(Mount Clipping in Space Below)

Assistant U.S. attorney "We're going to talk about it John Ciolino said he was not with the Grand Jury next week, able to predict who would make and "I comment about it then," the next legal move regarding Garrison said. Kennedy, as the extent of his

Grand Jury testimony was not partment motion, Judge Bagknown.

EXECUTIVE PRIVILEGE

Another assistant U.S. attorney, Fritz Veters, said, while has the general and unlimit-Kennedy was testifying, that the FBI man was never instructed to plead the Fifth nates not to give testimony Amendment.

Veters said Kennedy was instructed by U.S. attorney executive privilege "if and when he is asked questions regarding anything that re-lates to his official status as an agent for the FBI. . . . "

Kennedy was ordered to appear before the Grand Jury by, Judge Bernard J. Bagert, who denied a Justice Department motion to quash Kennedy's subpena.

Judge Bagert's decision supported the view that the judici-Refuses Reply to Queries ary, and not the Justice Department. will decide when that department's privilege of not

having to testify will be in-olds, he said.

to him by the Orleans Parish from the Central Intelligence Agency to the foreman of the Grand Jury.

He handed an envelope to a deputy criminal sheriff for delivery. Wednesday was the return date for a Grand Jury subpena duces tecum ordering Richard Helms, CIA director, to produce an alleged photograph which Garrison says showed Lee Harvey Oswald and a Latin type near the Cuban embassy in Mexico

GIVES VIEWS

Judge Bagert said the return should have been made to the

would be taken up later. ...

In denying the Justice Deert said the main question is "whether the executive branch of our government ed authority to instruct its many employes and subordiin cases pending in court." U.S. attorneys had cited a Justice Department order progeneral Ramsey Clark to take hibiting agents and employes from testifying without prior consent of the attorney general. Such authority "presents the anamalous situation of a party to a judicial controversy being, in addition to the party litigant, the judge and the jury," Judge Bagert said. This contravenes the fundamental wystem of checks and balances in government, he continued.

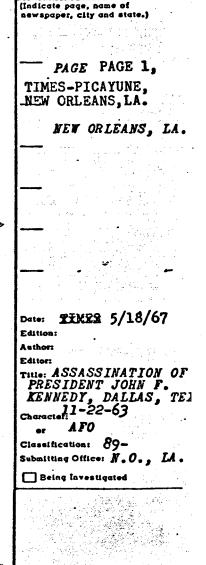
JUDGE CITES CASE

The principle of privilege from giving testimony was recognized by the U.S. Supreme Court as early as 1953 in U.S. vs. Reyn-

However, in recognizing the privilege, the judge continued, the court also said, "'Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers." ⁷

The "controlling" case, Judge Bagert said, is Gian-cana vs. Johnson (1964) in which an FBI agent was found guilty of criminal contempt after he was subpenaed as a witness to testify and refused to do so on the basis of an executive order of the U.S. attorney general. The conviction was sustained on appeal. The appellate court said the juestion of privilege is one to be determined by the court and not by the executive depart-ment, Judge Bagert said. ASST. DA SCORED

tant district attorney, James L. Garrison, exiting from the Alcock, for alleged speculati jury room shortly after Ken- on Wednesday's ruling in Alcock, for alleged speculation nows interview.





FBI MAN SILENT **IN JURY SESSION**

on His Role in Probe . /

Federal Bureau of Investiga-voked. tion agent Regis Kenned Before reading his opinion, fused to answer questions put Judge Bagert sent a report Grand Jury Wednesday about his role in the investigation of President John F. Kennedy's assassination.

District Attorney Jim Garrison said Kennedy, who had been ordered to appear before the jury, invoked executive privilege in the one hour he met with the body.

Kennedy entered the jury room at 4:48 p. m. and left at \$:52 p. m. He made no comment to the swarm of newsmen City. which followed him to the doors of the Criminal District Court Building.

Following Kennedy's appear Grand Jury and not to him, ance, Alvin Oser, an assistant and added that he could not district attorney, said the sub-reveal the contents of the let- the judge also scored an assispena on Kennedy has been dis ter. imissed.

nedy did, would not say what the CIA letter said, and said it Line Alcock, I do not condone press interviews speculating on this court's rulings," Judge Bagert said, and added that such comments are "reprehensi-ble." Alcock replied that he did not, remember directly commenting.

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remember directly commenting on the decision concerning Regis Kennedy. Judge Bagert told Alcock his memory might be refreshed if tapes of the interview were pro-

duced.

duced. "I'd appreciate that," Alcock retorted. "I'll oblige you," Judge Bagert said tersely. "I thought I was guarded in my remarks," Alcock said. "It was my observation that you weren't guarded enough," Judge Bagert answered.

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