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Agency Information

AGENCY : HSCA  
RECORD NUMBER : 180-10116-10330

RECORD SERIES : TRANSCRIPTS OF EXECUTIVE SESSION HEARINGS

AGENCY FILE NUMBER :

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Document Information

ORIGINATOR : HSCA  
FROM :  
TO :

TITLE : COMMITTEE BUSINESS - EXECUTIVE SESSION

DATE : 07/13/1978  
PAGES : 28

SUBJECTS :  
HSCA, METHODOLOGY  
HSCA, ADMINISTRATION

DOCUMENT TYPE : TRANSCRIPT  
CLASSIFICATION : Unclassified  
RESTRICTIONS : Open in Full  
CURRENT STATUS : Redact  
DATE OF LAST REVIEW : 08/17/1993

OPENING CRITERIA :

COMMENTS : Box 1. Executive session committee business.

## EXECUTIVE SESSION

## COMMITTEE BUSINESS

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Thursday, July 13, 1978

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

The Committee met, pursuant to notice, at 10:50 o'clock a.m. in Room 1310, Longworth House Office Building, the Honorable Louis Stokes (Chairman of the Committee) presiding.

Present: Representatives Stokes (presiding), Fauntroy, Dodd, Ford, Fithian, Edgar, McKinney and Sawyer.

Also present: G. Robert Blakey, T. Howarth, E. Berning and R. Morrison, Professional Staff Members.

- - -

The Chairman. The Committee will come to order.

The Chair will recognize Mr. Blakey for a statement.

Mr. Blakey. Mr. Chairman, the subject to be brought before the Committee this morning basically deals with the nature of the investigation. It would be appropriate to go into executive session.

The Chairman. The Chair will entertain a motion.

Mr. Fauntroy. So move.

The Chairman. It has been properly moved that the Committee

1 go into executive session at this time for the reasons stated.

2 The Clerk will call the roll.

3 Ms. Berning. Mr. Stokes.

4 Mr. Stokes. Aye.

5 Ms. Berning. Mr. Devine.

6 (No response.)

7 Ms. Berning. Mr. Preyer.

8 (No response.)

9 Ms. Berning. Mr. McKinney.

10 (No response.)

11 Ms. Berning. Mr. Fauntroy.

12 Mr. Fauntroy. Aye.

13 Ms. Berning. Mr. Thone.

14 (No response.)

15 Ms. Berning. Mrs. Burke.

16 (No response.)

17 Ms. Berning. Mr. Sawyer.

18 Mr. Sawyer. Aye.

19 Ms. Berning. Mr. Dodd.

20 Mr. Dodd. Aye.

21 Ms. Berning. Mr. Ford.

22 Mr. Ford. Aye.

23 Ms. Berning. Mr. Fithian.

24 Mr. Fithian. Aye.

25 Ms. Berning. Mr. Edgar.

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two immunities.

The Chairman. Any questions?

We may move on to something else and then come back to this?

Do we have a motion?

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

The Chairman. It has been properly moved, then, that the Committee authorize the requested immunity order.

The Clerk will call the roll.

Ms. Berning. Mr. Stokes.

The Chairman. Aye.

Ms. Berning. Mr. Devine.

(No response.)

Ms. Berning. Mr. McKinney.

(No response.)

Ms. Berning. Mr. Fauntroy.

Mr. Fauntroy. Aye.

Ms. Berning. Mr. Thone.

(No response.)

Ms. Berning. Ms. Burke.

(No response.)

Ms. Berning. Mr. Sawyer.

Mr. Sawyer. Aye.

Ms. Berning. Mr. Dodd.

Mr. Dodd. Aye.



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1 Ms. Berning. Mr. Ford.

2 Mr. Ford. Aye.

3 Ms. Berning. Mr. Fithian.

4 Mr. Fithian. Aye.

5 Ms. Berning. Mr. Edgar.

6 Mr. Edgar. Aye.

7 Ms. Berning. We will suspend the counting of the roll  
8 call until a subsequent time, and we will come back to the  
9 roll call.

10 Mr. Blakey. Mr. Chairman, the next and probably most  
11 important item on the agenda is the Committee's supplemental  
12 funding request.

