Executive session discussions re: reconstitution of HSCA; duplicate in folder 2. Folder 2 withdrawn. Box 265.
Stenographic Transcript Of
Hearings
Before The
Select Committee on Assassinations

House of Representatives

Executive Session

Washington, D.C.
March 17, 1977

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EXECUTIVE SESSION
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THURSDAY, MARCH 17, 1977

U. S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS
Washington, D.C.

The Committee met, pursuant to notice at 10 a.m. in
Room 2220 Rayburn House Office Building, the Honorable Louis
Stokes (Chairman of the Committee), presiding.

Present. Representatives Stokes (Presiding) Fauntroy,
Burke, Dodd, Ford, Fithian, Edgar, Devine, Anderson,
Preyer, and Thone.

Also present. Richard A. Sprague, Chief Counsel and
Staff Director, Bob Tannenbaum, Bob Lehner, Steve Fallis,
Al Lewis, Pat Orr, James Wolf, Rebecca Martin, Tom Howorth,
Burt Chadak, Bob Morrison, Frank Kelly, Polly Brown, Hank Spring.

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The Chairman. The meeting will come to order.

We are still in executive session. Supposedly, only
Staff are in the room.

Mr. Lehner. That is true.

The Chairman. There are several matters I thought we
might take up this morning. We may have to adjust the
schedule a bit, because Mr. Fithian is in a markup situation
and has some matters that he wants to bring before the
Committee. I told him that we would try to adjust to his schedule, whenever he can get over.

One of the things that we have to do is to prepare our report for March 31 for the House. In that conjunction, we have never done anything really with respect to the ordering of the hearings printed, of at least the open sessions that we have had.

I guess from the beginning there has never been any order to the Court Reporters to prepare anything so we are really behind in all of that.

Steven, is that your area?

Mr. Fallis. I will take care of it, if you want.

The Chairman. I think definitely we have to have our hearings printed. Then it is up to the Committee also to decide if any of the matters related to Executive Session hearings are to be released publicly also.

Mr. Devine. Mr. Chairman, how far back are you referring—just since you became Chairman or prior to that time?

The Chairman. I am really open for a discussion on that, Mr. Devine. I don't know how much of what it is, I try to think back of what we did under our previous Chairman, whether there was anything much to be—

Mr. Devine. I think it was preliminary discussion relative to adoption of rules which was finalized since you have been chairman.
The Chairman. Right.

Mr. Devine. So, I am not sure that any useful purpose would be served in having those printed up because the final rules of what we adopt are used for legislation of the legislative report,

Do you know, John?

Mr. Anderson. NO, I do not think it would be useful. It would be just additional expenses to go ahead and transcribe and print hearings that were inconsequential as to what they produce. So, I think I would be agreeable to implementation of what you say, since you started your tenure as Chairman. That would be adequate.

The Chairman. All right. Then are there any matters you can think of related to sessions that we have had in Executive Session that we ought to release. I suppose that matters in relation to Mr. Sprague's explanations yesterday perhaps ought to be printed up, or we can have some discussion as to whether this should be.

Mr. Edgar. Mr. Chairman, is it proper and possible to have two records made, one from the public sessions since you have been Chairman, and one from the Executive sessions that would be held until we have a careful review of those?

The Chairman. You mean to have it printed up, Executive Session printed up, for our purposes.

Mr. Edgar. Yes.
Mr. Devine. I might say, those have a way of getting out.

The Chairman. Yes.

Mr. Devine. And if they are printed up, of course, the Government Printing Office has them. Do you know how many copies are run off?

Mr. Edgar. I do not know what the Security provisions are.

Mr. Devine. I would imagine we could have them transcribed by the Reporter and retained in the custody of the Chairman until such time we feel that information can be released publicly.

Mr Edgar. I think we should have at least, have it typed up and put together by the recorder.

The Chairman. Well, I would entertain a motion that we do that.

Mr. Devine. Mr. Chairman, I would like to have the thoughts of counsel on whether he feels that the information he gave in Executive Session is of such a nature that it should or should not be revealed publicly at this time.

Mr Sprague. Mr. Devine, there are two things I would say. Each of the hearings in fact whether public or in executive session have been transcribed and are being transcribed, and we have the transcribed testimony in our office. So that which is from the Executive
Sessions is kept under lock and key, the others are there and available. Both are available, so that everything is being transcribed when you talk about printing, I think you are talking about the taking of the transcribed notes and arranging for the Printing Office to print them up.

Mr. Devine. As part of Committee hearings and part of the Committee report are two different things. The different hearings there is no conclusion but the Committee report contains them.

Mr. Sprague. I do not see from the hearings the public hearings accept from the printing of rules which we have gotten printed up and which will be distributed, what else is to be printed from that.

The Executive Sessions, and I am happy for the notes from the hearing yesterday that we had, I am happy for that to be available to whomsoever this Committee wants to have that available to. I do not think it is a matter just for general dissemination, unless the Committee wants to just have it published in the news media from here to there.

It seems to me this was available more for the Committee purposes should questions then arise but I have no feelings one way or the other about it.

Mr. Devine. Mr. Chairman, I think from the standpoint of Mr. Sprague, that he is entitled to be vindicated
at some time in the future on the charges having been made
by our previous Chairman but I am afraid if those are printed
up and made available to the public, that that is what will
hit the headlines, again it reopens the wounds and I do not
think that we are prepared to meet that at this particular
time.

I think after we are reconstituted, assuming that hap-
pens, why them that is adequate time for the answers to
be given to the charges made actually unless you feel
some useful purpose would be served in trying to do it
to the confrontation we are going to have with the House
one of these days under the Rules Committee.

The Chairman. Well, actually, I agree with you. I
was concerned because Mr. McKinney had warned us to have
this done in Executive Session and a couple of other members
had too, so that they could then be sent to the other
members or some of the other members and someone even
mentioned putting it into the Congressional Record.

I think, putting it in the Congressional record even
has the same, very same situation about it in terms of
the news media grabbing that and getting back off where we
now have them.

Mr. Edgar. Mr. Chairman.

The Chairman. Mr. Edgar.

Mr. Edgar. If they are transcribed and typed out which
I assume they will be in another 24 hours or so, couldn't
they be circulated to all the members of our Committee and
then at some point in the future some sections of them may
be necessary to share with others in case there is a
question around reconstitution time, but as for now, we
would just keep them within the confines of this Committee.

I think they ought to be circulated to those members
who were not present, who have some questions, who may want to
take a look at the data that was provided yesterday by
Mr. Sprague.

Mr. Sprague. My thought is that a copy of them should
be available to be with each member of this Committee for
whatever purpose that member may then want to use it
because it was really so that if questions exist in your
minds or if people are asking you questions, at least
you have the information as I state it to be to respond and
I am happy to have, for each of you, to have a copy of
that for your own purposes.

The Chairman. Does that satisfy everyone then.

Mr. Devine. That is fine with me.

The Chairman. Then, Mr. Sprague, in regard to the
hearings so that we have a clear understanding on that,
ordinarily when a committee goes to the floor with any type
of report accompanying that report of course there are
the printed hearings that have been conducted by that
Committee, that is what I had in mind in terms of at
at least my assumption of the Chair, that we would have all
that printed up as hearings of the Committee, with the
exclusion of course of anything that is in Executive Session
unless we thought there was something in the Executive
Session that should be released at that time.

Apparently there is nothing that anyone can think of.

Mr. Devine. I have not thought much about what we
have done in Executive Session, is there anything that anyone
feels should be brought out?

Mr. Edgar. Well, I think that whatever is sent to the
House Floor has to be on the issues of the two assassination
problems and I think yesterday's record of the pleading of
the 5th is an important thing to have available and at an
appropriate time when we send over a report to have the
public record of that hearing make some sense. I do not
know what the choreography of that is when that takes place.
There may be two or three other public hearings that we may
have next week. I do not know what the plans are, that
may be included in that. Of course, with pleading the 5th
you do not have many pages of testimony but whatever we
can share with the House publicly to justify our existence,
I think is important to get beyond the March 30 deadline.

The Chairman. Yes, I think that is very important.

All right, we will then see--because none of the members
have even had a chance to correct any of the transcribed
testimony before it does go to the printer, so that has to be done. Also, so if you will proceed to have that done, I would appreciate it.

Mr. Sprague. Yes, sir, Mr. Chairman.

Mr. Edgar. Mr. Chairman, do we need any action on Mr. Preyer's proposed budget?

The Chairman. Yes.

I talked to him regarding that this morning. He had a markup in another Committee, also, said he would be here as soon as he could get here but I had hoped that we would be able to go ahead and take final action on that.

Mr. Ford. Do we have any preliminary work at this point on the budget?

The Chairman. No, Mr. Ford, I think it is a matter of his report in Executive Session prior to any release of it in a public session.

Mr. Edgar. Here is a copy (handing).

Mr. Ford. I did not have a copy.

The Chairman. It is still in Executive Session and not to be released publicly because we have not yet sat with Mr. Thompson.

I talked to Mr. Preyer this morning about sitting with him on it as we did with Mr. Dent in getting his concurrence in it, and the procedure that we adopted was that we will not release any information to the public
until such time as we have had the consent of both chairmen from the House Administration.

I want to lay before the Committee two letters that we received from Mr. Kenneth Bruton, Jr. which I think should be brought to the attention of the Committee along with the reply that has been prepared by Mr. Sprague.

May we have the Clerk read this correspondence.


"Dear Mr. Chairman.

"I submit herewith my resignation from the Staff of the House Select Committee on Assassinations to effect this date or at such time hereafter as the members of the Select Committee shall determine as fair and equitable. I resign as a matter of province and not out of the belief that the investigation should not be continued by some appropriate body. The attention of the Select Committee is directed to the fact that on or about January 11, 1977, while acting in his capacity as Chief Counsel and Staff Director, Richard A. Sprague represented to the Staff during the course of the Staff meeting that, if certain Staff members were to accept a 35 percent reduction in pay, that he, Sprague, would see that such staff members were reimbursed the full amount of the decrease in pay."
"In justifiable reliance upon the representations of your agent, I tend to render professional services to the House Select Committee which accepted such services. I understand that there is an admission of Mr. Sprague's representation in the record of the Committee proceedings for Monday, March 6, 1977.

"I bring this matter to your attention so the Committee, while a duly constituted legal body, may take appropriate action to restore the pay reductions for January and February of 1977.

"Of course if the matter can be resolved equitably then litigation may be avoided. Also enclosed herewith are copies of telephone bills which I incurred while performing official duties as acting Staff Director and Chief Counsel under the former Staff Henry P. Gonzales. I trust this voucher will be issued promptly so I will be reimbursed for my actual expenses. I shall look forward to hearing from you as to the matter of the restoration of the January and February, 1977 reduction in my pay so that I may take appropriate action. I appreciate having had an opportunity to serve on the Staff of the Select Committee.

"With kind regards, I am Kenneth E. Bruton, Jr."

"Enclosed telephone bills for official calls."

Mr. Ford. What are they—what is the amount?

Mr. Howorth. About $40.00.
The second letter dated March 10.

"The Honorable Louis Stokes, Chairman, House Select Committee on Assassinations, U.S. House of Representatives, Washington, D.C.

"Dear Mr. Chairman,

"Enclosed herewith is a copy of a letter which was mailed to my former law firm in Gainesville, Florida, on Monday, March 7 1977 and which was received on Wednesday, March 9, 1977, at 2 o'clock p.m.

"On Tuesday, March 8, 1977—immediately following the acceptance by the House of Representatives of Chairman Gonzales' resignation, I mailed you my formal resignation from the Staff of the Select Committee, a copy of which is also enclosed.

"On Sunday, March 6, 1977, having completed my final reports to former Chairman Gonzales, I moved all of my possessions from my partment and flew to Florida.

"A number of people in Washington knew I was leaving Washington and resigning from the Committee. I was not going to tender my formal resignation until such time as the House accepted the resignation of Mr. Gonzales, for to do so would leave Mr. Gonzales without counsel. Since I had decided to resign immediately upon the acceptance by the House of the resignation of Mr. Gonzales, I saw no reason to stay in Washington where the Committee was to hold a meeting as my presence at that point would simply
prove unnecessary confrontation.

"On Wednesday, March 9, 1977, at 12:15 p.m. I learned from Congressman Gonzales' office that the Select Committee held a special meeting on Tuesday, March 8, 1977, for the sole purpose of firing me, notwithstanding the fact that my resignation was already in the mail to you and that the letter which I received on March 9 directed me to report to the Committee offices that same day. It is implicit in Mr. Lewis' letter that since I was not in the Staff offices since February 9, 1977, that I was not performing duties for the Select Committee.

"Enclosed for your information is a copy of a telegram which I received from former Chairman Gonzales on February 11, 1977. As you are no doubt aware, both at the request of former Chairman Gonzales as well as Congressman Richardson Preyer, Congressman Walter Fauntroy and Congressman Christopher Dodd, I did not go to the Committee Staff Offices so as to not cause unnecessary confrontations. However, I enclose herewith copies of correspondence between myself and Richard Sprague and Majority Leader Wright relating to my continuing efforts to resolve some of the problems confronting the Select Committee.

"I bring this chronology to your attention as well as the copies of documents which I have enclosed because I can only construe the calling of a special meeting to "fire"
me as a vindictive act on the part of Mr. Sprague who could have determined from a number of sources that I had already returned to Florida and intended to submit a formal written resignation as I, in fact, did.

