

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ALAN McSURELY, et al., x
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 Plaintiffs, :
 :
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 vs. :
 :
HERBERT M. McADAMS, II, :
etc., et al., :
 :
 :
 Defendants. x

Civil Action No. 516-69

Washington, D. C.

Thursday, May 17, 1979

Deposition of:

PHILIP R. MANUEL,

a witness, called for examination by counsel for the Plaintiffs,
pursuant to notice and agreement of the parties as to time and
date, beginning at approximately 12:20 o'clock a.m., in the
law offices of Rein, Drew, Garfinkle and Dranitzke, Esquires,
1712 N Street, Northwest, Washington, D. C. 20036, before
Carol J. Thomas, a Notary Public in and for the District of
Columbia, when were present on behalf of the respective
parties:

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1 APPEARANCE OF COUNSEL

2 For the Plaintiffs:

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7 For the Federal Defendants:

8 LEWIS K. WISE, ESQUIRE
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11 JOSEPH J. URBAN, ESQUIRE
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15 ALSO PRESENT:

16 Alan McSurely
 17 Margaret McSurely
 Nicholas Posner

18 - 0 -

19 I-N-D-E-X

20 Witness:

Page:

21 PHILIP R. MANUEL

22 Examination by Mr. Stavis

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P R O C E E D I N G S

THEREUPON,

PHILIP R. MANUEL,

a witness, was called for examination by counsel for the Plaintiffs, and after having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

BY MR. STAVIS:

Q. Where do you live, Mr. Manuel?

A. I live at 6146 Roxbury Avenue, Springfield, Virginia.

Q. By whom are you employed?

A. I am currently employed by the United States Senate, Permanent Subcommittee on Investigations.

Q. For how long have you been employed there?

A. Since March 1, 1968.

Q. By whom were you previously employed?

A. By the House of Representatives, Committee on Internal Security, formerly known as the "House Committee on Un-American Activities."

Q. How long were you employed there?

A. Since January 1, 1964.

Q. What kind of work did you do before that?

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1 A. I was with the Department of Defense. I was in the
2 Armed Forces.

3 Q. In what capacity?

4 A. I was with the Counter Intelligence Corps of the
5 U.S. Army.

6 Q. For how long?

7 A. Since December of 1960.

8 Q. What did you do before then?

9 A. I was in law school.

10 Q. Are you a graduate lawyer?

11 A. I am not.

12 Q. What law school did you attend?

13 A. Georgetown.

14 Q. Now, can you tell us the kind of work that you did
15 for the Senate Committee?

16 A. Yes. I am an investigator on the staff of the Senate
17 Committee, and during the course of my career, I have investi-
18 gated various types of subjects within the mandate of that
19 Committee, including subjects relating to riots and civil dis-
20 orders, organized crime, white-collar crime and Government
21 oversight.

22 Q. To whom were you responsible?

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1 A. At what period of time, sir?

2 Q. From the period 1967, '68 and '69?

3 A. Well, I didn't join the subcommittee in -- I was
4 not a staff member in '67.

5 Q. Excuse me, I stand corrected. Beginning from the
6 time that you joined the Committee, which was March 1, 1968,
7 through 1969.

8 A. Jerome Adlerman.

9 Q. Did you have any reporting responsibilities to
10 Mr. O'Donnell?

11 A. Well, may I make an explanation?

12 Q. Sure.

13 A. The situation on the staff was that Mr. Adlerman was
14 the General Counsel and overall in charge, the person who was
15 overall in charge of the staff. Mr. O'Donnell held the title
16 "Chief Counsel," and it is not a very clear line or distinc-
17 tion. Mr. O'Donnell was involved to some extent in my work,
18 and I guess you could interpret it as a superior, but my
19 superior was really Jerome Adlerman, who was also Mr. O'Donnell's
20 superior, as I understand it.

21 Q. Did you have any people who worked under you?

22 A. Yes.

1 Q. What were their names? We are talking about '68 and
2 '69.

3 A. Yes. Well, it developed over a period of time. One
4 individual's name was John Drass, another individual's name
5 was Fred Miller, another individual's name was Herman Clay,
6 another individual's name was James Dillon, there was also a
7 Ray Breen. There may have been one or two others. Their
8 names have slipped me right now. They are no longer on the
9 staff, to the best of my memory.

10 Q. These people were subordinate to you?

11 A. Well, let's just say that I was in charge of a
12 project and they were assigned to the same project. They were
13 all investigators. I wouldn't call them subordinate to me,
14 but they were a certain facet of this overall investigation
15 which was being developed by me.

16 Q. What was that overall investigation?

17 A. It was the investigation involving riots. "Civil and
18 Criminal Disorders," I believe is the name of it.

19 Q. Was that the investigation that you started working
20 on in March of 1968?

21 A. Yes.

22 Q. As soon as you came on?

1 A. Just -- well, immediately thereafter.

2 Q. Now, before we get into that, did you know a John
3 Brick?

4 A. Yes.

5 Q. What was he?

6 A. What was he?

7 Q. Yes.

8 A. I think Mr. Brick held the title of "Investigator."
9 I knew him mostly as a person who would prepare and write
10 reports of hearings and investigations of the Committee.
11 Mr. Brick did not work at all for me in any way.

12 Q. Did he work on riots, civil disturbances, civil
13 disorders and disturbances?

14 A. Yes.

15 Q. Did he work on the same fields that you were working
16 on?

17 A. Not when I got there, no, sir.

18 Q. At any time?

19 A. Well, as I say, I think that sometime in 1969, I
20 think Mr. Brick was assigned to prepare reports, write reports,
21 of hearings that had taken place during the summer of '69.

22 Q. What was your relationship with Senator McClellan?

1 Did you report at all to him directly?

2 A. No, sir.

3 Q. Did you know of any work that Mr. Brick did in
4 connection with the McSurelys?

5 A. No, sir.

6 Q. Never heard about it at all?

7 A. I have heard about it, but I have no direct knowledge
8 of it.

9 Q. What did you hear about it?

10 A. Well, I had heard, when I came on the staff March 1,
11 1968, or thereafter, that Mr. Brick had been involved in an
12 effort to obtain documents in Kentucky, and that he had ob-
13 tained these documents, and that thereafter there had been some
14 litigation or some problem with those documents, and that --
15 I don't know at that point whether the documents had been
16 returned, but they were not available to me. So, that is just
17 about the extent of my knowledge.

18 Q. Did you have access to the files of the Committee on
19 the organization known as "SNCC"?

20 A. Yes, sir.

21 Q. Did you have access to the files of the organization
22 known as "SCEF, Southern Conference Educational Fund?

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1 A. Yes. Well, I would say "Yes." If there were such
2 files, I would have access to them.

3 Q. And, to the files of an organization known as
4 "Mississippi Freedom Democratic Party"?

5 A. Well, I don't know that there was a file, or a filing
6 system under that, but to the extent that any references would
7 have been made to that particular organization, I would have
8 had access, yes, sir.

9 Q. In fact, you created many of those files, did you
10 not, or you added to those files?

11 A. I wouldn't say I created them. In the process of
12 reporting the results of investigations, they would go to a
13 file and somebody would incorporate these into the filing
14 system that was already in place when I was there.

15 Q. Now, beginning in 1968, when you came onto the staff,
16 you started an investigation of certain black militant groups,
17 did you not?

18 A. I didn't start it, sir.

19 Q. Did you start to do work on an investigation of
20 certain black militant groups? Is that correct?

21 A. There was an ongoing investigation, if I understand
22 your question correctly.

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1 Q. Who had been handling that investigation before?

