEY AT LAW

165 BROADWAY, NEW YORK 4, N.Y.
BARCLAY 7-8343

OFFICE OF THE
RECEIVED
NOV 25 1966

OFFICE OF THE

November 23, 1966

ATTORNEY GENERAL
NOV 25 1966

ATTORNEY GENERAL

Honorable Ramsey Clark
Acting Attorney General
of the United States
Department of Justice
Washington, D. C.

Dear Attorney General Clark:

Mark Lane, author of "Rush to Judgment", which discusses the circumstances of President Kennedy's assassination, has requested me to represent him in seeking an opportunity to examine the X-rays and photographs of the President's body taken at the Naval Hospital at Bethesda, Maryland on or after November 22, 1963. I am informed that these photographs and X-rays taken by the government personnel at the hospital were turned over to the President's family, but recently were returned to the government in the person of your predecessor in office with a stipulation that they should not be made available for examination. I am also informed that a reasonable request by Mr. Lane to President Kennedy's family for an opportunity to examine the photographs and X-rays has been refused.

In view of the fact that this material from its inception appears to have been and continues to be government property, it is requested that it be made available for inspection, and copying, by private citizens who have an interest in the circumstances of the assassination. I respectfully suggest for your consideration that any restrictions governing the inspection of this government property should be adopted and promulgated by the appropriate government official, keeping in mind the great and legitimate public interest in the matter. This principle apparently has already been recognized to the extent that some material, I understand, has been made available. I also respectfully suggest that stipulations or conditions by private persons, even members of the late President's family, cannot control the inspection of this material.

129-012-3	
DEPARTMENT OF JUSTICE	R
27 NOV 25 1966	E
	R
	O
	R
	D
ATTORNEY GENERAL	

OFFICE OF LEGAL COUNSEL

XERO
COPY

XERO
COPY

XERO
COPY

XERO
COPY

JFK ASSASSINATION - PRESERVING DOCUMENT

Honorable Ramsey Clark

November 23, 1966

My client, Mr. Lane, of course, is prepared to observe any reasonable restrictions which you or another appropriate government official may place upon the inspection and copying of this material such as the place of inspection and the means of copying so that the material shall in no way be altered or damaged.

Respectfully yours,



Edward J. Ennis

XERO
COPY

XERO
COPY

XERO
COPY

XERO
COPY

November 23 1968

Mr. Sidney Epstein
City Editor
The Evening Star
225 Virginia Avenue, Southeast
Washington, D. C. 20003

Dear Mr. Epstein:

I certainly share the concern you expressed in your letter of November 21 1968, regarding the recent publication of various criticisms of the findings of the Warren Commission.

While the critics have every right to state their views, they should show more regard for the facts on record. They have ignored certain facts, misinterpreted others, and expressed pure speculation as truth. In the hope that I can help clear up some of the confusion which has resulted, I am enclosing a statement which may be published.

Please bear in mind I am speaking only for the FBI, not for any other agency or group involved in any phase of the inquiry into the assassination of President Kennedy.

Sincerely yours,

RC

JFK ASSASSINATION

November 23 1963

The Warren Commission and its findings concerning the assassination of President Kennedy currently are being severely criticized. The conclusions of the Commission, especially its conclusion that Lee Harvey Oswald acted alone in the assassination, have been openly challenged.

In support of their speculations, some of the critics allege, among other things, that there is a "conflict" between portions of two FBI reports and the official autopsy report regarding the wounds found in the President's body.

While there is a difference in the information reported by the FBI and the information contained in the autopsy report concerning the wounds, there is no conflict. The FBI reports record oral statements made by autopsy physicians while the examination was being conducted and before all facts were known. The autopsy report records the final findings of the examination.

Briefly, this is what happened. The autopsy was conducted at Bethesda Naval Hospital on the evening of November 23, 1963. Two

FBI Agents were present. They reported that Dr. James J. Humes, chief autopsy surgeon, located what appeared to be a bullet hole in the back below the shoulder and probed it to the end of the opening with a finger. The examining physicians were unable to explain why they could find no bullet or point of exit.

Unknown to the Agents, the physicians eventually were able to trace the path of the bullet through the body. On the morning of November 23, 1963, Dr. Humes contacted doctors who treated the President at Parkland Hospital in Dallas, Texas, the previous day and confirmed his assumption that a tracheotomy had been performed using a bullet hole in the front of the neck as the point of incision.

The information reported by the Agents present during the autopsy was summarized on page 18 of the FBI report dated December 9, 1963. Meanwhile, the clothing worn by the President when he was shot was examined in the FBI Laboratory. This examination revealed a small hole in the back of his coat and shirt and a slit characteristic of an exit hole for a projectile in the front of the shirt one inch below the collar button. A nick on the left side of the tie knot, possibly caused by the same projectile which passed through the shirt, also was noted.

These findings clearly indicated the examining physician's early observation that the bullet penetrated only a short distance into the President's back probably was in error. Since this observation had been included in the FBI report of December 9, 1963, another reference was made to it in the report of January 12, 1964, in conjunction with the laboratory findings to point up this probability.

The FBI and the Warren Commission each received a copy of the official autopsy report on December 23, 1963, from Secret Service following a specific request for this document. Since the FBI knew the Commission had a copy of the official autopsy, its contents were not repeated in an FBI report.

Recently the charge has been made that the FBI altered the film of the assassination taken by Abraham Zapruder. This is totally false. The FBI never had the original Zapruder film in its possession--it was purchased by a national magazine. The FBI obtained a copy of the original uncut film and reproduced this for the Commission which since has turned it over to National Archives.

At the direction of President Johnson, the FBI conducted a prompt, intensive, objective and thorough investigation of the assassination. The results of this investigation were accurately reported to

the Warren Commission. Not one shred of evidence has been developed to link any other person in a conspiracy with Oswald to assassinate President Kennedy. All available evidence and facts point to one conclusion--that Oswald acted alone in his crime.

The Evening Star - The Sunday Star

Washington, D. C. 20003
Lincoln 3-5000

November 21, 1966

Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Hoover:

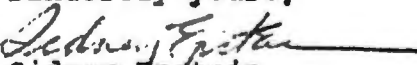
I have noted with considerable concern the recent rash of books, articles and statements which are creating confusion and doubts about the validity of the findings of the Warren Commission regarding the assassination of President Kennedy. Much of the criticism has been directed at the conduct of the Commission's inquiry. Certain conclusions reached by the Commission have been questioned and new theories advanced as to what actually happened.

These critics have used various interpretations of evidence collected by the Commission and alleged conflicts in information reported to the Commission to support their theories. One of the "conflicts" concerns the alleged variance of the results of the medical examination of the President's body, recorded in FBI reports dated December 9, 1963, and January 13, 1964, and the official autopsy report.

I realize you have not taken issue with any of the people who have questioned the Warren Commission inquiry and the conclusions resulting from it. I realize also you must restrict your remarks to matters relating solely to the FBI's role in the investigation. I believe, however, that a statement from you at this time regarding the alleged conflict between information reported by the FBI and the autopsy will greatly help in clearing up the confusion and setting the record straight.

Naturally, I would want permission to publish your statement.

Sincerely yours,


Sidney Epstein
City Editor

ea

Q. How many items are there that are being acquired by this order?

A. The total evidence considered by the Warren Commission is estimated at nearly 10,000 items. However, the total has not been broken down between those owned by the Government and those not owned by the Government.

Q. Can we go over and see these items?

A. All but a handful of the items acquired by the Government under this notice already have been available to researchers at the National Archives under the usual regulations of the Archives, and will continue to be available. The bulk of the Warren Commission testimony and exhibits were printed by the Commission in the 26 volumes of its hearings. Additional Government documents were made available to the Commission but were not published. About 75% of this material has also been available to researchers at the Archives, but the remaining portion is restricted at this time, largely because it consists of classified security information or evidence pertaining to the Ruby case.

Provision has been made for reexamination of the restricted information periodically to determine whether additional items can be released.

(Guidelines are attached)

Q. Where is the material?

A. It is all in the possession of the Archives with the following exceptions:

The assassination rifle and pistol which killed Officer Tippitt have been in the possession of the FBI in Dallas pending the outcome of the forfeiture litigation there which has now been terminated. These will shortly be delivered to the Archives. Some items of Oswald's clothing are evidence in the Ruby case and are, therefore, in the custody of the State of Texas, but will be returned to the Archives at the conclusion of the case. The Secret Service has been holding the windshield of the Presidential limousine and the original autopsy reports. However, facsimiles of the autopsy reports are printed in the hearings of the Warren Commission. These items will also be turned over to the Archives.

Q. Where are the working notes of the autopsy doctors?

A. The working notes of Dr. Humes, chief of the autopsy team, are Commission Exhibit No. 397 and are printed in Volume 17 of the hearings.

Q. Just what material is owned by the Government and what is subject to law suits for just compensation?

A. No attempt has been made to go through the lengthy lists of exhibits to ascertain which items were already Government property. Under the law, it is incumbent upon a person claiming

ownership of any items described in the notice to file a claim for just compensation either in the United States Court of Claims or the U. S. District Court in the district in which he resides. Such claims must be filed within one year from today.

Q. Why is this taking notice issued today?

A. We could not have done it until legislation authorizing us to do so was enacted one year ago. That legislation gave us one year to do the job. During that year and since that time a great deal of preparation--including studies and complete inventories--had to be carried out by the Department of Justice, the National Archives, and all the other agencies concerned.

Q. What about the items that the Warren Commission returned to their owners?

A. Most of these were letters and papers which the Warren Commission felt it could not obtain, or at least obtain as expeditiously as needed, unless it agreed to return. For us to seize that material after the Warren Commission had returned then pursuant to agreement raised some ethical problems and since the Commission had retained copies, we felt that this was unnecessary. Incidentally, the Warren Commission had the originals examined very carefully before they were returned.

Q. What is the status of the disagreement over ownership of the weapons?

A. The Government brought a forfeiture action against the weapons but lost that action in the 5th Circuit. The Government has not sought to appeal that decision to the Supreme Court and the date has expired.

An action to recover possession of the weapons by a Denver man who purchased them from Marina Oswald is still pending, but presumably will become moot as a result of the acquisition of the weapons under this notice. He may have a claim against the Government for just compensation under the statute.

Q. What is the explanation of the gaps in the FBI exhibit numbers printed in the Federal Register?

A. The items listed in the Federal Register are described by the exhibit numbers originally assigned to them by the FBI. The gaps in the sequence of numbers largely consist of items that were subsequently given Commission exhibit numbers and hence were deleted from the list of items having only FBI numbers. In addition, some FBI numbers in sequence were never used or were duplicated on a single exhibit.

Q: Why is the rifle and pistol listed separately?

A. Due to the fact that the rifle was in litigation, and the lawyers insisted that they be clearly and definitely identified in the notice.

Q: Where are the autopsy photographs and x-rays?

A. They are in the National Archives.

Q: Where did Archives get them?

A. They were given to the Government by the Kennedy family.

Q: When did this happen?

A. Yesterday.

Q: How many pictures are there?

A. The photographs and x-rays are being inventoried now and until that process is completed we are unable to give you a precise answer now. We will make this information known to you when it is determined.

Q: Who gave them to the Government?

FIRST A. Burke Marshall

ALT. A: Representatives of the Kennedy family delivered the material. In view of the sensibilities of the family about this whole matter I don't think that it is necessary at this time to identify these representatives. However, a full record of the circumstances of delivery is being prepared and will be

preserved. In due time I hope this can become available to the press. No member of the family was present.

Q: When can we see this material?

A: These materials were given by the Kennedy family on condition that they be held subject to certain restrictions.

These conditions may be summarized as follows:

- (1) These materials will be available to any official Government investigating body at any time.
- (2) There will be no public display of any of these items.
- (3) Access to the autopsy pictures by unofficial researchers will be barred for five years without the consent of a representative of the family. Thereafter, access will be limited to experts in the field of pathology or related sciences having serious purposes relevant to investigation of the death of the late President. The determination of whether an expert has suitable qualifications and purposes will be made by the representative of the Kennedy family. Such experts will not be permitted to publish any of the autopsy pictures.

Q: Did the family turn over anything else to the Government?

A. Yes. The clothes which President Kennedy was wearing at the time of the assassination.

Q: What clothes are there?

A. The clothes he was wearing plus a back brace.

Q: Do the same conditions apply to them?

A. The conditions applicable to the clothes are less restrictive. Again, access by any official government body is provided for and public display is prohibited. With regard to non-official investigators, any serious scholar or investigator may be given access by the Archivist for purposes relevant to a study of the death of President Kennedy. Of course, the Archivist will limit access and handling to the extent necessary to preserve the clothing.

Q: How long will these restrictions be in effect?

A. During the lifetimes of the President's widow, brothers and sisters, and children.

Q. What are the Government's plans for handling the photographs and X-rays? Are there plans for a new investigation as a result of this additional evidence?

A. The material is being examined, authenticated, and inventoried by two of the three autopsy physicians--Doctors Humes and Boswell--(the third being in Viet Nam)--and the technicians who assisted them, together with officials of the National Archives.

There are no present plans for any new official proceedings.

Q. Will the process being carried out now include determination as to whether the pictures and X-rays support the Commission's findings?

A. The process being carried out now is one of inventory and authentication. No directive has been issued for them to make a medical judgment based upon the pictures.

Q. Are they free to discuss what they find or don't find?

A. I don't know. It is not up to this Department. ✓

Q. Why did the Government wait so long to obtain these pictures?

A. An interest in this material has developed only in recent months and the Department requested the Kennedy family to make them available to the Archives. You will recall there was no controversy at the time of the Warren Commission proceedings about this material. You will note in the Commission transcript that the doctors who conducted the autopsy gave their findings and said the pictures and X-rays were unnecessary.

Q. Are these conditions in writing?

A. Yes. The conditions are included in a letter on behalf of the Kennedy family to the GSA.

Q. Can we see the letter?

A. In line with their treatment of other aspects, such as the photographs themselves, the Kennedy family has requested that the text of their private letter to the Government not be released. However, they have authorized us to accurately summarize its contents.

Q. Why didn't you announce this?

A. The Kennedy family requested that there be no announcement.

Q. Where have these items been all this time?

A. The only thing that we know about it is that they were transferred to the Government after having been stored with other Kennedy family papers relating to the presidency of the late President.

Q. Why didn't we vest this material?

A. Testimony before the Warren Commission shows that the X-rays and photographs were not considered by the Commission. They were not seen by either the Commission or its staff. The vesting statute is limited to items of evidence which were considered by the Commission. However, there is a different statute governing the creation of Presidential libraries which

authorizes the GSA to accept from former Presidents or their families papers and other historical materials relating to the President. The statute authorizes such gifts to be made subject to restrictions imposed by the donors and acceptable to the Government, and provides that these restrictions will be respected by the Government in connection with its custody and use of materials that are deposited in this manner.

Q. Why were the clothes treated in this way rather than under the vesting order?

A. It seemed appropriate to deal with all of the personal items relating to President Kennedy in one package. The restrictions specified by the family with respect to the clothing are very similar to those which the Archives would have imposed in any event for their care.

Q. Why weren't the autopsy pictures already Government property since they were made by Government technicians in a Government facility?

A. The question whether papers and related materials generated by or in connection with a particular President belong to him or to the Government has oddly enough not really been settled. As you possibly know, from George Washington's time on practically every President cleaned out the White House. No one has ever sued a President or his family for doing so.

The special statute relating to Presidential libraries is intended to avoid such unseemly disputes between the Government and former Presidents or their families, and was designed precisely for this kind of situation.

4/2/67

Statement by a Department Spokesman

Mr. Edward F. Wegmann, a lawyer in New Orleans, wrote the Department of Justice on May 24, 1967, requesting a public clarification of news stories concerning his client, Mr. Clay Shaw. He referred to an impromptu press interview of the Attorney General on March 2, 1967. This statement is in response to Mr. Wegmann's request.

The FBI investigation in New Orleans following the assassination of President Kennedy covered allegations by Dean A. Andrews, Jr. which included a reference to "Clay Bertrand." "Clay Bertrand" was not identified as a real person. No evidence was found that Clay Shaw was ever called "Clay Bertrand."

The Attorney General's comment on March 2 that Mr. Shaw was involved in the investigation was based on a briefing that morning. The Attorney General has since determined that this was erroneous. Nothing arose indicating a need to investigate Mr. Shaw. As the Attorney General stated in the interview, no connection between Mr. Shaw and the assassination was found in the thorough investigation by the FBI.

The Department of Justice is convinced that Lee Harvey Oswald alone assassinated President Kennedy.

XERO
COPY

XERO
COPY

XERO
COPY

XERO
COPY

Press interview with Ramsey Clark, March 2, 1967.

Question: General Clark, you said two days ago after your nomination was announced that you would hope that District Attorney Garrison would turn over any information he has from his New Orleans probe. Has he turned over any information on the arrest of this latest gentleman?

Answer: No, he has not. We haven't heard from District Attorney Garrison and I feel that, as I said the other day, if he really has any information or evidence he has an obligation to bring it to the Federal authorities who have been involved in the overall investigation. He has not at this date. I remain doubtful that he has anything.

Question: Has the Justice Department made any attempt to contact District Attorney Garrison about this?

Answer: We have not made any contact in view of his statement over the last week or so.

Question: Mr. Clark, do you have information yourself about Clay Shaw?

Answer: He was involved in an FBI investigation in the New Orleans area in November-December 1963. We have the evidence that's there involved and you can assume what the conclusions were from the Warren Commission report.

Question: He was not mentioned in the Warren Commission report, was he?

Answer: He was not.

Question: So, you don't believe he did have any connection with the --

Answer: On the evidence that the FBI had there was no connection found.

Question: You say that he was checked out and found clear, more or less?

Answer: That's right. That's true.

XERO
COPY

XERO
COPY

XERO
COPY

XERO
COPY

WHITE HOUSE

5/24/67

re Assassination

to AG from B. Sanders: 5 pg. carbon copy of paper
re interrogation of (unknown individual) before the
Parish of Orleans grand jury 5/17/67 -- re
Garrison investigation

5/24 to AG

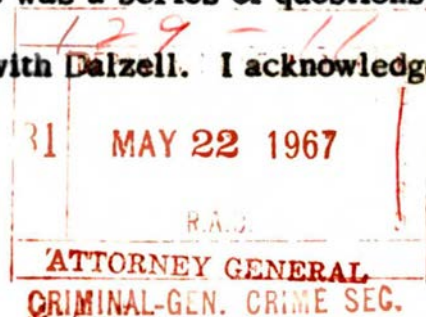
L. M. Clark

5/18/67

With regard to the interrogation before the Parish of Orleans grand jury May 17, 1967, the following is my recollection of what transpired:

Initially there were personal questions to me and District Attorney Garrison undertook the interrogation. The first series of questions propounded by Garrison were in the nature of statements of fact, - was I familiar with statement of fact which generally showed that Lee Harvey Oswald was associated with Cubans in the New Orleans area; that Lee Harvey Oswald was in the employ of the CIA; there were similar questions of this type. With regard to these preponderance (preposterous) statements made by Garrison - my recollection that I answered that I did not know.

There was another series of questions involving the identity of a heavy set Cuban that was " _____ Oswald around New Orleans who I was not familiar with and so advised the grand jury. There was a series of questions involving the identity of a number of names. I estimate that there were as many as 20 names mentioned in the series and none of the names were familiar to me. It appeared that Garrison was taking these names from a list that he had prepared. Most of them seemed to have been of Cuban extraction. There was a series of questions asking me regarding Dalzell and I was familiar with Dalzell. I acknowledged



that I knew him and they inquired as to whether Dalzell was a CIA agent and I told them I don't know. They asked if the records of the Bureau would reflect the identity of the organization of the Free Force of Cuba and I invoked the privilege.

There were numerous questions regarding my knowledge of the relationship between Clay Shaw and Lee Harvey Oswald and when the questions involved my personal knowledge I said that I did not know. On questions which would require a knowledge of the files of the FBI I invoked the privilege. The matter of greatest importance to Garrison and members of Garrison's staff in the matter they referred to several times during the course of the interrogation was the means by what FBI cleared Clay Shaw of the assassination of President Kennedy and they were repeatedly referring to the Attorney General and statements and on one occasion a long dissertation of the New York Times was discussed by one of the assistants. With regard to questions other than did I personally know Clay Shaw, which I replied I did not know, I invoked the privilege. The other questions involved what the FBI had done, whether the FBI had a file, why we don't have a file, I invoked the privilege.

The question was asked did I know Clay Bertsam and I answered no. There were a few questions involving whether the FBI had investigated Clay Shaw as Clay Bertrand and I invoked the privilege. There were a

number of questions asked about Fair Play for Cuba, David Ferrie's connections with the Fair Play for Cuba, whether I know Sergio Arcacha Smith - I answered questions which related to my personal knowledge to most of these questions no. I told them that I had seen Sergio Arcacha Smith, but was not acquainted with him.

There was a series of questions regarding the seizure of explosives across the lake in the Sliddell area and a series of questions regarding alleged training camps across the lake. I advised the jury that I was unfamiliar with these matters. They asked no specific questions about individuals with respect to the training camp and they were attempting to develop government policy and why prosecution did not occur and what was the government's relationship with the Cubans. Was the FBI still investigating the assassination of President Kennedy; don't you have any knowledge of bunker burglary and I stated no. The identity of the agents working on security matters. The only one I could recall was Warren DeBrueys. I told him he was in Washington. I was asked if I knew Dean Andrews and I acknowledged that I did. They wanted to know if Dean Andrews worked for any agency of the Federal Government and I told him I did not know except he might have worked years ago as an employee of the Immigration and Naturalization. There was a question about did I know Guy Bannister and who hung around Guy Bannister's shop, private detective agency. Did I go into 522 Camp Street. I said if that was a restaurant on the corner I went there all of

the time. I have been in Guy Bannister's many times and the only person who hung around there was Jack Martin. They asked if I knew the relationship between Bannister and Smith and Oswald, but I don't recall bringing in Ferrie's name that tied it into the Cuban situation. To the series of questions I told them I knew nothing about them. They asked about Grady Durham; if I knew him and I told them that I apprehended him for the District Attorney's office for unlawful flight to avoid prosecution, theft and had returned him to the District Attorney's office in New Orleans.

