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HEARINGS

Before The

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

BUSINESS MEETING

Washington, D.C.

October 13, 1977

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BUSINESS MEETING

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Thursday, October 13, 1977

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House of Representatives,
Select Committee on Assassinations,
Washington, D. C.

The Committee met, pursuant to notice, at 2:20 p.m.,
in Room 2220, Rayburn House Office Building, the Honorable
Louis Stokes (Chairman of the Committee) presiding.

Present: Representatives Stokes, Preyer, Dodd, Fithian,
Devine, McKinney, and Sawyer.

Also Present: G. Robert Blakey, Gary Cornwell, James
Wolf, Robert Behner, Tom Howarth, Dorothy Kuhn, Elizabeth
Berning, Jan Schlichtman, I. Charles Mathews and Robert
Morrison.

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The Chairman. At this time we will call the meeting to
order, a quorum being present.

I understand, Professor Blakey, that the majority of the
matters to be considered by the Committee under the rules
must be considered in executive session and that there may
be one or two items that can be discussed in open session, and
in addition to that, we still need one member of the Committee
in order to close the hearing for executive purposes.

So if there is something that can be done in open
session at this time, the Chair would entertain --

Mr. Blakey. Mr. Chairman, there is one item on our list that could be done in public session without difficulty.

As you know, under our House Resolution 222 and Committee Rule 4 it is possible to designate counsel to take statements under oath, and you have before you a draft resolution that would designate counsel primarily from the Kennedy side, to take statements under oath.

(The above referred to resolution follows)
Mr. Blakey. I would indicate to you beforehand that this is a limited number of counsel, primarily those of the supervisory rank, or senior counsel, and that intent is that they take statements under oath only under limited circumstances.

We will have for you a similar resolution at the next Committee meeting finally designating the counsel to take statements under oath on the King task force.

My recommendation to you then is that yself, Mr. Cornwell, Mr. Goldsmith, Mr. Leodis Mathews, Mr. Hornbeck, Mr. Charles Mathews and James Wolf be designated as counsel to take statements. This will be primarily on the Kennedy side.

Mr. Sawyer. May I make an inquiry? 

The Chairman. Certainly.

Mr. Sawyer. Does this designation then subject the person who is being interviewed to perjury if he falsifies himself?

Mr. Blakey. The effect of it would be to authorize the statement under oath and if the oath was violated he would be subject to perjury sanctions.

I would call to your attention, Mr. Sawyer, that these kinds of statements cannot be taken pursuant to subpoena; they have to be voluntary statements. So it does not have a formality of a Committee meeting although we intend to use it only in significant circumstances.
Mr. Sawyer. The reason I ask this, I am not familiar with the Federal law, but under my State's law you have to go through some kind of designation or else it is not perjury, and I just wondered if that is the same thing in Federal law?

Mr. Blakey. Our practice is to have a Federal Magistrate swear the witness in. A court reporter would be present, the witness obviously would be represented by counsel.

Mr. McKinney. The witness would have to be volunatry?

Mr. Blakey. Yes.

The Chairman. Mr. Devine.

Mr. Devine. I have two questions. Number one, Mr. Blakey, any lawyer that is a notary public is authorized to give an oath. Do you need something in addition to being a notary public?

Mr. Blakey. You many not. But we have taken the position as a matter of good practice that we would make it as formal and solemn as possible and thus get a Federal Magistrate to do it.

Mr. Sawyer. It is psychologically good with the witness.

Mr. Blakey. That is true.

Mr. Devine. The other question I have is maybe it is an omission or maybe Mr. Lehner has qualified. I don't see his name on the list.

Mr. Blakey. We will have for you next week the names of the people on the Martin Luther King side.
Mr. Devine. You can't do it all at once?

Mr. Blakey. There is some debate as to who should be designated on the King side. We haven't resolved that yet. I don't mean real debate, it is discussion. There are some people on the King side, including Mr. Lehner, who are already designated.

Mr. Devine. That is what I thought.

Mr. Blakey. Mr. Lehner, Mr. Lee and Mr. Johnson are already designated, so the question is which additional counsel on the King side would have to be designated.

The Chairman. Mr. Dodd.

Mr. Dodd. I raise my own ignorance. We had a debate several weeks ago in the Rules Committee. The Select Committee Looking at the Korean investigation requester permission to take sworn statements from witnesses without a member of Congress present. Do we still require the presence of a member for these?

Mr. Blakey. No, the difference between what the Korean Committee asked for and what we already have is primarily that there is no compulsion involved in our taking of statements under oath whereas, correct me if I am wrong someone, what the Korean people requested was a Congressional subpoena to compel testimony before a staff counsel without a Congressional member present.

Mr. Dodd. I think you are correct, I think it was having
to do with a subpoena and compelling testimony, but I was under the impression during that debate that the thrust of the arguments did not have to do with the compelling nature of the testimony but rather the fact that sworn testimony would be taken of a witness without a member of Congress being present and in fact Chairman Rodino of the Judiciary Committee argued no committee of Congress had ever had that authority in the past, in fact the Judiciary Committee did during the impeachment process but never utilized it. We have been doing it, apparently.

Mr. Blakey. We have. It provides two things for us. One, it provides an important means of paying witnesses, frankly, when we talk to them incident to taking a statement under oath, and it does provide us, what amounts to a deposition, primarily to bringing a witness before the full Committee.

Under our rules the witness statement is not evidence and it is only under a comparable set of circumstances that would be applicable in civil proceedings or criminal proceedings, the witness being dead or unavailable or not in the interest of justice, that the Committee could openly rely on it in formulating its final report as evidence. So it is a very limited but very useful authority.

Mr. Dodd. But a subsequent contrary statement could subject the witness to perjury?

Mr. Blakey. Well, if the statement under oath is false
it would subject him to perjury without necessarily having contradictory statements. It is not terribly different than the authority given to IRS agents in investigating fraud cases or to the FBI in investigating fraud cases in certain limited circumstances to take a statement under oath.

Mr. McKinney. Still, if you wanted to use the statements for evidence we have to then subpoena and have a formal hearing with the Congressman present?

Mr. Blakey. Yes sir, unless there is a series of exceptions applicable.

Mr. Sawyer. The problem with contradictory statements is you have the burden of proofing which one is false. You can't do it just with the two contradictory statements.

Mr. Dodd. The argument is that the House really doesn't have any civil rules of procedure here, so that when we interrogate witnesses, the Committee staff do, we don't have any operating rules as such. I am not sure whether this is true with the IRS and FBI when they --

Mr. Blakey. Approximately the same sort of rules are applicable to us. We do have a statement of relevance. If we ask the person something outside of our legislative mandate I suspect he would be privileged to answer, and since it is all voluntary, anytime a person doesn't want to continue the conversation they get up and walk out.

Mr. Dodd. Yes, that is I think a significant difference.
Thank you, Mr. Chairman.

The Chairman. Mr. Fithian. Having heard all our learned lawyer friends I would move the question.

Mr. McKinney. I second the motion.

The Chairman. Properly moved that the resolution now before us be adopted.

The Clerk will call the rolle.

The Clerk. Mr. Stokes.

Mr. Stokes. Aye.

The Clerk. Mr. Devine.

Mr. Devine. Aye.

The Clerk. Mr. Preyer.

Mr. Preyer. Aye.

The Clerk. Mr. McKinney.

Mr. McKinney. Aye.

The Clerk. Mr. Fauntroy.

(No response)

The Clerk. Mr. Thone.

