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EXECUTIVE SESSION

AFTER RECESS

(The committee reconvened 2:00 p.m., Hon. Louis Stokes, chairman of the committee, presiding.)

Present: Representatives Stokes, Devine, Preyer, Burke, Fauntroy, Dodd, Fithian and Edgar.

Also Present: Al Lewis, Staff Member; Bob Tanenbaum, Staff Member; Richard Sprague, Staff Member; Jim Wolf, Staff Member; Bob Lehner, Staff Member; and Thomas Howarth, Staff Member.

The Chairman. The meeting will come to order.

First, I might advise the members of the committee that we have been in touch with the Rules Committee. We are advised that in all probability, we will go before Rules at 2:00 o'clock on Monday and it will go to the Floor Tuesday or Wednesday.

The format at this point has been discussed and it was suggested that perhaps we might just go in with the presentation by myself and our Ranking Minority Member, Mr. Devine, with Mr. Preyer and Mr. Fauntroy ready if they fire any questions in regard to the investigation and with the other members just in a supportive back-up position. The thinking being that in light of the briefing that took place the other day and the highly sensitive nature of the investigatory material that was given to them in all probability they are
not going to want to get into very much questioning on that aspect.

So the less said about that in all probability is going to be, they think, the best approach.

Mr. Devine. Mr. Chairman.

The Chairman. Mr. Devine.

Mr. Devine. I am not sure it will be a problem, but Mr. Anderson of Illinois mentioned this morning that one of the 19 water projects that President Carter deferred or eliminated happens to be in his district and there is a public hearing in his district on Monday. I wish it were possible for Mr. Anderson to be at the Rules Committee when we appear because he is very articulate and on our side. I don't know whether we can persuade him to neglect his constituency or not, but we might keep that in mind in scheduling.

The young lady from Mr. Anderson's office, do you know whether he is scheduled in Illinois on Monday?

Ms. Brown. I believe so, yes. I don't know how long he will be there.

The Chairman. I agree with you; I think it is important to try to have Mr. Anderson be here. We will try to work that out.

Do they have proxies in the Rules Committee?

Mr. Devine. I don't know whether they have proxies in the Rules Committee or not.
Mr. Dodd. Absolutely not. No proxies.

The Chairman. The Chairman can't vote for Anderson, then?

Mr. Dodd. No, he has to be there.

Is there a problem?

Mr. Devine. His water project has been eliminated by the President and he is having a meeting in his district.

Mr. Dodd. You can't use the proxy, I can tell you that. I would like to see him there.

Mr. Devine. I would, too.

The Chairman. We will have to try to work that out. Let us get back to the discussion of the report and other matters relating to the report.

Is everyone provided with a copy of the draft report? We are open to discussion relative to this draft report. How much time do we have, Mr. Sprague, in terms of being able to revise and extend this report and prepare for final preparation?

Mr. Sprague. Mr. Chairman, I asked before we recessed for lunch if I could have that time to take up with the Printing Office the matter of the printing of the transcripts that have been turned over to you and the matter of the printing of this report.

We have been advised that if we get to the Printing Office by 6:00 p.m. this evening, the transcripts, as corrected,
they will have them fully printed up for us this Friday morning. The same would apply, by the way, with regard to this report. It will be printed up for us this Friday morning.

If we are unable to do that, we can have the report and/or the transcripts for them by 6:00 p.m. tomorrow morning, they will have either or both of those items printed up Monday morning.

The Chairman. I guess this part of the whole equation will be a question of whether some members will want to have supplemental or additional views to submit in the report, also. I assume they will prepare those.

Mr. Fithian. Mr. Chairman, will we need to take action in the committee when we have a quorum to dispense with the usual three days for minority views or for separate concurring views?

The Chairman. I would imagine that we would have to, in light of the time constraints here.

Mr. Fithian. I have no separate or dissenting views, but I wanted to make sure we don't get tripped up on a technicality.

The Chairman. I don't know whether everyone has sufficient time to be able to get through these or not; to discuss them.

Mr. Preyer. Mr. Chairman.

The Chairman. Mr. Preyer.
Mr. Preyer. If no one else has a comment, initially, I would like to ask a couple of questions about the ending part of the report. I thought it would sound a lot more sterile than it really sounds. It sounds more interesting or intriguing than I thought it would.

I wonder about the Amlash incident? One reason I ask is that I thought that incident which is not new, of course, and so we can't take credit for developing all of that, it gives us an opportunity to say a couple of those quotes there along the lines that the process by which the intelligence agency gathering went along has been compromised.

Therefore, to make the point which I probably over-emphasized, that if we don't have to necessarily come out with a new result in the Amlash case to justify, that whole process is void, ab initio, and that is a good enough reason for going ahead with it.

That Amlash case has some good quotes on it. I wonder why you left out Amlash in this.

Mr. Sprague. Mr. Preyer, my thinking there is that we had made reference in the earlier report, the end of last year, to the U.S. Senate Select Committee's statement. That is in that earlier report, at least their statement, after having gone into Amlash, and that to put that in here would look almost like we were repeating it.
Mr. Preyer. You were considering both of these reports together?

Mr. Sprague. Yes. As a matter of fact, in part of this report we have made reference to material in the final report.

Mr. Preyer. I have one specific question. At the top of page 12, the question about Ruby and Oswald. You say, "The Committee staff has spoken with a witness."

Maybe we have just spoken with a witness, but is there more than one witness on that subject?

Mr. Tanenbaum. No, that was the young lady that indicated.

Mr. Preyer. There was a witness there who said that.

The other comment I would make, and I think it is important, is that we emphasize where we can what is new and what is not just a rehashing of old evidence. Like that one at the top of page 12, necessarily you have to be very cautious in that case, but that is a brand new witness, as I understand it.

Mr. Tanenbaum. That is correct.

Mr. Preyer. I wonder there and in other instances where you have a chance to emphasize that the staff came up with this witness, he may have been known before but he never testified before, if we could have emphasized he never testified, he is new and it is not a rehash, that would be good; I think that makes a good strong statement.
The Chairman. Mr. Devine.

Mr. Devine. Mr. Chairman, perhaps I am overly sensitive about the problems that this committee has had since its conception until such time as you became chairman. I am a little troubled by the wording of the first paragraph on page 2.

I think we belabor that too much, going into too much detail about all these budgetary restrictions, and I have rewritten some language for paragraphs 1 and 2 that I think would be less inflammatory and still do the job. It would read like this.

"For technical and administrative reasons, the committee had some delays in the course of the investigation. For example, the committee did not have access to certain files on the assassinations for approximately two months; telephone service was disconnected for the same period, preventing the staff from maintaining contact with witnesses and potential witnesses; and other problems which severely restricted the committee in its investigative efforts."

I don't think we should lean on the budgetary restrictions, because that is one of the problems that we have to overcome in both the Rules Committee and on the Floor.

I don't think that we should talk about specifically what our problems were. I think the language suggested would probably tell the same story.
Then the next three-line paragraph, I don't like what you say: "...many of the impediments have been removed," under the chairmanship of Mr. Stokes. I would like to have them believe they all have been.

My suggestion on that is in line 2 of the second paragraph strike out "many of" and "impediments" and insert "problems" instead of "impediments" and strike out "removed" and insert "resolved." That would read: "Under the chairmanship of Representative Louis Stokes, the problems have been resolved and the investigations are now resuming in a thorough manner."

I am not married to the language, Mr. Chairman, but I think that it would be less provocative.

The Chairman. I agree with you.

The staff will take that into consideration.

Is there anything else?

Mr. Devine. That is all, Mr. Chairman. I scanned it during the luncheon period. By and large, I think it will do the job.

The Chairman. I wonder if I can sort of react to the "investigation" part here.

I guess, Mr. Sprague, I will direct the question to you and to Mr. Tanenbaum. I am concerned that with reference to the investigatory material that appears in the report, that we do not have the news media once again taking another shot
at us in the sense of their rehashing the same old stuff
which gives our opposition on the Floor the arguments that
they need. They will very hastily say to George Lardner or
some other author who is an authority on each one of these
investigations -- I guess I am wondering whether that section
needs to be reworked or less data included, we need to make
more reference to the fact that there is within our possession
much more sensitive and highly volatile information that
just cannot be disclosed in light of this type of investiga-
tion and that type of thing.

I am just wondering whether we need to go this way.

Mr. Sprague. Mr. Chairman, that really hits the nub
of the problem, because to have something is going to cause
the problem; that it is so limited as to make it appear what
in the world is being done, and on the other hand, to just
have that it is so sensitive creates, I guess, the problem
that we are going to be criticized. Are we just hiding behind
a label and not disclosing?

