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HEARINGS

Before The

SELECT COMMITTEE ON ASSASSINATIONS

# HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

Washington, D. C.

March 17, 1977

Alderson Reporting Company, Inc.

*Official Reporters*

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

554-2345

EXECUTIVE SESSION

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THURSDAY, MARCH 17, 1977

Bultman  
LDR

U. S. HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON ASSASSINATIONS  
Washington, D.C.

The Committee met, pursuant to notice at 10 a.m. in Room 2220 Rayburn House Office Building, the Honorable Louis Stokes (Chairman of the Committee), presiding.

Present. Representatives Stokes (Presiding) Fauntroy, Burke, Dodd, Ford, Fithian, Edgar, Devine, Anderson, Preyer, and Thone.

Also present. Richard A. Sprague, Chief Counsel and Staff Director, Bob Tannenbaum, Bob Lehner, Steve Fallis, Al Lewis, Pat Orr, James Wolf, Rebecca Martin, Tom Howorth, Burt Chadak, Bob Morrison, Frank Kelly, Polly Brown, Hank Spring.

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The Chairman. The meeting will come to order.

We are still in executive session. Supposedly, only Staff are in the room.

Mr. Lehner. That is true.

The Chairman. There are several matters I thought we might take up this morning. We may have to adjust the schedule a bit, because Mr. Fithian is in a markup situation and has some matters that he wants to bring before the

1 Committee. I told him that we would try to adjust to his  
2 schedule, whenever he can get over.

3 One of the things that we have to do is to prepare  
4 our report for March 31 for the House. In that conjunction,  
5 we have never done anything really with respect to the  
6 ordering of the hearings printed, of at least the open  
7 sessions that we have had.

8 I guess from the beginning there has never been any  
9 order to the Court Reporters to prepare anything so we  
10 are really behind in all of that.

11 Steven, is that your area?

12 Mr. Fallis. I will take care of it, if you want.

13 The Chairman. I think definitely we have to have  
14 our hearings printed. Then it is up to the Committee  
15 also to decide if any of the matters related to Executive  
16 Session hearings are to be released publicly also.

17 Mr. Devine. Mr. Chairman, how far back are you refer -  
18 ring--just since you became Chairman or prior to that  
19 time?

20 The Chairman. I am really open for a discussion on  
21 that, Mr. Devine. I don't know how much of what it is, I  
22 try to think back of what we did under our previous  
23 Chairman, whether there was anything much to be--

24 Mr. Devine. I think it was preliminary discussion rela-  
25 tive to adoption of rules which was finalized since you  
have been chairman.

1 The Chairman. Right.

2 Mr. Devine. So, I am not sure that any useful purpose  
3 would be served in having those printed up because the  
4 final rules of what we adopt are used for legislation of  
5 the legislative report,

6 Do you know, John?

7 Mr. Anderson. NO, I do nt think it would be useful.  
8 It would be just additional expenses to go ahead and  
9 transcribe and print hearings that were inconsequential as  
10 to what they produce. So, I think I would be agreeable to  
11 implementation of what you say, since you started your tenure  
12 as Chairman. That would be adequate.

13 The Chairman. All right. Then are there any matters  
14 you can think of related to sessions that we have had in  
15 Executive Session that we ought to release. I suppose that  
16 matters in relation to Mr. Sprague's explanations yesterday  
17 perhaps ought to be printed up, or we can have some dis-  
18 cussion as to whether this should be.

19 Mr. Edgar. Mr. Chairman, is it proper and possible  
20 to have two records made, one from the public sessions  
21 since you have been Chairman, and one from the Executive  
22 sessions that would be held until we have a careful review  
23 of thos?

24 The Chairman. You mean to have it printed up, Executive  
25 Session printed up, for our purposes.

Mr. Edgar. Yes.

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Mr. Devine. I might say, those have a way of getting out.

The Chairman. Yes.

Mr. Devine. And if they are printed up, of course, the Government Printing Office has them. Do you know how many copies are run off?

Mr. Edgar. I do not know what the Security provisions are.

Mr. Devine. I would imagine we could have them transcribed by the Reporter and retained in the custody of the Chairman until such time we feel that information can be released publicly.

Mr Edgar. I think we should have at least, have it typed up and put together by the recorder.

The Chairman. Well, I would entertain a motion that we do that.

Mr. Devine. Mr. Chairman, I would like to have the thoughts of counsel on whether he feels that the information he gave in Executive Session is of such a nature that it should or should not be revealed publicly at this time.

Mr Sprague. Mr. Devine, there are two things I would say. Each of the hearings in fact whether public or in executive session have been transcribed and are being transcribed, and we have the transcribed testimony in our office. So that which is from the Executive

1 Sessions is kept under lock and key, the others are there  
2 and available. Both are available, so that everything is  
3 being transcribed when you talk about printing, I think  
4 you are talking about the taking of the transcribed notes and  
5 arranging for the Printing Office to print them up.

6 Mr. Devine. As part of Committee hearings and part  
7 of the Committee report are two different things. The  
8 different hearings there is no conclusion but the  
9 Committee report contains them.

10 Mr. Sprague. I do not see from the hearings the  
11 public hearings accept from the printing of rules which we  
12 have gotten printed up and which will be distributed, what  
13 else is to be printed from that.

14 The Executive Sessions, and I am happy for the notes  
15 from the hearing yesterday that we had, I am happy for  
16 that to be available to whomsoever this Committee wants to  
17 have that available to. I do not think it is a matter  
18 just for general dissemination, unless the Committee wants  
19 to just have it published in the news media from here  
20 to there.

21 It seems to me this was available more for the Committee  
22 purposes should questions then arise but I have no  
23 feelings one way or the other about it.

24 Mr. Devine. Mr. Chairman, I think from the standpoint  
25 of Mr. Sprague, that he is entitled to be vindicated

1 at some time in the future on the charges having been made  
2 by our previous Chairman but I am afraid if those are printed  
3 up and made available to the public, that that is what will  
4 hit the headlines, again it reopens the wounds and I do not  
5 think that we are prepared to meet that at this particular  
6 time.

7 I think after we are reconstituted, assuming that hap-  
8 pens, why then that is adequate time for the answers to  
9 be given to the charges made actually unless you feel  
10 some useful purpose would be served in trying to do it  
11 to the confrontation we are going to have with the House  
12 one of these days under the Rules Committee.

13 The Chairman. Well, actually, I agree with you. I  
14 was concerned because Mr. McKinney had warned us to have  
15 this done in Executive Session and a couple of other members  
16 had too, so that they could then be sent to the other  
17 members or some of the other members and someone even  
18 mentioned putting it into the Congressional Record.

19 I think, putting it in the Congressional record even  
20 has the same, very same situation about it in terms of  
21 the news media grabbing that and getting back off where we  
22 now have them.

23 Mr. Edgar. Mr. Chairman.

24 The Chairman. Mr. Edgar.

25 Mr. Edgar. If they are transcribed and typed out which



1 I assume they will be in another 24 hours or so, couldn't  
 2 they be circulated to all the members of our Committee and  
 3 then at some point in the future some sections of them may  
 4 be necessary to share with others in case there is a  
 5 question around reconstitution time, but as for now, we  
 6 would just keep them within the confines of this Committee.

7 I think they ought to be circulated to those members  
 8 who were not present, who have some questions, who may want to  
 9 take a look at the data that was provided yesterday by  
 10 Mr. Sprague.

11 Mr. Sprague. My thought is that a copy of them should  
 12 be available to be with each member of this Committee for  
 13 whatever purpose that member may then want to use it  
 14 because it was really so that if questions exist in your  
 15 minds or if people are asking you questions, at least  
 16 you have the information as I state it to be to respond and  
 17 I am happy to have, for each of you, to have a copy of  
 18 that for your own purposes.

