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Stenographic Transcript Of
HEARINGS
Before The
SELECT COMMITTEE ON ASSASSINATIONS
HOUSE OF REPRESENTATIVES

COMMITTEE BUSINESS

Executive Session

Washington, D.C.

October 20, 1977

Alderson Reporting Company, Inc.

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COMMITTEE MEETING

Thursday, October 20, 1977

House of Representatives,
Select Committee on Assassinations
Washington, D. C.

The Committee met, pursuant to notice, at 2:15 p.m.,
in Room 2325, Rayburn House Office Building, the Honorable
Louis Stokes (Chairman of the Committee) presiding.

Present: Representatives Stokes, Preyer, Fauntroy, Burke,
Ford, Fithian, Edgar, Devine, McKinney and Sawyer.

Staff Present: E. Evans, B. Lehner, E. Be^fning, J. Wolf,
G. Robert Blakey, I.C. Matthews, J. Schlic^htman, J. Facter,
D. Kuhn, and W. Cross.

The Chairman. A quorum being present, the full Select
Committee on Assassinations is now called to order.

Mr. Blakey, I recognize you.

Mr. Blakey. Mr. Chairman, we have one matter that can be
taken up in the open meeting. This is a continuation of an
issue raised in the last meeting.

You have before you a resolution to designate counsel.
This designation is on the Martin Luther King side.

(The above referred to resolution follows)

✓
Exhibit #2-MLK

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1 Mr. Blakey. We discussed this matter in the last meet-
2 ing with reference to the Kennedy side. This is merely a
3 continuation of that on the King side.

4 This would straighten out and make uniform our designated
5 counsel on both sides.

6 The Chairman. All right, are there any questions
7 relative to the resolution now before us?

8 Mr. Devine. Mr. Chairman, I suppose the reasons are the
9 same as given at the last meeting. I would, therefore, move
10 the adoption.

11 The Chairman. It has been properly moved that the
12 resolution now before us be adopted. The Clerk will call
13 the roll.

14 The Clerk. Mr. Stokes.

15 Mr. Stokes. Aye.

16 The Clerk. Mr. Devine.

17 Mr. Devine. Aye.

18 The Clerk. Mr. Preyer.

19 Mr. Preyer. Aye.

20 The Clerk. Mr. McKinney.

21 Mr. McKinney. Aye.

22 The Clerk. Mr. Fauntroy.

23 (No response)

24 The Clerk. Mr. Thone.

25 (No response)



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The Clerk. Mrs. Burke.

(No response)

The Clerk. Mr. Sawyer.

Mr. Sawyer. Aye.

The Clerk. Mr. Dodd.

(No response)

The Clerk. Mr. Ford.

(No response)

The Clerk. Mr. Edgar.

Mr. Edgar. Aye.

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Seven Ayes.

The Chairman. All right, the resolution is adopted.

Mr. Blakey.

Mr. Blakey. Mr. Chairman, the next two matters have to do with the investigations and I think it would probably be appropriate to go into close session.

Mr. McKinney. I would so move, Mr. Chairman.

The Chairman. Properly moved that the next matters be discussed in executive session.

The Clerk will call the roll.

The Clerk. Mr. Stokes.

Mr. Stokes. Aye.

The Clerk. Mr. Devine.



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1 Mr. Devine. Aye.

2 The Clerk. Mr. Preyer.

3 Mr. Preyer. Aye.

4 The Clerk. Mr. McKinney.

5 Mr. McKinney. Aye.

6 The Clerk. Mr. Fauntroy.

7 (No response)

8 The Clerk. Mr. Thone.

9 (No response)

10 The Clerk. Mrs. Burke.

11 (No response)

12 The Clerk. Mr. Sawyer.

13 Mr. Sawyer. Aye.

14 The Clerk. Mr. Dodd.

15 (No response)

16 The Clerk. Mr. Ford.

17 (No response)

18 The Clerk. Mr. Fithian.

19 Mr. Fithian. Aye.

20 The Clerk. Mr. Edgar.

21 Mr. Edgar. Aye.

22 The Clerk. Seven ayes.

23 The Chairman. All right, seven persons having voted in
24 the affirmative this meeting is now in executive session and
25 all members of the public therefore excluded.

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WITHDRAWAL NOTICE

1 Mr. Edgar. Aye.

2 The Clerk. Nine ayes.

3 Mr. Devine. We have about six minutes left.

4 The Chairman. The motion is carried.

5 Is there anything further? We will have to come back.

6 Mr. Blakey. There are two more issues.

7 The Chairman. We will go vote and come right back.

8 (A short recess was taken)

9 The Chairman. At this time we will resume the meeting
10 and, Mr. Blakey, you may proceed.

11 Mr. Blakey. Mr. Chairman, the next matter is a question
12 of an immunity grant for Santos Trafficante, Jr. ^{3/}

13 As I am sure you remember, Mr. Trafficante appeared
14 before the Committee sometime ago and claimed the privilege
15 of self-incrimination. He is like Loran Hall, kind of an
16 outstanding witness -- outstanding in the sense that he is
17 outstanding and not talking.