2 A. An investigator by the name of John Walsh.

3 Q. Did you know of any work that Mr. Brick had done
4 with respect to that?

5 A. No, sir.

6 Q. And, that --

7 A. Let me just -- other than what I had previously told
8 you about, hearing about his contact with these documents, but,
9 again, I don't know that that is within the context of a
10 militant organization. I just give that to you for the record.

11 Q. And you then prepared for hearings which were held
12 beginning in June of 1969 of a number of organizations; is that
13 correct?

14 A. Yes, sir.

15 Q. Your work, beginning in March of 1968 and up until
16 June of 1969, consisted of an examination of a number of organi-
17 zations in preparation for hearings with respect to them?

18 A. That is a fair statement.

19 Q. Now, I want to make sure that the organizations that
20 you had examined included SNCC; correct?

21 A. Are you talking about now examined in the course of
22 investigation, or examined in hearings?

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- 1 Q. I am talking about course of investigation.
- 2 A. Okay.
- 3 MS. NELSON: Counsel, I am going to allow this line
4 of questioning to continue because I assume you are going to
5 link it up with the McSurelys.
- 6 MR. STAVIS: Oh, yes.
- 7 MS. NELSON: If it is not linked up fairly soon, I
8 am going to object.
- 9 MR. STAVIS: Documentation.
- 10 BY MR. STAVIS: (continued)
- 11 Q. And that included the SDS?
- 12 A. SDS, yes, sir.
- 13 Q. Black Panthers?
- 14 A. Yes.
- 15 Q. The Nation of Islam?
- 16 A. That is a Muslem organization?
- 17 Q. Yes.
- 18 A. Yes.
- 19 Q. The SCLS?
- 20 A. No. Not as an investigation, no.
- 21 Q. Relationship between the SCLC and SNCC?
- 22 A. SNCC, yes, as a subject for investigation, to whatever

1 extent there was information, if at all. I don't recall right
2 now. If there would have been any references to the other
3 organizations, it is possible that they would have been incor-
4 porated.

5 Q. I want to show you a document which was marked
6 Exhibit 4 in the Rickey Deposition --

7 A. In which deposition?

8 Q. Rickey Deposition taken this morning, and ask whether
9 you have ever seen that document?

10 A. (Perusing document.)

11 Q. Did you ever see that document before today?

12 A. May I examine it?

13 Q. Yes, sure.

14 A. (Perusing document.) I have never seen this document,
15 to the best of my knowledge and recollection.

16 Q. Had you ever seen a document which included a list
17 of persons who were on the SNCC payroll?

18 A. I may have. I don't remember specifically. Do you
19 have such a document? I could identify it if I have ever seen
20 it.

21 Q. I want to know whether you have such a document in
22 your SNCC files?

1 A. Well, when you say "my SNCC files," I don't have any
2 SNCC files.

3 Q. I understand that, but I mean in the Subcommittee's
4 files.

5 A. I don't know. I don't remember.

6 Q. Did you have a list of the names of persons who had
7 been removed from the SNCC payroll?

8 A. I don't remember that, sir. It is possible, but I
9 just don't remember.

10 Q. You certainly would have wished to have that infor-
11 mation in your examination of the organization known as "SNCC"?

12 A. Possibly.

13 Q. Aren't you certain that you would want to have a
14 list of the persons on that staff?

15 MS. NELSON: I am going to object to that as
16 irrelevant.

17 THE WITNESS: I don't know. Without seeing the
18 documents or the relevance -- what relevance do you attach to
19 that document for the investigation?

20 BY MR. STAVIS: (continued)

21 Q. I am not about to debate that with you. I just want
22 to know whether you remember if you had such a paper.

1 A. I don't remember that I did.

2 Q. My next question is whether you would seek in the
3 course of your investigation, to acquire such a paper?

4 A. Perhaps, possibly.

5 Q. Now, can you describe the nature of the files of
6 SNCC that you kept at the Subcommittee?

7 A. Well, I didn't keep them, sir. I did not keep
8 files.

9 Q. But, you know what they were like?

10 A. Yes.

11 Q. What were they like?

12 A. Well, they would be the repository of all documenta-
13 tion that was obtained by any investigator assigned to a pro-
14 ject, at least to a certain point, of information that would
15 be relevant to that subject, that would be gathered in an
16 investigation.

17 Q. Any investigator?

18 A. Well, any investigator who may be assigned that pro-
19 ject at the time.

20 Q. Was put into that file? Any material that he would
21 obtain?

22 A. Yes. Keep in mind, sir, I think for purposes you

1 should know, there were several files that contained informa-
2 tion pertaining to a specific subject. For example -- may I
3 give you an example? It may help.

4 Q. I wish you would.

5 A. Okay. For example: The Subcommittee had a separate
6 investigation on a certain riot in Nashville, Tennessee. Okay?
7 Now, that was kept as a separate file. That file was started
8 long before I joined the Subcommittee's staff.

9 It is quite possible that there are many references
10 in that particular set of files that would bear on something
11 that would be the subject of an investigation later on, but
12 not in that other file that would have been created later.
13 Do I make myself clear?

14 Q. Did you ever examine the file with respect to
15 Nashville?

16 A. I don't believe I ever did. I had nothing to do
17 with that particular investigation.

18 Q. Was there any duplication between the files of the
19 House Internal Security Committee and the Senate Committee?

20 A. Any duplication?

21 Q. Yes.

22 A. If I understand your question correctly, there was

1 no duplication. There may have been -- I mean, it is possible
2 that there may have been documents gathered by one staff that
3 were similar to documents gathered by another staff.

4 Q. Did the Senate Committee have copies of the documents
5 that the House Internal Security Committee had?

6 A. To my knowledge, they did not.

7 Q. You were in communication with the Internal Revenue
8 Service, were you not, in connection with your investigation
9 of various organizations?

10 A. I have had communication with certain officials of
11 the Internal Revenue Service, yes, sir, at a certain point in
12 time.

13 Q. When was that?

14 A. To the best of my recollection, it would have been
15 sometime in 1969, probably a couple of months before the hear-
16 ings and perhaps a month or two after some hearings.

17 Q. As a matter of fact, might it have started before
18 that in 1968?

19 A. It is possible. I'm giving you the best of my memory.
20 I don't have the exact date.

21 Q. Who did you meet with in the Internal Revenue Service?

22 A. Initially?

1 Q. And continuously thereafter. Will you give me the
2 names of the people?

3 A. To the best of my recollection, I will. There may
4 be some that I don't remember. I remember meeting in Atlanta,
5 in the first instance, with an IRS auditor by the name of
6 Roy Orr, who is supervisor, was who I also would have met with
7 at some point. I don't recall his name right now, but I do
8 remember Roy Orr. And, I remember meeting him in Atlanta. I
9 probably had several meetings with him in Atlanta.

10 Mr. Orr later testified before the Committee in
11 executive session, along with some other IRS officials. Quite
12 honestly, I don't remember their names right now.

13 I remember meeting, after the June '69 hearings, with
14 some IRS officials. I know I met with Mr. Paul Wright, and
15 I met a Mr. Don Viridin, I know I met a Mr. Leon Green at various
16 times, I know I met a member or two of the staff that they
17 were assembling at the time. Do you want their names?

18 Q. Yes, I want everybody's name.

19 A. Well, I met a Mr. Ed Hughes, I met a Mr. William
20 Gibney. Those are all the names that I can remember at this
21 point. If you have some document or something --

22 Q. How many meetings did you have with the IRS?

1 A. Over what period of time, sir?

2 Q. From the time of your first meeting through 1969.

3 A. I really couldn't say.

4 Q. A dozen?

5 A. Perhaps.

6 Q. Twenty?

7 A. I don't think that many.

8 Q. Did the IRS make its files available to you and your
9 investigators?

10 A. You have to make a distinction as to which files you
11 are talking about now. If you are talking about files of the
12 SSS, the answer is "No." If you are talking about --

13 Q. What is the "SSS"?

14 A. Special Security Service, or some such thing. It
15 is mentioned in your subpoena to me so, to that extent, I have
16 never seen any of the files that they have in that, and to my
17 knowledge, the Committee has never seen any of those files.