19 The Chairman. Does that satisfy everyone then.

20 Mr. Devine. That is fine with me.

21 The Chairman. Then, Mr. Sprague, in regard to the  
 22 hearings so that we have a clear understanding on that,  
 23 ordinarily when a committee goes to the floor with any type  
 24 of report accompanying that report of course there are  
 25 the printed hearings that have been conducted by that  
 Committee, that is what I had in mind in terms of at

1 at least my assumption of the Chair, that we would have all  
2 that printed up as hearings of the Committee, with the  
3 exclusion of course of anything that is in Executive Session  
4 unless we thought there was something in the Executive  
5 Session that should be released at that time.

6       Apparently there is nothing that anyone can think of.

7       Mr. Devine. I have not thought much about what we  
8 have done in Executive Session, is there anything that anyone  
9 feels should be brought out?

10       Mr. Edgar. Well, I think that whatever is sent to the  
11 House Floor has to be on the issues of the two assassinations  
12 problems and I think yesterday's record of the pleading of  
13 the 5th is an important thing to have available and at an  
14 appropriate time when we send over a report to have the  
15 public record of that hearing make some sense. I do not  
16 know what the choreography of that is when that takes place.  
17 There may be two or three other public hearings that we may  
18 have next week. I do not know what the plans are, that  
19 may be included in that. Of course, with pleading the 5th  
20 you do not have many pages of testimony but whatever we  
21 can share with the House publicly to justify our existence,  
22 I think is important to get beyond the March 30 deadline.

23       The Chairman. Yes, I think that is very important.

24 All right, we will then see--because none of the members  
25 have even had a chance to correct any of the transcribed

1 testimony before it does go to the printer, so that has  
2 to be done Also. So, if you will proceed to have that  
3 done, I would appreciate it.

4 Mr. Sprague. Yes, sir, Mr. Chairman.

5 Mr. Edgar. Mr. Chairman, do we need any action  
6 on Mr. Preyer's proposed budget?

7 The Chairman. Yes.

8 I talked to him regarding that this morning. He had  
9 a markup in another Committee, also, said he would be  
10 here as soon as he could get here but I had hoped that we  
11 would be able to go ahead and take final action on that.

12 Mr. Ford. Do we have any preliminary work at this  
13 point on the budget?

14 The Chairman. No, Mr. Ford, I think it is a matter of  
15 his report in Executive Session prior to any release of  
16 it in a public session.

17 Mr. Edgar. Here is a copy (handing).

18 Mr. Ford. I did not have a copy.

19 The Chairman. It is still in Executive Session and  
20 not to be released publicly because we have not yet sat  
21 with Mr. Thompson.

22 I talked to Mr. Preyer this morning about sitting  
23 with him on it as we did with Mr. Dent in getting his  
24 concurrence in it, and the procedure that we adopted was  
25 that we will not release any information to the public

1 until such time as we have had the consent of both chairmen  
2 from the House Administration.

3 I want to lay before the Committee two letters that  
4 we received from Mr. Kenneth Bruton, Jr. which I think  
5 should be brought to the attention of the Committee along  
6 with the reply that has been prepared by Mr. Sprague.

7 May we have the Clerk read this correspondence.

8 Ms. Martin. "The Honorable Louis Stokes, Chairman,  
9 House Select Committee on Assassinations, U.S. House of  
10 Representatives, Washington, D.C. Letter dated March 8.  
11 "Dear Mr. Chairman.

12 "I submit herewith my resignation from the Staff of  
13 the House Select Committee on Assassinations effect this  
14 date or at such time hereafter as the members of the Select  
15 Committee shall determine as fair and equitable. I resign  
16 as a matter of province and not out of the belief that  
17 the investigation should not be continued by some appropriate  
18 body. The attention of the Select Committee is directed  
19 to the fact that on or about January 11, 1977, while  
20 acting in his capacity as Chief Counsel and Staff Director,  
21 Richard A. Sprague represented to the Staff during the  
22 course of the Staff meeting that, if certain Staff members  
23 were to accept a 35 percent reduction in pay, that  
24 he, Sprague, would see that such staff members were  
25 reimbursed the full amount of the decrease in pay.

1 "In justifiable reliance upon the representations of  
2 your agent, I tend to render professional services to the  
3 Houae Select Committee which accepted such services. I  
4 understand that there is an admission of Mr. Sprague's  
5 representation in the record of the Committee proceedings  
6 for Monday, March 6, 1977.

7 "I bring this matter to your attention so the  
8 Committee, while a duly constituted legal body, may take  
9 appropriate action to restore the pay reductions for  
10 January and February of 1977.

11 "Of course if the matter can be resolved equitably  
12 then litigation may be avoided. Also enclosed herewith  
13 are copies of telephone bills which I incurred while per-  
14 forming official duties as acting Staff Director and  
15 Chief Counsel under the former Staff Henry P. Gonzales. I  
16 trust this voucher will be issued promptly so I will be  
17 reimbursed for my actual expenses. I shall look forward to  
18 hearing from you as to the matter of the restoration of  
19 the January and February, 1977 reduction in my pay so that  
20 I may take appropriate action. I appreciate having had  
21 an opportunity to serve on the Staff of the Select Committee.

22 "With kind regards, I am Kenneth E. Bruton, Jr."

23 "Enclosed telephone bills for official calls."

24 Mr. Ford. What are they--what is the amount?

25 Mr. Howorth. About \$40.00.

1 The second letter dated March 10.

2 "The Honorable Louis Stokes, Chairman, House Select  
3 Committee on Assassinations, U.S. House of Representatives,  
4 Washington, D.C.

5 "Dear Mr. Chairman.

6 "Enclosed herewith is a copy of a letter which was  
7 mailed to my former law firm in Gainesville, Florida, on  
8 Monday, March 7 1977 and which was received on Wednesday,  
9 March 9, 1977, at 2 o'clock p.m.

10 "On Tuesday, March 8, 1977- immediately following  
11 the acceptance by the House of Representatives of Chairman  
12 Gonzales' resignation, I mailed you my formal resignation  
13 from the Staff of the Select Committee, a copy of which is  
14 also enclosed.

15 "On Sunday, March 6, 1977, having completed my final  
16 reports to former Chairman Gonzales, I moved all of my pos-  
17 sessions from my partment and flew to Florida.

18 "A number of people in Washington knew I was leaving  
19 Washington and resigning from the Committee. I was not  
20 going to tender my formal resignation until such time as  
21 the House accepted the resignation of Mr. Gonzales, for to  
22 do so would leave Mr. Gonzales without counsel. Since I had  
23 decided to resign immediately upon the acceptance by  
24 the House of the regisnation of Mr. Gonzales, I saw no  
25 reason to stay in Washington where the Committee was to  
hold a meeting as my presence at that point would simply

1 provoke unnecessary confrontation.

2 "On Wednesday, March 9, 1977, at 12:15 p.m. I learned  
3 from Congressman Gonzales' office that the Select Committee  
4 held a special meeting on Tuesday, March 8, 1977, for the  
5 sole purpose of firing me, notwithstanding the fact that  
6 my resignation was already in the mail to you and that the  
7 letter which I received on March 9 directed me to report  
8 to the Committee offices that same day. It is implicit  
9 in Mr. Lewis' letter that since I was not in the Staff  
10 offices since February 9, 1977, that I was not performing  
11 duties for the Select Committee.

12 "Enclosed for your information is a copy of a telegram  
13 which I received from former Chairman Gonzales on February 11  
14 1977. As you are no doubt aware, both at the request of  
15 former Chairman Gonzales as well as Congressman Richardson  
16 Preyer, Congressman Walter Fauntroy and Congressman Christo-  
17 fer Dodd, I did not go to the Committee Staff Offices so as  
18 to not cause unnecessary confrontations. However, I  
19 enclose herewith copies of correspondence between myself  
20 and Richard Sprague and Majority Leader Wright relating to  
21 my continuing efforts to resolve some of the problems con-  
22 fronting the Select Committee.

