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5212
CAPS
CTR (Committee Meeting)

~~EXECUTIVE SESSION~~

- 5 -
- 4 -

1228
CAPS
CTR (Thursday, April 13, 1978)

U.S. House of Representatives, [] [] [] []

Select Committee on Assassinations, [] []

Washington, D. C. []

9 // The committee met, pursuant to call, at 5:10 p.m., in
10 room 1310, Longworth Building, the Hon. Louis Stokes
11 (chairman of the committee) presiding.

12 Present: Representatives Stokes, Preyer, Dodd, Ford,
13 Edgar, Devine and McKinney.

14 Staff Members Present: G. Robert Blakey, G. Johnson,
15 M. Eberhardt, J. Wolf, A. Hausman, E. Berning, W. Cross and
16 I. C. Matthews.

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

19 The Chair recognizes Mr. Blakey.

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

24 Chairman Stokes. The Chair will entertain a motion.

25 Mr. McKinney. I so move.

91 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]

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1 Miss Berning. Mr. Edgar.

2 Mr. Edgar. Aye.

3 Miss Berning. Seven Ayes, Mr. Chairman.

4 Chairman Stokes. Seven members having voted in the
5 affirmative, ~~this session~~ ^{the committee} is now in executive session and
6 all members of the public are asked to be excused from the
7 room.

8 Mr. Blakey.

9 Mr. Blakey. Mr. Chairman, you have before you a resolu-
10 tion for immunity ¹² which would authorize counsel on behalf of
11 the committee to appear before the court and secure immunity
12 orders for those people whose names are designated on the
13 list. These immunity orders are like those similarly secured
14 in the past. They are contingency orders; they would of
15 course not become effective unless communicated to a witness
16 during the course of the proceeding.

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

24 Mr. Preyer (presiding). Are there any questions concern-
25 ing any of these?

91 Entered as full committee exhibit No. 17, see App. $\frac{1}{H}$ P. $\frac{1}{H}$ C

1 7 Have we been able to locate all these people?

2 Mr. Blakey. Yes.

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

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

7 McKinney.
8 Mr. ~~Edwards~~ I so move.

9 Mr. Dodd. Second.

10 Mr. Preyer. Moved and seconded.

11 Miss Berning will call the roll.

12 Mr. McKinney. The ~~Chairman~~ is outside going over a
13 letter.

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

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

17 Mr. Blakey. The nature of the fact is that we are begin-
18 ning to move into the interrogation of those people who have
19 been the subject of previous testimony.

20 Miss Berning. Mr. Stokes.

21 Chairman Stokes. Aye.

22 Miss Berning. Mr. Devine.

23 Mr. Devine. Aye.

24 Miss Berning. Mr. Preyer.

25 Mr. Preyer. Aye.

Miss Berning. Mr. McKinney.

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1 9 Mr. McKinney. Aye.

2 Miss. Berning. Mr. Fauntroy.

3 Chairman Stokes. Aye by proxy.

4 Miss. Berning. Mr. Thone.

5 [No response]

6 Miss. Berning. Mrs. Burke.

7 Chairman Stokes. Aye by proxy.

8 Miss. Berning. Mr. Sawyer.

9 [No response]

10 Miss. Berning. Mr. Dodd.

11 Mr. Dodd. Aye.

12 Miss. Berning. Mr. Ford.

13 Mr. Ford. Aye.

14 Miss. Berning. Mr. Fithian.

15 Chairman Stokes. Aye by proxy.

16 Miss. Berning. Mr. Edgar.

17 Mr. Edgar. Aye.

18 Miss. Berning. Ten Ayes, Mr. Chairman.

19 Chairman Stokes. Ten members having voted in the affirm-
20 ative, the resolution is adopted.

21 Mr. Blakey.

22 Mr. Blakey. Mr. Chairman, the next question that requires
23 a vote of the committee deals with a resolution authorizing
24 counsel on behalf of the committee to appear before court and
25 secure letters for interrogatories. This is a necessity which

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1 is an outgrowth of the committee's trip to Portugal. The
2 Portuguese authorities have requested these letters, the
3 nature of which is explained in an attachment, to enable the
4 staff in a subsequent trip to Portugal to speak with
5 Portuguese citizens. To do this we have to go to court to
6 get the appropriate papers.

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

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

15 Any questions?

16 Mr. Devine. I move the adoption.

17 Mr. Preyer. I would just comment that ^{Alan}~~Alex~~ Hausman and

18 ^{Eddie}

~~R~~ Evans have done a very good job in order to get access to
19 these witnesses and it has been tough.

20 Chairman Stokes. That is good to know.

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

23 Miss. Berning. Mr. Stokes.

24 Chairman Stokes. Aye.

25 Miss. Berning. Mr. Devine.



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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.