"Accordingly, I will appreciate it if you will advise me as to the following: (a) whether a meeting of the Select Committee was held on Tuesday March 8 1977 and if so, was that meeting held in compliance with the rules of the House and the rules of the Select Committee and what official action was taken?

"(b) The position of the Committee as to whether my resignation is accepted or whether I was "fired" and the effective date of the acceptance of my resignation or my "firing". I shall look forward to hearing from you. You may feel free to call me at my home in Florida 940-372-8021 should you wish to discuss this matter personally.

"With kindest regards, I am sincerely

"Kenneth E. Bruton, Jr."

The Chairman. O.K.

Is there any discussion regarding those letters or any comments that the members have?

Mr. Ford. Was he fired, Mr. Chairman, or his resignation accepted?

The Chairman. AT a meeting that was called as I recall the same day that I was appointed Chairman, we met in my
office. It was brought to my attention at that time or to the Committee's attention at that time by Mr. Sprague that both Mr. Bruton and a lady whose name I do not now recall had not worked since the 11th day of February, I believe, and for that reason we were asked to terminate their services.

And the Committee at that time took a course of action and we sent our correspondence out that day notifying both persons as I recall it that their services were terminated.

Mr. Ford. I mean, did we accept the letter of resignation?

The Chairman. That had not at that time come in.

I think there is a date on that letter.

Mr. Ford. I was at that meeting that day, Mr. Chairman, I do not recall that, probably--maybe I left-- out of the office but I do not recall our taking up any business on whether we should relieve him, fire him or accept his resignation.

Mr. Dodd. Oh, yes we took that.

The Chairman. Yes, Mr. Sprague brought it to our attention and we took action formally.

Mr. Devine. Mr. Chairman, I think one glaring error in the allegations is the fact that a meeting was called for the sole and specific purpose of firing him. That was not the purpose of the meeting being called, it was our first organizational meeting which, after your having
been named chairman, we took up a number of things and that
was actually incidental if I recall.

The Chairman. One of the items on the agenda,
yes.

Mr. Devine. Yes.

Mr. Anderson. What about his charge that he was promised
a 35 percent pay cut; that it would be restored?

Mr. Sprague. Mr. Chairman, we prepared for the
Chairman, Mr. Stokes' response to the first letter. This is
the first I have heard of the second letter.

With regard to that statement, as I believe I said
at the session that we had previously, there was not a
promise that a pay cut in fact would be restored.

What I said to the Staff, at the initial Staff meeting
and what I also said to this committee when I was asked
the question about it by Mrs. Burke, was that what I advised
the Staff was that I would use my best efforts to see that
those that were on the Staff when we would get our new budget
would then have the amount of money that had been taken out
of their pay, put back in for an interim period until they
were made whole again. There was never an assurance that
they would get that, and secondly part of what was the
condition was that they still be on the Staff when we
were recreated and had our new budget.

And that is stated in the proposed response by the
Chairman.

Mr. Devine. Is that your proposed response?

The Chairman. Now, we have a proposed response to
the first letter.

The second letter has just come in a few days ago into
my office. Mr. Sprague has not seen that yet. The Clerk
can read this proposed reply to the first letter.


"Mr. Kenneth E. Bruton, Jr.,

"3301 Northwest 27th Terrace,

"Gainesville, Florida, 32605."

"Dear Mr. Bruton.

"I am in receipt of your letter of March 8, 1977,
submitting your resignation from the Staff of the Select
Committee on Assassinations and your request for reimburse-
ment for certain phone calls and restoration of the pay
reductions you agree to for January and February of 1977.

"Your 'resignation' of course, was obviated by the
action of the Select Committee on March 8, 1977 terminating
your employment with the Committee's staff. The Committee
will reimburse you for any phone calls made in pursuit of
Committee business. Before any vouchers are processed,
it will be necessary for you to submit to me the names of
persons you called and a brief statement of the subject
matter of each call for which you desire reimbursement.

"In our view, however, you have no valid claim for
restoration of your voluntary pay reduction for January and
February of 1977.

"Sincerely, Louis Stokes, Chairman."

The Chairman. Approximately how much money are we
talking about in terms of this claim?

Mr. Howarth. About $2300.

The Chairman. About $2300.

Mr. Howarth. Through March 8.

The Chairman. Are there any questions or comments?

Mr. Sprague. Mr. Chairman, may I also bring to your
attention that other people have left our staff voluntarily
and as to them as well, they have been advised that anybody
leaving the Staff prior to recreation and the getting of
a new budget, if we get that, does not get any of that pay
differential back.

So the people leaving know that that same rule applies
to them as well.

So, I want the Committee to be aware that there is
nothing being done aimed at Mr. Bruton that is any different
than anybody else.

The Chairman. Mr. Dodd.

Mr. Dodd. Mr. Chairman, just in response, I apologize
for arriving late. The March 10 letter addressed to you
from Mr. Bruton in which he lays out the chronology of
events and so forth following his activities, I would like
the record to reflect that when he points out at the bottom of the first page of his letter as you are aware and Congressmen Preyer and Fauntroy and myself, the reason he didn’t go to the Committee office was not to avoid unnecessary confrontations, that was a request that was made by myself and Congressman Preyer and Fauntroy, over the weekend which Mr. Sprague was notified that his services were no longer needed by Mr. Gonzales, it was our opinion that particular time given the heat of the situation, it was probably advisable to stay away from the office for a period of time in order to prevent the exacerbation that could occur with his presence there. It was not inferred that he should stay away forever. I think it was made clear two or three times within the first day or two of the following week.

Mr. Ford. What date are we talking about?

Mr. Dodd. The dates of that, what was that, Thursday, the date of that Thursday that we received that.

Mr. Sprague. I think it was about on the 10th.

Mr. Dodd. 10th or 11th of February.

Mr. Howorth. 10th of February.

Mr. Dodd. That was on a Thursday and then the Congressional recess over that weekend the following Monday Mr. Bruton came back to Washington but remained in his apartment rather than go down to the offices but it was
never our intention at least certainly not mine that he should remain away from the offices indefinitely, it was just during that heated period I just wanted the record to reflect that. That allegation.

The Chairman. Right. I think that is good to have in the record.

Mr. Ford. Mr. Chairman.

The Chairman. Mr. Ford.

Mr. Ford. I am wondering whether or not he was under the impression that he was working for the Chairman Gonzales at that time—whether or not he had that impression, that he was to work out of his house or work out of Mr. Gonzales' office or what-have-you, whether or not we should reconsider our action maybe and accept his resignation. I am not concerned about the 30 or 35 percent reduction he received or whether he should be compensated for that any more than we compensate others who resigned voluntarily, that we have to come back and do the same thing but if we are talking about March 8, the letter of March 8 and we are thinking in terms of this man is gone now from the Staff, why couldn't we just accept his resignation because we all know that we had some problems with the, you know, the Staff in this Committee, with the Chairman of this Committee at least and certain staff people.
I just do not think that we ought to penalize a
person and discharge him from the Staff when at the
same time he has shown a good-faith indication of his
intent there to resign, why don't we just accept it and
call him and pay him the $40 for his phone bills if he can
justify them and get it over with?

The Chairman. Any comments?

Mr. Sprague. Mr. Chairman, it does not make any
difference to me, as long as he is not here.

Mr. Ford. Well, that is a known fact now, though.

The Chairman. Well, we did send a letter to him in
which we said "you are terminated as of this date." I suppose
in order to give consideration to what you are--

Mr. Ford. You see, we can address this letter, Mr.
Chairman, we could address it to him March 8, we met on
March 8, is that correct, in your office?

The Chairman. I think it was the 8th, wasn't it?

Mr. Sprague. I do not know.

Mr. Ford. And can we just address it to his letter
addressed March 8, and the Committee would accept his resig-
nation.

Mr. Sprague. Mr. Chairman.

The Chairman. Mr. Sprague.

Mr. Sprague. May I suggest that maybe a response to
him might be that after reviewing that claim that
he is making, it is the opinion of the Committee that he
does not have a valid claim in terms of the salary,
but in the interest of trying to be accommodating, that if
he will, let us say, sign a release as to all such claims, the
Committee might perhaps be willing to reconsider the action
of the dismissal and accept the resignation as of that date,
couched in language that would be appropriate.

Mr. Devine. It would have to be carefully worded because
we do not want to hold it up like a bribe.

Mr Sprague. That is correct.

Mr. Devine. We want the record to reflect a resignation
rather than firing in order that you drop your claim.

Mr. Edgar. I think that perhaps legal language sounds
appropriate but I think as a matter of fact it would be
looked upon by him as another act of aggression on our
part toward him and I think that what Mr. Ford is suggesting
is that we just resolve the matter as quietly as possible,
and in fact he was fired on the same day he wrote the letter
of resignation, I think, or very close to that, and it was
a matter of that letter being in the mail and I think,
just a brief note to him saying, we are now in receipt
of your letter of resignation and in receipt of your
second letter, we feel that your compensation is not
justified, 35 percent claim, but we do, however, feel that
we can at this time accept your resignation as opposed to
an action of dismissal on our part.

Mr. Sprague. Can I suggest, Mr. Chairman, that something along that line would be fine, but instead of making it definitive at this moment, you allow us an opportunity to check with the House what is the effect of notice of dismissal and the papers having been processed through and then the desire to handle it on this basis. I would not want to put this Committee in any position of certain action having been taken.

Mr. Dodd. Mr. Chairman, I was going to make that suggestion as well. I do not know if there is any legal distinction to be made between a firing and resignation in terms of putting us in a compromising situation. I would suggest that we submit it to counsel for determination.

Mr. Sprague. There is no reason we cannot have it by Monday.

Mr. Ford. Mr. Chairman, we are talking about action on Monday. Now March 8 was the termination date, I guess it was sent to the Clerk's office, right?

We are just saying now the Committee is taking action since we received the letter of resignation, we will accept the resignation.

Mr. Edgar. It is still a dismissal.

Mr. Ford. It is still a dismissal but just saying, for his record that we will accept his resignation.
Mr. Dodd. I fully agree with you. I just want to make sure that we did take a formal vote in that meeting to fire him, that was a formal action by the Committee. I just do not know if we can rescind that, accepting a letter of resignation if we do that, what are the terms of any resignation any potential legal action—

I would just like to make sure, now, that we are covered, we are not doing something in this case that will complicate the thing.

The Chairman. Mr. Fithian.

Mr. Fithian. Mr. Chairman, would a motion be helpful to move that, contingent upon the proper administrative clearance from the House Administration Committee, that the Committee could move to rescind its action of dismissal?

The Chairman. I think that would be a proper motion. Did you hear the motion before?

Mr. Ford. Yes, I did. Wait a minute. No, repeat it again.

Mr. Fithian. I was just suggesting that we might move to, contingent upon the approval and administrative clearance of the House Administration Committee, that we move to rescind the Committee's vote of dismissal.

Mr. Edgar. I second that motion.

The Chairman. O.K.so it has been moved and seconded that, contingent upon this further clarification, that
this Committee moves to rescind its previous action regarding Mr. Bruton.

Ready for the question?

All those in favor, say "aye."

Chorus of "ayes."

The Chairman. Opposed "No."

(No response.)

The Chairman. The motion is carried unanimously and so ordered. Follow through on that.

There are several other matters we have to take up.

We have one problem, the House goes in session at 11, and in the event that we are going to be in session, once the House goes into the 5-minute rule, we will have to have the permission from the House, which means I will have to go over and make that request.

Mr. Ford. We do not want to get called on that, you know, people might object to the assassinations Committee meeting.

Mr. Devine. Can we conclude what we will have to do?

The Chairman. So what we will do is just get started and I can go over and get that at 11.

Mr. Ford. Before we continue on, Mr. Chairman, can I ask a question about what time are we going to meet Monday or have you set a meeting for Monday?

The Chairman. I do not believe we have set one, have we?
Mr. Sprague. Well, under the rules, we list it for every Monday and Tuesday.

The Chairman. Every Monday, Tuesday and Thursday at 10 a.m.

Mr. Ford. Will there be a meeting called for Monday?

The Chairman. Well, it would depend upon, I think, some of the things that come out here today as to whether or not there is going to be a necessity for one on Monday.

So, you know, I cannot say at this time.

Mr. Sprague. Mr. Chairman.

The Chairman. Mr. Sprague.

Mr. Sprague. The thing that I would urge you as soon as there is a feeling that the Budget matters can be reported out properly, that we do that as quickly as possible so that we can get moving, and the new resolution which I hope you could take up today, that perhaps then being reported out at a public session, so that then that could start moving its way through the appropriate Committees of the House.

The Chairman. Hopefully, I was hoping that we might in terms of the Budget, be able to encompass it in some type of a hearing where it is not the sole item.

I do not think that we ought to let the media to just focus in on budget that day but would rather see it sandwiched in with something else so that, among other matters taken up that day is not just the budget. If we
give them just the budget, they will go wild on that.

But the next item I wanted us to get into was the
matter of the resolution and where we are on that.

Mr. Edgar. Mr. Chairman.

Then Chairman. I will get to you in just a minute.

We have already taken up the matter of the prepared
record of hearings and so forth before you arrived.

Mr. Edgar.