23 "I bring this chronology to your attention as well  
24 as the copies of documents which I have enclosed because I  
25 can only construe the calling of a special meeting to "fire"

1 me as a vindictive act on the part of Mr. Sprague who  
2 could have determined from a number of sources that I  
3 had already returned to Florida and intended to submit  
4 a formal written resignation as I, in fact, did.

5 "Accordingly, I will appreciate it if you will advise  
6 me as to the following: (a) whether a meeting of the  
7 Select Committee was held on Tuesday March 8 1977 and if so,  
8 was that meeting held in compliance with the rules of the  
9 House and the rules of the Select Committee and what  
10 official action was taken?

11 "(b) The position of the Committee as to whether my  
12 resignation is accepted or whether I was "fired" and the  
13 effective date of the acceptance of my resignation or my  
14 "firing". I shall look forward to hearing from you. You  
15 may feel free to call me at my home in Florida 940-372-8021  
16 should you wish to discuss this matter personally.

17 "With kindest regards, I am sincerely

18 "Kenneth E. Bruton, Jr."

19 The Chairman. O.K.

20 Is there any discussion regarding those letters or  
21 any comments that the members have?

22 Mr. Ford. Was he fired, Mr. Chairman, or his  
23 resignation accepted?

24 The Chairman. AT a meeting that was called as I recall  
25 the same day that I was appointed Chairman, we met in my



1 office. It was brought to my attention at that time or  
2 to the Committee's attention at that time by Mr. Sprague  
3 that both Mr. Bruton and a lady whose name I do not now recall  
4 had not worked since the 11th day of February, I believe,  
5 and for that reason we were asked to terminate their services.

6 And the Committee at that time took a course of action  
7 and we sent our correspondence out that day notifying both  
8 persons as I recall it that their services were terminated.

9 Mr. Ford. I mean, did we accept the letter of resig-  
10 nation?

11 The Chairman. That had not at that time come in.

12 I think there is a date on that letter.

13 Mr. Ford. I was at that meeting that day, Mr. Chairman.  
14 I do not recall that, probably--maybe I left-- out of the  
15 office but I do not recall our taking up any business  
16 on whether we should relieve him, fire him or accept his  
17 resignation.

18 Mr. Dodd. Oh, yes we took that.

19 The Chairman. Yes, Mr. Sprague brought it to our  
20 attention and we took action formally.

21 Mr. Devine. Mr. Chairman, I think one glaring error  
22 in the allegations is the fact that a meeting was called  
23 for the sole and specific purpose of firing him. That  
24 was not the purpose of the meeting being called, it was  
25 our first organizational meeting which, after your having

1 been named chairman, we took up a number of things and that  
2 was actually incidental if I recall.

3 The Chairman. One of the items on the agenda,  
4 yes.

5 Mr. Devine. Yes.

6 Mr. Anderson. What about his charge that he was promised  
7 a 35 percent pay cut; that it would be restored?

8 Mr. Sprague. Mr. Chairman, we prepared for the  
9 Chairman, Mr. Stokes' response to the first letter. This is  
10 the first I have heard of the second letter.

11 With regard to that statement, as I believe I said  
12 at the session that we had previously; there was not a  
13 promise that a pay cut in fact would be restored.

14 What I said to the Staff, at the initial Staff meeting  
15 and what I also said to this committee when I was asked  
16 the question about it by Mrs. Burke, was that what I advised  
17 the Staff was that I would use my best efforts to see that  
18 those that were on the Staff when we would get our new budget  
19 would then have the amount of money that had been taken out  
20 of their pay, put back in for an interim period until they  
21 were made whole again. There was never an assurance that  
22 they would get that, and secondly part of what was the  
23 condition was that they still be on the Staff when we  
24 were recreated and had our new budget.

25 And that is stated in the proposed response by the

1 Chairman.

2 Mr. Devine. Is that your proposed response?

3 The Chairman. Now, we have a proposed response to  
4 the first letter.

5 The second letter has just come in a few days ago into  
6 my office. Mr. Sprague has not seen that yet. The Clerk  
7 can read this proposed reply to the first letter.

8 Ms. Martin. Letter dated March 16 1977.

9 "Mr. Kenneth E. Bruton, Jr.,  
10 "3301 Northwest 27th Terrace,  
11 "Gainesville, Florida, 32605."

12 "Dear Mr. Bruton.

13 "I am in receipt of your letter of March 8, 1977,  
14 submitting your resignation from the Staff of the Select  
15 Committee on Assassinations and your request for reimburse-  
16 ment for certain phone calls and restoration of the pay  
17 reductions you agree to for January and February of 1977.

18 "Your 'resignation' of course, was obviated by the  
19 action of the Select Committee on March 8, 1977 terminating  
20 your employment with the Committee's staff. The Committee  
21 will reimburse you for any phone calls made in pursuit of  
22 Committee business. Before any vouchers are processed,  
23 it will be necessary for you to submit to me the names of  
24 persons you called and a brief statement of the subject  
25 matter of each call for which you desire reimbursement.

"In our view, however, you have no valid claim for

1 réstoration of your voluntary pay reduction for January and  
2 February of 1977.

3 "Sincerely, Louis Stokes, Chairman. "

4 The Chairman. Approximately how much money are we  
5 talking about in terms of this claim?

6 Mr. Howarth. About \$2300.

7 The Chairman. About \$2300.

8 Mr. Howarth. Through March 8.

9 The Chairman. Are there any questions or comments?

10 Mr. Sprague. Mr. Chairman, may I also bring to your  
11 attention that other people have left our staff voluntarily  
12 and as to them as well, they have been advised that anybody  
13 leaving the Staff prior to recreation and the getting of  
14 a new budget, if we get that, does not get any of that pay  
15 differential back.

16 So the people leaving know that that same rule applies  
17 to them as well.

18 So, I want the Committee to be aware that there is  
19 nothing being done aimed at Mr. Bruton that is any different  
20 than anybody else.

21 The Chairman. Mr. Dodd.

22 Mr. Dodd. Mr. Chairman, just in response, I apologize  
23 for arriving late. The March 10 letter addressed to you  
24 from Mr. Bruton in which he lays out the chronology of  
25 events and so forth following his activities, I would like

1 the record to reflect that when he points out at the bottom  
2 of the first page of his letter as you are aware and, Con-  
3 gressmen Preyer and Fauntroy and myself, the reason he  
4 didn't go to the Committee office was not to avoid unnec-  
5 essary confrontations, that was a request that was made by  
6 myself and Congressman Preyer and Fauntroy, over the weekend  
7 which Mr. Sprague was notified that his services were no  
8 longer needed by Mr. Gonzales, it was our opinion that  
9 particular time given the heat of the situation, it was  
10 probably advisable to stay away from the office for a  
11 period of time in order to prevent the exacerbation that  
12 could occur with his presence there. It was not inferred  
13 that he should stay away forever. I think it was made clear  
14 two or three times within the first day or two of the  
15 following week.

16 Mr. Ford. . What date are we talking about?

17 Mr. Dodd. The dates of that, what was that, Thursday,  
18 the date of that Thursday that we received that.

19 Mr. Sprague. I think it was about on the 10th.

20 Mr. Dodd. 10th or 11th of February.

21 Mr. Howorth. 10th of February.

22 Mr. Dodd. That was on a Thursday and then the Con-  
23 gressional recess over that weekend the following Monday  
24 Mr. Bruton came back to Washington but remained in his  
25 apartment rather than go down to the offices but it was

1 never our intention at least certainly not mine that he  
2 should remain away from the offices indefinitely, it was  
3 just during that heated period I just wanted the record to  
4 reflect that. That allegation.

