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HEARINGS

Before The

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

SENSITIVE

BUSINESS MEETING

- - -

EXECUTIVE SESSION

Washington, D.C.

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WITHDRAWNAL NUIJCL

1 Mr. Fauntroy. Right.

2 The Chairman. Thank you.

3 Let me mention just one other thing before we recognize
4 Mr. Dodd. I didn't want to make these comments in front of the
5 staff; that is, the committee staff, when you gentlemen were
6 discussing the matter of going over to the committee and
7 reading these documents and evidencing some interest in the
8 work the staff has done. It is important that you do have this
9 kind of concern.

10 Members of the staff have been over to discuss this type
11 of matter with me. Tom Lambeth is here and I am sure, Tom, if
12 you wanted to, would give you information on this situation.
13 There is a tremendous morale problem with our problem. Much
14 of it has to do with the facts and circumstances surrounding
15 other things that have happened with this staff. But over and
16 above it, they have not seen, members of this committee,
17 evidence of very much interest in them or the work that they
18 have been doing.

19 They have done an enormous amount of work that this commit-
20 tee is not even aware of. I have discussed the matter with
21 both subcommittee chairmen and in order to try and correct
22 the situation, I have asked both of them to set up some meetings
23 where other persons other than the chief counsel would be able
24 to brief you as to the specific areas in which they have done
25 an enormous amount of work and to also try to get some of you

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1 to give those individuals some additional direction in those
2 areas where they have done this enormous amount of work. And
3 what they have also asked is that you would perhaps work with
4 them and you select an area of investigation of which you are
5 particularly interested and work with that individual or indi-
6 viduals and give them the kind of direction that they need.

7 I think also this will tend to offset some of the adverse
8 press that we have been getting where individuals, such as the
9 author that Mr. Fauntroy made reference to, can tell New York
10 Times and the media that they are directing our investigation.
11 This would tend to help offset this in the media's mind and the
12 staff would be able to say that you are directing the investiga-
13 tion as you should.

14 Bot Tannenbaum, for instance, is quite exercised over the
15 fact that thick booklet which he and his staff people compiled
16 which is dealing with the Kennedy investigation and the Warren
17 Commission and all the witnesses that this committee should be
18 interviewing, things of that nature, that no one on the commit-
19 tee had been over it at the time he talked to me.

20 I know now Bob Edgar has been over several occasions and
21 sat there and read those various documents. So this is impor-
22 tan.

23 Mr. Sawyer. Mr. Chairman, do the vote buzzers ring down
24 in that annex?

25 The Chairman. Do they, Tom?

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1 Mr. Edgar. Mr. Chairman, we looked into that. They do
2 not ring in the rooms that I know of. I requested when I was
3 down there, both times were very early in the morning and were
4 not during the period of the bells themselves, but there are
5 a number of secretaries and staff people who could keep you
6 in immediate touch with them. I think there would be time to
7 move from that office to the House floor without any difficulty
8 within the 15 minutes.

9 The Chairman. We could do like you do and go down very
10 early in the morning.

11 Mr. Edgar. Eight o'clock, 8:30 is a good time. Between
12 8:00 and 10:00.

13 The Chairman. Mr. Lambeth.

14 Mr. Lambeth. I would suggest that someone that comes
15 over probably if they would ask Elizabeth ^{Berning} ~~Burke~~ who is the
16 secretary of the Director's Office. She could call one of the
17 members' office and arrange for them to call immediately if
18 there were any kind of vote. Having had the experience of
19 walking back and forth for four weeks, I can tell you, you would
20 want to start out for the floor immediately after a buzzer but
21 I believe you could make it to the floor in time for a vote.



22 The Chairman. I further want to take this opportunity to
23 say to the committee that Tom Lambeth who was borrowed from
24 Richard Preyer's office for 10 days, and as he has now been
25 on the job four weeks, has just done a marvelous job, just a

1 yeoman's job of keeping Richie's office going, at the same
2 time stabilizing and working with the people on your committee
3 staff and he is really to be commended. I say it also in
4 sincerity he has helped stabilize that situation. He has
5 helped the morale over there tremendously.

