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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

Thursday, October 13, 1977

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.

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

1 session at this time, the Chair would entertain --

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

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

9 (The above referred to resolution follows)

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1 Mr. Blakey. I would indicate to you beforehand that
2 this is a limited number of counsel, primarily those of the
3 supervisory rank, or senior counsel, and that intent is that
4 they take statements under oath only under limited circum-
5 stances.

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

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

13 Mr. Sawyer. May I make an inquiry?

14 The Chairman. Certainly.

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

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

21 I would call to your attention, Mr. Sawyer, that these
22 kinds of statements cannot be taken pursuant to subpoena;
23 they have to be voluntary statements. So it does not have a
24 formality of a Committee meeting although we intend to use it
25 only in significant circumstances.

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1 Mr. Sawyer. The reason I ask this, I am not familiar
2 with the Federal law, but under my State's law you have to go
3 through some kind of designation or else it is not perjury,
4 and I just wondered if that is the same thing in Federal law?

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

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

9 Mr. Blakey. Yes.

10 The Chairman. Mr. Devine.

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

15 Mr. Blakey. You many not. But we have taken the posi-
16 tion as a matter of good practice that we would make it as
17 formal and solemn as possible and thus get a Federal Magistrate
18 to do it.

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

20 Mr. Blakey. That is true.

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

24 Mr. Blakey. We will have for you next week the names
25 of the people on the Martin Luther King side.

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1 Mr. Devine. You can't do it all at once?

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

7 Mr. Devine. That is what I thought.

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

11 The Chairman. Mr. Dodd.

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

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

25 Mr. Dodd. I think you are correct, I think it was having

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1 to do with a subpoena and compelling testimony, but I was
2 under the impression during that debate that the thrust of
3 the arguments did not have to do with the compelling nature of
4 the testimony but rather the fact that sworn testimony would
5 be taken of a witness without a member of Congress being
6 present and in fact Chairman Rodino of the Judiciary Committee
7 argued no committee of Congress had ever had that authority
8 in the past, in fact the Judiciary Committee did during the
9 impeachment process but never utilized it. We have been doing
10 it, apparently.

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

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

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

25 Mr. Blakey. Well, if the statement under oath is false

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1 it would subject him to perjury without necessarily having
2 contradictory statements. It is not terribly different than
3 the authority given to IRS agents in investigating fraud
4 cases or to the FBI in investigating fraud cases in certain
5 limited circumstances to take a statement under oath.

6 Mr. McKinney. Still, if you wanted to use the statements
7 for evidence we have to then subpoena and have a formal hear-
8 ing with the Congressman present?

9 Mr. Blakey. Yes sir, unless there is a series of excep-
10 tions applicable.

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

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

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

25 Mr. Dodd. Yes, that is I think a significant difference.

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1 Thank you, Mr. Chairman.

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

4 Mr. McKinney. I second the motion.

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

7 The Clerk will call the rolle.

8 The Clerk. Mr. Stokes.

9 Mr. Stokes. Aye.

10 The Clerk. Mr. Devine.

11 Mr. Devine. Aye.

12 The Clerk. Mr. Preyer.

13 Mr. Preyer. Aye.

14 The Clerk. Mr. McKinney.

15 Mr. McKinney. Aye.

16 The Clerk. Mr. Fauntroy.

17 (No response)

18 The Clerk. Mr. Thone.

19 (No response)

20 The Clerk. Mrs. Burke.

21 (No response)

22 The Clerk. Mr. Sawyer.

23 Mr. Sawyer. Aye.

24 The Clerk. Mr. Dodd.

25 Mr. Dodd. Aye.

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1 The Clerk. Mr. Ford.

2 (No response)

3 The Clerk. Mr. Fithian.

4 Mr. Fithian. Aye.

5 The Clerk. Mr. Edgar.

6 (No response)

7 The Clerk. Seven ayes.

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

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

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

15 Mr. Blakey. Yes.

16 The Chairman. Then at this time the Chair would enter-
17 tain a motion.

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

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

21 The Clerk. Mr. Stokes.

22 Mr. Stokes. Aye.

23 The Clerk. Mr. Devine.

24 Mr. Devine. Aye.

25 The Clerk. Mr. Preyer.

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1 Mr. Preyer. Aye.