5 The Chairman. Right. I think that is good to have  
6 in the record.

7 Mr. Ford. Mr. Chairman.

8 The Chairman. Mr. Ford.

9 Mr. Ford. I am wondering whether or not--he was  
10 under the impression that he was working for the Chairman  
11 Gonzales at that time--whether or not he had that impression,  
12 that he was to work out of his house or work out of  
13 Mr. Gonzales' office or what--have-you, whether or not we  
14 should reconsider our action maybe and accept his resigna-  
15 tion. I am not concerned about the 30 or 35 percent reduc-  
16 tion he received or whether he should be compensated for  
17 that any more than we compensate others who resigned  
18 voluntarily, that we have to come back and do the same  
19 thing but if we are talking about March 8, the letter of  
20 March 8 and we are thinking in terms of this man is gone  
21 now from the Staff, why couldn't we just accept his  
22 resignation because we all know that we had some problems  
23 with the, you know, the Staff in this Committee, with  
24 the Chairman of this Committee at least and certain staff  
25 people.

1 I just do not think that we ought to penalize a  
2 person and discharge him from the Staff when at the  
3 same time he has shown a good-faith indication of his  
4 intent there to resign, why don't we just accept it and  
5 call him and pay him the \$40 for his phone bills if he can  
6 justify them and get it over with?

7 The Chairman. Any comments?

8 Mr. Sprague. Mr. Chairman, it does not make any  
9 difference to me, as long as he is not here.

10 Mr. Ford. Well, that is a known fact now, though.

11 The Chairman. Well, we did send a letter to him in  
12 which we said "you are terminated as of this date." I suppose  
13 in order to give consideration to what you are--

14 Mr. Ford. You see, we can address this letter, Mr.  
15 Chairman, we could address it to him March 8, we met on  
16 March 8, is that correct, in your office?

17 The Chairman. I think it was the 8th, wasn't it?

18 Mr. Sprague. I do not know.

19 Mr. Ford. And can we just address it to his letter  
20 addressed March 8, and the Committee would accept his resig-  
21 nation.

22 Mr. Sprague. Mr. Chairman.

23 The Chairman. Mr. Sprague.

24 Mr. Sprague. May I suggest that maybe a response to  
25 him might be that after reviewing that claim that

1 he is making, it is the opinion of the Committee that he  
2 does not have a valid claim in terms of the salary,  
3 but in the interest of trying to be accommodating, that if  
4 he will, let us say, sign a release as to all such claims, the  
5 Committee might perhaps be willing to reconsider the action  
6 of the dismissal and accept the resignation as of that date,  
7 couched in language that would be appropriate.

8 Mr. Devine. It would have to be carefully worded because  
9 we do not want to hold it up like a bribe.

10 Mr. Sprague. That is correct.

11 Mr. Devine. We want the record to reflect a resignation  
12 rather than firing in order that you drop your claim.

13 Mr. Edgar. I think that perhaps legal language sounds  
14 appropriate but I think as a matter of fact it would be  
15 looked upon by him as another act of aggression on our  
16 part toward him and I think that what Mr. Ford is suggesting  
17 is that we just resolve the matter as quietly as possible,  
18 and in fact he was fired on the same day he wrote the letter  
19 of resignation, I think, or very close to that, and it was  
20 a matter of that letter being in the mail and I think,  
21 just a brief note to him saying, we are now in receipt  
22 of your letter of resignation and in receipt of your  
23 second letter, we feel that your compensation is not  
24 justified, 35 percent claim, but we do, however, feel that  
25 we can at this time accept your resignation as opposed to



1 an action of dismissal on our part.

2 Mr. Sprague. Can I suggest, Mr. Chairman, that some-  
3 thing along that line would be fine, but instead of making  
4 it definite at this moment, you allow us an opportunity to  
5 check with the House what is the effect of notice of  
6 dismissal and the papers having been processed through and  
7 then the desire to handle it on this basis. I would not  
8 want to put this Committee in any position of certain action  
9 having been taken.

10 Mr. Dodd. Mr. Chairman, I was going to make that  
11 suggestion as well. I do not know if there is any legal  
12 distinction to be made between a firing and resignation in  
13 terms of putting us in a compromising situation. I would  
14 suggest that we submit it to counsel for determination.

15 Mr. Sprague. There is no reason we cannot have it by  
16 Monday.

17 Mr. Ford. Mr. Chairman, we are talking about action  
18 on Monday. Now March 8 was the termination date, I guess  
19 it was sent to the Clerk's office, right?

20 We are just saying now the Committee is taking  
21 action since we received the letter of resignation,  
22 we will accept the resignation.

23 Mr. Edgar. It is still a dismissal.

24 Mr. Ford. It is still a dismissal but just saying,  
25 for his record that we will accept his resignation.

1 Mr. Dodd. I fully agree with you. I just want to  
2 make sure that we did take a formal vote in that meeting  
3 to fire him, that was a formal action by the Committee. I  
4 just do not know if we can rescind that, accepting a letter  
5 of resignation if we do that, what are the terms of any  
6 resignation any potential legal action--

7 I would just like to make sure, now, that we are  
8 covered, we are not doing something in this case that  
9 will complicate the thing.

10 The Chairman. Mr. Fithian.

11 Mr. Fithian. Mr. Chairman, would a motion be helpful  
12 to move that, contingent upon the proper administrative clear-  
13 ance from the House Administration Committee, that the  
14 Committee could move to rescind its action of dismissal?

15 The Chairman. I think that would be a proper motion.  
16 Did you hear the motion before?

17 Mr. Ford. Yes, I did. Wait a minute. No, repeat it  
18 again.

19 Mr. Fithian. I was just suggesting that we might  
20 move to, contingent upon the approval and administrative  
21 clearance of the House Administration Committee, that we move  
22 to rescind the Committee's vote of dismissal.

23 Mr. Edgar. I second that motion.

24 The Chairman. O.K. so it has been moved and seconded  
25 that, contingent upon this further clarification, that

1 this Committee moves to rescind its previous action regard-  
2 ing Mr. Bruton.

3 Ready for the question?

4 All those in favor, say "aye."

5 Chorus of "ayes."

6 The Chairman. Opposed "No."

7 (No response.)

8 The Chairman. The motion is carried unanimously and  
9 so ordered. Follow through on that.

10 There are several other matters we have to take up.  
11 We have one problem, the House goes in session at 11, and in  
12 the event that we are going to be in session, once  
13 the House goes into the 5-minute rule, we will have to have  
14 the permission from the House, which means I will have  
15 to go over and make that request.

16 Mr. Ford. We do not want to get called on that, you  
17 know, people might object to the assassinations Committee meet-  
18 ing.

19 Mr. Devine. Can we conclude what we will have to do?

20 The Chairman. So what we will do is just get started  
21 and I can go over and get that at 11.

22 Mr. Ford. Before we continue on, Mr. Chairman, can  
23 I ask a question about what time are we going to meet  
24 Monday or have you set a meeting for Monday?

25 The Chairman. I do not believe we have set one, have  
we?

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Mr. Sprague. Well, under the rules, we list it for every Monday and Tuesday.

The Chairman. Every Monday, Tuesday and Thursday at 10 a.m.

Mr. Ford. Will there be a meeting called for Monday?

The Chairman. Well, it would depend upon, I think, some of the things that come out here today as to whether or not there is going to be a necessity for one on Monday.

So, you know, I cannot say at this time.

Mr Sprague. Mr. Chairman.

The Chairman. Mr. Sprague.

Mr. Sprague. The thing that I would urge you as soon as there is a feeling that the Budget matters can be reported out properly, that we do that as quickly as possible so that we can get moving, and the new resolution which I hope you could take up today, that perhaps then being reported out at a public session, so that then that could start moving its way through the appropriate Committees of the House.

The Chairman. Hopefully, I was hoping that we might in terms of the Budget, be able to encompass it in some type of a hearing where it is not the sole item.

I do not think that we ought to let the media to just focus in on budget that day but would rather see it sandwiched in with something else so that, among other matters taken up that day is not just the budget. If we

1 give them just the budget, they will go wild on that.