Various questions interspaced throughout the interrogation was in a series of questions involving my knowledge of Jack Ruby and why he came to New Orleans and did I know who he contacted in New Orleans and the questions which required that I answer by personal knowledge I said no, but there were some of these questions which involved records of the government's investigation which I conducted which I invoked the privilege.

Garrison during the course of interrogation began insisting that I interviewed David Ferrie in 1963 and personal recollection indicating that I had done so and I advised Garrison that I did not interview Ferrie in 1963. I don't recall any questions asking the identity of the agent who may have interviewed Ferrie in 1963 and I don't remember invoking the privilege. I invoked the privilege when they asked questions regarding my interview with David Ferrie, when occurred and what had he said.

My memory on this point is not particularly clear. In these initial questions by Garrison there was a lot of talk about would I know anything about buying equipment, things of this sort - I told them I did not know.

In regard to Dean Andrews there was in the public record and that Dean Andrews, whether I investigated Dean Andrews and I had to explain that I was involved in the investigation, but he was not a subject of the investigation. It was all in the record. Garrison brought out that he was familiar with the facts that I worked on criminal matters rather than on security and I told him that I did not work on security matters.

THE WHITE HOUSE

Honorable Ramsey Clark
The Attorney General
Room 5111
Justice Department

NO. _____

IN THE MATTER OF
REGIS L. KENNEDY,
SPECIAL AGENT,
FEDERAL BUREAU OF
INVESTIGATION

)
)
)
)
)
)

IN THE _____
COURT OF ORLEANS
PARISH, LOUISIANA

MOTION TO QUASH

The United States Attorney for the Eastern District of Louisiana files this Motion to Quash the subpoena of the Orleans Parish Grand Jury served upon Special Agent Regis L. Kennedy of the Federal Bureau of Investigation on May 5, 1967, and respectfully shows:

I

Special Agent Kennedy is now and has been since _____ attached to the New Orleans Office of the Federal Bureau of Investigation. He conducts investigations assigned to him by his superiors. As with all Special Agents of the FBI the information which he obtains in any investigation is recorded by him in written reports which are forwarded to the headquarters of the Federal Bureau of Investigation in Washington, D. C. Such reports are a part of the official files of the Department of Justice.

By virtue of Department of Justice Order No. 324-64, which has the force and effect of law, every Special Agent of the FBI is prohibited from producing or disclosing information or material contained in the files of the Department of Justice or acquired in the performance of his official duties or because of his official status *without the prior approval of the Attorney General.*

II

The Orleans Parish Grand Jury and District Attorney James Garrison are reportedly inquiring into the circumstances of the assassination of President John F. Kennedy. Information or material which Special Agent Regis L. Kennedy *relating to* has ~~concerning~~ this matter was acquired by him in

the performance of his official duties and has heretofore been recorded by him in written reports forwarded to the headquarters of the FBI. All FBI reports relating to the assassination of President John F. Kennedy including the reports of Special Agent Regis Kennedy were turned over to the Warren Commission and are now deposited in the National Archives.

III

The subpoena for Special Agent Kennedy should be quashed for the following reasons:

1. Traditionally, FBI Agents ^{do} have not ~~been~~ ~~compelled~~ to testify before state grand juries ~~or other federal agencies~~ with respect to information or material gained by them in the performance of their official duties or by reason of their official status. This rule is 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.

2. Department of Justice Order No. 324-64 prohibits any officer or employee of the Department from producing or disclosing information or material contained in the files of the Department of Justice or acquired by ~~any employee~~ ^{him} in the performance of his official duties or because of his official status. This order and the policy therein set forth follows similar orders and policies ^{without the prior approval of the Attorney General} issued and followed by Attorneys General of the United States ^{for many} throughout the years.

3. Special Agent Kennedy has been instructed by the Attorney General pursuant to Order No. 324-64 that he is not to testify with respect to information or material acquired by him

in the performance of his official duties or because of
his official status.

IV

Customarily when local authorities seek information from a
federal investigative agency, they inquire of the proper federal officials.
No inquiry has been made here.

Wherefore, it is requested that the subpoena be quashed.

Respectfully submitted,

NO. _____

IN THE MATTER OF
REGIS L. KENNEDY,
SPECIAL AGENT,
FEDERAL BUREAU OF
INVESTIGATION

)
)
)
)
)
)

IN THE _____
COURT OF ORLEANS
PARISH, LOUISIANA

MOTION TO QUASH

The United States Attorney For the Eastern District of Louisiana files this Motion to Quash the subpoena of the Orleans Parish Grand Jury served upon Special Agent Regis L. Kennedy of the Federal Bureau of Investigation on May 5, 1967, and respectfully shows:

I

Special Agent Kennedy is now and has been since _____ attached to the New Orleans Office of the Federal Bureau of Investigation. He conducts investigations assigned to him by his superiors. As with all Special Agents of the FBI ^{the} ~~all~~ information which he obtains in any investigation is recorded by him in written reports which are forwarded to the headquarters of the Federal Bureau of Investigation in Washington, D. C. Such reports are a part of the official files of the Department of Justice.

By virtue of Department of Justice Order No. 324-64, which has the force and effect of law, every Special Agent of the FBI is prohibited from producing or disclosing information or material contained in the files of the Department of Justice or acquired in the performance of his official duties or because of his official status.

II

Hand The Orleans Parish Grand Jury ~~under the direction of~~ ^{are} District Attorney Garrison ^{are} reportedly inquiring into the circumstances of the assassination of the late President John F. Kennedy. ^{any} ~~any~~ information or material *guidance*

which Special Agent Regis L. Kennedy has concerning this matter was acquired by him in the ^{performance} ~~course~~ of his official duties and has heretofore been recorded by him in written reports forwarded to the headquarters of the FBI.

~~III~~

All FBI reports relating to the assassination of the late President John F. Kennedy, ^{under the direction of Agent Kennedy} were turned over to the Warren Commission. After the Warren Commission completed its investigation ~~and its files~~ were turned over to the Archivist of the United States and are now deposited in the National Archives.

All of the investigative reports of Special Agent Kennedy on the subject of the Kennedy assassination are available to the public in the National Archives except for portions of eight pages of said reports, which have been withheld from public disclosure on the basis of the guidelines adopted by the executive branch of the federal government in early 1965 and, specifically, paragraph 3(C) thereof which restricts public disclosure where such disclosure:

"Would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President."

~~III~~

The subpoena for Special Agent Kennedy should be quashed for the following reasons:

1. Traditionally, ~~and in recognition of the fact that the FBI is a federal investigative agency,~~ its Agents have not been compelled to testify before state grand juries or other non-federal agencies with respect

to information or material gained by them in the performance of their official duties or by reason of their official status. This rule is based upon the sound policy that the integrity and effectiveness of the FBI ~~(as a federal investigative agency)~~ is protected by restricting such information and material to federal law enforcement.

2. ^{of Justice} ~~Present~~ Department Order No. 324-64, and the policy therein set forth, ^{follows} ~~is pursuant to~~ similar Orders and policies issued and followed by Attorneys General of the United States through the years. The Order prohibits the production or disclosure of information or material contained in the files of the Department of Justice or acquired by any FBI Agent ⁱⁿ ~~as a part of~~ the performance of his official duties or because of his official status.

3. Special Agent Kennedy has been instructed ^{by the Attorney General} pursuant to Order No. 324-64 that he is not to testify with respect to information or material acquired by him in the performance of his official duties or because of his official status. ~~Since all information which he has on the subject matter of the grand jury inquiry is in such categories, he is unable to provide District Attorney Garrison and the Orleans Parish Grand Jury any testimony.~~

IV
The Department of Justice and the Federal Bureau of Investigation ^{exercise great care not to disclose} are always concerned that the disclosure of information in Department files or acquired by FBI Agents in the performance of their official duties or because of their official status.

might be a source of embarrassment to innocent persons who are the subject, source, or apparent source of the material in question, because the reports often contain gossip and rumor or details of a personal nature having no significant connection with the objectives of the requesting law enforcement body. *Customarily, where possible, an agreement is reached* For this reason, local authorities usually discuss their objectives with representatives of the federal government, and the matter is normally resolved, *in the absence of any discussion the long established federal policy must prevail and Special Agent Kennedy should not be required to testify.* *concerning the matter. IV*

The subpoena is unreasonable and oppressive. To require Special Agent Kennedy to give testimony on this matter would be to require him to abrogate long standing federal policy and to violate Order No. 324-64. This he is not authorized to do.

Wherefore, it is requested that the subpoena be quashed.

Respectfully submitted,

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

April 11, 1967

Honorable Ramsey Clark
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Ramsey:

As per our telephone conversation of today, enclosed herein is an article entitled "The Devil's D.A." published in the magazine "New Orleans," official monthly publication of the Chamber of Commerce of the New Orleans area. The article by David Chandler was in the November 1966 edition.

I am also enclosing three articles from the same publication, the April 1967 edition, dealing with the Garrison investigation.

Kindest personal regards.

Sincerely,



LOUIS C. LaCOUR
United States Attorney

Encls.

LCLaC:eeef

RE

November 1966

THE DEVIL'S D.A.

The chair of devil's advocacy goes by tradition and default to those who are tough enough, tenacious enough, and concerned enough to occupy it. To District Attorney Jim Garrison, it's a natural fit — and a ringside seat from which to referee the organized crime donnybrook he himself touched off.

By David Chandler

"I am disgusted with politics and I am leaving politics for private practice."— District Attorney Jim Garrison, September, 1966.

"Me quit? Oh, no! People are talking about running me for governor if McKeithen's second-term bid fails. It's a possibility." — Same chap, October, 1966.

THE STORY GOES that the two magazine photographers walked into the New Orleans district attorney's office, rested their equipment bags and tripods on the floor and told the receptionist: "Hi. We're here to shoot Jim Garrison." She looked at them cynically. She told them, "Hurry up." In the offices of Louisiana's most glittering crime crusader that attitude has prevailed since the investigative genius, Pershing Gervais, left one year ago. The bitterness begins with Garrison and it spreads.

From 1961 through 1965, when Pershing was around, Garrison got national applause for fighting organized crime and political machines in New Orleans. In last year's hot re-election fight with Malcolm O'Hara, Pershing expediently resigned as chief investigator. Garrison won, then spent an uncharacteristic eleven months of joyless anonymity until recently he had stripteaser Linda Brigitte pardoned of an obscene dancing conviction. Now, the prestigious Metropolitan Crime Commission accuses Garrison of protecting organized crime. Has Big Jim sold out? Who backed O'Hara's torrid fight which unseated Pershing? Is Pershing a Rasputin who still runs the district attorney's office? And how about organized crime? Are the crime commission and the U. S. Attorney correct that it flourishes in New Orleans? Or is Jim right, that it doesn't?

1. The Roller Coaster. Begin in 1960, the crucial year in Garrison's life. It set him on the path he's walking. Richard Dowling, a machine politician, desired re-election as district attorney. Five penurious attorneys campaigned against him. They were Garrison, Frank Klein, Frank Shea, D'Alton Williams, and Dennis Barry. They called themselves "The Nothing Group" because, says Jim, "We had no money, no organiza-

tion, nothing." They agreed that whichever of the five became the most popular before the campaign would be the candidate. Garrison worked hardest of all. It surprised everybody. Since leaving the Army as a combat pilot in 1946, he had spent his life casually wandering between bureaucratic posts and private practice, with a brief stint as an FBI agent. He had a reputation for coming to work at noon and leaving at two. When the late Mayor Chep Morrison complained, Garrison shrugged him off, "I keep late hours." He did. In white dinner jacket, his six-and-a-half-foot-tall grand figure was a Bourbon Street institution.

Why the 1960 burst of public spirit and energy? "I was furious about how Dowling had allowed his office to be corrupted," says Garrison. "I was determined one of us would replace him. I didn't care which of us." The explanation is sincere, but I think there's a more personal factor involved. Garrison is intelligent and idealistic—and intensely interested in himself. Men of that nature review their lives constantly, most severely at the age of forty. He was turning forty in 1960. The review was meager. He acted.

With little money, he devised a campaign tactic new to New Orleans: the television blitz. His theory: ignore the support of politicians and political machines. If they help, you owe them a favor. (Also, he couldn't get their help in 1960.) Spend the dollars on television ads. If you have \$100, spend \$90 on ads the day before election. The impact is greater. You reach the people directly and you bypass the machines. With this theory and a Sheriff Matt Dillon image, he won. Then he hired Pershing Gervais to head his investigation force which was to clean up New Orleans. Pershing Gervais? "My God!" screamed the crime commission. "My God!" screamed the police and mayor. "Don't do it," the TIMES PICAYUNE ordered.

They had some justification, for on the surface of it Pershing was not the most likely agent to protect goodness and virtue and motherhood. He has a scarifying face, enormous physical strength, and a candor that makes Adam Clayton Powell seem cautious.

When Pershing was a police sergeant in the 1950's, for example, "the captains used to hand out the graft envelopes at roll call each Friday in the district stations. So one Friday I come in a few minutes late, and everybody's in the roll call room. The captain's office is deserted and on his desk, what's this? I see the box of graft envelopes. So I take 'em." He flies to New York and he quickly spends the \$9,000 of graft on high living. "I had the best table at El Morocco," says Pershing. "I think maybe it was the \$50 tips." He returns to New Orleans, goes to work, and the police arrest him for theft. "What'd I steal?" Pershing asks. "Detail it to me; like, who owned it?" Charges dropped.

Three weeks later, Pershing comes in late again; a box of envelopes is unguarded again; and Pershing wings back to New York, first class. "When I returned the second time they just transferred me to a boondock district with only one other policeman and no boxes." Pershing left the department in the late fifties after some talk about policemen cracking safes, but Pershing says, "It's mostly because I knew where the bodies were buried and I don't hesitate to dig them up."

Garrison regards Pershing, who quit school in the eighth grade, as having an intellect of soaring genius. The two have had an intense symbiotic friendship since sharing Army chores in World War II. For Pershing, Garrison with his good Protestant family background, is an entree to WASP establishment. For Garrison, Pershing is an intellectual companion with fresh wit and instinct to microscopically assess people and their motives — which Garrison lacks. It is a good combination and Pershing, with his unorthodox ethics, would not betray Garrison. "Jim," says Pershing, "is the one guy I know who's honest — and not stupid. Anyway, why does everybody holler about my being chief investigator? If you want to catch a crook, whadda you do? You get a better crook."

With Pershing installed, Garrison swung. The Bourbon Street cleanup began. Nightclubs that hustled whores, blackmailed businessmen, and beat up customers were padlocked. Political and cleanup tactics were candidly, some-



times fiercely, argued between Garrison, Pershing, D'Alton Williams, and the politically astute assistant Frank Klein. The STATES ITEM began trumpeting, "maybe we got us a real, honest, crusading district attorney." The SATURDAY EVENING POST, PAGEANT, TIME, NEWSWEEK, NATIONAL OBSERVER, and the NEW YORK TIMES joined. Garrison was rare, an articulate and witty do-gooder who could describe Mayor Victor Schiro as so indecisive that, "not since Hamlet tried to decide whether or not to stab the King of Denmark has there been so agonizing a political decision." Who said predecessor Dowling was, "the Great Emancipator — he let everybody go free."

War! The criminal element, with friends in high places because of campaign contributions, and the political establishment struck back.

Eight criminal court judges, led by then-judge Bernard Cocke, controlled finances of the DA's office. They cut off Jim's funds, and Cocke warned him not to embarrass office-holders in the press. "Bring them to trial," said Cocke, "if you have evidence, which I doubt."

Exhilarated by conflict, Garrison joined the issue. The judges, he said, "are like the sacred cows of India . . . rushing to the defense of their institutions." The judges convicted him of defamation and fined him \$1,000. Garrison took it to the U. S. Supreme Court and won an historic reversal: public figures such as judges and, pointedly, district attorneys are open to severe public criticism, said the court. Gervais wanted to take the \$1,000 saved and commission a scary portrait of Judge Cocke to hang in Jim's office. Jim favored the idea, but Klein argued them out of it.

More campaigns followed, always

based on investigations headed by Pershing. For the first time in modern New Orleans, every known lottery owner in the city was jailed. Restrictions were placed on bail-bond operation, and the bondsmen replied with legislation that would, in effect, allow them to avoid forfeiting, say, \$500, if a suspect failed to appear for trial. Garrison said the Legislature was being bribed. The Legislature met eight hours and formally censured him — but the legislation failed. Another victory. Heady days.

It was 1963 and a campaign began to elect Garrison governor. Jim said no, and instead worked feverishly to elect then unknown John McKeithen. "I met this guy," Jim said the day after, "and he impressed me with his honesty and sincerity. He's like a religious man." McKeithen credits Garrison with, "electing me governor. Jim was the only support I had in the first primary. He got me into the runoff." He has since spent many nights in the governor's elegant new mansion. Says Jim, "I got up one morning and walked into the governor's bedroom and looked out the window. It was a nice view. You know? I could grow to like it." McKeithen promised Garrison there would be reforms — oil lease reforms, prison reform, government waste reform.

McKeithen quickly had a chance to show his thanks. Two months before he took office, Garrison clashed with the state parole board.

"The Louisiana Board of Paroles," he said, "repeatedly has turned loose upon the city of New Orleans hardened criminals convicted of every conceivable offense — including possession of a sub-machine gun, white slavery, selling narcotics, and cutting off a man's head." Armed with a prize informer that Per-

shing found in Angola state prison, Garrison held a public hearing. His sarcastic prosecution and the informer's testimony indicated that either paroles could be bought in Louisiana, or that the board was incredibly ignorant of its jobs. Jim said the board must resign, but lame-duck Governor Jimmie Davis said, no, it would be an admission of guilt.

The hearing and the embarrassment of the board outraged John Fournet, chief justice of the Louisiana Supreme Court. He said Garrison was cruelly harassing the board. Garrison, not the board, should quit.

Fournet's temper is evidenced by a 1965 fist fight with fellow justice Walter B. Hamlin in the Supreme Court Building. The nature and, indeed, the fact of the quarrel, were quickly hushed up.

Garrison replied, "The chief justice complains that this hearing is a fishing expedition. If it is a fishing expedition, then it occurs to me, the thrashing and the turbulence indicate that we have caught hold of a very large fish." McKeithen stepped in and made the conflict moot. He was going to appoint a new board anyway. He did.

Another victory. Garrison had advanced himself politically. He had strengthened his image as an incorruptible crusader for justice. Which (blush), he is. He really is. But he also is a naive babe in the woods when it comes to criminal investigation and, incredibly, a clumsy politician. In 1964, he was soon to lose his two top advisors, Pershing and Frank Klein. So far he had only political ups. But roller coasters always come to a halt at the bottom. Had he finished his ride?

2. Was It Lyndon? After McKeithen took office in May, 1964, he treated Jim nicely and conferred on appointing a new mineral (oil lease) board, prison administration, and parole board. Furthermore, appointments to state jobs in New Orleans would be supervised by Garrison and Willard Robertson — Garrison's financial backer who has made himself a millionaire selling Volkswagens. They would give state appointments to the most qualified men, McKeithen supporters having priority. That's what John said. It ain't what John done. "I quickly found that Marshall Brown and Clarence Dupuy (McKeithen supporters) were making the appointments and I had nothing to say about it," said Jim. "Well," Garrison rationalized, "it's not McKeithen's fault. Brown and Dupuy are doing him in, and he doesn't know anything about it."

The months passed. Organized crime — usually recognized by flagrant prostitution, gambling, and narcotics operations, seemed / continued on page 90

Offices have changed.



The roll-top desk and the overhead light bulb are obsolete. And it's about time. They were never comfortable, much less inviting to look at. Today, businessmen realize that work runs smoother and faster in attractive, well-designed quarters. At Wynne and Smith, you'll find everything you need to make your office a handsome, functional place in which to work. Decorating services, carpets, draperies, and a complete line of designer office furniture and supplies—all under one roof. A call to us at 524-2213 could be one of the best investments you'll ever make. After all, you spend a lot of time in your office. Shouldn't it be pleasant time?

**Wynne
&
Smith,**
INCORPORATED

320 CAMP STREET

GARRISON / continued from page 32
suppressed. Garrison went to Denver, to New York, to Miami, responding to speaking invitations before national organizations. Pershing went to San Francisco, to buy wiretapping equipment. Klein ran the office. The legal part, that is, Pershing kept firm control of his investigators. In Jim's absence, friction grew. Klein gave orders. Gervais countermanded. Klein told Garrison, "Either put Pershing in his place or I quit." Garrison did nothing. Klein quit. After he left, there was only one assistant who would tell Garrison he was wrong. Pershing.

They entered the 1965 re-election campaign together.

Klein announced himself as an opponent to Garrison. Then—surprise! So did Criminal District Judge Malcolm O'Hara. It shocked Jim. Stunned him. Malcolm O'Hara had been their only friend in the fight with the eight judges. He had always helped. "He was a friend of the office," said Jim. "He knew our innermost secrets." O'Hara was securely in office as judge. Why did he think he could beat Jim? "Doesn't surprise me," said Pershing. "Let's get him." Instead, Malcolm got Pershing.

The puzzling thing about O'Hara's fierce campaign against Garrison was his financing. He spent an estimated \$50,000 on campaign ads. Garrison, the popular incumbent, could only raise \$27,000. "I racked my brain trying to figure where his support came from," said Garrison. "We found that some people close to the Johnson administration were helping Malcolm. I said, 'That's it! (Senator Allen) Ellender is collecting a favor from Lyndon Johnson to beat me now so I can't run against him for the Senate.'"