6 Tom, I want you to know the committee is deeply indebted
7 to you for what you have done and we hope soon to relieve the
8 situation and not keep you at it.

9 Mr. Lambeth. Amen.

10 The Chairman. Was there anything you care to say in terms
11 of that morale situation?

12 Mr. Lambeth. Mr. Chairman, I just say you are obviously
13 very sensitive to what you described as to what is there. there
14 is a considerable morale problem there, most of which I think
15 will be relieved almost immediately with the appointment of a
16 permanent chief counsel. Some of the problems that are there
17 are those that would be in that kind of organization under the
18 best of circumstances and they are simply exaggerated, I think,
19 by the uncertainty of leadership.

20 But I think some of this attitude about the committee is
21 obviously unreasonable and is a product, I think, of people
22 in their uncertainty saying the committee is not paying atten-
23 tionus, something like that, which obviously, if nothing else,
24 indicates they are aware of how busy the committee is. That
25 is the sort of thing I think will be resolved by the appointment
of permanent chief counsel and perhaps a little of this effort

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1 of going down there.

2 I really ought to take the opportunity to say to you, my
3 brief association with these people has made me have great confi-
4 dence in almost all of them. They are very able people. They
5 are people that are very dedicated to the job that they have
6 undertaken. I think with a permanent chief counsel they will
7 perform very well. I thank you for your kind words.

8 The Chairman. Thank you very much, Tom.

9 Now we will move then to that next subject, which is the
10 search for a new chief counsel. Chris Dodd, as you know, was
11 appointed as chairman of a task force to conduct this search.
12 He and this task force has done a tremendous job. They have
13 spent a great deal of time and effort in trying to search
14 through the various resumes that have come to our attention
15 and to contact various individuals who have been recommended
16 to us for consideration. And I would like at this time to
17 recognize Mr. Doff for that report.

srs fol

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1 Mr. Dodd. Thank you, Mr. Chairman.

2 I will try and be brief. Actually, most of the people
3 who served on the task force are here, but for purposes of the
4 record and for Charlie Thone who was not on there and Sam who
5 was on but because of his slight illness he had was unable to
6 participate--I know he full intended to -- first of all,
7 Mr. Chairman, I want to take this opportunity to thank the
8 members of the task force who showed up hour after hour, day
9 after day, during a process where we gometimes began to wonder
10 if we were ever going to be able to conclude it.

11 It was really quite impressive to have a group of us there
12 during every interview. There was never a situation where I
13 was there alone or any one single member of Congress was alone,
14 interviewing a potential chief counsel. The people partici-
15 pated just as fully as possible.

16 For the purposes of the record, of course, that task
17 force did include Mrs. Burke, Floyd Fithian, Bob Edgar, Hal
18 Sawyer, Stew McKinney, Sam Devine and myself. I think I
19 included everyone in that task force.

20 Very briefly, Mr. Chairman, the search committee began
21 by reviewing some 111 people, names which had come to us as a
22 result of your inquiries to various national organizations,
23 contacts with specific people in the country who had a repu-
24 tation for assisting other congressional committees in the
25 past in their search for staff, particularly in the area of

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1 chief counsel, chief administrators.

2 Before I move on any further, I would be negligent at
3 the very least if I did not also point out we had staff mem-
4 bers from each one of the members of the task force who worked
5 very, very hard, in fact, an awful lot of work preparing
6 the documentation, seeking out the materials from the Library
7 of Congress, making contact and ~~phone calls~~ with all the
8 people across the country. Our guess is that this total
9 process took somewhere in the neighborhood of 300 to 400
10 manhours over the period of two and a half to three weeks,
11 which is really quite extensive.

12 At any rate, we had a first go-round where we contacted or
13 looked at some 64 individuals on paper. From that list of 64
14 we narrowed down as a group 17 candidates that we thought
15 should be interviewed personally, if they would be so willing.
16 Of that list of 17 that we contacted, six expressed a sincere
17 interest in serving as chief counsel and staff director of this
18 committee.

19 We interviewed all six of them and felt we should go
20 further. From that group we were not satisfied entirely with
21 the individuals that we had had a chance to talk to, so we
22 then went back through the same process again, looking at a
23 list of 47 to 50 people, again by contacting various people
24 around the country, various organizations and so forth.