What we have attempted to do and really part of the
reason that this has not been submitted to you, as I indicated
it would be on Monday, is that we have gone through a number
of drafts. What you have here is a tremendously toned down
version of what existed, trying to really incorporate and put
into writing what has been the comments and suggestions by
members of the committee.
Mr. Devine. Mr. Chairman.

I think, Mr. Sprague, what concerns the Chairman and most of us is that any material contained in this proposed report, whether there is a balance between so-called new material which has already been revealed in the Warren Commission report and the Senate Intelligence Committee report -- is it all a rehash of those two things or is there enough new stuff to show that we are not just rubber stamping or rehashing old material?

Mr. Sprague. Part of the problem, Mr. Devine, is that it is hard to say something is new as opposed to rehash, because in fact people have read everything under the sun. Somebody may well suggest, and I am sure has suggested, that Ruby and Oswald had been in contact prior to the assassination.

Ruby knew Oswald. What is new, in a sense here from out standpoint, is that we have located a witness who apparently says that. The allegation may be old and in terms of proof that may be nil.

Obviously in this investigation, one of the things that we are doing is looking into what has been alleged to be able to prove or disprove so that to go into what we are doing is going to, of necessity, raise things that have been raised right along. That is one of the reasons that we are doing it.

The Chairman. Here is what I have in mind. From the two documents that were prepared, final documents, we were able
to take those two documents along with the oral presentations and we were able to convince both the leadership of the House and most of the Rules Committee members that we were on to something here that needs to be continued.

As a result of that, I doubt that the Rules Committee is going to really want us to get into disclosing what we feel we are on to here.

Now the question is in terms of this presentation here will we get the same kind of result that we have gotten last? Obviously we can't name names as we did the other day. I know the media are sitting here waiting to tear us apart on this report, and we have to out-think them.

I am just wondering, are we hurting ourselves with this approach here right now?

Mr. Sprague. Mr. Chairman, I really don't know what else could be included. I am struck by the fact that Mr. Preyer, in reading the Kennedy aspect, said it came out stronger than he thought it would. From that standpoint, I would assume that it would be somewhat helpful. To limit it further raises the problem that if we are going to be attacked, that we obviously are not doing much.

The Chairman. You don't see a problem here revealing this much?

Mr. Preyer. I think it is a problem all right, as you have outlined it.
The Chairman. I think we can make a statement that there are in both cases witnesses who have talked to investigators who have never been interviewed before, never given a statement before, substantive in nature, and so forth.

Mr. Preyer. I am wondering what is new, looking through the Kennedy thing, and is not a rehash.

On page 11, second paragraph, "Oswald was associated with anti-Castro groups." There is new evidence on this, isn't there; it has not been rehashed?

Mr. Sprague. That is correct.

Mr. Preyer. The second paragraph; the Hunt letter is new. That has just recently surfaced.

On page 12, top paragraph, that is new. In other words, the first three paragraphs, each I think can be defended as new evidence.

Trafficante, I don't know whether that witness surfaced before or not that we are talking about now.

The Chairman. What would trouble me on page 12 is that the committee "received information, not yet corroborated."

I think the news media would take you apart on that; "received information, not yet corroborated." What does that mean?

Mr. Preyer. I wonder if we should not make some blanket statement at the outset or at the close of it that we emphasize these are all leads; they have not been subjected to
cross-examination or polygraph test or the usual test of corroboration, but they are the kinds of things that are so important, if true, that they must be run down, that we should be allowed to corroborate and cross-examine them.

I think we would be making a mistake to try to give an impression that these things are all true. Then if they blow up in our face, we will really be in trouble.

Mr. Dodd. I think your point is well taken.

Possibly in the very beginning, I think we get ourselves into a box where one puts the purpose of support? Are we supposed to be able, in the period of time we have been in existence, to come up with corroborated, conclusive evidence that would convince the Congress we should go forward?

I think everyone in the Congress knows what difficulty this committee has had over the past couple of months. The language would have to be chosen carefully. I think if you stated at the outset what the purpose of the report was and that was to bring up to date the members of Congress with regard to the activity of the committee, the hurdles that they have had to overcome and so forth, and not allow ourselves to be put in the position of trying to defend the material we have with conclusive evidence which has not been brought up at one time in the past — I see us getting into a situation where we are really boxed in.

Mr. Preyer. If we could disarm the press at the outset
by saying "Sure, this is uncorroborated."

We will say it has raised questions and we have to run it down.

Mr. Dodd. We don't want to get ourselves in a position of saying we have not been able to get into this stuff and it is thoroughly because of our problems, which is one thing we have been saying, which is a fact, which is true, and then to also come forward with evidence that we have had an opportunity to examine thoroughly, that is contradictory.

I think we ought to make to clear in the beginning that is not our intention in this report, to defend necessarily that kind of evidence being fact.

The Chairman. It may be that we can approach it from the viewpoint of saying, we refer back to the time that the committee was originally constituted, it was constituted as a direct result of the unanswered questions that were apparent as relates to both these deaths.

Obviously, the short period of four months or so that this committee has been constituted, these questions are still unanswered and we are in the process, within the limited time we have had of developing the leads and other information that has come to us and that I think we can say that some of the leads and information that have come to us have never before surfaced, without being sensational or wrong, but to show that there is an ongoing progressive state of an
investigation. In that regard, I think, further, we can say that obviously there are things we cannot include in this report because of the sensitive nature of the investigation.

Mr. Sprague. Mr. Chairman, I thought we really had, in a sense, responded to what is being raised now, because on page 2 at the beginning we do say in the bottom paragraph; "While the committee believes that the new leads must be vigorously pursued, we emphasize the fact that it is impossible to predict whether the information will be proven reliable and capable of verification. The investigations are in their infancy and, therefore, the committee cannot submit verifiable conclusions with respect to the assassinations before the inquiry is completed and the evidence gathered, tested and corroborated."

I thought that would address itself to what Mr. Preyer was saying in the beginning.

The reason in the latter part dealing with Trafficante on page 12 where it says; "The committee has received information, not yet corroborated," was that we wanted to keep the credibility of this committee at the highest level, and even though there is that statement at the beginning, we thought it well to reemphasize that with regard to that particular information so as not to be caught off base, because I would hate to get in the posture for this committee where we are making one statement with a number of others and then somebody
goes out and proves that one statement is untrue and that
giving an implication that everything else is down the drain
as well.

That is why I thought we covered really what you are
raising here.

Mr. Dodd. I am suggesting rather than that, that should
be the first paragraph. That is out immediately. This is
the first thought that is in this report that we are not, in
effect, saying that it is in its infancy, we have not had a
chance or opportunity to corroborate all the evidence and
testimony come forward because of the obvious restraints the
committee has operated under, and so forth. I think that
ought to be the first thing that we say.

I think that, in a sense, will get us off the hook of
having to defend each and every statement that is in here with
regard to potential witnesses, evidence and so forth.

Mr. Sprague. We just want to be very careful, like that
Trafficante-Ruby situation. We can put it more in the
beginning than we have it. We did not want it thought that
this committee representing the House of Representatives is
making the statement, nonetheless, because if things are not
put in a cautionary sense, it is going to have the weight of
this committee behind it and it ought not have that where we
are not able to say that definitively.

The Chairman. Mrs. Burke.
Mrs. Burke. Thank you very much, Mr. Chairman.

Before we get too far along, I wanted to ask if it is possible to clarify who Mr. Maheu was. We know, but every time I have heard the name or the name said, I have heard someone say "Is this the same Maheu?"

Could there be some sentence there explaining which Maheu and the fact that I guess he testified to certain things before the Church Committee?

Was it the Church Committee?

Mr. Sprague. That is correct.

I will certainly put in who he is and his statement that he was in fact recruited for this purpose.

Mrs. Burke. The next thing I am saying is something I am not sure about the reaction politically.

The allegation that we go on here, the CIA, FBI, and various things. If I could argue both sides.

It does raise confirmation of suspicions that some people have. On the other side, there are many people I find in the House that, unless there is something that they can really cling to, they are terrified by the idea of criticizing our intelligence agency.

The statement, for instance, in here that Hoover tried to mislead the Warren Commission. From my experience, and my own experience relates to appropriations where we reviewed, for instance, the CIA budget, where we took a vote there and
the majority of the members of that committee voted not to know what was in the CIA budget, the idea being that there is this terrible apprehension of criticizing those agencies.

So, I just want to raise the question, realizing that maybe the people who feel that way would never vote for us anyhow, which is a possibility, but I am not sure, and I would just throw that out, Mr. Chairman.

The Chairman. I think the gentlewoman's observations are well taken.

The gentleman from Maryland said he had originally voted for it, but now he understood that it would embarrass the FBI and like that, he used the FBI in his objections the last time. He opposed the resolution.