2 But the next item I wanted us to get into was the  
3 matter of the resolution and where we are on that.

4 Mr. Edgar. Mr. Chairman.

5 The Chairman. I will get to you in just a minute.  
6 We have already taken up the matter of the prepared  
7 record of hearings and so forth before you arrived.

8 Mr. Edgar.

9 Mr. Edgar. Mr. Chairman, let me just speak for  
10 a moment about the Budget request and the preliminary budget  
11 request that is here. It seems to me that we ought not to  
12 be too worried about having a meeting that solely would  
13 focus on the budget because it seems to me the budget is  
14 one issue of perhaps three major issues that is in contention  
15 in the House. It might be helpful if, in fact, on Monday  
16 or Tuesday of next week a public meeting were held at  
17 which time the staff would review the program to date  
18 of the two investigations, looking into Dr. King and Mr.  
19 Kennedy's death. And the proposed direction of  
20 those investigations over the new few months and that, as part  
21 of that agenda of specific perhaps skeleton outline of  
22 the two investigations and bringing everybody up to date,  
23 we might suggest that one of the issues that must be  
24 considered for the reconstitution is the issue of the  
25 budget. At that point Mr. Preyer could be recognized to  
present the budget process and we could go through it

1 item by item and indicate through a dialog our pleasure  
2 at the fact that the budget is not as high as it was  
3 suggested publicly in December and although we feel that  
4 this is not as adequate maybe for the two investigations,  
5 we think it will get us through the next year, fiscal  
6 year. We could look at perhaps the language of the resolu-  
7 tion. And then maybe at the end of that meeting focus in  
8 on some element of either the Kennedy or the King assassina-  
9 tion that could be held at a public setting. I think  
10 what you would get from that is press similar to the press  
11 we got yesterday, that the Committee is serious, that  
12 it is about its process, it is not simply hung up on  
13 internal problems, but in fact it is looking to its recon-  
14 stitution.

15 Not just to reconstitute it for the sake of recon-  
16 stitution, but in light of the Committee's work todate on  
17 the investigations. And perhaps at that public meeting,  
18 Mr. Tannenbaum and Mr. Lehner could outline, just in a skele-  
19 tal way, the things that are possible to make public and  
20 not revealing anything that we feel is sensitive at this  
21 point. but I think, if we do not cloak it in that kind  
22 of a direction, we are going to run the risk of you know,  
23 saying we are reducing the budget for the sake of reducing  
24 the budget which I think would be wrong, or we are, you  
25 know, trying to slip something past. I think the public is

1 very interested in both investigations.

2 And I think if the media is interested in that and  
3 we could have that four-part agenda, skeleton review of  
4 where we are on the Kennedy and King Assassinations,  
5 response to that, the resolution for reconstitution,  
6 connected with the discussion of the budget and finally  
7 some specific focus on some specific piece of evidence  
8 or form that is now being pursued to try to clarify it,  
9 perhaps around our pursuit of that yesterday and around  
10 some other matter.

11 Mr. Dodd. Would the gentleman yield.

12 Mr. Edgar. I yield.

13 Mr. Dodd. I think it is a good proposal and the  
14 only caveat I would express would have to do with the  
15 Budget proposal in addition to our own caveat and that is  
16 to make sure we do not reveal things that would, in any way,  
17 jeopardize the investigation I feel that our first purpose  
18 in this process of reconstitution has to be with  
19 the leadership of the House.

20 I include in that number the rules Committee, with which  
21 I am deeply concerned in terms of the closeness of the vote  
22 if we do not have the kind of support I think we are  
23 going to have to have among the leadership itself and  
24 rather than going public with even a discussion of that  
25 budget prior to our opportunity or an opportunity to discuss.

1 that with the leadership to make sure that we have no prob-  
2 lems with them.

3 I would hope that we might defer that discussion a  
4 say and I would hope we could arrange a meeting, Mr. Chairman,  
5 with leadership and I can say firsthand, that the Rules  
6 Committee is very much interested in having an executive  
7 session with this committee or the leadership of this  
8 Committee to discuss that item and others.

9 Mr. Edgar. Suppose that were to occur on Monday or  
10 Tuesday and the meeting I am suggesting would occur on  
11 Wednesday?

12 Mr. Dodd. Fine, that is perfect.

13 Mr. Edgar. At least, give you the choreography of hav-  
14 ing briefed the leadership having presented to the Rules  
15 Committee and having presented publicly before our Committee  
16 that public information getting to the press and  
17 perhaps your "Dear Colleague" letter arriving on Thursday  
18 of next week out to every member of the Congress indicating  
19 what the new budget is and urging support for reconstitution  
20 cosigned by as many members of our Select Committee as  
21 possible.

22 Mr. Dodd. I agree with that, I think. I want  
23 to be sure of our leadership and I want to be sure  
24 no problems with them and having them made public and perhaps  
25 have concerns with them and get into that adversary



1 relationship.

2 The Chairman. Mr. Fithian.

3 Mr. Fithian. I only have one concern. I agree with  
4 the thrust of what is going on. I am not sure, Mr. Edgar,  
5 that that sort meeting is all going to fit into one session.  
6 It depends if we can get the skeleton of where we are  
7 down to 15 or 20 minutes or 30 minutes at the outside for  
8 each investigation, it is still going to squeeze us to get  
9 it in and have any rational discussion of the needs of the  
10 investigation to go beyond that skeleton of where we are  
11 now and the budget support that would be required to fulfill  
12 those needs.

13 We may well get into more than a day, perhaps not.

14 Mr. Edgar. Will the gentleman yield.

15 Mr. Fithian. Be glad to.

16 Mr. Edgar. I think it could be done in a two-hour  
17 sitting. I think if we locked ourselves in from 10 to  
18 12 next Wednesday, we could spend the first 45 minutes  
19 getting briefs in public on the investigations to date  
20 by the two chief investigators of each of the things, and  
21 perhaps a suggestion of some of the things we want to  
22 bring forward.

23 There are those that we may want to bring in in  
24 the future. I know there are some other things that are  
25 beginning to boil that perhaps could be shared and then  
at a quarter of 11 indicate that you know in order for

1 this investigation to pursue, we need to move to its recon-  
2 stitution, that is only a week after we have our public  
3 meeting. The language of that reconstitution could be shared  
4 and as part of that would be the budget requests.

5 Mr. Preyer could be recognized by ten minutes to 11,  
6 five minutes to 11, indicating the task group's report on  
7 the budget in light of the investigative needs that have just  
8 been revealed that get the focus on the investigation  
9 needs and leads and then on the budget.

10 Discuss that until 11:30 and then the final  
11 half hour of the public session focusing in on one  
12 caveat or one element that we think is important and appro-  
13 priate, at that time to release.

14 That gets us to 12 o'clock noon.

15 Mr. Fithian. In other words, answering the question  
16 what is the next immediate step in the investigation process?

17 Mr. Edgar. I think part of our problem as a  
18 committee has been the choreography of, you know, how we are  
19 received publicly and I think if we have that agenda  
20 clearly in mind and know what we are going to do and the  
21 microphones are all working and move into a meeting  
22 and we look over and we look like we are moving, I think  
23 we are moving on some key leads and we have our two  
24 top investigators share a very carefully-drawn comment  
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on the King and Kennedy Assassinations, that I think will set the stage, followed up immediately by a "Dear Colleague" letter that would go to every Congressman indicating what our resolution and budget request will be and urging their support. Wednesday night's public media would announce our information, you know, then we can talk about, after that, what else needs to be done along the lines of our Whip count and others to have the Committee reconstituted.

Mr. Fithian. Mr. Chairman.

The Chairman. Mr. Fithian.