25 From that group of 50 we narrowed it down to another group



1 of some 13 or 14 that we thought would be worth looking at.
2 From that group some seven people agreed and indicated a
3 strong interest in serving on the committee.

4 As a result of those interviews and the interview of the
5 first group, we came up with two teams, so to speak, and the
6 reason for it was that we found so many qualified people, as a
7 result of going back over our own work. We found it almost
8 impossible to come up with any one person that all of us
9 completely agreed on.

10 As was agreed previously, prior to the time of starting
11 this process, our intention as a task force was to try and
12 narrow down the group and submit those names we thought would
13 be eminently qualified to you, Mr. Chairman, for the final
14 decision. We did not feel we should or could make that final
15 determination.

16 In reviewing these people, I must also point out that
17 we were looking for certain characteristics and qualities in
18 each one of these people. Although these do not necessarily
19 appear in any order of preference, we did consider their
20 professional standing, their administrative experience, their
21 investigative experience, their prosecutorial experience,
22 integrity, personality, ability to get along with other people,
23 political sensitivity, writing ability and, of course, any
24 possible information in their own background, professional or
25 otherwise, which could reflect poorly on this committee's

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1 efforts during the next year and a half.

2 From those lists and groups of people we talked to, as I
3 previously mentioned, we came back with two teams.

4 The two teams we came up with, the first team consisted
5 of Professor Robert Blakey who was a professor at Cornell
6 University, former chief counsel to the McClellan Senate
7 Committee, had been there for some four or five years. Prior
8 to that time he had experience in the Justice Department, has
9 written extensively and was a rather impressive individual.

10 Mr. Zagel, Chicago prosecutor, who is presently the
11 Executive Director of the Illinois Crime Commission -- that
12 may not be the exact title but it is the crime commission.

13 The Chairman. Law Enforcement Commission.

14 Mr. Dodd. And Attorney General Highland was the Attorney
15 General of New Jersey, who has been, by the way, the attorney
16 general under four administrations in that State and has exten-
17 sive background and experience as well. Mr. Highland removed
18 himself voluntarily from that first team. He contacted the
19 Chairman. For reasons of his own, he regretfully declined to
20 be considered in that final group.

21 The second group consisted of Mr. Jaffe, Professor of
22 Israel from the University of Michigan; and Mr. Schaeffer,
23 former dean of the Notre Dame Law School. Mr. Jaffe is a U.S.
24 Attorney from New York.

25 At that time, Mr. Chairman, we submitted to you those names.



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1 Rather than go into what you finally decided to work on, I would
2 like to sum up by saying this did involve numerous manhours, and I feel
3 we did as good a job as we could under the time constraints
4 we were operating under in trying to do the job, to conduct
5 the search in as thorough and competent a manner as we could.

6 I am satisfied at this point, Mr. Chairman, that you have
7 before you the names of people, at least the task force anyway
8 feels we could live with very easily and would believe they
9 would bring credit to this committee in its effort to resolve
10 the questions surrounding these two assassinations.

11 I will be glad to answer any questions from any of the
12 other committee members. I am sure my colleagues on the task
13 force might like to comment on the process or make any other
14 additional observations.


15 The Chairman. Do any members of the task force want to
16 make additional comments?

17 (No response.)

18 The Chairman. I certainly want to once again thank you,
19 Mr. Dodd, and each member of the task force.

20 Mr. Fithian. May I just say one thing?

21 The Chairman. I will recognize you in just a moment.



22 I do want to -- on the record -- thank both the chairman
23 and the members of this task force for having spent this type
24 of time in behalf of a search. I think all of us on the com-
25 mittee recognize the importance that all of us attach to this

1 particular office, staff, and the ultimate report which we must
2 go to the American people with. It is obvious you have expended
3 an awful lot of time and effort. I very sincerely appreciate
4 all your work on this.

