

MEMORANDUM

ATTORNEY-CLIENT COMMUNICATION PRIVILEGED AND CONFIDENTIAL

June 20, 1996

To: David G. Marwell

cc: Thomas Samoluk
Phil Golrick
Laura Denk
Kevin Tiernan

From: T. Jeremy Gunn
General Counsel

Subject: BriLab Tapes

There has been a significant interest in the FBI electronic surveillance tapes of Carlos Marcello that were collected as part of the Bureau's "BriLab" ("Bribery/Labor") investigation in New Orleans between 1979 and 1980. Marcello, who was the head of the New Orleans mafia, has been accused of complicity in President Kennedy's murder. The evidence suggests that Oswald's uncle worked for Marcello and that Oswald himself may have been a "runner" for Marcello. By coincidence, the BriLab surveillance took place at the same time that the HSCA was investigating the assassination. When Marcello's name appeared in the media as being investigated by the HSCA, the surveillance picked up his comments. Many, including Robert Blakey, have suggested that there may be significant information in the BriLab tapes related to the Kennedy assassination. The BriLab tapes (approximately 1400 hours of recordings) have been, for all practical purposes, under court seal since the early 1980s and are located (along with logs and transcripts) in the Bureau's New Orleans Field Office.

We asked the FBI and the U.S. Attorney's Office in New Orleans to help us get the seal lifted. In addition, I spoke (by telephone) with Federal District Court Chief Judge Sear (Eastern District of Louisiana), who presided over the BriLab trial and who put the seal into place. All of the relevant parties were very cooperative and Chief Judge Sear issued an order lifting the seal. The order permits Phil, Laura, Kevin, and me, to listen to the tapes, examine the logs, and review the transcripts.

It is important for you to know that the order lifting the seal is itself under seal and we should not discuss the terms of the order with the public. If you discuss the order with the Board, please make sure that they understand that there should be no public discussion of what is happening with our review of BriLab materials until we obtain a further order from the Court. We do have

permission for you and the Board to see the order itself.

The obvious problem with the BriLab tapes is identifying the portions of them that relate to the assassination. Listening to several hundred hours is, of course, impractical. In order to identify relevant portions, we did the following:

First, I reviewed (at the time of the Board's trip to New Orleans) the complete pleadings file from the trial. From this file, I was able to identify a few tapes that are likely to pertain to the assassination. Second, we identified some important dates related to the HSCA investigation and examined tapes surrounding those dates. Third, we conducted a comprehensive review of the literature (including John Davis's FOIA suit to obtain the tapes) to identify dates that researchers have alleged may contain assassination material. Fourth, we spoke to two of the attorneys who prosecuted the case against Marcello (Al Winters and Eades Hogue) and Phil spoke directly with Judge Sear. Fifth, Kevin reviewed (in New Orleans) several of the logs that are likely to be most promising and has already identified a dozen references to the assassination and the Kennedys. Sixth, we convinced the FBI to send copies of the logs to the FBI HQ in Washington, where we will review the remainder. Seventh, we also were able to obtain the Bureau's agreement to send all of the transcripts in their possession to FBI HQ, and we will be reviewing those.

The Bureau has agreed to make cassette copies of any tapes that we wish. Once we have completed our review, we will write a report and ask Judge Sear to issue an order enabling us to release the report and make the tapes or transcripts available to the public in the JFK Collection.