18 If you are talking about in the period of '68, files
19 that we received from the Atlanta office in line with duly
20 authorized resolutions enabling the Senate Committee to get
21 tax information, at least at that time, yes, they did turn over
22 some information to us.

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1 Q. Did you offer to turn over to the Internal Revenue
2 Service files of the Committee with respect to these organi-
3 zations?

4 A. I made no such offer.

5 Q. At no time?

6 A. At no time.

7 Q. And you are sure that at no time did you, on behalf
8 of the Senate Committee, offer to the IRS Committee access to
9 the Senate Committee's files?

10 A. That is correct, sir. Such an offer -- it was not in
11 my power to make such an offer, to give them access to the
12 files.

13 Q. I didn't ask you whether you had the power. I asked
14 you whether you made the offer.

15 A. I answered both questions.

16 Q. I understand that.

17 A. To the best of my memory and knowledge at this
18 present moment, I made no such offer.

19 Q. Did you ever say that you planned to discuss this
20 with Senator McClellan?

21 MS. NELSON: Discuss what?

22 MR. STAVIS: Whether or not the Senate Committee

1 would give access.

2 THE WITNESS: No. I remember a conversation that I
3 think you are referencing where some Internal Revenue people
4 asked me how they would go about to get Committee files that
5 they would be of interest, and I said they would have to dis-
6 cuss it would Senator McClellan or send a communication to
7 Senator McClellan outlining their request, and from that point
8 on, a determination would be made, but not by me.

9 BY MR. STAVIS: (continued)

10 Q. Was such a request ever made?

11 A. I have no direct knowledge, but I think it was made.
12 I have never seen the communication.

13 Q. Do you know whether authority to transfer that
14 information was ever given?

15 A. I do not. I assume it was, but I do not have any
16 direct knowledge of it.

17 Q. I want to show you a document which appears on Page
18 315 of "A Documentary Analysis Prepared by the Staff of the
19 Subcommittee on Constitutional Rights of the Committee on
20 Judiciary," dated 1974, and ask you whether that statement by
21 Mr. Virdin is accurate?

22 A. This is the June 5, 1969 letter?

1 Q. Yes.

2 A. Okay. (Perusing document.)

3 Q. Is that an accurate memorandum?

4 A. The information -- I disagree with the characteriza-
5 tion in the memorandum.

6 Q. Mr. Virdin's memorandum?

7 A. Yes, sir. I never offered to make files available
8 directly to the Internal Revenue Service, but I did advise them
9 as to how to go about doing it if they so desired. I told
10 them of the procedure that must be followed if they were going
11 to get documents.

12 Q. In any event, you would disagree with the statement
13 of facts made by Mr. Virdin in this memorandum of June 5, 1969?

14 A. To the extent I have just responded, yes, sir.

15 Q. Now, looking at Page 126 of that document, I would
16 ask you to look at the third paragraph from the bottom of the
17 page, and ask you whether that is an accurate statement?

18 A. I'm sorry, third paragraph from what?

19 Q. From the bottom.

20 A. Can I see the whole thing here?

21 Q. Certainly. I'm just asking you about a statement in
22 a particular paragraph.

1 A. (Perusing document.)

2 Q. Is that an accurate statement, Mr. Manuel?

3 A. I don't believe it is.

4 MR. WISE: Which paragraph, again?

5 THE WITNESS: Third from the bottom.

6 MR. WISE: Is that the paragraph that begins with,
7 "Mr. Manuel on behalf of. . ."?

8 MR. STAVIS: Yes.

9 BY MR. STAVIS: (continued)

10 Q. Is that an accurate statement, Mr. Manuel?

11 A. No, I take issue with that statement. My recollec-
12 tion is, again, that at a certain point, perhaps at this dis-
13 cussion, perhaps at some others, I was asked about files that
14 the Subcommittee may have that would be of interest to this
15 particular group, and they asked me whether these documents
16 would be available. I said, "The only way that these documents
17 could be made available is if the IRS would formally write a
18 request to Chairman of the Committee, and a determination would
19 be made at that point." If that is offering cooperation, then
20 so be it.

21 Q. I am asking you whether the statement made by
22 Mr. Viridin in that memorandum is accurate?

1 A. My recollection of what happened is what I have just
2 described to you. His characterization is a little bit at
3 variance of what I remember.

4 Q. Would you look at the following paragraph?

5 A. Yes, sir. (Perusing document.)

6 Q. Is that accurate?

7 A. Okay.

8 Q. Is that --

9 A. Just a minute, sir. The context that is being dis-
10 cussed here, as best I remember it, is information that would
11 have been included in hearings already held in public. The
12 charts referred to here, which I remember giving to IRS, were
13 already charts that were made public in public hearings in June
14 of 1969.

15 And the other material referred to here is also
16 material which had already been made public in the public
17 domain which was part of those hearings which, as this para-
18 graph says, was not published at that point, but they were
19 public.

20 Q. Do you know what that particular organization was
21 which you provided charts?

22 A. Well, as a matter of fact, we did charts on -- we

1 had charts on the Black Panthers, on the Revolutionary Action
2 Movement, one of SNCC, one on SDS, as I recall.

3 Q. Were those the charts that you furnished at that
4 meeting which is described by Mr. Viridin on July 29, 1969?

5 A. They would have been the only charts I could have
6 furnished, so my answer to that is "Yes."

7 MS. NELSON: May we take a break just a moment?

8 MR. STAVIS: Sure.

9 (Thereupon, a short recess was taken
10 and then the deposition continued
11 as follows:)

12 BY MR. STAVIS: (continued)

13 Q. Now, I think I asked you whether or not the IRS had
14 ever made a formal request for access to files; is that correct?

15 A. You asked me that, yes, sir.

16 Q. And I think you said you thought --

17 A. My assumption is they did. I have never seen any
18 communication.

19 Q. Well, let me show you this document dated August 1,
20 1969, on Page 127 of that report of the Staff of the Subcommittee
21 on Constitutional Rights, and tell me whether you recall seeing
22 that document?

1 A. This is the one dated August 1, 1969?

2 Q. Yes.

3 A. (Perusing document.) I do not recall seeing this
4 document.

5 Q. Had you heard about it?

6 A. I would have heard about it possibly, yes.

7 Q. Do you recall whether any action was taken on that
8 document?

9 A. I do not. I didn't take any action on it.

10 Q. I know it wasn't requested of you to take action.
11 Do you recall whether or not any action was taken?

12 A. I don't recall any specific action being taken. I
13 assume some action was taken.

14 Q. And, you were in continuous contact with the IRS
15 people during this period?

16 A. I wouldn't say that I was in continuous contact.

17 Q. But, you had more than a dozen meetings.

18 A. Wait a minute. Hold it. Again, that is what I
19 want to get -- the time frame here is important. If you say
20 I had more than a dozen meetings with SSS, that is not so.

21 Your question was: How much contact did I have with
22 IRS from '68 on.

1 Q. I said '68 through '69.

2 A. Yes, well, that is two different subject matters.

3 Q. How many meetings did you have between '68 and '69?

4 A. Like I say, to the best of my memory, about a dozen.

5 It could have been a few more, it could have been a few less.

6 It is a ball park figure, and it is to the best of my memory.

7 Q. You never saw that letter that I just showed you;

8 that August 1, 1969 letter?

