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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

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STATE OF LOUISIANA	.	198-059
vs.	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT FROM

PROCEEDINGS IN OPEN COURT,
Monday, February 17, 1969

TESTIMONY OF REGIS L. KENNEDY

B E F O R E : THE HONORABLE EDWARD A.
HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Bendix, Inc.

Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 - 622-3111

1 REGIS L. KENNEDY,
2 a witness called by and on behalf of the State,
3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ALCOCK:

7 Q For the record would you please state
8 your full name.

9 A Regis L. Kennedy.

10 Q And at this time, Mr. Kennedy, by whom
11 are you employed?

12 A I am presently retired.

13 Q From what job?

14 A From the Federal Bureau of Investigation.

15 Q And how long were you with the Federal
16 Bureau of Investigation?

17 A Just under 31 years.

18 Q When did you retire?

19 A May 1, 1968.

20 Q Mr. Kennedy, referring you to the month
21 of November, 1963, were you employed
22 at that time by the Federal Bureau
23 of Investigation?

24 A I was.

25 Q And were you employed in the city of
New Orleans at that time?

1 A I was.

2 Q Again referring you to that month of
3 November, 1963, and specifically the
4 date of November 22 -- November 25,
5 1963, did you have occasion on that
6 date to interview one Dean A.
7 Andrews, Jr.?

8 A I did.

9 Q Where did the interview take place?

10 A Hotel Dieu.

11 Q And who if anyone was present with you
12 at the time?

13 A There was another agent with me. I
14 believe his name was Slager (?).

15 Q Besides yourself and Agent Slager and
16 Dean Andrews, was there anyone
17 present in the room at the time you
18 interviewed Dean Andrews?

19 A At the time of the interview, no.

20 Q Can you recall approximately, Mr. Kennedy,
21 what time this interview took place?

22 A I would say probably shortly after noon,
23 to the best of my knowledge. It's
24 five years.

25 Q Give us an approximation.

1 A I'd say shortly after 12:00 noon or maybe
2 a little later. I mean --

3 Q I realize it's an approximation.

4 Agent Kennedy, what was your purpose for
5 interviewing him on this day?

6 A He called me and --

7 MR. DYMOND:

8 Now I object to any conversation
9 outside the presence of the
10 Defendant, Your Honor.

11 THE COURT:

12 The objection is well taken. You
13 can state, Mr. Kennedy, he spoke
14 to you, and what did you do as
15 a result of that conversation.

16 MR. ALCOCK:

17 Strike the question.

18 BY MR. ALCOCK:

19 Q Prior to this occasion when you inter-
20 viewed him in Hotel Dieu, had you
21 received any communication from him,
22 telephonic or otherwise, Dean
23 Andrews?

24 A Yes.

25 Q Was it a telephone call?

1 A Telephone call.

2 Q And do you recall when you received the
3 telephone call?

4 A Yes.

5 Q When was that?

6 A Probably an hour or two hours before.

7 Q And in response to this telephone call
8 and conversation with Andrews, did
9 you have occasion to interview him?

10 A I did.

11 Q As a result of this interview, Agent
12 Kennedy, did you have occasion to
13 investigate and attempt to locate a
14 Clay Bertrand?

15 MR. DYMOND:

16 Object to that, Your Honor, trying
17 to do indirectly what cannot
18 be done directly.

19 MR. ALCOCK:

20 Your Honor, this is no different
21 than a police officer responding
22 to a call and giving a descrip-
23 tion or a name.

24 THE COURT:

25 I think Agent Kennedy, who was an

1 agent at that time, can tell
2 us what he did as a result of
3 the telephone call.

4 MR. ALCOCK:

5 Not as a result of the telephone
6 call, as a result of the tele-
7 phone call he interviewed
8 Andrews. I am saying as a
9 result of the interview did he
10 have occasion to attempt to
11 locate Clay Bertrand.

12 MR. DYMOND:

13 Object. It's a leading question.

14 THE COURT:

15 Leading. You can ask what did he do.

16 BY MR. ALCOCK:

17 Q. What did you do, Agent Kennedy, as a
18 result of the conversation with
19 Dean Andrews?

20 A Well, first I reported it to the -- to
21 my superiors at the time, and then
22 subsequently I attempted to locate
23 this individual by the name of Clay
24 Bertrand.

