

# MEMORANDUM

June 26, 1996

To: David Marwell  
Jeremy Gunn  
cc: Laura Denk  
Kevin Tiernan  
From: Phil Golrick  
Subject: Meeting with Chief Judge Sear and Review of BRILAB Cassettes

As you are aware, I visited Chief Judge Sear in his chambers in New Orleans on June 12. This memorandum memorializes what he told me about the BRILAB case and the contents of the cassettes he gave me.

## *Conversation with Chief Judge Sear*

Judge Sear said that he personally listened to a large volume of surveillance tapes, in addition to what was admitted at trial, in order to determine the scope of relevant criminal conspiracies as necessary to rule on hearsay objections.<sup>1</sup> He stated that he had carefully searched his memory for any indication on those tapes that Carlos Marcello or his associates may have been complicit in the assassination of President Kennedy, but that (with one arguable exception discussed below) he does not recall hearing such statements. Judge Sear believes that any incriminating statements about the assassination would stand out in his mind. He remembers, for example, a conversation about the murder of John Wood, a Federal district court judge in San Antonio. He emphasized that, contrary to some published accounts, he did not knowingly “seal” any material relevant to the Kennedy assassination.

Judge Sear did recall one instance where Carlos Marcello said something to the effect of “we don’t talk about that” when the assassination of President Kennedy was mentioned. However, Judge Sear could not remember any details that might assist us in locating this conversation (*e.g.*, approximately when it took place, who was present or what form of surveillance was involved).

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<sup>1</sup>The Federal Rules of Evidence define as non-hearsay “a statement made by a coconspirator of a party during the course and in furtherance of the conspiracy.” Rule 801(d)(2)(E).

I asked Judge Sear whether he still possessed any tapes or transcripts of electronic surveillance in the BRILAB investigation. Judge Sear replied that, for some years after the trial, he had boxes of BRILAB-related material stored in his chambers, but this material had been sent back to the FBI's New Orleans field office. He gave me four audio cassettes, and told me that was all he had. Judge Sear explained that these tapes were excerpts of "highlights" from the investigation that the New Orleans field office had prepared for him. He said that he had not listened to all the tapes, but in what he had listened to, there was nothing related to the Kennedy assassination.

Judge Sear identified Albert Winters of the U.S. Attorney's Office and a former FBI agent named Hughes (first name may be John) who now works for the Jefferson Parish District Attorney's Office as persons who were involved in the BRILAB case and may be able to help us find material potentially bearing on the assassination.

### *Review of Cassettes*

I have listened to the four cassettes Judge Sear gave me. They do not contain anything related to the Kennedy assassination. A brief description of each tape is given below.

#### *Tape One*

Label: "Harry Lee and Carlos Marcello (excerpt);" "113A"

Tape Length: Approximately 25 minutes per side

Contents: A phone conversation of approximately 3-1/2 minutes between Carlos Marcello and another man regarding Harry Lee. As I understand the situation, Lee was allegedly involved in routing a highway through land owned by Marcello so that Marcello could be overcompensated for the loss of his property.

#### *Tape Two*

Label: "T-3 1/28/80 C.M., A.Y."

Tape Length: 30 minutes per side

Contents: A phone conversation of approximately 9-1/2 minutes between two men<sup>2</sup> chiefly regarding

recent political developments in Louisiana. The rest of the first side of the tape and the second side are blank.

*Tape Three*

Label: "Hauser, Joseph 1;" "Copy [illegible initials] 6/15/81"

Tape Length: 45 minutes per side

Contents: Parole hearing for Joseph Hauser, who was an undercover informant for the FBI in the BRILAB investigation.<sup>3</sup> About one minute into the first side of the tape, the recording begins to fade; thirty seconds later it is completely inaudible. The rest of the first side of the tape and the second side are blank.

*Tape Four*

Label: "Hauser, Joseph 2;" "Copy [illegible initials] 6/15/81"

Tape Length: 30 minutes per side

Contents: Continuation of Hauser parole hearing, with statements by Government attorney (recommending early release in recognition of Hauser's cooperation), Hauser's attorney, and Hauser himself. The Government attorney introduced Bill Fleming and Bill Wicker (phonetic spelling) as FBI agents who had worked closely with Hauser. The hearing takes up almost all of the first side of the tape. The rest of the first side and the second side are blank.

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I told Judge Sear that we would return these cassettes when we were through with them. Because they do not contain any assassination-related information, I believe we can send them back to Judge

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<sup>2</sup>One of the conversants appears to be the same person recorded with Carlos Marcello on Tape One.

<sup>3</sup>This is not the fruit of Title III or "consensual" electronic surveillance and therefore not the type of "BRILAB tape" about which assassination-related allegations have been made.

Sear without making copies. A draft cover letter to Judge Sear is attached.