5 I recognize Mr. Fithian.

6 Mr. Fithian. I just want to say, cutting down to two
7 categories of people in this choice process, you could select
8 a person for his prosecutorial ability and make that really the
9 heavy emphasis, or you could get someone who had a lot of ad-
10 ministrative experience to write a good report and manage the
11 staff, and if you are lucky to get somebody who has some contact
12 with Washington, some contact with the Hill, so they know what
13 the congressional committees and congressional staffs are all
14 about, and it is hard to find somebody who has had all of these.
15 It is hard to be an outstanding national prosecutor, have con-
16 tact and long years of experience on the Hill, and also be able
17 to administer a large number of lawyers.

18 It is just not a normal combination. I think I could
19 live very happily with any one of the six on the first and
20 second teams. For various other reasons, I would not have been
21 happy had we gone beyond that, beyond the top six.

22 Mr. Thone. Mr. Chairman --

23 The Chairman. Mr. Thone.

24 Mr. Thone. Mr. Dodd, what did Mr. Blakey teach at Cornell?

25 Mr. Dodd. He is in the Law School there and he teaches --

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1 if you will wait one second, let me pull out his resume for you.

2 Mr. Thone. How old is he, by the way?

3 Mr. Dodd. I would be guessing. Off the top of my head,
4 I believe he is 45. Let me get his resume for you.

5 The Chairman. Born 1936.

6 Mr. Dodd. Born 1936, so that would make him 41.

7 The Chairman. The other fellow is 36, Mr. Zagel.

8 Mr. Thone. What is his first name?

9 The Chairman. James B. Zagel.

10 Mr. Sawyer. I was tremendously impressed by this fellow
11 Zagel.

12 Mr. Dodd. Mr. Chairman, if I may ask the gentleman to
13 yield, he teaches criminal law. procedure, property, seminars,
14 organized crime and faculty advisor. He also taught at Notre
15 Dame Law School.

16 Mr. Thone. Going to the Notre Dam Law School, did you
17 say the current or former dean?

18 Mr. Dodd. Former dean.

19 Mr. Thone. What does he do now?

20 Mr. Dodd. He is a professor there.

21 Mr. Fithian. Every five or six years they rotate that
22 deanship. He is back on the staff again.

23 The Chairman. It might help, Mr. Thone, just reading out
24 part of the things on it: A.B., 1957, University of Notre Dame;
25 L.B., 1960, Notre Dam Law School, Special Attorney Honors

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1 Program; Organized Crime, Racketeering Section, Criminal
2 Division, United States Department of Justice, 1960 to 1964;
3 Assistant Professor of Law, Notre Dame Law School, 1964 to
4 1967; Professor, 1967 to 1974. Chief Counsel, Subcommittee on
5 Criminal Laws and Procedures, Chairman John L. McClellan,
6 Committee on the Judiciary, United States Senate, 1969 to 1973;
7 Assault on Organized Crime, President's Commission on Law
8 Enforcement and Administration of Justice, 1966 to 1967; Report
9 on Electronic Surveillance, American Bar Association Project
10 for Minimum Standards in Criminal Justice, 1967-1968; Consult-
11 and on Conspiracy, Organized Crime, National Commission on the
12 Reform of the Federal Penal Law, 1968; member, Task Force on Legalized
13 Gambling, 20th Century Assault, Commission on Review of National
14 Policy, 1974-1975; member, National Commission for the Review
15 of Federal and State Laws relating to Wire Tapping and Elec-
16 tronic Surveillance, 1974-1975; professor, Cornell Law School
17 since 1973; Director, Cornell Institute on Organized Crime,
18 subjects: criminal justice, criminal procedure, seminar on
19 organized crime.

20 I might say I have now interviewed both of these appli-
21 cants and I also had talked with Mr. Highland prior to his with-
22 drawal. All three individuals are very, very choice. Each
23 is outstanding in his own right. Zagel, of course, is a little
24 younger. He is about 36 years old and has not had, I suppose,
25 the extensive type of experience that Blakey appears to have

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1 had at 45, and yet he is the type of a fellow who at 36 is
2 considered to be an old prosecutor because he has been in the
3 field quite a while.

4 They are tremendously impressive.

5 I suppose on balance I would lean perhaps a little more
6 toward professor Blakey. I think I do so because on balance I
7 think he has perhaps a little more experience in different
8 areas than Mr. Zagel has and has the advantage of having had
9 Capitol Hill experience and is familiar with the working
10 members of Congress and Hill administration situation, which
11 is also unique.