13 The Committee has before it a memorandum outlining the  
14 nature of that request, coupled with a number of supporting  
15 pages. Basically the outline is where we have been and where  
16 we can reasonably expect to go between now and December 31st.  
17 The budget has been cut by the staff really about as deep  
18 as we can. I think it is fair to say that it is razor thin  
19 with the expectation that we go through December 31st continuing  
20 both investigations, frankly, or at least keeping the options  
21 open to continue them both right through December. It is  
22 particularly important on the King side that that option be  
23 kept open.

24 I note that over the two year period what had been  
25 estimated as a \$5 million budget, would be, if this supplemental

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1 were adopted, be only 1.8 percent off the original estimate.  
2 In fact, I would commend on the record Tom Howarth for having  
3 estimated the budget so well on all occasions. If the House  
4 had given us the money we had originally asked for, of \$500,000,  
5 the only amount that we really would have been off was the  
6 value of the basic scientific projects, and that, indeed, was  
7 a matter brought to their attention at the time. We didn't  
8 include it in the original budget because we did not know in  
9 January and February exactly what those figures would be?

10 We did, I remember specifically Mr. Preyer indicated to them  
11 that we would probably come back for a supplemental on that.  
12 So in effect, what we are doing is coming back for a supplemental  
13 on the scientific projects, and the relatively minor cost  
14 overrun which is primarily attributable to the cost of travel  
15 and telephones.

16 The Chairman. Questions of any members?

17 Mr. Fithian?

18 Mr. Fithian. Thank you, Mr. Chairman.

19 I would just ask that Mr. Blakey and Mr. Howarth provide  
20 us with some information as to what happens in December. I  
21 haven't gotten all the way through the budget, but obviously  
22 our whole investigation will be done and public hearings will  
23 be done. We will still have the need for staff to do the  
24 reporting, etc., but I would trust that the phase out --

25 Mr. Blakey. In the best of all possible worlds, which

1 this is not, we will end on December 31st, hand in our report,  
2 and quit. Because this is not the best of all possible worlds,  
3 the likely result will be is that the Committee will have to go  
4 back to the Congress for probably 90 days extension into the  
5 next Congress and spend an as yet undetermined amount of money,  
6 certainly a relatively small figure to maintain a skeleton  
7 force, to process the report through the agencies, through  
8 the Government Printing Office, and to transfer its files  
9 to wherever they will ultimately be transferred. This budget  
10 aims to end us at the end of this Congress when technically  
11 our life is over with anyway.

12 If, in fact, we determine in December when it will  
13 be appropriate to determine that there is a need for a wind-up  
14 time, this is a practice virtually universally followed by  
15 Committees. For example, all of our bills won't come in  
16 in December for the month of December -- there will have to  
17 be the skeleton force around for 60 to 90 days just to process  
18 the bills, but what we are talking about is a relatively routine  
19 process of cleanup in the next Congress, certainly no hearings,  
20 certainly no investigation after December 31st.

21 The Chairman. Mr. Fithian?

22 Mr. Fithian. And one further question.

23 Might it be possible to never have to go back to the  
24 House for that final mopping up operation if we could get  
25 House Administration simply to take on the responsibility of

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1 payment of the remainder of the staff to finish out the  
2 purely routine?

3 Mr. Blakey. No, I think what happens is that all  
4 Committees of the House die at the end of the Congress, and  
5 technically every committee around here doesn't exist for one  
6 day, and then you must be reauthorized in the new Congress.  
7 This Congress cannot bind anything beyond the 31st.

8 Mr. Fithian. No, I understand that. I didn't make my  
9 question clear, obviously.

10 The House Administration Committee sometimes lumps in  
11 a whole series of little incidental type expenditures, rather  
12 than to retain or ask that this Committee be reconstituted for  
13 any part of the next Congress, do you follow me -- in other  
14 words, whoever was doing the mopping up exercises would be  
15 employees of the House Administration Committee.

16 Mr. Blakey. I suppose that could be done. It would  
17 probably be just as simple to have the continuing resolution  
18 and put us in, and having explained at the time this was  
19 mop-up. It would be appropriate to have our life continued for  
20 legal purposes so that the staff could represent the Committee  
21 in negotiations with the agencies. That is what I think may  
22 happen. The commitment has always been from the agencies to  
23 disclose the information to us subject to a review before  
24 final declassification. The memorandums of understanding are  
25 between this Committee and the Department of Justice, this



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1 Committee and the CIA. It would be appropriate to have this  
2 Committee finally negotiate those positions.