2 The Clerk. Mr. McKinney.

3 Mr. McKinney. Aye.

4 The Clerk. Mr. Fauntroy.

5 (No response.

6 The Clerk. Mr. Thone,

7 (No response)

8 The Clerk. Mrs. Burke.

9 (No response)

10 The Clerk. Mr. Sawyer.

11 Mr. Sawyer. Aye.

12 The Clerk. Mr. Dodd.

13 Mr. Dodd. Aye.

14 The Clerk. Mr. Ford.

15 (No response)

16 The Clerk. Mr. Fithian.

17 Mr. Fithian. Aye.

18 The Clerk. Mr. Edgar.

19 (No response)

20 The Clerk. Seven ayes.

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

24 (Whereupon, the Committee proceeded to executive
25 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 everything 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-

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1 sure, and again if we could agree, there would be no problem.
2 If we couldn't agree, we would be bound by the litigation.

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

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

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

14 Mr. Dodd. Before we --

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

17 Mr. Dodd. I do. Again I have the same kind of reluc-
18 tance I did in the past, and I recognize that this may be a
19 real breakthrough in terms of relationships with these
20 various agencies, but I still find myself in that very uneasy
21 feeling of getting into binding agreements, and am particu-
22 larly concerned about the releasing of authority of the
23 service when it comes to certain materials that they would
24 offer, for whatever reason. I don't have a massive case of
25 paranoia about it, but sometimes the rationale for not wanting

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1 to release information doesn't have anything to do with the
2 sensitivity of the material, as we have seen in the past,
3 as it does with the image of some of the agencies in their
4 own embarrassment or what they perceive to be their embarrass-
5 ment.

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

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

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

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

24 So in effect, we would get everything. And the releas-
25 ing authority means whatever we can release we will. Whatever

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1 only a third party can release you must go to the third and
2 get and get permission to turn it over. By getting the
3 Secret Service, the FBI and the CIA, we have gotten all of
4 the agencies now, I think the basic agencies on the Kennedy
5 side anyway, who will have documents either in their own
6 files or in the files of other agencies, so we should be
7 seeing everything.

8 Mr. Dodd. With regard to the disclosure of information,
9 I may have raised this once before. As I read the paragraph
10 5, there will be no disclosure without the prior written
11 consent of, in this case I am looking at the Department of
12 Secret Service, I guess that is what I am looking at here,
13 or his delegate.

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

20 Mr. Blakey. What we will do, we won't do it without
21 their consent, and if you read the last paragraph fully, part
22 of paragraph 5, unless we sue them. In other words, we will
23 sit down in good faith and negotiate out the maximum release
24 possible. If there is still something they want to hold, we
25 want to let it go and they want to hold it, litigation will

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1 ensue and we will both end up being bound by whatever the
2 courts tell us, which is probably where we are anyway.

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

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

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

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

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

25 Mr. Blakey. What you saw was I think the file excised

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1 pursuant to the Freedom of Information standards.

2 Mr. Dodd. Probably was.

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

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

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

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

23 Mr. Dodd. I agree. I am sensitive to the whole
24 question of leaks, obviously, and the effect on law enforce-
25 ment efforts, but I wish I could function on the same with the

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1 same degree of faith. Whether or not someone is a live
2 informant or a dead informant or just a name of someone who
3 is nothing, I never can make that determination, you are
4 looking at something that has been excised and if we are
5 limited in the amount of people that can have access to the
6 documents in the first place I don't see where necessarily
7 we are going to increase the likelihood of leaks any more
8 than they already exist, they have already been going on in
9 the agency itself.

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

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

23 Now, I might add that when they do excise, there is a
24 provision in here what we call for random audit, we will
25 call for the number of excisions on a random basis and then

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1 when I will sit down with them and go over in detail why
2 these excisions were made to see if they were made properly,
3 and so there is a check on them, it is not just a blind
4 acceptance of what they have been doing, and one of the really
5 remarkable characters of these two agreements, in fact three
6 of them, is for the first time a Congressional committee has
7 gotten agreement for random audit, and I say this reluctantly
8 because I don't think we should talk about it. We got it,
9 let's keep it and let's not crow about it, we might lose it.

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

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

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1 The limitations are adequate to do our job.