Mr. Edgar. Mr. Chairman, let me just speak for
a moment about the Budget request and the preliminary budget
request that is here. It seems to me that we ought not to
be too worried about having a meeting that solely would
focus on the budget because it seems to me the budget is
one issue of perhaps three major issues that is in contention
in the House. It might be helpful if, in fact, on Monday
or Tuesday of next week a public meeting were held at
which time the staff would review the program to date
of the two investigations, looking into Dr. King and Mr.
Kennedy's death. And the proposed direction of
those investigations over the next few months and that, as part
of that agenda of specific perhaps skeleton outline of
the two investigations and bringing everybody up to date,
we might suggest that one of the issues that must be
considered for the reconstitution is the issue of the
budget. At that point Mr. Preyer could be recognized to
present the budget process and we could go through it
item by item and indicate through a dialog our pleasure at the fact that the budget is not as high as it was suggested publicly in December and although we feel that this is not as adequate maybe for the two investigations, we think it will get us through the next year, fiscal year. We could look at perhaps the language of the resolution. And then maybe at the end of that meeting focus in on some element of either the Kennedy or the King assassination that could be held at a public setting. I think what you would get from that is press similar to the press we got yesterday, that the Committee is serious, that it is about its process, it is not simply hung up on internal problems, but in fact it is looking to its reconstruction.

Not just to reconstitute it for the sake of reconstruction, but in light of the Committee's work to date on the investigations. And perhaps at that public meeting, Mr. Tannenbaum and Mr. Lehner could outline, just in a skeletal way, the things that are possible to make public and not revealing anything that we feel is sensitive at this point. But I think, if we do not cloak it in that kind of a direction, we are going to run the risk of you know, saying we are reducing the budget for the sake of reducing the budget which I think would be wrong, or we are; you know, trying to slip something past. I think the public is
very interested in both investigations.

And I think if the media is interested in that and we could have that four-part agenda, skeleton review of where we are on the Kennedy and King Assassinations, response to that, the resolution for reconstitution, connected with the discussion of the budget and finally some specific focus on some specific piece of evidence or form that is now being pursued to try to clarify it, perhaps around our pursuit of that yesterday and around some other matter.

Mr. Dodd. Would the gentleman yield.

Mr. Edgar. I yield.

Mr. Dodd. I think it is a good proposal and the only caveat I would express would have to do with the Budget proposal in addition to our own caveat and that is to make sure we do not reveal things that would, in any way, jeopardize the investigation I feel that our first purpose in this process of reconstitution has to be with the leadership of the House.

I include in that number the rules Committee, with which I am deeply concerned in terms of the closeness of the vote if we do not have the kind of support I think we are going to have to have among the leadership itself and rather than going public with even a discussion of that budget prior to our opportunity or an opportunity to discuss.
that with the leadership to make sure that we have no problems with them.

I would hope that we might defer that discussion a say and I would hope we could arrange a meeting, Mr. Chairman, with leadership and I can say firsthand, that the Rules Committee is very much interested in having an executive session with this committee or the leadership of this Committee to discuss that item and others.

Mr. Edgar. Suppose that were to occur on Monday or Tuesday and the meeting I am suggesting would occur on Wednesday?

Mr. Dodd. Fine, that is perfect.

Mr. Edgar. At least, give you the choreography of having briefed the leadership having presented to the Rules Committee and having presented publicly before our Committee that public information getting to the press and perhaps your "Dear Colleague" letter arriving on Thursday of next week out to every member of the Congress indicating what the new budget is and urging support for reconstitution cosigned by as many members of our Select Committee as possible.

Mr. Dodd. I agree with that, I think. I want to be sure of our leadership and I want to be sure no problems with them and having them made public and perhaps have concerns with them and get into that adversary
relationship.

The Chairman. Mr. Fithian.

Mr. Fithian. I only have one concern. I agree with the thrust of what is going on. I am not sure, Mr. Edgar, that that sort meeting is all going to fit into one session. It depends if we can get the skeleton of where we are down to 15 or 20 minutes or 30 minutes at the outside for each investigation, it is still going to squeeze us to get it in and have any rational discussion of the needs of the investigation to go beyond that skeleton of where we are now and the budget support that would be required to fulfill those needs.

We may well get into more than a day, perhaps not.

Mr. Edgar. Will the gentleman yield.

Mr. Fithian. Be glad to.

Mr. Edgar. I think it could be done in a two-hour sitting. I think if we locked ourselves in from 10 to 12 next Wednesday, we could spend the first 45 minutes getting briefs in public on the investigations to date by the two chief investigators of each of the things, and perhaps a suggestion of some of the things we want to bring forward.

There are those that we may want to bring in in the future. I know there are some other things that are beginning to boil that perhaps could be shared and then at a quarter of 11 indicate that you know in order for
this investigation to pursue, we need to move to its reconsti-
tution, that is only a week after we have our public
meeting. The language of that reconstitution could be shared
and as part of that would be the budget requests.

Mr. Preyer could be recognized by ten minutes to 11,
five minutes to 11, indicating the task group's report on
the budget in light of the investigative needs that have just
been revealed that get the focus on the investigation
needs and leads and then on the budget.

Discuss that until 11:30 and then the final
half hour of the public session focusing in on one
caveat or one element that we think is important and appro-
priate, at that time to release.

That gets us to 12 o'clock noon.

Mr. Fithian. In other words, answering the question
what is the next immediate step in the investigation process?

Mr. Edgar. I think part of our problem as a
committee has been the choreography of, you know, how we are
received publicly and I think if we have that agenda
clearly in mind and know what we are going to do and the
microphones are all working and move into a meeting
and we look over and we look like we are moving, I think
we are moving on some key leads and we have our two
top investigators share a very carefully-drawn comment
on the King and Kennedy Assassinations, that I think will set the stage, followed up immediately by a "Dear Colleague" letter that would go to every Congressman indicating what our resolution and budget request will be and urging their support. Wednesday night's public media would announce our information, you know, then we can talk about, after that, what else needs to be done along the lines of our Whip count and others to have the Committee reconstituted.

Mr. Fithian. Mr. Chairman.

The Chairman. Mr. Fithian.

Mr. Fithian. What is your plan with the leadership for going to the rules Committee and going to the floor? Have we selected--

The Chairman. My last conversation regarding it was with Bill Brown, the Parliamentarian, who suggested that our report ought to be filed on the 28th, that we ought to check with the leadership and have the leadership of the Rules Committee hear us on the 29th and that we should go to the floor on the 30th. Now that is the last conversation I have had with Mr. Brown at that time when he indicated how we should go about procedurally filing the report and so forth in setting up our rules.

Some have said information discussion. Maybe we should think about going to the Rules Committee before the 29th to give ourselves a little extra leeway in the event we encounter some problems. But certainly we
ought to sit with the leadership well in advance of the
28th--I would think no later than the first of next week
is appropriate--where we can say to them what we have been
able to do up to now and give them a good account of the
Committee's work.

Mr. Ford. Mr. Chairman.

The Chairman. Mr. Ford.

Mr. Ford. Is this basically you are talking about the
members of the Rules Committee, or are we going to send a
memo around to all of our colleagues in bringing them up to
date because we are going to need all of those votes on
the House floor.

Mr. Edgar. Will the gentleman yield.

Mr. Ford. Yes.

Mr. Edgar. I think my interpretation of time table
is to have a meeting with the Rules committee on Monday,
and Tuesday, have a public meeting on Wednesday and
Thursday and Friday would be the dates that our "Dear
Colleague" letters would go around bringing everybody up
to date on the budget and on the proposed date and the
form of reconstitution which, as I understand it, is a year
extension on the budget and a two-year authorization for the
Committee, itself. By Thursday and Friday of next week,
if I understand Mr. Fithian's comments which will be
made a little bit later, we will have done a whip count
of the House to find out where our problems lie, whether
they are in the area of budget or in the area of reconstitut-
ing the Committee at all and what our problems are and
we will be spending Thursday, Friday and Monday and Tuesday
of the following week trying to work on individual Congress-
men to help clarify for them where the Committee is at.

I thing our "Dear Colleague" letter should include some
of the information that would be shared at our public meeting
next Wednesday and that is a kind of a direction. I think
everything we do has to be focused on the King Assassination
and the Kennedy Assassination. We have got to kind of direct
our reconstitution around the issues of the investigation
and I think that is the only way that we will get enough
votes for the reconstitution at this point. And they
are going to be asking us at that point in our history what
it is that we have found to date, what is it that we have done
todate, what is it going to cost us to continue you for a
year, and I think we are very justifiable in sharing that
at a public meeting.

The Chairman. Let me ask you this, if the gentleman
yields to me for a moment—a question in terms of your pro-
cedure here. I am sure that one of the main issues
when we go to rules will be the issue of the budget and
procedurally if we go to rules on Tuesday, whether the
Budget is going to be discussed perhaps very comprehensively,
then it sort of seems to take away from the Wednesday public
hearing to go into in depth discussion because your news
media will be at the Rules Committee meeting.

Mr. Edgar. I think what Chris was suggesting, if
I was hearing Chris right, who is on the Rules Committee,
that the Executive Session of the meeting of the Rules Com-
mitee be held on Tuesday.

The Chairman. I see.

Mr. Edgar. And that briefing only partly deals with the
Budget, the other part dealing with information on where
we are in the investigation to date and that isn't not
the meeting of the rules Committee to consider the
reconstitution of the Committee.

The Chairman. I see.

Mr. Edgar. That meeting according to the schedule you
were suggesting would be on the Tuesday prior to the actual
vote on the floor. This might solve the problem that you
were worried about and that is getting to the Rules Committee
early, you will know on Tuesday if you meet in Executive
Session and share the investigation with them on where the
assassinations are and what our proposed budget is going
to be, what kinds of problems you will have before the
Rules Committee and that will give you a week's time until
your official meeting of the Rules Committee in public to
be granted a rule for house floor action.
Mrs. Burke. Would the gentleman yield?

The Chairman. Mrs. Burke.

Mrs. Burke. Do we have any idea of the number of people who have requested to appear before the Rules Committee? I understood Mr. Milford and I had heard a couple of other people, had requested to appear. The last time I do not think it was so much the problem with the Rules Committee as we had as the problem of getting all of the witnesses in one day. So the Rules Committee hearing, itself. went for two days and by the time all the witnesses testified I got the impression that there were still a number of witnesses who wanted to be heard by the Rules Committee but I think maybe, if we can clarify that, we can tell about how much time it would take for us to complete our work before the Rules Committee.

Because I would really hate to see us be on Tuesday, March 28 starting a rules committee hearing where there are ten people asking to testify.

The Chairman. Yes.

Mrs. Burke. And then we have the other disadvantage if we do not testify and you have all anti people testify--

Mr. Ford. Would the gentle lady yield?

Mrs. Burke. Yes.

Mr. Ford. I am under the impression you were speaking
about this coming Tuesday in Executive Session to talk about
the budget with the Rules Committee now.

Mrs. Burke. Well, what I mean is the actual hearing
that I understand would be the next Tuesday.

Mr. Fithian. We might need to start that public hearing
in the Rules Committee well ahead of Tuesday. You would
have to have action by the Rules Committee on Tuesday.

Mrs. Burke. Action by the Committee on Tuesday, I
think, is what we should shoot for.

Mr. Fithian. Start as early as Friday.

The Chairman. Why don't we meet with the leadership
then on Friday, have discussion with the leadership in terms
of how to get up to rules, cover that?

Mrs. Burke. Also, Mr. Chairman, if you could give us
some kind of idea maybe you could kind of assign people
that you wanted to answer certain specific things to testify
once we had an idea of who is going to be testifying in
opposition.

The Chairman. Right, I think that that is important. We orchestrate that to the degree that some members
of interest in certain areas and have taken the time to
get answers to questions in certain areas and it would
seem to me that in that way we might better orchestrate our
responses.

For instance, where Mr. Edgar and Mr. Fithian have
taken a special interest in some of the charges relating to Mr. Sprague, that they would be the ones to respond to those types of issues which they are well informed on and I think we might try to orchestrate that before going to the rules.

Mr. Edgar. Mr. Chairman, I have jotted down a summary of what I have said. Maybe I could repeat it, since Mr. Preyer has just come in.

The Chairman. All right.

Mr. Edgar. I made the suggestion that the following scenario be developed and that is that on Monday, March 21, next week a meeting be held with the leadership to bring them up to date where we are with the budget as well as any additional leads we have.

Mr. Devine. Are you speaking of the meeting of the Committee or the meeting of the Chairman?

Mr. Edgar. I would think that meeting of the Chairman and those members; minority and majority--I think Mr. Preyer should be present. I think the ranking minority member should be present.

Mr. Devine. Sometimes the leadership is uncomfortable with minority present. I am not offended one way or the other.

Mr. Edgar. Well, I think at this time, it might be necessary to have the minority present to point out bipartisan participation, the second scenario Tuesday, March 22 and
a request be made of the Rules Committee to hold an Executive meeting to again be briefed in a very similar way to the way in which the leadership was briefed on Monday as to the proposed budget as well as direction of the Committee.

And that on Wednesday, March 23 a public meeting be held for two hours minimum of this Committee between 10 and 11 o'clock at which time we would begin with perhaps a 45-minute reporting, split between the Kennedy and King assassinations as to what direction we are going and what evidence and information we can share publicly.

That at or approximately at a quarter of 11 or so, Mr. Preyer would be recognized to give a report on the budget task force and then we would deal with the resolution and the budget task force information in a public hearing and finally the last caveat of that meeting would be to focus in on one of the two assassinations and some particular issue that is newsworthy or of newsworthy interest that could be shared with the public. And that would make the meeting really three-fold, one to bring us up to date on direction two, to finalize the reconstitution resolution language with the budget and three to focus in on one specific issue.