(No response)

(No response)

The Clerk. Mrs. Burke.

(No response)

The Clerk. Mr. Sawyer.

Mr. Sawyer. Aye.

The Clerk. Mr. Dodd.

Mr. Dodd. Aye.
The Clerk. Mr. Ford.

(No response)

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Mr. Edgar.

(No response)

The Clerk. Seven ayes.

The Chairman. Okay, seven ayes and the motion is agreed to.

Mr. Blakey. Mr. Chairman, the additional matters that would be before the Committee are such that they should be in closed session.

The Chairman. These are matters which under the rules must be considered in executive session?

Mr. Blakey. Yes.

The Chairman. Then at this time the Chair would entertain a motion.

Mr. Devine. I so move, Mr. Chairman.

The Chairman. Proposal moved that the Committee go into executive session and the Clerk will call the roll.

The Clerk. Mr. Stokes.

Mr. Stokes. Aye.

The Clerk. Mr. Devine.

Mr. Devine. Aye.

The Clerk. Mr. Preyer.
Mr. Preyer. Aye.

The Clerk. Mr. McKinney.

Mr. McKinney. Aye.

The Clerk. Mr. Fauntroy.

(No response.

The Clerk. Mr. Thone,

(No response)

The Clerk. Mrs. Burke.

(No response)

The Clerk. Mr. Sayyer.

Mr. Sayyer. Aye.

The Clerk. Mr. Dodd.

Mr. Dodd. Aye.

The Clerk. Mr. Ford.

(No response)

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Mr. Edgar.

(No response)

The Clerk. Seven ayes.

The Chairman. Okay, at this time the Committee is now in executive session. We will ask members of the public to leave the room.

(Whereupon, the Committee proceeded to executive session.)
(Discussion off the record)

Mr. Blakey. Mr. Chairman, the next matter that I would
like to bring up is really two items, not one.

We have now finished the negotiations and the drafting
of memorandums of understanding with both the Secret Service
and the Department of Justice. You have copies before you.
Basically, the terms should be familiar to you. They are
based on the general agreement reached with the CIA. The
specific agreement with the Department of Justice is the
draft one that I believe you were shown at the preceding
previous meeting.

Again the heart of it in both situations, if I can discuss them at this time, is basically the Secretary Service
has agreed to give us everthing in the first instance and
then when it comes down to disclose, if we cannot agree, we
have agreed to be bound by the litigation.

The Department of Justice has basically agreed to give
us everything in the first instance except live informants,
and as to live informants they will discuss it with us up to
the maximum degree possible short of actually giving us the
name, and the assumption is that in this case that should be
less than one percent of what we are dealing with.

We thought then that would be kind of set aside, if
we got say, five instances of live informants that they wanted
to retain, then we would go to the issue of ultimate disclo-
sure, and again if we could agree, there would be no problem. If we couldn't agree, we would be bound by the litigation.

As to the one percent informants, if we felt it was absolutely essential that we saw them, that would become part of the subsequent litigation.

My own recommendation to you is that the Committee ratify both understandings. Basically they are far more than to my knowledge, any other Congressional committee has ever gotten from either the Department of Justice or the Secret Service.

Mr. Devine. We have had them for sometime. I have read them through and I am prepared to make a motion to adopt the memorandum of understanding in both instances, if that is in order.

Mr. Dodd. Before we --

The Chairman. Before doing so does any member of the Committee have questions?

Mr. Dodd. I do. Again I have the same kind of reluctance I did in the past, and I recognize that this may be a real breakthrough in terms of relationships with these various agencies, but I still find myself in that very uneasy feeling of getting into binding agreements, and am particularly concerned about the releasing of authority of the service when it comes to certain materials that they would offer, for whatever reason. I don't have a massive case of paranoia about it, but sometimes the rationale for not wanting
to release information doesn't have anything to do with the sensitivity of the material, as we have seen in the past, as it does with the image of some of the agencies in their own embarrassment or what they perceive to be their embarrassment.

Id there any kind of documentation we have that spells out what the releasing authority --

Mr. Blakey. The releasing authority is a technical word, and what it means is there are two kinds of documents that they can have. Documents that they themselves have generated. That is obviously within the releasing authority.

The second class is documents given to them by a third agency. And that is not within their releasing authority. We have to go to the third agency.

What we have been doing is carving up the pie, getting an agreement with every agency so, for example, if we went to the Secret Service and said give us everthing on Lee Harvey Oswald, they would give us under this all the documents that they created. Those documents that they derived from another agency, for example, the CIA, they would tell us the name, date and place of the document and number and would tell us it is a CIA document. We then would go to the CIA and get it from them.

So in effect, we would get everything. And the releasing authority means whatever we can release we will. Whatever
only a third party can release you must go to the third and get and get permission to turn it over. By getting the Secret Service, the FBI and the CIA, we have gotten all of the agencies now, I think the basic agencies on the Kennedy side anyway, who will have documents either in their own files or in the files of other agencies, so we should be seeing everything.

Mr. Dodd. With regard to the disclosure of information, I may have raised this once before. As I read the paragraph 5, there will be no disclosure without the prior written consent of, in this case I am looking at the Department of Secret Service, I guess that is what I am looking at here, or his delegate.

How are we going to get around the eventual problem when it comes to writing a report and certain information material that clearly has come from one of these agencies where we decide for their own reason, because apparently they don't have to give any reason other than they deny consent to allow it to be made public?

Mr. Blakey. What we will do, we won't do it without their consent, and if you read the last paragraph fully, part of paragraph 5, unless we sue them. In other words, we will sit down in good faith and negotiate out the maximum release possible. If there is still something they want to hold, we want to let it go and they want to hold it, litigation will
ensue and we will both end up being bound by whatever the
courts tell us, which is probably where we are anyway.

Mr. McKinney. That is probably a case we ought to have, too.

Mr. Blakey. The interesting thing is we are in the best of all possible litigation postures. We have got the document and if litigation ensues they will be in the position of taking a public position that we cannot release something that we think is necessary to explain what happened to Martin Luther King or John Kennedy.

So I think from a practical standpoint, I just don't think they are going to quarrel with us, they can't afford the heat.

Mr. Dodd. With regard to the Department of Justice, last year I went down and spent time going over the assassination file of Oswald, and they are all excised, and I was trying to read one page with numbers all over the sides of them and they were xerox copies and it was a laborious task, even sitting there with a couple of agents to explain to me what each part meant.

Why is it necessary, if we have the proper security clearances, that we cannot have total access to unexcised material, then let the Department make a judgment as to what they would like to excise?

Mr. Blakey. What you saw was I think the file excised
pursuant to the Freedom of Information standards.

Mr. Dodd. Probably was.

Mr. Blakey. Which is very general. Ours go beyond that. The only thing they say they will be openly holding back from us is the identity of live informants.

Mr. Dodd. Why would they hold that back from us if we have the security clearance?

Mr. Blakey. If you remember reading, not last week but the previous week, in the New York Times Magazine an article by Nick Gage, that indicates that Organized Crime section in the Department of Justice has lost, been killed, 23 informants and there is some question, Gage alleges at least, some question that that leak came from within the Department of Justice, within the FBI itself.

Mr. Devine. Law enforcement agency, their life blood is informants and they can't exist without them and when they dry up why it makes it a pretty ineffective agency and I think that they try to protect live informants at all cost. I can certainly understand their attitude on that and I don't know that there is any great need on our part to know the identity of live informants if they will vouch for the integrity and credibility of the information supplied.