9 A. To the best of my memory, I have not seen that letter.

10 Q. Nor, do you know what action was taken with respect
11 to that letter?

12 A. Direct knowledge, no. I mean, I don't know what
13 deliberations, who made the deliberations, or what decisions
14 were made. I was not part of the process, once the letter was
15 received.

16 Q. Do you know whether or not members of the IRS, in
17 fact, had access to the Subcommittee files?

18 A. I think IRS members did have access to the Subcommittee
19 files. I think -- I saw them in the file room, which is far
20 removed from my office but, nevertheless, by coincidence, I
21 did see them.

22 Q. Examining Subcommittee files?

1 A. Yes, examining papers. I assume they were
2 Subcommittee files. They may have been public hearings. They
3 may have been Subcommittee files. I don't know.

4 Q. Do you know of what organizations they made an exam-
5 ination?

6 A. I do not.

7 Q. Do you know staff people from the IRS were in the
8 offices of the Senate Subcommittee?

9 A. I do not know them all. I recall that, as I say,
10 I saw them by coincidence in the file room, and I can recall
11 that on one occasion Mr. Hughes was there, and I believe, I'm
12 not positive, but perhaps Mr. Gibney was there. There may
13 have been others, the identity of whom I don't recall right
14 now.

15 Q. Do you recall roughly when you saw them?

16 A. My best memory would be sometime in the fall of '69.
17 That is my best memory.

18 Q. Did that file room include files of the organizations
19 that you had been working on, such as SNCC and SDS and the
20 other organizations that you mentioned?

21 A. The file room, yes, sir.

22 Q. Did I ask whether you worked on the Southern

1 Conference Educational Fund?

2 A. No. There has never been an investigation of the
3 Southern Conference Educational Fund, at least as far as my
4 particular activities are concerned.

5 Q. Now, I showed you that memorandum, or I think I
6 showed you that memorandum. I want you to look at this memor-
7 andum which is Item 1 in the O'Donnell Deposition.

8 Do you recall that meeting?

9 A. (Perusing document.) Yes, sir, I remember a meeting
10 similar to this.

11 Q. Do you remember what role Mr. O'Donnell played in
12 that meeting?

13 A. Well, he, as Chief Counsel, would have been the
14 spokesman for the Committee.

15 Q. Was he the spokesman at that meeting?

16 A. I believe so.

17 Q. Was there anything --

18 A. I contributed, but, I mean in deference to him.

19 Q. He was in charge of the --

20 A. He was my boss at the time, in the pecking order.

21 Q. Was any memorandum prepared at that meeting?

22 A. It was not by me, to the best of my knowledge.

1 Q. Was any memorandum prepared by him?

2 A. I don't know. To the best of memory right now, I
3 have never seen such a memorandum from him.

4 Q. Now, I want you to look at your green book again.

5 A. Which one? This one (indicating)?

6 Q. Yes. That is a Documentary Analysis prepared by the
7 staff of the Subcommittee on Constitutional Rights. And,
8 would you look at the memorandum dated August 14, 1969 on
9 Page 128, and would you look at Paragraph 2?

10 A. (Perusing document.)

11 Q. Does that refresh your recollection as to whether
12 you firmed out what action Senator McClellan had taken on the
13 request?

14 A. I do not at this moment remember such a telephone
15 call.

16 Q. You wouldn't deny it, would you?

17 A. I'm not going to deny it, but I don't remember making
18 such a telephone call at this point.

19 Q. That was a memorandum dated August 14, 1969. Does
20 that help you refresh your recollection as to when you saw the
21 IRS people inspecting the Senate Committee files?

22 A. Mr. Stavis, it would have been after that, I'm

1 pretty sure. I can't give you a precise date. It may have
2 been weeks, it may have been months. I don't know. My
3 recollection was sometime in the fall of '69; sometime in that
4 area.

5 Q. Now, your work included field trips, did it not?

6 A. Yes, sir.

7 Q. Do you remember a trip that you took with Mr. O'Donnell?

8 A. Which one? I may have taken more than one trip with
9 Mr. O'Donnell?

10 Q. Did you take more than one trip with Mr. O'Donnell?

11 A. I don't know. Which one are you referring to. I
12 can remember a trip.

13 Q. Which trip do you remember?

14 A. I can remember a trip to Palm Springs, California,
15 at which Mr. O'Donnell was present, and it was for the purpose
16 of attending a conference, to the best I recall, of a group of
17 law enforcement officers.

18 Q. Did you prepare any material for that conference?

19 MS. NELSON: I am going to object as totally irrele-
20 vant to the subject matter of this lawsuit.

21 MR. STAVIS: Fine.

22 BY MR. STAVIS: (continued)

1 Q. Do you remember preparing any material?

2 A. I don't remember specifically preparing material for
3 the conference. I may have had some material with me.

4 Q. Do you remember any other field trips with
5 Mr. O'Donnell?

6 A. Where he and I would have been present together?

7 Q. Yes.

8 A. No, sir, I do not.

9 Q. Do you remember a field trip that you made to Memphis,
10 Tennessee in April of 1968?

11 A. Yes, sir.

12 Q. What organization were you investigating then?

13 A. The Invaders, which was alleged to be an offshoot of
14 Student Non-violent Coordinating Committee, and was alleged to
15 have participated in some riotous action a couple of weeks
16 before.

17 Q. Where had you come from?

18 A. Where had I come from?

19 Q. On your way to Memphis.

20 A. I don't remember where I came from on my way to
21 Memphis. It could have been Washington, it could have been
22 Atlanta, it could have been another place. I don't recall.

1 Q. Did you communicate any alleged information with
2 respect to a plan to assassinate a black police officer?

3 A. Yes, sir.

4 Q. To whom did you communicate that information?

5 A. To an official of the Memphis Police Department. I
6 don't recall his name right now, but it may have been a
7 Lt. Arkin, but it may have been his superior whose name I
8 don't remember right at this point.

9 Q. From whom had you received that information?

10 A. From a confidential source.

11 Q. When did you receive that information?

12 MS. NELSON: I am going to object as irrelevant.

13 MR. STAVIS: This has a great deal of bearing.

14 THE WITNESS: Excuse me.

15 MS. NELSON: Would you explain the relevance to this
16 case?

17 MR. STAVIS: Not at this particular point, but I
18 can assure you that it will be precisely relevant, but I am
19 interrogating the witness, and I don't choose to educate him.
20 In any event, relevance is a basis for an objection but not
21 for refusing to answer the question.

22 MS. NELSON: I understand that, Mr. Stavis, but I am

1 trying to -- because we are going so far afield --

2 MR. STAVIS: We are not going afield at all.

3 BY MR. STAVIS: (continued)

4 Q. Go ahead.

5 A. You asked me where I got that information. I got the
6 information directly from my office in Washington from a
7 message that was left for me. I did not get the information
8 directly from a confidential source.

9 Q. And, I asked you when you received the information?

10 A. To the best of my memory, it would have been April 4,
11 1968.

12 Q. At what hour?

13 A. I don't know. It would have been in mid-afternoon
14 sometime. I was preparing to leave Memphis. I had a flight
15 out, I can recall, about 5:00 o'clock, and it was an hour or
16 so before that. I had just called my office on a routine call
17 and got a message.

18 Q. How did you communicate the information?

19 A. Which information?

20 Q. You communicated the information to an officer of
21 the Memphis Police Force.

22 A. Right, orally.

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1 Q. You saw him, or by telephone?

2 A. No. I remember that I made -- the best of my memory
3 is I made the call back to my office in Washington from the
4 headquarters of the Memphis Police Department, and I was in
5 this Arkin's company at that time, but there were other police
6 officials there as well, in that situation.