3 Mr. Edgar. Mr. Chairman.

4 The Chairman. Mr. Edgar.

5 Mr. Edgar. Just a point following up on Mr. Fithian's  
6 comments, I would hope that some research has been done on  
7 exactly how to do what you are talking about, because if I  
8 remember the last two Congresses, we took the first two weeks  
9 of January off, and the first legislative day was not until  
10 mid-January at the earliest, 18th, 19th, 20th, and there is a  
11 great deal of organizational work that is done there, and I  
12 would hope that we wouldn't find ourselves in a position where  
13 we die on the 31st and have to ask our staff to be volunteers  
14 for a month.

15 Mr. Blakey. It is unlikely that the staff would, given  
16 the history of the last similar request. Nevertheless, there  
17 has to be a resolution introduced by House Administration for  
18 all Committees, Judiciary on, and it would be appropriate to  
19 put us in there, and it would be extremely unusual for us to  
20 be taken out. It would require a vote for us to be taken  
21 out. And if it is put simply as clean-up, which is what it would  
22 be, I doubt that it would present an issue of controversy.

23 The Chairman. I think maybe what Mr. Edgar has in mind  
24 is a pay lag system that occurs in January.

25 Mr. Blakey. It is only a day and every Committee suffers



1 it. This Committee would be no different than any of the  
2 others.

3 The Chairman. Well, we would undergo a period where in  
4 the Democratic Caucus we go through the process of electing  
5 Chairmen of committees, etc., and so forth, and until such  
6 time as you have approval of that, there are no Committees,  
7 I don't believe, in operation.

8 Mr. Blakey. The staffs continue from year to year, though.  
9 They are paid continuous from year to year.

10 Mr. Edgar. Cut the staff continues because the jurisdiction  
11 and the authority for the staff, for the Committee goes from  
12 Congress to Congress.

13 Mr. Blakey. No. At the beginning of each Congress  
14 there must be a new, in the House, a new resolution creating  
15 each Committee anew, including the Judiciary Committee. It  
16 does not continue.

17 The Chairman. That is the first order of business?

18 Mr. Blakey. Yes.

19 Mr. Howarth. Also, of course, they have to put in a  
20 resolution to finance the Committees on a temporary basis,  
21 which covers all Committees that are in existence. If you  
22 recall, the resolution continues the Committees more or less  
23 at the same level of expenditure that they had the previous  
24 year until the House acts on their funding resolution for the  
25 current year. So all Committees have to be extended

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1 financially. I mean, no Committee has any funds until this  
2 general resolution is passed.

3 The Chairman. As that applies to select committees,  
4 standing committees I can understand having to be funded in that  
5 way, but how about select committees?

6 Mr. Howarth. Well, it is in the resolution. It has  
7 happened each year. That is how we had a problem, if you  
8 remember the first year, last year, when we were restricted  
9 to about \$83,000. I mean, it does cover all committees. So  
10 the thing is we would have to be created again like any other  
11 committee, but once we were created, we would come under the  
12 general funding resolution.

13 The Chairman. Anything further?

14 Mr. Fauntroy?

15 Mr. Fauntroy. Mr. Chairman, I am not sure that this is  
16 the point at which you would want to consider some amendments,  
17 but I have now had an opportunity to look over this budget  
18 and I would agree with counsel that it is razor thin, but in  
19 that regard, we certainly have to commend the staff for the  
20 very tasteful way it handled the very difficult task of reducing  
21 staff so that we come in at this level, but I think that it  
22 is perhaps too razor thin a budget to take forth at this time,  
23 and particularly in light of some of the things that I am  
24 concerned about in the King investigation. I feel we need  
25 a little more latitude for some contingencies, and therefore I

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1 would simply recommend and will make a motion at the appropriate  
2 time to add, oh, a \$60,000 contingency fund, that would bring  
3 it up to \$750,000 and would afford us some latitude to carry  
4 out what appeared to me to be potentially productive follow-up  
5 leads that we are now continuing to pursue.