12 I found Mr. Zagel, while he has had some administrative
13 experience, some relationship to persons in the State legis-
14 lature, also very knowledgeable in terms of the political
15 process and how to get along with officials he has to deal
16 with in official capacity and so forth.

17 It is just in my own personal type of reaction that on
18 balance I would put Blakey just a little bit above.

19 Mr. Dodd. If the Chairman would yield, just one point I
20 think should be mentioned.

21 I made an effort to contact Senator McClellan, to ask him
22 about how he had performed in his role as chief counsel over
23 there at that committee. Unfortunately, Senator McClellan just
24 returned home from an operation in the hospital, but I did
25 manage to speak with one of his top assistants who has been with
the senator for numerous years and knew Blakey very, very well.

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1 Speaking with him on a confidential basis, he told me he
2 would speak for the Senator without hesitation and that Bob
3 Blakey was the finest person he every had working for him,
4 he was top flight, in fact, felt so highly of him he has been
5 strongly recommended for one of the top positions in the Depart-
6 ment of Justice in the present Administration.

7 I guess many have not been too successful in relationship
8 with the new Administration in that area. He had the highest
9 remarks for Blakey. Certainly it is a key question in terms of
10 his ability to perform as a chief counsel of a congressional
11 committee.

12 Mr. Sawyer. Mr. Chairman, I was equally impressed, really,
13 with Zagel and Blakey. They are both top guys. I got the im-
14 pression, talking to Blakey, he might have some economic problem.
15 Did you get that?

16 The Chairman. I can speak to that. The task force had
17 indicated that to me, that we might have a problem there. He
18 is presently at around \$53,000 and we only pay top of \$47,000.

19 When he and I talked, we discussed that and I told him
20 \$47.5 thousand would be tops. He then did some computing on
21 his own there with me with reference to the fact the retirement
22 situation here would provide him a little additional money. In
23 fact, he would be living over in Virginia where taxes and other
24 things are less than they are in New York. He felt he could
25 pick up a little additional money there, and then he had a question

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1 as to whether he might pick up one consultant fee without
2 violating the House rules which would give him \$2,500. He has
3 some time ago contracted with Lou Nizer to testify as an expert
4 in a libel case that will be coming up in August somewhere out
5 West where he would be testifying in his capacity as an expert
6 on organized crime. It is a civil matter where I guess a member
7 of the Mafia has sued the State -- my understanding is it was
8 clearly a libel situation on the part of either a newspaper or
9 magazine that wrote the article; and he would be testifying in
10 that case.

11 I guess one is paid testimony of this sort where he would
12 be entitled to a \$2,500 fee.

13 Mr. Sawyer. For which side?

14 The Chairman. He would be testifying against the news-
15 paper.

16 Mr. Devine. The same situation we had with Sprague.

17 Mr. Dodd. He is not the principal in the case.

18 The Chairman. He evidently is an expert in this area and
19 has been called as a court witness in several of those cases.
20 I told him this is something I would have to take up with the
21 committee; but at any rate I think he realistically would be
22 willing to try to live with \$47.5 thousand.

23 Mr. Sawyer. What problem is there if he was called as a
24 witness on behalf of the member of the Mafia?

25 The Chairman. I can see some problem, particularly with

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1 the problems this committee has had.

2 Mr. Dodd. His name is Alessandro Travicante?

3 The Chairman. No, but it is something similar to it.

4 Mr. Edgar. Mr. Chairman --

5 The Chairman. Mr. Edgar.

6 Mr. Edgar. I would like to urge the committee to move
7 with deliberate haste to the selection of this chief counsel.
8 I think both candidates are equally qualified and because of
9 your interest in Mr. Blakey, having served on the task group and
10 having met Mr. Blakey, while he was not my choice, he was
11 clearly in the top part of the scale, and I think selecting and
12 securing a chief counsel at this time would do more to establish
13 this kind of mature staff morale that we are looking for now
14 in the committee.

15 I think if we could announce tomorrow the acceptance
16 of new chief counsel and that person could be in place by the
17 middle of July at the latest, we could really pursue the
18 investigations carefully. One of our concerns that we expressed
19 in our interviewing the candidates was the fact that every day,
20 every week pushed this off even further.

