

(Mount Clipping in Space Below)

Court Hears FBI Man, DA Subpena Tiff

Federal Bureau of Investigation agent Regis Kennedy was to get his day in court today on a motion to set aside a grand jury subpena issued to Kennedy in Dist. Atty. Jim Garrison's assassination probe.

Garrison's office was expected to file a lengthy argument in Criminal District Court seeking to force Kennedy's appearance before the Orleans Parish Grand Jury.

KENNEDY, who was an investigator for the Warren Commission in New Orleans, was directed to appear before the jury last Wednesday, but instead filed a four-point motion to quash the subpena in Judge Bernard J. Bagert's section of court.

The motion, filed at the behest of the attorney general's office, stated that "traditionally, FBI agents do not testify before state grand juries with respect to information or material gained by them in performance of their official duties or by reason of their official status."

Garrison's subpena, however, did not specify whether Kennedy was to answer questions involving his official capacity as an FBI agent.

The motion last week asserted that Kennedy had been "instructed by the Attorney General" not to appear.

A former agent, Warren DeBrueys, whose name also appears frequently on FBI-Warren Commission reports, was also issued a subpena, but was never served, being reportedly out of town.

GARRISON HAS repeatedly implied that rightist Cuban groups were involved somehow in a plot to assassinate President John F. Kennedy on Nov. 22, 1963.

Kennedy questioned one-time airline pilot David W. Ferrie after Garrison arrested him three days after the assassination and turned him over to the FBI. Garrison says he never received a report on the interrogation.

Ferrie, who died a few days after Garrison's investigation was disclosed, was a pivotal figure in the assassination plot, according to the district attorney.

If the subpena for Kennedy is upheld by Judge Bagert, Garrison's office could ask for a subpena instantis to be served on Kennedy, requiring him to appear before the Grand Jury tomorrow.

THE JURY tomorrow is also scheduled to receive a return on a subpena duces tecum (meaning "bring with you"), delivered last week to CIA director Richard Helms.

The DA asked Helms to send to New Orleans a photograph taken by the CIA in Mexico City a few days before the assassination.

Garrison contends the picture shows accused assassin Lee Harvey Oswald walking out of the Cuban embassy there with a powerfully built Cuban. He says the photo is vital to his case.

(Indicate page, name of newspaper, city and state.)

PAGE 1

STATES-ITEM

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