I think that is something we might rethink, in light of that knowledge. What we wind up doing is one thing, but it might not be necessary for us to telegraph it.

Mr. Sprague. May I respond, Mr. Chairman and Mrs. Burke?

We put it in, and it is on page 14 really dealing with "The committee has obtained evidence suggesting the actual destruction of evidence."

That, in fact, is something that is known and that the Federal Bureau of Investigation has admitted. It is not a disclosing of something unknown there. It seems to us that not putting in a matter that is concerned with the connection between Oswald and the FBI, when it already is an area that is
in the public domain and questions have been raised, would lead to the question why is it not mentioned since you are mentioning different things? That is the reason for that.

It seems to us that everything we do is going to be reviewed, subject to analysis. If this is an area involved in the investigation, if there is a feeling of not putting it in now because, let us say, someone might attack us on it, I query how thorough will be the investigation if there is a concern like that and something that is publicly known.

The second part dealing with the misleading statements, again, that is not based really on witness's statements. That happened to be something that is predicated upon the actual documents that exist.

Mrs. Burke. If this is in the public domain, I would think it should be stated specifically, rather than "The committee has information" it should be saying that evidence has already been corroborated or there have already been statements before committees that Oswald had a link with the CIA. If we have it in the public domain, I think it should be specifically stated.

The Chairman. Mr. Tanenbaum, isn't that in the Warren Commission report?

Mr. Tanenbaum. What is in the report is that Oswald had some pro-Castro views. There is nothing there that indicates that he had links to the CIA, that we have, namely,
through Feliciano. That is new; it is not in the public domain.

The Chairman. I thought the Warren Commission sent their counsel to J. Edgar Hoover for the purpose of his making inquiry as to whether Oswald was one of their agents or not.

Mr. Tanenbaum. That happened in executive session on two occasions in January 1964.

The Chairman. Mr. Fithian.

Mr. Fithian. I share some of the concerns of Mrs. Burke. I am wondering if, on page 14, we might not want to do it slightly differently. I think that we ought to indicate at the beginning of that paragraph at the top of the page that "It has already been established that," or some such wording, if that is the case, and then I am wondering if we might not drop the rather accusative paragraph which follows involving the CIA, et cetera, "must be fully scrutinized."

It does seem to cast this whole inquiry and investigation into sort of an investigation of the FBI and CIA. Some aspects of those two agencies obviously have come into review.

I am wondering if we need to irritate those members who otherwise might go along with us. I have found one of the more effective arguments with some members of the House is to argue the case that we ought to clearly delineate, in the course of this investigation, exactly what administrative
procedures were and were not followed by agencies of the
government in order to establish whether or not there is
need for legislative remedy. One of the things we do not
point to in this report -- maybe we don't want to; maybe
that is jumping the gun -- but it does seem to me to be a
very convincing justification for this committee as a
Congressional committee to review those procedures and to
conclude sometime down the line that we ought to mandate
that in times of national emergency or assassination of a
President or a national leader that certain things would, of
necessity, be done by these agencies; that all information
would be immediately transmitted to duly constituted investiga-
tive bodies, or some such thing.

For a lot of them who are uncertain as to exactly what
role either of these agencies was and there are those in the
House who fall on both sides of that, they can all agree that
if this investigation demonstrates a breakdown in the normal
process, then it might well be the responsibility of this
committee to recommend some legislation correcting the process,
and that is not necessarily digging up the bones of J. Edgar
Hoover; it is looking down the road ahead to prevent some
breakdown in the process.

I am wondering if we might not want to drop words like
"scrutinize," et cetera, and recast that in such a way that
it simply indicates we are going to review all of these
processes and where they demonstrate or prove to have broken
down we may want to subsequently recommend legislative remedy.
That is not proving who killed JFK or Martin Luther King.
It is an entirely different thrust.

Mr. Tanenbaum. I think a point has to be made here.
That is what we are not simply saying from what we know that
J. Edgar Hoover whispered in somebody's ear something that was
significant; that CIA made a mistake in filing a report,
we think during the course of the investigation we are going
to look into those kinds of problems.

The two areas we have with the FBI and CIA are very
significant. In fact, J. Edgar lied about a very important
witness concerning their own assassin; Oswald. CIA misrepre-
resented also about Lee Harvey Oswald, his alleged trip to
Mexico City.

It seems to me that people who otherwise might not vote
for this committee because they think there might be a
problem in those areas might be very hard pressed, when
confronted with the report, that documents based upon their
own documentation, not witnesses that we have but upon things
that they have themselves, that we were able to put together,
they will be very hard pressed on the merits publicly to vote
against the committee that has demonstrated unequivocally
that both of these agencies significantly played a role in
covering up, acquiescing or participating in the assassination
of the President.

Mr. Fithian. Why don't we say "based on documents in possession of these agencies"? In other words, we are not now drafting this from newspaper accounts. It would strengthen it if we say "based upon documents in the possession of these agencies."

I am still wondering, instead of saying all this scrutiny business, that we might not hint at some legislative remedy. I know as an investigator you don't worry about what we might do later on in offering a bill before Congress, but that might well be the action of this committee.

Mr. Tanenbaum. Absolutely. I do think that it is very important that we ourselves maintain our own integrity with regard to this.

I agree with Mr. Stokes, there is no need to telegraph a play that may be called sometime in the future. This is a very fundamental issue and that is part of what we have already found. For us to sidestep it now, it seems to me, is not to really play fair and square with people who are in the opposition.

If they still wish to vote against us, knowing that we have documentation about significant major importance, powerful misrepresentations and cover-ups, then let the record be so stated that they voted against it knowing that, rather than just simply saying that we are going to carefully
scrutinize or in any way politically, we can all agree.
This is too important to do that.

Mr. Preyer. I think the first paragraph does what you
are talking about. It sets out, it talks about information,
when corroborated. It talks about evidence.

I believe with Mr. Fithian on that second paragraph that
there you are drawing a conclusion rather than talking about
what we have in evidence. From a political point of view, it
is going to antagonize some people, I am afraid. They will
say we are on a crusade against the FBI and CIA.

I don't see how we can lose anything to either strike
out the second paragraph or amend it in the form that Mr.
Fithian has suggested. We are not trying to hide from any-
body that we have evidence and information that they are
involved.

The Chairman. The staff can take those suggestions in
mind and work that over.

Mr. Sprague. Mr. Chairman, we can omit that second
paragraph.

Mr. Devine. As a postscript to what has been said
about that, I think it should be in our final report, but it
can be inflammatory to those persons who are looking for
excuses to vote against us.

We have to survive in order to get to the point to
establish those things. It is not essential that this be
retained at this point; I think it had better go out.

Mr. Sprague. I think it is easy to omit that second paragraph altogether.

Mr. Fithian. Mr. Chairman, a small technical matter.

On page 10, which has the budget, would it not be helpful to put an asterisk behind that final figure at the bottom and indicate in the footnote that this figure includes the repayment of the $254,000 for the funds already expended during the January to March period?

Those of us who work with these figures so much now know that is the case, but I think it might be helpful to other members who are reviewing the budget to know when they see the one page that has the budget in it, that that total figure at the bottom included the January-February-March repayment of funds already expended.

Mr. Sprague. Mr. Chairman, may I bring to Mr. Fithian's attention that the paragraph just preceding that budget figure ends with the following statement:

"We submit for the consideration of the members of the House the following summary of our proposed budget of 1977, which includes the funds."

Mr. Fithian. What I am saying is if somebody is bothered with the budget, they don't read the rest of the report. They say "That is $2,796,000. I thought the Speaker was in favor of $2.5 million" -- bang.
Mr. Sprague. We can easily put an asterisk and put that specific thing under it.

Mr. Anderson. Mr. Chairman, I have a brief comment, if you have not passed the point of discussing page 10 of the report.

I think that, to some extent, this very, very skeletal outline of the budget leaves a little bit to be desired. I am wondering why it can't be fleshed out with just a little bit more detail.

You have a figure here of almost $2 million for salaries, and nothing more. I don't know, I could be wrong, but I think when the members learn that in lieu of the original contemplated staff of 170 that you are down to 115 and they are going to be phased in gradually over a period of time from the present level of 73, that I would explain that a little bit, I think, and adjust a little bit more detail on the budget.

The Chairman. Maybe that reconciliation sheet that you worked on this morning might be the way to do that.

Mr. Preyer. One suggestion has been that we put the budget plus the reconciliation statement plus some of the comments on how we got the six and a half million to $2.7 million that was made this morning into the Congressional Record, print the whole detailed budget in the Congressional Record. I think your point is a good one.
Looking at that cold there, it looks bare.

Mr. Anderson. At least on the salary item, I would like to see a little more detail.

The Chairman. Where is Tom Howarth?