Mr. Fithian. What is your plan with the leadership for going to the rules Committee and going to the Floor? Have we selected--

The Chairman. My last conversation regarding it was with Bill Brown, the Parliamentarian, who suggested that our report ought to be filed on the 28th, that we ought to check with the leadership and have the leadership of the Rules Committee hear us on the 29th and that we should go to the floor on the 30th. Now that is the last conversation I have had with Mr. Brown at that time when he indicated how we should go about procedurally filing the report and so forth in setting up our rules.

Some have said information discussion. Maybe we should think about going to the Rules Committee before the 29th to give ourselves a little extra leeway in the event we encounter some problems. But certainly we

1 ought to sit with the leadership well in advance of the  
2 28th--I would think no later than the first of next week  
3 is appropriate--where we can say to them what we have been  
4 able to do up to now and give them a good account of the  
5 Committee's work.

6 Mr. Ford. Mr. Chairman.

7 The Chairman. Mr. Ford.

8 Mr. Ford. Is this basically you are talking about the  
9 members of the Rules Committee, are we going to send a  
10 memo around to all of our colleagues in bringing them up to  
11 date because we are going to need all of those votes on  
12 the House floor.

13 Mr. Edgar. Will the gentleman yield.

14 Mr. Ford. Yes.

15 Mr. Edgar. I think my interpretation of time table  
16 is to have a meeting with the Rules committee on Monday,  
17 and Tuesday, have a public meeting on Wednesday and  
18 Thursday and Friday would be the dates that our "Dear  
19 Colleague" letters would go around bringing everybody up  
20 to date on the budget and on the proposed date and the  
21 form of reconstitution which, as I understand it, is a year  
22 extension on the budget and a two-year authorization for the  
23 Committee, itself. By Thursday and Friday of next week,  
24 if I understand Mr. Fithian's comments which will be  
25 made a little bit later, we will have done a whip count

1 of the House to find out where our problems lie, whether  
2 they are in the area of budget or in the area of reconstitut-  
3 ing the Committee at all and what our problems are and  
4 we will be spending Thursday, Friday and Monday and Tuesday  
5 of the following week trying to work on individual Congress-  
6 men to help clarify for them where the Committee is at.

7 I think our "Dear Colleague" letter should include some  
8 of the information that would be shared at our public meeting  
9 next Wednesday and that is a kind of a direction. I think  
10 everything we do has to be focused on the King Assassination  
11 and the Kennedy Assassination. We have got to kind of direct  
12 our reconstitution around the issues of the investigation  
13 and I think that is the only way that we will get enough  
14 votes for the reconstitution at this point. And they  
15 are going to be asking us at that point in our history what  
16 it is that we have found to date, what is it that we have done  
17 to date, what is it going to cost us to continue you for a  
18 year, and I think we are very justifiable in sharing that  
19 at a public meeting.

20 The Chairman. Let me ask you this, if the gentleman  
21 yields to me for a moment--a question in terms of your pro-  
22 cedure here. I am sure that one of the main issues  
23 when we go to rules will be the issue of the budget and  
24 procedurally if we go to rules on Tuesday, whether the  
25 Budget is going to be discussed perhaps very comprehensively,

1 then it sort of seems to take away from the Wednesday public  
2 hearing to go into in depth discussion because your news  
3 media will be at the Rules Committee meeting.

4 Mr. Edgar. I think what Chris was suggesting, if  
5 I was hearing Chris right, who is on the Rules Committee,  
6 that the Executive Session of the meeting of the Rules Com-  
7 mittee be held on Tuesday.

8 The Chairman. I see.

9 Mr. Edgar. And that briefing only partly deals with the  
10 Budget, the other part dealing with information on where  
11 we are in the investigation to date and that is not  
12 the meeting of the rules Committee to consider the  
13 reconstitution of the Committee.

14 The Chairman. I see.

15 Mr. Edgar. That meeting according to the schedule you  
16 were suggesting would be on the Tuesday prior to the actual  
17 vote on the floor. This might solve the problem that you  
18 were worried about and that is getting to the Rules Committee  
19 early, you will know on Tuesday if you meet in Executive  
20 Session and share the investigation with them on where the  
21 assassinations are and what our proposed budget is going  
22 to be, what kinds of problems you will have before the  
23 Rules Committee and that will give you a week's time until  
24 your official meeting of the Rules Committee in public to  
25 be granted a rule for house floor action.

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1 Mrs. Burke. Would the gentleman yield?

2 The Chairman. Mrs. Burke.

3 Mrs. Burke. Do we have any idea of the number of  
4 people who have requested to appear before the Rules Com-  
5 mittee? I understood Mr. Milford and I had heard a couple  
6 of other people, had requested to appear. The last time  
7 I do not think it was so much the problem with the Rules  
8 Committee as we had as the problem of getting all of the  
9 witnesses in one day. So the Rules Committee hearing, itself,  
10 went for two days and by the time all the witnesses testified.

11 I got the impression that there were still a number of  
12 witnesses who wanted to be heard by the Rules Committee  
13 but I think maybe, if we can clarify that, we can tell  
14 about how much time it would take for us to complete our  
15 work before the Rules Committee.

16 Because I would really hate to see us be on Tuesday,  
17 March 28 starting a rules committee hearing where  
18 there are ten people asking to testify.

19 The Chairman. Yes.

20 Mrs. Burke. And then we have the other disadvantage  
21 if we do not testify and you have all anti people testify-  
22 ing, you are at a distinct specific--

23 Mr. Ford. Would the gentlelady yield?

24 Mrs. Burke. Yes.

25 Mr. Ford. I am under the impression you were speaking

1 about this coming Tuesday in Executive Session to talk about  
2 the budget with the Rules Committee now.

3 Mrs. Burke. Well, what I mean is the actual hearing  
4 that I understand would be the next Tuesday.

5 Mr. Fithian. We might need to start that public hearing  
6 in the Rules Committee well ahead of Tuesday. You would  
7 have to have action by the Rules Committee on Tuesday.

8 Mrs. Burke. Action by the Committee on Tuesday, I  
9 think, is what we should shoot for.

10 Mr. Fithian. Start as early as Friday.

11 The Chairman. Why don't we meet with the leadership  
12 then on Friday, have discussion with the leadership in terms  
13 of how to get up to rules, cover that?

14 Mrs. Burke. Also, Mr. Chairman, if you could give us  
15 some kind of idea maybe you could kind of assign people  
16 that you wanted to answer certain specific things to testify  
17 once we had an idea of who is going to be testifying in  
18 opposition.

19 The Chairman. Right, I think that that is important  
20 we orchestrate that to the degree that some members  
21 of interest in certain areas and have taken the time to  
22 get answers to questions in certain areas and it would  
23 seem to me that in that way we might better orchestrate our  
24 responses.

25 For instance, where Mr. Edgar and Mr. Fithian have



1 taken a special interest in some of the charges relating to  
2 Mr. Sprague, that they would be the ones to respond to those  
3 types of issues which they are well informed on and I think  
4 we might try to orchestrate that before going to the rules.

5 Mr. Edgar. Mr. Chairman, I have jotted down a summary  
6 of what I have said. Maybe I could repeat it, since Mr.  
7 Preyer has just come in.

8 The Chairman. All right.

9 Mr. Edgar. I made the suggestion that the following  
10 scenario be developed and that is that on Monday, March 21,  
11 next week a meeting be held with the leadership to bring  
12 them up to date where we are with the budget as well as any  
13 additional leads we have.

14 Mr. Devine. Are you speaking of the meeting of the  
15 Committee or the meeting of the Chairman?

16 Mr. Edgar. I would think that meeting of the Chairman  
17 and those members, minority and majority--I think Mr. Preyer  
18 should be present. I think the ranking minority member  
19 should be present.

20 Mr. Devine. Sometimes the leadership is uncomfortable  
21 with minority present. I am not offended one way or  
22 the other.