7 Q. Did the alleged assassination attempt emanate from
8 somebody who was in the organization known as "SNCC"?

9 A. Did which assassination attempt, sir?

10 Q. As to which you were transmitting the information?

11 A. I don't know. I don't think so.

12 Q. With what organization was the alleged assassin
13 affiliated?

14 A. Well, I think he had some affiliation with SNCC.
15 I also think he had some affiliation with a group in
16 Mississippi.

17 Q. What was the name of that group?

18 A. It may have been the Mississippi Freedom Democratic
19 Party. The exact extent of his affiliation, I do not know.

20 Q. Do you know the name of that individual?

21 A. Yes, I do.

22 Q. What was his name?

1 A. Do I have to tell him the name of a confidential
2 source of information and put him --

3 Q. I am not asking you now for the confidential source
4 of information.

5 A. Oh, you are asking --

6 Q. The name of the alleged assassin.

7 A. I don't believe there was mentioned an alleged
8 assassin, no, sir.

9 Q. But, there was a confidential source?

10 A. Yes, sir.

11 Q. And the confidential source had affiliation with
12 SNCC and the Mississippi Freedom Democratic Party; is that
13 correct?

14 A. Yes, sir.

15 Q. And you received this information sometime in the
16 course of the afternoon of April 4th?

17 A. From my office in Washington.

18 Q. You transmitted that information?

19 A. Yes, sir.

20 Q. Do you know who in your office in Washington gave
21 you that information?

22 A. What I remember was that when I called everyone had

1 left except a couple of people. My best memory is that I got
2 the message from Mr. Adlerman, but it may have been a secretary.
3 My secretary's name at the time, the only other person who could
4 have given it to me, would have been Barbara Ferrara.

5 Q. Do you know what was the result of the transmission
6 of that information to Mr. Arkin?

7 A. I do not.

8 Q. Was the person who was threatened with assassination
9 Mr. Reddick?

10 A. As it turned out, it was not. Mr. Reddick was not
11 mentioned by name. What was mentioned was that there was going
12 to be an attempt to kill a black lieutenant, a black police
13 officer. As it turned out -- no other names were mentioned.
14 That was it.

15 It was my assumption that this Mr. Reddick had been
16 threatened previously; that it may have been him, and I passed
17 on the information for what it was worth. As it turned out,
18 the information pertained to a black lieutenant in the Knoxville,
19 Tennessee Police Department, I believe, or Nashville; one or
20 the other.

21 Q. But, not Memphis?

22 A. But, not Memphis.

1 Q. But, you communicated it as being Memphis?

2 A. Possibly.

3 MS. NELSON: Again, I am going to object to this
4 entire line of questioning. If you are going to link it up,
5 you had better do so soon, or I am going to instruct him not
6 to answer.

7 MR. STAVIS: We will do so quite soon.

8 BY MR. STAVIS: (continued)

9 Q. Do you know whether the McSurelys were associated
10 with the organization known as "SNCC"?

11 A. No, sir. I had no knowledge at that time that they
12 were associated with SNCC.

13 Q. Do you know whether Margaret McSurely was affiliated
14 with an organization known as "The Mississippi Freedom
15 Democratic Party"?

16 A. No, sir.

17 Q. Did you ever find out?

18 A. No, not specifically.

19 (Thereupon, the deposition was adjourned at
20 approximately 2:30 o'clock p.m., and was
21 resumed at approximately 4:30 o'clock p.m.
22 as follows:)

1 BY MR. STAVIS: (resumed)

2 Q. Mr. Manuel, did you work with John Brick in connec-
3 tion with any of your work for the McClellan Committee?

4 A. Only to the extent of preparing reports after the
5 June 1969 hearing, and in conjunction with preparing for that
6 hearing. He did some writing of staff statements.

7 Q. You are talking about the hearings of June 1969?

8 A. Yes, sir.

9 Q. And those hearings related to the organization known
10 as "SNCC"?

11 A. Well, whatever were the subject of the public hearings
12 is a matter of record: SNCC, SDS, Black Panthers, Revolutionary
13 Action Movement, whatever they were according to the record.

14 For the sake of completeness, also let me say that
15 in subsequent years I worked with Mr. Brick in the same fashion
16 in line with certain investigations I conducted relating to
17 organized crime in the field of stolen securities.

18 Q. I am limiting my inquiry to work that you did with
19 him in 1969 with respect to the organizations about which you
20 testified in June of that year.

21 A. Yes, sir, He had no part in the investigations
22 themselves. The only part he had would be in preparing an

1 editorial, in writing fashion, some of the statements, and
2 after hearing, it was his task to write a report.

3 Q. Did he testify together with you?

4 A. I don't recall that. He may have, if you have it
5 there in public session. I don't recall that he did.

6 Q. You don't recall that he testified?

7 A. No. He may have, but I don't recall the sepcific
8 instance.

9 Q. In the course of his work with you, did he at any
10 time advise you of the materials that he had from the McSurelys?

11 A. No, sir.

12 Q. Did you ever work with G. Gordon Liddy?

13 A. Did I ever work with G. Gordon Liddy?

14 MS. NELSON: I object to the relevance.

15 THE WITNESS: I had contact with G. Gordon Liddy, but
16 I never worked with him.

17 BY MR. STAVIS: (continued)

18 Q. What was the nature of your contact?

19 MS. NELSON: Objection. It is irrelevant.

20 BY MR. STAVIS: (continued)

21 Q. Now, answer the question, please.

22 A. Am I getting in violation of Senate Rule 30 here, by

1 answering these questions that, to my way of thinking, have
2 no obvious relation to Mr. or Mrs. McSurely?

3 Q. I don't think you are getting into violations --

4 MR. WISE: We will advise him on that, Mr. Stavis.

5 (Thereupon, an off-the-record discussion

6 occurred, and then the deposition

7 continued as follows:)

8 MR. STAVIS: Would you read the last question?

9 THE REPORTER: Yes, sir.

10 (The requested portion was read back.)

11 BY MR. STAVIS: (continued)

12 Q. Will you answer the question, please?

13 A. The nature of my contacts with Mr. Liddy had nothing
14 whatever to do with any matter, as far as I know, relating to
15 Mr. and Mrs. McSurely or any documents concerning them.

16 Mr. Liddy was the Treasury Department official to
17 whom I was directed. He was acting for the Treasury Department,
18 and for the Treasury Department. He was in charge of a project
19 of assembling certain statistics having to do with numerical
20 incidents of bombings, arsons and attacks on law enforcement
21 agencies in the United States for a certain period of time.
22 That was my only contact with Mr. Liddy.

1 Q. When did that contact occur?

2 Q. In the -- to the best of my memory, around the
3 summer of 1970.

4 Q. Now, when you worked for the House Internal Security
5 Committee, were you not then in touch with the IRS?

6 MS. NELSON: Objection. Irrelevant.

7 THE WITNESS: I may have had contact with the IRS;
8 nothing to do whatever with Mr. and Mrs. McSurely or any
9 documents pertaining to Mr. and Mrs. McSurely.

10 BY MR. STAVIS: (continued)

11 Q. Mr. Manuel --

12 A. Yes, sir.

13 Q. -- will you leave that question to me, Judge Bryant,
14 and a lot of other people? I am not going to ask you for your
15 judgment as to what it was related to do. I am going to try
16 to stay away from those questions. I am simply going to ask
17 you objective questions.

18 Now, the question was: When you worked for the
19 House Internal Security Committee were you then in touch
20 with the IRS?

21 A. I may have had conversations with IRS officials
22 when I was on the House Committee. I don't remember any

1 specific incident or circumstance or any official.

2 Q. After you left the House Internal Security Committee
3 and went over to the Senate Committee, did you still retain
4 the keys to the offices of the House Committee?

