Agency Information

AGENCY: HSCA
RECORD NUMBER: 180-10116-10329
RECORD SERIES: TRANSCRIPTS OF EXECUTIVE SESSION HEARINGS
AGENCY FILE NUMBER:

Document Information

ORIGINATOR: HSCA
FROM:
TO:
TITLE:

DATE: 04/13/1978
PAGES: 1

SUBJECTS:
ANTI-CASTRO ACTIVITIES
ORGANIZED CRIME
HSCA, METHODOLOGY
HSCA, ADMINISTRATION

DOCUMENT TYPE: TRANSCRIPT
CLASSIFICATION: Unclassified
RESTRICTIONS: Open in Full
CURRENT STATUS: Redact
DATE OF LAST REVIEW: 08/17/1993

OPENING CRITERIA:

COMMENTS: Box 1. Folder title: Executive session.
The committee met, pursuant to call, at 5:10 p.m., in room 1310, Longworth Building, the Hon. Louis Stokes (chairman of the committee) presiding.


Chairman Stokes. A quorum being present at this time, the full committee will come to order.

The Chair recognizes Mr. Blakey.

Mr. Blakey. Mr. Chairman, all of the issues that would be discussed at the meeting today deal with the nature of the investigation and its progress and it would be appropriate therefore that the meeting be in closed session.

Chairman Stokes. The Chair will entertain a motion.

Mr. McKinney. I so move.
Chairman Stokes. It has been properly moved that the session be closed.

The clerk will call the roll.

Miss Berning. Mr. Stokes.

Chairman Stokes. Aye.

Miss Berning. Mr. Devine.

Mr. Devine. Aye.

Miss Berning. Mr. Preyer.

Mr. Preyer. Aye.

Miss Berning. Mr. McKinney.

Mr. McKinney. Aye.

Miss Berning. Mr. Fauntroy.

[No response]

Miss Berning. Mr. Thone.

[No response]

Miss Berning. Mrs. Burke.

[No response]

Miss Berning. Mr. Sawyer.

[No response]

Miss Berning. Mr. Dodd.

Mr. Dodd. Aye.

Miss Berning. Mr. Ford.

Mr. Ford. Aye.

Miss Berning. Mr. Fithian.

[No response]
Miss Berning. Mr. Edgar.

Mr. Edgar. Aye.

Miss Berning. Seven Ayes, Mr. Chairman.

Chairman Stokes. Seven members having voted in the affirmative, this session is now in executive session and all members of the public are asked to be excused from the room.

Mr. Blakey.

Mr. Blakey. Mr. Chairman, you have before you a resolution for immunity which would authorize counsel on behalf of the committee to appear before the court and secure immunity orders for those people whose names are designated on the list. These immunity orders are like those similarly secured in the past. They are contingency orders; they would of course not become effective unless communicated to a witness during the course of the proceeding.

The justifications for the immunity orders appear on attachments. In essence they are either those people involved in the anti-Castro Cuban community or in some way connected to organized crime. That is the general description of them. We have some reason to suspect that many, if not all, of them would have good reason to claim for the self-incrimination. I would be glad to answer any questions about them individually.

Mr. Preyer (presiding). Are there any questions concerning any of these?

Entered as full committee exhibit No. 17, see App. 155 p. 10.
Have we been able to locate all these people?

Mr. Blakey. Yes.

I am sorry, Mr. Chairman. Mr. Wolf reminds me that one or two are not yet located.

Mr. Preyer. If there are no questions, is there a motion adopting this resolution?

Mr. McKinney. I so move.

Mr. Dodd. Second.

Mr. Preyer. Moved and seconded.

Miss Berning will call the roll.

Mr. McKinney. The Chairman is outside going over a letter.

Mr. Blakey. The proxies are made out to the Chairman.

Mr. Preyer. There are familiar names in here. You might advise me of the nature of these people.

Mr. Blakey. The nature of the fact is that we are beginning to move into the interrogation of those people who have been the subject of previous testimony.

Miss Berning. Mr. Stokes.