25 THE COURT:

1 Clay? Clem?

2 THE WITNESS:

3 Clay.

4 BY MR. ALCOCK:

5 Q Can you give us, Agent Kennedy, what
6 efforts you made in an attempt to
7 locate the Clay Bertrand? What did
8 you personally do, what areas did
9 you cover?

10 A Realizing that it has been five years, --

11 Q I realize that.

12 A -- I would say that there were record
13 checks, I made record checks, Police
14 Department, Credit Bureau, direc-
15 tories, telephone listings, unlisted
16 phone numbers, Information, various
17 people that should have been knowl-
18 edgeable of people that are inhabi-
19 tants of the French Quarter I
20 contacted. I reviewed practically
21 every piece of paper that Dean
22 Andrews had in his office, with the
23 assistance of his -- well, Dean, and
24 I won't say that I saw all of them
25 and I won't say that I actually

1 looked at them. Most of the time
2 Dean was looking at them and putting
3 them by. In other words, I wasn't
4 inquiring into his private law
5 business, but extensive review was
6 made of his files.

7 Q Do you know whether or not in your own
8 knowledge, Mr. Kennedy, there were
9 any other agents assisting you or
10 attempting to ascertain the identity
11 of this individual along with your-
12 self?

13 A Of my own knowledge?

14 Q Yes, of your own knowledge.

15 A Yes.

16 Q Approximately how many agents, of your
17 own knowledge?

18 A Frankly, I couldn't tell you or give you
19 a close approximation. I mean I
20 really don't know. Probably -- I
21 don't think there was a great many,
22 but I would hesitate to state a
23 number.

24 Q Can you tell us at this time, Mr. Kennedy,
25 approximately how many days, if it

1 was days, or hours if it was hours,
2 that you sought the individual named
3 Clay Bertrand as a result of this
4 conversation?

5 A You mean -- let's put it this way. The
6 number of hours that I actually
7 worked on this?

8 Q Yes.

9 A Oh, this is strictly a guess. I would
10 say not more than -- personally not
11 more than 20 hours of actual work on
12 the --

13 Q And do you know of your own knowledge
14 approximately how long these other
15 agents that you have referred to
16 attempted to ascertain the identity
17 of Clay Bertrand, if you know? I
18 realize this is a long time ago.

19 A I have no way of even estimating.

20 Q Agent Kennedy, was there any geographic
21 location of the city of New Orleans
22 that you concentrated on in your
23 attempts to identify Clay Bertrand?

24 A Yes.

25 Q What area was that?

1 A The French Quarter.

2 Q Did you personally at any time go down
3 into the French Quarter in your
4 attempt to identify this individual?

5 A Yes.

6 Q Once or more than once?

7 A I would say it has got to be more than
8 once. I don't know how many times.

9 Q Now, Mr. Kennedy, prior to your interview
10 with Dean Andrews, were you person-
11 ally engaged in the investigation of
12 the assassination of President
13 Kennedy?

14 A Mr. Alcock, I think that that is outside
15 of the purview of the authorization
16 that I have received to testify here.

17 Q Would you care to converse with Mr.
18 Connick who is representing the
19 United States Attorney's Office at
20 this time?

21 A I think so, yes.

22 MR. DYMOND:

23 If the Court please, we would like
24 to make it clear now that we
25 waive any privilege which might

1 exist in this matter. We have
2 no objection to Mr. Kennedy
3 testifying.

4 **THE COURT:**

5 I don't believe there is a privilege
6 between Mr. Kennedy and defense
7 counsel.

8 **MR. DYMOND:**

9 If any.

10 **MR. ALCOCK:**

11 The privilege is between the witness
12 and the United States Government.

13 **THE COURT:**

14 There is a legal point involved. Do
15 you wish to consult with Mr.
16 Connick? Do you want me to take
17 a recess?

18 **MR. CONNICK:**

19 I don't think it is necessary, Your
20 Honor. Just one moment.

21 (Brief pause in the proceedings.)

22 **MR. ALCOCK:**

23 Now I would ask the court reporter
24 to read back my question of
25 former Agent Kennedy.

1 (Whereupon, the question was read
2 back by the reporter as follows:
3 "Question. Now, Mr. Kennedy, prior
4 to your interview with Dean Andrews,
5 were you personally engaged in the
6 investigation of the assassination
7 of President Kennedy?")