Mr. Dodd. I agree. I am sensitive to the whole question of leaks, obviously, and the effect on law enforcement efforts, but I wish I could function on the same with the
same degree of faith. Whether or not someone is a live informer or a dead informant or just a name of someone who is nothing, I never can make that determination, you are looking at something that has been excised and if we are limited in the amount of people that can have access to the documents in the first place I don't see where necessarily we are going to increase the likelihood of leaks any more than they already exist, they have already been going on in the agency itself.

Mr. Blakey. Their position is, it is not just us, I don't really mean this or not, but what they say is you guys are okay, you have got all your security clearances, you have got a tight system of security over there, and they will say Bob, look I know you and I trust you, but what are we going to do about the blank blank committee. If you get it how can we refuse them.

The Presidential character of this is such that we can't resist them. How are we going to say in court on the next motion to suppress that we can't turn it over? We really have to take the principal position that no live informants are ever turned over, period. And this is an issue that transcends this investigation.

Now, I might add that when they do excise, there is a provision in here what we call for random audit, we will call for the number of excisions on a random basis and then
when I will sit down with them and go over in detail why these excisions were made to see if they were made properly, and so there is a check on them, it is not just a blind acceptance of what they have been doing, and one of the really remarkable characters of these two agreements, in fact three of them, is for the first time a Congressional committee has gotten agreement for random audit, and I say this reluctantly because I don't think we should talk about it. We got it, let's keep it and let's not crow about it, we might lose it.

Mr. Sawyer. If you dealt with the FBI or really any law enforcement agency, on this names of informants, they will go to prison before they will tell you who their informants are. This is a life and death matter to them and they don't care, they feel this absolute trust that has been vested in them and the life of the witnesses depend on it and they will be like newspaper people, they will go to prison, there is no way you can negotiate them out of this.

Mr. Blakey. The place to litigate this is at the end of our investigation when we know precisely how many excisions they want to hold back and we want to look at. There may be two or three. If it turns out there is not any there is no sense in litigating. If we stick at this point and insist on it we don't get any files, in which case our investigation ends now. So I think given our time limitations this is better than I thought we would get.
The limitations are adequate to do our job.

Mr. Dodd. Do we have everyone now?

Mr. Blakey. These are the three major ones. Well, I think maybe we will enter into an agreement with or propose an agreement to the Alcohol and Tobacco and perhaps Customs.

Mr. Dodd. What I aws going to suggest is INS.

Mr. Blakey. Well, that is right, Immigration and Naturalization Service. They are not major problems. Once you get on from Justice, one from Treasury, and one from the CIA, the others fall in line pursuant to their agreements, the previous agreements.

Mr. Dodd. Thank you, Mr. Chairman.

The Chairman. Okay, Mr. Fithian.

Mr. Fithian. No questions, Mr. Chairman.

The Chairman. No questions?

Mr. Devine. I renew my motion.

The Chairman. Okay, properly moved that these documents be approved. The Clerk will call the roll.

The Clerk. Mr. Stokes.

Mr. Stokes. Aye.

The Clerk. Mr. Devine.

Mr. Devine. Aye.

The Clerk. Mr. Preyer.

(No response)

The Clerk. Mr. McKinney.
Mr. McKinney. Aye.

The Clerk. Mr. Fauntroy.

(No response)

The Clerk. Mr. Thone.

(No response)

The Clerk. Mrs. Burke.

(No response)

The Clerk. Mr. Sawyer.

Mr. Sawyer. Aye.

The Clerk. Mr. Dodd.

Mr. Dodd. I will vote present. I am moving.

The Clerk. Mr. Ford.

(No response)

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Mr. Egar.

(No response)

The Clerk. Five ayes, one not voting.

Mr. Dodd. One present.

The Chairman. Okay, the motion is adopted.

I think once again we have forgotten proxies can be used. WE ought to try. The Clerk will contact all members on the day of our meeting and try to get proxies. I think it will help expedite our business in Committee.

Mr. Blakey.
Mr. Blakey. The next issue to take up, Mr. Chairman, has a number of dimensions to it. I would draw the Committee's attention to the passage of the Federal Pay Comparability Act of 1970, pursuant to which the President issued his Executive Order giving all executive employees a 7.05 percent raise. That has been to our knowledge generally followed by all the standing committees. People have been given an automatic percent raise. I would underline the phrase in the title, however, Federal Pay Comparability Act. It was not designed as a cost of living or as a merit process, and in light of the fact that we just adjusted our salaries in August, making an effort to achieve comparability -- while my staff may impeach me for this -- I cannot in good faith suggest that an automatic seven percent be given at this time.

I think the salary structure was, with some compensations which have grown up since the last time we talked on this subject, are roughly equitable and more or less comparable. Consequently, I am going to recommend to the Committee that there not be an automatic seven percent raise given across the board.

I would raise with you the following however, as we have gone over the budget in the period of time since August. It seems to me that we need to increase the number of people. The last budget I gave you contemplated $2 million $328,500 annual basis with with 108 people. It is my judgment now
that we really ought on an annual basis to operate with 114 people. This is an addition of one lawyer on the Martin Luther King side, two document clerks on the Martin Luther King side, one deputy chief clerk to assist the chief clerk in the setting up of hearings, which is going to be a major administrative burden, far more than even Elizabeth Burning can do.

If we take that salary structure on an annual basis, with some equitable adjustments, it would figure out on the yearly basis to $2 million $439,500.

We will spend in fact, however -- this is an authorized basis on a 12 month budget -- we will in fact spend approxi-

mage $450,000 less this year. This is directly related to the fact that we haven't hired people as quickly as we might have and we haven't done as much field work as we might have.

My suggestion to you is the new budget be approved at 114 and at that figure that would give us over the two year cycle, under the $5 million that was originally authorized, and we would pick up in the second year what we didn't spend in the first year.

So in effect we would come in under the two year budget, we would spend in fact less this year than we were authorized, and we would have less than 115 people.

I know that is kind of complicated to juggle figures around but I would be glad to answer any questions about either
the memorandum that you have on the salary structure or the
memorandum on the probably estimate of cost for the next two
years.

Incidentally, I do not expect to come back to you with
any additional budget changes or any additional personnel
changes. I would ask that in this context that the Committee
authorize up to seven percent merit increases for people after
they have been here a year to be handled on a case by case
basis.

Mr. Devine. Mr. Chairman, I don't want to deal in
numbers and I will assume that the numbers are accurate and
equitable as prepared on the memorandum.

Mr. Blakey. There is a resolution.

Mr. Devine. Yes, I merely want to say I agree with you,
Mr. Blakey, on the manner in which you have approached this.
You know all members of Congress are faced with the same
thing as far as their own staff is concerned. Each one
handles it differently. This particular Congressman signed
the sheet that we are not authorizing seven percent increase
for anybody, and then I took a sheet and had the Finance
Office advise me how much of a raise last year a person got
and what date that was and then adjusted the salaries upwards
to what I thought was equitable and rounded it off rather
than going to the 7.5 percent; you run into peculiar figures.

So I think some of them did get an equal percent, many
of them less than that, because they had had a raise in the interim period. I think that your approach is businesslike and warranted and I agree with it.

Mr. McKinney. It pains me to disagree with our counsel and my friend here on the right. I find it, as one of the few Congressmen who sponsored the Equal Rights for Congressional Employees resolution, that one of the worst worms in the Capitol building is the salary structure and I would have to say, Mr. Chairman, as the ranking member of the District Committee and the ranking member of the Economic Stabilization Subcommittee, running my own office, that I have a firm policy that people are being paid what they are being paid because they are worth it, and if there is a comparability pay increase or cost of living increase or whatever you want to call it, that they get it across the board. If they don't get it they shouldn't be in the damn office to start with because they were not worth what they were getting.