O'Hara centered his barrage on the police-scandals background of Gervais. Gervais quit, Garrison won. "Funny thing about Malcolm's campaign," says Gervais. "We thought the money was coming from Lyndon, but we found out it came from the McKeithen administration." Holy Zok! A betrayal. Is it true?

3. Where's the Action? "I don't know," says Garrison. "I go to John's office in Baton Rouge, and I tell him what is wrong and what I suspect about Marshall Brown and Dupuy and many things. And he is surprised. He looks me in the eye. He looks at me like a preacher. He is sincere and he says, 'Jim, I wouldn't betray you,' and he almost has tears. He shows me his governor's chair and says if I suspect him to take the chair. And I leave believing in him again. All the way back to New Orleans."

It is only in recent months that Garrison admits to friends his disillusionment with his hero McKeithen. "I have

seen too many promises broken; I have seen too many little people stepped upon; I am disgusted with politics, and I am leaving for private practice."

I went to his office in September, my first visit there since Pershing quit. The old atmosphere of excitement, of the dynamic cutting of red tape to get things done, was gone. Instead, I found a typical, tired organ of bureaucracy. Jim included. I asked why there hadn't been any crime-fighting crusades in the past year. "Why bother?" he replied. "I cleaned up Bourbon Street and I didn't get any credit. I never get any credit." I said this was untrue and maybe he was a bit paranoid about it. He livened up. "Paranoiac! Paranoiac?" He picked up the phone and told Klein's successor, Chief Assistant Charles Ward, to come in. "Chandler says I'm paranoiac because I say I don't get credit. Do I get credit? Am I paranoiac?" Charlie said Chandler was wrong.

Pleased, Garrison went on: "Another reason we don't have fights anymore, is because we've beaten the people trying to stop justice in New Orleans. This is the way it would have been from the beginning, if the judges, the legislature—which met for eight hours to censure me but can't reapportion (it's true)—the police, had not tried to block us. I am in no fight because I have no opponents. I am tired of politics and I am quitting it."

The words had the martyred ring of a man who has seen the truth. Life will be uncomplicated. He will be a businessman. He will raise his five children and be good to his wife. Life will be free of conflict and anxiety. Jim was in a bad mood about it.

We talked about a racket investigation squad Garrison has begun under direction of Police Sergeant Fred Williams. "Loan sharks, fraudulent house repair companies—these exist solely to exploit the ignorant and poor, usually Negroes. They wait for payments to be missed so they can steal the only thing these people have—their property." Jim's mood was improving. He has an intense awareness of injustice. He is revulsed by it. From his idealistic heights, he sees the world in sharply defined terms of good and bad. He believes deeply that his goal in life is to protect the good and help the weak. I think that is the decision he made for his fortieth birthday.

Two weeks after that interview, Aaron Kohn of the Metropolitan Crime Commission leaped on Garrison's back and gouged with his spurs. Garrison wanted a pardon for stripper Brigitte; then Garrison was protecting organized crime.

Kohn defines "organized crime" as criminal activity that has political protection. By that he means whores, lottery, narcotics operating openly, secure that police won't arrest them.

They do not operate openly in those

traditional areas in New Orleans because police will and do arrest them. However, when Kohn and the U. S. Attorney refer to New Orleans, they seem to mean metropolitan New Orleans — which includes Jefferson Parish. Political protection exists in Jefferson, manifest in the fact that for years few whores, gamblers, and narcotics agents have been brought to trial. Using Kohn's own definition there isn't organized crime in the political limits of New Orleans. There is in the metropolitan area.

But, the interests that once financed brothels and lotteries in New Orleans may have turned to more subtle operations. Garrison's office is prosecuting a finance company that signs illiterate Negroes to usurious contracts that eventually cheat them of their houses. Other rackets prosecutions, however, move slowly. Thirty to forty complaints are received daily, and there is a backlog of nearly one thousand cases. Why? Some of Garrison's assistant district attorneys seem to oppose investigation of loan companies, fraudulent contractors, and even cheating air conditioning repairmen. The argument is that these are all businesses and Garrison shouldn't interfere. If a guy signs a bad contract, "he's just a victim of his own stupidity." Garrison is unaware of most of this because nobody tells him bad news since Pershing left.

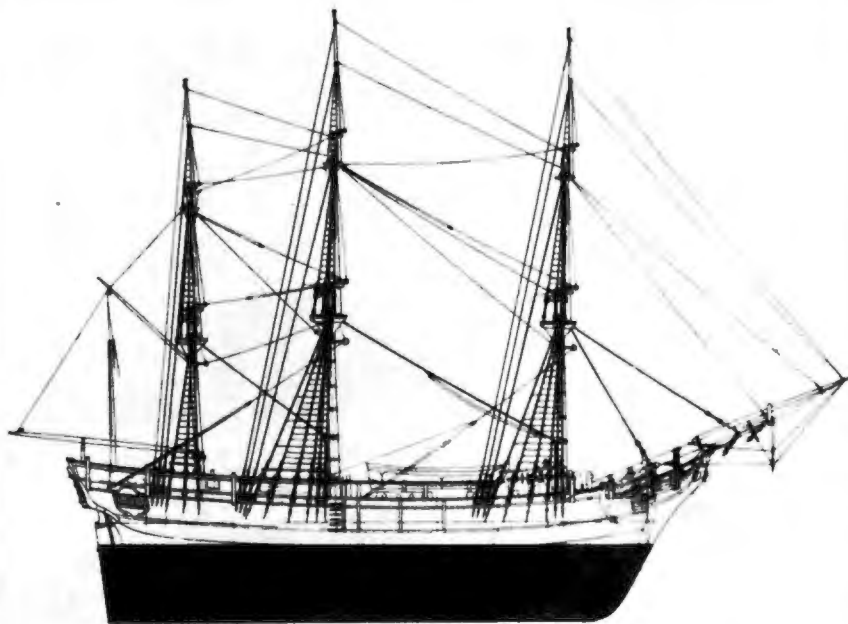
Based on the complaints, and Grand Jury indictments, it seems there is criminal activity in the rackets. And little prosecution. The inference? Protection. And Garrison was diverted from inspecting the rackets by the Kohn quarrel. The new fight exhilarated him. He says now he's certainly not quitting politics and, "people are talking about running me for governor if McKeithen's second-term bid fails."

Meanwhile, as he oscillates between quitting politics and maybe running for governor, he has facing him the task of speeding his bogged-down rackets prosecution. He wants victims to come to his office with complaints. He wants to reduce the 1,000-case backlog. The rackets probe already has caused some office dissension. Considering the general sluggishness, Jim has a hard job ahead. And few laughs to relieve it.

The laughs left with Pershing: like the Great Paperweight Caper. Pershing for months had on his desk a copper thing shaped like a starfish. People would come in, finger it, toy with it, and ask Pershing what it was. He smiled. He said, "That is an electric chair skull cap used to electrocute five men at Angola." It really was.

In one of his absences, it was stolen. Pershing brooded for weeks. Separately, he called in each investigator, each attorney. Suspiciously, he'd tell them, "Why would anyone want something like that? Huh? He's gotta be a pervert."

—David Chandler



A unique gift shop in the tradition of ships and the sea • Ship models • marine prints, nautical gifts from all parts of the world

THE MARINER

622 SAINT PETER STREET

C.A. Spurl & Co., Inc.

INSURANCE BROKERS AND AVERAGE ADJUSTERS

All Kinds of Insurance

Jackson 2-5341

COMMERCE BUILDING • NEW ORLEANS, LA.

NEW ORLEANS

OFFICIAL MONTHLY PUBLICATION OF THE CHAMBER OF COMMERCE OF THE NEW ORLEANS AREA



THREE EXCLUSIVE SIDELIGHTS ON NEW ORLEANS' STORY OF THE YEAR:

Russell Long and Joseph Rault, Jr. tell how and why it started
Mrs. Garrison talks about her family life in the midst of it all
Members of the world press give their conflicting reactions

EXCLUSIVE TO NEW ORLEANS MAGAZINE

THREE SIDELIGHTS OF THE INVESTIGATION

Since the first news story of District Attorney James Garrison's investigation into the assassination of John F. Kennedy, there have been thousands of words written and spoken by every communications medium the world over. Most of these words have been devoted to straight news reports, speculation, or conjecture.

At NEW ORLEANS MAGAZINE, we felt that in all these words, significant aspects of the story went without coverage. For instance, no matter what the outcome of the investigation, which at this writing cannot even be predicted—three stories stand out: One concerns the very beginning of the investigation. On page 8, you will read an exclusive article prepared from interviews with Senator Russell Long and Mr. Joseph Rault, Jr., prominent businessman and long-time friend of Garrison. Both men participated in the conversation which first inspired Garrison to dig deeper into circumstances surrounding the assassination.

Another story is that of Mrs. Garrison, trying to maintain a normal home life for herself and five children while her husband stood in the center of international controversy. Page 10.

The third concerns the press itself. Daily, we watched forty or more representatives of the world press lounge in the hall outside Garrison's office, waiting for something—anything—to happen. Because the press exerts so much influence on public opinion, it automatically becomes a part of any story it pursues—particularly one in which the answers are not simple or clear. This, then, led to our article on page 12. Now turn the page for three investigation stories you have not read before.

Editor's Note: This article was prepared from exclusive interviews with U.S. Senator Russell B. Long of Louisiana, Senate Majority Whip; and Mr. Joseph M. Rault, Jr., president of Rault Petroleum Corporation of New Orleans. Both Senator Long and Mr. Rault are close friends of District Attorney Jim Garrison, and participated in conversations which ultimately led to Mr. Garrison's investigation into the assassination of President John F. Kennedy. This article is copyrighted ©1967 by Flambeaux Publishing Company, and may not be reproduced in whole or in part without the express written permission of Flambeaux Publishing Company.

The Garrison Investigation: How and why it began

In November, 1966, three friends sat squeezed into tourist class seats of an Eastern Airlines jet six miles above the earth. The three—a U. S. senator, a district attorney, and a prominent businessman—managed some degree of comfort in the cramped area next to the galley, as they tried to talk above the whistling engines and the occasional rattling of trays. The district attorney was more uncomfortable than the others, but he didn't mind—because 6-foot, 6-inch Big Jim Garrison was absorbed in the conversation. He could not know it then, but this conversation was to put him on the front pages of the world and was to result in perhaps the decade's most historically significant criminal investigation.

His companions were Senator Russell B. Long of Louisiana and Joseph M. Rault, Jr., president of Rault Petroleum Corporation in New Orleans. The three were bound for an American Petroleum Institute convention in New York, where Mr. Rault and Henry Zac Carter, Sr., president of Avondale Shipyard, Inc., of New Orleans, were to host a luncheon in the senator's honor.

But the conversation had nothing to do with oil or conventions or luncheons. The subject was the assassination of President John F. Kennedy, and more specifically, *The Warren Commission Report*.

It was only a week or so earlier that Senator Long was in New Orleans with Governor McKeithen and was interviewed by a television newsmen. At this time, Senator Long said he doubted the findings of the Warren Commission.

It was about these doubts that Garrison questioned the senator on the flight to New York. When Garrison broached the subject, the mood became very serious. As ideas were exchanged among the three, considerable doubts were thrown on *The Warren Commission Report*, and several other theories were advanced.

Perhaps Senator Long's theory was the most dramatic of those put forward. He said there were areas which *The Warren Commission Report* did not adequately cover or did not cover at all. He added that there was a doubt in his mind that the theory set forth in the *Report* was correct, and that he doubted only one gunman participated.

"It just doesn't make sense," he said. "The first shot should be a rifleman's best shot. In this case it wasn't. I believe three shots were fired. The first was mediocre, the second was no good at all, and the third was perfect."

"The third shot would do credit to an expert rifleman, and Oswald was not that good a rifleman. Furthermore, there was hardly enough time for a man to get off two shots from a bolt-action rifle, much less three."

"What's a possible answer then?" asked Garrison.

"If more than one man were to be involved," Senator Long continued, "then the assassins would need a fall guy. They knew that when Oswald fired a shot or shots from the school book depository window, everyone—secret service men, the crowds, the police—would look in that direction. I think the assassins knew people would look at Oswald's gun while another man fired the fatal shot. In other words, Oswald was a decoy."

"Did Oswald hit anyone?"

"Remember that Oswald said over and over he did not kill John Kennedy? Despite many hours of rigorous interrogation, more than most criminals could withstand, he insisted to the end that he killed no one. I think he knew someone else did."

Recalling the plane trip several months later, Rault said. "We all expressed our own opinions, which I believe are also shared by millions of other Americans, that it would be almost preposterous to believe that one man, an individual such as Oswald, could have been the only one involved in this thing."

The question then, as now, was "who else was involved and why?" Garrison asked it somewhat that way, and somewhat rhetorically.

The senator speculated, "I think if I were investigating I'd find the hundred best riflemen in the world and find the ones who were in Dallas that day. Then I think I'd be on the right track."

"But what about a motive?"

"Forget the motive. Find the man!"

Garrison then related to Senator Long that in 1963, his district attorney's office had arrested and subsequently released "a very / continued on page 50

By James A. Autry



unusual type of person who made a very curious trip at a very curious time about the date of the assassination." Garrison became more serious and mused that he might want to now go back into some of those events.

(Editor's note: This appears to be a reference to Fenne, the airplane pilot who died under suspicious circumstances at a crucial point after Garrison's probe was made public just a few weeks ago.)

As the conversation paused, a stewardess offered cocktails, and Garrison and Rault accepted. The senator preferred wine, but it wasn't available, so he settled for a glass of water. They sat quietly. Both Garrison and Rault felt that the senator's theories were quite parallel, if not exactly the same, as their own.

"We had discussed the subject soberly, fully, intelligently, and at length, and I think we all felt then that if three capable people—in this case a U. S. senator, a district attorney, and a businessman—could have this much doubt about the conclusions of *The Warren Report*, then the *Report* itself must be inadequate," Rault said later.

Throughout the convention in New York, the assassination and *The Warren Report* were the principal topics of conversation among the three. It was at this time that several national magazines carried feature stories on the assassination, and several newspapers and syndicates printed their own versions.

In fact, during that convention week, *The New York Times* printed a confusing photograph supposedly taken at the time President Kennedy was shot. To some people, it looked like a man with a rifle on top of a station wagon. The experts, though, according to Senator Long's recollection of the accompanying news story, said what appeared to be a "man with a rifle" could just as well have been a white-faced steer in the background behind the station wagon.

After the picture appeared, Garrison brought up the question of simple probabilities: "Is it more likely that, at the time the President was shot, there was an armed man lying on top of a station wagon—or that there was a white-faced steer in downtown Dallas?"

"During our New York convention stay, the topic of the day was the assassination and *The Warren Commission Report*," said Rault. "Consistent with the other things we were doing, this was the subject of our discussions throughout the better part of a week—over a highball or a meal, whenever we had the chance to get together."

It was during this week that Garrison indicated to Senator Long and Rault that he intended to open an investigation on his own. But he did not specify any information beyond that.

At the end of the conversation, Senator Long and Rault left for other business in Atlantic City and Miami. Garrison returned to New Orleans.

"Shortly after that trip, Jim was hard to find," said Rault. "We couldn't find him even for lunch. Jim claimed he was deeply involved in office administrative problems connected with his work that would not free him. Of course we now know what he was doing."

Garrison was still using his "office administrative problems" as an excuse even in late January when he could not show up for the Washington Marli Gras Ball at which he was to be especially selected and honored from among the more than 2,500 celebrities. He and Mrs. Garrison were supposed to go as guests of Senator and Mrs. Long and Mr. and Mrs. Rault. But Mr. Garrison pleaded that he couldn't make it; he was too busy with his office.

In retrospect, many New Orleanians and several newsmen felt that Rault was involved in the investigation all the way.

"I was not," he said. "I am not a criminal lawyer and am not a member of Garrison's staff. It would have been improper for me to be involved. Jim did not even discuss the investigation probe with me."

Rault says that it was only after the local press broke the investigation story in mid-February that he had any direct knowledge of the probe.

Three days after that, Rault went to the financial aid of Garrison. He explained why:

"After the press released information about Mr. Garrison's then incomplete investigation and made such a point of scrutinizing the expenditure of the public funds that had been used, it became very obvious to me and a number of other businessmen that it would be very difficult, if not impossible, for him to continue his investigation in a goldfish bowl.

"I read in the newspapers over the weekend that he might have to resort to his own private funds, or even a bank loan, so I called him and offered help."

The offer was accepted, and Rault, along with Willard Robertson and Cecil Shilstone, organized their now-famous "Truth and Consequences" group. They invited over fifty of the top businessmen in the community to a private luncheon and explained the problem. They then suggested that these businessmen con-

tribute \$100 a month for a minimum of three months.

"The response was overwhelming. On short notice citizens from all ranks, walks, and quarters . . ." joined Rault, Robertson, and Shilstone. They included the distinguished attorney Col. Eberhard Deutsch, real estate executive Harold E. Cook, aviation board member and attorney John Mmahat, homestead president and attorney Edmond G. Miranne, bank president Lawrence Merrigan, and many others.

"All of us simply believed in Jim's sincerity and ability. We wanted to express our confidence and our belief in his integrity and in the integrity of his office. As members of the community that put him in that office, we wanted to offer our help in a non-political, non-partisan manner so that he could continue and complete his investigation unhampered," Rault stated. "We had no idea what his evidence was. We, of course, did not know who was involved and in fact were quite surprised to learn some of the names and identities that were made public. It was our understanding with Jim that his office was running his investigation and that we had nothing to do with it and shared no special knowledge in it, except to make funds available. It was a civic effort all the way."



Pictured here are Cecil Shilstone (left) and Willard Robertson, two New Orleans businessmen who, with Joseph Rault, formed "Truth and Consequences."

Rault has been supporting Garrison throughout a friendship spanning eighteen years since they were contemporaries at Tulane Law School. Rault, also a graduate of Massachusetts Institute of Technology, is a lawyer and engineer.

"No matter what the outcome of this investigation," Rault has said many times, "I have confidence in Jim and I know that he is pursuing this thing in the interest of truth and justice and not as a big publicity move. If anything, the publicity, particularly in anticipation of everything he does, may have hurt his investigation."

Senator Long is also strong in his support of Garrison and the probe. "Jim is

pursuing the theory he and I discussed and he is filling in the gaps. And he is doing it against tremendous odds. Several powerful elements of the press, and even some people in government have tried to discredit him.

"They should stop trying to discredit him. As a matter of fact, the federal government probably does not have jurisdiction in the case, because the assassination of a President was not made a federal offense until after Mr. Kennedy's death."

At this writing, Clay Shaw's preliminary hearing has just ended, and Mr. Shaw is awaiting trial. A very significant act of the three-judge panel—perhaps as historically significant as the hearing itself—was to disallow The Warren Commission Report as evidence! Also as we go to press, Jefferson Parish attorney Dean Andrews has been indicted for perjury by the Orleans Parish Grand Jury, and Mr. Garrison has promised other public developments.

NEW ORLEANS MAGAZINE asked Senator Long to venture an opinion on the outcome of Garrison's full investigation.

He said, "Jim is a great district attorney, but his staff is, of course, limited. I think he has some good evidence. I doubt that he has enough evidence at this time to convict anyone of murder. To do so would require him to prove and establish beyond a reasonable doubt certain facts, whereas his evidence as of this date would appear to be purely circumstantial; and he might not be able to obtain other information that could be in existence somewhere.

"On the other hand, it is my guess that Jim Garrison will produce enough evidence to overcome *The Warren Report*, and this should encourage the F.B.I., with its thousands of agents, to reenter the case. When they do, I believe that the additional evidence uncovered by the F.B.I. will make it possible to solve the case and perhaps convict guilty people who have escaped up to this point."

The senator then added, parenthetically, "I know one thing: Jim Garrison has caused almost everyone in this country to stop and think. For instance, the other night, I asked the ticket agent at the Baltimore Friendship Airport:

'How many Americans today believe that Oswald acted alone?'

'About one-half as many as thought so a month ago,' he quickly replied. "✻

What's New on Poydras Street?



A \$6 Million, Seven Story Addition to the City's Changing Skyline

In 1883 Poydras Street and the telephone company joined hands and since that date the intersection of Poydras and Baronne Streets has been the nerve center of telephone service in the metropolitan area.

Today, rising from the ground and beginning to take form is the largest single Southern Bell installation ever undertaken in downtown New Orleans.

Early in 1969 this advanced telephone exchange will go into service to provide the latest in telephone facilities to a dynamic expanding metropolitan New Orleans.



Southern Bell

Mrs. Garrison talks about home life in the midst of

In almost every home where there are youngsters, alarm-clocks are about as useful as celluloid collars. In one particular home a one-year-old with the imperial name of Eberhard Darrow sounds off each morning at about 6:30. He draws an immediate response from his Gulliver-sized father, who quickly rises and in short order has Eberhard Darrow quiet and contented with a full bottle. Then the father quietly shaves and dresses. At exactly 7 a.m. he nudges his sleepy wife and says with sunny gusto, "O.K. Egg, time to get up. Let's go."

So starts the day for Jim and Liz Garrison and their five children. All during the much-publicized investigation and even at the height of the Clay Shaw hearing, Jim would turn off the Eberhard "clock," wake Liz and then have breakfast and talk with the rest of the Garrison brood before leaving for his office.

"Jim is a typical, doting father at home," says Liz. "Since the investigation came out in the newspapers, we've had to make a lot of changes, and I've had a hard time adjusting to our not having privacy anymore. But I guess we have lived as normally as could be expected under the circumstances."

For Elizabeth Ziegler Garrison, there appear to be few circumstances which she could not handle normally and in stride—whether it be feeding breakfast to twenty unannounced newsmen or appearing fresh and elegant at a late dinner party after a one-hour notice from her husband.