18 I think perhaps Mr. Trafficante has more potentiality for
19 considerably more substance than Loran Hall does.

20 What we would propose to do is on the second and third
21 of November to bring Mr. Trafficante in before the Kennedy
22 Subcommittee, although, of course, obviously everyone is
23 invited, and indeed encouraged to come.

24 My legal counsel corrects me, it should be a full
25 Committee meeting on the 2nd and 3rd since the original meeting

^{3/}
Exhibit #10-JFK

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1 was before the full Committee and the subpoena had originally
2 been issued before the full Committee. So I stand corrected
3 and I don't know why I forgot it. I talked about it. It
4 will be a full Committee meeting on the 2nd and 3rd to hear
5 from Mr. Trafficante.

6 The investigative strategy is to make this his initial
7 appearance, not his final and exhaustive appearance. If he
8 responds to us the thought is we should begin questioning him
9 primarily based on the Bayo-Pauli raid and his possible par-
10 ticipation in it.

11 Mr. Fauntroy. On the what?

12 Mr. Blakey. Bayo-Pauli raid. This is a matter that
13 came out from Mr. Hall.

14 We have also made an effort and are in the process now
15 of developing information from both the Central Intelligence
16 Agency and the FBI on this situation.

17 I might indicate that that raid is in itself not terribly
18 significant. It was probably a failure. Nevertheless, it is
19 a possible organize crime anti-Castro activity involving CIA
20 personnel well after anything turned up by the Church
21 Committee. There is, I don't say a possibility, but a merest
22 hint of suspicion that if the story originally given by Mr.
23 Roselli that one of these raids was turned around and brought
24 back on the President, some raid during this period of time
25

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1 would have to have filled that boat. It probably would have
2 involved Mr. Trafficante.

3 So we are beginning a step by step move in on a very
4 serious allegation, the Roselli matter, and we begin moving
5 in on it with Mr. Trafficante.

6 We are also in the process of continuing the contacts
7 initiated by your letter to Senator Inouye. We hope to have
8 available to us before Mr. Trafficante's appearance the
9 Roeselli testimony from the Senate, also the Maheu testimony
10 before the Senate. We can then evaluate whether we wanted to
11 hear from Mr. Maheu ourselves.

12 Obviously Mr. Roselli is no longer available for
13 Congressional subpoenas anyway.

14 If Mr. Trafficante does not cooperate with us -- we
15 really do not know whether he will or not. If he does, there
16 is a lot we can talk to him about now and perhaps even more
17 so we could talk to him about down the road. If he does not
18 cooperate with us, this is probably as good a time and place
19 to find out what happens if a witness does not cooperate after
20 having taken the Fifth Amendment.

21 I expect that after the first of the year it will be a
22 more common occurrence that witnesses will not cooperate with
23 us and it may be a good idea for us to have a little practice
24 before the first of the year. So Mr. Trafficante is really a
25 witness before the Committee designed to do a number of things.

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1 Mr. McKinney. I just have one question, Bob. You talked
2 about the worst of all worlds or the best. If some guy comes
3 in and says I am Raoul, the population control experiment
4 going on in this Kennedy assassination, it has leveled off the
5 population rapidly. If we get into many executive sessions and
6 give him immunity, what is going to make sure he is ever around
7 to appear again? The traffic death rate in this thing is
8 extreme. He is the last of the Mohicans as I understand it.

9 Mr. Blakey. He is certainly one of the last of the
10 Mohicans. I don't know I would state he is the last of the
11 Mohicans. That is a risk we are going to increasingly run
12 into not only with our organized crime witnesses but our Cuban
13 witnesses and the best I can say for Santo Trafficante, Jr.,
14 is perhaps to a little less degree, it certainly is true of
15 Giancana, the remarkable thing is that he is not dead now but
16 that he wasn't dead a long time ago.

17 There are an awful lot of people who had reasons to have
18 killed both his father and him for a number of years and they
19 have survived, and I think that is just a risk we have to run
20 for him. If he doesn't want to cooperate with us --

21 Mr. McKinney. I for one wouldn't go to the funeral
22 anyway, but I don't want to see our witnesses bumped off.

23 Mr. Blakey. We have already given him the dubious status
24 of being one of our witnesses when we called him. He was also
25 a witness before the Church Committee and of the three people

1 who testified before the Church Committee only he is alive.

2 Mr. Sawyer. Did he take the Fifth before the Church
3 Committee?

4 Mr. Blakey. Yes.

5 Mr. Sawyer. He took the Fifth before the Church Com-
6 mittee?

7 Mr. Blakey. My indications is he did not, he testified.

8 Mr. Devine. Wasn't his willingness to appear before us
9 and take the Fifth to show the war lords out there he was
10 going to stand up?

11 Mr. Blakey. I have heard conflicting stories as to why
12 he did. I think that is probably something we ought to find
13 out now when we are in a position to do some very serious
14 questioning of him. It is a predicate in our record to inter-
15 rogate him.

16 Mr. McKinney. He certainly wouldn't like the D.C. jail.

17 Mr. Fithian. Have we reviewed the Trafficante testimony
18 in the Senate?

19 Mr. Blakey. I am in the process of delicate negotiations
20 which will get us access to that now and my expectation is
21 that we will have reviewed it by that time.