Mr. Sprague. I think he is working on budget for the Appropriations Committee right now, Mr. Chairman, but we can follow through on that.

The Chairman. Mrs. Burke.

Mrs. Burke. Mr. Chairman, how many staff members did the Watergate Committee have?

Mr. Devine. In addition to the staff members, they had the total cooperated of all the FBI, Secret Service and the State Department and everybody else. I don't know the number of persons on the staff payroll. I think it is in our original report.

Mr. Sprague. Are you talking about Warren Commission or Watergate?

Mrs. Burke. Watergate.

Mr. Sprague. Watergate, I do not know.

Mrs. Burke. The Judiciary inquiry, Impeachment Committee?

Mr. Sprague. I have a recollection somewhere of 120.

Mrs. Burke. This is one of the things that was raised with me by some of the people who served on that committee, and I was trying to get the correct figures.

Mr. Sprague. We can get that. It is 110.
Mrs. Burke. I think it is good for us to know.

The Chairman. Mr. Fithian.

Mr. Fithian. Mr. Chairman, I would suggest that in our own handling of this, that we point out or emphasize in our discussions the point Mr. Dodd raised; the fact that there are two investigations going on, so any members we have can be divided by two.

I am wondering if we might not follow up so that the staff has very specific instructions on what Mr. Anderson has raised with regard to fleshing out the budget. I am very much in favor of the total budget we discussed this morning and Mr. Preyer's remarks going into the Congressional Record.

I don't know how much is appropriate to include in here, although I am not one to worry about duplication of places that members of Congress could find to read this thing, because if we tried to get at them both through the Congressional Record and this, they will think there is something wrong with it.

I am wondering if we could give the staff some very specific direction as to how much of the budget and how much of the material you are going to put in the Congressional Record is going to be printed on pages 10 and succeeding pages.

Mr. Preyer. One thing that occurs to me is that we could print the new budget here and put a column of the original
budget beside it so that you could see how much salary had been reduced and so forth, and that would give you the opportunity to then put a page of comment under salaries and explain that this reduction came about by reducing to a total of 115 from the original total, and that sort of thing.

Mr. Fithian. And then perhaps some comment at the bottom that would indicate that anyone who wants to peruse the entire budget and explanation of it should see pages X, Y, Z in the Congressional Record of such and such a date.

I think we are not giving too clear a road map where they can find the information. They are all pressed for time as we are. If we have in there, indicating on pages whatever it is, in tomorrow's Congressional Record they can find the entire budget, at least it cuts the ground out from under them by saying in the course of the debate, "Well, you don't present us with enough information on this budget to know whether to support you or not."

It arms us a little better for the debate if we do that.

The Chairman. I suppose the headlines will be, "The committee cut the Sprague budget by $4 million, anyway."

Mr. Sprague. The committee cut Sprague.

Mr. Fithian. I see here Item 3, "Consulting Services."

It seems to me that at our task force meeting, Mr. Chairman, we had some discussion about spelling out something there, about experts or something, forensic services, scientific
services, so that it did not sound like it was a sludge fund for consultants, knowing the way the House operates.

Mr. Dodd. Mr. Chairman, I have gone through the report and have a bunch of little technical changes and some that are a little more substantive.

I wonder if we might start with some of those.

The Chairman. Sure.

Mr. Dodd. On page 1, second paragraph after the words "Martin Luther King, Jr.," for clarity's sake you talk about "despite the eight years since these final conclusions were reached" and so forth.

On page 2 at the very bottom this language might go toward the front. "The investigations are in their infancy and, therefore, the committee cannot submit verifiable conclusions with respect to the assassinations."

I would change the language to read, "Before all the evidence is gathered, tested and corroborated, and inquiry is completed."

Page three, I have a question on the very first sentence, "While the committee is pursuing new information, it has also undertaken to initiate an exhaustive de novo investigation of the assassinations."

It seems to me from the Rules Committee discussion and others is this to be a de novo investigation or are we going to be relying on testimony, evidence and so forth? Maybe I
still unclear. I thought this was not going to be a completely
de novo investigation. That is a fundamental question. I
thought we were going to be in with those things already
established, we are not going to go back to the very first
moment in time.

Mr. Sprague. Mr. Chairman, I think that is a pretty
fundamental question. I have been under the assumption that
we are going back to ground level number one, because part of
the problem that would exist if it is not de novo is how do
we know that which is in fact so?

We must start at the beginning. There are, obviously,
things along the way that have been established; there there
is not going to be any difficulty in our reestablishing. But
it seems to me that is where we start.

Mr. Dodd. Maybe I am suggesting that there is some
language after that sentence which would say, in effect, just
what you have said that obviously, where evidence has been
established as being conclusive, the committee is not going out
to reestablish that evidence.

The Chairman. Will the gentleman yield to me?

Mr. Dodd. Sure.

The Chairman. I suppose what you are saying by eliminat-
ing the words de novo you could say "initiate an exhaustive
investigation of the assassinations," which includes going
back to the beginning, wherever you have to. I think de novo
might engender some discussion. We still can do what we have to.

Mr. Dodd. That is a kind of fuse word language to our colleagues, to hear the word de novo.

Mr. Fauntroy. I wonder if I may speak to that.

I have not had an opportunity to read this, but it seems to me what has been effective in my discussions with other members has been to say that the committee is actually active in two areas.

First, that we are identifying documents, evidence, names and locations of witnesses and the like that are available to us through both state, local and federal agencies. We are identifying that.

And that we are also, secondly, and I hope this language is included in this draft, we are also in the process of looking at new and previously unpursued leads.

With those two things on the way, obviously we have to do, in my judgment, a de novo investigation. Once we have in hand everything that everybody has that we have looked at, then we do the investigation and come right up.

Secondly, in the process I have been saying, we are doing it. Like being cut off from the FBI files; we are looking at all of them. In the meantime, there have been some new leads.

What perks up people, in my judgment, is when you say
new and unpursued leads. I would hope that we hold to the idea of doing the investigation but having in hand when we do it, when we go to sit down at ground zero and say that we are at the Rainbow Motel, we know everybody else who was there and where they are.

The Chairman. You would agree with Mr. Dodd's reasons?

Mr. Fauntroy. Make it de novo.

Mr. Dodd. The last paragraph on page 3, "Now that the committee has adopted rules of procedure and proposed a budget, we are ready to continue."

I am changing the word "concentrate" to "continue." I think the concept should be woven through the entire report that this is a continuing function we are undergoing and not something we are concentrating on. Change the word "concentrate" to "continuing."

On page 4 -- and this was raised by Mr. Fithian in part at the beginning of that Section II A, I would like to include here and anywhere else the staff may find helpful, this restated concept of legislative action at the conclusion of this inquiry.

Again, from a Judiciary Committee standpoint, one of their major concerns is that our resolution and our efforts be designed ultimately to result in legislation to come out of this committee, not just a criminal investigation. The language I have added here is, "The task of investigating
these two murders, especially as they relate to identifying possibly future legislative action by Congress was commenced under resolution," and so forth.

I will read it again. After the words "two murders," "especially as they relate to identifying possibly immediate future legislative action by the Congress." That is something I feel we should emphasize, the legislative intent, because it is one of the major criticisms we face.

On page 5, paragraph B, "The 95th Congress," going down to the beginning of the third sentence with the words "thereafter," after "February 2, 1977." "Thereafter, on March 8, 1977, Congressman Louis Stokes was appointed Chairman by the Speaker of the House of Representatives and the committee was again reorganized and continued to pursue the investigation."

Again the word "continuance." This is the period, that month, that I think is important so far as I have understood it, that even though the phones were cut off and even though the access was eliminated to the FBI, the staff was still working, research was being done and so forth.

I think it might be important that during that month's period, the emphasis was on continual operation; crippled though it was, it was still a continuing investigation.

Mrs. Burke. There is no mention here of the former Chairman Gonzales. I think there are people who are
immediately saying "and they did not even mention his name."

Mr. Dodd. We can put in subliminal cuts.

Mrs. Burke. I think we have to give some recognition of the fact that he was the chairman at some time. Believe me, there are a lot of people who are very sensitive on this point, I am telling you, arguing and discussing and rationalizing that we are trying to say that he has not been just overlooked and slighted and everything else.

I think we have to put some reference that he was chairman.

Mr. Fithian. I would suggest that perhaps we could establish credit where credit is due very early in the report on the creation of the committee, but saying in respect "In response to the resolution proffered in the House by Henry Gonzales (D) Texas, when he first introduced the resolution," which goes back a long way, "and Mr. Downing's resolution."

In other words, we can point to both their resolutions as being the fathers --

Mrs. Burke. That is not true.

Mr. Fithian. I am not suggesting that we put anything in that is not true.

Mr. Fauntroy. Explain it to him.