Thursday and Friday of next week the 24th and 25th this would be used for "Dear Colleague letters" that would be sent by us, urging support. By that time
the Budget figure will be public and by that time any
information that is shared at the public meeting on Wednesday
can be aired.

Also we might want to consider Thursday of next
week filing our report. It doesn't seem to me that we have
to wait until Monday to do that and that perhaps would
give the Rules Committee Monday and Tuesday to hear public
witnesses on whether or not we should be reconstituted and
we could perhaps file our report on Thursday or Friday
and the House Committee would then have Monday and Tuesday
to review the issues of reconstitution.

And that we would ask the Rules Committee to set up
their schedule so that on the 29th they would move to final
action and if they feel they need two days for that, they
then could have hearings on Monday the 28th as well as
the 29th and the report will have been submitted.

And we would then go to the House Floor on Wednesday
the 30th, under an open rule, one hour debate, I assume
for the resolution.

Mr. Devine. Mr. Chairman.

The Chairman. Yes, Mr. Devine.

Mr. Devine. That brings up the question of mechanics
and preparing, selecting content, approving or having
printed the Committee report. I was wondering from a
time standpoint just how long the mechanics would take
place, and that could be considerable, the same ones we are in position to talk about.

The Chairman. Anyone have a response to that?

Mr. Devine. We, in the Committee, have to determine what the content will be.

The Chairman. Right.

Mr. Devine. I'm sorry, I do not know.

Mr. Edgar. Much of that preparation will be done by the Wednesday meeting I would assume.

Mr. Sprague. Mr. Chairman.

The Chairman. Mr. Sprague.

Mr. Sprague. I would think that we could have a draft of a report for this Committee to pass out among you for thoughts about it, let us say, this coming Monday at some point and if you would give us now some thoughts as to things that you would like to see included in there, we would include that as well and then from that kind of a draft perhaps either the latter part of Monday or some early part of the week, we could get together and do that. We could have then a report perhaps to be considered by the Committee by Wednesday.

I do not know what the printing time would be after that.

Mr. Devine. We have to give you some direction before that about what you feel about the contents.
Mr. Sprague. If you could give some now, it would be helpful.

The Chairman. Also supposedly if that is presented at the Wednesday meeting which would be an additional part of the agenda and then, of course, we would allow the necessary time for supplemental views and additional views to the report which provides each member a chance for any additional views or supplement thereto.

Mr. Devine. And/or any dissenting.

The Chairman. And/or any dissenting, all of that.

Mr. Edgar. Mr. Chairman, I wonder if we could ask the Staff, having heard the scenario, whether they have any concern about any part of that.

The Chairman. Mr. Sprague.

Mr. Sprague. Mr. Chairman, first thing I did want to say we did have copies of a proposed resolution to pass out now for the Committee for you perhaps looking at and giving some thought while we are together at this session.

With regard to that proposed scenario, it sounds fine but I would really think that that aspect dealing with a public hearing in a presentation by Mr. Lehner and Mr. Tannenbaum is not workable, for the reason that what they can say publicly is really almost a rehash kind of thing. It is not saying anything—the only things that they
can say of significance you heard in the Executive session
the other day, things that are too raw and uncorroborated
for us to be stating publicly.

It may have an effect for what you have in mind in
terms of a budget but it is not what we can do or ought to
do. To not say those things is only to be saying what?
That we have to, we want to go up to Canada, we want to
check how people used these aliases, we want to go out
and check things in California, that has been said time and
time again. And a presentation that just is repeating
basically what would be questioned by anyone who would --
in fact, they have heard it from us before as well. I do not
know whether that meets the bill you have in mind. In fact
I really question in my mind whether the reaction to
that publicly is what are they doing over and over again.
The final thing is like you say --we end up on one particular
thing that you are going to go into, again, if we are to
investigate this, we do not do it by just focusing on a
thing, we really go back to the scenes of these crimes
and have got to find out who was there, what they saw,
how to get to that scene, what happened since?

Mr. Edgar. Would the gentleman yield?

Mr. Sprague. Yes.

Mr. Edgar. I think you are accurate in terms of
information you could share with the rehashing but let me
just share this: That if it was a rehashing that was focused on what direction, what organizational direction we had come and what direction we plan to go in the future in terms of general leads and move then to the resolution of reconstitution. What I was suggesting is that last half hour was something like what we did yesterday. We had Mr. Traficante there and he was pleading the 5th Amendment. I think we did more yesterday, even without getting factual information simply because it focused again on the fact that we are looking into the issue. And I would think that there is at least one subpoena that we have issued that may be returnable at that point or one person that might even come at that point to be interrogated by the Committee, or one piece of information and I realize that, in terms of the investigative technique and issues that is not the way to go, but I guess I have some concern about the scenario and choreography of getting the committee reconstituted and I realize that while we do not want a circus atmosphere, we want it to be as content filled as possible, but I doubt that we will be able to reconstitute ourselves if we are not able to demonstrate to the House that Mr. Stokes is now taking the Committee seriously, he is now bringing the Staff before it at a public meeting to outline where we plan to go in terms of direction, we review carefully a budget and then we focus in on one issue and indicate
this is going to be the course of the investigation from now on.

We are going to take one piece of the pie and thoroughly look into it.

The Chairman. Mr. Fithian.

Mr. Fithian. Could I add one thing to that before you proceed?

I agree with you, Dick, the bringing us up to date will appear as a rehash to those of us who are really immersed in it.

I think you may totally overestimate the attention that has been paid to this by members of the House. You know the members of the House are now talking about things which were currently important in December or January.

Now, educating the public is a very, very difficult thing. Getting them focused is a difficult thing. Rationalizing Mr. Breyer's budget that he is going to propose is going to be a difficult thing. It seems to me that, if we are going to, if we are responsible to the House, we ought to be able to come back to the House and tell them why we came up with X number of millions of dollars in the budget and the rationale for that budget has to depend on two things: (1) where have we been? (2) where are we going?

Now, quite honestly unless we can tell them that in
some reasonable way, we are not going to get their support because they expect that and they deserve that.

Mr. Sprague. Mr. Chairman.
The Chairman. Mr. Sprague.
Sorry, Mr., Devine.

Mr. Devine. I think it would be a serious error if we went into simply a rehash of what people learned from the Warren report, from the Senate Committee and so forth. Perhaps we should touch on just a few of those things in passing but in talking to the Staff and to Mr. Sprague, I know that they have literally hundreds of undeveloped leads.

Now, if from that group of undeveloped leads you could discuss generally without revealing names, dates, times or places, that for instance, as I think you told us in Executive Session about the information of another member trying to inform us about a former police officer of long-standing in a large metropolitan police department, had information suggesting these things. And that we have another witness in a state that was an eye witness to the King or the Kennedy matter that was never interviewed by either the Warren Commission or the Senate

So we get maybe as many as ten undeveloped leads that you could get enough of it not to reveal the identity and not to disturb the investigation but let people know that, My God, they are onto something that is new stuff
and get a direction.

I think that would be better than just a rehash of what the Warren Commission report was.

The Chairman. On that point, let me further amplify what I think the members here are getting at, what Mr. Devine just said.

Interestingly enough with all of us being aware of what yesterday's hearing demonstrated publicly, and was conducted in a way in which it was not overstaged or in a circus atmosphere or anything of that sort, but interesting enough, an article out of the Cleveland Plain Dealer this morning after they write about the entire situation and tell, and reported it very accurately, then they quoted me with reference to the appearance of Traficante. And speaking of me, said "He said, call Traficante, that demonstrates that the Committee is forging ahead with this investigation. James Delaney, Democrat of New York, the Chairman of the House Rules Committee said the panel will have to produce something more substantial than witnesses refusing to testify to justify the House spending more money on the investigation. The Rules Committee approval will be needed to continue the Committee's charter after March 31. Delbert L. Latta, a key Republican on the Committee agreed. The Committee has to come up with something that gets to the point that the investigations are more than
just a wild-goose chase, he said. I think that is right.

Mr. Edgar. I think that is at the heart of what I was trying to say, and that is that the facts of life of getting the Committee reconstituted are the agenda for the next two weeks and it is unfortunate, because it ties the hands of the investigators who have these leads and I want to see us reconstituted so that we do not have to go to the House for another year for money and for another two years at all in terms of any action in terms of rules or anything.

I think that, if we cannot somehow develop a public discussion of the budget, that is not connected with some unknown issue but is actually connected with the kind of thing that Mr. Devine is suggesting and that is 8 or 9 or 10 directions that we are going in light of these steps that we have made.

Now one of the things that could be publicly announced are some of the subpoenas that have been sent to gather information and I think just summarizing for everybody, though it sounds like rehashing to us, it may be stuff that is rehashed in public as opposed to the Executive sessions and then to focus in on five directions that we are chipping away in the King investigation and five that we are chipping away in the Kennedy investigation, information that is causing us some concern.

Now, you asked questions yesterday of Mr. Taficantee.
And if you were alert, you knew why you were asking those questions but to the average person, particularly the average Congressman who is very busy, the only thing he remembers about yesterday's event with Mr. Traficantee is that he pleased the 5th. I think there is some information that we can share about Mr. Traficantee that might be a lead that would permit us to reach the circle.

The Chairman. Mr. Preyer, and then we will get back to you, Mr. Sprague.

Mr. Preyer. Mr. Chairman, I had thought in terms of the report and I think the report basically is what we are talking about -- the public meeting -- I think basically approaches probably about the same -- and one way to pitch it would be in terms of what are the unanswered questions which we need to deal with.

In the Kennedy assassination, speaking of that, Boggs' memo lists the whole series of witnesses whom we could not name but I think there are a number of unanswered questions that we could put forward. The thing that disturbs me is the suggestion in Mr. Delaneu's comments there and we have heard from others, too, the leadership that if we do not show evidence that we are going to get a different result, then it is a waste of time.

It seemed to me that is entirely off the track in the Kennedy thing particularly.
It seems to me that we are going to answer some questions that might have the same result, but there are good reasons to do this, even if you come out with the same result, just to lay to rest certain theories, and we could say here are the facts on it, he is right or he is wrong on it and I wonder if we cannot, you know, put enough questions to be answered without having to suggest we are going to come up with a sensational new answer to the thing, just that because of credibility of our government, we need to lay them to rest, new questions that the Warren Commission—a lot of that would be rehashing but if we could suggest somewhere along the line you know that we have witnesses that at least we want to follow up on to follow up on a particular question and Traficantee, for example, since he is out there, and I think that area is generally known, the things he said in the past, maybe there we would want to indicate that as an area that we want to follow up on and perhaps explain why he was called when we say we are not calling other people who have been interviewed but Traficantee is obviously the kind of fellow you cannot interview. So really, to call him was a responsible action, it was not an irresponsible thing.

The Oswald letter to Hunt and so forth is an obvious thing that is going to have to be answered some time, so many of these things need to be answered. So I was
thinking in terms of report as emphasizing unanswered questions and following up on them is really what we are about, not trying to come up with a different result.

And that we might be able to discuss some of those at the hearing or in the report without laying out too many names and facts.

Mr. Fithian. Would you agree with Mr. Devine and that is that we could discuss and we specifically refer to areas named or unnamed as far as that is concerned, of witnesses or of questions which have not been looked into, I think that is what I run into all the time—are you doing anything new or are you just digging up the old bones?

Well, to get the answers that you want, you are going to have to dig up all the answers and go to the scene of the murder and all that. That is not what anybody is interested in at this point, that is part of the whole problem but what I think Mr. Devine is interested in is part of the whole program, is this Committee looking into anything that has not already been studied to get by the Church Commission, the Warren Commission, et al, and if we are not, then we just have to come down real hard on what Mr. Preyer is saying and say, well enough questions about what they did that we are just looking at the same things or may or may not come up with the same answer but I kind of think we could do both of those things.
Mr. Devine. Well, just to oversimplify instead of treating water, we should plow a little new ground.

Mr. Sprague. Mr. Chairman, we can do what Mr. Devine says and Mr. Preyer and the whole thrust of this. However, I find that part of the difficulty from an investigative standpoint but a second difficulty is that what we have done or are doing is being distorted by the media for whatever their reasons are.

I am kind of at a loss here when we are talking about what are we to be presenting and in what format, when really what we are trying to do is get back to Mr. Delaney and Mr. Latta.

Now, what we in fact have as you got at the time of the Executive session briefing is some, what I consider valuable information which, even at this threshold area, does plow new ground. Must we get to Mr. Delaney and Mr. Latta only on the basis of working out a presentation in some purified manner which it scintillates, taking the chance on how is the news media going to report what it is that we have done here, hoping that Mr. Delaney, maybe, is going to read that article or--

Mr. Edgar. Would the gentleman yield?

Mr. Sprague.--or maybe has not read it and he is responding on the basis of just somebody running in and saying, 'did you hear that that Committee dropped that
they had a witness who did not answer questions, and then there is a response, well, they had better do better than that.

Mr. Edgar. Would the gentleman yield there, Mr. Chairman.

Mr. Sprague. May I just say one additional thing? We have this material, we have that report that you have seen that was presented in Executive Session. If a Mr. Delaney or whosoever, is so crucial, can't we sit down in some fashion with him and get it fully there, not in a purified fashion?

Mr. Edgar. Mr. Chairman.

The Chairman. Mr. Edgar.

Mr. Edgar. Mr. Sprague, I do not think you know what this area involves. It involves sitting down with the leadership on Monday, sharing that very sensitive data. It involves sitting down on Tuesday with the Rules Committee in Executive Session, sharing that sensitive data, being perceived only by the press as being an executive session.