22 Mr. Fithian. I am wondering, Mr. Blakey, if your
23 strategy might not possibly need modifying depending upon what
24 you find out if the man has already testified.

25 Mr. Blakey. It is my understanding of what he has

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1 testified about, it is unrelated to what we are talking about
2 but it is not squarely on all fours and the major focus of the
3 Senate Committee's investigation was the CIA-Mafia plots and
4 Mr. Trafficante and Mr. Roselli and Mr. Giacano played a major
5 roll in them. The major focus on the Senate Committee was on
6 the adequacy of the responses the intelligence agencies made
7 to the Warren Commission.

8 Our focus is really on the neither of those but on what
9 happened, actually happened on November 22nd. The witnesses
10 related but he has not yet been I think full and fairly
11 explored on Dallas as opposed to Miami and Havana.

12 Mr. Fithian. What happens to the House, if Mr.
13 Trafficante asks to have his session before us in open session?

14 Mr. Blakey. He can ask for that but it is an option he
15 doesn't have. Under the House Rules he should go into execu-
16 tive session because the kind of questions we would want to
17 ask him would tend to defame and incriminate clearly and
18 degrade.

19 Mr. Fithian. I am wondering somewhat about the members
20 in the House who really took us to task on that Trafficante
21 appearance and those who would say that unless you are willing
22 to permit a man to testify in open court you have violated his
23 civil liberties.

24 Mr. Blakey. Well, the House Rules are square, that the
25 House Rules say if a witness is going to testify in a manner to

1 defame, degrade or incriminate, you are supposed to go into
2 executive session. Our rules reflect that. In the context of
3 granting a person immunity, where you are going to pursue
4 investigative leads off what he said, hopefully says, it should
5 be in executive session.

6 The Chairman. Would the gentleman yield?

7 Mr. Fithian. Yes, I have finished.

8 The Chairman. On that point, wouldn't the gentleman
9 really agree that what shocked the consciences of some of the
10 members of the House was what they felt was a resort to
11 McCarthyism in terms of posing questions to the witness while
12 having a knowledge in advance that the witness would assert
13 his constitutional rights?

14 Mr. Fithian. I think that was certainly a pretty good
15 argument.

16 Mr. Blakey. I might say, Mr. Chairman, the staff has
17 discussed this and I will go on the record as saying that Mr.
18 Trafficante is not being called simply because of his alleged
19 associations with organized crime and there is no effort to
20 treat him as a guineapig or a Mafia witness. There is a
21 genuine bonified predicate in our record, and frankly while
22 no one can say they love organized crime, of all the things
23 that they can say about me, I don't think a person should be
24 called simply because he is a member of organized crime and
25 asked questions, if someone knows he is going to take the Fifth

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1 Amendment and take advantage of that.

2 If there was not a legitimate investigative predicate
3 in our record, in our files, I would have no part of bringing
4 him in here. He is a central figure in this investigation, on
5 both sides, in the sense in which some of the very serious
6 allegations that have been made involving primarily Castro
7 turning a group around and sending them back. If that is false
8 and Mr. Trafficante can lay that out, I think we have a duty
9 to destroy the false information, and if there is some indica-
10 tion that organized crime or anti-Castro groups had a part in
11 the assassination and Trafficante can help us move in that
12 direction, he has a legal duty to do it.

13 I think we should ask him whether he is going to live up
14 to his legal duty.

15 Mr. Fauntroy. Mr. Chairman.

16 The Chairman. Yes.

17 I have one further follow up question on that. Since
18 you have mentioned going into just one facet of the investiga-
19 tive information which has come to your attention, has the staff
20 discussed from the viewpoint of whether you ought to be ready
21 to go into other facets with Mr. Trafficante rather than to
22 confine yourself to any statement?

23 Mr. Blakey. This witness, if he is going to talk, is not
24 a one or two day witness. This witness may be two days now and
25 another six months down the road another two days, another 30

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1 days down the road, another three or four days. If he is going
2 to talk and cooperate with us this is merely a beginning and
3 it might as well begin now. We have enough to hold him for
4 two full days and our proposal is we do it on the second and
5 third of November. We could wait six months and give you five
6 days worth of testimony from him.

7 My feeling is there is a time pressure that is moving
8 us and that we should move as soon as possible.

9 Mr. McKinney. Mr. Chairman, evidently the Speaker
10 formally announced we would leave here on the 4th and go into
11 proforma sessions until the Energy conferees come back at
12 which point he will call the House back in session. I was
13 going to say when you said the 3rd and 4th --

14 Mr. Blakey. 2nd and 3rd.

15 Mr. McKinney. I would suggest that the week before the
16 4th we will probably be in until 1 o'clock every morning, full
17 roll call votes, maybe we can slip it over. The 3rd is what?

18 Mr. Blakey. Thursday.

19 Mr. Devine. Either that or borrow a room off the House
20 floor like the House Administration.

21 The Chairman. We will be extremely busy at that time.

22 Mr. McKinney. That will be a crazy week around this
23 place.

24 Mr. Blakey. We have scheduled for the Warren Commission
25 on the 8th, 9th and 10th and 15, 16th and 17th.

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1 Let me suggest that we tentatively schedule Trafficante
2 for the 2nd and 3rd and if everything collapses and we can't
3 make it, maybe we can move into Friday the 4th or Monday the
4 7th.