Mrs. Burke. Those resolutions were introduced and those resolutions were voted on and defeated in March 1976. The only reason that those resolutions were passed was the
compromise reached on the resolution introduced by Mr. Fauntroy.

It was a matter that the only reason the resolution came up on there before the Rules Committee was that we had obtained a change in position and support for another resolution just out of courtesy and we had to wait for the matter of having an old resolution overlooked, that those resolutions were brought up.

That is a very misunderstood point.

Mr. Fithian. To give credit where credit is due in including the Martin Luther King resolution?

Mrs. Burke. They were not before the House.

Mr. Fithian. As a member who came to the Congress first just one term ago for many, many months whenever discussion of the investigation of reopening the Warren Commission came up, it is my clear impression that there was only one name associated with that and that was Henry Gonzales.

Mrs. Burke. All of that was over and it had been voted upon and the whole matter was set to rest. It was only brought up again in the context of the King resolution, and this was a matter of just, really it was just a matter of having a vehicle rather than just overlooking it.

The Chairman. That is an important point that the gentlewoman is bringing up, because among the members on the
Floor that is not understood, but that is the fact.

Mr. Fauntroy. I did attempt to explain to the former
chairman when he cut off access to the FBI materials by the
staff that he was overlooking the fact that the only reason
he had access was that I was kind enough to accept —

Mr. Dodd. Let us go off the record.

(Discussion off the record.)

Mr. Devine. "Congressman Louis Stokes was appointed
chairman by the Speaker of the House of Representatives
succeeding Henry B. Gonzales."

Strike out "and" and start the next sentence, "Immediately,
the committee was again reorganized."

The Chairman. Would it not be better, Sam, if we said
this: "After February 2, 1977." "Upon adoption of this
resolution, Henry B. Gonzales was appointed chairman of the
committee." Then thereafter "on March 8th."

Mr. Devine. Either way.

The Chairman. It follows a more logical sequence.

Mr. Devine. Either way.

The Chairman. Does that sound okay?

All right.

Mr. Dodd. The next paragraph on page 5, beginning with
the language, "One of the first actions was adoption of the
rules of procedure" and then this next sentence I have added
language, "This item was a major requirement of the House and
it is the committee's belief that these rules are outstanding" and then I have added here other language: "in their recognition of the requirement of due process, orderly investigations and emphasis on strict controls of staff activities and may become a model for investigative committees in the future."

To repeat, after the word "outstanding," "in their recognition of the requirement for due process, orderly investigations and emphasis on strict controls of staff activity."

In the next paragraph, "A task force of the committee was appointed to consider the budgetary and staff requirements of the ensuing year. In addition, the committee reaffirmed the decision to divide into two subcommittees."

Mr. Edgar. If the gentleman will yield at this point where you are reaffirming and dividing into two subcommittees, I notice on the front page, the third page in, it is not numbered, where it lists the members of the committee, it lists our chairman and each of our members, I wonder, since we have made the division, whether we ought not to put the two names of our chief investigators into the King and Kennedy assassinations to highlight to the members of the House that not only is Dick Sprague the Chief Counsel, but in fact Mr. Tanenbaum and Mr. Lehner are working as lead people.

I think it would be helpful for the rest of Congress to
know that there are those two persons pursuing those two independent investigations.

The Chairman. That can be done without any problem.

Mr. Sprague. Mr. Chairman, could we also include in that the two chief investigators on this?

Mr. Edgar. I don't have any problem with that. I just wanted some way of showing the substance of the number of people who are on staff who are top staff personnel who are pursuing the investigations.

Mr. Fithian. I think the value of doing what he is suggesting is that it is a graphic way of saying there are two investigations underway here which subconsciously may affect or impact on some people who say, well, there are too many staff, or whatever.

It would show at the outset that we have Mr. Tanenbaum, Mr. Lehner and the chief investigator under that organizational chart appearance. I think we would do a lot to transmit to them directly.

Some people may flip this over and see who is on this committee anyway. That might be the only page some people read, so far as I know.

The Chairman. Okay, fine. The staff will take care of that.

Mr. Dodd. On page 6, I changed the language "Mr. Fauntroy, again, was appointed," to "remains as chairman of
the King subcommittee and Mr. Preyer the chairman of the Kennedy subcommittee."

I am trying to show flow rather than emphasizing the breakup the committee went through during this traumatic period, to emphasize flow and continuity.

The end of the next paragraph, paragraph beginning, "A meeting was immediately arranged," I have added a sentence at the end of the last sentence there to read, "Access to FBI materials on both assassinations was continued."

Dropping down to the two paragraphs, the paragraph beginning with the words "On March 11, 1977," going to the very end of that paragraph, changing the period after the word "consultants" to a comma and adding the following language: "including ballistics testing of the alleged rifle used to murder Dr. King."

The next paragraph, beginning with the language, "On March 16, 1977," and the second sentence in, "The witness refused to testify, claiming his privileges under the First, Fourth, Fifth and Fourteenth Amendments," not just the Fifth Amendment.

Further in the next sentence, "The staff continues to explore the leads developed in this area, and the committee is considering recalling this witness to pursue these questions," again to reflect the status with which the witness left the committee.
The Chairman. I think the official language was that he remains under subpoena to this committee.

Mr. Dodd. Correct.

Maybe that would be better said that way then "and he remains under subpoena."

On page 7, under "Rules of Procedure," a technical amendment. "Congressman James J. Delaney" and "Chairman of the House Committee on Rules" is the proper title of that committee.

On page 9, subsection D, "Staff and Budget," the second sentence, "The committee has," and I have changed the language, "been fully briefed" to "discussed at length."

Mr. Edgar. Going back to page 7 where the American Civil Liberties Union letter is noted, I have noted in a number of reports they do include letters from the Administration and letters from other people.

I wonder what the value would be to make that statement and then include the letter from the American Civil Liberties Union. Is that a bad idea or excellent idea?

Mr. Sprague. Mr. Chairman, may I be heard on that?

The Chairman. Mr. Sprague.

Mr. Sprague. I think it is a bad idea, for the reason that although that letter now supports the rules and supports the continuation of the investigation, they state things that we allegedly were going to do in the past which we never were
going to do. It happens to be a good illustration of the falsity of things that had been spread around.

I do not think that we ought to have their letter here, since it does state things absolutely contrary to what we ever intended to do.

Mr. Fithian. On many occasions, including in this report, however, there are examples of simply taking or quoting from insufficient sentences; we in the profession do this all the time. We don't use a whole six-page letter when there is only a half page that is pertinent.

You put in an ellipsis and the three sentences you want and you go on. It is called selective evidence, Mr. Chairman.

Mr. Sprague. The trouble with that is that you end up with a blank letter.

The Chairman. The essence of the letter was the fact that this quote as contained here was the real essence of it.

Mr. Devine. I know a number of members that if they see the ACLU favors the investigation, they will vote against it.

The Chairman. That is right. It is a red flag for some of the members.

Mr. Dodd. On page 12, top of page 12, the second sentence, "The committee staff has spoken with the witness who stated that in November 1963, prior to the assassination of President Kennedy, the witness was personally introduced to Lee Harvey Oswald by Jack Ruby," has that been
corroborated or is that a fact?

Mr. Tanenbaum. Yes, it is a fact.

Mr. Dodd. It has been corroborated; the committee has received information not yet corroborated that Ruby traveled to Cuba and so forth?

Mr. Tanenbaum. I am just trying to protect you.

Mr. Sprague. Mr. Dodd, the statement that is there is absolutely correct. In other words, we have interviewed a witness who has stated that. We are not in a position of saying whether what that witness is saying is true or not. That is different than the next sentence which is based upon information that we have received of somebody telling us that he was at the jailhouse and he saw Ruby coming there to visit Trafficante. There is that difference.

Mr. Dodd. You received information that Ruby traveled to Cuba to visit Trafficante. You received a statement from a witness who claims that he was introduced to Oswald by Ruby. One is corroborated.

Mr. Sprague. I will say either is corroborated. I know that we have a witness who says the one thing. We have information about the other, but we have not really gone to those sources yet. We cannot state that, in fact, when we go to those sources they are going to be in a position of saying, yes, they saw it.

Mr. Dodd. I am just trying to protect against the
accusation later that we are blowing smoke. If you want to leave it like that, I have no complaint other than just protect ourselves, that is all.

Mr. Fithian. When you say "committee has received information, not yet corroborated," that leaves me a little uneasy, because it appears as though the counsel is anticipating corroboration.

I was under the impression that that was uncorroborated and likely to remain uncorroborated. The inference I draw from that is that it is not yet done, but we expect to get this done shortly.

Mr. Sprague. I do not want to give that implication. He was not yet corroborated. We don't have corroboration at this time.