23 Mr. Edgar. Well, I think at this time, it might be  
24 necessary to have the minority present to point out bipartisan  
25 participation, the second scenario Tuesday, March 22 and

1 a request be made of the Rules Committee to hold an Executive  
2 meeting to again be briefed in a very similar way to  
3 the way in which the leadership was briefed on Monday as  
4 to the proposed budget as well as direction of the Committee.

5 And that on Wednesday, March 23 a public meeting be held  
6 for two hours minimum of this Committee between 10 and 11  
7 o'clock at which time we would begin with perhaps a 45-  
8 minute reporting, split between the Kennedy and King  
9 assassinations as to what direction we are going and what  
10 evidence and information we can share publicly.

11 That at or approximately at a quarter of 11  
12 or so, Mr. Preyer would be recognized to give a report on  
13 the budget task force and then we would deal with  
14 the resolution and the budget task force information in a  
15 public hearing and finally the last caveat of that meeting  
16 would be to focus in on one of the two assassinations and  
17 some particular issue that is newsworthy or of newsworthy  
18 interest that could be shared with the public. And that  
19 would make the meeting really three-fold, one to bring us  
20 up to date on direction two, to finalize the reconstitution  
21 resolution language with the budget and three to focus in on  
22 one specific issue.

23 Thursday and Friday of next week the 24th and  
24 25th this would be used for "Dear Colleague letters" that  
25 would be sent by us, urging support. By that time

1 the Budget figure will be public and by that time any  
2 information that is shared at the public meeting on Wednesday  
3 can be aired.

4 Also we might want to consider Thursday of next  
5 week filing our report. It doesn't seem to me that we have  
6 to wait until Monday to do that and that perhaps would  
7 give the Rules Committee Monday and Tuesday to hear public  
8 witnesses on whether or not we should be reconstituted and  
9 we could perhaps file our report on Thursday or Friday  
10 and the House Committee would then have Monday and Tuesday  
11 to review the issues of reconstitution.

12 And that we would ask the Rules Committee to set up  
13 their schedule so that on the 29th they would move to final  
14 action and if they feel they need two days for that, they  
15 then could have hearings on Monday the 28th as well as  
16 the 29th and the report will have been submitted.

17 And we would then go to the House Floor on Wednesday  
18 the 30th, under an open rule, one hour debate, I assume  
19 for the resolution.

20 Mr. Devine. Mr. Chairman.

21 The Chairman. Yes, Mr. Devine.

22 Mr. Devine. That brings up the question of mechanics  
23 and preparing, selecting content, approving or having  
24 printed the Committee report. I was wondering from a  
25 time standpoint just how long the mechanics would take

1 place, and that could be considerable, the same ones we are  
2 in position to talk about.

3 The Chairman. Anyone have a response to that?

4 Mr. Devine. We, in the Committee, have to determine  
5 what the content will be.

6 The Chairman. Right.

7 Mr. Devine. ESb, I do not know.

8 Mr. Edgar. Much of that preparation will be done by  
9 the Wednesday meeting I would assume.

10 Mr. Sprague. Mr. Chairman.

11 The Chairman. Mr. Sprague.

12 Mr. Sprague. I would think that we could have a draft  
13 of a report for this Committee to pass out among you  
14 for thoughts about it, let us say, this coming Monday at  
15 some point and if you would give us now some thoughts as  
16 to things that you would like to see included in there, we  
17 would include that as well and then from that kind of a draft  
18 perhaps either the latter part of Monday or some early  
19 part of the week, we could get together and do that. We  
20 could have then a report perhaps to be considered by the  
21 Committee by Wednesday.

22 I do not know what the printing time would be after  
23 that.

24 Mr. Devine. We have to give you some direction before  
25 that about what you feel about the contents.

1 Mr. Sprague. If you could give some now, it would  
2 be helpful.

3 The Chairman. Also supposedly if that is presented at  
4 the Wednesday meeting which would be an additional part  
5 of the agenda and then, of course, we would allow the  
6 necessary time for supplemental views and additional  
7 views to the report which provides each member a chance  
8 for any additional views or supplement thereto.

9 Mr. Devine. And/or any dissenting.

10 The Chairman. And/or any dissenting, all of that.

11 Mr. Edgar. Mr. Chairman, I wonder if we could ask  
12 the Staff, having heard the scenario, whether they have any  
13 concern about any part of that.

14 The Chairman. Mr. Sprague.

15 Mr. Sprague. Mr. Chairman, first thing I did want  
16 to say we did have copies of a proposed resolution to  
17 pass out now for the Committee for you perhaps looking at  
18 and giving some thought while we are together at this  
19 session.

20 With regard to that proposed scenario, it sounds fine  
21 but I would really think that that aspect dealing with  
22 a public hearing in a presentation by Mr. Lehner and Mr.  
23 Tannenbaum is not workable, for the reason that what  
24 they can say publicly is really almost a rehash kind of  
25 thing. It is not saying anything--the only things that they

1 can say of significance you heard in the Executive session  
2 the other day, things that are too raw and uncorroborated  
3 for us to be stating publicly.

4 It may have an effect for what you have in mind in  
5 terms of a budget but it is not what we can do or ought to  
6 do. To not say those things is only to be saying what?  
7 That we have to, we want to go up to Canada, we want to  
8 check how people used these aliases, we want to go out  
9 and check things in California, that has been said time and  
10 time again. And a presentation that just is repeating  
11 basically what would be questioned by anyone who would --  
12 in fact they have heard it from us before as well. I do not  
13 know whether that meets the bill you have in mind. In fact  
14 I really question in my mind whether the reaction to  
15 that publicly is what are they doing over and over again.  
16 The final thing is like you say --we end up on one particular  
17 thing that you are going to go into, again, if we are to  
18 investigate this, we do not do it by just focusing on a  
19 thing, we really go back to the scenes of these crimes  
20 and have got to find out who was there, what they saw,  
21 how to get to that scene, what happened since?

22 Mr. Edgar. Would the gentleman yield?

23 Mr. Sprague. Yes.

24 Mr. Edgar. I think you are accurate in terms of  
25 information you could share with the rehashing but let me

1 just share this: That if it was a rehashing that was  
2 focused on what direction, what organizational direction  
3 we had come and what direction we plan to go in the future  
4 in terms of general leads and move then to the resolution  
5 of reconstitution. What I was suggesting is that last half  
6 hour was something like what we did yesterday. We had  
7 Mr. Traficantee there and he was pleading the 5th Amend-  
8 ment. I think we did more yesterday, even without getting  
9 factual information simply because it focused again on the  
10 fact that we are looking into the issue. And I would think  
11 that there is at least one subpoena that we have issued that  
12 may be returnable at that point or one person that might even  
13 come at that point to be interrogated by the Committee,  
14 or one piece of information and I realize that, in terms  
15 of the investigate technique and issues that is not the  
16 way to go, but I guess I have some concern about the scenario  
17 and choreograph of getting the committee reconstituted  
18 and I realize that while we do not want a circus atmosphere,  
19 we want it to be as content filled as possible, but I  
20 doubt that we will be able to reconstitute ourselves if  
21 we are not able to demonstrate to the House that Mr. Stokes  
22 is now taking the Committee seriously, he is now bringing  
23 the Staff before it at a public meeting to outline where  
24 we plan to go in terms of direction, we review carefully  
25 a budget and then we focus in on one issue and indicate

??

1 this is going to be the course of the investigation from  
2 now on.

3 We are going to take one piece of the pie and thoroughly  
4 look into it.

5 The Chairman. Mr. Fithian.

6 Mr. Fithian. Could I add one thing to that before you  
7 proceed?

8 I agree with you, Dick, the bringing us up to date  
9 will appear as a rehash to those of us who are really immersed  
10 in it.