8 THE WITNESS:

9 Your Honor, I have been directed to
10 say that this is outside of the
11 scope of the authority which I
12 have received from the Attorney
13 General, and Mr. Connick will
14 be happy to contact the Attorney
15 General's office for permission
16 to enter this scope, if you so
17 desire.

18 THE COURT:

19 Mr. Alcock, don't you think -- the
20 kind of questions involved, I
21 think you can rephrase your
22 question to find out when Agent
23 Kennedy found out that the
24 President was shot. I imagine
25 he found out like everybody else,

1 over the radio. I think the
2 time question is involved.

3 MR. ALCOCK:

4 I agree, Your Honor. I think Agent
5 Kennedy is as well aware of the
6 fact as this Court is that the
7 President was shot on November
8 22. Now, this interview took
9 place on November 25, three
10 days later. My question was,
11 was he engaged in the investi-
12 gation of the assassination,
13 obviously between the date of
14 November 22 and the date of
15 November 25. My next question
16 would be whether or not he was
17 engaged in the investigation of
18 the assassination of President
19 Kennedy on the 25th and there-
20 after, and I assume that he
21 would also claim the executive
22 privilege to that question, and
23 I do not want to argue it in
24 front of the jury because I
25 feel it would be prejudicial

1 to the defendant.

2 MR. DYMOND:

3 If the Court please, at this time
4 we will ask that Agent Kennedy
5 or Mr. Connick call the Depart-
6 ment of Justice and get
7 authority to testify as he sees
8 fits.

9 MR. ALCOCK:

10 Well, of course Agent Kennedy is my
11 witness, but I would certainly
12 not object to that.

13 THE COURT:

14 Well, I think we have got a legal
15 point that we must discuss out
16 of the presence of the jury.

17 Sheriff, take the jury upstairs.

18 We will take a recess from the
19 jury but we are going to con-
20 tinue. I would like to hear
21 the argument, I would like to
22 hear it argued out of their
23 presence.

24 (Jury excused.)

25 THE COURT:

1 Counsel, what is the legal status
2 of the matter now that the jury
3 has been retired?

4 MR. ALCOCK:

5 Your Honor, as I appreciate it, my
6 attempt to elicit from this
7 witness whether or not from the
8 22nd to the 25th he was engaged
9 in the investigation of the
10 assassination of President
11 Kennedy -- and that would also
12 include the 25th and the inter-
13 view with Dean Andrews, and
14 additionally I would like to
15 know whether after the 25th,
16 during these some 20 hours that
17 he was looking for the indi-
18 vidual named Clay Bertrand, if
19 that was in connection with --
20 along with the interview, the
21 general investigation into the
22 assassination of President
23 Kennedy. I think that that is
24 completely and highly relevant
25 to this case, and I have no

1 objection at all to Mr. Connick
2 contacting the Attorney General
3 of the United States and finding
4 out whether or not this man can
5 state that.

6 I might say to the Court, since the
7 jury is not here, Agent Kennedy
8 did testify in another case in
9 this building last summer, and
10 I think he did respond to that
11 question. I do not have the
12 transcript before me, but I am
13 quite sure he did respond to
14 that question or at least a
15 question similarly phrased.

16 THE COURT:

17 Let's hear Mr. Connick. What is the
18 United States Government's
19 position in this matter?

20 MR. CONNICK:

21 Your Honor, I am here on behalf of
22 the Attorney General.

23 Mr. Regis Kennedy has been author-
24 ized to give his testimony in
25 this case relative to an

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interview he had with Dean Andrews. Anything beyond the scope of that interview he has not been authorized to testify about. If there are any questions that the State wishes to propound to Mr. Kennedy beyond that, e.g., the one that is causing this discussion, and if there are any others we will be glad to transmit these questions to the Attorney General and attempt to ascertain whether or not Mr. Kennedy can or cannot answer them.

Now, in light of Mr. Alcock's --

THE COURT:

Can you do it by telephone or do you have to do it by writing?