Mr. Fithian. Could we get out of it by striking the words "not yet" and put in the word "uncorroborated"?

The Chairman. Before the word "information"?

Mr. Fithian. Yes. That is even better.

Mr. Sprague. That is fine.

Mr. Fithian. On page 13, second paragraph, "Recently an FBI informant stated he had seen an FBI agent and Lee Harvey Oswald meeting." Who did the FBI informant state that to?
The committee staff; another informant?

Mr. Tanenbaum. To Dan Rather.

Mr. Sprague. My problem there in stating that, I would
not like it to look like a House committee is relying at this point on a report carried by a newsman of what was said to him. It is the basis of the statement that we are making, but I don't like the idea of any notoriety.

Mr. Fithian. Say "reliable source."

Mr. Sprague. I don't want to say reliable source, either.

Mr. Devine. You can say publicly stated.

Mr. Dodd. It is a question I would ask if I were looking at the report. If I was reading this thing and wanted to poke holes in it, that is one of the questions I would ask.

Mr. Tanenbaum. We have spoken to the witness on the telephone. He is the witness who indicated previously he wants to take a lie detector test. He has indicated to us that what he said then is so. Before he speaks to us any further, he wants to take a lie detector so that we will understand he is telling the truth.

Mr. Sprague. I guess the answer to your question is that he has now said it to us. We can put in there "advised by the witness."

The Chairman. In talking with him, did you consider that an interview or just conversation?

Mr. Sprague. I would call it an interview.

The Chairman. If that is a fact, then you could say "The witness, interviewed by our staff" or "witness we have interviewed."
Mr. Sprague. My thought was to say "Recently, an FBI informant has advised the committee that."

The Chairman. It takes it out of the Dan Rather category, at least, and puts it here.

Mr. Dodd. Page 15, the third paragraph, "An FBI ballistics expert," the third paragraph down, beginning with the second sentence where you have the word "others by contrast believe that the bullet possessed sufficient characteristics."

Mr. Lehner. We have one expert, Mr. MacDonald, who has stated that. We also have Mr. Haines who stated that, who was a former FBI agent. I don't think we would characterize him as an expert. That is why we left it with that vague "others."

Mr. Dodd. I think you ought to say "another expert."

I think you ought to be clear.

Mr. Fauntroy. I think that would be helpful.

Mr. Lehner. We can put "an expert."

Mr. Fauntroy. "An expert" or "Another expert," but I would not leave it as "others."

Mr. Dodd. The last thing is on the last page of the report, page 23. This is merely a question. I don't know how it should be done. "Again, I would like to emphasize the committee, therefore, recommends," and going to the two points here.
I would like to emphasize again here that I think the language regarding legislative intent ought to be stated at the conclusion of this report as well. I will repeat it again. We ought to emphasize that, however possible, in this report. I don't know what language, but in addition, that the House reconstitute the select committee and that the House approve the budget.

The Chairman. Will the gentleman yield to me on that?

I am just thinking out loud with you on this. The first thing is that I am wondering whether we need to have this recommendation, and secondly, I am wondering -- we are not asking at this time for action on the approval of the budget.

I don't know that these two explanations need to be included. Just strike both of those recommendations.

Mr. Edgar. Under title of Section 5, it ought to say conclusions.

The Chairman. Strike both recommendations. Strike the language on page 22 saying "and recommendations."

Have you finished, Mr. Dodd?

Mr. Dodd. Two other points. One is the statement "Today we had a closed session with Mr. Sprague regarding allegations" and so forth. I would like to have that, if it is not already, typed up; we are going to need that right away. It may be far too lengthy to incorporate in the Congressional Record. I think stapled together and collated,
it could be available to members to go over.

I have had several requests for it. The members who are most concerned about this have expressed satisfaction that those of us on the committee are satisfied, but they still would like to be able to have access to it.

I think that should be done immediately.

The Chairman. Do we know when that will be ready?

Mr. Sprague. Mr. Chairman, it will be ready tomorrow. We are making copies for every member of the committee so that you can have it for your own use if you want it. The 17th, I guess, would be in the morning.

Mrs. Burke. I was going to suggest that if we feel it important enough to be in the record, we could sequentially each sign for an entry in the record for it to appear that way if it was not too long. I think we can get it in the record if we feel that it is justified.

Mr. Fithian. Mr. Chairman, I am not sure whether it is the intent of the committee that it should go in the record.

The Chairman. I think there is a consensus generally that it ought not go in the record and be picked up by the press and let them make an issue of that at this point in time.

So now I think it ought to be kept within the members of the committee's jurisdiction, and they can share it with those members when they please.
Mr. Dodd. I can remember one member in particular who
is going to be asking for a copy.

The Chairman. It was in executive session, and I don't
think he should have it.

Mr. Fithian. Congressman Wirth raised the question
originally. Mr. Edgar and I have both talked to him at some
length.

Our arrangement is simply this; that we, as a member of
the committee, can get a copy of that proceeding in executive
session. That if he and his staff person who has gotten
involved in this and dug into it earlier and raised the
question, want to come over to Mr. Edgar's office and sit
down and read it, that is fine.

I wholeheartedly concur that to now make this thing
public would make -- I think some reporters are looking for
something to run one good solid story or two between now and
our vote on the Floor. I think it could be handled that
way, if they are that interested. If they are not that
interested, they should not see it, anyway.

If they are interested, they can come over to our office
and look at it.

The Chairman. I really want to caution you that that is
all this committee needs.

Mr. Fithian. I have an altogether different point to
raise here, Mr. Chairman.
The Chairman. I know that Congressman Fauntroy has been waiting to be recognized regarding the section dealing with the Kennedy matter.

I want to recognize him, and then we can come back to you.

Mr. Fauntroy. Mr. Chairman, I would just like to suggest some trappings for the King report. In the first instance, knowing the penchant of the members for scanning reports and trying to glean quickly what the reports say, I would suggest a topic sentence to begin on page 14.

After you say "Development of the investigations into the assassination of Dr. King," I would like to suggest a topic sentence that summarizes what the report is and if it appears that that topic sentence would go something like that.

"The investigation into the assassination of Martin Luther King, Jr., is proceeding along two lines of inquiry. The committee is first investigating new and previously unpursued leads in the assassination of Dr. King. Second, the committee is investigating a number of questions not answered by our review of available documents and investigations conducted by federal, state and local agencies into the assassination."

Having stated that, it seems to me then logically, we could list under the topic "New and unpursued leads," which I
think ought to be up there because everybody is asking, "What is new?" -- I may quarrel a little bit with the order, but it seems to me the fact that James Earl Ray is now willing to talk with us after having publicly said that he didn't shoot him and has indicated in his pleading that he did not agree that there was no conspiracy, that is a new lead.

Secondly, I think at the very top of the new lead on this ballistics test, we sort of run into the ballistic test without saying why we are running into it. The key sentence there, I think, has to do with the belief by at least one expert that the bullet possesses sufficient characteristics to permit a definitive conclusion.

So, the new lead we are pursuing is that the conclusion was reached that the bullet could not be identified; on the basis of our information, now it may be. I think that somehow has to be the top of the reference to the ballistic test, because the ballistic test does not make context until you get that far.

Now the third group is one that I have found on page 16 to be very impressive among the members with whom I have talked when I say as a topic sentence to them "we are investigating," I say "six previously potential witnesses who are prepared to testify on pre-assassination plot activity."

You have a statement here that essentially says that, but
then having the people looking for the six. We don't have
them here. But just that statement, look at six people who
have never been interviewed before whom we have identified
with whom we have talked, who give witness to pre-assassina-
tion activity, several witnesses about conspiracy against Dr.
King's life.

Is it a problem for you to quantify that, saying five?

Mr. Lehner. The problem is that some of these witnesses
have spoken before to the FBI. The FBI has given in at least
two instances, I think, a short investigation of it.

Mr. Fauntroy. It is that category. Sartor, his family;
there is Beard, McFarren, Zapp, Davis. We can't detail that
in the report, but it seems to me that the impression ought to
be given and it is a fact that we have identified and are
pursuing potential witnesses on that.

It may not be necessary to even rearrange this language
except to just give a little topic to that.

The Chairman. Will you yield for a moment?

Mr. Fauntroy. Yes.

The Chairman. I think you could rework this on page 16.

Your second sentence really does not say very much. You say
"The information furnished by some of these witnesses has the
potential to provide independent corroboration for the infor-
mation received by the committee from others of these
witnesses."
To me, this is a rather awkward construction there. You might sort of reshape it in terms of hitting upon what he is talking about; information relating to pre-assassination conspiracy?

Mr. Fauntroy. Once you have done that, then I think you can go into questions not answered by our review of available documents and investigation of state, local and federal officials. Under that, it seems to me you could list first the funds question and tie it to the FBI -- I think you have done that -- to the FBI task force report. The passport is a question, the escape from the penitentiary, the removal of the security surveillance. The radio diversionary announce-

ment and the one family member, the question raised by the FBI.

