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EXECUTIVE SESSION

BUSINESS MEETING

MONDAY, APRIL 24, 1978

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

The committee met at 4:30 p.m., in room 1301, Longworth House Office Building, Hon. Louis Stokes (chairman of the committee) presiding.

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

Present Also: G. Robert Blakey, Chief Counsel and Director; L. Svenosen, E. Berning, C. Mathews, J. Wolf and M. Wills.

Chairman Stokes. A quorum of the committee being present, the committee will come to order.

Mr. Blakey. Mr. Chairman, the issues before the committee this afternoon will all be over facets of the investigation. Consequently it would be appropriate at this time if a motion were made to go into Executive Session.

Chairman Stokes. The Chair will entertain such a motion.

Mr. Fithian. I so move, Mr. Chairman.

Chairman Stokes. It is properly moved that for reasons

1 under the rules of the committee that the committee go into
2 Executive Session. The Clerk will call the role.

3 Ms. Berning. Mr. Stokes?

4 Chairman Stokes. Aye.

5 Ms. Berning. Mr. Devine?

6 Mr. Devine. Aye.

7 Ms. Berning. Mr. Preyer?

8 Mr. Preyer. Aye.

9 Ms. Berning. Mr. McKinney?

10 (No response)

11 Ms. Berning. Mr. Fauntroy?

12 (No response)

13 Ms. Berning. Mr. Thone?

14 (No response)

15 Ms. Berning. Mrs. Burke?

16 (Aye by proxy)

17 Ms. Berning. Mr. Dodd?

18 Mr. Dodd. Aye.

19 Ms. Berning. Mr. Ford?

20 Mr. Ford. Aye.

21 Ms. Berning. Mr. Edgar?

22 Mr. Edgar. Aye.

23 Ms. Berning. Mr. Fithian?

24 Mr. Fithian. Aye.

25 Ms. Berning. Eight ayes, Mr. Chairman.

1 Chairman Stokes. Eight members of the committee having
2 voted in the affirmative, this meeting is now in Executive
3 Session and all members of the public are asked to remove
4 themselves from the room. Mr. Blakey.

5 Mr. Blakey. Mr. Chairman, the first matter on the agen-
6 da should be the immunities. I had not thought it would be
7 necessary to bring the immunity matter before the committee
8 in light of the fact that we had done so at our last Monday
9 meeting. As it turned out, two witnesses on the
10 Kennedy side whom we had scheduled for depositions and
11 thought were cooperative told the staff that they would
12 refuse to cooperate and would claim self-incrimination.

13 Consequently we had to face the possibility of subpoena-
14 ing them before the committee. That gave rise to the
15 need for immunities. As long as the full committee was
16 going to be asked to do it again, I ask that the entire
17 schedule of witnesses that we could reasonably foresee
18 through both May and June, on both sides, be prepared to be
19 immunized at this time. It is a little in advance of when
20 we might absolutely need it in some cases, but it seemed to
21 me appropriate to get that all over with.

22 You have before you, therefore, a resolution that would
23 authorize the Committee Staff to go before the District
24 Court to get the order. Again I would point out for you
25 that this, of course, does not grant anyone immunity.

1 The witness would still have to appear and claim his privilege
2 and the committee or subcommittee at that time sitting would
3 have to make a decision whether to communicate the order to
4 the individual.

5 I think most of these witnesses, some of them, I will
6 have to ask help for. Basically they are those people who
7 are involved in the investigation somewhere and who could
8 have, on any fair analysis of it, a possible claim of privi-
9 lege. They are either the organized crime-type connected
10 or people who from the nature of the kind of questioning
11 that we would ask them could legitimately claim the privi-
12 lege.

13 As in the past, this is contingency planning. We do
14 not necessarily know that all of these people will claim the
15 privilege.

16 Chairman Stokes. Are there any questions relative to
17 this immunity order? If there are no questions, the Chair
18 will entertain a motion.

19 Mr. Preyer. I so move, Mr. Chairman.

20 Chairman Stokes. It has been properly moved that the
21 resolution for immunity be adopted. The Clerk will call the
22 role.