5 Mr. McKinney. We could do it if we could get a room over
6 in the Capitol. That is really a crazy time around here when
7 we are getting ready to go out.

8 Mr. Blakey. I think, frankly there is a real possibility,
9 assuming you vote today to grant him immunity, the Justice
10 Department is going to ask for 20 days after we go to court
11 anyway, and in which case we may not have Trafficante until the
12 end of November.

13 Mr. Fauntroy. I simply have a point of information to
14 raise. That is as to the kind of immunity that is requested
15 here. You gave us a distinction between use immunity and
16 transaction immunity and I am wondering what would be the case
17 given the immunity that we are presenting, or offering, were
18 he to, what would you call him, were he to be the person at
19 which the buck stops and he says "look fellows, Giancana, well,
20 I was afraid they were going to get me, I am the fellow, what
21 does this immunity that we are granting do with respect to
22 that?

23 Mr. Blakey. This is use immunity, not transaction
24 immunity, which means if anybody else could prove it indepen-
25 dent of our obtaining his confession, they could still prosecute

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1 him, and this is going to be the reoccurring nature of every
2 witness that we call, the closer we get to the heart of the
3 possible conspiracy, one of them is going to walk in here, as
4 Mr. McKinney said earlier, either the best of all possible
5 worlds or the worst of all possible worlds, I am not sure
6 which, and say I did do it. As to some of these people maybe
7 we should recommend perjury prosecutions because they are
8 probably liars. As to the others, we are going to have to
9 make a judgment when that happens or how we isolate the infor-
10 mation, so it does not interfere with our investigation and
11 the possible prosecutions of those people at a later point in
12 time.

13 In other words, we are not giving him immunity from
14 prosecution. He does not get a pardon like Richard Nixon got,
15 because he testifies before this Committee, all we do is in
16 effect take an illegally obtained confession from him. It
17 is like, legally, in quotation marks, beating a confession
18 out of him. That means that confession cannot be used against
19 him and nothing obtained from that confession can be used
20 against him. It is an inadmissible confession, is what it
21 amounts to. If we can get evidence independent of it we can
22 prosecute him.

23 Mr. Fauntroy. My view is that I am not interested in
24 prosecuting anybody, I simply want to know, and we can't really
25 operate on that basis, I take it?

1 Mr. Blakey. No, we cannot. We should operate on the
2 basis the function of this Committee is to find out what
3 happened, not to prosecute. We have a legislative function to
4 find out the facts and circumstances and the Congress has
5 given us the immunity from the use of testimony, not prosecu-
6 tion. We are not a prosecutive agency and if we handled the
7 immunized testimony carefully with the security procedures we
8 have set up we will not interfere with any prosecutive agency.
9 Consequently we should not be inhibited as prosecutors tradi-
10 tionally are in granting immunity.

11 That is the significance and the hope that this Committee
12 has, that none of the investigative agencies in the past have
13 had in pursuing these issues both in the King and Kennedy side.

14 Mr. Edgar. I just have a couple of questions. Can you
15 tell me the status of the two murder cases of the other two
16 witnesses who appeared before the Senate Committee?

17 Mr. Blakey. Both Giancana and Roselli are technically
18 open cases. I will tell you that a confidential informant
19 has told me that Trafficante is a suspect in the Giancana case,
20 I am sorry, the Roselli case.

21 Mr. Edgar. That was my next question, is Trafficante
22 a suspect? I guess my third question is in light of that
23 speculation, does our granting immunity at this point at all
24 interfere with any of those investigations of the two murders?

25 Mr. Blakey. No. In other words, we will do it in

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1 executive session and the immunized testimony will be treated
2 literally as top secret material. It will not be disclosed
3 to people on the Committee who do not have a need to know and
4 it will not be disclosed outside of this Committee without
5 literally the full vote of this Committee and the Justice
6 Department will be given an opportunity to segregate its
7 evidence now over a 20 day period if they want it, so that
8 they can show the independent character of their investigations.
9 They can date taking everything that they have and that they
10 had the day before we granted him immunity and thus show the
11 independence of their investigation over any testimony that
12 we might take up here.

13 The Chairman. Mr. Fithian.

14 Mr. Fithian. Thank you, Mr. Chairman.

15 I presume that you are operating on the assumption that
16 the likelihood of his not cooperating is very great?

17 Mr. Blakey. Well, John Hornbeck, who is preparing the
18 interrogation, said in jest, this won't take long. His
19 estimate, frankly in his estimation, John's background is that
20 of an organized crime prosecutor, he was once involved in
21 prosecuting Roselli -- is Mr. Trafficante will not cooperate
22 with us. I don't know what it is. Those kind of witnesses I
23 believe when they take the stand and begin talking, I think
24 there is a substantial chance they will not, in which case we
25 will have a hearing for more than ten or 15 minutes on either

1 the 2nd or the 3rd, there is also I believe substantial chance
2 he will come in and start telling us what happened. I am
3 dying to find out.

4 Mr. McKinney. So are we.

5 The Chairman. On that point, let's discuss the scenario
6 of it firstly, political implications also fo that spect of the
7 investigation.