These are questions left unanswered that we are pursuing, that they all happen to be related to the question of assistance; whether we have assistance both with the fund, passport, escape from the penitentiary, and the radio diversion and the one family member question which Mr. Bell mentioned, and then finally, it seems to me that there ought to be a paragraph -- and you essentially do that -- which mentions the task force report of the Justice Department and makes reference to the fact that we have already mentioned the Justice concern about funds. I think they are concerned about one family member.
In the previous report, you said three questions remain from the task force report. One was the fund; they said it was a mystery, the fund was a mystery.

They said one family member and didn’t explain had been involved.
Before Dr. King pointed to conspiracy, that could be among the unanswered questions.

Mr. Chairman, in short, I am not recommending any specific language at this point because I have not had a chance to do it carefully, but I do note it would be very helpful to have a topic sentence that gives us those two areas for which members can scan quickly to find the basis for those statements.

The minute they see new and unpursued leads, they will wake up. If you just start reading about Ray willing to testify, they are not going to wake up.

The Chairman. Page 15, the third paragraph down, third line we have a typo, "bullet." On page 17, second paragraph where he said "The committee intends to investigate the source of Ray's funds in general and of those $20 bills in particular." I would end that sentence with "funds."

Mrs. Burke.

Mrs. Burke. Mr. Chairman, the first memo that we received on the King investigation is made up of two parts. This is sometime back. One was a series of questions that were raised. The second memo, I believe, set forth cities.

Of the things that we have received during this time, those two documents, to me, raise more question and appear to go into areas that had not been pursued by most of the writers, more than anything else.
I just wonder if some of those things could not be embodied in this report? The kind of things that were raised in those memos, do you have those available now?

Mr. Lehner. Let me see if I do.

Mrs. Burke. They were in the notebook you put here at one of your early meetings, and it had a list of questions.

The Chairman. That was the analysis the staff did of the Justice Department's task force.

Mrs. Burke. No, I mean some time ago.

Mr. Sprague. Mr. Chairman, it was one of the first committee sessions.

The Chairman. I remember.

Mr. Sprague. We just gave it to Mr. Edgar.

Mrs. Burke. We turned them in at that time.

Mr. Sprague. We still have them.

Mrs. Burke. I see here, this is it, that Mr. Edgar has. There are many things here I think would move in a direction of bringing before members of the House concrete issues. I have not seen this for a long time, so I am not sure of the details, the kind of things I am thinking about, but one of those -- let me see if I can find the kind of thing I was referring to. It is this whole area of questions that have not been answered.

Mr. Sprague. Mrs. Burke, I think when we prepared that, we are not saying there were questions that had not been
answered. I think we are suggesting they were questions that would have to be addressed. The answers may have in some instances existed and in others they may not have. We are not sure.

Mrs. Burke. I know what I was trying to think about. The circumstances immediately surrounding the shooting; the location of the room, the determination of what hotel Dr. King would register in, the change of hotel, the change of room; if, in fact, these things did take place.

These are a number of questions, and I believe there were a series of questions on Ray's immediate issues, understanding they have not been pursued.

My reaction to this section was that it was very, very general, and in trying, I could get something I could present to members that would be persuasive of what I have been trying to do rather than using this approach as to review some of these questions that had been raised in the past.

So I would really hope we could bring some of these a little bit more into this section, a little bit more detail, even if it is only questions. I recognize we are at a disadvantage more on King because you have a body of material, so many writings on the Kennedy assassination; you do not have that in the case of the King assassination. You do not have all the documents that have been reviewed, and all that sort of thing.
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investigations. This is really a reemphasis of what Mr. Fauntroy has said with regard to the King investigation.

I am wondering if, at the very beginning on the first page or two, you cannot use that in the introduction as well as in the conclusion.

Other than that, I am ready to vote on it.

Mr. Devine. Mr. Chairman, I move the adoption of the proposed committee report, as amended, and I think under the rules, it is necessary to have a roll call on that.

The reason I make the motion at this time, I am due at my office at 4:00 o'clock on an important matter. I would like to vote for myself and my proxies, if we have a quorum present.

Mr. Dodd. Under the Rules of the House, any time a committee reports out legislation, you have to have a majority present when reporting out from here.

Mr. Devine. If we call the roll and leave it open for a few minutes, I think we can beat the problem.

Mr. Dodd. That is a long count.

The Chairman. The clerk will call the roll.

The Clerk. Mr. Stokes.

The Chairman. Aye.

The Clerk. Mr. Devine.

Mr. Devine. Aye.

The Clerk. Mr. Preyer.
(No response.)

The Clerk. Mr. Anderson.

Mr. Devine. Aye, by proxy.

The Clerk. Mr. Fauntroy.

(No response.)

The Clerk. Mr. McKinney.

Mr. Devine. Aye, by proxy.

The Clerk. Mrs. Burke.

Mrs. Burke. Aye.

The Clerk. Mr. Thone.

(No response.)

The Clerk. Mr. Dodd.

Mr. Dodd. Aye.

The Clerk. Mr. Ford.

(No response.)

The Clerk. Mr. Fithian.

Mr. Fithian. Aye.

The Clerk. Mr. Edgar.

Mr. Edgar. Aye.

The Chairman. We have to hold until the rest come.

Mr. Dodd. Mr. Chairman, may we go off the record for a minute?

The Chairman. Off the record.

(Discussion off the record.)

The Chairman. Back on the record.
Mr. Fithian. Mr. Chairman, I move a roll call on the report.

The Chairman. The clerk will call the roll again of those members who did not answer to their names.

The Clerk. Mr. Preyer.

Mr. Preyer. Aye.

The Clerk. Mr. Fauntroy.

Mr. Fauntroy. Aye.

The Clerk. Mr. Thone.

(No response.)

The Clerk. Mr. Ford.

(No response.)

The Chairman. Would you announce the vote.

The Clerk. The vote is 10 aye, none nay, two by proxy.

The Chairman. Accordingly, the report is adopted, as amended.

Are you satisfied, Mrs. Burke?

Mrs. Burke. Is there going to be someone available --

The Chairman. Mr. Sprague.

Mr. Sprague. To respond to Mrs. Burke, the answer is absolutely yes. The two people who are available are Mr. Tanenbaum and Mr. Lehner for any briefing that any member of this committee wants, or member of Congress, at any time.

Mrs. Burke. I can give you the names of two people, if the appointments can be set up. One is Mr. Danielson. The
other person is Mr. Krebs, Mr. Lloyd, and it could be done if someone could take over a memo to Martha Keys of Kansas. She voted against the first time. She might change her vote.

Mr. Sprague. The only question I have with regard to this is the staff is under instructions from me, and I am under my own instructions of what I think are the instructions of the committee that we do not make and have avoided making any contact on our own with any members of Congress other than the members of this committee and what this committee sets up for us with any members of Congress.

If you are saying to us for us to make this contact and set it up, we will do so. What I would frankly prefer is if a member of this committee who wants to do so would just set up the appointments, we will comply with them.

The Chairman. Mr. Fithian.

Mr. Fithian. Mr. Chairman, this brings me to the point I wanted to make before we break up.

Starting in about 30 or 45 minutes, I will be contacting each member to get from them some time, hopefully before 7:00 this evening, in any case by noon tomorrow, a final tally of how we stand on our entire whip count.

Included in the tally I would hope would be the names of individual members whom we, as members of the committee, believe could or would want to be briefed. At that point then, to make more expeditious use of time, I would like to
arrange taking all the names from every member of the
committee who needs briefing.

I would like to arrange then a series of maybe three,
four, five times when we might get four or five of the members
together so that one briefing would accomplish four or five
members at a time until we exhaust the list of those who are
persuadable but need some kind of briefing, and that is one
of the purposes of this whip count.

The second purpose is to go back to all members that
any individual member here wants to go to with a computerized
letter; included in the letter a paragraph or paragraphs that
we are devising now and which I would like to have some review
by the staff so that we can go back to the individual members
of any member of Congress that any member of this committee
wants us to follow up on.

We have the capacity to do that with a computerized
letter. All it will take is some individual letterhead from
your office and the individuals you want us to send the letters
to. We will process them and have these ready for signatures
of the members of this committee prior to any vote.

We will also report to you, Mr. Chairman, as to where
we stand on this thing, specifically in terms of count.

I just spoke to Mr. Devine. His man has been sick, but
he is hoping to have a Republican count sometime tomorrow.
I will get with you no later than tomorrow afternoon. I would
hope all the members of the committee here would make every
effort to contact people on their list, because we have to
have a hard count by tomorrow at 2:00 in order to put the
rest of the mechanism in motion that we have.

