
Agency Information

AGENCY : HSCA
RECORD NUMBER : 180-10117-10137
RECORD SERIES : NUMBERED FILES
AGENCY FILE NUMBER : 014673

Document Information

ORIGINATOR : HSCA
FROM :
TO :
TITLE :

DATE : 04/06/1978
PAGES : 33
SUBJECTS :
CIA
RUSSIA
MEXICO CITY
HSCA; METHODOLOGY

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

COMMENTS : MLK material withdrawn pp. 21-28. Box 274.

Stenographic Transcript Of

HEARINGS

Before The

014673

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

Washington, D.C.

April 6, 1978

Alderson Reporting Company, Inc.

Official Reporters

300 Seventh St., S. W. Washington, D. C.

554-2345

300 7TH STREET, S.W. REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 551-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXECUTIVE SESSION

CONSIDERATION OF AN AMENDMENT TO THE RULES
OF THE SELECT COMMITTEE ON ASSASSINATIONS

Thursday, April 6, 1978
~~WEDNESDAY, APRIL 5, 1978.~~

- - -

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

The committee met, pursuant to notice at 4:00 p.m., in room 304 of the Cannon House Office Building, Hon. Louis Stokes, chairman of the committee, presiding.

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

Present also: G. Robert Blakey, Chief Counsel and Director; Gary Cornwell, Deputy Chief Counsel; I. C. Mathews, Special Counsel; William Cross, Security Officer; Elizabeth Berning, Chief Clerk; and Marion Wills, Deputy Chief Clerk.

Chairman Stokes. A quorum of the committee being present at this time, the committee is called to order. I recognize Mr. Blakey for a statement with reference to this.

Mr. Blakey. There are several matters that could be brought up. One of them, I suppose, technically should be considered in public session about the deals with the change



1 Mr. Ford. Aye.

2 Mrs. Berning. Mr. Fithian.

3 Mr. Fithian. Aye.

4 Mrs. Berning. Mr. Edgar.

5 Mr. Edgar. Aye.

6 Mrs. Berning. There are nine ayes, Mr. Chairman.

7 Chairman Stokes. Nine members having voted in the
8 affirmative, this meeting is now declared in executive session
9 and all members of the public are asked to excuse themselves
10 from the room.

11 Mr. Blakey. Let me see if I can present the problem to
12 you as succinctly as I can, although perhaps I should begin
13 with an apology to the committee for bringing about a meeting
14 of the full committee on such short notice.

15 Obviously, there has been a recess and some of the
16 membership has been gone for the last week and this is really
17 the first opportunity that we have had.

18 The problem has come up during the recess in our efforts
19 to work with the Central Intelligence Agency in preparing
20 hearings. The problem really goes as follows: In the central
21 case study is the Mexico City issue. The Agency has given us
22 complete access to everything in this area and this includes
23 the nature of the surveillance that the Agency had of the
24 Russian and Cuban Embassies.

25 They had photographic and electronic surveillance of both

1
2 in the rules. Nevertheless, the reasons for the change in the
3 rules goes to the heart of the nature of our current
4 investigation and consequently, I think it would be
5 appropriate for a motion to be made to close the meeting.

6 Chairman Stokes. The chair will entertain such a motion.
7 Mr. Fauntroy. I so move.

8 Chairman Stokes. It is moved that the meeting go into
9 executive session. The clerk will call the roll.

10 Mrs. Berning. Mr. Stokes.

11 Chairman Stokes. Aye.

12 Mrs. Berning. Mr. Devine.

13 Mr. Devine. Aye.

14 Mrs. Berning. Mr. Preyer.

15 Mr. Preyer. Aye.

16 Mrs. Berning. Mr. McKinney.

17 (There was no response.)

18 Mrs. Berning. Mr. Fauntroy.

19 Mr. Fauntroy. Aye.

20 Mrs. Berning. Mrs. Burke.

21 (There was no response.)

22 Mrs. Berning. Mr. Sawyer.

23 Mr. Sawyer. Aye.

24 Mrs. Berning. Mr. Dodd.

25 Mr. Dodd. Aye.

Mrs. Berning. Mr. Ford.



300 7TH STREET, S.W. REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2 places. This covered the crucial periods of time, more or
3 less, and that is a big question, more or less. And I now
4 have to say that the person alleged to have been Oswald went
5 in the embassy.

6 Nevertheless, the Agency never came up with a photograph
7 of Oswald coming in and out of the Agency. Indeed they sent
8 back up to Washington the wrong photograph. This has given
9 rise to the whole problem of the mysterious plan.