5 A. No, sir.

6 Q. Were you able to effect any exchange of documents
7 over or covertly with the House Internal Security Committee?

8 A. What type of documents are you talking about?

9 Q. Any documents.

10 A. Public record documents, my own copies of books and
11 records of public hearings that had been held by the House
12 Committee. I took them with me because they were my property.

13 Q. I am talking about documents other than public
14 documents.

15 A. Internal investigative documents?

16 Q. Yes.

17 A. No, sir.

18 Q. Was there any essential difference in the manner in
19 which the Senate Subcommittee maintained files from that in
20 which the House Internal Security Committee maintained files?

21 A. (No response.)

22 MR. WISE: You have to say "Yes" or "No."

1 THE WITNESS: Well, I would say there were some
2 difference, to the best of my memory.

3 BY MR. STAVIS: (continued)

4 Q. How would you describe the differences?

5 MS. NELSON: We will interject as irrelevant. You
6 may answer.

7 THE WITNESS: As best I can recall, there were
8 different numerical systems for filing and indexing. Under-
9 stand in both places. I really had nothing to do with the
10 filing system directly.

11 BY MR. STAVIS: (continued)

12 Q. But, you were acquainted with the files?

13 A. Pardon me?

14 Q. You were acquainted with the files?

15 A. Well, to the extent that I knew that documents that
16 I filed, reports that I made up, investigative memoranda that
17 I made up went into a filing system. I do know that.

18 The Senate Committee used, to the best of my memory,
19 a different numerical filing system than that used by the
20 House Committee. The House Committee had separate files for
21 investigative-type of reports, while the Senate Committee
22 system tended to not make a difference between investigative

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1 files and public files.

2 In other words, everything related to a subject went
3 into the Senate Committee files under a certain number that
4 was pre-determined for a certain case that would have been
5 opened under Senate Committee Rules. In the House Committee,
6 two sets of files were made.

7 I don't know if I am answering your question, but
8 that is your answer.

9 Q. You are doing fine.

10 A. Okay. In the House Committee, there were two sep-
11 arate files: investigative files which were non public and
12 public source material which was filed in another place. In
13 the Senate Committee, there was no such differentiation.

14 Q. With respect to Senate Committee files, would the
15 files show an indication of the source of the material?

16 A. Sometimes.

17 Q. Sometimes not?

18 A. Sometimes not.

19 Q. Now, in the course of your work at the House
20 Committee --

21 A. Yes, sir.

22 Q. -- had you investigated any of the organizations

1 which you subsequently investigated on behalf of the Senate
2 Committee and which became part of the hearings in June, 1969?

3 MS. NELSON: I am going to object as irrelevant. You
4 may answer if you can.

5 THE WITNESS: I would say, sir, in response to that
6 that while I was assigned to the House Committee, there were
7 investigations that probably would have brought me in touch
8 with officials of certain organizations which later became
9 subjects of investigation on the Senate side, which I worked
10 on also.

11 But, as far as investigating organizations, as such,
12 on the House Committee, that was not the case, at least to
13 what I was assigned. I was assigned to specific, let's say,
14 riots or cities, or that sort of thing.

15 BY MR. STAVIS: (continued)

16 Q. On the House Committee side, did you investigate
17 Martin Luther King or his organization?

18 A. Specifically, no.

19 MS. NELSON: Objection. Irrelevant.

20 BY MR. STAVIS: (continued)

21 Q. What do you mean by "specifically, no"?

22 A. Well, there wasn't a subject of investigation. There

1 may have been occasions where information would have come to
2 me, which I would have duly reported, but as far as -- if the
3 implication is that Martin Luther King or SDLC was a specific
4 subject of authorized investigation in which I was assigned,
5 I don't think that's the case.

6 Q. But, in fact, you may have received information with
7 respect to them and put it in your files?

8 A. As I would have been required to do.

9 Q. Who assisted you in the preparation of the charts
10 that you prepared in June of 1969?

11 A. Who assisted me? A number of people.

12 Q. Would you give me the names, please?

13 A. Sure, give me a moment to --

14 MS. NELSON: I object as irrelevant. You may answer
15 if you can.

16 THE WITNESS: To the best of my memory, I was
17 assisted first and foremost by Mr. Adlerman, who was the
18 Chief Counsel and under whose direction I was working; I was
19 assisted by John Drass, who was also assigned to this particular
20 investigation; by Fred Miller, who was also assigned to this
21 particular investigation; by a person by the name of Les
22 Villadue, who was the guy who physically made up the charts;

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1 by a person by the name of Jim Dillon, who was also assigned
2 to this investigation; a person by the name of Robert Beetsley,
3 who was also assigned to a portion of it. I don't recall the
4 name right now of anybody else who would have specifically
5 worked on those charts while they were in make up.

6 BY MR. STAVIS: (continued)

7 Q. What about Mr. Brick?

8 A. I don't think Mr. Brick was involved in that process.

9 Q. Now, can you tell me, when you were in the Army,
10 where you were stationed?

11 A. Yes, sir.

12 Q. Where?

13 A. I was headquarters in the Pentagon in Washington,
14 D. C.

15 Q. What was your rank?

16 A. I was a special agent.

17 Q. Does special agent have a rank?

18 A. Special agent of Counter Intelligence Corps. I was
19 E-5

20 Q. That is not a military rank?

21 A. Yes, it is.

22 Q. Sergeant E-5.

1 MR. STAVIS: Off the record.

2 (Thereupon, an off-the-record discussion
3 occurred, and then the deposition
4 continued as follows:)

5 BY MR. STAVIS: (continued)

6 Q. Now, a couple of questions with respect to that
7 Memphis matter. Did you make that plane, incidentally?

8 A. Yes, sir.

9 MS. NELSON: What was that?

10 BY MR. STAVIS: (continued)

11 Q. Did you make that plane?

12 A. Yes, sir.

13 Q. Leaving when?

14 A. (No response.)

15 Q. About 6:00 o'clock, was it?

16 A. It was a little before 6:00. My memory was maybe
17 5:00 oc'lock. Between 5:00 and 6:00 is the best of my memory.

18 Q. Did you ever prepare a memorandum about your trip
19 to Memphis?

20 A. Specifically about my trip to Memphis?

21 Q. And the telephone call you received and the infor-
22 mation that you imparted?

1 A. I don't remember ever making a memorandum about that
2 specific telephone call or the information. I believe that I
3 made references to the file on documentation that I received
4 in Memphis during my trip and facts about that documentation.

5 Q. You filed a report?

6 A. I filed a report about what I considered pertinent
7 at the time about my trip to Memphis, I believe.

8 Q. Would that report be in the files of the Senate
9 Committee?

10 A. It should be, along with the documentation I received
11 from the Memphis Police Department which, incidentally, has
12 been turned over to the House Assassinations Committee, so if
13 it is not in the file of the Subcommittee, it would be in the
14 House Assassinations Committee files.

15 Q. Did the investigation of the Invaders continue
16 after the assassination of Dr. King?

17 A. I think so, yes.

18 Q. Did you conduct it?

19 A. I would have been involved in it. There may have
20 been involved in it, but I would have been involved, also.

21 Q. For how long did you continue that investigation?

22 A. A matter of months.

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1 Q. Were there any hearings with respect to that?

2 A. There were no hearings with respect to it.

3 Q. Did you ever meet Detective Reddick?

4 A. Yes, sir.

5 Q. When?

6 MS. NELSON: Just note my continuing objection to
7 this line of questioning.

8 MR. STAVIS: I understand that.

9 BY MR. STAVIS: (continued)

10 Q. When did you meet him?

11 A. It would have been in that same time period, before
12 April -- I was in Memphis about two days -- April 2nd, 3rd or
13 4th. In that time period, I would have met him.