Chairman Stokes. Aye.

Miss Berning. Mr. Devine.

Mr. Devine. Aye.

Miss Berning. Mr. Preyer.

Mr. Preyer. Aye.

Miss Berning. Mr. McKinney.
Mr. McKinney. Aye.

Miss Berning. Mr. Fauntroy.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Thone.

[No response]

Miss Berning. Mrs. Burke.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Sawyer.

[No response]

Miss Berning. Mr. Dodd.

Mr. Dodd. Aye.

Miss Berning. Mr. Ford.

Mr. Ford. Aye.

Miss Berning. Mr. Pithian.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Edgar.

Mr. Edgar. Aye.

Miss Berning. Ten Ayes, Mr. Chairman.

Chairman Stokes. Ten members having voted in the affirmative, the resolution is adopted.

Mr. Blakey.

Mr. Blakey. Mr. Chairman, the next question that requires a vote of the committee deals with a resolution authorizing counsel on behalf of the committee to appear before court and secure letters for interrogatories. This is a necessity which
is an outgrowth of the committee's trip to Portugal. The Portuguese authorities have requested these letters, the nature of which is explained in an attachment, to enable the staff in a subsequent trip to Portugal to speak with Portuguese citizens. To do this we have to go to court to get the appropriate papers.

For the committee to go to court, there must be an appropriate resolution. The individuals whose names appear in the resolution are those individuals we have identified as possible witnesses in Portugal. As you will recall, James Earl Ray spent some of his overseas sojourn in that country and these are people in some way connected to him.

Chairman Stokes. Okay. Is there any further discussion on the resolution?

Any questions?

Mr. Devine. I move the adoption.

Mr. Preyer. I would just comment that Hausman and Evans have done a very good job in order to get access to these witnesses and it has been tough.

Chairman Stokes. That is good to know.

If there is nothing further at this time, the clerk will call the roll.

Miss Berning. Mr. Stokes.

Chairman Stokes. Aye.

Miss Berning. Mr. Devine.
Mr. Devine. Aye.

Miss Berning. Mr. Preyer.

Mr. Preyer. Aye.

Miss Berning. Mr. McKinney.

Mr. McKinney. Aye.

Miss Berning. Mr. Fauntroy.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Thone.

[No response]

Miss Berning. Mrs. Burke.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Sawyer.

[No response]

Miss Berning. Mr. Dodd.

Mr. Dodd. Aye.

Miss Berning. Mr. Ford.

Mr. Ford. Aye.

Miss Berning. Mr. Fithian.

Chairman Stokes. Aye by proxy.

Miss Berning. Mr. Edgar.

Mr. Edgar. Aye.

Miss Berning. Ten Ayes, Mr. Chairman.

Chairman Stokes. Ten members having voted in the affirmative, the resolution is adopted.

Mr. Blakey.
Mr. Blakey. Mr. Chairman, there are no further matters that would require a vote by the committee. There are several matters of information that might be appropriate to draw to the committee's attention. The first is an informational matter.

Mr. Ortez appeared before the Kennedy Subcommittee this week and he is now being held by the United States Marshals. Mr. Fithian expressed some interest in perhaps pursuing further investigation with him. If we were to do that, we would have to keep him here for a while. Our own recommendation is that we not pursue Mr. Ortez at least at this time until we have gotten further information back from the Cuban government.

I didn't want to say anything to the Marshals about taking him back or not taking him back until I brought it up to the committee's attention, and really unless I hear an expression from the committee now as a whole that they would want to take some action with him now as opposed to later, I think it would be appropriate for us to release him. I would say that euphemistically since he is serving a 20-year term for airplane hijacking and it is doubtful that he is going to go anywhere, but nonetheless he will be available to the committee really on command from here on out.

Chairman Stokes. I would think that that explanation ought to suffice, and as long as he is available to the
committee Mr. Fithian will take note there should be no problem.

Mr. Blakey. The next point which is again one of information, the committee had voted to certify to the floor Mr. Powell for contempt. During the recess we forwarded a letter to the Speaker bringing this matter to his attention.

