

MEMORANDUM

To: Jeremy Gunn
From: Eric Scheinkopf
Date: April _____, 1996
Re: Harry Connick, the Shaw Trial, and the testimony of Regis Kennedy.

This memorandum addresses Harry Connick's actions when former FBI agent Regis Kennedy testified during the Clay Shaw trial. The sources used in this memo are the trial transcript and highlights of a taped conversation between Harry Connick and James DiEugenio on August 31, 1994.

Highlights from the Connick-DiEugenio conversation

- When listening to the tape, Connick makes clear his disdain for Garrison's investigation, that the charges against Shaw were fabricated, and that he saw nothing to connect Shaw with a conspiracy to assassinate JFK.
- Connick seemed not to care about the contents of the documents in his possession.
- Connick's role in the Shaw trial comes up during the interview with DiEugenio. This is a very interesting exchange and a copy of Kennedy's testimony accompanies this memorandum. Connick is asked why when Regis Kennedy, who was an FBI agent, was on the stand did he (Connick) have to stop Kennedy's testimony twice. Connick appears not to know what the testimony had to do with. DiEugenio then goes on to explain what the testimony was about.
- DiEugenio said that James Alcock asked Regis Kennedy two questions - (1) if he was investigating JFK's assassination before his interview with Dean Andrews and (2) did Clay Bertrand form a part of that investigation. Before Kennedy could answer these questions, DiEugenio says Harry Connick intervened the first time. While Connick says his objection was sustained, DiEugenio disputes this saying the whole proceeding was stopped and that either Connick or Judge Edward Haggerty or both made a call to Washington, D.C. to, he thinks, the Attorney General. At that point in the interview, Mr. Connick says "I remember that now."
- DiEugenio says that conditions were placed on the response Kennedy would be allowed to give. Kennedy could only answer affirmatively or negatively and then Alcock could not ask any follow up questions. Kennedy did answer both questions affirmatively and that was it.

- When DiEugenio asks if he understands the significance of answering yes to these questions, Connick says that the significance of answering yes was that Kennedy probably spoke to someone but that he [Connick] wasn't familiar with that investigation. Connick then discussed his responsibility in this case saying "my responsibility in Court was to if there was a Federal one is to keep the out the evidence the testimony relevant, material to what Jim Garrison was trying to do. You understand? And so and that was the purpose of those objections." Connick went on to say that this doesn't mean there was a conspiracy.
- DiEugenio believes that the yes answer to these questions was significant. In his view, given that Garrison's central tenet was that Shaw used the Bertrand alias, if Agent Kennedy was investigating Bertrand before his interview with Dean Andrews then someone else has also related Bertrand to the assassination.

Highlights from the trial transcript of Regis Kennedy's testimony

- The trial transcript does bear out the difficulties involved in getting Regis Kennedy to answer these two questions but does not indicate that Mr. Connick did anything to interfere with the trial (page 10 of the trial transcript is where the part concerning Regis Kennedy begins).
- When Regis Kennedy was asked by Mr. Alcock, of the prosecution team, if prior to his interview with Dean Andrews, he was investigating the assassination of President Kennedy, Regis Kennedy replied that he thought that was "outside of the purview of the authorization" he had to testify in the Shaw trial. When Mr. Alcock asked if Kennedy would like to "converse" with Harry Connick, who was the representative of the U.S. Attorney's Office, Kennedy said yes. While there was no immediate recess and Mr. Connick did not think one was necessary, he did say "Just one moment." The trial transcript indicates that there was a "brief pause in the proceedings."
- Alcock then asked again if Kennedy was engaged in investigating the assassination of the President prior to his interview with Dean Andrews. Kennedy then replied by saying "I have been directed to say that this is outside of the scope of the authority which I have received from the Attorney General." Kennedy went on to say that Mr. Connick would be happy to contact the AG's office "for permission to enter this scope."
- Argument over whether or not to have Regis Kennedy answer these questions took place outside of the jury's presence. Connick was asked point-blank by Judge Haggerty what the United States Government's position was on this matter. Connick replied that he was there (at the trial) on behalf of the Attorney General and that Kennedy was authorized to testify regarding his interview with Dean Andrews but "anything beyond the scope of that interview" was not authorized. However, Connick said that if there were any questions that the "State" wishes to ask beyond the scope "we" [meaning the US Government] would be glad to

transmit them to the Attorney General and try to find out if Mr. Kennedy can reply to them. Connick said he would do so by telephone.

- As the trial transcript indicates, there was a conference in Haggerty's chambers (prior to this conference there was an off the record discussion between Kennedy and Connick) and when the recess was over, Mr. Alcock did ask the two questions and all Kennedy said was yes to both. The transcript indicates that Alcock stated that "these questions have been cleared, as I understand it, with the Attorney General of the United States." That was the end of his examination of Kennedy. During the one question cross-examination Kennedy was asked if he ever found Clay Bertrand. He said no and that was the end of his testimony.

Conclusion

- If you are interested in learning more about Mr. Connick's actions with regard to Regis Kennedy's testimony, I believe one would need to check into what exactly was said during the telephone call that was made to the Justice Department to get permission for Kennedy to answer the two questions posed to him by Alcock. Aside from the personal recollections of the participants and any papers any of them might have, including Judge Haggerty, the other alternative is to see if any Justice Department records exist on the telephone call Connick made to Washington.