2 Mr. Dodd. Do we have everyone now?

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

6 Mr. Dodd. What I was going to suggest is INS.

7 Mr. Blakey. Well, that is right, Immigration and Natural-
8 ization Service. They are not major problems. Once you get
9 on from Justice, one from Treasury, and one from the CIA,
10 the others fall in line pursuant to their agreements, the
11 previous agreements.

12 Mr. Dodd. Thank you, Mr. Chairman.

13 The Chairman. Okay, Mr. Fithian.

14 Mr. Fithian. No questions, Mr. Chairman.

15 The Chairman. No questions?

16 Mr. Devine. I renew my motion.

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

19 The Clerk. Mr. Stokes.

20 Mr. Stokes. Aye.

21 The Clerk. Mr. Devine.

22 Mr. Devine. Aye.

23 The Clerk. Mr. Preyer.

24 (No response)

25 The Clerk. Mr. McKinney.

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1 Mr. McKinney. Aye.
2 The Clerk. Mr. Fauntroy.
3 (No response)
4 The Clerk. Mr. Thone.
5 (No response)
6 The Clerk. Mrs. Burke.
7 (No response)
8 The Clerk. Mr. Sawyer.
9 Mr. Sawyer. Aye.
10 The Clerk. Mr. Dodd.
11 Mr. Dodd. I will vote present. I am moving.
12 The Clerk. Mr. Ford.
13 (No response)
14 The Clerk. Mr. Fithian.
15 Mr. Fithian. Aye.
16 The Clerk. Mr. Egar.
17 (No response)
18 The Clerk. Five ayes, one not voting.
19 Mr. Dodd. One present.
20 The Chairman. Okay, the motion is adopted.
21 I think once again we have forgotten proxies can be
22 used. WE ought to try. The Clerk will contact all members
23 on the day of our meeting and try to get proxies. I think
24 it will help expedite our business in Committee.
25 Mr. Blakey.

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

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

21 I would raise with you the following however, as we have
22 gone over the budget in the period of time since August. It
23 seems to me that we need to increase the number of people.
24 The last budget I gave you contemplated \$2 million \$328,500
25 annual basis with with 108 people. It is my judgment now

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1 that we really ought on an annual basis to operate with 114
2 people. This is an addition of one lawyer on the Martin
3 Luther King side, two document clerks on the Martin Luther
4 King side, one deputy chief clerk to assist the chief clerk
5 in the setting up of hearings, which is going to be a major
6 administrative burden, far more than even Elizabeth Burning
7 can do.

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

11 We will spend in fact, however -- this is an authorized
12 basis on a 12 month budget -- we will in fact spend approxi-
13 mately \$450,000 less this year. This is directly related to
14 the fact that we haven't hired people as quickly as we might
15 have and we haven't done as much field work as we might have.

16 My suggestion to you is the new budget be approved at
17 114 and at that figure that would give us over the two year
18 cycle, under the \$5 million that was originally authorized,
19 and we would pick up in the second year what we didn't spend
20 in the first year.

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

24 I know that is kind of complicated to juggle figures
25 around but I would be glad to answer any questions about either

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1 the memorandum that you have on the salary strucutre or the
2 memorandum on the probably estimate of cost for the next two
3 years.

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

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

13 Mr. Blakey. There is a resolution.

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

25 So I think some of them did get an equal percent, many

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1 of them less than that, because they had had a raise in the
2 interim period. I think that your approach is businesslike
3 and warranted and I agree with it.

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

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

21 Mr. McKinney. I am assuming we are stressing compara-
22 bility. I stress merit. I don't raise anyone unless I
23 think they have merit. I will give you per example. I raised
24 my secretary because I think I am about to give her a nervous
25 breakdown after one summer not being here and she ran the

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1 office and did everything and I raised her on August 1st,
2 and I am going to give her the 7.5. I think she deserved the
3 raise in merit to what I raised her to and I think she
4 deserves the 7.5. I suppose we could be heroic about this
5 and say we are saving money, but I know who works for me and
6 works well should get the same increase. I would have to
7 vote against the motion, Mr. Chairman.

