157-10014-10161

Agency Information

AGENCY : SSCIA
RECORD NUMBER : 157-10014-10161

RECORD SERIES : MISCELLANEOUS RECORDS OF THE CHURCH COMMITTEE

AGENCY FILE NUMBER : 07-M-66

Document Information

ORIGINATOR : SSCIA
FROM : MADIGAN, MICHAEL J.
TO : CHURCH, FRANK

TITLE : MEETING 29 JULY 1975

DATE : 06/10/1975
PAGES : 18

SUBJECTS :

MAHEU, ROBERT A.

DOCUMENT TYPE : MEMORANDUM
CLASSIFICATION : Declassified
RESTRICTIONS : 1B; 1C
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 03/22/2000

OPENING CRITERIA :

COMMENTS : CCBOX 447

JFK ASSASSINATION SYSTEM
IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : SSCIA
RECORD NUMBER : 157-10014-10161
RECORDS SERIES : MISCELLANEOUS RECORDS OF THE CHURCH COMMITTEE
AGENCY FILE NUMBER : 07-M-66

DOCUMENT INFORMATION

ORIGINATOR : SSCIA
FROM : MADIGAN, MICHAEL J.
TO : CHURCH, FRANK
TITLE : MEETING 29 JULY 1975
DATE : 06/10/75
PAGES : 18
SUBJECTS : MAHEU, ROBERT A.

DOCUMENT TYPE : MEMORANDUM
CLASSIFICATION : TOP SECRET
RESTRICTIONS : REFERRED
CURRENT STATUS : POSTPONED IN FULL
DATE OF LAST REVIEW : 01/08/99
OPENING CRITERIA :
COMMENTS : CCBOX 447

[R] - ITEM IS RESTRICTED

MEETING 29 JULY 75 → BOX 447

447-6

TOP SECRET

2 of 6 6 2 2 2

TOP SECRET

TOP SECRET

INVENTORIED
DR MAR 21 1977
BY

MEMORANDUM

To: Senators Frank Church, John Tower, Philip A. Hart, Walter F. Mondale, Walter D. Huddleston, Robert Morgan, Gary Hart, Howard H. Baker, Jr., Barry Goldwater, Charles McC. Mathias, Jr., Richard S. Schweiker

From: Michael J. Madigan, Counsel
Senate Select Committee on Intelligence

Date: June 10, 1975

Subj: Robert A. Maheu Appearance Before the Committee

Fifth Amendment Invocation - Congressional Immunity

Robert A. Maheu was subpoenaed to and did appear before this Committee on June 9, 1975. In response to all substantive questions put to him, Maheu invoked his Constitutional rights under the Fifth Amendment. Maheu, through his counsel, indicated that his sole basis for refusing to answer the Committee's questions was his invocation of the Fifth Amendment. His counsel indicated that should the Committee vote to immunize Maheu, Maheu would cooperate fully with the Committee and answer any and all questions.

TOP SECRET

A Congressional committee has the power to compel testimony from any person who is subpoenaed to appear before it. This power to compel testimony, however, is limited by the Fifth Amendment privilege against self-incrimination. Succinctly, the Fifth Amendment privilege protects a witness against disclosures which could be used against him in a criminal prosecution, or could lead to evidence which could be used against him in any such prosecution. It can be argued that the events about which Maheu was and will be questioned took place well more than five years ago and that, therefore, the statute of limitations for any crime that he may have committed would have run. The argument would continue that since the statute of limitations has run on any possible criminal conduct, Maheu therefore has no Fifth Amendment right to assert before this Committee about any question asked of him concerning an event upon which the statute of limitations has run. Maheu's counsel, however, has asserted that notwithstanding that the events questioned about occurred more than five years ago, he has advised his client not to answer any questions because of a fear of a possible prosecution for conspiracy to cover up those events. While Maheu's arguments for asserting the

NW 50955 DocId:32423549 Page 5

TOP SECRET

Fifth Amendment may not be totally persuasive, they are sufficient enough to create a question which a court would ultimately have to decide. In short, therefore, Maheu's assertion of the Fifth Amendment at least has a semblance of validity.

In the final analysis, the Committee is faced with three options with regard to Maheu's assertion of the Fifth Amendment:

(1) challenge Maheu's assertion of the Fifth Amendment as not well founded under the law and ultimately go to court to decide whether Maheu's assertion is or is not valid;

(2) grant Maheu "use immunity" (explanation infra) and compel his testimony to all questions the Committee wishes to ask which are within the framework of the Committee's mandate;

(3) not obtain any testimony from Maheu.

