

ORLEANS PARISH GRAND JURY
SPECIAL INVESTIGATION

STEVEN R. PLOTKIN

NOVEMBER 2, 1967

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PRESENT: MR. JIM GARRISON, DISTRICT ATTORNEY,
MESSRS. RICHARD BURNES, ALVIN OSER,
NUMA BERTEL, ASSISTANT DISTRICT ATTORNEYS

MEMBERS OF THE ORLEANS PARISH GRAND JURY

STEVEN R. PLOTKIN

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Recorded by:
Maureen B. Thiel,
Secretary
Orleans Parish Grand Jury

STEVEN R. PLOTKIN, appearing herein, was questioned and answered as follows:

(Sworn in by the Foreman of the Orleans Parish Grand Jury)

MR. GARRISON:

- Q. Bobby, the last time you were here I remember asking you if you ever represented directly or indirectly Central Intelligence Agency or any Intelligence Agency of the U. S. Government, and I recall your reply was that you had received no money at all. Have you received any money since then from the United States Government directly or indirectly?
- A. No, none at all. The United States Government. No.
- Q. Have you received any money in connection with your representation of Gordon Novel in recent weeks?
- A. Yes.
- Q. Is it a fact
- A. Now I am going to invoke the privilege that I invoked before. I think this now gets into the attorney-client privilege which I am not prepared to give you the direct citation on.
- Q. Did you receive the sum of approximately \$10,000.00 recently for your representation of Gordon Novel?
- A. Absolutely not.
- Q. In recent weeks did you receive money in connection with

your representation of Gordon Novel?

A. Yes.

Q. Did this money come from Gordon Novel?

A. I am not going to answer that on the basis of the attorney-client privilege, but it did not come from any United States Government Agency directly or indirectly.

Q. Did it come from a person other than Gordon Novel?

A. I will invoke the privilege on that.

Q. The fact that it comes from someone else would seem to exclude the attorney-client privilege.

A. I didn't say that - I didn't say that it came from anybody else.

Q. Did you receive the money from a person other than your client, Gordon Novel?

A. I will invoke the privilege on that.

Q. I am not asking if it came from Novel, I am asking if it came from anyone else?

A. I have admitted that I have received a fee and I think that anything beyond that is on behalf of Gordon Novel for my services to him.

Q. Did you receive it from Gordon Novel?

A. I feel that anything beyond that is an attorney-client privilege and it was not from any Agency or any Department

Of the United States Government or its subsidiaries.
But I will say that much, however beyond that I will
assert the attorney-client privilege.

MR. BURNES:

Mr. Plotkin, the attorney-client privilege calls for
the client, not the attorney - you are aware of that,
are you not?

A. Of course I am aware of it.

Q. And the attorney-client privilege may be asserted or
waived by the client, you are aware of that, aren't
you?

A. I have explained that to you, Mr. Burnes.

Q. No you have not explained that to me, I explained it to
you before.

A. All right.

Q. And therefore, the client would be in a position to waive
the privilege - do you understand that?

Answer my question, do you understand that?

A. Its a question of law and

Q. But do you understand it?

A. I understand it, but I may not agree with it.

Q. Now, are you in a position to name the client so we can
see whether the client will waive the privilege?

A. The client was Gordon Novel.

Q. And the client on whose behalf you are claiming the privilege is Gordon Novel? Is that correct?

A. That is correct.

Q. Are you claiming the privilege on behalf of any client other than Gordon Novel?

A. I am claiming the privilege of all clients that I have that are involved in this.

Q. With regard to this specific question, are you claiming this privilege in behalf of any client other than Gordon Novel?

A. You missed the point, Mr. Burnes. The point is this: I am bound by law, it is not of my own choosing whether I answer the question or not, the laws of Louisiana impose an obligation upon me as an attorney for any person to respect their confidential communications as I would of any gentleman who may be charged in this room with a crime. Now, I cannot release information given to me by any of these people because of the Statute restricting that, and that is all I am invoking here today. I have admitted that I have received money on behalf of my services to Gordon Novel since my last appearance before this Grand Jury, and I think that anything beyond that is attorney-

client privilege and I must object to your questioning and exert the privilege as I am duty bound under the laws of this State, as you well know.