6 Mr. Blakey. That would be very useful, Mr. Fauntroy.  
7 Obviously what we don't spend we will give back. This  
8 Committee has a unique history of, in fact, not spending money  
9 given to it. We turned back \$450,000 the first session, and  
10 if there is a little flexibility in the budget, that shouldn't  
11 cause any trouble.

12 Mr. Sawyer. Why not make it \$100,000 so we go \$790,000?  
13 I don't like those round figures like \$750,000. You never bill  
14 legal bills that way. It always looks too arbitrary.

15 Mr. Fauntroy. I would have no objection to that. I suspect  
16 that once our submission is made, those of our detractors in  
17 the press will say it is more than a half million dollar  
18 request. If it got up to \$750,000, they would say three-quarters  
19 of a million. So \$790,000 wouldn't make much difference.

20 The Chairman. And they are probably going to cut us some  
21 anyway, so I think that whatever the Committee feels is appro-  
22 priate ought to be entered as the budget figure.

23 Mr. Blakey. I might add, Mr. Chairman, this budget was  
24 not framed with a notion that there was need to cut it, as  
25 indeed, the last budget was not framed with the notion that there

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1 was room to cut it.

2 The Chairman. As I say, with the realization that this is  
3 a barebones budget, your figure of \$690,000, I think Mr. Fauntroy  
4 is right and Mr. Sawyer, we ought to have some leeway for  
5 some contingencies.

6 Mr. Fauntroy. If it is therefore appropriate, Mr. Chairman,  
7 I will move that we add the contingency item of \$100,000 to  
8 the budget proposed by staff.

9 The Chairman. You are talking about a total figure of  
10 \$790,000?

11 Mr. Fauntroy. We are talking about a total figure of  
12 \$790,000.

13 The Chairman. Is there any discussion?

14 If not, then the Clerk will call the roll.

15 Mr. Ford. This is on the \$790,000? It is on the  
16 \$790,000 rather than the additional?

17 The Chairman. The motion is for a total figure of  
18 \$790,000 for the submission of the budget.

19 Ms. Berning. Mr. Stokes.

20 The Chairman. Aye.

21 Ms. Berning. Mr. Devine.

22 (No response.)

23 Mr. Berning. Mr. Preyer.

24 (No response.)

25 Ms. Berning. Mr. McKinney.

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1 (No response.)  
2 Ms. Berning. Mr. Fauntroy.  
3 Mr. Fauntroy. Aye.  
4 Ms. Berning. Mr. Thone.  
5 (No response.)  
6 Ms. Berning. Mrs. Burke.  
7 (No response.)  
8 Ms. Berning. Mr. Sawyer.  
9 Mr. Sawyer. Aye.  
10 Ms. Berning. Mr. Dodd.  
11 (No response.)  
12 Ms. Berning. Mr. Ford.  
13 Mr. Ford. Pass.  
14 Ms. Berning. Mr. Fithian.  
15 Mr. Fithian. Aye.  
16 Ms. Berning. Mr. Edgar.  
17 Mr. Edgar. No.  
18 Ms. Berning. Four yeas, one no, and one pass.  
19 Mr. Blakey. Mr. Chairman, I would suggest it might be  
20 appropriate to take that vote over.

31 The Chairman. All right, then without objection, the  
32 previous vote will be expunged from the record, and the clerk  
33 will call the roll.

34 Ms. Berning. Mr. Stokes.

35 The Chairman. Aye.

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1 Ms. Berning. Mr. Devine.  
2 (No response.)  
3 Ms. Berning. Mr. Preyer.  
4 (No response.)  
5 Ms. Berning. Mr. McKinney.  
6 (No response.)  
7 Ms. Berning. Mr. Fauntroy.  
8 Mr. Fauntroy. Aye.  
9 Ms. Berning. Mr. Thone.  
10 (No response.)  
11 Ms. Berning. Mrs. Burke.  
12 (No response.)  
13 Ms. Berning. Mr. Sawyer.  
14 Mr. Sawyer. Aye.  
15 Ms. Berning. Mr. Dodd.  
16 Mr. Dodd. Aye.  
17 Ms. Berning. Mr. Ford.  
18 Mr. Ford. Pass.  
19 Ms. Berning. Mr. Fithian.  
20 Mr. Fithian. Aye.  
21 Ms. Berning. Mr. Edgar.  
22 Mr. Edgar. No.  
23 Ms. Berning. Five ayes, one no, and one pass.  
24 The Chairman. What is the parliamentary situation?  
25 Mr. Blakey. That is sufficient, Mr. Chairman.