The committee should be made aware of the fact that the Speaker suggested that since the recess is so short that this matter be brought to the floor and it is my understanding that the chairman will bring the matter to the floor if not next week the first part of the following week. The committee should be informed of that.

The next matter is a delicate one; it is a continuation of the conversation the committee had several days ago and it deals with the possibility that Mr. Lane might represent the entire Ray family and other people and that in that representation he might attempt to orchestrate the testimony before the committee. As the facts are developing, they do not appear to be as sinister as we thought they might have been.

We have now learned that Mr. Lane will not represent John Ray. We have also learned that Mr. Lane will not represent Carol Pepper. So what was looking like it was going to be very sinister is currently not looking that way at all and perhaps this cup is passing in front of us.

The source of our information we had hoped would be
mature today and a positive recommendation could be made to
the committee. It now looks like the conversations between
Mr. Lane and the various witnesses will not take place until
this weekend and consequently the staff will not be in a
position to make a firm recommendation to the committee that
it take some action until next week. This conversation or
this information is brought to your attention so that you
could be fully apprised of the progress. We remain suspi-
cious of the circumstances. We are perhaps less convinced
that they are imminent.

I would also draw to the committee's attention that Mr.
Lane will be appearing representing witnesses next week and
it would be appropriate at that time to begin some negotiations
with him for at least one more trip to flush him out and to
see James Earl Ray before a final decision would be made by
the committee whether Mr. Ray should be brought to an execu-
tive session or brought only to the public sessions sometime
this summer.

I, of course, welcome any suggestions from the committee
on those negotiations.

Hearing none, I would at least begin to talk with Mr.
Lane if that is possible on Monday or Tuesday in reference to
making one more trip to flush him out, perhaps including in
the contingent action one or more members of the committee to
render a certain degree of solemnity since it will probably be
the final trip that it occasions. I think the details of
that can be left to the negotiations next week.

It is not clear that he would permit anyone to come in
but certainly we should make every effort to keep the lines
open with Mr. Lane and certainly make every effort to talk
to James Earl Ray until it is closed by the other side and
certainly not foreclosed by the committee.

Chairman Stokes. Mr. Edgar.

Mr. Edgar. Yes, Mr. Chairman. I would just like to
indicate my support for trying to get yourself or some other
member of the congressional delegation here to participate in
that last final cross examination because we don't have any
guarantee as to what events may transpire with James Earl Ray
and I think it is important for us to get some sense from our
own membership as to some of his answers to the specific
question. I also think it would elevate discussion from the
staff level that we have had on several occasions to moving
to the point where the committee has to deal with it direct.

Chairman Stokes. Do any other members have any comments?

Mr. McKinney. This is the only question I would have, is
what would you do under the conditions that Lane has orches-
trated?

Mr. Blakey. Well, the limit that we face, Mr. McKinney,
is that basically we have a one witness situation, one person
is telling us what is going on, and four or five people are
involved on the other side and so we have a conflict of
testimony between one witness and Lane and the other people.
That is not in prosecutive terms a very good case. Our rules
will not permit us to do what a prosecutor would normally do
in this situation; that is, wire the informant for sound, put
a tape recorder on him.

The remedy that we would have would be if Mr. Lane is in
fact not given simple advice but orchestrating testimony, that
would amount to an obstruction of a congressional investigation
which is a Federal felony. If the evidence that comes to our
attention is sufficiently strong to believe that that is what
he is doing, one option that would be available to the commit-
tee would be to bring this to the attention of the Attorney
General and the Attorney General could per se, consistent with
the law of ethics and the general morality, be involved at
least to the extent of wiring the informant for sound and
gathering the evidence for the purposes of a criminal prose-
cution.