On Wednesday, separate from Mr. Latta and Mr. Delaney, we have members of Congress, much of the general public, that puts pressure on members of Congress in terms of their votes for or against reconstitution. I think that there are three different issues. The first issue is what do you say to the leadership and how do you get them on your side not just nodding your head or working for you? If Tip O'Neill
is not with us on this thing, we lose the votes in the
Rules Committee. That is a fact of life.

Secondly, we have got to say to the Rules Committee,
here is the information that we are pursuing in a very
sensitive way under this very strict condition and share
with them the data that has been shared by this committee.
And the third part of it is less sensitive than that and
it is just the unanswered questions on the part of the
general membership, the uninitiated Congressman who has
got to cast a vote or the uninitiated person in the general
public that is putting pressure on that Congressman in terms
of his vote. The Congressman, basically, is saying, what
am I going to get for my money and how much is it going to
cost, and are there enough unanswered questions to pursue
or should we simply scuttle this and spend the on public
works or on some other issue?

I was not suggesting that Wednesday's meeting be
for the Dulaney's and for the Lattas and the Tip O'Neills
or the Jim Wrights. The Wednesday meeting is much more of
our public announcement similar to yesterday's session
that we are serious about the investigation of Kind and
Kennedy. We are serious enough to offer this report and
this resolution and this budget, and we have a number of
elements of leads, one specific one being to capture their
imagination.

Mr. Devine. Mr. Chairman.
The Chairman. Mr? Devine.
Mr. Devine. This, of course, is not the way to conduct
an investigation, Mr. Sprague knows that as the Staff
does. But what we are talking about today is survival.
The Chairman. Yes.
Let me inject one additional element for the consider-
ation of Mr. Edgar, though, and it bears upon what Mr. Sprague
has said and this is just for the purpose of further
dialogue on the issue—the news media, there is an additional
pearl when Mr. Sprague starts briefing us and making comments
in the open about new witnesses and people who were not
talked to. A few days ago when he, in response to a question
put to him by me in open meeting, caused reverberations
throughout the Congress. What I was trying to obtain from
him was the necessity for us to go into Executive Session,
and I posed a question, would the briefing be in the nature
of matter that should be undertaken in executive session
and he, in response to that, said, yes, Mr. Chairman, we
will present testimony regarding others who may have been
involved, and so on.
The newsmedia went wild with that. Calls came in
from Canada about the fact, didn't Sprague say this, that
he has some others—evidence of conspiracy. This and that.
They ran wild with it. At the same time it had another reper-
cussion in the Congress. Those who had made Mr. Sprague the
issue, used this to say there he is, spouting off at the
mouth again, Sprague again, speaking for the Committee, instead of the Committee and the news media is going to take that briefing from him and turn it around.

Mr. Edgar. Would the gentleman yield?

The Chairman. Certainly.

Mr. Edgar. I will not have Mr. Sprague say more than a sentence or two at that public meeting. I would have Mr. Tannenbaum, Mr. Lehner report for Mr. Sprague on what they have done in their separate investigations and I would have Mr. Sprague there and present but clearly saying that here are his two chief investigators who have briefed the staff and the committee in executive session, we are summarizing here in public session what we are about, and turn to Mr. Tannenbaum and say now in relationship to the King investigation would you give your report at this time.

I think that if it was carefully written and carefully done--

Mr. Fithian. I am wondering.

The Chairman. Mrs. Burke, I think has been seeking recognition.

Mrs. Burke. Well, there are two points I just wanted to hit on very fast. No. 1, I would like to see added to the briefing of the leadership and the briefing of the Rules Committee in executive session the kind of thing that Mr. Devine is talking about and those are leads. If there
could be developed a list of undeveloped leads that could be presented to the Rules Committee, so they could get an idea of what we are working on, I think that is what we want them to know. You know, I think the summary is very good but beyond that you need to say, O.K. where are we going, and if we show a list of those leads, witnesses that need to be interviewed, there is a general feeling of what the future kind of work needs to be done, I think the leadership and also the Rules Committee needs that.

My second problem is this, in between all of this if I could see the kind of a public statement that you have in mind, I would be better able to evaluate it. I have been sitting here, wracking my brain, trying to figure out what would be in the public presentation and I cannot visualize it because every time I think of something I think of something that immediately the press is going to do what you are talking about here, so I would like to reserve at this point on a determination until perhaps we could get something before us as to what you see would be presented in this public presentation.

Mr. Edgar. I would think the same data that is going to be presented in the report to justify the reconstit- tion of this Committee would be what would be shared in the public meeting.

Mrs. Burke. You see this is my problem, I cannot
visualize the kind of things that you have determined can be presented versus those things that cannot be presented without undermining investigation. It would be very helpful to me and I suspect to some others, we would have some of that before us and then make an intelligent determination.

Mr. Fithian. I was going to suggest, if perhaps the Wednesday session would not be, we can use this instead of calling it a briefing, just simply say, you know, the Committee is working on the report. I do not know what the date of the schedule of the report is but you know, in some committees you discuss the report at some length that you are going to go to the Congress with and actually vote on including this that or the other thing.

I wonder if we could not use that for the rationale you know, what we are doing today is voting or agreeing upon a report that we are going to Congress with and have the two presenting pieces of the report. We are not then, you see, Mr. Sprague, trying to tell them all out there a rehash, we are doing a logical parliamentarian process simply to prepare a report to the Congress. We would not be there moving for anything new, it is just what we have been doing, we cannot include everything or we would break the bank in printing it.

Mr. Edgar. Mr. Chairman.

The Chairman. O.K.
Before you replay, Mr. Sprague, we have a vote on
the Floor, on the NASA authority.

Mr. Devine. Rule on the NASA authority.

The Chairman. O.K.

While on the floor, I will have to request permission
for us to meet during the 5-minute rule session, in order
for us to be able to sit legally.

Mr. Fithian. It is not within the five-minute
rule, is it?

The Chairman. No, but if we are going to be meeting
later, it looks like we are going to have to go for a while--
I must do that before we meet later on today when we get
into that session so I suppose we had better do that because
it looks like we have got quite a few matters to discuss.

Mr. Preyer. I wonder, Mr. Chairman, if we could
endorse the scenario-idea position which makes sense to me
and maybe wait before we decide what we are going to do
on Wednesday, I agree with Mrs. Burke, I have a hard time
knowing just exactly what it is we are going to try to pre-
sent. Did you indicate that you have a draft of the report
perhaps by Monday.

Mr. Preyer. We could if you would give us also some
idea of things you would like included in the report today
so we could start working.

I wonder if we could go ahead with the scenario but
hold off with the decision of what we do on Wednesday to at
see the report and maybe --

Mr. Devine. Mr. Chairman, the immediate problem is we are going to have to go. The second bell has not run yet but are you prepared to meet these wolves outside the door--do you know what you are going to tell them all we have done in here.

Tell them of what we have done 'n here.

The Chairman. That is a hard question, too. It just seems to me at this time in light of yesterday's hearings what I hae been trying to say to them essentially is that we are still discussing matters that relate to the entire investigation and many matters which are sensitive in nature and I have left it go at that. They want to know, can you give us something about the subject matter and I say, just the investigation.

Mr. Preyer. The budget is always a pretty good thing to discuss, I guess.

Mr. Sprague. I thought you did not want to focus on that.

Mrs. Burke. Tell them we are talking about the report.

Mr. Fithian. I think you should keep them right where you have them now, champ in the bit and not tell them anything

The Chairman. I think it has more aura because we have
been on the investigation two days and especially with
Traficantee being here -- we are not just dismissing his appear-
ance.

Mr. Sprague. And I have things to report back on that
anyway.

The Chairman. O.K. we will come back.

Yes, we are in room 2325 since the Comité Space room
when we return.

Mrs. Burke. What time?

Mr. Fithian. Have the people thing we keep moving
around just to keep them off balance.

The Chairman. Room 2325 which is on the third floor
of this building. We will reconvene there immediately after
the roll call. I will be a little late. I will ask Mr.
Pryer to take the Chair.

(Recess.)

(The Committee reconvened in Room 2325 Rayburn
House Office Building at 12:15 p.m.)
The Chairman. The Committee will come back to order.

We are once again in Executive Session and I assume all personnel in the room are permitted.

Mr. Dodd. Mr. Chairman.

The Chairman. Mr. Dodd.

Mr. Dodd. Mr. Chairman, I spoke with Chairman Dulaney on the floor about the prospects of going before the Rules Committee. He is amenable to it and I would like to do it. His problem is one of scheduling. One, the Situs Picketing bill is up before the Rules Committee at One p.m. on Monday and they expect that to take the entire afternoon, if not Tuesday so he was talking about Wednesday or so.

I told him that I thought the presentation in executive session, informal presentation in Executive Session, would not necessarily take any more than 45 minutes to an hour if we could boil it down in any way and we are trying to work out possibly around noon on Monday. We wanted to clear it with the Speaker before he did anything and will get back to me this afternoon. He is very interested in doing it. It is really a question of working out the time and making sure the Speaker does not have any objections to that kind of a program.

The Chairman. All right.

Mr. Dodd. He should have time, yes.

The Chairman. Fine.
We will just make ourselves available.

At the time we recessed, we still had the matter under discussion as to the nature of the agenda of the public meeting, so we will resume discussion on that point if there are further comments.

Mr. Sprague. Not to belabor the point but I guess I have a feeling as I have said from the investigative standpoint and I agree with what Mrs. Burke and Judge Pryer said, that it is very difficult to think of what is being presented publicly that is meaningful, that does not get into that which ought to not be presented and if we really want to focus on what will make a headline and perhaps something that members of Congress can read, because I think the only thing basically that is read is the headline, not the story. We are then subject to the headline writer. You know, we could present that whole memo from the Executive Session.

You know, obviously to do that is to throw away at least the immediate efforts in this investigation and I find myself again wondering whether or not a presentation lessens then that does not subject us to merely a headline writer that said almost Ho-hum," or "nothing new," and whether the risk of that is not greater than the potential advantage of something being there that all of a sudden makes it look like we are striking pay dirt.
Secondly, I do find myself wondering to what extent the concept of this being of influence to other members of Congress as meaningful.

It kind of assumes that the story is reported accurately, it assumes that the members of Congress read the story in its entirety. I question both those assumptions. It seems to me that if the thought is to get it out because then of the pressure that will come from the public back to the Congress, the realities are that the people who were contacting their Congressmen are primarily those that are against something. Those that are for, they will read that but they are not motivated to write saying, you had better get this thing through.

Even that assumption questions who become the letter-writers and in addition to that since time is of the essence here, I really wonder to what extent whatever is reported in the press next week is going to get acted upon that quickly by members of a public that convey their attitudes in a significant manner to members of Congress which is going to be the basis of action that they may take and finally, I am struck by the fact that, let us say that Mr. Latta has expressed himself as he has. Mr. Latta, as I understand it, lives with Mr. Devine, they share an apartment.

You know, we have our report, I am willing that it be available to members of Congress through members of this Committee.
It seems to me that, if we are trying to get to
that member, and in fact we may be on the Rules Committee,
I do not mean him particularly, but we are happy to have,
let us say, Mr. Devine have a copy of that report one
evening with Mr. Latta, sit down, read this thing, let
us talk about it.

Now if after he has read it, that does not persuade
him, I daresay nothing in the paper, nothing that
you do publicly is going to persuade him. It seems to me that
the effort that has to be made again is not just a matter of
the formulation of the questions of the leadership that they
or whatever members of the Congress that this Committee
things can be important, that they just have to literally be
dragged, if that can be done, and set down and a presentation
made to them. To try to do it through this indirect
vehicle, I think is just not going to be effective.

The Chairman. Mr. Fithian.

Mr. Fithian. Thank you.

I would not want Mr. Sprague to operate under the delu-
sion that we were going to rely on the Washington Post recon-
stituting us; nor that we were going to rely on this
next Wednesday meeting reconstituting us. At the earliest
opportunity, later in the session here, I am prepared to
present a plan for the politics of this in terms of getting
the required votes.
However, I would say, and there is a great deal of
accuracy in what you say both in terms of timing and
all the rest. The one thing that attracted me to Mr. Edgar's
proposal was that the two or three public meetings that
we have had, even regardless of how badly Lardner had
reported them, and he has reported them pretty badly, have
nonetheless to erode the feeling generally held by many
members of the House that we really have not done anything.

It is to the question, what have you done since
you have been constituted last October, we are precious
hard to come up with anything without going into leads which
we cannot talk about. The very fact that the Committee
is meeting in an orderly process, it is being briefed by
its two investigators for each said, whether that is a
justification for the report that we are now going to submit
or whether we figure out some other way of justifying what
they are doing, we then move to orderly discussion of the
budget and so on.

These are things which, if they are occurring, tend
to transmit almost by rote training to other Congressmen
that the normal functions are being performed, that is that
the Committee is discussing its report. The Committee
is discussing its budget, the Committee is discussing the
things that justify it continuing to spend its time.

All of these things are common among the members of the
House. They do not appear as much in the paper, they
certainly do not appear as anything to investigators, I am
sure of that and they do not swing a deal that they will
vote against this resolution—if Sam Devine sat down with
DeLatta for six hours, he is not going to vote for this, unless
Mr. Stokes has any magic that I do not know of.

The Chairman. I do not have any.

Mr. Fithian. I still intend to inquire as to how
we can proceed and we have to discuss the budget at
some time and whether or not we cannot use this public
session on Wednesday as a demonstration that we are working,
we are proceeding on in an orderly fashion.