Liz, 31, married Jim eight years ago after dating him for about four years. They met at the law offices of Deutsch, Kerrigan, and Stiles where Jim was an attorney and she was a file clerk. The first child, James Robinson, arrived a year later. They nicknamed him Jasper. He was followed by Virginia, who is now 5; Lyon Harrison ("Snapper"), age 3; Elizabeth Ziegler, 2; and Eberhard Darrow.

"Jim says if the next one is a boy," laughs Liz, her hazel eyes sparkling, "we will name him William Shaw or William Shakespeare Garrison. But, Jim is big on names and nicknames. He never calls me Liz. It's usually Egg, because he says I'm an egghead, or Edna,

which he thinks is ludicrous or Roachelda, because I just panic when I see a roach."

A trim (5' 5", 125 lbs.) and attractive woman with a classic face topped by ash blonde hair, Liz looks more like a post-season debutante than a housewife and mother. Her perfect complexion, the barest whisper of lipstick or makeup, the just-right hairdo, and the snug, simple Teal Triana dress all show a calm refinement and cool poise that do not disappear even when her five children are attempting to rearrange the formal living room of their comfortable home on Owens Boulevard in the Bancroft Park section.

Such was the case when Liz was being photographed and interviewed one breezy afternoon three weeks ago. "The three oldest children know something is going on," said Liz, "and though they have always been lively, lately they've almost been little brats." She paused, got up, and smacked Virginia on the backside for climbing over the sofa.

"We have a guard posted in front of the house," she continued, "and have changed our phone number so that only a few people have it, but the house looks like a bus depot sometimes." Liz got up quickly and went to a big window where a handsome piano stood. She grabbed Snapper from the piano and brought him to the door. "O.K., young man, out you go."

Apologizing, she sat back down and said, "I haven't finished decorating in here yet and often wonder if I ever will. Jim plays the piano by ear and I think quite well. We plan to start Virginia taking lessons and I hope to learn with her, that is, if the piano lasts." Before she could continue, the phone rang, followed by the doorbell and a whimpering two-year-old Elizabeth. Then there was a knock on the door and a man stuck his head in the living room.

"Oh, hello, Joe," Liz said cheerfully and introduced him as Joe Riorda, who with his wife, Dottie, are neighbors and best friends with the Garrisons. Joe asked about Jim and then went to answer the ringing phone as Liz picked up her daughter and patted her.

"It's Jim, he wants to talk / continued on page 48

it all

By Liz Bennett



Distinctive Men's Wear



Whether you prefer the Conventional, Continental or Traditional look, you'll find it at Gemelli's. Charge accounts are invited.

Complete Formal Rentals
Free Parking Next Door

Gemelli's
117 Camp Street 524-2801

TIMES HAVE CHANGED (BUT WE HAVEN'T)



For the past twenty-three years we have served New Orleans with its demands for temporary help, in finding the right person for that clerical position and the exact man for that industrial post.

Times have changed; but people still call for us.

EMPLOYERS OVERLOAD CO.

Specialists in Temporary Help

OFFICE CLERICAL DIVISION

1405 Natl. Bank of Comm. Bldg.
524-0387

INDUSTRIAL DIVISION

700 Carondelet Street • 522-1466

Affiliated

A-1 EMPLOYMENT SERVICE

1409 Natl. Bank of Comm. Bldg.
524-8281

MRS. GARRISON / cont. from page 10

to you, Liz," Riorda called from the other room.

"O.K., coming," Liz answered, reaching for the afternoon newspaper and spreading it on the floor. "Now, Elizabeth, why don't you read the newspaper."

When Liz returned, Elizabeth had torn up the newspaper and appeared headed for one of the half dozen chess sets her father keeps around the house in various stages of play. Liz picked up the child and handed her to Mattie, the maid.

Liz and her husband talk politics a lot, and he has kept her up-to-date on the investigation. She says that sometimes he'll be restless and wake her up at 2 or 3 a.m. to talk about the latest developments.

Because teachers at school were worried about the children, the Garrisons hired a detective to take the two oldest to school and watch them during play periods. In addition, he checks people coming to the house. "I'm a little embarrassed because he ends up most of the time being just a baby sitter." Though the phone rings as much as before the number was changed, Liz has received no crank or threatening calls. One phone call of five weeks ago did shake her up, however.

"A reporter from *Life* was here going through some old photographs we had. The phone rang, I answered it, and it was for her. When she came back in the room, she looked at me quite strangely and said, 'I don't know how to tell you this, but it's rumored your husband has been shot. It was on the radio.' My mother and father were here, and it was he who kept everything calm. My mother just went to pieces. Then, about 20 minutes later Jim walked in and I couldn't believe it. I started hugging him just to convince myself he was alright."

Yet, Liz still finds time to grocery shop; to play bridge; shop for hers and the children's clothes; ride her bicycle to the store or grocery; go to the beauty salon once a week; look for bargain furniture; read *Time* weekly to keep abreast of the news; do embroidery (she loves to cross-stitch) and needle point; meet Jim at any time; and be ready for surprises at a moment's notice.

"It was the Sunday after the investigation story broke," she said, recalling a recent surprise. "Jim forgot to tell me he invited 'a few newsmen' to break-

fast. There I was, the kids at various stages of dress, when about twenty people poured in. I scooted to the kitchen, scrambled eggs, made bacon, toast and coffee and served them. The china and silver didn't match, the kids ran wild, and we had a ball."

All her experiences with the press haven't been that pleasant, however. Several weeks ago, two reporters tried to follow her when she went to Manale's for dinner with friends. "It was pretty gruesome."

But, she is philosophical about such things, including critics of her husband ("I have complete faith in what he is doing") and his handling of the investigation. A close friend says of Liz, "She is a person of strong convictions on things that really matter. But, she is also a truly charming woman who could not be nasty or rude to anyone. And Liz never drenches anyone in unwelcome good will."

The phone calls, the people in the house, the curious stares wherever she goes, the guard and detective, the irregular hours, the unfinished work, all this the unruffled Liz believes will have to end sometime. "And I've let Jim know quite firmly," she says in mock seriousness, "that when this case is all over we are going away and take a trip. Where will we go? I don't know. A cruise would be nice. But, it will probably never happen. I'll be happy if we get as far as the Gulf Coast."

No matter what the outcome of Jim's case, one thing is certain, things are in control at the Garrison household. ♣



"Tommy, don't you dare!"

The controversial first news break

On February 17, when a front-page headline blared, "DA Here Launches Full JFK 'Plot' Probe," the investigation that was to draw a world-wide press pilgrimage to New Orleans became public.

It was the *States-Item* that broke the story that warm Friday. Reporters Jack Dempsey, Rosemary James and David Snyder compiled the story that had been porpoising along in silence for nearly four months.

Though all local media knew bits and pieces of the rumored investigation, it was not until February 10 that *States-Item* City Editor John Wilds and Rosemary James conferred about the facts and figures that police reporter Jack Dempsey had put together. On Tuesday, the 11th, Rosemary checked out Dempsey's information and fellow-reporter David Snyder scoured the public records. Later that day she called Garrison's office for an appointment. She told Garrison she wanted to talk to him about his "special investigation." When Garrison put her off she asked, "Well, are you conducting an investigation into the assassination of President Kennedy?" "I will neither confirm nor deny it," he replied. He then talked of other matters and ended the conversation with, "Come on out to the office and we'll have a cup of coffee."

Rosemary wrote the story the next day and turned it in to John Wilds. He told her to take it to Garrison Thursday and show it to him. She arrived at Garrison's office at 10 a.m. and asked to see him. According to Rosemary, she went in, handed Garrison the story and greeted Lynn Loisel and Louis Ivon, two of the D.A.'s investigators. Both remained in the office. Garrison, in his shirtsleeves, leaned on his cluttered desk and read the first page of the story. He again repeated, "I will neither confirm nor deny it."

He then shrugged, passed off the story and began talking about other matters. Rosemary departed, after talking with Loisel and Ivon about a successful stake-out operation they had completed. Late Thursday after the story was sent to type, Rosemary worked on follow-up copy for Saturday.

After the story broke Garrison charged the *States-Item* with hurting his investigation and stated "Anyone who says I had an opportunity to see this story is a liar."

The following Monday, Rosemary went to his official press conference at a local motel and was barred. She saw Louis Ivon at the door and he said, "Hello, how are you?"

"Frankly, mad as hell," replied Rosemary, who had yet to receive the promised cup of coffee from Garrison.

—Eugene A. Sheehan



THE PRESS: its actions

Along the windowed wall of the almost block-long second floor marble hall of the New Orleans courthouse, reporters with impressive credentials from all over the world were sitting on the floor, on wooden benches, or hunched behind waiting television cameras and lights. Microphones sat mute, waiting for targets; pencils, sharpened like needles, waited to be manipulated. Conversation had long since dwindled away into bored silence. The "wall watch," as the press corps had come to call it, was now a week old and there wasn't much left to talk about. There was some occasional griping about the lack of action, but that is common among reporters. Most of them are accustomed to waiting for the action to begin—it comes with the territory.

The subject of this daily vigil had become as elusive as a clue in a Perry Mason mystery, an uncommon role for New Orleans' controversial and usually garrulous D. A., Jim Garrison, who is not best known for avoiding a consanguinity with publicity. He has, during his career, blown sparks from many embers, whipping up fires when only smoke seemed visible. He entered the D. A.'s office in 1960 and immediately ripped into the institution. Using cloak and dagger methods, he took on the hookers and shakedown joints along Bourbon Street and cleaned them up. He cracked down on lottery racketeers and unscrupulous bail bondsmen and even locked horns with eight criminal court judges at one point. When they fined him \$1,000 for defamation he had the ruling set aside by the United States Supreme Court. His exploits were merrily chronicled in the national press, including the *Saturday Evening Post*, the *National Observer*, and *The New York Times*.

But this time Garrison was after much bigger fish. This time he was after the conspirators who he said plotted with Oswald to murder John F. Kennedy.

In mid-February, the local newspapers revealed that Garrison was deeply involved in investigating a New Or-



and reactions

By William F. Diehl, Jr.

leans-based conspiracy which he believed had ended with the death of the president. Garrison, who had told the papers "no comment," reacted predictably. He called a press conference, barred the local papers, and berated them for thirty minutes. Then, his spleen vented, he announced: "We have solved the case. We will make arrests and obtain convictions. *The Warren Report* was wrong."

Like lemmings, the press streamed into the city from all over the world. Safaris of television crews arrived from New York, loaded down with equipment. Reporters converged from most of the major newspapers and press services. Because of the bizarre nature of the story, many of the questions, too, were loaded. Because the story had not emanated from his office, Garrison could afford to play it cool, and cool it he did. Interest surged and ebbed, and Garrison, well aware of the power of the press, played the story as a conductor directs a symphony, feeding the press corps just enough to keep them on the hook, making rare appearances and entering and leaving his office by a private entrance. To many of the reporters, he was inaccessible; to others, whom he trusted and liked, he was available, meeting them in hotel rooms, restaurants, and other out-of-the-way places. At first, he was hardly encouraging, commenting that arrests might take months or even years. Too much publicity, he said, might scare off witnesses and conspirators. Some might even commit suicide.

The American press was skeptical, most of them eyeing Garrison as a small town boy trying to make a name for himself with an incredible grandstand play. The international press saw in Garrison a knight on a white charger—a man who might finally "solve the Kennedy murder." The attitudes of the reporters and their approach to the Garrison investigation reflects these opposing views and, in an odd way, the views of opposing attitudes of the people in this country and the rest of the world. In the first months after Ken-

nedy's death, the American public seemed content to accept the "one man, one shot" theory of the assassination. The Europeans have never accepted it.

Evelyn Irons, a reporter for the *Sunday Times* of London said: "In Europe, where political plots and assassinations are fairly common, nobody has ever believed Oswald acted alone. *The Warren Report* is looked on with a great deal of skepticism. When I came here, I was assigned to look for a hookup with the Cuban situation, facts and figures and names involved in 'the' plot to kill Kennedy and possibly get a report from the Warren Commission. Notice I said 'the' plot. My editors have no question about that. As far as we're concerned there was a plot, period.

"The American press, on the other hand, doesn't seem to want a plot to exist. They come armed to the teeth with questions all related to Garrison's political aspirations. For the most part they don't seem to take Garrison at all seriously; they come with smiles on their faces."

As the story progressed, however, the smiles were wiped off more than one face. One fact is irrefutable: As of this writing, Garrison has become "hot copy" because there is a growing wave of doubt concerning *The Warren Report*, not only abroad but in this country too. For the most part, public opinion is based on what people read in the newspapers, see on their television screens, see in their magazines. It is doubtful that many people read the entire twenty-six volumes of *The Warren Report* nor the shortened versions that were printed. Knowledge of *The Warren Report* is based on the interpretive reporting of the press. In this country most of the newspapers assumed a positive attitude toward the report. In Europe, the press was negative toward it. Now, years after the assassination, fresh doubts are creeping into many people's minds in this country. But the United States press seems to have difficulty accepting the theory that a plot existed, particularly when it is revealed by/ continued on page 52

the district attorney of New Orleans. After all, if all the resources of the FBI did not uncover a plot, how could Jim Garrison? Some, with tongue in cheek, were having a field day at Garrison's expense. A week after the first story on the investigation appeared, *Time* magazine reported that "Garrison all too clearly writes his own scripts" and summed up its first story thus: "But he (Garrison) was not talking anymore — no more, that is, than it took to keep his name in the papers."

Newsweek, in its second week of coverage, under the tag "History or Headlines?", concluded an article laced with anti-aphorisms ("Garrison's self-perpetuating investigation") by referring to a one-man submarine which the late David Ferrie, one of the alleged conspirators, had constructed to harass Castro's shipping lanes. "The little craft," reported *Newsweek*, "was made from an old B-25 gas tank, had no navigation instruments and no power plant but foot pedals. The sub rested for a time in a backyard and finally ended up in a dump."

"So, says Garrison's own growing gallery of critics, will the D. A.'s case."

Another reporter, representing a northern newspaper, said he came to New Orleans believing Garrison was simply publicity hungry. "He just hasn't been making headlines much lately," he said. "Besides, he must be out of his mind to try and discredit the whole Warren Commission." In the next breath he admitted that his newspaper is interested in the Garrison investigation because of a "growing distrust of the Warren findings by the public."

As the story progressed, the skepticism of some American pressmen began to alter slightly. Ferrie's death, called a suicide by Garrison and a natural death by coroner Nicholas Chetta (a broken blood vessel at the base of the neck), came a few days after Garrison predicted premature news stories might lead to the suicide of some witnesses. Characteristically, Garrison leaped on Ferrie's death, calling him "one of history's most important men," and fingering him as the getaway pilot for Oswald's co-conspirators. Less than a week later, Garrison provided more action and arrested one of New Orleans' more prominent businessmen and real estate speculators, Clay Shaw, a decorated major in World War II, who had helped start the International Trade Mart. If headlines were Garrison's meat,

he got them. Many newspapers, which had underplayed the story until then, finally put it on the front page. The normally conservative *Memphis Press-Scimitar*, which had been playing the story down, headlined Shaw's arrest with a banner, two-deck headline on the front page. *The New York Times* continued to relegate the Garrison investigation to the back pages. Coroner Chetta's announcement that Ferrie died naturally appeared in three paragraphs on page sixty-nine. But by the end of the second week, many reporters were beginning to regard Garrison as an enigma, rather than a publicity hound.

Garrison also requested a preliminary hearing, a move which generally surprised the press since it's usually a matter of routine procedure for the defense to ask for the hearing. A hearing is designed to show either that the evidence held by the state is sufficient to bind the accused over for trial, or insufficient, in which case the defendant is discharged. By filing for the state, Garrison was obviously taking a legal opportunity to perpetuate testimony in the form of official notes taken by the court reporter. The move was another show of confidence by Garrison.

The divergent attitudes of the U.S. and foreign press regarding the Garrison story are perhaps best indicated by the editorial approaches of two reporters, Jack Nelson, Pulitzer Prize winning southern correspondent for the *Los Angeles Times*, who is based in Atlanta, and Phillipe LaBro, a columnist for *France-Soir*, the largest daily newspaper in France, who has been vitally interested in the Kennedy assassination since he went to Dallas the day after the death. Both are recognized, competent, and hard-nosed men. LaBro learned journalism in this country.

Nelson was returning to Atlanta from another assignment when the Garrison story first appeared on the national newswires. The *Los Angeles Times* put the story on page one.

"If they had been able to contact me, I would have advised them to play the story down, the same as *The New York Times* played it," Nelson said. "With it on the front page, I came over to New Orleans to try and put it in some context — everybody out there was wondering what the hell was going on. Right now it looks like a hoax to me."

Nelson's story, which appeared in the Sunday editions of both the *Times* and

The Atlanta Journal-Constitution, was tough, reflecting Nelson's opinion that Garrison was "exploiting all the doubts about the commission." "You know how those things go," Nelson said. "Everytime somebody dies, this kind of thing feeds on itself. If there is a plot, I think the world should know about it. So far Garrison hasn't got anything."

Nelson's story quoted Aaron Kohn, of the Metropolitan Crime Commission, as saying he was surprised that Garrison would let himself get caught in a "bush league play when he wants to be a big leaguer." The story, however, failed to point out that Kohn only recently had accused Garrison of protecting "organized crime" in New Orleans by pardoning Bourbon Street stripper Linda Brigitte, accused of obscene dancing. Nelson also confided that one of the city officials had told him, off the record, that Garrison was dealing with nothing but psychopaths.

LaBro, wolfing down a sandwich and writing a daily column at the same time in his hotel room, had also heard the report that Garrison was dealing with psychopaths. His reaction was quite different than Nelson's.

"Of course he's dealing with psychopaths," LaBro said. "Who else but psychopaths would conspire to kill the president of the United States?" LaBro had left Paris the day Ferrie died and looked on Garrison's investigation as a "possible breakthrough in the assassination plot after all these years." He has read all twenty-six volumes of *The Warren Report* and was the first reporter in the world to mention Ferrie in a news story (last October).

"I've talked to everyone who has seriously criticized *The Warren Report*, and I've made five trips to Dallas since the assassination, refreshing myself on the details and any new developments. I think this is the most important development to date." LaBro had talked to Garrison twice, once for five hours.

"Our readers want to know everything about this Garrison and about New Orleans. But you must remember, nobody in France believes that Oswald was alone in his plan to kill Kennedy. We are used to complicated political plots. The average Frenchman can't believe it was all that simple. After talking with Garrison, I am sure he has something. I would not bet against him on this. He's not a kook, he's not a nut. He's a very sound guy. And if he is

political, he certainly would not risk it on anything this important unless he was sure he had the cards."

LaBro feels that the press explosion will help, not hinder, Garrison because it will accelerate the evidence. And, like many other reporters both here and abroad, LaBro believes Garrison was "ready for the story to leak. It is a risk, doing it this way, but he was ready for the gamble."

"Sometimes I do not understand American reporters. They pursue a line of questions based on what they think before they arrive on the scene. In Europe we take nothing for granted and we look both ways. I do not say that American reporters are all bad reporters, but I think the press of any country reflects the attitude of its people and in this country I think perhaps the press reflects the naivete of the Americans. It also reflects the great fear in this country of communism. We are always suspicious of communism in France, but we are not petrified of it."

"Perhaps that is why it was so easy to accept the Oswald theory in this country. You point to him. You say he is a Marxist! 'Aha, Great!' everybody says. It is the easy answer. The death of Kennedy was an awesome thing... totally horrible. Why discount the idea that the plot which led to his death was awesome and totally horrible?"

"This could explain why the FBI, in its investigation for The Warren Commission, might have overlooked—or ignored—a plot involving Oswald. If they started out on the theory that it was one man acting alone, their questions and the development of their case might easily have proceeded on just that line. In which case, they might have tended to give little credence to information that would have shown something else."

Perhaps the only foreign newsmen who did not express opinions one way or the other were the Russians. But even they were on the scene here. Yuri Barsukov of Izvestia, Henry Borovik of Novosti Press Agency, and Harry Freeman of TASS, said they were covering the story entirely objectively and would continue to do so. "It is true," said Borovik, "that most people throughout Europe and even in Russia are suspicious of the circumstances surrounding the death of President Kennedy. But the Soviet press has been objective throughout."

By the end of the second week, some reporters—and newspapers—were taking a second look at Garrison's story of intrigue. *The Atlanta Journal-Constitution*, which had published Nelson's story, published a second story the following Sunday by Clarence Doucet, assistant city editor of the New Orleans *Times-Picayune*, copyrighted by *The Atlanta Journal-Constitution*, headlined: "Garrison is just beginning to swing." The story began: "Big Jim Garrison has shaken the confidence of a lot of people who thought his much-publicized probe of the assassination of President Kennedy already would have fallen flat on its face." The story, a favorable one, concludes: "It is apparent that Garrison has something. But what it is, near miss or conspiracy, only time will tell."

"One thing is certain, he won't allow himself to be rushed. And Garrison is now calling the plays."

In the courthouse hall, the wall watchers, bored with the waiting, speculated, talked, conjectured. Garrison was still calling Ferrie's death a suicide. Well, perhaps. Ferrie was a noted hypochondriac and had abnormally high blood pressure. Under the extreme pressure of the investigation he might simply have stopped taking medication, inducing the stroke which killed him; in which case both the coroner and Garrison would have been right: suicide by normal means. Even more bizarre were other theories. A shot of adrenalin, for instance, could have caused the affliction that killed Ferrie. And what about the opposing political viewpoints of some of those allegedly implicated — Castroites and anti-Castroites involved in the same plot? Impossible. Yet there were strong implications of homosexuality; perhaps these ties were strong enough to overcome political differences.

Meanwhile the jokes and the speculation ran rampant. Garrison was the hidden man and the press simply watched the big oak doors at the end of the hall, waiting for his next move.

"He's holed up at the Athletic Club," said one reporter.

"Nah, he's in Miami," said another.

Still another: "I hear he's operating out of an apartment in the Quarter."

"All wrong," said another. "He's in Las Vegas."