23 Ms. Berning. Mr. Stokes?

24 Mr. Stokes. Aye.

25 Ms. Berning. Mr. Devine?

1 Mr. Devine. Aye.

2 Ms. Berning. Mr. Preyer?

3 Mr. Preyer. Aye.

4 Ms. Berning.. Mr. McKinney?

5 (No Response.)

6 Ms. Berning. Mr. Fauntroy?

7 (No Response.)

8 Ms. Berning. Mr. Thone?

9 (No Response.)

10 Ms. Berning. Mrs. Burke?

11 (Aye by proxy.)

12 Ms. Berning. Mr. Sawyer?

13 Mr. Sawyer. Aye.

14 Ms. Berning. Mr. Dodd?

15 Mr. Dodd. Aye.

16 Ms. Berning. Mr. Fithian?

17 Mr. Fithian. Aye.

18 Ms. Berning. Mr. Edgar?

19 Mr. Edgar. Aye.

20 Ms. Berning. Mr. Ford?

21 Mr. Ford. Aye.

22 Ms. Berning. Nine ayes, Mr. Chairman.

23 Chairman Stokes. Nine members of the committee having

24 voted in the affirmative, the resolution for immunity is

25 adopted.

1 Mr. Blakey?

2 Mr. Blakey. Mr. Chairman, the next matter that I have
3 to bring to the attention of the committee is one which you,
4 of course, are familiar with and is somewhat of a housekeep-
5 ing nature. Nevertheless, I thought that it ought to be
6 brought to the attention of the full committee.

7 In May of 1977 the CIA contacted Congressman (blank)
8 and brought to his attention what was, in the agency's
9 terms, the moratorium document destruction. During the
10 course of the Church Committee investigation, the Church
11 Committee asked the agencies, the FBI and the CIA, to cease
12 destroying in a routine fashion any and all documents.

13 The CIA responded by refusing to destroy any further
14 documents, put a moratorium on their own document destroying
15 process. The other investigation agencies agreed that they
16 would not destroy any documents even remotely relating to
17 the investigations pending before the Church Committee.
18 The Church Committee has since lifted that moratorium on
19 December 21, 1977.

20 The agency has contacted the committee and asked us
21 our opinion on the document destruction program. My recom-
22 mendation to the Chairman was that the committee respond by
23 keeping it in operation at least for the life of the committee,
24 which would be through December of 1978.

25 In that vein, the Chairman wrote Admiral Turner on

1 April 13 pointing out that the document destruction program,
2 if resumed at this time, could have the appearance of an
3 impropriety, although it is doubtful, in fact, that it would
4 be in fact an obstruction of the investigation.

5 The CIA responded by asking me to come over and meet
6 with them and I did one morning last week at about 7:30.
7 They really pointed out the scope of the impact that this
8 moratorium has had on them for this length of time. They
9 tell me that the documents are increasing at the rate of
10 approximately 100 boxes a day and this comes out to a cubic
11 foot a box, a hundred cubic feet a day; that if it were at
12 all possible, they would like to have some relief from this.

13 They also pointed out that the normal process for docu-
14 ment destruction requires them to submit to the Archives
15 schedules for destruction after which, should they be approv-
16 ed by the Archivist, they should go the normal course.
17 The agency is currently not complying with the law in that
18 regard in order that they would be in a position of not de-
19 stroying records during the course of our investigation.

20 I am bring this to your attention because it seems to
21 me that we have a decent case to make that some of the
22 material that they have ought to be destroyed at this time,
23 that it has no remote relationship to our investigation.
24 Nevertheless, there is always a possibility that you will
25 read on the front page of the Washington Post something to

1 the effect that the committee agrees with the CIA to destroy
2 documents and there will be sometime later on the last page
3 of the Washington Post that we have explained to them that
4 it is essentially trash that is being thrown away and not
5 documents going to the heart of the investigation.

6 I really have brought it to your attention to get the
7 advice of the committee on, I think, the political dimensions
8 of the decision to suggest to the agency that they begin the
9 routine document destruction. Obviously anything most re-
10 motely related to this investigation should be preserved to
11 December 31.

