

ASCF-047

here of him by the FBI and police with respect to assaults on one Finer and related matters, it was reported in the public press that his principal associate in crime was murdered almost immediately after the associate visited an FBI office. I believe that this man's murder was arranged by the person to whom he and Mr. Byers—

This was all newspaper stuff—

... had sold the statues stolen from the museum, and Mr. Byers is now fearful that this publicity is classing him as an informant and this same fate will occur to him.

I had evidence of that as I met with him. He was scared. He told me this publicity had him on the spot. He was angry. He said he wasn't going to testify before television. He was angry that the committee seemed to indicate he was in on the plot, which he claimed he wasn't.

I believe my public testimony and that of Mr. Byers will endanger lives, including my own.

That is the rest of my letter.

Mr. BLAKEY. Thank you, Judge Randall. I have no further questions at this time.

Judge RANDALL. And let me tell you something else. No, I got to add something. I also was fearful that the FBI, if that name came out here, would accuse me of not reporting it to them.

I had been negligent. I knew that for 2 months. I should have reported it sooner. So, I sent a copy of this to Bill Webster, FBI Director, because I didn't want to appear here in public testimony and blow the name of an informant and then be accused of, you know, failing to report it.

But then I got scared; the informant would be in danger, if you want to know the truth about it. OK?

Mr. BLAKEY. Thank you, Judge.

Chairman STOKES. At this time the Chair will recognize the gentleman from Tennessee, Mr. Ford, for such time as he may consume, after which the committee will resort to the 5-minute rule.

Mr. REED. If you please, Mr. Chairman, at this point I would respectfully ask the committee if a brief recess is in order. Judge Randall I think would like to refresh himself. I know I certainly would, and I think we would be in much better position to continue after 2 or 3 minutes.

Judge RANDALL. If this isn't going to take long, I am going to overrule you again.

Mr. REED. Your Honor, I won't be overruled in this case. If you wouldn't mind. Two or three minutes I think would be sufficient.

Chairman STOKES. How much time would counsel desire, then?

Mr. REED. Two or three minutes would be sufficient, I think.

Chairman STOKES. The committee will now suspend for 5 minutes.

Mr. REED. Thank you. Thank you, Mr. Chairman.

Chairman STOKES. We will be in recess for 5 minutes.

[Brief recess.]

Chairman STOKES. The committee will come to order.

The Chair at this time recognizes the gentleman from Tennessee,

Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

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Judge RANDALL. I again would like to welcome you.

Judge RANDALL. How are you, Congressman?

Mr. FORD. Fine, thank you very much.

Judge RANDALL. When Mr. Byers discussed with you the conversation he had with Kauffmann to kill Dr. King, did you give him any legal advice as to his possible involvement in the assassination?

Judge RANDALL. No, sir. The thing he wanted to know from me—

Mr. REED. Judge, you have answered that question.

Judge RANDALL. He wants me to stop. You will have to ask another question.

Mr. FORD. Well, why not?

Judge RANDALL. Well, he didn't ask me what to do. His only question was if I get questioned, he was trying to determine should I talk or should I insist on immunity. He asked me the procedure for immunity.

You see, this is not something he thought was imminent. You know, he just wanted to be a little prepared. I told him the procedure was you appear before the grand jury, take the fifth amendment, go in open court, and get immunity, and went back.

He was trying to decide in his mind if I am questioned about this, shall I talk or shall I insist on immunity. He didn't like the immunity because he didn't want the publicity. But there was no thought about reporting it.

Hell, this was 10 years after the event, and everybody is dead. You know, you don't think about reporting it if everybody is dead and it is 10 years old.

Mr. FORD. Judge Randall, did you personally take any action upon the information Mr. Byers had shared with you?

Judge RANDALL. Took the action of advising him what he should do if he is questioned about it, yes.

Mr. FORD. Turning now to page 1 of this confidential letter addressed to Chairman Stokes, I have here I think it is your first paragraph, maybe your second paragraph. You talk about Russell Byers, who is known here to be one of the most dangerous criminals in the city.

Could you explain that to the committee, please?

Judge RANDALL. Well, you know, I don't want to go into all the stuff that is reported out in St. Louis in the press. You can read the press.

Mr. FORD. But you said it in your letter. Could you tell us what you meant by that particular statement in your letter?

Judge RANDALL. What is in the press out there, gentlemen.

Mr. FORD. You had read it in the press.

Judge RANDALL. Yes, sir.

Mr. FORD. And you included that in this letter?

Judge RANDALL. Yes, sir.

Mr. FORD. Mr. Chairman, I would like to yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have no questions, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Chairman STOKES. Mr. Fauntroy.

Mr. FAUNTROY. No questions, Mr. Chairman.

Mr. FITHIAN. No questions, Mr. Chairman.

Chairman STOKES. Judge, obviously tough job here. There none.

Does counsel have any questions, Mr. Blakey?

I do, Mr. Judge, like to express your taking time us.

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Judge RANDALL. Chairman Stoke

Mr. REED. I have Chairman Stoke

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is that right? Chairman STOKI

p.m. this afternoon [Whereupon, at

convene at 2 p.m.]