10 The significance of the issue of the investigation
11 literally speaks for itself. If Oswald did not go in and
12 apply for that visa, and someone else did, then it is obvious
13 that Oswald had an associate. If he had an associate, the
14 single assassin theory is in real serious trouble.

15 What we need to do is to pursue in our hearings for your
16 benefit our ability to understand what went on down in Mexico.
17 We have witnesses scheduled for the hearings and we now asked
18 the Central Intelligence Agency to make available to us those
19 materials dealing with the surveillance, which are Hill-sensi-
20 tive and they go right to the heart of sensitive sources and
21 methods. But the Agency prefers not to disclose them.

22 Now, they have no objection to the staff looking at them
23 and they frankly have no objection to this committee looking
24 at them and they have no objection to us, at least in dealing
25 with Agency employees, using or pursuing these matters in the
hearings, but then they say to us the following: "But what do

1
2 you do about Rule 11?"

3 Rule 11 of the House says that all committee documents
4 are property of the House and as such all members of the House
5 have access to them. We say, well, our response to them is as
6 follows: "What do you want me to do about the rules of the
7 House of Representatives? I cannot change them."

8 And their response is: "Well, why don't you adopt,
9 meaning the committee adopt, a rule that looks like the House
10 Intelligence Committee's rule on member access?"

11 So, we looked at that very carefully and the rule of the
12 House Intelligence Committee provides roughly as follows:
13 Members can have access to documents in the possession of the
14 House Intelligence Committee under terms and conditions set
15 forth by the House Intelligence Committee up to and including
16 denial of access. That is, we can set out the exact language
17 for you but the House Intelligence Committee's rule explicitly
18 authorizes the House Intelligence Committee to deny access to
19 a member.

20 And I said, or our response to the Agency is as follows:
21 "You cannot seriously expect me to suggest to my committee the
22 adoption of a rule that is on its face inconsistent with Rule
23 11, can you?"

24 And they said, "Yes, we know that it is inconsistent but
25 if you give us at least as much protection as the House
Intelligence Committee gives us, we would hve no problem with

300 7TH STREET, S. W. REPORTERS BUILDING, WASHINGTON, D. C. 20024 (202) 554-2345



300 7TH STREET, S.W. REPORTERS BUILDING, WASHINGTON, D. C. 20024 (202) 554-2345

1
2 turning it over to you."

3 My response is that "I cannot do that."

4 I cannot suggest to this committee that you adopt a rule
5 that is on its face inconsistent with Rule 11. The House
6 Rule, after all--I am talking as a lawyer, your lawyer I
7 guess--the rules of the House are explicit. The rules of this
8 committee are explicit. The resolution of this committee
9 explicitly says that your rules must be consistent with the
10 rules of the House.

11 So, I cannot suggest to you a rule like that rule of the
12 House Intelligence Committee.

13 I played around with language with Jim Wolfe and we came
14 up with the following suggestion that may meet the needs of
15 the Central Intelligence Agency. The rule does not deny
16 access to any member but it conditions that access to the
17 time, place and manner by the following procedure: That a
18 member would have to request access in writing and the request
19 would be taken up by the full committee and, if the full
20 committee voted to give the member access, he would get it
21 then and there and, if the committee decided that under the
22 circumstances the committee member or the members should not
23 have access, it would cause the question to be taken back up
24 on the House Floor.

25 Of course, if the House Floor in effect reaffirms Rule 11
in this case, then our rules would permit the member to have

300 7TH STREET, S.W. REPORTERS BUILDING, WASHINGTON, D. C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

access. If the House Floor says that the members should not have access, then of course it would be the resolution of the Floor that would deny the member access and not our own rules.

Basically, what it would do is that it would cause the House of Representatives to take a second look at the scope and impact of Rule 11, not as an abstract question of principle, but as a concrete instance where if what the member wanted access to was something that could be fairly described as the "family jewels," then it would be the burden of the full committee to say that it is too risky to turn over this material to this member.

It would then provide a mechanism for transferring that decision to the Full House Floor and the Full House Floor would then be in a posture of debating the issue in the concrete context, that is, the specific request of a specific member to see a specific document, and you could bring to the attention of the House the nature of that document without actually revealing it.

If, of course, the House votes to reaffirm Rule 11 in this instance, access would be granted. It is my judgment that the Agency would buy this rule as giving them the maximum protection of the disclosure, or the routine and automatic disclosure of the more sensitive methods, to 435 people simply on request.

The choices are hard. If we do not adopt it, I think the