Of these three options, it appears that the quickest and best option is to grant Maheu "use immunity" and compel his testimony.

TOP SECRET

TOP SE

The Nature of Use Immunity

In 1970, Congress amended the immunity laws and created "use immunity" to compel testimony of a witness before a Congressional committee. The immunity statute is found in 18 United States Code, Sec. 6001 et seq. The statute provides in pertinent part:

> "Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify . . . in a proceeding before . . . a committee or a subcommittee of either House and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order."

This statute allows a Congressional committee to grant "use immunity" to any witness appearing before it who invokes his Constitutional rights under the Fifth Amendment. "Use immunity" means simply that a witness' compelled testimony before a Congressional committee cannot be used against him in a subsequent criminal prosecution by either state or

TOP

federal authorities. Additionally, no information derived directly or indirectly from the witness's compelled testimony before a Congressional committee may be used against him in any subsequent criminal prosecution by either state or federal authorities. This does not mean, however, that the witness is "immune" from prosecution for any criminal conduct about which he testifies. The federal or state prosecuting authorities may prosecute the witness if they have independent information (other than the witness' own testimony) which would constitute a basis for indictment of the witness. Thus, in essence, "use immunity" merely provides that the witness' own testimony which is compelled before a Congressional committee may not be later used as the basis for his own indictment for criminal conduct about which he has testified before the Committee.

The immunity statute provides that the Committee by a vote of two-thirds of its members must agree to give the witness immunity and that notice of the Committee's action in granting the witness immunity must be filed with the Attorney General. The immunity statute provides that notice must be given to the Attorney General so that he has ten days in which to search his files and segregate any incriminating information he may have against the witness so that

NW 50955 DocId:32423549 Page 8

the witness may not later contend that the Attorney General's evidence came from any testimony the witness might give before the Congressional committee. The statute also provides that the Attorney General may request twenty more days, in addition to the ten days which the statute provides, in which to segregate his files. The Attorney General, however, may waive any or all of the thirty day waiting period. Communication has already been made through Fritz Schwarz to Mr. O'Connor at the Department of Justice.

Maheu's Value to the Committee as a Witness

Robert A. Maheu has been utilized by the CIA for a wide variety of projects and tasks. The two most important areas in which his testimony may be expected are (1) Assassinations and the Las Vegas wiretap; and (2) domestic CIA activities. This memorandum will briefly outline the areas of information about which Maheu can be questioned and in which Maheu has knowledge.

(1) Assassinations

Maheu was the person originally contacted by the CIA in August of 1960 to provide them with an introduction to organized crime figures in order to accomplish the assassi-

NW 50955 DocId:32423549 Page 9

nation of Fidel Castro. Maheu met CIA officer O'Connell and introduced O'Connell to one John Roselli who was, at that time, an organized crime figure in Las Vegas, Nevada. Maheu also was apparently involved in the introduction of the CIA officials to Sam Giancana and Santos Trafficante. Roselli was alleged to have had the ice machine concessions in the gambling interests in Las Vegas; Giancana was one of the Mafia bosses; and Trafficante was the Mafia leader of the Cuban gambling interests. It was thought that the Mafia would be interested in assisting the CIA in this project because of its (the Mafia's) concern for getting rid of Castro who was about to close down their gambling operations in Havana. After the introductions by Maheu, it is unclear as to exactly what Maheu's role was during the various assassination attempts. Maheu is said to have spent much time in Florida during this period of time, however. Maheu was involved in the $150,000 offer which was made by the CIA to the Mafia for the accomplishment of the assassination of Castro. Maheu may or may not know many of the details regarding the shipping of the poison pills to various individuals in Florida in an attempt to have Castro assassinated.

NW 50955 DocId:32423549 Page 10

Later, Maheu participated in the introduction of the second CIA officer (Harvey) to Roselli in New York for purposes of Harvey taking over the Agency's liaison role with the members of the Mafia in the ongoing attempts to assassinate Castro. The time period of the Maheu/Harvey/Roselli efforts begin in April, 1962 and last at least until sometime into 1963. During this period of time there has been alleged to have been $50,000 in small bills in a suitcase shipped down to Florida for delivery upon the completion of the assassination. This, of course, never took place and the money was alleged to have been shipped back up to the CIA in Washington. Additionally, $10,000 on one occasion and perhaps $1,000 or $2,000 on another occasion is alleged to have been given to individuals in Florida along with quantities of guns and explosives in pursuance of the Agency's goal of assassinating Castro.