"What the hell's he doing in Las Vegas?" they asked.

"I hear he lost the city last night," was the answer. ♣

HILL-BEHAN LUMBER COMPANY

"Home of the Happy Lumber Jack"



- HARDWARE
- PLYWOOD
- INSULATION
- MILLWORK
- ROOFING
- PAINTS

Four Locations to Serve You:

6121 Jefferson Hwy.
11030 Chef Menteur Hwy.
111 W. Hall St., Slidell
Mandeville Hwy., Covington

For one-board or a trainload, call 733-6963

FREE

AIR CONDITIONING SURVEY

BEFORE YOU BUY
SEE US, PLEASE

for the best buy in town!

Jay M. Jalenak
Engineering Co., Inc.

3017 19th St. Metairie, La. 70002
Telephone 835-8339



DEPARTMENT OF JUSTICE

ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. Fred Vinson	
2.	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

I need to discuss this with you.

RC

FROM		
NAME	BUILDING, ROOM, EXT.	DATE
DEPUTY ATTORNEY GENERAL		3/4/67

Handwritten: JN 11/11/61. KC

**TELEGRAM
SPECIAL**

RECORDS
PH 05

MAR 3 PM 9.47

WUB297 (56)NSA141

NS CXAO29 PD CX NEW ORLEANS LA 3 449P CST

HONORABLE RAMSEY CLARK

ATTORNEY GENERAL OF THE UNITED STATES DEPT OF JUSTICE WASHDC
WE HAVE BEEN RETAINED TO REPRESENT CLAY L SHAW CHARGED BY THE
DISTRICT ATTORNEY FOR THE PARISH OF ORLEANS WITH CONSPIRING
AND ENTERING INTO AN AGREEMENT WITH OTHERS FOR THE PURPOSE
OF COMMITTING THE CRIME OF MURDER OF JOHN F KENNEDY STOP IN
THE INTEREST OF JUSTICE WE RESPECTFULLY REQUEST A MEETING WITH
YOU AT THE EARLIEST POSSIBLE DATE STOP EDWARD F WEGMANN CA
BE REACHED AT AREA CODE 504-524-0732 OR 861-3844 WILLIAM J
WEGMANN CAN BE REACHED AT AREA CODE 504- 524-2206 OR 488-0155
WE AWAIT YOUR ADVICES

EDWARD F WEGMANN WILLIAM J WEGMANN

504-524-0732 861-3844 504-524-2206 488-0155

(54).

632P EST MAR 3 67

DRAFT: 10/19/66

ful

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL

Re: Acquisition and retention
of Warren Commission items of
evidence

Section 2(a) of the Act of November 2, 1965 (P.L. 89-318; 79 Stat. 1185), authorizes the Attorney General to determine, from time to time, which items of evidence considered by the Warren Commission should be acquired and preserved by the United States. Upon the publication of such a determination in the Federal Register, all right, title, and interest in the items enumerated therein vests in the United States. This authority is valid only with respect to determinations published in the Federal Register within one year of the date of the Act. To avoid any slip-up in publishing prior to the expiration date, all determinations should be submitted to the Federal Register by Thursday, October 27, 1966.

The attached list of items of evidence was prepared by representatives of the Civil and Criminal Divisions, the National Archives, and this Office. We also canvassed the Secret Service and Central Intelligence Agency, and had Assistant United States Attorney Timmins check the Dallas Police Department and the Dallas District Attorney's office, particularly with respect to items involved in the Ruby case. The Federal Bureau of Investigation recently transferred all Warren Commission materials which had been in the possession of that Agency to the Archives, except the Oswald rifle and pistol which are still in Dallas in connection with the pending forfeiture litigation. The Bureau evinced no interest in participating in the preparation of the list of items to be retained under the Act.

In selecting the items to be vested under the Act, the following general guidelines were observed;

(1) Items of evidence purchased or produced by Government agencies have not been listed since it seems clear that they are now the property of the United States and need not be taken.

(2) Items of a documentary nature, such as letters, diaries, pictures, films, etc., which can be satisfactorily reproduced, will not be taken and have not been included on the list.

(3) Each reproduction of an item that is reproduced for retention by the Government prior to the return of the original to its owner will be certified as a true copy of the original by appropriate officials of the Archives.

(4) No item of evidence is to be returned unless its return is demanded by its owner.

(5) In the event a question arises as to the ownership of an item, the Archivist will refuse to return it until he is satisfied that the person demanding the item is its owner, or a court of competent jurisdiction resolves the ownership issue.

Aside from the foregoing, certain items require discussion.

The attached list of items to be taken includes none of the clothing worn by the President at the time of his death. We are negotiating an agreement with a representative (Burke Marshall) of members of the Kennedy family whereby the late President's executors will transfer and deposit with the Archivist, on conditions of restricted access during the lives of President Kennedy's widow and his brothers and

*transfer and deposit, subject to
the same restricted access, of*

sisters, these items of clothing. The proposed agreement also provides for ~~restricted access to~~ the X-rays and photographs taken during the autopsy. The coat, shirt, and tie, in particular, are of crucial evidentiary value since they are directly involved in the one-bullet-one assassin theory as propounded by the Commission. The X-rays and photographs were not formally in evidence before the Commission, and thus are probably not subject to being vested by the Government under P.L. 89-318.

The Kennedy family is quite anxious to assure that none of the foregoing materials will be publicly exhibited or reproduced for publication. Considerations of taste and archival preservation make reasonable restrictions a matter of interest for the Government, as well as the family of the late President. The restrictions set out in the proposed agreement will, we believe, satisfy these considerations while preserving the availability of all of these important evidentiary items for any future investigation by an official body, and for scrutiny by technical experts on behalf of private scholars and writers.

Accordingly, we believe the proposed agreement to be in the best interests of the Government, and preferable to a vesting of the clothing alone. A public announcement of the agreement with the Kennedy family should be issued, concurrently with the publication of the list of items to be taken, in order to avoid any misunderstanding as to the scope of the items to be retained or secured by the Government. Such a statement will be worked out with the Public Information Office. However, in the event that the pending negotiations do not result in a signed agreement by the time the list must be sent forward to the Federal Register, it will be necessary to add the items of the President's clothing to the list of items to be taken.

We have placed on the list certain items of clothing that Oswald was wearing at the time of his capture, since these clothes could be critical to his identification in any future re-evaluation of this matter. However, the

clothing he was wearing at the time he was shot is still in the possession of the Dallas Police Department. This clothing appears to have no particular evidentiary value insofar as the assassination is concerned. Furthermore, there is no evidence that it was ever considered by the Commission. Consequently, we have not included it on the attached list.

We have placed the weapons (rifle, pistol, ammunition, and knives) on the list. The rifle and pistol were the subject of forfeiture litigation. They were ordered forfeited by the District Court, but the Court of Appeals for the Fifth Circuit reversed. Although the Internal Revenue Service urged that we seek certiorari, this Department has declined to do so. The last day on which the Government may request certiorari in the forfeiture case appears to be October 28. If the notice of taking is published in the Federal Register on or before that date, it should meet Mr. King's replevin action, which is still pending in Denver. We must deliver the notice to the Office of the Federal Register by noon October 27 in order to assure its publication in the issue of October 28.

We have, with the concurrence of the Secret Service, included the windshield of the assassination automobile (leased from the Ford Company).

Some concern has been expressed concerning the return of any item of evidence that was ever associated with Lee Oswald or his wife on the basis that the items could contain micro dots, indented writing, invisible ink marks, or some other form of cryptographic code. The Warren Commission considered this possibility and made the following statement in its report: "All of Oswald's known writings or other possessions which might have been used for code or other espionage purposes have been examined by either the Federal Bureau of Investigation or the National Security Agency, to determine whether they were so used." (Page 244, Report of the Commission.) Letters from the Federal Bureau of Investigation and the National Security Agency describing those activities and reporting negative findings

are published as Commission Exhibits 2444, 2768, and 2772.

The National Archives recommended that we take certain documents for future exhibit purposes. These items include some of Oswald's letters and diaries. On the basis of the auction price of other Oswald letters, taking them could prove to be expensive. The language of the Act is broad enough to permit that action, but the justification for the legislation was based upon the need for retaining items having evidentiary value. Since it would be difficult to distinguish between the documents that the Archives would like to retain (a separate list of which is attached) and other documents which we propose to return upon demand, we have not included these items on the list to be vested.

We have not included the pistol that was used by Ruby to shoot Oswald, since it appears to have no direct bearing upon the assassination. Moreover, we have been unable to find any evidence that it was considered by the Commission. The same is true of Ruby's watch and ring.

This list of items to be taken under the Act is based upon items which are currently in the possession of the Government. The Commission allowed Oswald's mother and brother and Mark Lane to retain certain items, such as letters, cards, etc. In addition, the Commission returned certain items to their owners. For example, a camera was returned to Mrs. Paine.

As noted before, we have checked with the Federal Bureau of Investigation, the Archives, the Secret Service, the Central Intelligence Agency, the Dallas Police Department, and the Dallas District Attorney's Office as to items of evidence which the Government may not own and which should be taken. Moreover, we have attempted to check the Commission's published list of exhibits in this regard. Although we believe the attached list contains references to all items which should be taken under the Act, there is no satisfactory method for assuring the completeness of this list because of the brevity of the descriptions of items

in the Commission's list and the consequent difficulty of matching items in the various lists we checked.

**Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel**

Attachments

N O T I C E

Providing for the Acquisition and Preservation by the United States of Certain Items of Evidence Pertaining to the Assassination of President John F. Kennedy

Under and by virtue of the authority vested in me by Section 2(a) of the Act of November 2, 1965 (Public Law 89-318; 79 Stat. 1185), I hereby determine that the items of evidence which were considered by the President's Commission on the Assassination of President Kennedy and which are described in Appendix A to this Notice should be acquired and preserved by the United States.

This Notice shall be published in the Federal Register.

Acting Attorney General

Date:

APPENDIX A

<u>Commission's No.</u>	<u>Description</u>
2	Original print of photograph of house and alley
5	Original print of photograph of house and automobile
124	Imperial brand hunting type knife with sheath
128	Enco map of Fort Worth and Dallas
133 A and B	Two of forty-seven photographs recovered by Dallas Police Department
134	Photograph of Oswald holding rifle
135	Mail order coupon in name of A.J. Hidell used to order .38 caliber gun from Los Angeles
139	6.5 mm Mannlicher-Carcano rifle, with telescopic sight, Serial No. C2766, including sling and cartridge clip
140	Blanket
141	6.5 mm Mannlicher-Carcano cartridge from building
142	Bag made out of wrapping paper, found on the sixth floor of the Texas School Book Depository Building after the assassination

APPENDIX A - page 2

<u>Commission's No.</u>	<u>Description</u>
143	.38 Special Smith and Wesson revolver, Serial No. V510210, Assembly No. 65248, with appurtenances
144	Brown leather holster
145	Small cardboard box containing two .38 Special cartridges
150	Oswald's shirt
156	Pair of men's gray cotton slacks with zipper
157	Pair of men's gray cotton slacks "Farrah" brand, ripped
162	Gray jacket
163	Blue jacket from depository identi- fied by Mrs. Marina Oswald as being property of Lee Harvey Oswald
351	Windshield from the Presidential automobile
381A	Bus transfer with related Dallas Police Department envelope
383A	Bracelet inscribed "Lee"

APPENDIX A - page 3

<u>Commission's No.</u>	<u>Description</u>
397	Working papers associated with Naval Medical School Autopsy Report A63-272
399	Bullet from stretcher
518	Four .38 Special cartridges
543	6.5 mm Mannlicher-Carcano cartridge case from Texas School Book Depository Building
544	6.5 mm Mannlicher-Carcano cartridge case from Texas School Book Depository Building
545	6.5 mm Mannlicher-Carcano cartridge case from Texas School Book Depository Building
567	Bullet fragment from President's car
569	Bullet fragment from President's car
573	Bullet from General Walker's home
592	Five cartridges from Oswald's pocket

APPENDIX A - page 4

<u>Commission's No.</u>	<u>Description</u>
594	Four .38 Special cartridge cases from Tippit murder scene
602	Bullet from Officer Tippit's body along with button from his uniform
603	Bullet from Officer Tippit's body
604	Bullet from Officer Tippit's body
605	Bullet from Officer Tippit's body
641	A carton, labeled "Box A," found on the sixth floor of the Texas School Book Depository Building following the assassination
648	Cardboard box from Texas School Book Depository Building
649	Portion of top of carton (CE648), bearing a latent palmprint
653	Cardboard box from Texas School Book Depository Building
654	Cardboard box from Texas School Book Depository Building

APPENDIX A - page 5

<u>Commission's No.</u>	<u>Description</u>
677	Paper and two samples from first floor, Texas School Book Depository Building
749	Photographic negative of Oswald holding rifle
795	A spurious Selective Service System notice of classification card in the name of Alek James Hidell
800	Two retouched negatives of Selective Service Certificate of Lee Harvey Oswald
803-804	Two retouched negatives of the face side of a Selective Service System Notice of Classification Card
806	USMC certificate of service bearing the name of Hidell
811	Retouched negative of reverse side of a Selective Service System Registration Certificate
812	Retouched negatives of the face and reverse side of a U.S. Marine Corps certificate of service
820	Fair Play for Cuba Committee New Orleans Chapter membership card issued to L.H. Oswald, signed A.J. Hidell, Chapter President

APPENDIX A - page 6

<u>Commission's No.</u>	<u>Description</u>
828	Fair Play for Cuba Committee national membership card of Oswald
840	Three small lead particles found on rug underneath left jump seat of President's car
841	Lead residue found on inside surface of glass of windshield
842	Small fragment of metal from wrist of Governor Connally
843	Two metal fragments removed from the President's head at time of autopsy
946	Passport of Lee H. Oswald, No. 1733242
996	"Wanted for Treason" poster
1997	Two cartridges described in Exhibit No. 1997 (FBI report)
Michael R. Paine Exhibit No. 2	Piece of 16-strand string, approximately 30 in. long (identified by FBI expert Stenbaugh as the string wrapped around blanket in which rifle was stored in Paine garage; <u>Hearings</u> , Vol. IV, pp. 56-57)

APPENDIX A - page 7

<u>Commission's No.</u>	<u>Description</u>
Shaneyfelt Exhibit No. 34	Section of cement curbing from Main Street, Dallas, Texas
Stombaugh Exhibit No. 1	Hairs found on CE 140 (blanket)
Stombaugh Exhibit No. 2	Known sample of Lee Harvey Oswald's hair furnished by the Dallas Office of the FBI
Stombaugh Exhibit No. 3	Fibers found on CE142 (bag)
Stombaugh Exhibit No. 4	Sample of fibers from CE140 (blanket)
Stombaugh Exhibit No. 5	Fibers found on CE139 (rifle)
Stombaugh Exhibit No. 6	Sample of fibers from CE150 (Oswald's shirt)

<u>FBI Exhibit No.</u>	<u>Description</u>
113	Pocket size blue book apparently identification booklet with small photograph of Oswald
419	Identification booklet in Russian script containing Oswald's name and No. 01311655

APPENDIX A - page 8

<u>FBI Exhibit No.</u>	<u>Description</u>
446	Passport No. D092526 in name of Lee Harvey Oswald, date of birth 10/18/39
C41 A-G	Paraffin casts of Oswald's hands and face and related items
C61 - C70	Ten cartridge cases, 6.5 mm Japanese caliber, recovered at gun range, Dallas, Texas
C71 - C136	Sixty-six 6.5 mm Mannlicher-Carcano cartridge cases from gun range, Dallas, Texas
C149 - C151	Three cartridge cases from A.R. Papurt, Barr's Gun Shop, Dallas, Texas
C152	6.5 mm cartridge case made available by Mrs. Lovell T. Penn
C153 - C156	Four 6.5 mm cartridge cases from Irving, Texas, Police Department
C157 - C160	Four 6.5 mm cartridge cases from Mrs. Virginia Goodwin
C161 - C226	Sixty-five cartridge cases from gun range, Dallas, Texas

APPENDIX A - page 9

<u>FBI Exhibit No.</u>	<u>Description</u>
C323	Bottle cap found in Dealey Plaza
C324	Piece of metal found in Dealey Plaza
C326	Piece of wood from window ledge on 6th Floor of Texas School Book Depository building
D2	Known paper and tape samples from Klein's
D60	Brown paper envelope and paper bag from Irving, Texas, Post Office
D62	Two paper tape samples from the home of Mrs. Paine
D79	Two empty boxes marked "6.5 Italian Ammunition"
D148	"Tag Repair" #18374 for "Oswald" Obtained from Irving Sports Shop, Irving, Texas
D193	One sample of brown wrapping paper and a strip of 3" Manila gummed tape
D195	One sample of 60 lb. Kraft wrapping paper

APPENDIX A - page 10

<u>FBI Exhibit No.</u>	<u>Description</u>
D225	Seven cards bearing name "A.J. Hidell" and "A.J. Hidel"
D230	Three one dollar bills
D236	Five dollar bill
D237	Transportes del Norte bus ticket stub # 13688
D240	Map of Mexico City published by Editorial Flecha, Mexico, D.F.
D242	Library pass dated April, 1962, written in Russian, in the name LEE HARVEY OSWALD
E3	Transportes Frontera Bus Line form with known date stamp impressions
E4	One block of forms of the Transportes Frontera Bus Line
E6	Five dollar bill

ITEMS REQUESTED BY THE ARCHIVES FOR EXHIBIT PURPOSES

<u>Commission's No.</u>	<u>Description</u>
Dobbs Exhibit No. 10	Letter from Lee Harvey Oswald to the Socialist Workers Party, dated September 1, 1963, with envelope.'
Arnold S. Johnson Exhibit No. 1	Letter from Lee Harvey Oswald to the <u>Worker</u> dated June 10, 1962.
Arnold S. Johnson Exhibit No. 3	Letter from Lee Harvey Oswald to Arnold S. Johnson dated August 13, 1963.
Arnold S. Johnson Exhibit No. 4	Letter from Lee Harvey Oswald to the Communist Party dated August 28, 1963.
Arnold S. Johnson Exhibit No. 5	Letter from Lee Harvey Oswald to Mr. Bert of the <u>Worker</u> dated August 31, with envelope.
Arnold S. Johnson Exhibit No. 7	Undated letter from Lee Harvey Oswald to Arnold S. Johnson, with envelope post-marked November 1, 1963.
Vincent T. Lee Exhibit No. 1	Undated letter from Lee Harvey Oswald to the Fair Play for Cuba Committee.
Vincent T. Lee Exhibit Number 2	Letter from Lee Harvey Oswald to the Fair Play for Cuba Committee dated May 26
Vincent T. Lee Exhibit Number 4	Undated letter from Lee Harvey Oswald to V.T. Lee, enclosing "Hands Off Cuba" leaflet and Fair Play for Cuba Committee order blank.

ARCHIVES request - Page 2

<u>Commission's No.</u>	<u>Description</u>
Vincent T. Lee Exhibit No. 5	Letter from Lee Harvey Oswald to V.T. Lee dated August 1.
Vincent T. Lee Exhibit No. 6	Letter from Lee Harvey Oswald to V.T. Lee dated August 12, 1963, enclosing copy of New Orleans Municipal Court affidavit charging Oswald and others with disturbing the peace in New Orleans, and a newspaper clipping concerning the conviction of Oswald for disturbing the peace.
Vincent T. Lee Exhibit No. 7	Letter from Lee Harvey Oswald to V.T. Lee dated August 17, with envelope.

<u>FBI Exhibit No.</u>	<u>Description</u>
116	Sheets of English writing, both sides, which appear to be a diary
*117	Sheets of lined paper in green ink printing containing comments re CPUSA
122	Single sheet in black ink printing entitled "The New Era"
123	Pages of blue ink handwriting numbered 1-11 on Holland-America Line Stationery
124	Sheets of blue ink handwriting Holland- America Line stationery, numbered 1 A through 4A

ARCHIVES request - Page 3

<u>FBI Exhibit No.</u>	<u>Description</u>
125	Sheets of blue ink handwriting on Holland-America Line stationery, numbered 1B and 2B
337	Typewritten sheets entitled "Part 1 'The Collective'"
*D43	Eight and a half sheets of paper written in green ink regarding CPUSA
D69	Resume by Oswald concerning his back- ground (C593)

Draft: 10/7/66

Dr. Robert H. Bahmer
Archivist of the United States
National Archives
Washington, D. C.

Dear Dr. Bahmer:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the Assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

In consideration of the mutual interest of the family of the late President and of the Government of the United

States in achieving the aforesaid objectives, the executors of the estate of the late President, with the approval of the members of his family named in paragraph (5), hereby transfer to the United States all their right, title and interest in, and deposit with the Archivist of the United States, all the personal clothing of the late President now in the possession of the United States Government and referred to in Appendix A, together with those x-rays and photographs connected with the autopsy of the late President referred to in Appendix B, and the Archivist of the United States, in accordance with the provisions of 44 U.S.C. 397(e)(1) and ADM-P 5450.39 dated May 5, 1964, ch. 8, para. 1, accepts the same, for and in the name of the United States, for deposit in the Archives of the United States, subject to the following restrictions as to their use:

(1) Access to and inspection of the material referred to in Appendix A and Appendix B shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress or other official agency of the United States Government having appropriate authority to investigate matters relating to the death of the

late President, for purposes within the investigative jurisdiction of such committee or agency.

(b) Any recognized expert in the field of medicine, ballistics, textiles or any other area of science or technology, for purposes relevant to the investigation of matters relating to the death of the late President; provided, however, that the decision of the Archivist shall be final as to who may qualify as a recognized expert and provided, further, that the Archivist may consult with appropriate professional and technical organizations in making such determination. The Archivist shall limit the scope of access and inspection by any expert to that portion of the materials referred to in Appendix A and Appendix B as in the judgment of the Archivist may be of legitimate technical or professional concern to such expert.