Mr. Sprague. I certainly would not disagree with
anything you said, all I do want to emphasize is that
while I do not know the result of it, Mr. Devaney had
myself and Mr. Tannenbaum and Mr. Lehner last night meet
with some people, members of Congress—they are not particu-
larly enamored with this Committee and the purposes with
meeting with them maybe that when they heard something,
when they saw the kind of personnel that we had, that their
attitudes might change and while I do not deal in asking
people for commitments, I would say that as a result of just
that getting together here with some people who have been
strong opponents, who by the end of it gave pretty good
indication that they might perhaps be changing their minds.
Now, to do what you say from a cosmetic sense, and a soothing sense, I understand that but I guess I am focusing on what really will help get a job done.

Mr. Edgar. Would the gentleman yield?

I was not going to say too much coming back since the idea was shared this morning but I think that it is very important to look at the psychology of what we are about. And I think that Mr. Fithian is exactly right in that the public and the Congress have to be reinforced that the Committee is in control and that the Committee is pursuing the investigation in an orderly fashion.

Now, I think that you do have competent investigators that have briefed us and I guess at the heart of my suggestion, and I think Mrs. Burke perhaps has a better idea, and that is, after we review the report, it seems to me that a public session is in order to have that report revealed, discuss the budget, discuss what direction the committee is going to go in four or five or ten or whatever possible directive leads that we are heading on in a general way, and I think that you know, it should not be misunderstood that we intend this public session to be a session where we are, in fact, going to change the minds of a lot of Congressmen on specific issues but I think the public meeting should be perceived as a public affirmation that the Committee is erious, as well as tool whereby we follow that up with specific action through the "Dear Colleague"
letters and through specific discussions with those Congressmen in person sharing in more detail the kind of information that you have shared in smaller settings.

I think, if we go, between now and the 30th of March, only with private settings, only with private discussions with Congressmen, we may find ourselves on March 30 shy of some votes because we have not given the general Congress the impression that the Committee is working actively and pursuing it.

And with respect to Mr. Sprague's investigative skills and I think investigation beyond the 30th should proceed as aggressively and in depth as possible, but the psychology in the next two weeks is important and I think we need both in-depth discussion with the Rules Committee and the leadership and the in-depth discussion with Congressmen at the same time we are perceived in the public media as being about our business.

Mrs. Burke. I have just been thinking about some report language. When I suggest that I have no pride of authorship, it may not make sense so I am just throwing it out and one thing I was thinking is that we explain that the number of documents that have been reviewed as I understand, there are 800 classified documents of which 112 have been reviewed but that we have been unable to review other because of a lack of access because of the security
problem and the delay in FBI allowing us to get them.

Second, I was thinking about on the witnesses, a statement like this, have interviewed blank number of witnesses, blank number of whom have testified or given statements to the Warren Commission and have since changed their testimony or contend that they misrepresented their testimony based on duress, or fear or something like that.

Have interviewed blank number of police officers or former intelligence agents who wish to give information they had withheld because of whatever reason and what I am trying to do is to go in a direction of where you indicate the new things without getting bogged down in detail.

I think it is true, we have a number of police officers, intelligence officers who have come forward and who wish to give it.

I think that gives some credibility--witnesses who have appeared before the Warren Commission who testified to one thing and who since have changed it has the aura of new ground. I am trying to think of things that I can suggest for the report.

The Chairman. I can appreciate that. I wonder if we might not have Mr. Tannenbaum, Mr. Lehner or both respond to Mrs. Burke's suggestion in terms of whether the report might be able to help. Mr. Lehner.

Mr. Lehner. Sure. I think that we can do what has been
suggested but I do not think we could do it at much length in a public setting. I think when you talk about 45 minutes I would have to do a little "soft shoe dance" in the middle of it. I think what Mrs. Burke has suggested is something that can be worked out and it can be done in outline form but I would not want to.

Mrs. Burke. I am talking about report language. I really have not gotten to the public thing, just report language.

Mr. Lähner. I think that definitely can be worked out and can be done for the record as well. It has to be done so that we are not, it doesn't look as if we are intentionally giving information which an investigate reporter using his research and using his intellect, can get to exact people who were involved in this, that is something we have to be very careful about.

Obviously, we will be discussing that before we report back to you next.

The Chairman. Mr. Tannenbaum, do you want to respond.

Mr. Tannenbaum. If you wish, sir.

The Chairman. Yes, sir.

Mr. Tannenbaum. I think that I agree with Mr. Finley--I think that Mrs. Burke's suggestion should be done both in the report and in a formal briefing. I think as far as our investigation is concerned, you can just look at the briefing
memo which is now outside, and see the areas that
we really hit -- each of you can do that yourself. I am
prepared to do that and have something submitted to your
consideration to show you just what we are talking about
as far as a public briefing is concerned, because there
really are new areas that have not been touched upon and that
is really one thing that perhaps we ought to do, let the
people know what new areas are as well. I am looking
beyond really the members of the Congress but I think perhaps
the people should know what the new areas are that we
are involved with.

As far as the proposals concerning the public
session, I re-emphasize something we stated about a week and
a half ago in the Capitol room and that is that it is imper-

ative it seems to me that the briefing memorandum and
the substance of it be discussed with the leadership at the
earliest possible opportunity because, as we are all
well aware, if that is done, one would be hard-pressed
when seeing that memorandum and its contents, to voice against
this Committee on substantive grounds. So I think that
as far as we are concerned, we can at a public session not
give up anything as far as investigate process will be if
indeed we are continued, we will not be giving up
anything and yet we will be able to outline the areas we
are interested in.
The Chairman. I wonder if I could pose a question to Mr. Fithian and to Mr. Edgar for their response.

One of my major concerns here having endeavored to display to the Congress in the picture of disarray that they had of the Committee, that the Committee is now performing the function of a committee and rather that having our feeling that we have made some—we have gained some ground in that direction, the Congress now feels the Committee is back where it ought go bein terms of the Chairmanship and the Committee, that we refocus attention of the media on Staff, whether it be Mr. Sprague or whether it be Tannenbaum or Lehner, that we are once again putting statements of the Staffs, I wonder if we couldn't work this out in a way where the Committee in its report sets forth exactly what you are talking about in terms of a public presentation but it is coming from the committee in terms of developing what has come to the Committee by way of investigation.

That the Committee at public session discuss their report. (Mrs. Burke leaves.)

It would seem to me that you are putting the focus where it ought to be rather than just on staff and being in the position where the media once again runs away with the Staff situation.

Mr. Fithian. I think we could do that in focus on the Committee.
I would like to have the corroborative strength of our at least raising a question of Mr. Lehner and Mr. Tannenbaum, you know, whether this Committee report we are going with now is either accurate or whether that tells all the unclassified part of the story, or in other words, I think there should be some dialogue. I think it would look a little artificial if we were just, I am not sure, just thinking out loud, it would look a little artificial if just discussing it among ourself—

Mr. Edgar. Will the gentleman yield.

The Chairman. Mr. Edgar.

Mr. Edgar. One way to handle that, I think the direction to go would be to have the two task force Chairmen, Mr. Fauntroy and Mr. Preyer, make the actual prepared report statement, but I think that we ought to highlight the fact that we do have two investigators who are working full time on these two assassinations and perhaps as a result of their giving the statements, we then could turn to Mr. Tannenbaum, Mr. Lehner and you know, clarify any questions we have of the recors that are made. I have no feeling that that could be part of the choreography of the meeting. I feel very strongly that we need the public direction.

Mr. Pithian. I like the idea. I like the idea and would support it.
The Chairman. Why don't we then, with this in mind, have the staff work on the report, to see what we can come up with in a few days. How long do you think you would need to work that up?

Mr. Sprague. Well, how about by Monday afternoon?

The Chairman. Is that agreeable to the Committee?

Mr. Dodd. Yes, I would suggest that we be prepared for like noon on Monday, if the thing with the Rules Committee workout out, I would assume at that session--

Mr. Prier. Well, you could do that with the memorandum you have got right now, couldn't you, that is a confidential memorandum.

Mr. Dodd. Yes.

The Chairman. Yes we really want to give them the Executive material. We have that.

Mr. Edgar. Mr. Chairman, could we move on if that is agreed that Monday they would be there and we get the report from the Staff on some of those other issues.

The Chairman. Fine.

We need the resolution.

Mr Sprague. Mr. Wolf.

Mr. Dodd. Mr. Chairman.

The Chairman. Yes, Mr. Dodd.

Mr. Dodd. Have we finished our briefing? We have still got a little more to do on that, have we not?
Mr. Sprague. That is right.

The Chairman. Yes, we do but I thought we would get to this.

Mr. Wolfe. This is prepared in the form, I guess, we spoke of, Mr. Stokes, as a new resolution as opposed to either restating HR 222 in hoc verba or amending HR 222. This is in essence a short resolution that extends it for the duration of the Congress and we have spoken to the Parliamentarian, Bill Brown about this. It was his view that it would be better to have a new resolution rather than amend the old one.

He reviewed this this morning. That is why there is that penned in on page two, he suggested that as a lead into that introductory sentence and just Section 2 still basically of the resolution will require the Committee to submit a final report because that would not be in H Res. 222 just by extending it as it currently is drafted.

Section 3 makes H Res. 222 as an alternative provision and applies to the Committee giving us subpoena power to hold hearings and so on. Now, the last sentence has been amended because under HR 222 the Committee does not have authority to bring lawsuits in its own name, it can require by subpoena or otherwise testimony but that has been narrowly construed by Courts and for a variety
of reasons, I think it is a good idea to include this language although it certainly may add some controversy that you know we could delete if it was being deemed politically necessary. The reasons I think it should be included are for example on litigation against the Executive Branch for access to classified documents or whatever--technically if we issue a subpoena, the Committee does, the Executive Branch determines to not comply with that subpoena. The Committee, the Staff of the Committee can then not take any action as a committee against the Executive Branch, it must go to the U.S. Attorney's office to procure a contempt of Congress. Again there may be a problem involved in the litigation against the Executive if it involved either the Justice Department or one of the intelligence agencies.

Other examples of the type where this would be necessary are, for example, the suit that sealed the King tapes that were made by the FBI, the District Court ordered those tapes sealed for 50 years in the archives, I believe, about a month ago. Now the last provision of that order says the only exception is if there is a valid order of the Court ordering access to those tapes.

Well, the Committee does not have standing in the current Resolution to go to Court and get a resolution to the Court and get those tapes. The same would be true--the statute restricts access to Grand Jury minutes if you apply for order of the Court, you can have access
and again the Committee would not have standing just by the words to require by subpoena or otherwise. Another important possible advantage to this is realistic ally, it gives the Committee a procedure that could procure contempt of an order without going to the entire House. This procedurally would arise, for example, by the issuance of a subpoena if a motion to quash that subpoena was then filed, the Committee in that court could get a Court order directing that it was a valid subpoena and directing the parties to comply with that subpoena.

If the party then failed to comply with that subpoena, they then could be found in contempt of that Court order which held that it was a valid subpoena.

So, it would avoid the necessity, if it were desired, of going to the Congress or the House for resolution of the House to find someone in contempt for not complying with a subpoena. And the Watergate, the Senate Watergate Committee had these provisions, analogous provisions, not this verbatim language.

Now, the other types of instances where, you know, this type of language I think would be desirable is if you wanted injunctive relief. For example, the boarding house in Memphis is boarded up and there was some question a mongh or two ago whether that was not going to be torn down for Urban Renewal or other purposes. The Committee has no authority
to prevent that for even one month or two months or just
you know, to have a view of the scene or things of that
nature.

And again this just gives the authority of the
Committee to go to Court to bring lawsuits, defend lawsuits
or make applications to secure other information.

Mr. Fithian. Mr. Chairman.

The Chairman. Mr. Fithian.

Mr. Fithian. Is this unprecedented in the House?

Mr. Wolf. I do not know if it is unprecedented, if
it is, it would be my answer, I do not know of another Committee
that had it. It arose because as I said, the Senate
Watergate resolution I think that the most recent instance
of where the issue was focused and then Judge Sirica, after
they found that the Committee had authority to sue, then
there is a separate question which may or may not come down
the line further which would be the jurisdiction of a
District Court to entertain these types of lawsuits.

Now, in the Senate Case, there is a jurisdictional
statute passed that is on the books, providing that for
Senate Committees but not House Committees the District
Courts now have jurisdiction and that was passed as a
direct outgrowth of the Senate Watergate Committee case. But
we would not need jurisdiction in all instances in the
District Court, because this language basically gives you
authority to sue so it would be applicable to state
courts sometimes of District Court suits perhaps not all --

   Mr. Fithian. I would be interested in either the
Chairman or Judge Preyer's reaction to this. I find that
it is wholly new terrain to me but it may be that I am too
new around here.

   Mr. Preyer. Yes, it is new to me, too,

   Did the Parliamentarian bring on this or did he?

   Mr. Wolf. Yes he read it this morning. He said he
understands that certainly is a valid reason the Resolution
as drafted is questionable at best, whether it would have
that authority and it is a political decision whether you
want to include it. He understands the legal reasons
for including it and, as I say, he was the one that suggested
that kind of language just introducing that sentence to
make it clear that it relates back to HR 222 for
purposes of carrying out H RESolution 222.

   Mr. Preyer. Most people around here, when you
ask them what they think about a resolution! technical
aspects, they just say what does the Parliamentarian say,
and if he gives it his blessing, I would not think it
would cause any trouble.