Q. Without quarreling with that premise, still the fact remains that the client may waive the privilege, it may tell Mr. Garrison, it may tell myself, it may tell the Foreman, it may tell the entire Grand Jury and it may tell the Court, if there is a meeting in the Courtroom, that it does not choose to assert the privilege.

A. The client has the absolute right to waive the privilege.

Q. My question is are you asserting this privilege in behalf of Gordon Novel ...

A. Correct.

Q. ... now, are you asserting it in regard to this particular question?

A. Yes.

Q. On any client other than Gordon Novel?

A. I am asserting the privilege as I am obligated to do under the law, particularly in favor of Gordon Novel because your questions are particularly about Gordon Novel as well as any other client I have relationships with as the attorney. I cannot be more specific than that.

- Q. In other words, you won't answer the question as to whether you have another client, other than Gordon Novel, in behalf of whom you are asserting the privilege? Is that correct?
- A. You will have to rephrase it.
- Q. In other words, you will not answer the question as to whether you have another client, in addition to Gordon Novel, in behalf of whom you are asserting the privilege? Is that correct?
- A. I will answer the question this way, that I am asserting the privilege on behalf of all the clients - I am stating it positively and you are stating it negatively.
- Q. I will be glad to hear anything that you have to say, and I am sure the Grand Jury will too, but you do have to answer my question. Are you asserting the privilege? My question is: are you willing to answer the question as to whether or not you are asserting the privilege in behalf of any client other than Gordon Novel? Will you answer that question? Yes or no?
- A. Yes, I am asserting the privilege on behalf of Gordon Novel and all other clients that it may be relative to. I cannot be any clearer than that. I don't think there is any misunderstanding of the law between us, except that you are stating it to these people negatively and I am stating

it positively. It is the only distinction in semantics that we may have.

MR. GARRISON:

There may be a slight difference here, Bobby, if there were someone else than Novel paying you. Your answer does not make that clear, you see, and that is what we want to find out. It would not just be semantics. In other words it would be more than semantics if, in your representation of Gordon Novel, you were being paid by another person, that would be more than semantics.

A. I have answered to the best of my ability.

Q. Now let me pose the question to you more directly. Were you paid by a person in behalf of Gordon Novel, but who is another person than Gordon Novel?

A. I think that I will have to invoke the privilege also. The services that I rendered, for which I was paid, was on behalf of Gordon Novel, and that the consideration paid to me was not by an Agency of the United States Government or any employee of the United States Government, to the best of my knowledge.

Q. That is really secondary, what I am interested in now is whether or not there was a person other than Gordon Novel?

A. I think I have to invoke the privilege.

- Q. You think the privilege applies to that?
- A. I was paid for my services to Gordon Novel.
- Q. By whom?
- A. That I don't think I can answer.
- Q. Do you mind waiting outside?
- A. Not at all.

(Exits)

(Reenters)

FOREMAN: You are still under oath, Mr. Plotkin.

MR. BURNES:

- You are aware as an attorney, are you not, that under Art. 434 of the Code of Criminal Procedure that you are lodged by your oath not only to answer truthfully but to maintain the secrecy of the Grand Jury, and that you may not repeat anything directly or indirectly that transpires before the Grand Jury with the one exception that if you are a person under investigation or indictment that is the exception and in that case you can reveal the information heard in the Grand Jury room to an attorney.
- A. Isn't there another exception too?
- Q. In the case of an actual charge of perjury you are permitted by the court, upon ruling, yes. I just want to call this to your attention.
- A. And another exception is that you may discuss your testimony

with your counsel.

Q. For the record, I want to read to you Art. 434, and then I have one further question.

A. I am familiar with Art. 434.

Q. I want to be sure it has been read to you and I will at this time read it to you, and admonish you that this is the law.