Mr. Devine. If you raise someone effective July 1st do you think they are entitled to seven percent on top of that? That is not comparable.

Mr. McKinney. I am assuming we are stressing comparability. I stress merit. I don't raise anyone unless I think they have merit. I will give you per example. I raised my secretary because I think I am about to give her a nervous breakdown after one summer not being here and she ran the
office and did everything and I raised her on August 1st, and I am going to give her the 7.5. I think she deserved the raise in merit to what I raised her to and I think she deserves the 7.5. I suppose we could be heroic about this and say we are saving money, but I know who works for me and works well should get the same increase. I would have to vote against the motion, Mr. Chairman.

The Chairman. Mr. Fithian.

Mr. Fithian. No questions.

The Chairman. Mr. Sawyer.

Mr. Sawyer. I may say I concur with the gentleman from Co-necticut, I did the same thing for substantially the same reasons.

One question I had because I still am a neophyte at this Congressional financing method.

Mr. McKinney. You will never figure that out.

Mr. Sawyer. Can we carry forward this $400,000 from this eyar's buget to next or get zeroed out? I am not totally under --

Mr. McKinney. Zeroed.

Mr. Blakey. We will lose it but we will be in the position of going back to the Rules Committee and saying we contemplated $5 million over two years, we gave you back quotation marks "$450,000 the first year, we would like to use that $450,000 the second year, so that our two year budget
would be $5 million. They could very well look us in the eye and say you can have the second year which you spent the first year.

Mr. McKinney. That is exactly what they will do.

Mr. Devine. As a member of the Accounts Subcommittee of the House Administration we face these things every year and it is ordinary for everyone to come in and say we turned this much back, therefore we should get it and it usually works.

Mr. McKinney. I was going to say that I usually let most of my money for the city, I go down on the last day of the fiscal year and tell them what they hadn't spent, so they are in such a hurry to spend --

The Chairman. Okay, if there is nothing further, the Chair will entertain a motion pursuant to the recommendation of the staff director.

Mr. Dodd. I would so move the resolution as proposed.

The Chairman. It has been properly moved that the resolution be adopted. The Clerk will call the roll.

The Clerk. Mr. Stokes.

Mr. Stokes. Aye.

The Clerk. Mr. Devine.

Mr. Devine. Aye.

The Clerk. Mr. Preyer.

(No response)
The Clerk. Mr. McKinney.

Mr. McKinney. No.

The Chairman. Mr. Fauntroy.

(No response)

The Clerk. Mr. Thone.

(No response)

The Clerk. Mrs. Burke.

(No response)

The Clerk. Mr. Sawyer.

Mr. Sawyer. Aye.

The Clerk. Mr. Dodd.

Mr. Dodd. Aye.

The Clerk. Mr. Ford.

(No response)

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Mr. Edgar.

(No response)

The Clerk. Five ayes, one nay.

The Chairman. The motion is adopted.

Mr. Blakey.

Mr. Blakey. Mr. Chairman, we have in the last several months taken statements under oath from a number of people in connection with coming to the Committee to give help -- to help us out, testimony of one kind or another, particularly,
for example, the panels that have come in, the doctors that
have come in, the ballistic experts that have come in. To
complete the formal cycle it is necessary to formally present
those affidavits to the Committee for acceptance and I would
do that at this time. You have before you a list of affi-
davits taken from Mr. McMillan, Gear, Kosten, Kostman, Shaw,
Meagher, Thompson, Hoch, Scott, Harris, Kinsilla and Lane.

As you can see, I would ask that the affidavits be
incorporated in the record.

The Chairman. Okay, without objection the affidavits
will be incorporated in the record at this point.

(The above referred to affidavits follow)
Mr. Blakey. As you can see, most of them are formal in character and simplified.

Mr. Dodd. Mr. Chairman.

The Chairman. Mr. Dodd.

Mr. Dodd. What is the legal significance of incorporating these in the record. These now go that next step?

Mr. Blakey. Well, actually, the legal significance is probably we can pay the travel expenses down here.

Mr. Dodd. But as far as --

Mr. Blakey. They have actually given a statement to us under oath affecting our investigation by receiving a statement under oath. As you can see, these are formal documents and they have really no impact on us at all.

Mr. Dodd. The language of the resolution is they are hereby received in evidence and I am wondering if that designation adds anything new to what they already were at that time they were taken, the statements were taken?

Mr. Blakey. It authorizes us to -- they are now formally a witness before the committee and thus we can pay their travel expenses.

The Chairman. Then this affects the public record?

Mr. Blakey. It affects the public record. They will be noted as having been witnesses.

As you can see, a number of them are from the Critics Conference. We have an extensive transcript of that
conference in process and that, of course, will ultimately
be made available to the Committee with a summary of the
report on it.

Mr. Fithian. It is also historical evidence that they
were here and we did talk to them later on?
The Chairman. Yes.

Mr. Sawyer. Without getting into detail, did you get
anything very helpful from all of this?

Mr. Blakey. Yes, I think so. We have got some very
good leads on the Critics Conference.

Mr. Sawyer. What?

Mr. Blakey. We got some very good leads from the
Critics Conference. I think the best thing that came out of
the Critics Conference is a woman in Dallas named Mary Farrell,
who previously had a kind of ambiguous relationship to the
Committee, came to the conference, came away reasonably
impressed that the Committee was serious about its business,
went back to Dallas, and knows a lot of people in Dallas,
including the Chief of Police, and they told the Chief of
Police they ought to cooperate with us and now the Chief of
Police has given all of our investigators in Dallas a letter,
a personal letter from him to anybody in the Department saying
that they are to get anything that they want to have access to.
This is in contra distinction to the situation prior to that
when one of our investigators, Jack Moriarty, was in the
Chief's office, he was not permitted to talk to the Chief himself, only got to see an assistant chief, and had his car impounded while he was in talking to the man.

So we have gone to a situation where our investigators had their cars being impounded by the Dallas police. Legally the car was not parked in the right place, nonetheless it was impounded and we didn't get the normal courtesy that would be given to another law enforcement official.

We go to the situation where the Chief now is very enthusiastic and in fact urging his men to cooperate. If that Critics Conference did that one thing, it turned around Mary Farrell and turned around the Dallas Chief of Police and I think it is fair to say it was worth the price of admission. Some things happened indirectly and not directly and I think that is an example.

The Chairman. Anything further?

Mr. Devine. An unrelated matter. Sometime ago, I think perhaps prior to your becoming counsel, we received some evidence I think from the attending physician that the brain of President Kennedy had been placed in the Archives and that thereafter they were unable to locate it. I was wondering if anything developed in addition thereto?

Mr. Blakey. We have made an effort to find it, including talking with Mr. Lincoln, the President's personal secretary, and we have been currently unsuccessful in finding
Mr. Devine. Was it not signed for? Wasn't it signed in?

Mr. Blakey. It was signed for but apparently not
delivered or not delivered -- the bottom line is it is miss-
ing. We have at least one rumor that it was subsequently
buried with the President's body. We have not checked that
out to my satisfaction yet. We have worked with Burke
Marshall, the Executor or designee of the Kennedy family,
and his recommendation is frankly that we sit and talk with
Senator Kennedy.

Mr. Devine. It might not have any particular bearing on
the investigation but it is a curious circumstance that could
have some significance. That is why I was merely curious.