8 The Chairman. Mr. Fithian.

9 Mr. Fithian. No questions.

10 The Chairman. Mr. Sawyer.

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

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

16 Mr. McKinney. You will never figure that out.

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

20 Mr. McKinney. Zeroed.

21 Mr. Blakey. We will lose it but we will be in the posi-
22 tion of going back to the Rules Committee and saying we con-
23 templated \$5 million over two years, we gave you back quota-
24 tion marks "\$450,000 the first year, we would like to use
25 that \$450,000 the second year, so that our two year budget

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1 would be \$5 million. They could very well look us in the eye
2 and say you can have the second year which you spent the
3 first year.

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

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

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

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

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

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

20 The Clerk. Mr. Stokes.

21 Mr. Stokes. Aye.

22 The Clerk. Mr. Devine.

23 Mr. Devine. Aye.

24 The Clerk. Mr. Preyer.

25 (No response)

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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,

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1 for example, the panels that have come in, the doctors that
2 have come in, the ballistic experts that have come in. To
3 complete the formal cycle it is necessary to formally present
4 those affidavits to the Committee for acceptance and I would
5 do that at this time. You have before you a list of affi-
6 davits taken from Mr. McMillan, Gear, Kosten, Kostman, Shaw,
7 Meagher, Thompson, Hoch, Scott, Harris, Kinsilla and Lane.

8 As you can see, I would ask that the affidavigs be
9 incorporated in the record.

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

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

3 Mr. Dodd. Mr. Chairman.

4 The Chairman. Mr. Dodd.

5 Mr. Dodd. What is the legal significance of incorporat-
6 ing these in the record. These now go that next step?

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

9 Mr. Dodd. But as far as --

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

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

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

21 The Chairman. Then this affects the public record?

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

24 As you can see, a number of them are from the Critics
25 Conference. We have an extensive transcript of that

1 conference in process and that, of course, will ultimately
2 be made available to the Committee with a summary of the
3 report on it.

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

6 The Chairman. Yes.

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

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

11 Mr. Sawyer. What?

12 Mr. Blakey. We got some very good leads from the
13 Critics Conference. I think the best thing that came out of
14 the Critics Conference is a woman in Dallas named Mary Farrell,
15 who previously had a kind of ambiguous relationship to the
16 Committee, came to the conference, came away reasonably
17 impressed that the Committee was serious about its business,
18 went back to Dallas, and knows a lot of people in Dallas,
19 including the Chief of Police, and they told the Chief of
20 Police they ought to cooperate with us and now the Chief of
21 Police has given all of our investigators in Dallas a letter,
22 a personal letter from him to anybody in the Department saying
23 that they are to get anything that they want to have access to.
24 This is in contra distinction to the situation prior to that
25 when one of our investigators, Jack Moriarty, was in the

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1 Chief's office, he was not permitted to talk to the Chief
2 himself, only got to see an assistant chief, and had his
3 car impounded while he was in talking to the man.

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

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

16 The Chairman. Anything further?

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

23 Mr. Blakey. We have made an effort to find it, includ-
24 ing talking with Mr. Lincoln, the President's personal
25 secretary, and we have been currently unsuccessful in finding

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1 it. The President's brain is not located.

2 Mr. Devine. Was it not signed for? Wasn't it signed in?

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

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

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



21 I have on my list of delicate things to do is to go
22 over and talk to Senator Kennedy and riase with him as deli-
23 cately as I know how whether he knows where it is and whether
24 we can with due regard to all those involved, make an effort
25 to find it.

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1 Mr. Deveine. Didn't the doctor, and I believe he was an
2 Admiral, wasn't he, I am not sure -- didn't he say that he
3 had personally delivered it to the Archives?

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

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

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

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

12 The Chairman. That is right.

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

19 This has to do with the Kennedy side. We have roughly
20 all but one investigator hired and we have got one spot open
21 on the Kennedy side and what we have looked around for is a
22 person with a very special set of talents. What we have in
23 mind is a person who can work on the team that is dealing with
24 the CIA, and up until now we have hired only State and local
25 people, detectives with backgrounds, and for this one slot we

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1 want to vary that and our proposal to you is a man named
2 Harold Leaps be hired.

3 He happens to be a currently employed Federal investi-
4 gator. He is wiht the Drug Enforcement Administration. He
5 is known to Gary Cornwell personally and known to some of the
6 guys I knew in the Department of Justice personally. He is
7 an older man, a very street wise Washingtonian sophisticated
8 investigator.

