

MEMORANDUM

by John C. Ciolino

On May 5, 1967, Regis L. Kennedy, Special Agent of the Federal Bureau of Investigation, was served with a subpoena to testify as a witness before the Orleans Parish Grand Jury on May 10, 1967 at 11:00 A.M. Immediately thereafter, this office undertook to represent Mr. Kennedy in this regard.

On May 10, 1967, Agent Kennedy, along with myself and Fritz Veters, appeared in Section H of the Criminal District Court for the Parish of Orleans for the filing of a motion to quash this subpoena. Attached to this motion were several documents and a memorandum of authorities in support of this motion. These pleadings were prepared through the joint effort of all members of your staff. Attached as exhibits in these pleadings is a copy of Department of Justice Order No. 324-64 relating to the production or disclosure of material or information by officers or employees of the Department of Justice. Copies of all pleadings and exhibits were furnished to the New Orleans office of the FBI. On May 10, 1967 the Court granted permission for filing of the motion to quash and set the matter for hearing on May 16, 1967.

On this date Mr. Kennedy, myself and Mr. Veters appeared in Court for the hearing, at which time the State of Louisiana filed their answer to the motion and the Court stated that it would defer a ruling on the motion to quash until 11 A.M. the following day. A copy of the State's answer was also furnished to the New Orleans office of the FBI.

On May 17, 1967 at 11 A.M. the Court denied the Government's motion to quash and issued a subpoena ordering Mr. Kennedy to appear before the Orleans Parish Grand Jury at 2 P.M. Objection to the Court's ruling was lodged. After the Court's ruling a conference was held in Chambers wherein Mr. Veters and myself, along with representatives of the District Attorney's office, established certain ground rules that were to be applied after Mr. Kennedy entered the Grand Jury room at 2 P.M. It was mutually understood and agreed between all respective parties that if at any time Mr. Kennedy wished to leave the Grand Jury room to consult with the Court or his counsel

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relative to the questioning being conducted before the Grand Jury, that he would be permitted to do so. Mr. Kennedy was so informed after the Chamber conference as to this agreement.

Although Mr. Kennedy appeared outside the Grand Jury room at 2:00 P.M. as directed by the Court, he was not called before the Grand Jury until approximately 4:45 P.M. While waiting to be called, I checked with Mr. Kennedy to see whether he had with him the statement which had been prepared for his use when asserting the executive privilege, as well as a copy of the telegram from the Attorney General directing him to respectfully refuse to testify about or disclose information or material acquired by him in the performance of his official duties or because of his official status. Both documents were in his possession and were taken with him into the Grand Jury room.

From the day that the subpoena was first referred to this office for handling, Mr. Kennedy was advised by you and the members of your staff, including myself and Mr. Veters, that by virtue of the provisions of 28 CFR 16.1 et seq he was prohibited from giving testimony before the Grand Jury which would require him to disclose information or material acquired by him in the performance of his official duties or because of his official status as an agent of the FBI.

On May 17, 1967 when Mr. Veters and I accompanied Mr. Kennedy to the Criminal District Court, neither did Mr. Veters nor myself suggest to Mr. Kennedy any other method or criteria for answering questions propounded to him by the Grand Jury that were not contained in Department Order 324-64 and the telegram from the Attorney General. Mr. Kennedy was advised by me and by Mr. Veters that the executive privilege should not be invoked to questions that did not relate to information or material acquired in the performance of his official duties or because of his official status. To invoke the executive privilege to such a question would not be proper and would not be sustained by any Court required to examine the transcript of the Grand Jury proceedings. I recall several instances wherein members of your staff, including myself and Mr. Veters, speculated with Mr. Kennedy on what questions might be posed and into what areas the inquiries might lead. It was generally conceded that the names of Clay Shaw, Lee Harvey Oswald, David Ferrie, Jack Ruby, the CIA, and Dean Andrews would be prominently mentioned

and that any question relating to these individuals would obviously require him to invoke the executive privilege. The same held true for any questions relating to the participation by any other FBI agents in any phase of the investigation relating to the assassination of President Kennedy. This was stressed to avoid the possibility of additional subpoenas being directed to other investigative agencies of the Government.

Mr. Kennedy remained in the Grand Jury room for approximately one hour without interruption, during which time there was no occasion when Mr. Kennedy felt it was necessary for him to leave the Grand Jury room to consult with counsel or the Court.

Respectfully submitted,


JOHN C. CIOLINO
Assistant United States Attorney

May 18, 1967