Mr. Blakey. Our doctors have told us that they can do
an autopsy without the brain. They can fully review it and
their final report will say even without the brain, and there
are some slides that are unaccounted for, they can arrive
at their conclusions. They will say that for a full autopsy
they should have had access to the brain and access to the
slides.

I have on my list of delegate things to do is to go
over and talk to Senator Kennedy and raise with him as deli-
cately as I know how whether he knows where it is and whether
we can with due regard to all those involved, make an effort
to find it.
Mr. Deveine. Didn't the doctor, and I believe he was an Admiral, wasn't he, I am not sure -- didn't he say that he had personally delivered it to the Archives?

The Chairman. I don't remember. We did have the information-rumor Burke Marshall said that Bobby and someone else had gone out to the graveyard and put the brain in the casket with the President.

Mr. Dodd. Do we need to move this other thing?

The Chairman. We have without objection inserted the affidavits into the report.

Mr. Dodd. That is all we need to do?

The Chairman. That is right.

Mr. Blakey. There are two additional things I would like to do, and a little information report I would like to make. The two additional things I would like to raise with you, the first one deals with the following situation that I raised with the Chairman and he thought it best that we raise it with the full Committee.

This has to do with the Kennedy side. We have roughly all but one investigator hired and we have got one spot open on the Kennedy side and what we have looked around for is a person with a very special set of talents. What we have in mind is a person who can work on the team that is dealing with the CIA, and up until now we have hired only State and local people, detectives with backgrounds, and for this one slot we
want to vary that and our proposal to you is a man named Harold Leaps be hired.

He happens to be a currently employed Federal investigator. He is with the Drug Enforcement Administration. He is known to Gary Cornwell personally and known to some of the guys I knew in the Department of Justice personally. He is an older man, a very street wise Washingtonian sophisticated investigator.

His background has been making high level conspiracy cases in the narcotics area. He has had to deal with the CIA overseas. It turns out a couple of cases Harold made were on CIA agents in the drug area. And what we think we need in this one particular slot is an older person who has been around a great deal and who knows the agency, knows bureaucratic procedure, and street wise. If Harold was not connected to the Department of Justice currently it would present no problem and we in fact probably wouldn't even bring him as such to the Committee's attention.

Nevertheless, he is a current employee of the Drug Enforcement Administration and the arrangement that we can work out with the DDE is they will lend him to the Committee and he will be paid by the DEA.

What will happen, he presently is making more than most of our investigators. The agreement tentatively is that we will reimburse the Drug Enforcement Administration up to what
we would normally pay our investigators and they in effect will lend him to us for the difference. They are willing to enter into an agreement with us where they will waive any supervisory rights over him and promise not to take any reprisals against him, which you see I am raising with you the following potentiality. If we hire a Federal employee, or we have someone who is presently connected with the Federal establishment, are we potentially getting into a conflict of interest situation? Since he is going to be looking back into the Federal Establishment?

Our intent is not to use him as it impacts on the FBI or the Department of Justice. Our intent is to use him primarily if not exclusively in the CIA investigation. I think what potentially might be a conflict of interest actually cuts two ways. It is possible for us to say that if we ultimately ended up in some way criticising the Department of Justice, the presence of Leaps on the staff may indicate the objectivity of what we did.

To make a long story short, it seems to me this employ- ment raises an issue that is different than all of the other employments and the Chairman thought that it would be useful if I bring it to your attention.

I might also at this time ask if Gary Cornsell, who knows Harold Leaps, could say a few words.

The Chairman. Mr. Cornwell.
Mr. Cornwell. Just to give you a little more detail about his background, he is 54 years old, he has been a special agent with Drug Enforcement, or whatever it has been called, over the years, since 1960. Between 1960 and 1966 he was assigned to Kansas City and worked primarily on drug investigations there and rose from a special agent to a group supervisor and ultimately during the period of 1966 to 1968 he was inspection agent in charge in the St. Louis office.

He then went back to Kansas City and I knew him during the years of '70 to '72 when he was a representative to the Kansas City strike force and worked organized crime cases not only involving narcotics but other types of offenses, too.

In 1972 he was assigned to Pakistan as a country attaché which in effect means that he was in charge of our efforts over all of the drug activity in that country. After 1974 he went to LEAA where he was the drug programming manager, in Kansas City, and in 1976 he was transferred to Washington and since 1976 he has been DEA's representative to Interpol.

I am not only familiar with his personal abilities from having worked with him, I think I am fairly familiar with his reputation in the law enforcement community, and I think that based upon that we can say with some assurance that the problem, the potential problem is not a practical one, in other words, we don't see any problem in his in fact complete
loyalty to this investigation, pursing the leads and coming up with the facts nor do we see anything about the projections as far as ability to accomplish what we need in the CIA field. He has received numerous commendations over the years from DEA and Secret Service, FBI, in cases he has worked for them or relating to both DEA and Secret Service or FBI offenses, and we have, like Bob said, tentatively worked out with TEA the fact that they would loan him to us.

He is making about $35 now and in December will be making $40,000 as DEA representative to Interpol, and in effect what we would be doing is paying what we can pay, they pick up the difference.

Mr. Blakey. I might say, if I can say one last thing. Probably the most difficult facet of what we are going to do is facing the CIA and the interwoven and complicated and two people acting in different roles and files and double agents and the works, and we really looked for the most qualified person we could find to do that kind of international conspiracy bureaucratic type of investigation, and frankly, Harold comes up as the best guy we could find to do what I think will probably be the toughest piece of investigative work we can do.

But we didn't want to suggest that we hire or work with a Federal agent until we brought that issue to the Committee's attention.
The Chairman. Perhaps it would be good if either one or both of you would address yourselves to the question of the individual himself and as to whether you feel he would have reticence or any hesitance at all in terms of the conspiracy aspect.

If he found CIA was involved, what type of reaction would you get from him?

Mr. Blakey. He would eat them alive.

Mr. Cornwell. I consider the same thing from my personal experience with him and the one thing that stands out in my mind about him is the repeated instances in which he has shown his inclination and willingness and ability to follow the investigation to investigate wherever it leads, in spite of and in fact the pressures from his own agency over the years to do the contrary.

As I am sure all of you are somewhat familiar, DBA has been occasionally if not frequently criticized, and probably justifiably so, for a buy and bust type of attitude. Harold Leaps has over the years pursued the investigation wherever it led into the conspiracy fields in spite of the fact that his own superiors have opposed him. So I have no hesitation in saying there wouldn't be any reticence on his part.

The Chairman. How often did he actually work the St. Louis area while he was Kansas City strike force chief?

Mr. Cornwell. The system we had there was an office
in St. Louis. Which covered that half of Missouri. Mr.

Leaps was the special agent in charge in St. Louis during the
years '66 through '68 and thereafter returned to Kansas City
where he was the strike force representative, the representa-
tive from DEA to the Kansas City Organized Crime Strike Force
during the years '70 to '72. We covered the other half of
Missouri plus a number of other states.

The Chairman. I see.

Mr. Dodd.

Mr. Dodd. No questions.

The Chairman. Mr. Ethian.

Mr. Ethian. No questions.

The Chairman. Mr. McKinney.

Mr. McKinney. Has the blunt question ever been asked
whether he worked for the CIA or not?

Mr. Cornwall. I think the blunt question has not been
asked but I think we have talked around with him on this
subject matter and I know him well enough where I am quite
confident in saying he has not been an employee of the CIA
but we can certainly ask the question bluntly.