While it is uncertain as to Maheu's exact knowledge of the details of either the so-called "first phase" or "second phase" of the assassination attempts, he did provide the original introductions and may have extensive knowledge of

NW 50955 DocId:32423549 Page 11

the events occurring thereafter. In any event, his testimony will provide the sworn details of how the original Agency contact took place, who was there, and what was said and what eventually was done.

(2) Las Vegas Wiretap on Dan Rowan's Apartment

Maheu will be able to provide the Committee detailed testimony on how this tap was requested, why it was requested, and how the CIA was involved. It has been alleged and testified to (by witness O'Connell) that the Las Vegas tap on Rowan's apartment originated with a request by Maheu to the CIA that Giancana wanted a tap placed in the apartment. Maheu advised the Agency to seek its approval of the placing of the tap. In my opinion, Maheu did this so that if anyone was caught he could then avoid prosecution since the Agency was involved (which ultimately occurred).

The CIA, in its documents, has denied it had any advance knowledge of the tap but this denial is contradicted by the sworn testimony of CIA agent O'Connell who says that Maheu did advise him in advance that Giancana wanted the tap placed. O'Connell further testified that Maheu said that if the tap was not placed, Giancana would withdraw from his efforts in the assassination scheme. O'Connell testified

NW 50955 DocId:32423549 Page 12

TOP Secret

that this was passed upward within the CIA and that approval to place the tap came back down to O'Connell and O'Connell transmitted it to Maheu. The tap was placed on the telephone in Rowan's apartment and subsequently the persons who placed it were apprehended. The tap was placed in (approximately) the winter of 1960. O'Connell has also testified that the CIA provided the money to pay the individuals who Maheu hired to place the tap.

Subsequently, the Justice Department was investigating the Las Vegas tap and there was a move within the Department to prosecute Maheu and the persons who placed the tap for illegal wiretapping. It was at this time that Maheu went to the CIA and asked the CIA to intervene with the Justice Department to get his prosecution dropped. The CIA then approached Attorney General Kennedy and the prosecution was dropped. Maheu can provide the Committee detailed testimony in this area and is one of the few people who can do so. Maheu's testimony regarding the details of these conversations in this area is of great importance to the Committee. He can establish the involvement or lack of involvement of the CIA in this illegal wiretap.

TOP Secret

NW 50955 DocId:32423549 Page 13

(3) Maheu involvement in CIA domestic activities

In 1954 Maheu was recruited by the CIA for use by the CIA's Office of Security for "extremely sensitive cases." He was paid $500 per month on the condition that he move into his own private office (he had previously shared office space with Carmine Bellino -- associated in the past with illegal wiretapping) and be "on call" by the Office of Security for sensitive assignments. The CIA documents do not indicate how long a period Maheu was on the $500 per month retainer, but it would appear that this retainer was only for the first year or two, i.e. 1954-55. It was at this time that Maheu was first starting out in the investigative area and in fact it was in the year 1954 that Maheu first formed his private investigations company of Robert A. Maheu Associates. Through the previous testimony of CIA official O'Connell we know that Maheu was used for wiretapping and surreptitious entries. O'Connell recalls one specific incident of Maheu entering a student's apartment in Washington, D. C. for the CIA. Maheu can provide detailed testimony on exactly what he did for the CIA, how often and where.

NW 50955 DocId:32423549 Page 14

TOP SECRET

(a) Wiretapping/Surveillance of Aristotle Onassis

In July of 1954 Maheu was hired by British shipping interests sponsored by Stavros Niarchos. During his employment for Niarchos Maheu conducted a surveillance of Aristotle Onassis in New York City. CIA documents indicate that Maheu stated that he had technical coverage (wiretap) of Onassis' New York apartment and that he used one of his employees, John Frank, to perform electronic surveillance. The CIA documents also indicate that Maheu hired a technician by the name of "Leon" to perform this surveillance and that the CIA "may have" been given some of the information received by Maheu from this technical coverage. Maheu can provide an explanation for exactly what he did and what connection he had with the Agency in this venture against Aristotle Onassis.