12 Chairman Stokes. Are there any comments? Mr. Fithian.

13 Mr. Fithian. What kind of documents are they accumulating
14 at one hundred cubic feet a day?

15 Mr. Blakey. Among other things, there would be receipts
16 for exchange of documents between various buildings, just
17 simply receipts that the couriers have to pick up and take.
18 They have not even destroyed those receipts.

19 Mr. Fithian. You are only talking about documents
20 pertaining to this investigation?

21 Mr. Blakey. No. All documents of the CIA are currently
22 not now being destroyed. No documents are being destroyed.
23 That is if a courier comes over here and delivers to us a
24 copy of the background investigation that they have looked
25 at we will give them a receipt and they will get a receipt

1 from us. Those receipts go back to the agency. Those
2 receipts are not being destroyed. They have not been
3 destroying receipts now since the ban was originally placed
4 on them. This goes back to the middle of the Church Committee
5 investigation.

6 It is a little more complicated than receipts. For
7 example, they pointed out to me that they have a number of
8 files now dealing with Operation CHAOS. I am sure you will
9 all recall that the agency conducted investigations of
10 domestic dissidents during the war. It is not lawful for
11 them to retain those files. Private individuals have actually
12 written the CIA asking them that the file on them be destroyed
13 because the agency has no right to retain it.

14 Under the moratorium requesting the agency not to des-
15 troy any files during the course of this investigation the
16 CHAOS Investigation Files, which are nothing even remotely
17 related as far as I can see to our inquiry, are currently
18 being retained by the agency.

19 Mr. Fithian. What kind of instruction can we give them
20 to allow certain categories to be destroyed and yet not
21 open ourselves up to the fact that they may indeed destroy
22 something that we need?

23 Mr. Blakey. They have a schedule where they identify
24 each document or each class of documents. If the committee
25 authorizes me, I can review those schedules along with the

1 Archivist and where it is not even remotely related to us, for
2 example, in the CHAOS File, and they are otherwise authorized
3 by law to destroy it, I can say that the committee has no
4 interest in this and this can be destroyed.

5 I think if we could give them relief enough to let
6 them destroy about a hundred boxes a day they could at
7 least tread water between now and December. I really want
8 you to recognize ---

9 Chairman Stokes. What happens if they accidentally
10 destroy something that we wanted?

11 Mr. Blakey. We have been had.

12 Chairman Stokes. There would be no way to explain that.

13 Mr. Blakey. No way we could explain it. If we want to
14 play hard ball and insist that they do it, not destroy any
15 further documents, what we will probably have to do is go
16 sit with the Archivist and get him to suspend the order to
17 destroy documents. They have a group now scheduled for de-
18 struction that are not being destroyed because of communica-
19 tions with this committee.

20 Chairman Stokes. It seems to me that if you are talking
21 about seven months you are not really being mean. We are
22 trying to protect the committee's integrity of process here.
23 It seems to me that is something we should not get into.
24 Speaking as an individual, personally I do not think we ought
25 to get into that problem that they have.

1 Mr. Dodd?

2 Mr. Dodd. I think we could also probably save the CIA
3 from itself in this case. They are the ones who would be
4 suffering the brunt of criticism, I think, if it became
5 public knowledge that they have requested permission to
6 destroy documentation during the proceedings in which we are
7 looking at the various documents, papers and so forth, be
8 they so insignificant as a routing slip.

9 Mr. Blakey. Let me say, and it ought to be put in the
10 record, we requested the DOD files on Oswald that were
11 maintained in, I think, San Antonio. When we went to ask
12 for them, as opposed to the national files, we were told
13 that these were the files that were destroyed routinely
14 by the agency after the Irvin Committee explained about too
15 many records being retained by DOD.

16 Those are the files that our witness, I guess on
17 Thursday, Jones, indicated were substantially different
18 from the picture painted to us of Oswald's performance.
19 There is no way that we can establish what those files
20 actually contained.

21 So, this committee has suffered from the loss of files
22 in DOD. It has suffered from the loss of files in Memphis
23 and it has suffered from the loss of files elsewhere.