Mr. McKinney. Since we are in executive session, I can
say this sort of thing as a Congressman; there are several
reports that sit in this room and reports on this Committee
who say never worked for the CIA either and yet I am of the
exact opposite opinion and just the only thing I would question
is not your judgment or the gentleman's honor, having been
sent to Pakistan as an active assistant counsel, these are the
CIA's most favored subworkers and it is just something I
bring up and I would feel a great deal more comfortable if
that question were asked bluntly and have a blunt answer
received back.

Mr. Blakey. I can say two things came up. The question
was not bluntly asked, frankly because in the context of the
conversation it didn't occur to me. He has been involved in
prosecution of CIA agents for drug traffic, which is wholly
inconsistent with his role as a possible CIA agent.

Secondly, the question he asked me was before he would
gree to come on, he wanted to know how serious we were about
pursing a conspiracy allegation that would deal with a govern-
ment agency such as the FBI or the CIA, and he said if the
investigation takes me there how well do I stand up, and my
answer was I wouldn't have taken the job if I thought the
Congress wasn't serious about it.

Mr. McKinney. I don't think it is inconsistent at all
that CIA should prosecute another one.

Mr. Blakey. We can ask and indeed --

Mr. McKinney. I have no objection. We go by your judg-
ment on the personnel. I think that is a question I would
like to have asked. The gentleman has traveled to foreign
nations and has worked in American consulates and now has
become a representative to Interpol, and my mind works in
very devious ways after seven years in this town. These
gentlemen have been here a lot longer and they have no objec-
tion so I go with their judgment and yours.

The Chairman. Mr. Sawyer.

Mr. Sawyer. No questions.

The Chairman. You want to actually take --

Mr. Blakey. I wanted to bring it to your attention and
if you had serious reservations about it we would do something
different. If you have no serious reservations about it we
will make an effort to determine whether he has any CIA
connections, and if it is negative, and we are satisfied with
that answer we will move to hire him post haste.

The Chairman. I think you can be guided by the response
you received here.

Mr. Blakey. There is one last matter that should be
taken up with the Committee. In connection with the notice
announcing this meeting I circulated a memorandum that had
attached to it a letter that I received from Robert Coke,
dated October k, 1977, which dealt with the issue of whether
the Department of Justice would permit the FBI to do a
security background check on staff members preliminary to a
decision as to whether they would have access to classified
documents of the Committee.

As you know, the current memorandum of understanding
with the Department on that score apparently only authorizes
the FBI to do background investigations of the Committee
staff members, not the personal staff members, and the
letter pretty much speaks for itself. The Department says
they cannot do it, and frankly, will not do it unless a new
arrangement is worked out.

I remember the second issue we left at the meeting in
which we set up our security rules to October 15, I think it
was, where we would work for awhile without having the
personal staff members of the Committee members having access
to the classified material until now as trial period, then the
matter would be brought back up to you.

Well, I guess the matter is brought back up to you and
I really await your instructions as to what you want us to
do.

Mr. Fithian. Thank you, Mr. Chairman.

I have not been inconvenienced by this matter and my
staff member who already has 1400 other things to do is not
at all offended. I can see, however, when we get down to
about ten months from now, or 11 months from now, in prepara-
tion for the final public hearings, I would want very much to
have the staff person, my own staff working with me and work-
ing with whomever of the Committee.

What kind of problem do you foresee at that time?

Mr. Blakey. This has been posed to me by some staff
members on Congressman Burke's staff as well, the issue being assuming no staff members have access during the course of the investigation, what about staff members at the time of the final report or final hearings? I think that is a wholly different issue. At that time, it seems to me the staff member could play an important role in working with you and frankly, being the kind of independent sounding board you need before you make decisions at the end evaluating the process. Unless something comes to me overnight in the coming weeks it seems to me that is the kind of issue that will be handled at that time by working out some access and it probably would not be necessary to, Jim Wolf, correct me if I am wrong, without security clearances, because I think we could do that at that time, at the end, making any disclosure, authorized disclosure by the Committee to Committee staff members for the purpose of preparing for the final hearings.

We certainly could control very carefully the nature of the disclosure that we think they needed to know in the final report and the full Committee would be aware of what was being disclosed. That seems to me to be the kind of controlled disclosures would not present the problems that I think might be presented by agency trust and even day to day conduct of the investigation. I hope that answers you.

Mr. Fithian. I am not sure it does but it addresses the subject.
Mr. Dodd. Congressman Edgar, I know had a deep interest in this and I am sorry he isn't here. I presume he has a thousand different things to do. He did have some real concerns about this from a workload standpoint and I know he would like to be heard on the thing and I was not in agreement with him the last time we went over this thing and I am pretty much in the same position, I think there is work that staff can do without necessarily having to get into the classified area.

Mr. Blakey. That will increasingly be less so. I see from here on, at least on the Kennedy side, classified being more of what we do touching on the classified and increasingly be impossible to separate the two out.

Mr. Dodd. Really?

Mr. Blakey. Yes. We are almost in that stage now. It is true we will have a Warren, we will have the Warren Commission hearings in November, I hope, which will not involve much classified material.

Mr. Dodd. Yes.

Mr. Blakey. But the ongoing investigation itself I hope is going to be deep into CIA files, as deep with the FBI files with classified information being out and I would think that it would be a real problem if staff members were not cleared. We had to worry about who is present and who had access to what piece at the time. I think we are better
off with the blanket rule.

Mr. McKinney. I read your letter, this is one of the problems we are coming up against, it is like a stone wall. Too much other water has gone over the dam since this morning and three different Committee hearings and a few things on the floor and so on. What is the implication, are they saying they won't do it?

Mr. Blakey. I think that we will have to really fight with them to do a security investigation of a Congressman's personal staff.

Mr. McKinney. I could only give you my knowledge of Senator Weicker's experience on the Watergate Committee related to what you have seen trying to hold a meeting here this afternoon. I think that the average Congressman sitting at this desk is probably expected to read Gone With the Wind once and a half a week, that is just to keep track of where the hell we are at, for getting the Select Committee on Assassinations.

When the Committee was first established, as the new Chairman will probably remember, we had a horrendous fight brewing on our hands about whether or not each Committee member should have a staff member on the Committee, even if that staff member were picked by the Chief Counsel, S, Y, Z, and we didn't even know the guy -- here, Mr. McKinney is your guy. I see us moving into a real problem area trying
to close this thing down in time. Mr. Preyer is on so many other committees that it is hard to count and myself and Mr. Devine, and Chairman Stokes, everyone.

Mr. Blakey. We will be making an effort with Charlie Matthews to have him see you at least once a week and Charlie will be then in the position of knowing everything that is going on on both King and Kennedy.

Mr. McKinney. That is fine and dandy, as I am delighted Charlie announced himself briefly, but I am also very well aware of the fact that I have got a great many doubters sitting over in the big room. I will have a lot of doubters sitting on the thing writing for the Washington Post and the Washington Star who think we are a bunch of whirley heads anyway, for their own personal reasons. I think we are going to need an area of expertise, so I will only say two things. I would like to see this fight go on, number one, while we are progressing, Mr. Chairman, not commit ourselves with having to fight together to see if we can get them clearances, but, number two, I think that very seriously as we come to the end of the thing and they are going to put a tremendous burden on you, lacking that, I think you are going to have to be prepared to almost have someone like Jim or somebody assigned to every single member of this Committee.

Mr. Blakey. When we get down to the end.