21 One of the things Mr. Lehner wanted to talk to us about
22 and didn't have a chance is that their investigation is a little
23 bit handicapped because they are working with three field
24 investigators divided between Kennedy and King. One of the
25 field investigators is leaving, a new one is possible on the



1 horizon. They would like to see the selection of three or four
2 minimum for the King group before the deadline passes, so those
3 investigators can be on board before August. I know we have
4 had a semimoratorium on hiring, rightly so, because the new
5 chief counsel should have that responsibility; but I would just
6 urge us to act as quickly as possible to secure the new chief
7 counsel and allow some flexibility perhaps, at least two or three
8 investigators coming on as quickly as possible so we can get
9 the evidence together and pursue these cases.

10 Mr. Dodd. Mr. Chairman, I would like to suggest, I do
11 not believe a motion is necessary unless someone so wanted,
12 but I would like to suggest that you, as Chairman of this com-
13 mittee, be authorized by the rest of us to make that decision
14 as to which one of these two or any of the other ones we looked
15 at, if you so desire to make that choice pursuant to Congress-
16 man Edgar's last suggestion.

17 Unless there is some projection in that, I would make that
18 as a suggestion.

19 Mr. Devine. I would agree with the assessment that the
20 Chair should make the selection between those two persons. The
21 only thing that troubles me is what you just pointed out, his
22 desire to testify, to take this \$2,500 consultant fee; if he
23 does, in fact, publicly in August, why, that may be another
24 thing that people will jump upon.

25 Mr. Edgar. Mr. Chairman --

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1 The Chairman. Mr. Edgar.

2 Mr. Edgar. Mr. Chairman, I think when we offer Mr.
3 Blakey the opportunity to come with us, I think we should
4 respectfully request him to not take the consultant fee. I
5 think there will be sufficient ways that we can help Mr.
6 Blakey. If it becomes a determinant whether he comes to us,
7 I know it is a concern. I just frankly think we have got to
8 be careful not to have someone testifying in August who is to
9 spend full time here. I would urge him not to testify,
10 request of him that he not, and then see if there isn't a way
11 in which we can assist him as the year goes on, perhaps making
12 sure there are few, if any, requirements that he use his own
13 funds for any travel or any of his expenses. I just have a
14 hesitancy to see him going out and consulting.

15 The Chairman. There was one other thing you ought to be
16 apprised of, too. He did not know the answer to this himself.

17 Ordinarily, in the summer he conducts an institute for
18 Cornell and he antitipates conducting an institute this summer.
19 It lasts one week and he was not certain whether or not he
20 would be compensated for it during that week. He had apprised
21 me of it.

22 Mr. Devine. What type of institute?

23 The Chairman. It is a law institute that is conducted
24 for the university, but it requires he be away that one week.

25 Mr. Fithian. Mr. Chairman, we have to make a choice here.

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1 If it is a matter of dollars and cents, I would be happy to
2 have him as chief counsel myself. I would much rather give him
3 up for a week to go up to Cornell and let him get compensated
4 than to go on the stand in the nature of the testimony that
5 he is an expert witness. The \$2,500 would be paid by the
6 defense counsel for the Mafia. That leaves me a little shakey.

7 Mr. Sawyer. That bothers me, too.

8 The Chairman. I think on that point, I think the com-
9 mittee has well stated its opinion and the Chair understands.

10 Mr. Fauntroy. Mr. Chairman, I just had two questions
11 and one comment. The question first is, when would he be
12 available -- Mr. Blakey?

13 The Chairman. He is available, I think, within a period
14 of two weeks, and he stressed the fact economically his situation
15 is such, while he and his family are not starving, his
16 economic situation is such that he cannot miss a two-week
17 pay period. If he misses a two-week pay period he said they
18 would be in trouble.

19 Mr. Fauntroy. Do I understand he has nine children?

20 Mr. Sawyer. I believe.

21 Mr. Fauntroy. Six children, a Protestant having attended
22 Notre Dame.

23 Mr. Dodd. No, he is a Catholic.

24 Mr. Fauntroy. I was wondering how he made it.

25 Mr. Dodd. Seven children.