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

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

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

24 Chairman Stokes. I would think that that explanation
25 ought to suffice, and as long as he is available to the

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1 committee $\frac{1}{M}$ Mr. Fithian will take note $\frac{1}{M}$ there should be
2 no problem.

3 Mr. Blakey. The next point which is again one of
4 information, the committee had voted to certify to the floor
5 Mr. ^{Powell}~~Paul~~ for contempt. During the recess we forwarded a
6 letter to the Speaker bringing this matter to his attention.
7 The committee should be made aware of the fact that the
8 Speaker suggested that since the recess is so short that this
9 matter be brought to the floor and it is my understanding that
10 the Chairman will bring the matter to the floor if not next
11 week the first part of the following week. The committee
12 should be informed of that.

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

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

25 The source of our information we had hoped would be

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

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

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

21 Hearing none, I would at least begin to talk with Mr.
22 Lane if that is possible on Monday or Tuesday in reference to
23 making one more trip to flush him out, perhaps including in
24 the contingent action one or more members of the committee to
25 render a certain degree of solemnity since it will probably be

1 the final trip that it occasions. I think the details of
2 that can be left to the negotiations next week.

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

8 Chairman Stokes. Mr. Edgar.

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

19 Chairman Stokes. Do any other members have any comments?

20 Mr. McKinney. ~~This is~~ ^T the only question I ~~would~~ have, is
21 *this* what would you do under the conditions that Lane ~~has~~ ^{has} orches-
22 trated?

23 Mr. Blakey. Well, the limit that we face, Mr. McKinney,
24 is that basically we have a one witness situation, one person
25 is telling us what is going on, and four or five people are

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1 involved on the other side and so we have a conflict of
2 testimony between one witness and Lane and the other people.
3 That is not in prosecutive terms a very good case. Our rules
4 will not permit us to do what a prosecutor would normally do
5 in this situation; that is, wire the informant for sound, put
6 a tape recorder on him.

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

19 This would at least leave the committee in the posture of
20 knowing accurately what happened even though we learned that
21 incident to a criminal investigation pursued by the Department.
22 There are obvious reasons why that should not be done. One of
23 them is that the Department of Justice is the subject of this
24 investigation and it seems somewhat ironic that they should be
25 brought in as a participant in the investigation. It is a hard

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1 choice and I would hope that the suspicions we have of what
2 Mr. Lane's conduct is turn out to be unfounded. I would rather
3 believe him to be an ethical and a lawful law abiding person
4 and if we cannot get evidence warranting serious action on the
5 part of the committee indicating the contrary, then I suspect
6 we will not have to face the decision of whether to bring the
7 Department of Justice into it.

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

17 Mr. McKinney. Yes.

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

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

25 Earlier this week one of the staff people with the

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

6 **9** I do want the committee to know that my staff persons are
7 not privy to the information of this committee at all and I
8 thought that maybe the staff person should have made contact
9 with me personally and asked whether or not the information
10 got out of my office pertaining to the statement that Ed
11 Redditt had made before the committee on the King assassina-
12 tion. I was not aware of the statement at the close of
13 business that day.

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

22 But the television station also called me in regard to
23 one of the staff people that I questioned on that particular
24 day about an incident that happened in Memphis while he was
25 down investigating the King assassination. I told him that

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1 I would not give him any information and that was it, but
2 when the staff person called on my staff $\frac{1}{M}$ certain not
3 allegations but certain statements were made.

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

13 Mr. Blakey. Mr. Ford, I obviously regret any implication
14 that was carried by anything the staff did. As I am sure you
15 are aware, the matter of how that memorandum leaked is a
16 serious concern to the committee $\frac{1}{M}$ certainly the committee
17 staff. It has already affected our ability to conduct the
18 investigation in Memphis. Our witnesses have told our inves-
19 tigators: "How can you guarantee me confidentiality? Look at
20 what happened to Ed Redditt."

21 Fortunately that has not made the papers in Washington
22 yet and to our knowledge the Federal investigative agencies
23 we are dealing with. The FBI and the CIA are probably not
24 yet aware that that leaked although we have been in an
25 extremely delicate process and are negotiating with them for

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1 release to the committee of classified and other information
2 and if they were of the impression that it would be leaked
3 over here, we won't get it. So this is a very serious matter
4 and it is one that I really was not fully prepared to discuss
5 today.

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

16 Chairman Stokes. Okay. Anything further?

17 Mr. Blakey. No, sir.

18 Mr. Preyer. Mr. Chairman, I was about to make my final
19 motion. Seeing the condition of the gentleman on my right

20 [laughter], I move we adjourn.

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

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

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

-22-

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