Mr. McKinney.Normally sitting right back there, and
I am known for not having a committee member sitting behind me. This is a Select Committee with great complications. I don't know any way I am going to be able to keep on top of it.

Mr. Blakey. I think when we get down to the public hearings in the end to have our staff which fully knows it, and knows the ins and outs of it, we can begin setting up the final hearings where specific roles and witnesses are assigned to various members, this staff is your staff in terms of teams. I have no problem with that at all. In fact, that is the way it should be. In fact, this staff is your staff and I don't think that as a personal member, your personal staff member could ever catch up and be fully conversant with what we are doing and the depth of what we are doing in such a way as to be helpful to you.

Mr. McKinney. Well, my fear is just only as I expressed, we are never going to catch up, it could become a real problem because unfortunately this Committee will be judged, just as the issue whether you take testimony with or without a Congressman, this Committee will be judged on what the Congress does and how they perform in the final end. I think it is a real problem, I don't think anybody outside of this job understands the job. My wife, I have been in this for seven years and she still doesn't understand it. It is that simple. It is a job in which we are totally generalists, and the only
way we can come in with any specificity is when we have a staff member. I can come across as an expert on loan guaran-
tees, only because David Carren, who sits here day after day behind this table when I am running all over the place.

Mr. Blakey. I would hope when we have the final public hearings that you will all have a staff of five or six people who would fully prepare you and we hope to sit down as a staff and as a committee and say this is what we think the final hearings ought to look like as we present it to you and we would hope you would make an effort to specialize and then we can in fact fully prepare you. I have to say frankly, if I may digress, personally, I was very impressed with the ability of this Committee, first of all, the commitment to attend the Loran Hall meetings. I was surprised to see all of us, virtually all of you were there and I was pleasingly surprised at the quality of the interrogation by the Congressmen, in fact some of you, if you want to work with the staff full time, you may be my guests.

Mr. McKinney. The weekends are free. There are a lot of us that might take the opportunity.

Mr. Blakey. So by comparison to the other body, I have no problems with the ability of this Committee to handle its own on our final hearings. If we set them up right and the preparation is done, this Committee will look good.

Mr. Sawyer. Well, I might say I much prefer frankly what
the Chief Counsel has suggested. I had sort of visualized that at some point in time or maybe several different times, when things began to gel I would have the privilege of sitting down with a group of people that had first-hand knowledge.

I spent the last number of years of my life getting briefed by guys who have done all the work and I have learned how to get briefed pretty fast, but I like to ask questions, and if it was filtered secondhand through a member of my staff I would have no confidence whatever in the reliability of what I am getting. So I just understood without really ever asking anybody the question that this staff would in effect be my staff as to the extent I wanted to sit down with them and learn what I am talking about and I think I can do it en fairly fast order and that is the only way I can get it because the questions I would have, the person I am dealing with second hand wouldn't know the answers to and maybe had not thought to ask, and that is much the way I prefer to do it. I have no need to have my staff involved.

The Chairman. Mr. Preyer.

Mr. Preyer. No questions, I feel like Mr. Sawyer on that. I think we all have different ways of approaching things.

The Chairman. Mrs. Burke.

Mrs. Burke. The only thing I was concerned about is if when we are not available sometimes it would be helpful if we
have a staff person who was present to report to us. It gets
to be almost I think too difficult for a member of the Com-
mittee staff to have to run around to our offices and try and
catch us between votes and all those things to be able to
keep us up to date on things that are happening.

Mr. Blakey. Mr. Matthews.

Mr. Matthews. I don't mind that at all.

Mrs. Burke. No, it just gets to be almost such a really
burden, I think.

Mr. Blakey. We have Charlie. I shouldn't say he has
nothing to do. What he has to do is to learn what is going
on in our shop and to make it available to you full time, and
there is no way that any single member of our staff would
ever be able to catch up to what he has because he has nothing
else to do. So I think if you are willing to use him and can
use him he will know more about both investigations on all
occasions than any member of our staff could reasonably be
expected to learn.

The Chairman. Anything further -- do you want --

Mr. Blakey. Unless we hear to the contrary.

The Chairman. I think you got the consensus here. I
don't think there is any formal action that has to be taken.

Mr. Blakey. Let me raise with you some tentative plans
so that you can kind of block in but not block in surely for
your calendars what is in our heads. We have, I think we
probably need to have one additional full Committee meeting
before you go home, assuming you are going home the 27th.

The Chairman. You know something we don't know.

Mr. Sawyer. I heard the Minority Leader address that at
a meeting at 8 o'clock this morning. It ended up he knew
as much as the rest of us and was of the opinion no one else
does.

Mr. Blakey. We should have, assuming the 27th, one more
full Committee meeting, and I think it would probably be
next week sometime, probably Friday morning. The purpose of
it would be to set up a series of immunity suggestions. There
are really three areas where we may want to suggest that to
you. One deals with a matter that Bob Lehner is currently
working on on the King side, dealing with a man named Randy
Rosen. We can more fully brief you on Mr. Rosen in a moment.

Second is a follow up set of hearings on the Kennedy side
pursuing some of the things that Loran Hall laid out for us,
including Mr. Trafficante. It seems to me for several
reasons, some of which is some billing and having to do with
the Committee as an institution, Trafficante is an
outstanding witness who has taken the Fifth, we ought to
decide what we are going to do about him. Mr. Hall has
clearly given us leads pointing towards that Bayo raid and
the possible involvement in it of the CIA. We should pursue
that.
Indeed, Gary and I are over the weekend were worried about what we would do in this area and we were going up now an investigative plan which tentatively contemplates three days of hearings in the last week of October, the 25th, 26th and 27th. So we would have in all the people that are alive out of that raid and perhaps some CIA and FBI people. The exact names are not finished but we certainly should have that finished by next week and come back to you with some immunity orders in that regard.

We also have on the King side one issue of what is euphemistically called close surveillance. We have an investigator now that we would like to put into a situation of close surveillance and I want to have to you a memorandum both of facts and law that you will have and opportunity to read for a little while before next week so you will know what is coming. Those two things to be taken up next week, probably Friday, contemplating at least three days of hearings in the end of October, 25, 26 and 27.

Then in November we would like two sets of hearings on the Warren Commission report, November 8, 9, and 10, 15, 16 and 17.

Mr. McKinney. One suggestion. The Majority Leader called and asked me to go on a trip on the 11th of November, which makes me feel that the Majority Leader and Minority Leader are leaving on the 11th of November, which makes me
feel the 8, 9, and 10 of October would be screamers around here, I mean November, if we are going to be in session.

Jim Wright and John Rhodes are leaving on a trip on the 11th. It makes me feel we are going to be in session until the 10th. I find if you try to do anything the last three days we are in session forget it, you might as well pack it in.

If you plan to bring anyone in from out of State the last three days around here we don't go to bed or do anything.

Mr. Blakey. All I can do is raise it with you tentatively and your schedule obviously controls and blows it out of the water.

Mr. McKinney. I was going to suggest the Chairman confer with the Leadership of the House and try to get a firmer idea so we will all be on stronger ground.

Mr. Blakey. We had tentatively scheduled, that would be six days on the Warren Commission and the Institution. There is a task force currently working on the Warren Commission as an institution, and we are identifying the key personnel in the Warren Commission, primarily the Committee counsel and some FBI and some CIA personnel. We want to come in and have them explain to us how they do it, particularly having them explain to us under oath candidly how they did it. And we probably need as many as six days.