   But I am not familiar with that, are you?

   The Chairman. No, the only problem I see here,
Judge, is the interjection of anything new here gives--
Mr. Preyer. I hate to raise a new House issue for the House or Brown to quarrel about.

The Chairman. You recall before they raised phraseology there--

Mr. Preyer. New powers and all.

The Chairman. The new powers, right.

Did Bill Brown seem to feel that--I assumed you talked to Bill.

Mr. Wolf. Yes.

The Chairman. That, in the absence of this provision that you have real serious legal difficulties in terms of injunction relief.

Mr. Wolf. Yes.

The Chairman. And in other court procedures.

Mr. Wolf. He thought it would be doubtful, that is right.

In other words, it is not conclusive but the language, specific language in our Resolution was construed by the Supreme Court in 1928 in the Reed Case and they specifically found that there was no authority to bring lawsuits just by the language to require by subpoena or otherwise, evidence.

The Chairman. What was the analogous language in the Watergate resolution?

Mr. Wolf. The Watergate resolution, I do not have the specific language here, provides that they could require by subpoena or order, and then they specifically made
extensive reference to the Executive Branch because that is specifically what they were concerned with in the Watergate Resolution, orders determining that the Executive Branch shall do the following.

The Chairman. Is there reason why we chose different language?

Mr. Wolf. I just thought it was more concise. That went on for almost a page, just about Executive Branch Departments and then repeated the language, saying "or any other person or persons."

Mr. Fithian. Mr. Chairman.

The Chairman. Mr? Fithian.

Mr. Fithian. I wonder if we might not be able to incorporate if that sentence something the House is a little more familiar with which is already in H. Res. 222 and that is the subpoena power and just by language and grammatical construction could not we work it in, you know, to state in addition to the subpoena power or as an extension of the subpoena power the committee shall, in other words, somehow tie it to something the House is very used to with subpoenas.

Mr. Wolf. It is a trifle difficult because this really does not relate per se to the subpoena power because it is an extension.

Mr. Fithian. As Franklin Roosevelt once said, can't you just weave it in?

Mr. Wolf. Yes, we can try to make that clear but want
to make clear that it is not a part of the Subpoena power.

Mr. Dodd. Mr. Chairman.

The Chairman. Mr. Dodd.

Mr. Dodd. Did the parliamentarian refer you to any other instance—you mentioned Watergate Committee, how about the House Impeachment Panel.

Mr. Wolf. I do not believe they had this in but I am not sure.

Mr. Dodd. Any other precedent at all that you are aware of.

Mr. Wolf. No. Like I said, in 1928 the Supreme Court case just found, did not have authority absent something like this and I do not believe the Committee went back to get a further grant of authority.

Mr. Fithian. What kind of difficulties do we get into if we do not have this in there and you get on the way six months and decide that for whatever reason you need this?

Mr. Wolf. The only difficulty is you have to go back to the House.

Mr. Fithian. But I feel so much safer, once we get beyond the reconstitution resolution.

Mr. Wolfe. Sure there is no problem just amending that could always be done just amending the resolution down the road to give you this power.
The Chairman. Judge Preyer, was just mentioning to me that that it might be well for us to consider talking to the Rules Committee counsel regarding this because he shares with me my apprehension that once we open up a new area for them, it just adds to our present problems.

Mr. Wolf. Certainly, we can paws this without that and in the event we needed that, you know, four or five months down the road, just introduce that as an amendment and perhaps you would have a specific purpose as well.

The Chairman. Then why don't we, as unanimous consent, strike this provision so we do not encounter this additional difficulty?

Mr. Dodd. I would, if you do not need a second unanimous consent request but follow along your rule as well, and check the Rules Committee counsel to find out what you know, what the status would be in terms of a new resolution coming up and what we have to do to handle it but I agree with you, Mr. chairman.

The Chairman. All right. Why don't you do that and then give your report back to us at the next meeting?

Mr. Wolf. O.K. and the last section 4 just makes it clear: interim funding in HR 11 which by its own terms, does expire March 31, makes it clear no limitation either express or implied in that would apply to the Committee after the 31st of March.

The Chairman. Did he feel that was necessary, too?
Mr. Wolf. He thought it was not absolutely necessary but because H. Res. 11 expires by its own terms, on the other hand, he said without that the last sentence of H.Res. 222 states that the provisions of H. Res. 11 shall apply so there may be an implication even though H. Res. 11 does not apply, the restrictions detailed in there might by implication, and he thought it was a good idea just to make it explicitly clear he did not think any controversy—but to make it clear after the 31st, is off the books and any implication regarding 11 is off the books.

The Chairman. Any further questions?

All right, then you will report back at our next meeting regarding this other aspect of it.

Mr. Sprague. Mr. Chairman.

The Chairman. Mr. Sprague.

Mr. Sprague. If I may request some guidance from the Committee going back to the report a moment, how does the Committee want the matter of the problems that were created after commencement as a result of the impediments and the financial limitations and the problem of the previous Chairman, treated in this report?

The Chairman. Ignored, I would say, completely.

Mr. Dodd. Benign neglect.

The Chairman. Yes.

That deplorable expression.
Mr. Fithian. I am not sure we should not say that.
I would have to think about it, but we might want to consider
saying something to the effect that for a period of time
we were denied access to the FBI's CIA materials or
something like that. Although that comes to sound like
an apology for non-performance.

Mr. Edgar. I do not know.

The Chairman. If the gentleman would yield to me, I
think it is important when we meet with the Rules
Committee, to at the outset recite for them the state in
which this Committee found itself up until a week ago when
the Committee began to try to function as a committee. Because
I think, it is important for them to realize that we had a
Staff here of investigators who were unable to investigate.
You had a staff unable to make telephone calls back to wit-
nesses who were proffering testimony to this Committee.
That you had a staff that was unable to travel anywhere to
investigate.

I think this is a part of what you have not done and
why you have not. And that they have taken it to a total ap-
praisal of where we are now.

Mr. Dodd. I will agree. I just thought I understood
in the questioning of Mr. Sprague referring to any reference
to the former chairman or why this occurred.

The Chairman. None of that.

Mr. Dodd. I would not want to see in the report at all--
I think the membership of the House is fully aware of the reasons and I think if we outline those reasons as for the Staff's inability to perform at a hundred percent, everyone knows why, I do not think we need to go into the report to make any reference whatsoever to the former Chairman's actions, our actions as a response to his actions I just think we ought to leave that out of the report entirely.

The Chairman. Sort of as we discussed this morning that the Committee, the sense of the Committee was that we report hearings that began with the present Chair's chairmanship and sort of proceeding in that same way as regards the report.

Mr. Pryor. I agree that we never should mention any names or some personalities but I wondered if we do not at least want to make a point that things are different now from the circus that was portrayed earlier and that we are now proceeding in an orderly businesslike way—drop the hint that the charges about being a circus, but these no longer apply. That is one of the things we had to try to combat that everybody is going off in different directions but as a matter of fact, it was one person really going off in different directions but I think that atmosphere of a circus is one of the hard things we have had to try to kick and I do not think there is anything wrong with
suggesting that we have that behind us now and that we are proceeding in an orderly way.

Maybe we can be a little subtle about why it is behind us now but I think we should give some sense that things are changed.

The Chairman. In the report.

Mr. Preyer. Doing it diplomatically, that is all.

Mr. Dodd. If the gentleman would yield. I would be interested in seeing language, I would just be concerned that in trying to be subtle—some members of the House are very sensitive to this chairmanship role and—

Mr. Preyer. I am afraid I am going to have to leave, Mr. Chairman.

The Chairman. All right.

There is nothing further then on Mr. Sprague's question so we will turn to the matter of—well, there are two things, one Mr. Sprague would be further briefing by you regarding yesterday's hearing. Secondly, I understand you have some additional data to bring to our attention regarding both investigations through Mr. Ta-nenbaum and Mr. Lehner, right.

Mr. Sprague. That is correct.

The Chairman. And since one of the matters is only presented by you in the absence of the Staff, I suppose we
will proceed then with the Lehner-Tannenbaum presentations.

Mr. Sprague. Fine.

The Chairman. Is that O.K?

Fine, you may proceed.
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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NA FORM 14000 (1-86)
to give us this material.

We have conducted various interviews in Memphis and in Birmingham between Thursday and Saturday of this past week. These interviews are being transcribed and we will have the details of it for further report and the significance of these interviews.

Just one of the matters that was taken up at my previous briefing in executive session pertained to Mrs. Matthews, the lady that threatened Officer Redit at the airport on the 3rd of April. Her account is that she did state to Officer Redit, "I am going to shoot you" but she said she did it in a joking manner; it had to do with a private matter between Officer Redit and herself and is not related to Redit's surveillance of Dr. King and his party.

So, rather than going into the details of this at this stage, I think after these reports have been transcribed and collated, then I could further detail the committee on these interviews.

The Chairman. Okay. Thank you.

Proceed, Mr. Tanenbaum.

Mr. Tanenbaum. Yes. Just briefly, we have located a witness whose identity was unknown for the last 13 years. She is a female who was taking photographs on the south side of Elm Street, which would be facing what is known as the Grassy Knoll" and part of the Book Depository Building where
allegedly Oswald was and fired the shots.

She has indicated to us that approximately two weeks prior to the assassination, while she was working in another club, not Jack Ruby's club but another club, she went to Jack Ruby's Club and there she was introduced by Ruby to one "Lee Harvey Oswald" of the CIA" using Ruby's words. She didn't know what the letters "CIA" meant, and the next she saw Oswald was when he was arrested on television.

She has indicated that there were other people present, one of whom spoke about this event shortly after the investigation, after Oswald became a well-known, notorious figure.

This woman suddenly disappeared. Accordingly, our witness decided it would be in her best interests not to say anything. She, in a very real sense, has found religion; she is married to an evangelist now and she is willing to come forward. She also will state, as she has stated to our people who were out in Dallas, that approximately two days after the assassination two men came to her; one identified himself as a FBI person, the other as a CIA person, and asked for her film. She gave these two men her film, and she has never seen that film since.

Her film, of course, could be crucial, in that she was taking photographs of the President's car at the time the shots were fired, and it would show possibly, if indeed the film were developed, portions of the Grassy Knoll and possibly
some of the depository. So that is an area that we really
have to get involved in and further investigate.

We have also been able to develop some information
from a woman who is the head nurse at Parkland Hospital
who was present when Governor Connally was being operated on,
and had indicated that approximately four to five pieces of
fragments were removed from the governor's body. If indeed
that is the case, and we are able to track down those frag-
ments, we would, of course, have to conduct scientific
analysis on them, possibly neutronic relation tests, and others,
to determine whether or not, first, the fragments came from
the same bullet; secondly, and most importantly, whether or
not these fragments weigh more than that one bullet that
allegedly went through the President's body from his back,
according to the Warren Commission, and then went through and
wounded the governor in five different places, that is, from
the right rear shoulder, entry out the right armpit into the
left side, right side of his body, and out the right breast
and lodging, according to the Warren Commission's finding, in
his left thigh.

So that bullet, as I am sure you know, as was indicated
previously, in what as been referred to as in a "pristine
condition", that is, it is virtually unscathed. If the four
or five fragments in fact were taken out and if we can show --
if we can locate them -- that they weigh more than that
portion that is missing from that bullet, then the very corner-
stone and basis of the entire Warren Commission Report is no
longer valid.

So these two areas are very significant. We have just
come up with them from people whom we have in Dallas. They have
just returned last night.

We have also had a gentleman come to us, whom I have
been in contact with, a member of the media from Holland.

His name is Wilhelm Altman. He will be assigned to
cover the assassination by The Netherlands media, and he
befriended a fellow who looms in the shadows of this whole
investigation. His name is George De Mohrenschild.

Mr. Fauntroy. George?

Mr. Tanenbaum. De Mohrenschild, D-e M-o-h-r-e-n-s-c-h-
I-l-d. This fellow recently contacted Altman and they have
been in communication for years, approximately 11 years.

Then there is correspondence between the two gentlemen
to support this.

In any event, Mr. DeMohrenschild was visited by Mr.
Altman several weeks ago and he went with Mr. Altman to
The Netherlands. The purpose of his trip was to divulge
for the first time his knowledge of the assassination of the
President, and he indicated that he was responsible for
Oswald's activity, and that there were others involved who were
involved in the actual shooting of the President.
This fellow, Mr. De Mohrenschild, in The Netherlands, was negotiating for book rights as well as TV presentation, and I imagine any other way he could possibly cash in on this kind of sensational information.

What is significant, of course, other than the fact that there is a confession here, is that George De Mohrenschild is one person, as I have said -- I really have to underscore this -- who is involved with Lee Harvey Oswald as a part of history; that is, he befriended Oswald and had his daughter care for Oswald's wife and child while Oswald was living at a YMCA in Texas; so he is a person that is not a John Doe, who is coming forward, giving a confession to someone in the media.

He is someone who has been looked at by researchers for the last 13 years, and people have pointed a finger at him all the time.

Unfortunately for us, at this stage he presently is missing. He left The Netherlands during the negotiations and has not been heard of since. I just wanted you to know that, because the media in Europe is carrying the story that has been given out by Mr. Altman.

We have indicated to him that his information indeed was new, sensitive and unique and required further investigation, which, in fact, it does.