Access to and inspection of any of the materials referred to in Appendix A and Appendix B shall be subject to such restrictions and limitations as may be legally imposed by the Archivist and which he may deem appropriate for their safekeeping and preservation, for the proper administration of

the National Archives, or for the effectuation of his obligation under paragraph (2) hereof.

(2) None of the materials hereby transferred to the United States and deposited with the Archivist shall be placed on public display, nor shall photographs or other reproductions of any of such materials be published or otherwise publicly distributed (unless the same were heretofore published as part of the Report of the President's Commission or otherwise publicly distributed), without the prior written consent of all of the individuals named in paragraph (5) then living or of the Kennedy family representative designated pursuant to paragraph (7). It shall be the obligation of the Archivist to exercise his best efforts to enforce the foregoing restrictions and, in furtherance thereof, (a) to obtain advance agreement to the foregoing restrictions from all persons given access to or permitted to inspect the materials pursuant to paragraph (1), and (b) to take such further actions (including legal action to restrain violations of said restrictions) and impose such further restrictions and conditions upon access and inspection as he may deem appropriate.

(3) All duties, obligations and discretions herein conferred upon the Archivist of the United States shall inure to each holder of that office from time to time, and to any official of the United States Government who may become the successor to the functions with respect to President's Commission materials presently vested by Public Law 89-318 in the Administrator of General Services and by him delegated to the Archivist.

(4) In the event of a material breach of this agreement by any person acting or purporting to act on behalf of the United States, the undersigned executors or any of the individuals named in paragraph (5) may sue in the District Court of the United States for the District of Columbia for such relief as the court may deem appropriate to enforce the provisions of this agreement.

(5) The provisions of paragraphs (1) through (4) shall remain in force during the lives of the survivors or survivor of Jacqueline Bouvier Kennedy, Robert F. Kennedy, Edward Moore Kennedy, Patricia Kennedy Lawford, Eunice Kennedy Shriver and Jean Kennedy Smith.

(6) This agreement may be amended, modified or terminated only by the written consent of the Archivist and either all of the individuals named in paragraph (5) then living or the Kennedy family representative designated pursuant to paragraph (7).

(7) The Archivist shall be entitled to consult with the Kennedy family representative designated pursuant to this paragraph, and to rely upon his statements in writing as representing the views of the Kennedy family, in connection with the construction or application of this agreement in particular cases. The Kennedy family representative shall be [insert name], provided, however, that he or any successor designated as such may be replaced at any time by notice in writing to the Archivist signed by a majority of the individuals named in paragraph (5) then living and, if the estate of the late President shall not then have been closed, also signed by the executors thereof.

If the foregoing terms are acceptable to the Government of the United States, please execute this agreement by

signing on behalf of the Government the approval clause
set forth below.

Sincerely,

Executors of the Estate of
John F. Kennedy

Approved:

United States of America
by Robert H. Bahmer
Archivist of the United States

APPENDIX A

Clothing worn by the late President at the time of his
assassination, identified by the following exhibit numbers:

Commission Exhibit Nos. 393, 394, 395.

FBI Nos. C 26, 27, 28, 30, 33, 34, 35, 36.

APPENDIX B

_____ autopsy photographs and _____ X-rays.

[Number of each to be inserted]

FROM
OFFICE OF LEGAL COUNSEL
TO
OFFICIAL INDICATED BELOW BY CHECK

The Attorney General
Executive Assistant.....
Public Information
The Solicitor General
Deputy Attorney General
Administrative Assistant Attorney General
Assistant Attorney General, Antitrust
Assistant Attorney General, Civil
Assistant Attorney General, Civil Rights
Assistant Attorney General, Criminal
Assistant Attorney General, Internal Security.....
Assistant Attorney General, Lands
Assistant Attorney General, Tax
Director, Federal Bureau of Investigation
Commissioner, Immigration and
Naturalization Service
Board of Immigration Appeals.....
Director, Bureau of Prisons
Board of Parole
Pardon Attorney

Memorandum

*Latest version
of Kennedy item
agreement.*

*Wfe
10/25/66
3:00 PM*



Mr. Clark

10/25/66

Dear Burke:

Here is a re-draft, hurriedly prepared on the basis of our conversations last night & this morning, so as to get it to you by Brad Patterson.

Frank & Harold have read this, but we have not yet shown it to Ramsey or the Archives people. Copies will be given to them later today.

Please let us have your comments as soon as possible.

Regards,

Martin Richman

DRAFT: 10/25/66

October 28, 1966

Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C.

Dear Mr. Knott:

In accordance with the provisions of 44 U.S.C. 397(e)(1), the executors of the estate of the late President John F. Kennedy hereby transfer to the Administrator of General Services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States, all of their right, title, and interest in all of the personal clothing of the late President now in the possession of the United States Government and identified in Appendix A, and in certain x-rays and photographs connected with the autopsy of the late President referred to in Appendix B, and the Administrator accepts the same, for and in the name of the United States, for deposit in the National

Archives of the United States, subject to the following restrictions, which shall continue in effect during the lives of the late President's widow, daughter, son, parents, brothers and sisters, or any of them:

I

(1) None of the materials identified in Appendix A ("the Appendix A materials") shall be placed on public display.

(2) Access to the Appendix A materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having (appropriate) authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any serious scholar or investigator of matters relating to the death of the late President,

for purposes relevant to his study thereof.

The Administrator shall not authorize access to the Appendix A materials for any purpose involving undignified or sensational reproduction or publication thereof, and he shall have full authority to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational use of the Appendix A materials.

II

(1) None of the materials referred to in Appendix B ("the Appendix B materials") shall be placed on public display.

(2) Access to the Appendix B materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having appropriate authority to investigate matters relating to the

death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President. For the purposes of this agreement the term "recognized expert" shall mean exclusively an individual having suitable qualifications recognized by decision of the committee established pursuant to paragraph IV(3). No access to the Appendix B materials pursuant to this paragraph II(2)(b) shall be authorized until seven years after the date of this agreement. Thereafter, no such access shall be authorized for any purpose involving reproduction or publication of such ~~of~~ the Appendix B materials, and the committee shall have full authority to deny requests for access, or to impose conditions it deems appropriate on access, in order to prevent such use of the Appendix B materials.

How does the Comm. decide?

Can pathologists visit the materials?
I O (a) agreement?

III

(1) In order to preserve the Appendix A materials and the Appendix B materials against possible damage, the Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access pursuant to paragraph I(2) or paragraph II(2).

(2) The Administrator may condition access under paragraph I(2)(b) or paragraph II(2)(b) to any of the materials transferred hereunder, or any reproduction thereof, upon agreement to comply with applicable restrictions specified in this agreement.

IV

(1) The Administrator shall be entitled to consult with the Kennedy family representative designated pursuant to paragraph IV(2), and to rely upon such representative's statements in writing as representing the views of the Kennedy family, in connection with the construction or

application of this agreement in a particular case.

(2) The Kennedy family representative for the purposes of this agreement shall be

A successor representative of the Kennedy family may be designated in writing to the Administrator from time to time by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. John F. Kennedy, any successor shall be designated by Robert F. Kennedy. In the event of the death or disability of both Mrs. John F. Kennedy and Robert F. Kennedy, any such designation shall be made by Edward M. Kennedy. In the event of the death or disability of all three of them, any such designation shall be made by the eldest living adult child of the late President John F. Kennedy or of any of his brothers and sisters, with the advice of other members of the family. Any representative designated hereunder will serve until a successor is designated.

(3) The committee referred to in paragraph II shall be composed of the Kennedy family representative designated pursuant to paragraph IV(2), an individual designated from time to time by the Administrator and an

individual designated from time to time by the Attorney General of the United States.

V

This agreement may be amended, modified, or terminated only by written consent of the Administrator and the Kennedy family representative designated pursuant to paragraph IV(2).

VI

The Administrator shall impose such other restrictions on access to and inspection of the materials transferred hereunder, and take such further actions as he deems necessary and appropriate (including referral to the Department of Justice for appropriate legal action), to fulfill the objectives of this agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949, as amended, to provide for the preservation, arrangement and use of materials transferred to his custody for archival administration.

VII

All duties, obligations and discretions herein conferred upon the Administrator shall inure to each holder

of the office of Administrator of General Services from time to time, and to any official of the United States Government who may become successor to the functions of archival administration vested in the Administrator under the Federal Property and Administrative Services Act of 1949, as amended. All such duties, obligations and discretions may be delegated to the Archivist of the United States, or to any successor to his functions of archival administration.

Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,

Executors of the Estate of
John F. Kennedy

Accepted:

United States of America
by Lawson B. Knott, Jr.
Administrator of General Services

APPENDIX A

Clothing worn by the late President at the time of his
assassination, identified by the following exhibit numbers:

Commission Exhibit Nos. 393, 394, 395.

FBI Nos. C 26, 27, 28, 30, 33, 34, 35, 36.

APPENDIX B

_____ autopsy photographs and _____ X-rays.

REV.

16A. FILM

Rather/Humes Transcript

Rather: Commander, now Captain Humes, have you had a look at the pictures and X-rays from the autopsy since the time that you submitted them to the Warren Commission?

Humes: Yes, Mr. Rather, we have.

Rather: And do you have any different conclusions, any different idea, any different thoughts now after seeing them again than you had at that time?

Humes: No, we think they bear out very well, and very closely to our testimony before the Warren Commission.

Rather: How many wounds in the President's body?

Humes: There were two wounds of entrance and two of exit.

Rather: And the two wounds of entry were where?

Humes: Posteriorly, one low in the right posterior scalp, and one in the base of the neck, on the right.

Rather: Let's talk about those two wounds, Captain. Both of these are blowups from the Warren Commission Report, these sets of drawings. And there are people who think they see discrepancies in these two drawings from the Warren Commission Report, in that this drawing shows the, what you called an entry wound in the base of the neck of the President, shows it to be, or seems to show it to be in the upper back, near the shoulder blades, considerably below the base of the neck; whereas this drawing does show the entry wound to be at the base of the neck. How could you talk about these and reconcile that?

Humes: Yes sir. This first drawing is a sketch in which the outlines of the figure are already prepared. These are on sheets of paper already in the room

16A contd a

FILM CONTD

Rather/Humes Transcript contd

Humes, contd:

in which the examination is conducted, and are routinely used to mark in general where certain marks or scars or wounds may be in conducting a post mortem examination. They are never meant to be accurate or precisely to scale.

Rather: This is a routine often in preparing autopsy reports, to use these kinds of drawings? And at this stage for them not to be precise?

Humes: No. No precise measurements are made. They're used as an "aide de memoire" to the pathologist as he later writes his report. More importantly we feel that the measurements that are noted here at the margins of the drawing are the precise measurements which we took. One states that we. . . we draw two lines, points of reference from bony points of reference. We note that the wound was 14 centimeters from the tip of the right cranium, and 14 centimeters below the tip of the right mastoid. The cranium is the extreme outermost portion of the shoulder, the tip of the mastoid is the bony prominence just behind the ear. And where these two lines intersect was in actuality where this wound was situated. And if we were trying to be up to scale, which we weren't trying to do, as this mark was made, this, I think, would appear a little bit higher.

Rather: As I understand this, is that if you take these notes and you say these notes are correct, you take these figures and draw the lines outlined there, and this way, and this, trying to be precise, then it would be at the base of the neck rather than down here.

Humes: Yes sir, of course there's other reasons that prove that this is erroneous; situated lower than it should be, because where here, originally certainly, this missile would have to have penetrated the shoulder blade of the President, which it did not. The missile was above the shoulder blade, and struck no bony structures whatever.

FILM CONTD

bac

Rather / Humes Transcript contd

Rather: You examined this whole area of the back?

Humes: Yes sir.

Rather: Were there any other wounds except the one at the base of the neck, and the one in the skull?

Humes: No sir, there were not. Now the second drawing which you mentioned, was prepared as we were preparing to testify before the Warren Commission, to... rather schematically and as accurately as we possibly could depict the story for the members of the Warren Commission.

Rather: In this drawing you were trying to be precise?

Humes: Yes sir, we were. We were trying to be precise and refer back to our measurements that we made and noted in the margins of the other drawing. Also, of course, since this time we have had an opportunity to review the photographs which we made at that time. And these photographs show very clearly that the wound was exactly where we stated it to be in our testimony before the Warren Commission, and as it is shown in this drawing.

Rather: Your re-examination of the photographs verify that the wounds were as shown here?

Humes: Yes sir, they do.

Rather: About the head wound. There is only one?

Humes: There is only one entrance wound in the head, yes sir.

Rather: And that was where?

Humes: That was posterior, about 2 and a half centimeters to the right of the midline, posteriorly.

Rather: And the exit wound?

Humes: The exit wound was a large irregular

FILM CONTD

Zather/Humes Transcript contd

Humes, contd:

wound to the front right side of the President's head.

Rather: Now can you be absolutely certain that the wound you described as the entry wound was in fact that?

Humes: Yes indeed, we can. Very precisely and incontrovertibly. The missile traversed the skin and then traversed the bony skull, and as it passed through the skull it produced a characteristic coming or beveling effect on the inner aspect of the skull, which is scientific evidence that the wound was made from behind and passed forward through the President's skull.

Rather: This is very important. You say that there's scientific evidence. Is it conclusive scientific evidence?

Humes: Yes sir, it is.

Rather: That the head wound definitely--the entry wound--is on the rear of the head and the exit wound in front of the head.

Are you absolutely certain, not only certain at the time that you submitted the report to the Warren Commission, but since going back and having another look at the pictures and the X-rays--are you absolutely certain that that wound was at the base of the neck, and not down on the back?

FILM CONTD

Rather/Humes Transcript contd

Humes: Yes sir, I am. There is other supporting evidence. We also went back over the X-rays which were prepared at that time. That wound was situated as it is in that schematic drawing, it would virtually, certainly, have to pass through the bone of the President's scapula. And cause a fracture or an injury to that bone, which it did not. And the X-rays show that it did not. That is, the missile that struck the President in the base of the neck did not strike any bony structures.

Rather: Of course, much of this is highly technical. How many autopsies would you estimate that you personally have done?

Humes: I would estimate approximately one thousand.

Rather: Is there any doubt that the wound at the back of the President's head was the entry wound?

Humes: There is absolutely no doubt.

Rather: Do you know why you were chosen to do the autopsy?

Humes: Well, at the time of the tragic event, I was the senior pathologist assigned to the Navy Medical Center, as I still am, and for this reason I was chosen.

Rather: And your two colleagues on this, Doctors Boswell and Fink: how did they happen to be involved?

Humes: Dr. Boswell was at that time my first assistant in the laboratories of the Naval Medical School at Bethesda, and quite logically an assistant, and the most appropriate assistant. When Dr. Boswell and I first examined the President and saw the nature of his wounds we felt it most advisable to have with us someone, specially trained in the field of forensic pathology, legal

16. contd d

FILM CONTD

Rather/Humes Transcript contd

Humes, contd:
medicine. And Col. Peter Fink at that time was head of the wound ballistics section of the Armed Forces Institute of Pathology, which is the main military pathology laboratory at the Walter Reed Army Medical Center. So having ascertained, as I say, the nature of the wounds, we felt Col. Fink was the most logical and best qualified person immediately available to us.

FILM

HUMES INT.

Rather: There are some who say, some critics who say that they are at least confused about the autopsy report quoted in the Warren Commission Report, saying that this was not the original autopsy report. Is the autopsy as stated in the Warren Commission Report the original autopsy?

Humes: Yes sir, it is a verbatim copy, or transcript of the report which we completed during Saturday and -- the 23rd and Sunday the 24th of November on 1963, and delivered to the White House on the evening of the Sunday, November 24th.

Rather: You see the crux of the question you didn't . . . and I'm asking you directly . . . you didn't arrange, restate the autopsy report to meet the conclusion of the Warren Commission?

Humes: Sir, the report as I stated is exactly the way it was delivered and the way it was written.

Form No. G-4C
(Rev. 12-29-65)

FROM
DIRECTOR OF PUBLIC INFORMATION
OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Crime Commission Suggests FBI Have Wiretap Powers

By ADAM CLYMER

(Continued from Page A 1)

LEGAL WIRETAPS URGED FOR FBI

Justice Department Dislikes Crime Panel's Proposal

By ADAM CLYMER

(Washington Bureau of The Sun)

Washington, Nov. 23—The President's Crime Commission has ordered its staff, despite its protests, to prepare a recommendation for wiretapping and bugging authority for Federal agents, with court approval.

The commission's tentative decision to back wiretapping legislation, at least for FBI agents, was opposed by both Ramsay Clark, Acting Attorney General, and James Vorenberg, the commission's executive director.

Emotional Issues Arise

Though all any participant in the meeting would say directly was that the decision was only tentative, this story emerged from well-informed sources:

At a meeting about ten days ago the commission, which is scheduled to report to President John-

son in January, rejected at least part of Clark's suggestion that it stay out of such highly emotional areas as wiretapping, civilian review boards and conflicts between a free press and fair trial.

Clark, who also told the commission later his reading of FBI transcripts of overheard conversations had left him unimpressed with their usefulness, argued the commission would weaken support for its main recommendations—expected to be for greater funds and attention to the overall crime and corrections problems—if it entered such controversial areas.

Wiretapping Not Studied

Vorenberg agreed, on the question of tactics, and also said the commission staff had not examined wiretapping and bugging in depth and thus could not present an informed recommendation.

At another point in the discussion, Cartha D. DeLoach, assistant to the FBI director, J. Edgar Hoover, argued the FBI had obtained significant intelligence on organized crime and political corruption through electronic eavesdropping.

The disagreement between DeLoach and Clark, while not in form a direct confrontation, presented an interesting conflict because Clark is still considered the frontrunner to become attorney general and DeLoach has been thought a possible successor to Hoover. DeLoach has been custodian of the FBI's criminal records.

FBI, Department At Odds

FBI officials, moreover, have complained bitterly to reporters, though refusing to be quoted by name, about the form of the Justice Department's recent admissions of electronic eavesdropping.

Such admissions have forced a new tax evasion trial for Fred B. Black, Jr., and have become involved in the trial of his former business associate, Robert G. Baker, Jr. They portend problems for a number of other upcoming prosecutions. Clark and Hoover, neither a commission member, were specially invited to the meeting. Hoover sent DeLoach.

Nicholas Katzenbach, former

attorney general and chairman of the commission (formally titled the President's Commission on Law Enforcement and the Administration of Justice), presided at the meeting and reportedly inclined toward Vorenberg's view. But only two commissioners voted against the tentative recommendation.

Katzenbach told a Senate subcommittee March 22 that it would be better to pass legislation banning all wiretapping and electronic eavesdropping except in national security cases than to leave the law in its present unsettled condition.

He said he would prefer legislation authorizing state and Federal wiretapping, with court orders, to deal with specific crimes. But such a law, he conceded, seemed impossible of enactment, and a complete ban except in security cases would be better than no new law.

Besides the congressional problems, legislation on wiretapping would carry serious constitutional difficulties.

Not Forbidden As Such

While the Supreme Court's past decisions on wiretapping do not bar it as such, it is excluded as evidence. Moreover, the current trend of court decisions indicates to most observers that the court takes a very dim view of wiretapping and electronic eavesdropping generally, and would not hesitate to restrict their use if presented with a suitable case.

The wiretapping recommendation came from a special group on organized crime, one of three set up (the others covered narcotics and juvenile delinquency), after the commission's five main task forces — on courts, corrections, police, causes and extent of crime, and science technology — were established.

Vorenberg joined members of the commission in declining to comment on the episode. "I can't say anything," he said.

The commission's next meeting, at which proposals will get final votes, is scheduled for December 28, 29 and 30.

(Continued, Page A 2, Column 2)

LET'S LEGALIZE WIRETRAPS

An interesting dispute has blown up between the President's National Crime Commission and the Justice Department, currently headed by Acting Attorney General Ramsey Clark.



J. Edgar Hoover

J. Edgar Hoover's Federal Bureau of Investigation has been doing some bugging, with concealed microphones, in the Bobby Baker case (remember?) and at least one Las Vegas gambling matter.

Mr. Clark no like, and recently urged the crime commission to make no public statements on bugging and wiretaps.

The commission has just about decided, on the contrary, to ask Congress for a law permitting bugs and wiretaps against organized crime, by federal agents under careful safeguards.

President Lyndon B. Johnson took it on himself in June, 1965, to forbid all federal agencies either to bug or to wiretap except in cases involving national security.

We believe the crime commission to be in the right in this case, and hope the 90th Congress, convening in January, will legalize such counterattacks on organized crime.

Presentday criminals—the smarter ones—use every scientific device that will help them in their work.

Why handicap law-enforcement people—federal, state, city—any more than they are handicapped already by sentimental judges and cockeyed court decisions?

FBI Autopsy Report Quoted

Critics challenging the Warren Commission's "one-bullet" theory report have cited the autopsy sketch locating the wounds of President Kennedy and pointed to an FBI report describing the autopsy.

A partial text of the summary report by two FBI agents, Francis X. O'Neill, Jr., and James W. Sibert, who observed the autopsy, follows:

During the latter stages of this autopsy, Dr. [James J.] Humes located an opening which appeared to be a bullet hole which was below the shoulders and 2 inches to the right of the middle line of the spinal column.

This opening was probed by Dr. Humes with the finger, at which time it was determined that the trajectory of the missile entering at this point had entered at a downward position of 45 to 60 degrees. Further probing determined that the distance traveled by this missile was a short distance inasmuch as the end of the opening could be felt with the finger.

Inasmuch as no complete bullet

of any size could be located in the brain area and likewise no bullet could be located in the back or any other area of the body as determined by total body X-rays and inspection revealing there was no point of exit, the individuals performing the autopsy were at a loss to explain why they could find no bullets.

A call was made by Bureau agents to the Firearms Section of the FBI Laboratory at which time special agent Charles L. Killian advised that the Laboratory had received through Secret Service Agent Richard Johnson a bullet which had reportedly been found on the stretcher in the emergency

(Continued, Page A 8, Column 1).