8 That is a morning, in which firstly the presence will
9 be entitled to know who the witness is that is being called.

10 Mr. Blakey. We won't tell them. If Mr. Trafficante
11 wants to he is free to do so. His appearance would not be
12 announced. What would be announced, we would have a meeting
13 and if they recognized Trafficante in the hall, they would
14 find out about it, but there would be no duty on our part to
15 announce it.

16 We would begin it in open session and then we would close
17 it, then the witness would appear.

18 Mrs. Burke. He would have a right to oppose it being
19 closed?

20 Mr. Blakey. No.

21 Mrs. Blake. He would not?

22 Mr. Blakey. He couls ask that it be open but that is a
23 decision that is entirely up to the Committee. He does not
24 have the right to have it open and indeed the House Rules say
25 that it should be closed because it would defame, degraee and

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1 incriminate.

2 The Chairman. Assuming, let's say, the scenario con-
3 tinues as you indicated a little while ago, that in five, ten
4 at the most 15 minutes, there is nothing to prevent his
5 attorney from going outside saying to the press that my client
6 said nothing, asserted his constitutional rights and so forth.
7 In that vein are you prepared at this point to go to the mat
8 with him in terms of immunity?

9 Mr. Blakey. Yes.

10 The Chairman. And is the issue that important in terms
11 of the investigation that we would look right and proper when
12 the matter comes out in court?

13 Mr. Blakey. Yes. There are two levels on it. We
14 clearly have an investigative predicate for calling him. This
15 is not a sham or a circus witness. We have honest questions
16 to ask him, that we would ask him honest questions. If he
17 claims his privilege of self-incrimination and then it is
18 served on him, a valid immunity order is no longer privileged
19 to answer.

20 If he insists on not answering, it will indeed become
21 public because the scenario would involved a decision on the
22 Committee's part at that point to take him down to the District
23 Court for civil contempt and he would be ordered to testify and
24 if he did not testify he would be immediately remanded to
25 custody of the Attorney General. That means we would then be

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1 in the Court of Appeals within 30 to 60 days and the Supreme
2 Court at least on a right of certiorari within 60 to 90 days.

3 The Chairman. On that point, I guess this is my concern.

4 At the point where we engage in that process with the
5 courts, the court will ascertain from us at this point what
6 it is you are attempting to elicit from this witness and so
7 forth and I guess I am concerned about the political ramifica-
8 tions that was referred to by Floyd as it relates to this
9 witness here in the House at that point.

10 I just want to be sure that when they read it in the
11 newspapers that it would be so very relevant that this Committee
12 would have been negligent had we done anything other than that.

13 Mr. Blakey. That is precisely it. If this is the
14 witness that we must test our legal processes on, they will
15 be well tested. It will be useful for us to have tested and
16 had them sustained before January or February.

17 If he wants to go to the mat with us we are going to have
18 to go to the mat with somebody soon anyway, I think. I would
19 prefer that we don't. I would prefer that all witnesses
20 cooperate with us. I cannot believe that that will happen.
21 If we are going to go to the mat with any witness, this is as
22 good a one as any and better sooner than later.

23 We are probably now as prepared for this witness as we
24 will be for any, both legally in terms of taking it all the
25 way through the courts and factually in terms of interrogating

at this time.

The Chairman. I just have one other question. I would like to go off the record for this question.

(Discussion off the record)

Mr. Blakey. The question has arisen as to whether there was any previous conversation with Mr. Trafficante about possible cooperation. It is my understanding that there was and I think that when the letter is given to Mr. Trafficante returning him before the full Committee pursuant to the last subpoena that then will be the occasion for the lawyer to sit down and talk with us.

My experience has been in the past that lawyers talk an awful lot about what a witness is going to do, and that gives them delay. It is like a motion for a continuation. And I think what we need to do is to give him a point in time, a focus in which he can decide to cooperate with us. If his response might be look, I will sit down and talk with you, we don't need to do this publicly, we won't have a hearing on November 2nd or 3rd, we will indeed arrange to sit down and get his testimony fully, although ultimately it is not adequate for him just to sit down with John Hornbeck and me and the Chairman, I think this Committee has got to hear from him under oath, and we might as well find that out sooner rather than later.

The Chairman. Mr. Fithian.

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1 Mr. Fithian. I guess I would raise an objection to
2 proceeding at all were we to fail in getting to see his testi-
3 mony from the Senate. I substantiate that feeling on the
4 following grounds.

5 To the average citizen, let alone Mr. Trafficante, the
6 Congress is the Congress, it is made up of two bodies but
7 it is still the Congress of the United States.

8 I think we would look awfully silly as a part of that
9 process were we to have to proceed without knowing what the
10 other part of Congress had already done. So I would like to
11 inject at this time a rather serious reservation about the
12 process, about what you outline here, what you propose, unless
13 we are successful in dealing with our counterparts.

14 Mr. Blakey. I share your reservations. It was out of
15 that common concern that we are making an effort to get the
16 material from the Senate now and I would want to talk with
17 you assuming we can't get it from them ever, or we can get it
18 from them, but at a later point of time whether at that time
19 we should decide to postpone this.