Lastly, let me comment just on Mr. Trafficante and others of his ilk. The other areas that are associated with
Mr. Trafficante, as far as the organized crime aspect of this investigation is concerned, go into New Orleans with a fellow by the name of Carlos Marcello who is the alleged leader in that city. There is one significant tie as far as that is concerned, and that is that there was a person taken into custody into custody in the DalTex Building, which is right next to the Texas Schoolbook Depository -- and, parenthetically, let me note, as to that building, that a shot fired from that building is consistent with the bullet impact mark that was found on the sidewalk on Elm Street.

There was a fellow taken into custody in that building by the name of Jim Brady, whose real name is Eugene Hale Braden. He has a criminal record. He was taken into custody in that building immediately after the assassination. He was wandering around on the second and third floors, and he indicated he was trying to call his wife and tell her about the assassination.

He was taken into custody and let go.

Braden worked for Marcello in a building in New Orleans, in Suite No. 1706, as I recall; and in Suite No. 1701, and whether or not 1706 -- 1706 where David was or 1701 -- David Ferry was working out of -- they are adjacent to each other.

I mention this because of the tie-ins that have been made between Ferry and Shaw and Oswald.

We are in the process of getting the trial transcript -- portions of the trial transcript because of economies. We
would like to, and hopefully will, get the entire transcript of the Shaw trial.

There are individuals in an area in Clinton, Louisiana, from all walks of life, who put Oswald and Shaw and Ferry and these people altogether with anti-Castro Cuban groups.

Now, there is a whole area here, obviously, and witnesses who have to be called, namely, Marcello and Mr. Braden and others, concerning this investigation.

So that is really where we are right now. We have just begun.

Lastly, as far as the autopsy is concerned, we have information that a person who is now a doctor, who was a resident at the time in Parkland Hospital, noticed wounds on the governor's body that appeared to be somewhat inconsistent with the official reporting of what happened. We have not heard from him, but his friend has come forward and told us about this; and we have this person's name and telephone number.

He, also, according to his friend, who is a lawyer, indicates—that is, this resident— that he was barred from seeing the President's body by certain security people, which by his experience he deemed to be quite unusual, I am sure.

There is just one other question. On his observation of the governor's body, it was his impression that there were entry wounds on the governor's body; there was an entry wound
on the governor's body, and this, again, is someone we have
to dispatch people to speak with, so that we could really
run this down properly.

I also just want to correct the record. For purposes of
the record, we spoke with Mr. McBee whom I mentioned at our
last briefing. He, I am glad to report to you all; does not
have cancer, which I mentioned. That was a piece of misinfor-
mation we had. So, fortunately for him, he is not suffering
from any terminal disease; however, I report to you that our
people who spoke with Mr. McBee indicated that he is
wavered on his identification of Oswald.

We are still pursuing that. We will be pursuing the other
people who were at the meeting between this woman, Jack Ruby
and Lee Harvey Oswald.
Mr. Fauntroy. Mr. Chairman?

Mr. Preyer. Mr. Fauntroy?

Mr. Fauntroy. I just have two questions. With respect to the whereabouts of Mr. DeMohren Schildt, you say?

Mr. Tanenbaum. Yes, sir.

Mr. Fauntroy. Given our projected staff capability, do we have any capacity to try to find him?

Mr. Tanenbaum. Presently?

Mr. Fauntroy. Yes, given the 115 figure.

Mr. Tanenbaum. The answer to your question is simply yes. I think, given that figure, it will be very difficult; I think we have a chance of finding him.

Mr. Fauntroy. Second, Mr. Chairman, with respect to both this report and the King report, can you give us an idea of what a work program in both cases over the next two months might consist of, in terms of specific investigative activity?

Mr. Tanenbaum. I think, as Mr. Sprague has indicated, what we have to do now --

Mr. Fauntroy. Have you gone over this for the record?

Mr. Sprague. I think only to restate my basic premise, we have got to start from the beginning, find out what occurred, what led up to that, and what occurred since.

Mr. Tanenbaum. I can just give you the specifics, very briefly.

Mr. Fauntroy. Okay.
Mr. Tanenbaum. And that would be really to identify all the people who were present at Dealy Plaza, all those individuals who were in the motorcade, those people who we can deem as spectators, all official personnel, then determine the present whereabouts, any and all previous statements made by all of these people, as well as those in officialdom and those who went into the book depository, and move chronologically.

We then in conjunction with that have to go over all of the documents that are available to us, both in a declassified manner and classified, that are presently in the possession of the Secret Service, FBI and the Central Intelligence Agency, and I would add the Department of State and all intelligence agencies as well as the State of Texas, any law enforcement agencies who conducted any investigation with regard to this case.

That would be what we would be doing, and I dare say that might be taking longer than two months.

Mr. Fauntroy. In the meantime, would you have people working on the Brady and Marcello and other matters?

Mr. Tanenbaum. Yes, absolutely. In that regard, Mr. Fauntroy, I keep neglecting to mention but it is so self-evident that what we have to be involved with are the very beginnings of the investigation.

Of course it is what happened in Dallas, and then the
autopsy, all of the evidence and all of the chain of custody
and all of the people who were present in Parkland Hospital,
from nurses, doctors, media people, security people, the
transport teams that took the President to Air Force One,
and then the trail of the President to Bethesda and ultimately
to the mortuary. Everybody who was present at that autopsy,
long and detailed discussions with Commander Humes, who
actually performed the autopsy.

As you know, for some reason he destroyed his original
notes, and the questions of why were never put to him by the
Commission. That, of course, is all part and parcel of what
we are talking about when you asked about the first two months.

Mr. Fauntroy. Sure.

Mr. Tanenbaum. So I think that really that goes beyond
the two month period.

Mr. Sprague. Mr. Fauntroy, I would respond on that. I
think it is important that it be understood that when I keep
talking about investigating from the beginning, I also think
though that in this investigation we must at the same time, as
we are doing that basic methodical approach, however, be able
to handle new things that come to our attention.

Now, I don't think, for example, on this Mr. De Mohrenschilt
ting that we just sit back and be methodically proceeding and
just set something like that aside for six months, saying we
will get to it. Part of the needs that exist when we talk about
staff is not only the ability to be doing the basic work, but we have to, on new leads coming in, be able to have units of manpower to be able to also work on the new leads.

I don't think we can just put them aside.

Mr. Lehner. I think in just a minute I could answer your question, as far as the King part. We have the rifle and bullet, obviously, now in our custody. I have been in touch with an expert who I know to be an excellent ballistics expert, a Mr. Alfred Johnson, who is now with the Alcohol, Tobacco and Firearms Division of the Treasury. He has consented to test fire the gun, to compare the ballistics evidence that we have, including the test firings that we do have in our possession, and to report to us.

I have been in touch with his superior, and that has been cleared for him to do that work. I intend to ask Mr. Kirshaw if he will supply us with the name of an expert that he wishes to do that same examination. We will research that person. If he is a true expert, we would be very happy to have him present during the test firings as well as maybe a third expert that we are now looking to.

In our recent trip to Memphis this past Thursday through Saturday we xeroxed some of the Memphis District Attorney's Office file, and we are working on that, the specific areas, the Canadian area, the use of aliases, the Birmingham question of safety deposit box and the question of renewing his lost
driver's license and specific areas.

But we intend, once we get reconstituted and have some funds to do it, to xerox their entire file and once we do that we will be able to cross-index their file, compare it with what we have from the FBI in their file and other files that relate to Dr. King, and then be prepared to send teams to the various areas -- Canada, New Orleans, California, Memphis, Birmingham -- then the Portuguese and London situations as well.

These different teams will have specific areas within those locations, report back to us, and we will try to coordinate that from here in Washington.

Mr. Fauntroy. Thank you, Mr. Chairman.

The Chairman. The Chair wants to call the attention of the committee to the fact that earlier today when I made request on the floor for authority for the committee to sit during the five minute rule, that Mr. Rousselot of California reserved the right to object and asked if the meeting of the committee was for the purpose of hearing witnesses. I responded that it was for the purpose of executive hearing, to be briefed on matters relating to the investigations, because it was my understanding that we did not have any specific requests coming before the committee relative to witnesses.

So then he had a second question in which he said, "But it is primarily to hear witnesses. The gentleman is not planning to take any definitive action of which he should be aware."
He is listening to certain witnesses?" And the response of the
Chair was that there will be no specific action taken with
reference to witnesses.

Mr. Rousselot then said, "Thank the gentleman, and I with-
draw my reservation of objection." After I had returned, I
spoke with Mr. Sprague and told him of that colloquy and he
said no, that no action would be taken relative to witnesses.

So. Mr. Lehner's request before the committee comes as a
surprise. I called Mr. Rousselot to apprise him of the fact
that we had this request before us. He appreciated the fact
they called him and suggested a way we might amend the colloquy
under the authority to revise and extend, but then said he would
prefer, really, that we postpone any action until after the vote,
at which time there is no question about our being able to take
that action.

So in light of that, rather than being in a position of
misrepresenting to another member of the House, I would request
of the committee unanimous consent for us to defer the request
made by Mr. Lehner until after the vote on the NASA bill, at
which time it can legally be done.

Mr. Fauntroy. Without objection, Mr. Chairman.

The Chairman. So we have that unanimous consent.

Mr. Fauntroy. When is that vote, incidentally?

The Chairman. He said it should be coming momentarily.

Mr. Dodd. The final passage?
The Chairman. He thought it would.

Mr. Fithian. Mr. Chairman?

The Chairman. Mr. Fithian. At any time I am ready to use ten minutes of the committee's time in an abbreviated recess, so if that will in any way convenience the process I will do that.

Mr. Fauntroy. You are not suggesting that we recess, are you?

Mr. Dodd. For ten minutes?

Mr. Fithian. Well, what I want to say, I don't want any reporting of, so however you handle that.

Mr. Dodd. Go off the record.

The Chairman. Okay. Now, before we proceed then, Dick, what else do you have for us? The matter relating to yesterday's hearing, right?

Mr. Sprague. The only other thing I guess is they had a meeting with the attorney who was here yesterday or this morning?

The Chairman. Should we?

Mr. Sprague. This is off.

The Chairman. Mr. Fithian, do you want to go ahead with whatever Mr. Sprague has?

Mr. Sprague. There is one other thing I guess I should bring to the committee's attention, Mr. Chairman. I would like permission from the committee for our staff to analyze, if we
can, over this week-end, the answer to the one question that was asked of Mr. Trafficante when I asked him did he have any immunity from any agency of the Government with regard to his participation in any assassination or attempt against world leaders. As to that he took the Fifth Amendment.

Now, there is a question in my mind as to whether or not the answer to that question can possibly tend to incriminate him, and it may well be that that one answer -- I am not talking about others -- perhaps is in the vein of one that cannot. I think if you would like to research that, reporting back to the committee early next week if we have any basis for showing that that answer could not possibly tend to incriminate him, it might be that the committee might on that one want to be in a position of recommending to the House appropriate contempt action.

The Chairman. It doesn't seem you need any authority here.

Mr. Sprague. No, I just wanted to mention it.

The Chairman. That is something the staff could pursue which you may present at a later time.

Mr. Fauntroy. Off the record.

The Chairman. We have got until the five-minute bell. Do you want to proceed?

Mr. Dodd. Why don't we do Floyd's thing and then since the only thing we need is Mr. Sprague's thing is for us --
maybe we can go over to the Capitol and finish down there.

Mr. Fauntroy. Off the record.

The Chairman. I thought we could get that out of the way and then go to Floyd's thing.

(Thereupon, at 1:40 p.m., the reporter was excused from the room and there was discussion off the record.)

End Biltman Ward fols
The Chairman. The first order of business, Mr. Sprague, would you please renew the request previously made by Mr. Lehna?

Mr. Sprague. Yes, Mr. Chairman.

At this time I would request that the Committee designate Mr. Lehna and myself to be authorized to put Mr. Ray under oath in this interview that we are going to have with him in prison on this coming Tuesday, in the event he agrees to be put under oath. Frankly, our thought it just to interview him, and as I said, I consider that preliminary to many interviews, but if we could get him under oath, I would like to be in a posture to do so.

The Chairman. Okay. May I have a motion?

Mr. Fauntroy. Mr. Chairman, I would like to move that the Committee authorize or designate Mr. Sprague and Mr. Lehna to put Mr. Ray under oath during the course of the forthcoming meeting should Mr. Ray agree to that.

The Chairman. You have heard the motion.

Is there any question?

Those in favor of the motion say aye.

(A chorus of ayes.)

The Chairman. Those opposed?

(No response.)

The Chairman. The motion is carried, and so ordered.

Mr. Sprague. I guess the next thing perhaps is formally
on the record, as we did not have a stenographer here before, but with regard to the refutation that I have presented yesterday, I think that the record should at least indicate that I believe that covered each of the points that had been raised. So I think that should just be part of the notes, and I think Mr. Fithian had requested that all of that dealing with my response all be put together in just one segment.

The Chairman. Without objection, that will be done at this point.

At this point we will excuse the reporter.

(Whereupon, the Reporter left the hearing room and there was discussion off the record.)

The Chairman. At this point there is nothing further before the Committee, and I would entertain a motion that we adjourn subject to the call of the Chair.

Mr. Edgar. I so move.

The Chairman. Okay, it has been properly moved that the Committee adjourn subject to the call of the Chair.

Ready for the question?

All those in favor say aye.

(A chorus of ayes.)

The Chairman. Those opposed?

(No response.)

The Chairman. The motion is carried.

So ordered.
Thank you, gentlemen.

(Whereupon, at 2:44 o'clock p.m., the Committee adjourned subject to the call of the Chair.)