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

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

23 What will happen, he presently is making more than most
24 of our investigators. The agreement tentatively is that we
25 will reimburse the Drug Enforcement Administration up to what

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1 we would normally pay our investigators and they in effect
2 will lend him to us for the difference. They are willing
3 to enter into an agreement with us where they will waive any
4 supervisory rights over him and promise not to take any
5 reprisals against him, which you see I am raising with you
6 the following potentiality. If we hire a Federal employee,
7 or we have someone who is presently connected with the Federal
8 establishment, are we potentially getting into a conflict of
9 interest situation? Since he is going to be looking back
10 into the Federal Establishment?

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

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

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

25 The Chairman. Mr. Cornwell.

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

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

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

20 I am not only familiar with his personal abilities from
21 having worked with him, I think I am fairly familiar with his
22 reputation in the law enforcement community, and I think that
23 based upon that we can say with some assurance that the
24 problem, the potential problem is not a practical one, in
25 other words, we don't see any problem in his in fact complete

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1 loyalty to this investigation, pursuing the leads and coming
2 up with the facts nor do we see anything about the projections
3 as far as ability to accomplish what we need in the CIA
4 field. He has received numerous commendations over the years
5 from DEA and Secret Service, FBI, in cases he has worked for
6 them or relating to both DEA and Secret Service or FBI
7 offenses, and we have, like Bob said, tentatively worked out
8 with tEA the fact that they would loan him to us.

9 He is making about \$35 now and in December will be making
10 \$40,000 as DEA representative to Interpol, and in effect what
11 we would be doing is paying what we can pay, they pick up
12 the difference.

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

23 But we didn't want to suggest that we hire or work with
24 a Federal agent until we brought that issue to the Committee's
25 attention.

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1 The Chairman. Perhaps it would be good if either one or
2 both of you would address yourselves to the question of the
3 individual himself and as to whether you feel he would have
4 reticence or any hesitance at all in terms of the conspiracy
5 aspect.

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

8 Mr. Blakey. He would eat them alive.

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

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

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

25 Mr. Cornwell. The system we had there was an office

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

8 The Chairman. I see.

9 Mr. Dodd.

10 Mr. Dodd. No questions.

11 The Chairman. Mr. Eithian.

12 Mr. Fithian. No questions.

13 The Chairman. Mr. McKinney.

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

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

21 Mr. McKinney. Since we are in executive session, I can
22 say this sort of thing as a Congressman; there are several
23 reports that sit in this room and reports on this Committee
24 who say never worked for the CIA either and yet I am of the
25 exact opposite opini-n and just the only thing I would question

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1 is not your judgment or the gentleman's honor, having been
2 sent to Pakistan as an active assistant counsel, these are the
3 CIA's most favored subworkers and it is just something I
4 bring up and I would feel a great deal more comfortable if
5 that question were asked bluntly and have a blunt answer
6 received back.

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

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

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

21 Mr. Blakey. We can ask and indeed --

22 Mr. McKinney. I have no objection. We go by your judg-
23 ment on the personnel. I think that is a question I would
24 like to have asked. The gentleman has traveled to foreign
25 nations and has worked in American consulates and now has
become a representative to Interpol, and my mind works in

1 very devious ways after seven years in this town. These
2 gentlemen have been here a lot longer and they have no objec-
3 tion so I go with their judgment and yours.

4 The Chairman. Mr. Sawyer.

5 Mr. Sawyer. No questions.

6 The Chairman. You want to actually take --

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

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

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

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

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

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

16 Mr. Fithian. Thank you, Mr. Chairman.

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

24 What kind of problem do you foresee at that time?

25 Mr. Blakey. This has been posed to me by some staff

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

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

24 Mr. Fithian. I am not sure it does but it addresses
25 the subject.

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1 Mr. Dodd. Congressman Edgar, I know had a deep interest
2 in this and I am sorry he isn't here. I presume he has a
3 thousand different things to do. He did have some real con-
4 cerns about this from a workload standpoint and I know he
5 would like to be heard on the thing and I was not in agree-
6 ment with him the last time we went over this thing and I am
7 pretty much in the same position, I think there is work that
8 staff can do without necessarily having to get into the
9 classified area.

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

14 Mr. Dodd. Really?

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

19 Mr. Dodd. Yes.

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

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1 off with the blanket rule.