20 Mr. Fithian. I think, if I may continue, I think I would
21 come on very strong in saying that the timing would be very
22 bad if in the hustle and bustle to get the emergency package out
23 Senate Chairman Inouye said we will sit down and negotiate
24 this but we are not going to get around to it right now, I
25 think then the timing of the interrogation of the witness, I

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1 I would find it difficult to justify the timing of the
2 interrogation if at, say, sometime later the Senate were
3 willing to make available to us what the testimony was.

4 Mr. Fithian. I think it is clear, it seems clear to me,
5 we are headed in a different direction than the Senate Com-
6 mittee was. I certainly would share the reservations of the
7 gentleman and would like to see if before you had Trafficante
8 here, but I am getting very concerned about us getting with-
9 held to death and when it comes to this damn Senate Committee
10 I think I have expressed my opinion on both the floor and to
11 the Chairman before that I cannot believe that we are having
12 a hrder time from other bodies, which to me stands for corpse,
13 than we did with the FBI, CIA, Secret Service or anybody else
14 who have a clearly constitutional differentiation in their
15 establishment.

16 (Discussion off the record)

17 Mr. Fithian. I also feel great concern that we get a
18 case under our belts so that when we come down to the end,
19 which happens to be in an election year and everything else,
20 that we have the machinery greased and working in fairly
21 orderly fashion.

22 Mr. Blakey. You have really only got about 12 months to
23 do this in. Any postponement takes a month.

24 Mr. Fithian. I understand that.

25 Mr. Blakey. It takes one-half of what we have available

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1 to us.

2 Mr. Fithian. I understand but I would personally object
3 if we had not utilized every possible lever to get at the
4 Senate information and clearly I don't think we have used
5 every possible lever.

6 Mr. Blakey. I have had dinner already twice with people
7 related to the Senate.

8 Mr. Fithian. They are higher stakes than trading in
9 that matter between Tip O'Neill and Bob Byrd. That is what
10 I am saying.

11 Mr. McKinney. I would suggest to the gentleman under
12 the previous counsel and previous Chairman and this Chairman
13 we have used some, and our temporary Chairman, I think Ritch
14 is not here unfortunately to speak for himself, I think he
15 got about as touch as an individual could get with the Senate
16 and we got nothing.

17 Mr. Blakey. I think I know a couple of guys over there.
18 I think if I talk to a couple of people right I will get it
19 and it is only a question of a matter of time.

20 Mr. Fauntroy. Mr. Chairman, again, may I just ask,
21 what possible objection would the Senate Committee have to
22 making available to us testimony in executive session or
23 otherwise that may bear on our investigation?

24 Mr. Blakey. I think two. One, political, they are the
25 other body, and, two, I don't think they trust us. I think

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1 they believe in giving it to the Committee, I am being very
2 candid, giving it to this Committee is like not giving it to
3 the New York Times but the National Inquirer and they have
4 developed a real shield with the CIA over there where they
5 don't leak and to give it to us would be tantamount to leaking
6 it, so I think they finally decided they are not going to
7 give us the time of day and that process of convincing them
8 that that judgment was premature is going to take a little
9 bit of work.

10 Mr. Devine. Is that a staff decision or member decision?

11 Mr. Blakey. You really want me to answer that?

12 The Chairman. Have we had some cooperation though on
13 some things you needed over there?

14 Mr. Blakey. No a lot yet. This is the test case for
15 that.

16 The Chairman. Sometime ago, as I recall, pursuant to
17 the same problem, I contacted Senator Inouye and it seems to
18 me he had designated someone there to sit down and work the
19 matter out.

20 Mr. Blakey. That is right. Now we are going to find
21 out what work the matter out means. We have some specific
22 things we are asking for.

23 The Chairman. I think whatever point you feel is
24 necessary though we can talk with the Senator about them.

25 Mr. Blakey. All right.

1 The Chairman. If you feel this is necessary.

2 Anything further?

3 Mr. Fithian. Other than my clear recording of my posi-
4 tion which will be to object at the appropriate time if we
5 have not seen the Senate testimony.

6 The Chairman. I think that is clearly on the record,
7 Mr. Fithian.

8 All right, can we have a motion with reference to
9 Trafficante?

10 Mr. Blakey. That is correct, the second motion on the
11 ist you have.

12 Mr. Fauntroy. Mr. Chairman, I move the Select Committee
13 authorize and direct Chief Counsel to apply to the court
14 pursuant to 18-USC-6002, et seq, for an order conferring
15 immunity and compelling testimony from Santos Trafficante,
16 Jr.

17 The Chairman. I would suggest in all probability the
18 gentleman from the District is more familiar with reading
19 psalms.

20 Mr. Fauntroy. Amen.

21 (Laughter)

22 The Chairman. All right, properly moved that this reso-
23 lution be adopted. The Clerk will call the roll.

24 The Clerk. Mr. Stokes.

25 Mr. Stokes. Aye.

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1 The Clerk. Mr. Devine.