Excerpts Given From File By FBI On Autopsy Data

(Continued from Page A 1)

room of the Parkland Memorial Hospital, Dallas.

This stretcher had also contained a stethoscope and pair of rubber gloves. Agent Johnson had advised the Laboratory that it had not been ascertained whether or not this was the stretcher which had been used to transport the body of President Kennedy. Agent Killian further described this bullet as pertaining to a 6.5 mm rifle which would be approximately a .25-caliber rifle and that this bullet consisted of a copper alloy full jacket.

Immediately following receipt of this information this was made available to Dr. Humes who advised that in his opinion this accounted for no bullet being located which had entered the back region and that since external heart massage had been performed at Parkland Hospital, it was entirely possible that through such movement the bullet had worked its way out of the point of entry and had fallen on the stretcher.

Also, during the latter stages of the autopsy, a piece of the skull measuring 10 by 6.5 centimeters was brought to Dr. Humes who

was instructed that this had been removed from the President's skull. Immediately this section of the skull was X-rayed at which time it was determined by Dr. Humes that one corner of the section revealed minute metal particles and an inspection of this same area disclosed a chipping of the top portion of this piece, both of which indicated that this had been the point of exit of the bullet entering the skull region.

On the basis of the latter two developments, Dr. Humes stated that the pattern was clear that the one bullet had entered the President's back and had worked its way out of the body during external cardiac massage and that a second high velocity bullet had entered the rear of the skull and had fragmented prior to exit through the top of the skull.

He further pointed out that X-rays had disclosed numerous fractures in the cranial area which he attributed to the force generated by the impact of the bullet in its passage through the brain area. He attributed the death of the President to a gunshot wound in the head.

Bethesda Pathologist Who Examined Kennedy Backs Release Of X-Ray Data

By RICHARD H. LEVINE

(Continued from Page A 1)

servers present at the autopsy inaccurately referred to a "back" wound rather than a neck wound and should be discounted.

Critics of the Warren Commission claim that the commission depended on what is known as the "single bullet theory" to support the conclusion that Lee Harvey Oswald was the sole assassin.

The critics claim that Oswald was the sole assassin only if Gov. John Connally of Texas, riding in front of the President, was wounded by the same bullet that went through Mr. Kennedy's neck.

The critics and the commission agree that Oswald could not have shot both men with separate bullets in the time available to him as determined from movie film of the shooting.

Either a back wound which did not exit from the President's body, or a front neck wound, could mean that other shots had been fired at the Governor by other marksmen.

Dr. Boswell's views, therefore, support the "single bullet theory."

However, he would not speculate outside the area of the autopsy except to say that Governor Connally was probably wounded in the body by the neck bullet.

Lodged In Left Leg

The bullet that hit the Governor in the back shattered a rib, ripped through a lung, exited from his chest, shattered his right wrist and finally lodged in his left leg above the knee.

Dr. Boswell said the bullet that struck the President in the neck "wouldn't have lost very much in terms of mass or velocity" and could have passed through the Governor's body since he was in a position to get hit by it.

He would not speculate on whether the bullet could also have shattered the Governor's wrist and have lodged in his leg.

Nor would he comment on the bullet found in Parkland Hospital

condition of the President as well as the wounds, was noted in detail with microscopic slides and tissue specimens collected for further examination.

Among the slides, he said, were those of tissue at the neck wound which indicated, by the presence of foreign substances such as fiber particles, that the wound was one of entrance.

There was no mention in the autopsy reports of these slides of the wound, and Dr. Boswell could not explain why.

Dr. Boswell said that the President's body was subjected to a thorough external examination. All marks and scars, were noted, including old surgical scars and surgical cuts made that day by Dallas doctors trying to save his life.

The pathologists had already been told of the probable extent of the injuries and what had been done by physicians in Dallas.

Wound Not Evident

The wound in the throat was not immediately evident at the autopsy, Dr. Boswell said, because of the tracheotomy performed in Dallas.

He said the wound in the back of the neck was noticed when the body was turned over. It was a new discovery.

According to the Warren Commission testimony, Dallas physicians did not make a thorough examination of the President at first because of the evident seriousness of the massive head wound and the necessity of immediate emergency procedures.

They believed the throat wound was an entrance wound and never did turn the body over to look for back wounds, even after the President died.

Dr. Boswell said that the tracheotomy incision was examined and extensive trauma was noted on one side.

When the wound in the back of the neck was discovered and probed, by finger and by metal surgical probe, no bullet could be located.

He said that the probing was to a depth of about 4 or 5 centi-

cause of the capacity of metal to block the rays.

He said there was no bullet in the body, although "minute particles" could be discerned in the head.

Dr. Boswell said he is "absolutely" convinced that all of these particles came from the bullet that struck the President's head.

Bullet In Stretcher

Around this time, according to the FBI report, the FBI observers informed Dr. Humes that a bullet had been recovered from a stretcher in the Dallas hospital.

Dr. Boswell said that the autopsy was resumed after the examination of the x-rays, the pathologists assuming that, unlikely as it seemed, the bullet had exited from the same hole it entered.

He said that the autopsy proceeded routinely. According to the autopsy report, and confirmed by Dr. Boswell, the internal examination revealed a bruise in the apex, or uppermost tip, of the right lung.

There was also a bruise of the parietal pleura, the membrane that lines the lung cage.

Dr. Boswell said he and his colleagues decided that the bullet had not made a superficial wound after all, but had passed above the area of the bruise.

He said that neither the parietal pleura nor the lung cage were disrupted, indicating that the lung cage had not been pierced.

"We concluded that night that the bullet had, in fact, entered in the back of the neck, traversed

the neck and exited anteriorly," Dr. Boswell said.

He said that a telephone call made to the hospital in Dallas by Dr. Humes the following morning merely confirmed what was already a certainty to the pathologists — that there was a bullet wound in the President's neck at the point of the tracheotomy incision.

Dr. Boswell said it was impossible to determine during autopsy if the throat wound was one of entry or exit because of the incision.

Determination Unnecessary

This determination was unnecessary, he said, since the wound in the back of the neck was determined by observation and microscopic examination one of entry, and because the path of the bullet was determined by the bruise marks in the lung area.

Analysts working for the Warren Commission report claim that the precise bullet path indicated in a medical drawing—exhibit 385—is essential to the theory that the neck bullet was the one that struck Governor Connally.

This drawing shows a profile of the head and right shoulder of the President with the bullet path indicated by thick dotted line.

Dr. Boswell said it was a scale drawing based on a photograph taken of the President, when he was alive. He said the bullet path was drawn using data about the entry hole and the lung bruises obtained during the autopsy and

the precise exit wound as defined by the Dallas physicians.

He said that Dr. Humes told him, after arriving home, that he decided to write the "protocol," or final report, immediately after the autopsy, and did so early in the morning from notes taken at the autopsy and from his recollections.

Later that day, November 23, Dr. Humes and Dr. Boswell went over the rough draft and completed the protocol in its final form.

Before this, an incident took place that has created much controversy. Dr. Humes destroyed "certain preliminary draft notes" by burning them in his fire place.

Originals Preserved

Dr. Boswell said that all original notes were preserved, as far as he knows, and were turned over to National Archives. He said the things that were burned were copies of the protocol as they were revised.

On November 24, the final protocol was typed up, signed by all three pathologists and handed over to Adm. George G. Burkley, President Kennedy's physician.

Sometime later, an additional report containing microscopic examination data—but not the specimens of the wound—was also submitted.

The FBI account of the autopsy is dated November 26, four days after the examination.

It refers to a back wound, but this, according to Dr. Boswell, can be a laymen's observation of

an area just below the shoulder line that, to a physician, is still the neck region.

More disturbingly, it recounts the incident during which the exit wound was undiscovered and leaves, unchanged, a statement in which Dr. Humes concluded the bullet had worked itself out of the same hole it had entered.

Story Left Unchanged

Dr. Boswell said that, at the time, he paid no attention to the presence of the FBI agents but that he can only conclude that they either did not understand what later took place, or else left before the lung contusions were discovered.

Dr. Boswell said that he first saw the photographs taken at the autopsy when they were turned over to the National Archives on November 1.

He said that they show clearly exactly where the bullet entry was. The pictures are absolutely identifiable by inventory numbers, by the recollection of the pathologists, and by the inclusion in several pictures, of the face of the President.

On the autopsy sketch drawn by Dr. Boswell are computations to locate the neck wound by measurement.

Dr. Boswell used, as places of reference, the right acromion process—the highest point on the shoulder bone that can be felt near the joint of the shoulder and collar bone — and the mastoid prominence—the base of the bone just behind the ear.

He said these were standard re-

ference points used in such cases.

He placed the wound at the intersection of 14 inch arcs described from these reference points.

He said yesterday that he thought he had used a vertebra as a third reference point, but that this did not appear in the autopsy report or in the sketch.

The sketch itself would normally have been thrown away, he said, in any case but this one.

"We didn't anticipate this would have become as important as it did," he said.

Holes In Shirt

He called it a "scratch sheet" that would have been replaced, in other cases, with a photograph to supply the pictorial element.

Dr. Boswell also offered an explanation of another controversial point.

The shirt and jacket worn by the President on November 22, 1963, have holes in the back at approximately the place indicated in his autopsy diagram.

Dr. Boswell said this was only coinidental.

He said that the President, according to movie films, had his arm raised, waving at the crowds, when he was shot. This movement would have raised his coat and shirt resulting in bullet holes lower in the clothing than were indicated by the wound.

The clothing had been removed from the President's body in Dallas, he said, before it was flown to Bethesda for the autopsy.

Lodged in Left Leg

The bullet that hit the Governor in the back shattered a rib, ripped through a lung, exited from his chest, shattered his right wrist and finally lodged in his left leg above the knee.

Dr. Boswell said the bullet that struck the President in the neck "wouldn't have had very much in terms of mass or velocity" and could have passed through the Governor's body since he was in a position to get hit by it.

He would not speculate on whether the bullet could also have shattered the Governor's wrist and have lodged in his leg.

Nor would he comment on the bullet found in Parkland Hospital in Dallas which is said to be the one that wounded both men. That bullet is almost totally intact.

Those questions, he said, are for ballistics experts to determine.

The autopsy was performed the night of November 22, 1963, by Commander Boswell, Lt. Col. Pierre Finck, a wound-ballistics expert, and James J. Humes, overall chief of pathology and Commander Boswell's superior.

Dr. Boswell said the autopsy was routine in every respect, and that it included every activity which would accompany a medical-legal autopsy.

He pointed out that, at the time, Oswald was still alive, and it was believed that the autopsy information would later be relied upon in court proceedings.

Dr. Boswell explained that a specific procedure is followed in autopsies which is designed to cover every aspect of a death that might be the subject of inquiry at a later date.

He said the general physical

examination of the President at first because of the evident seriousness of the massive head wound and the necessity of immediate emergency procedures.

They believed the throat wound was an entrance wound and never did turn the body over to look for back wounds, even after the President died.

Dr. Boswell said that the tracheotomy incision was examined and extensive trauma was noted on one side.

When the wound in the back of the neck was discovered and probed, by finger and by metal surgical probe, no bullet could be located.

He said that the probing was to a depth of about 4 or 5 centimeters.

Complete X-Rays

At this point, according to Dr. Boswell, complete x-rays of the entire body were ordered in an effort to locate the bullet.

Dr. Boswell recalled that either he or one of the other pathologists made a remark to the effect that the bullet might have worked its way back out of the entrance wound.

"This was a very transient thought," he said, adding that he had never seen a case in which this had happened and therefore did not give this possibility much weight.

What was more probable, he said, was the possibility of the bullet's being in some remote area of the body.

He said that medical literature recounts many examples of wildly erratic paths taken by bullets that ricochet through the body, glancing from bones and slipping along muscle planes.

As an example, he mentioned a case he examined where a bullet that entered the victim's chest was located in a lower leg.

The doctor said that retrieval of bullets, as well as the determination of their paths, is extremely important in all forensic autopsies because of the legal necessity of linking wounds, bullets, weapons and assailants.

Dr. Boswell said the x-rays were immediately examined by all three pathologists as well as by the radiologist who took them.

He said the presence of bullets in an x-ray is unmistakable be-

cause, indicating that the lung cage had not been pierced.

"We concluded that night that the bullet had, in fact, entered in the back of the neck, traversed

taken of the President, when he was alive. He said the bullet path was drawn using data about the entry hole and the lung bruises obtained during the autopsy and

is dated November 26, four days after the examination.

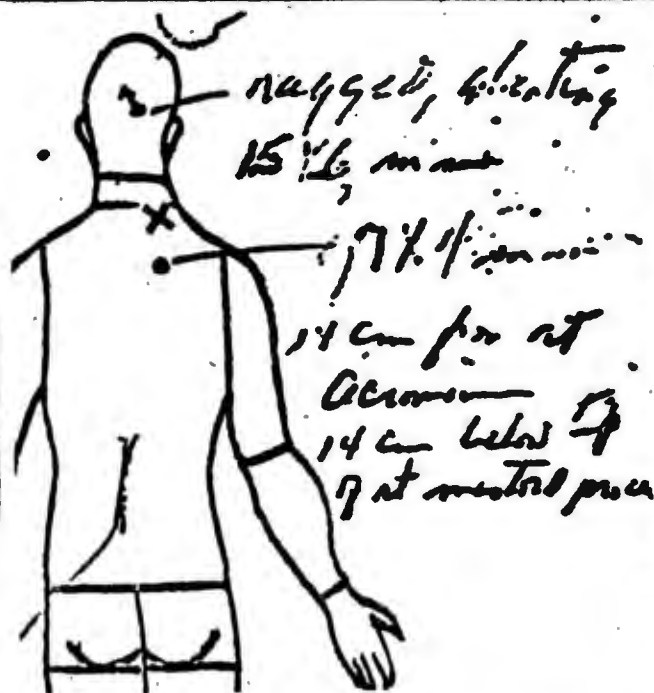
It refers to a back wound, but this, according to Dr. Boswell, can be a laymen's observation of

near the joint of the shoulder and collar bone — and the mastoid prominence—the base of the bone just behind the ear.

He said these were standard re-

marks lower by the neck. The clothing had been removed from the President's body. As he said, before he was taken to Bethesda for the autopsy.

Bethesda Pathologist Advocates Release Of Kennedy Autopsy Data



WOUND LOCATION—Dr. J. Thornton Boswell said yesterday President Kennedy's neck wound should have been indicated where the X is, and not, as he did during the autopsy, where the dot on the back is. Notations on the drawing are correct and precise, he said, indicating neck wound.

Says Pictures, X-Ray Studies Back Up Warren Report

By RICHARD H. LEVINE

The former chief of pathology at Bethesda Naval Hospital said yesterday that the release of the autopsy photographs and X-rays of President Kennedy to competent, disinterested observers would end the controversy about the types and locations of the late President's wounds.

Dr. J. Thornton Boswell, one of a team of three pathologists who performed the autopsy on the assassinated President, said, "I cannot simply tell you what we found and make everybody in the country believe it."

He said the photographs and X-rays prove conclusively that the facts about the wounds as printed in the Warren Commission Report were consistent with the findings of the autopsy.

Host Of Theories

In an interview yesterday, Dr. Boswell also discussed other aspects of the autopsy and the wounds that have led to a host of theories about the shooting, and speculation about the number of bullets and the number of assassins.

He said there was absolutely no doubt that the controversial neck and throat wound was caused by a bullet that entered the base of President Kennedy's neck, passed completely through the neck and exited from the throat.

Writers claiming a second assassin was involved in Dallas on November 22, 1963, suggest the President was shot in the neck by someone located in front of the presidential limousine.

Contributed To Controversy

Dr. Boswell, himself, contributed to the controversy with a sketch he made during the autopsy indicating that the President had been shot lower in the back than the wound described in the Warren Report.

Yesterday, he said that the error did not seem significant at the time, since he assumed that the wound photographs would be available.

In an interview at his home in Bethesda, Dr. Boswell, who is now retired from the Navy and in private practice, recounted details of the entire autopsy.

His remarks, in several instances, dealt with key matters that are central to the theories of those critics who believe that more than one person killed the President.

Among the important points he made were these:

1. All of the shots that struck the President came from behind him.

2. The President was struck by two bullets, one of which hit him in the head and disintegrated, the other of which passed through his neck.

3. There was no other bullet wound.

4. The wound in the back of the neck, was without any doubt, one of entrance and not of exit.

5. A report made by FBI ob-

(Continued, Page A 3, Column 2)

SPECIAL

GPO 16-19964

Form No. CV-1a
(Rev. 8-25-65)

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Clark RC			
2.	<i>[Signature]</i>			
3.				
4.				

- | | | |
|---|---|---|
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> COMMENT | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> SEE ME | <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> CALL ME | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

4/19

This bears on your inquiry to me a few days ago.

Also, note last sentence.

Barefoot

Assassination file

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	ASSISTANT ATTORNEY GENERAL Civil Division		

Mr. Harold Barefoot Sanders, Jr.
Assistant Attorney General

April 18, 1967

Director, FBI

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

Pursuant to your request on April 17, 1967, a check of our files disclosed no information indicating there was a telephone call between Clay Shaw and David William Ferrie on November 22 or November 23, 1963, between the cities of Houston, Texas, and San Francisco, California. In addition, our files contain no information relating to a book written by Clay Shaw wherein the main character is depicted as Clay Bertrand.

Our inquiries in this matter have been restricted to a check of our files. As you are aware, this Bureau has not investigated Clay Shaw.

62-109060

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : The Attorney General

DATE: June 7, 1967

FROM : Cliff Sessions

SUBJECT:

. Attached:

1. The Times-Picayune (the big morning newspaper in New Orleans) story on our Shaw statement. The story couldn't have been better.
2. The States-Item (afternoon) story, which carries the lead paragraph I tried to avoid.
3. The latest Alexander attack which arrived while he was talking with you.

rc

FBI Never Investigated Shaw--Clark

Atty. Gen. Ramsey Clark says he was in error in stating an FBI investigation cleared Clay Shaw of involvement in the assassination of President John F. Kennedy.

Actually, the Justice Department said yesterday in Washington, the FBI had not even investigated Shaw—a retired businessman under indictment in New Orleans on a charge of conspiring to assassinate Kennedy.

A department spokesman issued a statement he said aimed at clearing up an erroneous statement last March 2 by Clark at an impromptu news conference.

AT THAT TIME, Clark was quoted as saying Shaw had been cleared by the FBI of involvement in the slaying during the bureau's investigation in the New Orleans area in November and December, 1963. The Justice Department statement said "the attorney general has since determined that this was erroneous. Nothing arose indicating need to investigate Mr. Shaw."

The department said the clarification was requested by Edward F. Wegmann, Shaw's lawyer. Shaw, 54, a decorated World War II Army major, currently is free on \$10,000 bail. No date for his trial has been set.

Dist. Atty. Jim Garrison has said Shaw, the late David W. Ferrie and Lee Harvey Oswald conspired to assassinate Kennedy.

THE JUSTICE DEPARTMENT said the FBI probe did cover allegations by Dean A. Andrews Jr. which included a reference to Clay Bertrand—the name Garrison maintains Shaw also used.

Andrews, a New Orleans attorney who once handled minor legal matters for Oswald, since has been indicted for perjury. The department said, "Clay Bertrand was not identified as a real person. No evidence was found that Clay Shaw was ever called Clay Bertrand."

The Warren Commission, which investigated the assassination, said Oswald acted alone. The department said yesterday it "is convinced that Lee Harvey Oswald alone assassinated President Kennedy."

SHAW WAS NOT PROBED BY FBI

Clark Statement Wrong,
Says Justice Dept.

By EDGAR POE

(Times-Picayune Washington Bureau)

WASHINGTON — The Department of Justice announced in Washington Friday that the Federal Bureau of Investigation had never investigated Clay L. Shaw in connection with the assassination of President John F. Kennedy.

The comment by a department spokesman was contained in a statement by him which had been requested by Edward F. Wegmann, one of Shaw's attorneys, in order to clarify a March 2 statement by U.S. Attorney General Ramsey Clark during an impromptu press conference in Washington.

In addition, the spokesman said Friday that the Justice Department "is convinced that Lee Harvey Oswald alone assassinated President Kennedy."

Shaw, the 54-year-old retired International Trade Mart managing director, has been charged with participating in a conspiracy to kill Kennedy. No date for his trial has been set.

CLARIFICATION SOUGHT

Wegmann requested the Justice Department in a letter to make a clarifying statement on the ground that the attorney general's statement involving Shaw was incorrect.

The Justice Department spokesman said Friday night:

"The FBI investigation in New Orleans following the assassination of President Kennedy covered an allegation by

SHAW WASN'T PROBED BY FBI

Continued from Page 1

Dean A. Andrews Jr., which included a reference to 'Clay Bertrand.' Clay Bertrand was not identified as a real person.

"No evidence was found that Clay Shaw was ever called Clay Bertrand.

"The attorney general's comment on March 2 that Mr. Shaw was involved in the investigation was based on a briefing that morning. The attorney general has since determined that this was erroneous.

"Nothing arose indicating a need to investigate Mr. Shaw. As the attorney general stated in the interview no connec-

tion between Mr. Shaw and the assassination was found in the thorough investigation by the FBI. The Department of Justice is convinced that Lee Harvey Oswald alone assassinated President Kennedy."

The Washington Post Friday in an editorial captioned "Garrison's Conspiracy," stated:

"Jim Garrison, the rambunctious district attorney of New Orleans, has established one thing so far in his investigation of President Kennedy's assassination. He has proved that a great many people in this country are so eager to find some plot behind the President's

death that they will grasp at straws.

CONSPIRACY THEORY

"According to a Harris Survey published in this newspaper Monday Morning, one in every four Americans has been converted to the conspiracy theory in the last three or four months. Since nothing has happened in that time concerning the assassination except the opening of Mr. Garrison's circus, the only thing the change can be attributed to is that circus and the publicity it has had.