1 Now, we have one vote in process waiting for --

2 The Chairman. On this, also?

3 Mr. Blakey. I am sorry. It would be appropriate to  
4 state that the resolution passes.

5 The Chairman. All right, then, five members having voted  
6 in the affirmative, the resolution is adopted.

7 Professor Blakey?

8 Mr. Blakey. Mr. Chairman, we have one vote in process  
9 awaiting the arrival of Mr. Preyer's proxy. In that interim  
10 it might be appropriate for me to note for the benefit of  
11 the Committee several items. One, Charlie Mathews will be by  
12 to see each of the members individually to discuss the question  
13 of specialization for the upcoming King and Kennedy hearings.  
14 The hearings have been outlined by subject matter. I made an  
15 effort myself to specialize people and I found it just simply  
16 wasn't appropriate for me to do it without getting your judg-  
17 ments first about the areas where you would like to specialize,  
18 and with a clear idea of when that material may come up in the  
19 hearings.

20 By the end of this week or certainly the middle of next,  
21 Mr. Mathews will certainly be around for you and he will ask  
22 you to set out your preferences one through 17. I will come  
23 back and shuffle them to try to maximize your preferences, and  
24 then come back to you with a tentative list of specialization,  
25 and then you people can work among yourselves to make sure

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1 States District Judge in the Southern District. We would be  
2 facing a situation where the Attorney General might well be held  
3 in contempt, this time in contempt of Congress as opposed to contempt  
4 of court in the Southern District.

5 The Chairman. I see.

6 Mr. Blakey. It would be a very interesting contempt. We  
7 would have one or two choices. We could either recommend to him  
8 that he prosecute himself for contempt, or that he appoint a  
9 special prosecutor to prosecute him for contempt, or that we  
10 bring him before the bar of the House for a hearing on contempt.

11 I add, at this point, that this suggestion is no malicious  
12 on my part, as much as I have indicated on the record that I  
13 would like to see this Committee have an inherent contempt, this  
14 isn't one being pressed by me for personal reasons.

15 Mr. Ford. Mr. Chairman, while we are waiting, while we  
16 are waiting I would like to know if it would be all right for  
17 this Committee to move in a direction where starting Monday  
18 night with the briefing of the full Committee and the Committee  
19 members, that we would be able to bring at least one of our  
20 people, a staff person connected with our office, inasmuch as  
21 we are moving into the August, you know, the public hearings,  
22 if we are going to do that, I personally would like to have a  
23 staff person that I could work constantly with, you know, here  
24 in Washington while I'm back home in the district.

25 Mr. Blakey. There would be two elements, Mr. Ford, inasmuch

1 as we talk about the hearings and the plans to use unclassified  
2 material, there would be no problem with the staff person being  
3 present. If we wanted to summarize the investigations as  
4 they actually are in both King and Kennedy, and we got into  
5 classified material, the staff person would not be permitted to  
6 be present.

7 Mr. Ford. Well, we could ask him to leave, but I think  
8 at some point we ought to bring them in now. For my sake, you  
9 know, I need a staff person working with us to be briefed on  
10 certain issues and certain things that are going to be brought  
11 out. If it is all right with the Chief Counsel along with the  
12 Chairman, I would like to see us next week some time to have the  
13 permission to bring staff people in.

14 Mr. Blakey. Except for one area, apart from the classified  
15 question, which we could reveal, except for one area on King,  
16 it might be appropriate. I would be most reluctant to, at the  
17 delicate current stage of the investigation on the King side,  
18 to increase the number of staff people aware of that investigation.  
19 For example, the entire Committee staff will not be there, the  
20 entire Committee staff has not been made aware of, indeed, the  
21 entire King staff has not been made aware of our pursuit of  
22 certain conspiracy allegations. We have not had a leak up until  
23 this point.