" Art. 434: Members of the Grand Jury and all other persons at Grand Jury meetings and all persons having confidential access to information concerning Grand Jury proceedings shall keep secret the testimony of witnesses and all other matters occurring at or directly connected with a meeting of the Grand Jury. However, after the indictment, such persons may reveal statutory irregularities in Grand Jury proceedings to defense counsel, the District Attorney or the Court and may testify concerning it, such persons may disclose testimony given before the Grand Jury at any time when permitted by the Court to show that a witness committed perjury in his testimony before the Grand Jury"

Now there are two further sentences and before I read those to you, you see that both of these cases proceedings presuppose after an indictment. Now I will read the last two sentences to you:

"A witness may discuss his testimony given before the Grand

Jury with counsel for a person under investigation or indicted with the District Attorney or with the Court. Any person who violates the provisions of this Article shall be in contempt of court."

I want the record to show that I have read the Article.

Now I am going to ask you one further question.

Q. Is the person from whom you received the remuneration, that is the fee, the money, a client of yours?

A. I refuse to answer the question on the ground that this is now a confidential communication between attorney and client.

MR. GARRISON:

Let me ask one other question?

Q. Is the name of that person who gave you the money Gordon Novel?

A. I think that since all of this has occurred so suddenly and I had no idea that I was going to be called to testify, I think that since it has now developed into somewhat of a formal relationship here between us which I am somewhat surprised at, I think that in order to protect myself and my client out of an abundance of caution I will invoke the privilege, the attorney-client privilege.

JUROR:

Q. Who do you represent, what other people in this case?

A. I represent Mr. Dalzell, who has spoken to you today, and Gordon Novel, Davis Lewis, Bill Martin, Mr. Sapir, his father owns the premises which Mr. Ferrie occupied before his death, and Randy Ehlinger, those are all my clients.

Q. Who was Ehlinger?

A. He was Novel's business partner at one time.

Q. If you are invoking the client-attorney relationship, how does it hurt whether or not to say it is a client?

A. Well, it would be because there may be a waiver involved and all of this again is a surprise to me, as I mentioned to you, I feel that anything that I know about this case which I had told Jim and his associates previously, and the previous Grand Jury, any information that I have about this case comes from my representation of these people, therefore I am acting as their attorney and as a confidant, not/witness, and anything that I may know or hear is hearsay and I think there are three specific statutes which would prevent me from revealing anything which they have told me - as you would tell your own doctor or your lawyer - and we are under absolute duty to our client not to reveal anything about what they have said or their relationship. Now they can waive

it.

Q. If they are a client, how can you invoke the privilege if they are not your client?

A. Gordon Novel is my client. And all the compensation I have received has been for him and on his behalf and that relationship is confidential.

Q. Even where the money came from?

A. Sure.

Q. If I paid for Gordon Novel?

A. That would be confidential.

MR. BURNES:

Did you just say that the only compensation you have received as attorney representing the clients you just named has been the only remuneration for representing Gordon Novel, is that what you just said?

A. No, I didn't say that. That is not what I said.

Q. That is what I understood.

A. That the only compensation I have received has been -
from
as of this date -/all of these people? Well, yes, I would say that is true.

Q. Well, that is the question I asked you? That the only compensation received in behalf of representing any of
was
these people/in behalf of Gordon Novel.

- A. So far, you have to remember that Gordon Novel is the only one that is charged. My law partner's father, Mr. Sapir, is not a defendant; Ehlinger is not a defendant; Martin, Lewis and Dalzell are not defendants, so my representation of all of these - I may add that I have known previously, long before this, with the exception of Ehlinger.

JUROR:

Who is your partner?

- A. Eddie Sapir.

Q. In City Council?

- A. Yes sir.

Q. Any more questions?

Thank you.

C E R T I F I C A T E

I certify that the preceding transcript is a true and correct copy of the testimony given, under oath, before the Orleans Parish Grand Jury, on November 2, 1967, and reduced to typewriting by me.

Maureen B. Thiel