14 Q. You met him then before this occasion at 3:00 or
15 4:00 o'clock in the afternoon when you gave this information?

16 A. Oh, yes, sir.

17 Q. He wasn't --

18 A. Briefly, but I had not extensive contact with him.
19 I just met him in passing, very briefly.

20 Q. And, you talked to him?

21 A. Yes, sir, briefly.

22 Q. At that time, you didn't have this telephonic

1 information?

2 A. That's quite correct.

3 Q. Do you remember what you talked to him about?

4 MS. NELSON: Objection.

5 THE WITNESS: No, really, I don't. I do know what
6 his assignment was. He was an intelligence officer assigned
7 to surveil Dr. King and the continuing situation in the
8 Memphis area.

9 BY MR. STAVIS: (continued)

10 Q. Survail or guard him?

11 A. Not guard him, surveillance. Specifically, not
12 guard him.

13 Q. Who told you that?

14 A. Among things, he did; and among other things, the
15 reports that I got out of the Memphis Police Department made
16 it absolutely plain that, as he was reporting his own surveil-
17 lance activity, I had access to those reports. As a matter
18 of fact, I picked up the reports from the Memphis Police
19 Department current as of April 4, 1968 when I left.

20 The last report that Detective Reddick filed was a
21 report stating that he had been threatened; that his undercover
22 capacity with the Memphis Police Department had been known by

1 some people, and he had been threatened at the airport.

2 Now, knowing that and receiving the information from
3 my Washington office, as I indicated to you later, is the reason
4 that I passed on the information to the Memphis Police
5 Department, thinking that perhaps it was Reddick who was the
6 subject of some, and it was undefined at that time, plot to
7 kill him, because he had already been threatened, and he was
8 a black police officer in Tennessee, which was the information.

9 As I say, later that information turned out to be
10 directed at some other police department in Memphis -- I mean,
11 in Tennessee -- rather than Memphis, and I so advised the
12 Memphis people, I think, the day after.

13 Q. Are you prepared to disclose the source of your
14 information as to this alleged assassination?

15 A. No, sir.

16 Q. Are you prepared to disclose who it was who is
17 supposed to have procured the assassin?

18 A. I don't really know that.

19 Q. Are you prepared to disclose the organization with
20 which the procurer of the assassin is supposedly connected?

21 MS. NELSON: Note my continuing objection to this
22 line of questioning.

THE WITNESS: No, sir.

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1 BY MR. STAVIS: (continued)

2 Q. Will you look at this memorandum dated April 4, 1968
3 appearing in the House Committee hearings on the assassination
4 on Page 268?

5 A. (Perusing document.)

6 Q. Is that memorandum accurate?

7 A. Is it accurate?

8 Q. Yes.

9 MS. NELSON: I think the memorandum speaks for
10 itself.

11 MR. STAVIS: I understand the memorandum speaks for
12 itself. That is not the question. The question is whether
13 it is accurate, to his knowledge.

14 THE WITNESS: It is basically accurate, to the best
15 of my memory.

16 BY MR. STAVIS: (continued)

17 Q. Any respect in which it is inaccurate?

18 MS. NELSON: I am going to object and instruct the
19 witness not to answer. This has gone, I think, much too far
20 afield. I was giving you some leeway, but to --

21 MR. STAVIS: I am so grateful for the leeway that
22 you have given me, but just a little bit more, Mellie, and

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1 we won't have any conflict.

2 MS. NELSON: I instructed the witness not to answer.

3 MR. STAVIS: The witness refuses to answer with
4 respects, if any, in which that is inaccurate?

5 THE WITNESS: (No response.)

6 MR. STAVIS: Does the witness want to be in that
7 position?

8 MS. NELSON: The witness has not been authorized by
9 the Senate to testify on this matter, and I instruct him not
10 to answer.

11 THE WITNESS: I don't want to be in violation of
12 Senate Rule 30, Mr. Stavis.

13 BY MR. STAVIS: (continued)

14 Q. You consider it to be in violation of Senate Rule
15 30 to answer the question as to respects, if any, in which that
16 memorandum is inaccurate?

17 A. To the extent that I consider this whole line of
18 questioning totally irrelevant, as to any knowledge that I may
19 have of Mr. and Mrs. McSurely, or any documents connected to
20 Mr. and Mrs. McSurely, I think that it is irrelevant.

21 Q. Leaving that question aside.

22 A. Yes, sir.

1 Q. I am asking you again whether you do not wish to
2 answer the question as to the respects, if any --

3 A. I have been instructed by counsel not to answer, and
4 I don't want to place myself in a position of being in violation
5 of Senate Rule 30.

6 Q. I want to identify the document which we are referring
7 to as being a document which is called "MLK Exhibit F-189,"
8 which appears at Page 268 of Volume IV of the hearings before
9 the Select Committee on Assassinations of the House of
10 Representatives investigation of Martin Luther King, Jr.

11 Did you ever investigate the Poor People's Campaign?

12 MS. NELSON: Objection.

13 THE WITNESS: On the advice of my counsel I refuse
14 to answer.

15 BY MR. STAVIS: (continued)

16 Q. She hasn't advised you not to answer. She just made
17 an objection.

18 A. Excuse me.

19 Q. Did you?

20 A. Do you want me to answer these questions? To my way
21 of thinking, they have nothing to do with the subject that I
22 am authorized to discuss.

1 MS. NELSON: Can we go outside for a second? I need
2 to talk to my client.

3 (Thereupon, a short recess was taken,
4 and then the deposition continued
5 as follows:)

6 MR. STAVIS: Okay?

7 THE WITNESS: Yes, sir.

8 MR. STAVIS: Can we have the pending question read
9 back?

10 THE REPORTER: Yes, sir.

11 (The requested portion was read back.)

12 THE WITNESS: There was an investigation on the
13 Subcommittee, Mr. Stavis, concerning certain facts about the
14 Poor People's Campaign. I was not in charge of that investi-
15 gation. I am aware of it, and I probably worked on the per-
16 iphery of it. I was not directly, totally involved in it.
17 It did result in some public hearings a little bit later.

18 BY MR. STAVIS: (continued)

19 Q. Who was in charge of that investigation?

20 A. I think Mr. Adlerman, perhaps Mr. O'Donnell was
21 involved in it, some people that I was -- that were working
22 with me at the time on other matters were also involved in it,

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1 like myself, just on the periphery of it, and that would have
2 been Mr. Jack Drass, whom I remember having more involvement
3 than anyone in that particular investigation.

4 Q. Do you remember when that investigation was being
5 conducted?

6 A. I would say it was -- well, after the riots of
7 April 1968 in Washington. That is the best of memory. There
8 may have been some initiations of questions concerning it
9 before then, but I wasn't directly involved in that. To the
10 best of my memory --

11 Q. Any investigation of that before the assassination
12 of Martin Luther King?

13 A. There may have been, but I don't recall my being
14 involved in anything that would have been ongoing at that
15 time. There may have been inquiries or something of that
16 nature.

17 Q. Do you know a Mr. Whitaker?

18 A. Whitaker?

19 Q. Yes, Bud Whitaker.

20 A. Bud Whitaker, yes.

21 Q. Who is he?

22 A. The Bud Whitaker that I know, I don't know if it is

1 the same gentleman you are referring to, is or was the
2 administrative assistant to Senator McClellan and served Senator
3 McClellan a long time. Is that the same one you are talking
4 about?