Mr. Dodd. Could I make a pitch for the 24th and 25th and
Mr. Blakey. The 24th of November is Thanksgiving.

Mr. Dodd. There goes that pitch.

Mr. Blakey. We figured we would do it the two weeks before Thanksgiving.

Mr. Dodd. I meant October.

Mr. Blakey. October?

Mr. Dodd. You were talking about those dates.

Mr. Blakey. The 25th is UN Day, UN Day and Veterans Day.

Mr. McKinney. We are off the 24th.

Mr. Dodd. I have the Secretary of Agriculture coming up for two days on the 26th and 27th right in the District.

Mr. Sawyer. The 15th and 16th and 17th of November are absolutely out as far as I am concerned.

(Discussion off the record)

The Chairman. Do you want to have any discussion of the Committee relative to what we discussed in terms of visitations of the scene?

Mr. Blakey. Sometime between the time Congress goes out of session and comes back in January, I would like to see all members of the Committee go to Memphis and to Dallas, and I can't vouch yet for Memphis because I haven't been there, but I just came back from Dallas and no matter how many photographs you see, and no matter how many diagrams you see, the place is different when you see it in real life. It is
closer. The dimensions are not the same as they appear to
be in Sabuto film or all the drawings you have seen and
whether he did it or not has a different degree of credibility
depending on whether you stand in that window and look down
Houston Street and down Elm, whether you walk frankly where
he apparently walked. It is alleged that he walked near his
house and where Triplett was shot and the Texas Theather.
To go there and see it is to have a different attitude toward
it than to read the books on it, and I really mean sometime
in December you people should go, slip out of here quietly
and go, but you should see Dallas, and Bob will have to tell
me about Memphis; but I think you should see Memphis, too.

Mr. Dodd. That might be around after the first of January.
We don't come back until almost the end of January depending
upon when we leave.

Mr. McKinney. The 17th.

Mr. Dodd. They are talking about moving that date
further up depending upon how long we are in at this end.
That is what I heard the other day.

Mr. Blakey. The other thing, when January starts, we
are tentatively scheduling in our head for January, February,
and March, April and May, will be hearings all the time, like
every single week, and we hope to use the month of December
as preparation for these hearings.

Mr. Dodd. That is one thing I was hoping to touch on,
talk about dates. I feel very strongly about having covering
questions that have already been pretty much established. I
felt the other day that I probably could have cut down con-
siderably the amount of questions I asked had I already known
an awful lot had been covered. That is what I was getting
at a few days before, that with the background information
to assist in questioning process, and while the memorandum
was helpful, Bill Triplett, I think, spent four days with
Loran Hall and probably covered an awful lot of things I can't
speak for the other members, but I felt maybe had already been
covered, cleared up one way or the other.

Mr. Blakey. I have to say I think we are feeling for a
way to do this.

Mr. Dodd. Yes.

Mr. Blakey. We literally have. The Congress has not
done this kind of an investigation before and the kind of
role that staff should play and the kind a Congressman should
play and the degree to which you people are going to partici-
page, I think we are writing a clean slate. One example of
it Bob is going to bring up in a minute, we have Randy Rosen
on the King side and he is in prison now on an unrelated
charge and the answer for a prosecutor bringing a person
before a grand jury is get a writ of havea corpus ad
testifandum, you go and get it and talk to him, it turns out
we are not a prosecutor when we go to look to see if we can
get a writ of habeas corpus, it turns out the legal authority is not there. So that again, what we are trying to do is take something that was designed for the purpose and do something a little different with it, and I think that the best I can ask you to do is bear with us, we will try to in the months and weeks ahead to see if we can't work this out so we find the proper and useful role for the various people. We are going to have to develop a way to do this.

Mr. Sawyer. Would it be possible to get a US DA or an assistant from the Justice Department to get it for us and bring him here?

Mr. Blakey. The interesting thing is it is a civil proceeding and the Federal District courts don't have jurisdiction beyond 100 miles. So technically they have no jurisdiction over Virginia prisons.

Mr. McKinney. We can all go there.

Mr. Blakey. That is a little more complicated and the hearings next week, he may be transferred to a prison in Ohio and it may well be the place to interview him is in Ohio rather than there, and particularly it makes it more convenient. So I thought there was no problem, bring him up and get a writ, until my lawyer tells me that there is no such thing as a writ to testify before a Congressional committee.

The Chairman. I will work it into my district schedule.

Mr. Fithian. I just wanted to suggest in this long
range scheduling that you are doing that there would be a
tremendous advantage to us as a committee if you zero in on
some real key witnesses that you are going to have before the
Committee, if this is going to fall in that January period.
If we could get some days before the Congress comes back in
when we as a Committee could come back in and work continuously
without bells, without other things. I think if we have some
of those days available, if we come upon those days, then the
toughest and most complicated witnesses, or whatever, we ought
to try to possibly schedule them on those days. So many
times a person is doing something that ought to be pursued
right there and then not give them 15 minutes to regroup and
the bills go off and we go off and vote and we come back and
the atmosphere has changed.

Mr. McKinney. I could agree more. I think during the
recess if we come to some conclusions there is going to be
enough of us here before and after the Christmas holidays,
we can make some hay, make some ground work on this thing,
and I don't see any other time to do it.

Mr. Fithian. Or reverse it, that is the advantage to us,
to get everything. I don't think that a Congressional
Committee really ought to find itself repeating questions
that some other members asked 30 minutes ago when you were on
the floor voting or some such thing. Is there any way you
can do that? I have wrestled mentally with this probablem
in all committees in the three years I have been here. It is always the same. I will sit there, you have 50 people from the public flying in all over the country sitting around, some member will come in a hour after the hearings are underway and raise the question that was answered clearly 45 minutes ago. It just doesn't have any class.

Mr. Blakey. There are clearly ways we can do that. One of them is to figure out what the witness's general areas are, to break them down into specific areas and then to take up those areas one by one and have the Committee know beforehand which areas are going to be taken up so that then the staff begins a little discussion on a narrow area and then the staff stops. It is set up for you, you will have a briefing memorandum before you come in outlining the broad areas, and then which areas are going to be taken up in which order so that when, if you come in late, because you have been at a vote or a different committee you should be able to be tole we have gone through areas A, B, C, we are on area D, and these are the three points that have been covered. What happened the other day that was wrong was we went all the way through, then we went back to the Committee. We should have gone --

Mr. Fithian. I wasn't criticizing that, I was thinking of a better way of being more effective as a committee and think what Shushas suggested is really the key to it. If we can find some days before we take up a session then that is
all we are doing, we can cover more ground and complete more
of our efforts than you can stringing it out over eight or
ten weeks of squeezing it in between when the Appropriations
Committee meets or when the Agriculture Committee is doing
this or that or we are on the floor.

The Chairman. Anything further?

Okay.

Mr. McKinney. I was going to suggest to the Chairman and
Chief Counsel if we can come up with anything earlier, we are
suggesting dates, the sooner the better. I think it would
be appreciated. I don't plan to go anywhere very far but I
find myself going to Boston, here and there and all over the
place.

Before we load up on that I think it would be nice to have
dates.

Mr. Blakey. I wanted to raise with you the general
dates and I would suspect by the end of next week, if we can
tentatively schedule a meeting for Friday, if that is all
right with you, we can come back with the dates concrete.

The Chairman. Furnish them to the Committee prior to
that time so they will have a chance to mull over them.

Mr. Fithian. What other dates are you talking about in
November?

Mr. Blakey. These are all the dates. A full Committee
meeting next Friday the 21st, three days of hearings in
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