2 Mr. Devine. Aye.

3 The Clerk. Mr. Preyer.

4 The Chairman. Aye by proxy.

5 The Clerk. Mr. McKinney.

6 Mr. McKinney. Aye.

7 The Clerk. Mr. Fauntroy.

8 Mr. Fauntroy. Aye.

9 The Clerk. Mr. Thone.

10 (No response)

11 The Clerk. Mrs. Burke.

12 The Chairman. Aye by proxy.

13 The Clerk. Mr. Sawyer.

14 Mr. Sawyer. Aye.

15 The Clerk. Mr. Dodd.

16 (No response)

17 The Clerk. Mr. Fithian.

18 Mr. Fithian. Present.

19 The Clerk. Mr. Edgar.

20 Mr. Edgar. No.

21 The Clerk. Seven ayes, one nay, one present.

22 Mr. Blakey. We needed a two-thirds vote. It didn't pass.

23 The Chairman. Well, do proxies count?

24 Mr. Blakey. Proxies count but we need a two-thirds vote.

25 You needed eight.



1 Mr. Fithian. How am I recorded, Mr. Chairman?

2 The Chairman. How is Mr. Fithian recorded?

3 The Clerk. Mr. Fithian is recorded as present.

4 Mr. Fithian. I request unanimous consent to have my vote
5 recorded as aye.

6 The Chairman. Without objection, the gentleman's vote
7 is changed.

8 The Clerk. We have eight ayes and one nay.

9 The Chairman. Two-thirds having voted in the affirmative
10 the resolution is adopted.

11 Mr. Devine. Let the record show the reservations of the
12 gentleman.

13 The Chairman. A clear reservation.

14 Anything further, Mr. Blakey?

15 Mr. Blakey. Let me add that this is a decision that
16 lets us go to court, but even after we come back from court
17 the decision is not effective, that is immunity is not con-
18 ferred until it is communicated to the witness, so there are
19 still a lot of points of no return well beyond this one and
20 no decision ought to be final until you have passed the point
21 of no return which we have not yet passed.

22 The Chairman. Is this procedure available to the public
23 once you have gone and gotten --

24 Mr. Blakey. No.

25 The Chairman. This is a secret procedure?



RG: 233

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12 Mr. Devine. Mr. Chairman, this gets to an issue that was
13 brought up very early in the creation of the rules of this
14 Committee. I don't even recall which of our Chairmen we had
15 or counsel at that time. But I think we are talking about an
16 investigative technique. It seems to me the development of
17 confidential informants by whatever device may be necessary,
18 is a matter of investigative technique that must be pretty
19 well left to the discretion and good judgment of our Chief
20 Counsel and our staff.



21 If, however, on the other hand, the issue before the
22 Committee here today is whether or not we will authorize
23 payment of compensation for this man, I think it is a different
24 matter, but it seems to me primarily investigative technique
25 is one that should be left pretty well to the Chief Counsel

1 and the staff, rather than having us make a decision whether
2 such an such can be a confidential information, whether he
3 can follow a close surveillance or what. I think that is
4 administrative detail we shouldn't be concerned with as long
5 as it won't be embarrassing to the Committee.

6 Mr. Blakey. Mr. Devine, in the weekend conference we
7 explored much earlier on with the Committee some of the
8 investigative techniques that were open to us and we talked
9 about close surveillance as one of the possible techniques
10 and many of the Committee members at that time felt that the
11 conversation was too abstract and said let's don't ask me to
12 give you a yes or no now, bring us back a case in point.

13 Also under our rule, 7.5, this was included in our rules
14 I think by Congressman Dodd, it says prior to utilization
15 of any investigative techniques not otherwise covered by these
16 rules, such techniques will be discussed and voted upon by
17 the full Committee. So it is pursuant to our rules and
18 informal advice given by a number of Committee members that
19 this incident is being brought to the attention of the
20 Committee.

21 Mr. Devine. Okay.

22 Mr. McKinney. It seems to me on that weekend we
23 questioned giving you blanket authority to do this and
24 several members withheld and said bring us a specific example.

25 Mr. Devine. I apologize for not having been here for the

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weekend conference.

Mr. McKinney. I would entertain a move from the gentleman from Ohio to give this blanket authority which we weren't prepared to do that weekend that would be legal under our rules as I understand it.

Mr. Blakey. Yes.

Mr. Devine. With the admonition we will rely on the good judgment of Chief Counsel and staff not to engage in any conduct that might be embarrassing to the Committee and if they have any question about it come to the Committee with it.

Mr. Fauntroy. I agree.

The Chairman. Let me ask a question. That weekend we discussed the matter, the reference at that time was made to a gentleman who in all respects had a red neck type of appearance and can fit right into a certain situation, is this the same situation?

Mr. Blakey. Yes. Am I right?

Mr. Lehner. Yes sir. This is a 34 year veteran of the Atlanta Police Department.

Mr. Fauntroy. Move.

Mr. Devine. He speaks that Yankee dialect, does he?

The Chairman. The Chair will entertain a motion.

Mr. Lehner. I just wanted to add that we will have a backup investigator by the name of Hack. We didn't put his

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1 name in the investigative technique resolution, so I would ask
2 that we amend the proposed resolution to include staff inves-
3 tigators Walker and Hack and Morris Davis.

4 Mr. Blakey. If the Committee feels that we do this on
5 a general basis, the language should be modified to make it
6 blanket authority and I leave that to the Committee's discre-
7 tion.