5 Q. Was he responsible in part for your coming over to
6 the McClellan Committee?

7 A. He interviewed me prior to my coming on. I don't
8 know what responsibility he had, but I did talk to him.

9 Q. Had you ever worked with him before?

10 A. No, sir.

11 Q. I guess you do know Mr. Hughes, who is on the
12 Special Services Committee, do you not?

13 A. Ed Hughes?

14 Q. Yes.

15 A. From Atlanta?

16 Q. Yes.

17 A. Yes, sir, I do know him.

18 Q. Had you ever known him in Atlanta before he came on
19 the Special Services Committee?

20 A. Yes, sir.

21 Q. What work had you done with him in Atlanta?

22 A. Very little. Just a matter of liaison with respect

1 to flow of weapons, things of that nature. I got to know him
2 in Atlanta, but I wouldn't say I had a lot of contact with him
3 in Atlanta.

4 Q. Did he have a particular relationship with some of
5 the organizations that you investigated in 1969?

6 A. (No response.)

7 MS. NELSON: If you know.

8 THE WITNESS: I don't remember. He may have. He
9 may have. His specialty, I think, was flow of weapons, and in
10 the course of that he had some organizational knowledge that
11 I recall. I don't remember the specific details.

12 BY MR. STAVIS: (continued)

13 Q. You were using some terminology, and I just want to
14 make sure that I understand its uses. I've heard you use the
15 terminology "Intelligence" and "Counter-Intelligence."

16 A. Only with respect to my employment --

17 Q. In the Army?

18 A. -- in the Army, which was from 1960 to 1964 -- end
19 of '63.

20 Q. Just so the record is clear, can I have your explanation,
21 at least, of the difference between these?

22 A. Well --

1 Q. Just so that the record is clear.

2 MS. NELSON: I think he has testified once to this,
3 and I think this is really far afield on the subject of this
4 deposition.

5 MR. STAVIS: I just think it would help, so we don't
6 have confusion as to what the witness means by these things.

7 MS. NELSON: I think his job with the Armed Forces
8 speaks for itself.

9 MR. STAVIS: Well, it doesn't. That is the trouble.

10 THE WITNESS: It doesn't have anything to do with
11 this lawsuit.

12 MR. STAVIS: Maybe it does, and I just want a
13 definition of terms.

14 MS. NELSON: I think his employment in the early
15 '60's, some years prior to your clients becoming involved in
16 the subject matter of this lawsuit, has nothing to do with
17 that.

18 MR. STAVIS: I understand your position. Now, will
19 you let him answer the question?

20 THE WITNESS: I can further assure you that my
21 employment with the Army had nothing to do with gathering
22 information on domestic groups of any kind.

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1 BY MR. STAVIS: (continued)

2 Q. I just want your definition of the difference between
3 intelligence and counter-intelligence.

4 A. To my way of thinking, intelligence is that process
5 that gathers, collates, synthesizes, evaluates and reports
6 information on any given subject to people who have to make a
7 decision about that subject.

8 Counter-intelligence, on the other hand, is that form
9 of intelligence which is structured to make sure that your
10 intelligence gathering operation is not infiltrated by enemy
11 agents or by subversives or people who you don't want in that
12 organizational structure. That is the basic difference.

13 MR. STAVIS: Off the record.

14 (Thereupon, an off-the-record discussion
15 occurred, and then the deposition
16 continued as follows:)

17 BY MR. STAVIS: (continued)

18 Q. Just two or three more questions. You have mentioned
19 a Mr. Drass.

20 A. Yes, sir.

21 Q. I understand he passed away.

22 A. Just recently. I went to his funeral yesterday.

1 Q. Now, Mr. Drass had worked on the Poor People's
2 Campaign?

3 A. Yes, I think he did.

4 Q. As I understand it, before Mr. Drass came to the
5 Senate Subcommittee he was on the D. C. Police Force?

6 A. That's correct.

7 Q. Do you know what assignments he had with the D. C.
8 Police Force?

9 MS. NELSON: Objection.

10 THE WITNESS: All I know, Mr. Stavis, is he was a
11 detective. I don't know what specific assignments he had. I
12 don't recall any specific assignments that he may have had.

13 BY MR. STAVIS: (continued)

14 Q. Did he have any particular intelligence responsi-
15 bilities, or counter-intelligence responsibilities?

16 A. That that I am aware of. I never knew Mr. Drass
17 before we met on the Senate Subcommittee.

18 Q. Now, did the Senate Subcommittee, as far as you
19 know, or any of its employees, at any time engage in electronic
20 surveillance?

21 A. No, sir, not to my knowledge.

22 Q. Are you competent in that field, electronic

1 surveillance?

2 A. I'm not a trained wireman or electronic man at all.

3 Q. Are you untrained?

4 A. What do you mean an I "untrained"?

5 Q. Do you know how to do it?

6 A. I don't think I know how to do it. I've never done
7 it.

8 Q. Do you know whether Mr. Drass did?

9 A. I don't know whether he did or not. My sense is that
10 he did not.

11 Q. You appeared here in response to a subpoena?

12 A. Yes, sir.

13 Q. And, you were requested to produce certain documents?

14 A. Yes, sir.

15 Q. Did you produce any of the documents?

16 A. Mr. Stavis, it is impossible for me to produce any
17 of the documents --

18 MS. NELSON: The answer is "Yes" or "No."

19 THE WITNESS: Did I produce any, or will I? I don't
20 have any documents here because it is impossible for me to
21 comply with it.

22 BY MR. STAVIS: (continued)

1 Q. Why is it impossible?

2 A. It is impossible for the following reasons: Number
3 one --

4 MS. NELSON: Just wait a minute. Do you, personally,
5 have any documents?

6 THE WITNESS: I have no documents. I am not the
7 custodian of records and, further, if you don't mind, Mellie,
8 just so this record is absolutely clear, I have never had these
9 records in my possession, custody or control, I have never
10 read them, they have never been made available to me, and I
11 have never discussed them with anybody from the IRS, to the
12 best of my knowledge or memory.

13 MR. STAVIS: No further questions.

14 THE WITNESS: Thank you, sir.

15 MR. STAVIS: Thank you.

16 MS. NELSON: No questions, and we do not waive
17 signature.

18 BY MR. STAVIS: (continued)

19 Q. You referred to a Mr. John Walsh who had done some
20 investigation before you arrived at the Senate Subcommittee.

21 A. Yes, sir.

22 Q. Did he continue to work with you afterwards?

1 A. No, sir.

2 Q. He got off those investigations?

3 A. Yes, sir.

4 Q. Did he remain with the Senate Subcommittee?

5 A. Yes, sir.

6 MR. STAVIS: That is all I have.

7 MS. NELSON: No questions, and we do not waive

8 signature.

9 (Deposition was concluded at approximately

10 5:00 o'clock, p.m.)

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CERTIFICATE OF THE DEPONENT

I have read the foregoing pages 3 through 65 ,
inclusive, and find the answers to the questions therein
contained to be true and correct, with the exception of
changes, if any.

PHILIP R. MANUEL

DATED: _____

=====

CERTIFICATE OF NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____
, 19 _____ .

(NAME)

NOTARY PUBLIC IN AND FOR THE

MY COMMISSION EXPIRES:

Carol J. Thomas, R.P.R.
Stenotype Reporting Services
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CERTIFICATE OF NOTARY PUBLIC

1
2 I, CAROL J. THOMAS, a Notary Public in and for the
3 District of Columbia, before whom the foregoing deposition
4 was taken, do hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn by me; that
6 the testimony of said witness was taken by me in Shorthand at
7 the time and place mentioned in the caption hereof and there-
8 after reduced to typewriting under my supervision; that said
9 deposition is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in which this
12 deposition was taken; and, further, that I am not a relative
13 or employee of any counsel or attorney employed by the parties
14 hereto, nor financially or otherwise interested in the outcome
15 of this action.

16
17 

18 CAROL J. THOMAS
19 Notary Public in and for
20 THE DISTRICT OF COLUMBIA

21 My commission expires:

22 September 1, 1981

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