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

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

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

19 When the Committee was first established, as the new
20 Chairman will probably remember, we had a horrendous fight
21 brewing on our hands about whether or not each Committee
22 member should have a staff member on the Committee, even if
23 that staff member were picked by the Chief Counsel, S, Y, Z,
24 and we didn't even know the guy -- here, Mr. McKinney is
25 your guy. I see us moving into a real problem area trying

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1 to close this thing down in time. Mr. Preyer is on so many
2 other committees that it is hard to count and myself and
3 Mr. Devine, and Chairman Stokes, everyone.

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

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

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

25 Mr. McKinney. Normally sitting right back there, and

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1 I am known for nothaving a committee member sitting behind
2 me. This is a Select Committee with great complications. I
3 don't know any way I am going to be able to keep on top of
4 it.

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

16 Mr. McKinney. Well, my fear is just only as I expressed,
17 we are never going to catch up, it could become a real problem
18 because unfortunately this Committee will be judged, just as
19 the issue whether you take testimony with or without a
20 Congressman, this Committee will be judged on what the Congress
21 does and how they perform in the final end. I think it is a
22 real problem, I don't think anybody outside of this job under-
23 stands the job. My wife, I have been in this for seven years
24 and she still doesn't understand it. It is that simple.
25 It is a job in which we are totally generalists, and the only

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1 way we can come in with any specificity is when we have a
2 staff member. I can come across as an expert on loan guaran-
3 tees, only because David Carren, who sits here day after day
4 behind this table when I am running all over the place.

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

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

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

25 Mr. Sawyer. Well, I might say I much prefer frankly what

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1 the Chief Counsel has suggested. I had sort of visualized that
2 at some point in time or maybe several different times, when
3 things began to gel I would have the privilege of sitting
4 down with a group of people that had first hand knowledge.

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

19 The Chairman. Mr. Preyer.

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

23 The Chairman. Mrs. Burke.

24 Mrs. Burke. The only thing I was concerned about is if
25 when we are not available sometimes it would be helpful if we

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1 have a staff person who was present to report to us. It gets
2 to be almost I think too difficult for a member of the Com-
3 mittee staff to have to run around to our offices and try and
4 catch us between votes and all those things to be able to
5 keep us up to date on things that are happening.

6 Mr. Blakey. Mr. Matthews.

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

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

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

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

20 Mr. Blakey. Unless we hear to the contrary.

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

23 Mr. Blakey. Let me raise with you some tentative plans
24 so that you can kind of block in but not block in surely for
25 your calendars what is in our heads. We have, I think we

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1 probably need to have one additional full Committee meeting
2 before you go home, assuming you are going home the 27th.

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

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

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

16 Second is a follow up set of hearings on the Kennedy side
17 pursuing some of the things that Loran Hall laid out for us,
18 including Mr. Trafficante. It seems to me for several
19 reasons, some of which is some billing and having to do with
20 the Committee as an institution, Trafficante is an
21 outstanding witness who has taken the Fifth, we ought to
22 decide what we are going to do about him. Mr. Hall has
23 clearly given us leads pointing towards that Bayo raid and
24 the possible involvement in it of the CIA. We should pursue
25 that.




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1 Indeed, Gary and I are over the weekend were worried
2 about whar we would do in this area and we were going up now
3 an investigative plan which tentatively contemplates three
4 days of hearings in the last week of October, the 25th, 26th
5 and 27th. So we would have in all the people that are alive
6 out of that raid and perhaps some CIA and FBI people. The
7 exact names are not finished but we certainly should have that
8 finished by next week and come back to you with some immunity
9 orders in that regard.

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

19 Then in November we would like two sets of hearings on
20 the Warren Commission report, November 8, 9, and 10, 15,
21 16 and 17.



22 Mr. McKinney. One suggestion. The Majority Leader
23 called and asked me to go on a trip on the 11th of November,
24 which makes me feel that the Majority Leader and Minority
25 Leader are leaving on the 11th of November, which makes me

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1 feel the 8, 9, and 10 of October would be screamers around
2 here, I mean November, if we are going to be in session.
3 Jim Wright and John Rhodes are leaving on a trip on the 11th.
4 It makes me feel we are going to be in session until the
5 10th. I find if you try to do anything the last three days
6 we are in session forget it, you might as well pack it in.
7 If you plan to bring anyone in from out of State the last
8 three days around here we don't go to bed or do anything.