8 The Chairman. I would think the indication here is that
9 you ought to have some general leeway in terms of this type of
10 investigative technique and I think the bottom line as Mr.
11 Devine says, so long as it is not in any manner that will
12 embarrass this Committee you ought to feel free to pursue
13 standard investigative technique.

14 Mr. McKinney. Or obligates this Committee to any
15 exchange of monetary funds.

16 The Chairman. You would certainly have to come back to
17 the Committee for any type of monetary consideration.

18 Mr. Blakey. Could I suggest the resolution read resolved,
19 "that pursuant to Committee Rule 7.5, the Committee approves
20 the close surveillance and investigative technique," and well
21 understands in the matter of legislative history if it
22 involves paying money we will come back to you, if it involves
23 a danger of embarrassment because it might be considered to
24 be illegal or immoral or fattening, that we will bring it to
25 your attention.

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1 The Chairman. Yes. Any objection to that language?
2 If not, can we have someone move it?

3 Mr. Edgar. So move.

4 The Chairman. Properly moved that this resolution as
5 amended be adopted and the Clerk will call the roll.

6 The Clerk. Mr. Stokes.

7 Mr. Stokes. Aye.

8 The Clerk. Mr. Devine.

9 Mr. Devine. Aye.

10 The Clerk. Mr. Preyer.

11 The Chairman. Aye by proxy.

12 Mr. Blakey. I think the proxy was specific to the
13 previous language.

14 The Chairman. You are right, it does.

15 Mr. Blakey. It is probably no longer valid.

16 The Chairman. Or motions pertaining thereto.

17 Mr. Blakey. I stand corrected.

18 Mr. Fauntroy. Thank you.

19 The Chairman. Okay, Aye by proxy.

20 The Clerk. Mr. McKinney.

21 Mr. McKinney. Aye.

22 The Clerk. Mr. Fauntroy.

23 Mr. Fauntroy. Aye.

24 The Clerk. Mr. Thone.

25 (No response)

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1 The Clerk. Mrs. Burke.

2 The Chairman. Aye by proxy.

3 The Clerk. Mr. Sawyer.

4 Mr. Sawyer. Aye.

5 The Clerk. Mr. Dodd.

6 (No response)

7 The Clerk. Mr. Ford.

8 (No response)

9 The Clerk. Mr. Fithian.

10 Mr. Fithian. Aye.

11 The Clerk. Mr. Edgar.

12 Mr. Edgar. Aye.

13 The Clerk. Nine ayes.

14 The Chairman. The motion, therefore, is adopted.

15 Anything further?

16 Mr. Blakey. Mr. Chairman, only one simple item of
17 information. That the staff has under consideration, and I
18 bring it simply to the Committee's attention, that we have
19 been discussing the probable or perhaps best strategy to
20 employ in subpoenaing some of the organized crime offenders
21 and it may well be what we might want to do before you go home
22 is give you the total list of all the people that we think we
23 will want to hear from and subpoena them all at one time. It
24 may also be, and this is a matter still of staff discussion,
25 we might want to get authorization for all of the immunities



1 at one time and then make the actual execution of them con-
2 tingent upon subsequent events.

3 One of the problems we have with this 20 day delay by
4 the Department of Justice is if we get up in close investiga-
5 tive work up here and they can put a 20 day delay on us at
6 any time, it may well impede our work, so this is just some-
7 thing that we are thinking about now that I want to bring to
8 your attention. We may have for you a large list of possible
9 subpoenas and a large list of possible immunities in the
10 organized crime area even before you go home. I don't know
11 that is the wise thing to suggest to you, it is still some-
12 thing we are thinking about.

13 Other than that there is no further business to bring
14 before the Committee at this time.

15 The Chairman. Okay, there being nothing further, this
16 meeting is then adjourned, subject to the call of the Chair.

17 Thank you.

18 (Whereupon, at 3:30 p.m., the Committee was adjourned,
19 subject to the call of the Chair.)
20
21
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23
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25

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#2
MLK
10/20/77

RESOLUTION TO DESIGNATE COUNSEL

RESOLVED:

That the following counsel are, pursuant to Committee Rule 4 and H. Res. 222, designated counsel to take statements under oath relating to the investigation into the death of Martin Luther King; and are the only counsel so designated:

Robert Lehner
Gene Johnson
Michael Eberhardt
Melvin Kreidman
Alan Hausman
G. Robert Blakey
I. Charles Mathews
James Wolf

- MLK Exhibit #2 -

10 - JFK
10/20/77

ROSENSEN IMMUNITY RESOLUTION

RESOLVED:

That the Select Committee authorizes and directs the Chief Counsel to apply to court pursuant to 18 U.S.C. §6002 et. seq. for an order conferring immunity and compelling testimony from Randolph Rosenson.

TRAFFICANTE IMMUNITY RESOLUTION

RESOLVED:

That the Select Committee authorizes and directs the Chief Counsel to apply to court pursuant to 18 U.S.C. §6002 et. seq. for an order conferring immunity and compelling testimony from Santos Trafficante, Jr.

INVESTIGATIVE TECHNIQUE RESOLUTION

RESOLVED:

That pursuant to Committee Rule 7.5, the Committee approves the close surveillance involving ~~Staff Investigator Walker and Morris Davis.~~

investigative technique.

- JFK Exhibit #10 -