MR. CONNICK:

No, we will do it by telephone, Your Honor, but in light of Mr. Alcock's statement to the effect that Mr. Kennedy has already testified about this --

1 MR. ALCOCK:

2 This is my recollection. If Agent
3 Kennedy has a different recol-
4 lection, I certainly will
5 accede to his recollection.

6 THE COURT:

7 Referring to the trial of Dean
8 Andrews? Is that what you are
9 referring to?

10 MR. ALCOCK:

11 Yes, that is the trial I had refer-
12 ence to, yes, sir.

13 MR. CONNICK:

14 If I could refer to Mr. Kennedy
15 again to ascertain whether he
16 did testify to that --

17 (Discussion between witness and
18 Counsel off the record.)

19 MR. CONNICK:

20 Your Honor, Mr. Kennedy is uncertain
21 as to whether or not he has
22 testified to this before, and
23 in light of this he should not
24 be allowed to testify to the
25 question that was asked by

1 Mr. Alcock.

2 MR. ALCOCK:

3 Your Honor, I could assist the Court
4 if the case had been tran-
5 scribed, but for some reason --
6 financial as I understand it --
7 the reporters of that case had
8 not transcribed that. I might
9 state to the Court that I
10 specifically asked to have
11 Agent Kennedy's testimony tran-
12 scribed in anticipation of
13 problems of this nature, but I
14 have never received that tran-
15 script. Otherwise I would be
16 more than happy to give it to
17 the Court.

18 THE COURT:

19 Who was the court reporter who took
20 that in Judge Shea's Court?

21 MR. ALCOCK:

22 It was Hotz or Allied Reporters I
23 think was the firm.

24 THE COURT:

25 I tell you what. Let's have a

1 conference in my chambers. We
2 will take a five-minute recess.
3 I think I understand the legal
4 problem.

5 (Whereupon, a recess was taken.)

6 AFTER THE RECESS:

7 (Jury in box.)

8 THE COURT:

9 Gentlemen, are we ready to proceed?

10 MR. ALCOCK:

11 Yes, Your Honor.

12 I have questions that I have written
13 out, two of them that I would
14 like to address to former Agent
15 Kennedy. These questions have
16 been cleared, as I understand
17 it, with the Attorney General
18 of the United States.

19 BY MR. ALCOCK:

20 Q Mr. Kennedy, prior to your interview with
21 Dean Andrews, were you engaged in
22 the investigation of the assassin-
23 ation of President Kennedy?

24 A Yes, I was.

25 Q Mr. Kennedy, were you seeking Clay

1 Bertrand in connection with your
2 over-all investigation into the
3 assassination of President Kennedy?

4 A I was.

5 MR. ALCOCK:

6 I will pass the witness.

7 CROSS-EXAMINATION

8 BY MR. DYMOND:

9 Q Mr. Kennedy, did you ever locate Clay
10 Bertrand?

11 A No, sir.

12 MR. DYMOND:

13 That is all.

14 MR. ALCOCK:

15 No further questions.

16 THE COURT:

17 Gentlemen, I have sent for a tran-
18 script of Mr. Kennedy's
19 (testimony) at a previous trial.
20 It will be forthcoming. I just
21 wanted to announce it to you.
22 I don't know what you want to
23 do with it.

24 MR. DYMOND:

25 We don't need it, Judge.

1 MR. ALCOCK:

2 We have no need of it, Your Honor.

3 THE COURT:

4 Is there any further need of Agent
5 Kennedy?

6 MR. ALCOCK:

7 No.

8 MR. DYMOND:

9 No.

10 THE COURT:

11 Call your next witness.

12 (Witness excused.)

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...oOo...

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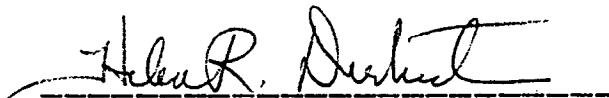
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C E R T I F I C A T E

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2
3 I, the undersigned, Helen R. Dietrich,
4 do hereby certify that the above and fore-
5 going (22 pages of typewritten matter) is
6 a true and correct transcription of the
7 stenographic (Stenotype) notes taken down
8 by me, and transcribed under my supervision,
9 on the day and date hereinbefore noted,
10 in the above-entitled and numbered cause,
11 being the testimony of REGIS L. KENNEDY.
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