Mr. Dodd. If the gentleman would yield, it has got to
be before that. We have a whip meeting tomorrow morning at
9:15 in the morning. I would like at that meeting to be able
to take our accumulated count, even if we do not have the
sponsors, and turn a good portion of that responsibility over
to the normal whip operations. That, I think, would increase
our possibility of success.

If the leadership of the Congress is pushing this as a
whip item, it can be counted in the remaining three or four
days. If you can give me that information before 9:15
tomorrow, at least what you have --

Mr. Fithian. I will give you what I have up to that
point. I would raise no objection to the regular whip
system handling this. I think it is crucial, from my experi-
ence today, those of us who are members of the committee, to
talk personally to some of these people.

There were two members today that I talked with, and all
we really needed was about five or six minutes of discussion
in which I could simply tell them, nothing that is really
classified, but just tell them it was my judgment, based on
these things, that this thing ought to go forward, and both
of them made a commitment today to vote for it.

We have a very long way to go on this matter.

The Chairman. Let me ask for a point of clarification, Mrs. Burke. The briefing that you want is not the executive briefing?

Mrs. Burke. It is going to take almost that with some of them.

But let me turn the list of those over to Floyd of those who need briefings.

The Chairman. It needs to go all the way.

Mr. Sprague. Mr. Chairman, we have not the slightest objection, as long as it is set up with members of the Congress by members of the committee for an executive briefing.

The Chairman. But I agree with the procedure of the staff not contacting any member unless so directed. I talked to Al yesterday and instructed him to call a couple members. I assume that was done. I know it was done, in one case.

Mrs. Burke. These are people who asked for briefings. But it could be done by this method. We will try this first.

Mr. Sprague. We would be happy to have the executive type, full, complete, and let them know what it is.

Mrs. Burke. In the case of one, he is a whip, and it might not hurt --

The Chairman. You ought to get to him tonight. The whip
is leaving us tomorrow.

A couple matters. With the committee having voted out this report as amended, when can we anticipate that this report will be ready to file with the House?

Mr. Sprague. Mr. Chairman, we should have the typewritten draft of this with the amendments suggested here to you tomorrow by noontime, so that we can get it over to the printer tomorrow. They told us the printed copies of that would be ready Monday morning.

The Chairman. Mr. Preyer.

Mr. Preyer. Does that have to be ready by noon? I know Mr. Anderson made some comments to Mr. Fithian about the budget provision. I was not sure whether tomorrow is clear or what those changes are going to be or whether it is going to involve -- that will take some writing and refiguring of that.

I am wondering if we can get that done by noon tomorrow.

Mr. Sprague. Mr. Preyer, as long as we can have the typewritten copy of the report to the printing office by 6:00 p.m. tomorrow, we can meet that printing deadline of Monday morning. I was just allowing a little time tomorrow in case after it is examined by the Chairman, there is a desire to have some more changes. We do have until 6:00 p.m. tomorrow.

The Chairman. With that, you also have a matter of the
members correcting the transcripts and ordering them to be printed. Have you had someone following through with that?

Mr. Sprague. Mr. Chairman, if the members have no amendments or changes to make, we can get them there by 6:00 p.m. today. They can be printed by Friday morning.

In the event the members are not in a position to say that yet, as long as we know by 6:00 p.m. tomorrow, that can be completed by Monday morning as well.

The Chairman. I would suggest you have someone follow through with each member to be sure that is compiled right.

There were a couple of other matters that I wanted to get into tonight. Don Edwards' letter; did we have the staff prepare a response to that?

Mr. Wolf. Yes, we have, Mr. Chairman. His letter just wants to make it clear that those rules that apply to the committee staff will also apply to the individual staff person on our staff, designated to be liaison.

For example, restrictions on revealing the names of subpoenaed people, et cetera. I think just to make that clear, it would require an amendment to our rules as to what we are constituting.

The Chairman. Would you prepare a letter to him in which you advise him that we appreciate that suggestion and that the matter will be corrected by way of amendment after we are reconstituted.
Mr. Wolf. One point on the report to be filed. On my meeting with Mr. Collins, he requested that the Rules Committee be given, even if it is only a typed version, of the report Friday morning.

If the Chair would like me to provide a typed xerox version which will be done by that time. The printed copies will not be back until Monday morning.

The Chairman. What do you need from us?

Mr. Wolf. Just your authorization to provide him the xeroxes of the typed copy.

The Chairman. That is on the budget?

Mr. Wolf. No, of the report.

The Chairman. Of the report?

Mr. Wolf. Yes.

The Chairman. I see.

All right, you have that.

One other thing. On Bruton and Baish, when we last met, you were to check out the usual ramifications of our accepting the resignation of Mr. Bruton as opposed to our firing him.

Mr. Wolf. That is correct.

The Chairman. And how it would affect the payroll status.

Can you give us a report on that?

Mr. Wolf. Surely. It is my recommendation that his resignation as opposed to firing, the committee take the
latter action. It is very questionable whether or not he was
fired at that committee meeting held in your office, I
believe, since the procedures of the committee itself were not
followed at that time.

There appears to be no difference. We have checked with
House Administration, for their purposes, for his back pay
claims for any other legal significance to accepting a resig-
nation as opposed to firing.

The only possible distinction might be for an unemploy-
ment claim that he would file with the District of Columbia.
If his resignation were for just cause, he would still be
eligible for unemployment.

The Chairman. Can we have then --

Mr. Wolf. Because of Mr. Fithian's amendment requiring
majority of the committee to be present to terminate staff
member, I do not believe a majority is present, so I do not
think action can be taken at the current time either on Mr.
Bruton or Mrs. Baish, who also should be re-fired, if you
will.

The Chairman. The only thing is, I think you should be
in communication with him so he does not feel we are ignoring
his correspondence and advise him that the committee has the
matter under consideration and that he should be getting a
reply in just a few days. Explain it to him.

Mr. Sprague. Mr. Chairman, I do not agree with Mr. Wolf
with regard to Mr. Bruton's situation.

As I understood it and from previous meetings, this committee has already decided to accept the resignation of Mr. Bruton as of the same day that that firing occurred, provided there was no legal difficulty which would occur, and we were to check that through.

That has been checked --

The Chairman. I do not think they actually took the action. I think it was left open for him to check it out and return with a report back to us.

Mr. Wolf. That is my understanding.

The Chairman. And if it was possible to go ahead and accept his resignation, the committee ought to do that. That appeared to be the consensus of the committee at that time.

I do not think on the record they formally did.

Mr. Wolf. That is my understanding, Mr. Chairman.

Mr. Sprague. I do not think, for a person to resign, involves the hiring and the terminating. We are talking about a different situation.

The Chairman. He posed the question in a letter to us whether we had been fired, and if so, was it done in a duly constituted meeting of the committee, and so forth.

In checking it out, also we ascertained that was really an informal meeting that was called. It was not an official meeting of the committee. That action had been brought to our
attention at that informal meeting. We would not be able to
say to him that it was done in a duly and legally consti-
tuted meeting of this committee.

Mr. Fithian. Mr. Chairman, since it was my amendment
that put the committee in this position, I would like to state
for the record that there was never any intention in that
amendment which would preclude anyone from resigning from the
staff.

I was talking about forceable separation from the staff,
and that is what the amendment directs itself to. Therefore,
there is no problem with the committee, as far as I can see; no
violation of our rules in any way to accept his resignation.
If it is a forced termination, then it would be another
matter.

Mr. Sprague. Mr. Chairman, I quite agree with Mr.
Fithian. The only issue is, can the committee accept his
resignation as of that same day? The answer is yes. I do
not think we ought to respond to his letter with any opinion
concerning the firing. He has requested we accept his
resignation. I think we merely ought to respond and say we
have decided to do so and that our record will reflect that.

The Chairman. There was another item, as I recall, to
the $40 office telephone bill which I had the impression, in
all probability, they were legitimate calls. But he was asked
to do something by way of substantiating, or something of this
sort.

I am just wondering if that is something we do not need
to necessarily get involved in since we are talking about $40
and we are denying the claim of something in the neighborhood
of $2500. Maybe we ought to respond in that way, and we will
pay his $40 upon signing the proper vouchers, and so forth,
and then the other members and I will officially have the
committee do that.

Meanwhile, Jim Wolf, you call him and advise him of the
status of this matter so we do not encounter a lawsuit on
this point.

Mr. Sprague. I do not think there is any official
action required by the committee under the rules with regard
to a staff member resigning.

The Chairman. Probably not. We can check that. If
there is not, we can go ahead and reject that.

We will recess, subject to call of the chair.

(Whereupon, at 4:45 p.m., the committee adjourned,
subject to call of the Chair.)