24 Chairman Stokes. The Church Committee protected them-
25 selves, did they not, by requesting a moratorium?

1 Mr. Blakey. Yes, sir.

2 Chairman Stokes. Is there any further comment? Mr.
3 Edgar?

4 Mr. Edgar. Mr. Chairman, I would agree with the comments
5 that you make. I think that they can find a storage room
6 for seven months and pile up paper. Perhaps we can suggest
7 to them that they have some kind of resource recovery pro-
8 cess where they use the burning of the files for some
9 energy producing source at the end of it or recycle the
10 paper.

11 I would hope that we would be in agreement that they
12 ought to keep them for seven months, whether they have value
13 to us or not. I think the appearance of impropriety would
14 damage our investigation and also, perhaps, damage the CIA.

15 Mr. Blakey. I promised to bring it before the
16 committee. I think that I have done what I have promised
17 them to do. I have no hesitancy going back to them and
18 suggesting that you thought it best that they keep them.

19 Mr. Sawyer. It might also provide incentive to hold
20 down Federal paper work a little. If they cannot keep
21 treading water, let them drown in it for a while.

22 Chairman Stokes. That is a good point.

23 Mr. Edgar. I so move.

24 Chairman Stokes. I think, then, that the concensus
25 of the committee has been expressed, you have brought it to

1 our attention and the committee has taken no further action.

2 The next item.

3 Mr. Blakey. In a somewhat lighter vein, I have some
4 good news for one of you and some bad news for all of you.
5 I should inform you today that you have all be viewed indi-
6 vidually and collectively by Edward Fields and J. B. Stoner.
7 I graciously accepted service of process for you, only
8 after carefully noting that everybodies' name appeared in
9 the suit except for Mr. Stokes.

10 Chairman Stokes. Judgment proof.

11 Mr. Blakey. Some of you have bad news and one
12 of you has good news.

13 Mr. Dodd. For years I have filled out applications
14 and resumes asking the question, "Have you ever been sued"
15 and I have always said no.

16 Mr. Blakey. Frankly, this is in a light vein because
17 both actions, one action by Mr. Stoner, one action by Mr.
18 Fields, ask for declaratory judgment in quashing subpoenas
19 executed on them and to which they fulfilled their obliga-
20 tions last week.

21 Even if we had to respond on the merits in these
22 instances a good argument could be made that everything is
23 moot now anyway. In fact, what we do need from you at this
24 time is permission to go into court in your behalf and move
25 to dismiss these actions under it.

RG: 233

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1 seeming to gain much for the time we have put in.

2 You ought to be aware that the Staff is following the
3 current policy of taking by deposition or by statement almost
4 all of the evidence that we can, that the only matters that
5 are being directly brought into these Executive Hearings
6 are those that are contentious, where the witness may be
7 potentially cited for contempt, maybe lying to the committee,
8 or maybe resisting any effort to talk with us unless a
9 subpoena is involved.

10 That means, necessarily, that you are carrying the brunt
11 of the least productive phases of what we are doing.

12 In fact, on a number of levels in both the Kennedy
13 and King Cases some progress is being made. I think it would
14 be appropriate if we could have a general briefing meeting
15 sometime in the not too distant future, probably late in
16 the afternoon, where we could sit down and
17 go over exactly where we are in all cases.

18 Just to give you a for instance, on the Kennedy side
19 we have been exploring the finances of the Ruby family.
20 We found that Eva Grant, Jack's sister, had no sudden increase
21 of wealth in the period following the assassination. Indeed,
22 she is on welfare now, or social security, in Los Angeles.

23 Her brother, Earl Ruby, apparently did have a sudden
24 increase in wealth in 1964. He has gone from a marginal
25 businessman into a substantial businessman growing out of at

1 for whatever comment or statement he would like to make in
2 regard to the Memphis affair. I do not know whether we should
3 stay on the record or off the record. I would prefer talking
4 with members of the committee.

5 Mr. Blakey. I do not think it is necessary on the record.
6 I would see no reason to have the Court Reporter here for
7 the only remaining items since they are just general
8 discussion.

9 Chairman Stokes. Can we by common consent or without
10 objection dispense with the formal proceedings? The reporter
11 is excused.

12 (Whereupon at 5:30 p.m. the committee proceeded with
13 an informal session.)

14 j ends
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