This would at least leave the committee in the posture of
knowing accurately what happened even though we learned that
incident to a criminal investigation pursued by the Department.
There are obvious reasons why that should not be done. One of
them is that the Department of Justice is the subject of this
investigation and it seems somewhat ironic that they should be
brought in as a participant in the investigation. It is a hard
choice and I would hope that the suspicions we have of what Mr. Lane's conduct is turn out to be unfounded. I would rather believe him to be an ethical and a lawful law abiding person and if we cannot get evidence warranting serious action on the part of the committee indicating the contrary, then I suspect we will not have to face the decision of whether to bring the Department of Justice into it.

There was only one other issue that I thought that the committee might want at this time to be briefed on and that is the status of the Cuban trip. When I noticed the people who were here, I see that several of you have already been briefed on the Cuba trip or have already gone and so I am not necessarily of a mind to belabor a point that you are already familiar with. If Mr. Ford or Mr. McKinney would want a private briefing later, it would not necessarily have to be on the record.

Mr. McKinney. Yes.

Mr. Blakey. I would have at this time no further matters to bring before the committee. I obviously am open to any questions about the status of the investigation or other issues that you might want to bring up.

Mr. Ford. Mr. Chairman, I do have an issue I would like to bring up before the committee while the chief counsel is here.

Earlier this week one of the staff people with the
committee made contact with one of my staff persons in my
office and certain innuendos were made about a report on Ed
Redditt that something had leaked from my office to one of the
networks there in my district, a national network, I am not
sure which one.

I do want the committee to know that my staff persons are
not privy to the information of this committee at all and I
thought that maybe the staff person should have made contact
with me personally and asked whether or not the information
got out of my office pertaining to the statement that Ed
Redditt had made before the committee on the King assassina-
tion. I was not aware of the statement at the close of
business that day.

I was there all during the early afternoon session. I
left to catch a plane. That weekend while I was home in
Memphis, Ed Redditt and one of the networks locally in my
district made contact with me about two matters, one relating
to whether or not I would make a motion before the full
committee to remove the earlier statements that he had made
before he came back and apologized to me and I guess at that
point a true statement.

But the television station also called me in regard to
one of the staff people that I questioned on that particular
day about an incident that happened in Memphis while he was
down investigating the King assassination. I told him that
I would not give him any information and that was it, but when the staff person called on my staff certain not allegations but certain statements were made.

I just want for the record to say that in the future I would hope that the committee would make contact with me inasmuch as I have kept this information from my staff and any information at all that would come from the office would certainly come from me. Giving an impression to my staff people that I am dishonest or something, I would hope that in the future we would try to correct that, talk with me directly about it rather than the innuendos here and there as to what was said.

Mr. Blakey. Mr. Ford, I obviously regret any implication that was carried by anything the staff did. As I am sure you are aware, the matter of how that memorandum leaked is a serious concern to the committee certainly the committee staff. It has already affected our ability to conduct the investigation in Memphis. Our witnesses have told our investigators: "How can you guarantee me confidentiality? Look at what happened to Ed Redditt."

Fortunately that has not made the papers in Washington yet and to our knowledge the Federal investigative agencies we are dealing with. The FBI and the CIA are probably not yet aware that that leaked although we have been in an extremely delicate process and are negotiating with them for
release to the committee of classified and other information
and if they were of the impression that it would be leaked
over here, we won't get it. So this is a very serious matter
and it is one that I really was not fully prepared to discuss
today.

I have directed the people in Memphis to gather the
maximum information they can about what was said and what
was done there by the news media and then we are in the
process now of trying to ascertain everybody who had access
to that memo. The memo was drafted for the entire committee.
It apparently was not given to the entire committee so there
were a limited number of copies. As soon as we have prepared
an analysis as best we can of everything that happened, it
will be appropriate to bring it back to the committee for
whatever the committee wants to do.

Chairman Stokes. Okay. Anything further?

Mr. Blakey. No, sir.

Mr. Preyer. Mr. Chairman, I was about to make my final
motion. Seeing the condition of the gentleman on my right
[laughter], I move we adjourn.

Mr. Dodd. I will second that motion, I'll tell you. I'm
tired.

Chairman Stokes. The meeting is then adjourned subject
to the call of the Chair.

[Whereupon, at 5:34 p.m. the committee adjourned.]