"But it is far easier to stir the doubts of all of us who hate to think that Mr. Kennedy died only because of the malevolence of one man than it is to produce evidence of a sinister plot. And Mr. Garrison has yet to produce in public any evidence unless one considers as evidence the flights of fantasy that can be woven from bits of facts or the theories that seem to spring in full bloom from Mr. Garrison's brow.

"Mr. Garrison does have an answer for everything — the press hindered his investigation; the CIA won't tell him what he wants to know; expended cartridges were not found at Dallas because men were designated to pick them up immediately; bullets were not found because they were of a type that disintegrate on contact; etc. But his answers are not facts or, even less, evidence."

Justice Department Heads Are Dangerously Liberal

WASHINGTON — Ramsey Clark and Fred Vinson Jr., are a couple of second-generation Rooseveltians, more liberal than their fathers before them, and more's the pity.

The Justice Department under Ramsey Clark (Fred Vinson heads the criminal division) has discovered the First Amendment which protects the people's rights of speech, press, assembly and petition. The true meaning of the Amendment lies in the eye of the beholder. It can mean that genuine, legitimate protest shall not be abridged. Or it can mean that fools and knaves shall not be prevented from cheering on the enemy, obstructing troop trains, burning draft cards and the American flag, flopping in the corridors of the Pentagon and otherwise engaging in hostile acts while the nation is doing combat.

In general, the American Congress takes the first viewpoint—that the First Amendment was intended to protect sincere protesters. In general, the Justice Department takes the other viewpoint—that the First Amendment prevents the nation from protecting itself against dangerous lunatics and treacherous rascals.

A COUPLE of high-ranking Congressmen, Eddie Hebert (D., La.) and Mendel Rivers (D., S.C.), both of the House Armed Services Committee, are seeking ways to punish these internal enemies, Attorney General Clark and Assistant Attorney General Vinson have been before House committees to say that it can't be done.

The Attorney General, prior to his confirmation and provid-

ing very good reasons why he should have been appointed or confirmed, visited the House Un-American Activities Committee (HUAC). It was pointed out to him that Vietnam sympathizers could be prosecuted under two efficient and effective laws. One is the Trading



By
Holmes
Alexander

with the Enemy Act. The other is the Export-Import Control Act.

"The record very clearly shows," an HUAC member, Rep. Ichord (D., Mo.) told Hebert, "that to date there has not been a single prosecution or a single indictment obtained under these laws."

THERE'S another law, the Selective Service Act (1948 version) which makes it a crime "to promote the success of its (the U.S.A.s) enemies." But when Vinson appeared before the House Armed Services Committee, which was considering amendments, he did everything except play-crazy to get out of promising that law's enforcement.

First, he said, "I am not familiar with the statute." Then he said that in enforcement of the law, "You definitely and distinctly have First Amendment problems." Finally, he admitted that none of the Vietnik dissenters had been prosecuted "because the Department felt that no one has violated the statute."

If you haven't already no-

ticed, Attorney General Clark and Assistant Attorney General Vinson keep talking like defense attorneys. Their jobs, however, are those of prosecuting attorneys, and there's the rub. We've got a Justice Department where the men appointed and paid for law enforcement have played turncoats. They've gone over to the opposite side of the courtroom. They are dragging their feet, straining their wits, splitting hairs and acting dumb in order to keep violators out of the clutches of the law.

THIS THEY can do, by quibble and chicanery, because some of the language in existing statutes isn't mod. The old draft law, for example, speaks of "enlistment" of troops and the modern term is "procurement." The older laws call for action against violators only when the country is "at war," and technically today we are only in combat.

Congressmen Rivers and Hebert, among others, are trying to patch up the language. But that shouldn't be necessary if we had federal prosecutors who prosecuted. And even the amended language is going to collide with daffy interpretations of the First Amendment so long as we have the likes of Clark and Vinson in the Justice Department.

Lincoln, who had the same sort of problems in civil disobedience, once leafed through the Constitution and shook his head over its ambiguities. But he did remark that he couldn't find anything there which instructed him to destroy that sacred document which he'd taken an oath to defend.

Mr Clark

Messrs. Sanders, Vinson and Rogovin

November 25, 1966

Ramsey Clark
Acting Attorney General

Warren Commission--Re-evaluation of Evidence

We should carefully examine all the criticisms, hypotheses and suggestions contained in the existing body of literature concerning the President's assassination and the work of the Warren Commission. The purpose is to inventory the contentions so we can evaluate their dimensions and validity.

I would like the task described above to be undertaken by a small group of lawyers within the Department on an unpublicized basis and suggest that the group be headed, if he is available, by Mr. Harland F. Leathers, Chief of the General Litigation Section of the Civil Division. In addition, I should like Mr. Rogovin and Mr. Vinson to designate a member of his staff, preferably in the Appellate Section, to work with Mr. Leathers. I would appreciate meeting with you and your designees on Monday, November 28, at 5:00 P.M. to discuss this matter further.

*11/25/66 - cc to Fred Vinson, Mitchell
Rogovin & Berford Sanders by
messenger*



Office of the Attorney General
Washington, D.C.

June 13, 1968

Note to the Attorney General:

Louis Lecour reported that Shaw had filed a motion to make the A.G. a party in his suit in federal court. A three-judge court asked Louis to come today to set in at a pre-trial conference. Louis told them that he couldn't since we had not yet been served and was allowed to excuse himself. He also said that he could not inform the Court of the Government's views since he had not received instructions yet, but hoped to be able to inform the Court on this by the end of the day.

Hearing on the motion is set for Monday.

Carl Belcher is obtaining the language of the motion. I have informed him about my conversation with Louis. I believe you should talk to Louis, after checking with Carl and so recommend.

SL

JFK assassination

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Clark	AG		
2.				
3.				
4.				

- | | | |
|---|---|---|
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> COMMENT | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> SEE ME | <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> CALL ME | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

Ramsey:

It is conceivable that this office may be called upon by the court to assist in the disposition of this struggle with Jim Garrison. Therefore, you may wish to be informed of the Garrison memo, and the TRO attached.

Carl

Your performance, if I may be permitted to comment, was much more relaxed yesterday. I pledge you my vote for President in 1972. This year I am voting for Ethel Kennedy.



FROM:	NAME	BUILDING	ROOM	EXT.	DATE

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

~~June~~ 7, 1968

TO : Edwin L. Weisl, Jr.
Assistant Attorney General
Civil Division

DATE:
FMV:CWB:pem
129-11

fw
FROM : Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division

SUBJECT: Assassination of President John F. Kennedy

Supplementing my memorandum of May 31, 1968, I am forwarding a copy of the temporary restraining order issued by United States District Court Judge Heebe on May 28, 1968, and a copy of a memorandum dated June 4, 1968, signed Jim Garrison, instructing his staff not to cooperate with the United States District Court.

For your information, we are informed that pursuant to the June 4, 1968 memorandum three members of the staff of Jim Garrison have refused to give a deposition as ordered by the United States District Court. This refusal will be brought to the attention of the United States District Court on Monday, June 10, 1968, and counsel for Clay Shaw may seek either civil or criminal contempt under 18 U.S.C. § § 401, 402.

Attachments

RECEIVED

JUN 10 1968

Assistant Attorney General
Civil Division

*JFX assassin
safe*

re

June 7, 1968

Edwin L. Weisl, Jr.
Assistant Attorney General
Civil Division

FMV:CMB:pcn
129-11

Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division

Assassination of President John F. Kennedy

Supplementing my memorandum of May 31, 1968, I am forwarding a copy of the temporary restraining order issued by United States District Court Judge Heebe on May 28, 1968, and a copy of a memorandum dated June 4, 1968, signed Jim Garrison, instructing his staff not to cooperate with the United States District Court.

For your information, we are informed that pursuant to the June 4, 1968 memorandum three members of the staff of Jim Garrison have refused to give a deposition as ordered by the United States District Court. This refusal will be brought to the attention of the United States District Court on Monday, June 10, 1968, and counsel for Clay Shaw may seek either civil or criminal contempt under 18 U.S.C. §§ 401, 402.

Attachments

June 4, 1968

TO: Members of the Staff Engaged in the Investigation of the
Assassination of President Kennedy

RE: State of Louisiana v. Clay Shaw

As you know, the United States District Court now has prevented us from going to trial as scheduled in the case against Clay Shaw. At the same time, subpoenas have been issued through the same Court authorizing Mr. Shaw's lawyers to question members of this staff by deposition. This unprecedented action by the Federal court has the effect of converting the trial of a defendant in a Louisiana court into an investigation of the District Attorney's staff by defense lawyers.

This is to inform you that the action of the United States District Court in blocking the Shaw trial and converting it into a fishing expedition for the defense lawyers is absolutely illegal and is not supported either by law or custom. The action by this Federal court continues the obstruction and interference which we have received in this case from the outset, beginning with the unprecedented announcement of the Attorney General of the United States that the defendant had been "cleared," and proceeding through a series of Federal actions too numerous to describe here.

I am sure that each of you knows as well as I do the cause of this program of obstruction by the United States Government. In the course of doing our duty in Orleans Parish, we came across

evidence that the investigation by the United States Government of the assassination of President Kennedy was neither complete nor honest. In time we learned that individuals connected with the Central Intelligence Agency were involved in the assassination of the President. We learned further that a number of high officials of the United States Government were, in effect, acting as accessories after the fact in trying to conceal the truth about the President's murder. It became clear that the United States Government was doing everything in its power to prevent the fact from becoming known by the citizens of the United States.

The recent order by the United States District Court blocking our trial of Mr. Shaw is, in my judgment, simply an extension of the program of interference we have met with from the United States Government. It is an unauthorized and indefensible invasion of the legal processes of the State of Louisiana by the Federal Government. The position of this office is that we will not accept nor acknowledge such lawless use of power, despite the color of law given it by the pretence that there is some "question" for the Federal Judiciary to examine, nor will we cooperate with illegal fishing expeditions by the defense counsel even though authorized by the same United States District Court. We have no concern about answering any relevant questions the defense lawyers may be able to think of, but these will be answered in the court of the State of Louisiana where actual jurisdiction exists and not in a Federal court which has seized the case without any legal right to do so.

This is to instruct you that you are to refuse to recognize in any way this illegal and unauthorized invasion of the operation of our office by the Federal Government. For those of you who are served with a subpoena to appear at deposition and answer questions by defense attorney, give them your name, your office rank and social security number — and nothing more. You are not to lend substance to this power-play by the United States Government by taking any action which would constitute recognition of the illegal Federal seizure from our hands of a case which we were about to bring to trial in the state criminal district where it belongs.

The position of this office can be summed up very briefly: we were ready for trial in this matter, we continue to be ready for trial and we strongly oppose this outrageous Federal intrusion into the processes of justice of the Louisiana Court. The United States District Court action in canceling our scheduled trial date is plainly illegal and no member of this staff is to compromise or cooperate in any way with this totalitarian display of power of the Federal Government.

Jim Garrison

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
MAY 20 2 48 PM '68
A. DALLAN O'BRIEN, JR.
CLERK

CLAY L. SHAW

versus

JIM GARRISON individually, and as
District Attorney for the Parish
of Orleans, State of Louisiana,
and JAMES L. ALCOCK, individually
and as Executive Assistant District
Attorney for the Parish of Orleans,
State of Louisiana, and CHARLES R.
WARD, individually, and as an
Assistant District Attorney for the
Parish of Orleans, State of Louisiana

CIVIL ACTION

NO. 68-1063

SECTION B

TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to
28 U.S.C. § 2284(3), that the Defendants Jim Garrison, James L.
Alcock, and Charles R. Ward, and each of them and their respec-
tive assistants, associates, attorneys, employees, agents,
officers and assigns be, and they are hereby, ENJOINED AND
RESTRAINED from taking any further action in the prosecution of
the case entitled "State of Louisiana v. Clay L. Shaw,"
Number 198-059 on the Docket of the Criminal District Court for
the Parish of Orleans, State of Louisiana, pending the further
orders of this Court.

REASONS

The complaint herein (a 47-page document of 116 paragraphs)
presents allegations of numerous deprivations of the petitioner's
federal rights by the defendant District Attorneys within the
context of, or connected with, the criminal prosecution pending
against him in the state court for conspiracy to murder the late
President Kennedy. The complaint read as a whole presents much
more than a recitation of isolated wrongs, but impugns the entire
prosecution against the petitioner and attempts to raise the
actions of the defendants, prior to and during the present
criminal proceedings, to the level of a concerted pattern of
persecution of the petitioner and the wholesale and willful dis-
regard of the petitioner's constitutional rights. The complaint

FEE
PROCESS
CHARGE
INDEX

MAY 29 1968

states that "the petitioner requires a 'sanctuary' in this Court to grant him relief from the irreparable harm, clear and imminent, which he has suffered at the hands of the defendants herein since March 1, 1967," (Count 4 of the Complaint), during which time, "the defendants * * * have * * * conducted themselves and their office in such a manner as to create an atmosphere of fear and suspicion concerning the motives and actions of the Office of the District Attorney for the Parish of Orleans" (Count 88); that "the defendants, and in particular, Defendant Garrison, are conducting a reign of terror by the misuse and abuse of the powers of the public offices which they hold, by conducting an illegal, unwarranted, fraudulent and useless probe of the assassination of the late John F. Kennedy," (Count 96), that "the erstwhile Kennedy assassination probe being conducted by the defendants is indistinguishable from the case" against the petitioner (Count 97), and that "although plaintiff has been the primary victim of the machinations of the defendants through the abuse and misuse of the power of their respective offices, many others have felt the impact of their reign of terror, and the case of State vs. Shaw is now and has for sometime past been of tremendous public importance, not only to the citizens of this community, but to all citizens of the United States and to the world." (Count 98).

The thrust of these allegations raises serious questions concerning the relationship between this federal district court and the Louisiana Criminal District Court in which the prosecution against the plaintiff is lodged, and indeed between federal and state courts across the nation. Whenever a federal court stays the hand of a state official, the delicate balance of comity, so necessary and wholesome for our federal system, is likely to be disturbed. The delicacy of the comity issue is not only greatly increased, but augmented by the now-entrenched principles of equity law, see Ex parte Young, 209 U.S. 123, 161-162 (1908), when the state agency involved is a court of law and the state official an esteemed member of the state judiciary. But as delicate as the comity balance must be, the points of reference on which it rests today are in a process of continual development, along lines sketched by Dombrowski v. Pfister, 380 U.S. 479 (1964).

At this stage in the development of the law and the possible future developments indicated by the Supreme Court, we are not prepared to rule out the possibility of a remedy for this plaintiff under the state of facts he presents in his petition. And because there is a very real likelihood that the plaintiff may prevail on the merits, and because in view of the plaintiff's allegations of the unconstitutionality of various pertinent Louisiana statutes a three-judge court is required in this matter in the interest of the State of Louisiana, see Wright on Federal Courts § 50, p. 162, and it may not be possible for the hearing before that court to be held and concluded prior to the scheduled date of the trial of the plaintiff in the state court to the possible irreparable injury of the plaintiff, we grant the motion for temporary restraining order pending a speedy hearing on the motion for preliminary injunction.

The so-called "anti-injunction statute," 28 U.S.C. § 2283, is based on the obvious premise that a federal court can conceivably be authorized to stay a state proceeding in the interests (in which federal courts have a paramount interest) of the protection of federal constitutional rights.¹ The question whether § 2283 can be accepted a step further to either (a) not prohibit the stay of a state criminal prosecution along the lines of Dombrowski, or (b) authorize such a stay, is not something which can easily be resolved in the light of comments in Dombrowski and the more recent case of Cameron v. Johnson, 36 U.S.L. Week 4319 (April 23, 1968). In Dombrowski, the court found it "unnecessary to resolve the question whether suits under 42 U.S.C. § 1983 (1958 ed.) come under the 'expressly authorized' exception to § 2283."² 380 U.S. at 484 n.2. In Cameron the court upheld the denial of injunctive relief against state prosecutions by the district court, and noted

"Our per curiam [which had previously remanded the case for reconsideration] stated, 381 U.S. 741-742: 'On remand, the district court should first consider whether 28 U.S.C. § 2283 bars a federal injunction in this case, see 380 U.S. at 484, n.2. If § 2283 is not a bar, the court should then determine whether relief is proper in light of the criteria set forth in Dombrowski.' The district court held that § 2283 prohibited the court from enjoining or abating the criminal prosecutions initiated against the appellants prior to the filing of the suit on April 13, 1964, and further, that

42 U.S.C. § 1983 creates no exception to § 2283. 262 F.Supp. 873, 878. We find it unnecessary to resolve either question and intimate no view whatever upon the correctness of the holding of the district court." 36 U.S.L.Week 4320, n.3.

Given this state of the law, the real possibility of a determination in the plaintiff's favor by the three-judge court which, under the law, should be the court to determine the issue, and the irreparable harm which may accrue to the plaintiff by the initiation of his trial prior to the three-judge hearing, we think equity demands, and the proprietary interest of the federal courts authorize, whatever short delay of the state trial we now grant.

Nor do we think, apart from the issues posed by § 2283 and Ex parte Young, supra, Dombrowski v. Pfister precludes the possibility that the plaintiff may prevail. Dombrowski, in fact, has greatly enlarged the possibility of federal injunction of state criminal prosecutions. The case does contain much language which seems to limit the possibility to cases where First Amendment rights are endangered. Nonetheless, a too narrow interpretation of Dombrowski, attempting to limit its thrust solely to cases where First Amendment rights are jeopardized, would dilute the major and fundamental premise of the decision. In Dombrowski, the court referred to cases declining to enjoin state prosecutions as follows:

"In such cases it 'does not appear that the plaintiffs have been threatened with any injury other than that incidental to every criminal proceeding brought lawfully and in good faith, or that a federal court of equity by withdrawing the determination of guilt from the state courts could rightly afford petitioners any protection which they could not secure by prompt trial and appeal pursuant to this court.' Douglas v. City of Jeanette [319 U.S. 157] at 164. But the allegations in this complaint depict a situation in which defense of the state's criminal prosecution will not insure adequate vindication of constitutional rights." 380 U.S. at 485.

Plainly, the court considered an injunction against the state proceeding warranted simply because the criminal prosecution could not serve as an adequate vehicle for the protection of the rights which the prosecution itself had allegedly endangered. It does not seem to be essential to the Dombrowski holding that the court continued to find specifically that the prosecution there has the effect of impairing the plaintiffs' freedom of expression; other federal rights should be equally entitled to protection where a finding of irreparable injury,

which cannot be safeguarded within the context of the criminal proceeding, is warranted.'

The pervasive allegations of the petitioner here that his prosecution by the defendants is totally without foundation, we think raise the definite reasonable possibility of a finding on the merits that his rights cannot be vindicated within the context of his state prosecution. It is true that the petitioner has not complained of the infringement, by this prosecution, of any specific federal constitutional right which is not part and parcel of the criminal proceedings in the state court.³ But the petitioner certainly does complain about "illegal, unwarranted, fraudulent, and useless" actions directed, against his person and the totality of his freedom, by agents of the State of Louisiana acting in their official capacity. The compartmentalization of the totality of a person's "right to be let alone" by the state may be helpful generally in the development of a coherent body of law under the various civil rights amendments to the Constitution, but the trend is not always conducive to the adequate protection of individual liberty; the Supreme Court has strongly indicated that the "concept of liberty" is not to be tied down merely to the recitation of the conventional freedoms stratified in specific guarantees in the Bill of Rights where substantial unjust interference by the state with personal liberty is involved, see Griswold v. Connecticut, 381 U.S. 479 (1965). In short, the plaintiff's complaint raises real issues of alleged deprivations of liberty through the actions of the state, the correction of which, if proven, might well require Dombrowski relief.

1

This would follow, inter alia, not only from the fact that Congress saw a need to bolster equity considerations, cf. Ex parte Young, supra, with this general prohibition, but also from the recognized power of the federal Congress to provide for exclusive jurisdiction of federal constitutional matters in the federal courts, cf. Wright on Federal Courts, § 10, p.22.

2

Of course, aside from the question of what constitutes an "express authorization" within the terms of § 2283 and the question of whether or not 42 U.S.C. § 1983 is such an express authorization, there seems to be a serious question whether any express authorization is necessary in view of the equitable

origins of § 2283. The leading case on the subject, apart from the sparse comments by the Supreme Court in Dombrowski and Cameron, is Baines v. City of Danville, 337 F.2d 579 (4th Cir. 1964). There, the court noted that: "Since the statute [§ 2283] was fathered by the principles of comity, it has been held that the statute should be read in the light of those principles and, though absolute in its terms, is inapplicable in extraordinary cases in which an injunction against state court proceedings is the only means of avoiding grave and irreparable injury." 337 F.2d at 593. The Baines case preceded the Supreme Court's decision in Dombrowski, and the Fourth Circuit therefore had no occasion to consider whether its holding that § 2283 "is not always absolute" might be coterminous with the authority of the federal courts to enjoin prospective state criminal proceedings recognized in Dombrowski. Of particular importance to our decision here, the court in Baines stated: "Recognizing that the command of § 2283 is not always absolute, we granted a temporary injunction pending appeal of this case. * * * Such an injunction was essential if the controversies were not to become moot while these appeals were being perfected, heard, and determined in this court. We concluded that it was such an extraordinary situation that issuance of a temporary injunction staying prosecutions in the state courts pending our disposition of this appeal was authorized notwithstanding § 2283." 337 F.2d at 593-594.

3

It is, of course, at the heart of the Dombrowski finding of "irreparable injury" sufficient to justify an injunction against a state proceeding, that the plaintiffs be "threatened with [some substantial] injury other than that incidental to every criminal proceeding brought lawfully and in good faith." 380 U.S. at 485.


UNITED STATES DISTRICT JUDGE

New Orleans, Louisiana

May 28, 1968 at 2:10 P.M.