(b) Procuring Females and Producing Films of Foreign Leaders for the CIA

Maheu was used by the CIA in 1957, 1958, and 1959 on three different projects involving leaders of foreign countries, i.e. heads of state. The first such project was entitled "Project Happy Days" and occurred in 1957. In this project Maheu was requested by the CIA to rent a movie studio in California and make up an actor to look like a foreign

TOP SECRET

head of state. Maheu was to produce a film with the actor and an actress simulating an intimate relationship. The CIA then, through its Technical Division, provided a backdrop for the film, which would make the completed film appear to be a film of the foreign leader having an affair in Russia. The Agency was then to distribute the film in the leader's country to embarrass him and to make him angry at the Soviets. CIA documents indicate that while the film was completed and sent to the Office of Security of the CIA, it was never distrubuted abroad. The second project which the Agency asked Maheu to complete was entitled "Project HARPSTAR." In this 1958 project, Maheu was requested to and did obtain a woman to send overseas to try and "cultivate" the same foreign leader about which the film was made. The woman was apparently sent overseas but it is unclear exactly what she did with regard to the foreign leader. Maheu should be able to provide the details. Maheu was involved with the CIA in still a third project which was entitled "Project NORFOLK." In this project, Maheu was asked to and did provide "female companionship" in June of 1959 for foreign leader #2 (this head of state of a foreign country is different from the foreign leader heretofore referred to in Projects Happy Days and HARPSTAR). Maheu

NW 50955 DocId:32423549 Page 16

introduced this woman, who was described as a "part-time actress" and she was instructed that the CIA "wanted her to go to bed" with the foreign leader. The CIA rented a house in Long Island for the female and the leader to stay at, and they did stay there during the month of June 1959. The CIA documents also reveal that mail sent between the female and the leader was opened and that they were otherwise surveilled. Maheu may explain upon whose authority this was done and to what extent the CIA was involved.

Maheu will be able to testify about the exact instructions he received and the persons he dealt with at the CIA in these three projects which were mounted against leaders of foreign countries. Maheu may also be able to provide any hearsay knowledge that he might have about the use of the CIA's Technical Services Division for other such projects or programs. Note: TSD also produced the poison pills for Castro and, allegedly, poison virus for Lumumba.

(c) Maheu's Provision of Commercial Cover Facilities for CIA Agents

Maheu provided the CIA with (1) use of Maheu's office as a live address for cover, (2) assistance in obtaining safehouses, (3) use of Maheu to provide cover employment for CIA personnel both in the United States and abroad.

NW 50955 DocId:32423549 Page 17

In this regard, CIA documents establish that Maheu provided cover for a CIA employee in Washington, D. C. (who was ostensibly employed in Maheu's Washington office) from September 1964 to June 1966. It is unknown exactly what this employee did in the United States. Additionally, CIA documents establish that Maheu provided cover for a CIA employee in [redacted] from August 1968 to December 1970. Again, it is unknown exactly what this Agency employee did in that country. Maheu should know details.

(d) Miscellaneous Activities of Maheu for CIA

International Labor -- CIA documents seem to indicate that Maheu was requested to provide the CIA with an entree into the international labor field. The documents reference Maheu's involvement with David J. MacDonald, former President of the United Steel Workers, state that information was passed from CIA Commercial Cover Division employees to Maheu. The details and import of this are unknown at the present time, and, of course, Maheu should be able to elaborate on what, if anything, was involved in this.

Howard Hughes Organization -- Much of the contact between Maheu and the CIA occurred when Maheu was either attempting to line up Hughes as a major client or actually

NW 50955 DocId:32423549 Page 18

TOP SECRET

in the employ of Hughes. Agency documents indicate that Maheu was involved in the use of Hughes for non-official cover in 1962-1964 when the aircraft division of Howard Hughes Tool Company in Culver City, California was utilized by the CIA. The documents do not provide any details as to what this is all about. Additionally, CIA documents indicate that Maheu placed a telephone call in December 1970 to the CIA complaining that the CIA was using Hughes to "embark on a new project without going through Maheu." This information is again fragmentary and Maheu could perhaps provide the full story.

For the reasons outlined above, it is submitted that Maheu possess sufficient information about matters within the Committee's mandate to make him a valuable witness for the Committee. Therefore, he should be granted "use immunity" so that he might be compelled to testify before the Committee. As aforementioned, "use immunity" will not prevent the prosecution of Maheu by any federal or state authority, should either desire to prosecute and should they have "independent evidence" with which to so prosecute him. It must be stated, however, that ultimate prosecution of a person like Maheu who was involved in events some ten to

NW 50955 DocId:32423549 Page 19

TOP SECRET

fifteen years ago is highly unlikely. In any event, Maheu's grant of immunity will allow the Committee to rapidly proceed in its fact-finding process in determining to what extent the CIA engaged in activities in violation of its charter.

TOP

NW 50955 DocId:32423549 Page 20