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

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

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

24 Mr. Dodd. Could I make a pitch for the 24th and 25th and
25 --

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1 Mr. Blakey. The 24th of November is Thanksgiving.

2 Mr. Dodd. There goes that pitch.

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

5 Mr. Dodd. I meant October.

6 Mr. Blakey. October?

7 Mr. Dodd. YOU were talking about those dates.

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

10 Mr. McKinney. We are off the 24th.

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

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

15 (Discussion off the record)

16 The Chairman. Do you want to have any discussion of the
17 Committee relative to what we discussed in terms of visita-
18 tions of the scened?

19 Mr. Blakey. Sometime betweenthe time Congress goes out
20 of session and comes back in January, I would like to see
21 all members of the Committee go to Memphis and to Dallas, and
22 I can't vouchyet for Memphis because I haven't been there,
23 but I just came back from Dallas and no matter how many
24 photographs you see, and no matter how many diagrams you see,
25 the place is different when you see it in real life. It is

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1 closer. The dimensions are not the same as they appear to
2 be in Sabuto film or all the drawings you have seen and
3 whether he did it or not has a different degree of credibility
4 depending on whether you stand in that window and look down
5 Houston Street and down Elm, whether you walk frankly where
6 he apparently walked. It is alleged that he walked near his
7 house and where Triplett was shot and the Texas Theater.
8 To go there and see it is to have a different attitude toward
9 it than to read the books on it, and I really mean sometime
10 in December you people should go, slip out of here quietly
11 and go, but you should see Dallas, and Bob will have to tell
12 me about Memphis, but I think you should see Memphis, too.

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

16 Mr. McKinney. The 17th.

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

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

25 Mr. Dodd. That is one thing I was hoping to touch on,

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

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

14 Mr. Dodd. Yes.

15 Mr. Blakey. We literally have. The Congress has not
16 done this kind of an investigation before and the kind of
17 role that staff should play and the kind a Congressman should
18 play and the degree to which you people are going to partici-
19 page, I think we are writing a clean slate. One example of
20 it Bob is going to bring up in a minute, we have Randy Rosen
21 on the King side and he is in prison now on an unrelated
22 charge and the answer for a prosecutor bringing a person
23 before a grand jury is get a writ of habeas corpus ad
24 testifandum, you go and get it and talk to him, it turns out
25 we are not a prosecutor when we go to look to see if we can

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1 get a writ of habeas corpus, it turns out the legal authority
2 is not there. So that again, what we are trying to do is take
3 something that was designed for the purpose and do something
4 a little different with it, and I think that the best I can
5 ask you to do is bear with us, we will try to in the months
6 and weeks ahead to see if we can't work this out so we find
7 the proper and useful role for the various people. We are
8 going to have to develop a way to do this.

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

12 Mr. Blakey. The interesting thing is it is a civil
13 proceeding and the Federal District courts don't have juris-
14 diction beyond 100 miles. So technically they have no juris-
15 diciton over Virginia prisons.

16 Mr. McKinney. We can all go there.

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

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

25 Mr. Fithian. I just wanted to suggest in this long



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


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

20 Mr. Fithian. Or reverse it, that is the advantage to us,
21 to get everything. I don't think that a Congressional
22 Committee really ought to find itself repeating questions
23 that some other members asked 30 minutes ago when you were on
24 the floor voting or some such thing. Is there any way you
25 can do that? I have wrestled mentally with this probablem

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1 in all committees in the three years I have been here. It
2 is always the same. I will sit there, you have 50 people
3 from the public flying in all over the country sitting
4 around, some member will come in a hour after the hearings ~~are~~
5 are underway and raise the question that was answered clearly
6 45 minutes ago. It just doesn't have any class.

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



22 Mr. Fithian. I wasn't criticizing that, I was thinking
23 of a better way of being more effective as a committee and
24 think what Stuehas suggested is really the key to it. If we
25 can find some days before we take up a session then that is

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1 all we are doing, we can cover more ground and complete more
2 of our efforts than you can stringing it out over eight or
3 ten weeks of squeezing it in between when the Appropriations
4 Committee meets or when the Agriculture Committee is doing
5 this or that or we are on the floor.

6 The Chairman. Anything further?

7 Okay.

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

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

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

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

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

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

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