24 Mr. Ford. I don't see any problem with that. We can tell  
25 the staff, you know, when they have to step out, you know, or

1 certain information they are not privy of or what have you.

2 The Chairman. I think Mr. Fithian is seeking recognition.

3 Mr. Fithian. Thank you, Mr. Chairman.

4 I just want to strongly support Mr. Ford, and I want to say  
5 this. It seems to me as we prepare, Mr. Blakey, for the public  
6 hearings, that segregation of material of that which can and  
7 that which cannot be made public is incumbent upon you and the  
8 staff in any event. That has to be carefully done and done in a  
9 timely fashion, and all I would want, quite honestly, and  
10 obviously for my staff person is to work to help me coordinate  
11 and prepare for the public hearing, and therefore, as we go  
12 along, you will have to segregate the information and the material,  
13 in any event, and as you segregate by section, by parts of inquiries,  
14 by parts of the investigation, it seems to me that we could have  
15 our staff or permit our staff to have access to that which is  
16 no doubt going to be used in the public hearing.

17 And I am only concerned about the public hearing at this point.  
18 All of us have carried the classified section ourselves on the  
19 Committee. I am only concerned about the public hearing anyway.

20 Mr. Blakey. Insofar as we talk about the hearings, there  
21 is no problem. Insofar as we talk about the full investigation,  
22 the personal staff people would probably have to be on a revolving  
23 door, in and out, in and out, and what I am questioning here is  
24 the utility for them coming and asking them to leave over major  
25 portions of the briefing. It might be more appropriate to bring

the

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1 the staff people in when we focus squarely on the hearings, as  
2 indeed we will, as soon as specialization is fully completed.

3 Mr. Fithian. So you are saying that this Monday night  
4 session might not be the best session.

5 Mr. Blakey. It might not be the best time to begin.

6 Mr. Fithian. I am not quarreling with that, but I just want  
7 to join in on saying I want to move a staff person in soon. I  
8 don't want it to be two days before we begin public hearings.

9 Mr. Dodd. Will the gentleman yield on that point?

10 I would, Mr. Chairman, like to support what Harold is  
11 suggesting here, and I think informally we have all discussed with  
12 each other here the necessity to have some sort of help, particularly  
13 during the public hearing proce;ss. I think most of us had a  
14 staff person assigned in our own offices some time ago to this  
15 area, and then in my own case, that staff person has left my  
16 employment, and I don't even know what they are doing, but I think  
17 in the case of everyone else, I mean, they haven't done anything,  
18 you know, for a long time because of the nature of our hearings.

19 I was curious myself about trying to bring someone on to  
20 work with me over the next three or four months, and it raised  
21 through the Committee, the staff, the possibility of going back  
22 and maybe getting some of those people that we no longer have  
23 with us. I realize there are particular special problems involved  
24 with that, issues that Mr. Blakey raised that I think are entirely  
25 legitimate.

1 I would like to add as a request here, since I would like to  
2 be able to have someone work with me, if there is a possibility  
3 of getting someone from the Committee, that the Committee is aware  
4 of, that would be a good person to have, that they may have dealt  
5 with or someone they would have brought on or didn't because they  
6 reached a level they couldn't bring anyone else on, and I just  
7 would like to be able to have someone, and I don't know what pool  
8 of resources to go to to get someone who would have a good working  
9 knowledge of the thing before we begin.

10 But I would like to endorse Harold's concept. I think we  
11 are absolutely going to have to have it.

12 Mr. Blakey. One of the things that is going to happen or  
13 is happening is that senior staff counsel are being assigned  
14 precisely the areas in which each of you will be specializing,  
15 and you will be directly, personally briefed by the senior staff  
16 people.

17 Mr. Dodd. It gets more complicated than that, Bob. We  
18 are going to have, you know, we are going to have our own local  
19 press in addition to what goes on here, and calls coming into  
20 the office, and what are you doing, and we as individual members  
21 have to do all of that in terms of what was actually said and  
22 what wasn't, and we have to provide not to be hit with it.  
23 I think we are being awfully shortsighted in terms of the demands  
24 that are being placed on us as individuals during that time period.

25 And I think as much knowledge as these people are going to