11 I think you may totally overestimate the attention  
12 that has been paid to this by members of the House. You  
13 know the members of the House are now talking about things  
14 which were currently important in December or January.  
15 Now, educating the public is a very, very difficult thing.  
16 Getting them them focused is a difficult thing. Rationaliz-  
17 ing Mr. Preyer's budget that he is going to propose is  
18 going to be a difficult thing. It seems to me that, if  
19 we are going to, if we are responsible to the House, we  
20 ought to be able to come back to the House and tell them  
21 why we came up with X number of millions of dollars in  
22 the budget and the rationale for that budget has to  
23 depend on two things: (1) where have we been? (2) where  
24 are we going?

25 Now, quite honestly unless we can tell them that in



1 some reasonable way, we are not going to get their support  
2 because they expect that and they deserve that.

3 Mr. Sprague. Mr. Chairman.

4 The Chairman. Mr. Sprague.

5 Sorry, Mr, Devine.

6 Mr. Devine. I think it would be a serious error  
7 if we went into simply a rehash of what people learned from  
8 the Warren report, from the Senate Committee and so forth.  
9 Perhaps we should touch on just a few of those things in  
10 passing but in talking to the Staff and to Mr. Sprague, I know  
11 that they have literally hundreds of undeveloped leads.

12 Now, if from that group of undeveloped leads you could  
13 discuss generally without revealing names, dates, times or  
14 places, that for instance, as I think you told us in  
15 Executive Session about the information of another member  
16 trying to inform us about a former police officer of long-  
17 standing in a large metropolitan police department, had  
18 information suggesting these things. And that we have  
19 another witness in a state that was an eye witness to the  
20 King or the Kennedy matter that was never interviewed by  
21 either the Warren Commission or the Senate

22 So we get maybe as many as ten undeveloped leads  
23 that you could get enough of it not to reveal the identity  
24 and not to disturb the investigation but let people know  
25 that, My God, they are onto something that is new stuff

1 and get a direction.

2 I think that would be better than just a rehash of  
3 what the Warren Commission report was.

4 The Chairman. On that point, let me further amplify  
5 what I think the members here are getting at, what Mr.  
6 Devine just said.

7 Interestingly enough with all of us being aware of  
8 what yesterday's hearing demonstrated publicly, and was con-  
9 ducted in a way in which it was not overstaged or in  
10 a circus atmosphere or anything of that sort, but interesting  
11 enough, an article out of the Cleveland Plain Dealer this  
12 morning after they write about the entire situation and  
13 tell, and reported it very accurately, then they quoted  
14 me with reference to the appearance of Traficantee. And  
15 speaking of me, said "He said, call Traficantee, that  
16 demonstrates that the Committee is forging ahead with this  
17 investigation. James Delaney, Democrat of New York, the  
18 Chairman of the House Rules Committee said the panel will  
19 have to produce something more substantial than witnesses  
20 refusing to testify to justify the House spending more  
21 money on the investigation. The Rules Committee approval  
22 will be needed to continue the Committee's charter after  
23 March 31. Delbert L. Latta, a key Republican o. the Committee  
24 agreed. The Committee has to come up with something  
25 that gets to the point that the investigations are more than

Latimer?

1 just a wild-goose chase, he said. I think that is right.

2 Mr. Edgar. I think that is at the heart of what I  
3 was trying to say, and that is that the facts of life of  
4 getting the Committee reconstituted are the agenda for the  
5 next two weeks and it is unfortunate, because it ties  
6 the hands of the investigators who have these leads and I  
7 want to see us reconstituted so that we do not have to go  
8 to the House for another year for money and for another  
9 two years at all in terms of any action in terms of rules  
10 or anything.

11 I think that, if we cannot somehow develop a  
12 public discussion of the budget, that is not connected with  
13 some unknown issue but is actually connected with the kind  
14 of thing that Mr. Devine is suggesting and that is 8 or 9  
15 or 10 directions that we are going in light of these steps  
16 that we have made.

17 Now one of the things that could be publicly announced  
18 are some of the subpoenas that have been sent to  
19 gather information and I think just summarizing for every-  
20 body, though it sounds like rehashing to us, it may  
21 be stuff that is rehashed in public as opposed to the Execu-  
22 tive sessions and then to focus in on five directions  
23 that we are chipping away in the King investigation and  
24 five that we are chipping away in the Kennedy investigation,  
25 information that is causing us some concern.

Now, you asked questions yesterday of Mr. Taficantee.

1 And if you were alert, you knew why you were asking those  
2 questions but to the average person, particularly the  
3 average Congressman who is very busy, the only thing he  
4 remembers about yesterday's event with Mr. Traficantee is  
5 that he pleased the 5th. I think there is some information  
6 that we can share about Mr. Traficantee that might be a  
7 lead that would permit us to reach the circle.

8 The Chairman. Mr. Preyer, and then we will get back  
9 to you, Mr. Sprague.

10 Mr. Preyer. Mr. Chairman, I had thought in terms  
11 of the report and I think the report basically is what  
12 we are talking about --the public meeting--I think basically  
13 approaches probably about the same--and one way to pitch  
14 it would be in terms of what are the unanswered questions  
15 which we need to deal with.

16 In the Kennedy assassination, speaking of that, Boggs'  
17 memo lists the whole series of witnesses whom we could  
18 not name but I think there are a number of unanswered  
19 questions that we could put forward. The thing that  
20 disturbs me is the suggestion in Mr. Delaneu's comments  
21 there and we have heard from others, too, the  
22 leadership that if we do not show evidence that we are going  
23 to get a different result, then it is a waste of time.

24 It seemed to me that is entirely off the track in  
25 the Kennedy thing particularly.

traf

1           It seems to me that we are going to answer some  
2 questions that might have the same result, but there are  
3 good reasons to do this, even if you come out with the same  
4 result, just to lay to rest certain theories, and we could  
5 say here are the facts on it, he is right or he is wrong  
6 on it and I wonder if we cannot, you know, put enough  
7 questions to be answered without having to suggest we  
8 are going to come up with a sensational new answer to the  
9 thing, just that because of credibility of our government,  
10 we need to lay them to rest, new questions that the  
11 Warren Commission,--a lot of that would be rehashing but if  
12 we could suggest somewhere along the line you know that  
13 we have witnesses that at least we want to follow up on to  
14 follow up on a particular question and Traficantee,  
15 for example, since he is out there, and I think that area is  
16 generally known, the things he said in the past, maybe  
17 there we would want to indicate that as an area that we  
18 want to follow up on and perhaps explain why he was  
19 called when we say we are not calling other people who have  
20 been interviewed but Traficantee is obviously the kind  
21 of fellow you cannot interview. So really, to call him  
22 was a responsible action, it was not an irresponsible thing.

23           The Oswald letter to Hunt and so forth is an obvious  
24 thing that is going to have to be answered some time, so  
25 many of these things need to be answered. So I was

traf

trad

1 thinking in terms of report as emphasizing unanswered  
2 questions and following up on them is really what we are  
3 about, not trying to come up with a different result.

4 And that we might be able to discuss some of those at  
5 the hearing or in the report without laying out too many  
6 names and facts.

7 Mr. Fithian. Would you agree with Mr. Devine and that  
8 is that we could discuss and we specifically refer to areas  
9 named or unnamed as far as that is concerned, of witnesses  
10 or of questions which have not been looked into, I think  
11 that is what I run into all the time--are you doing anything  
12 new or are you just digging up the old bones?

13 Well, to get the answers that you want, you are going  
14 to have to dig up all the answers and go to the scene of  
15 the murder and all that. That is not what anybody is  
16 interested in at this point, that is part of the whole  
17 problem but what I think Mr. Devine is interested in is  
18 part of the whole program, is this Committee looking into  
19 anything that has not already been studied to get by the  
20 Church Commission, the Warren Commission, et al, and  
21 if we are not, then we just have to come down real hard on  
22 what Mr. Preyer is saying and say, well enough questions  
23 about what they did that we are just looking at the same  
24 things or may or may not come up with the same answer but I  
25 kind of think we could do both of those things.

1 Mr. Devine. Well, just to oversimplify instead of  
2 treating water, we should plow a little new ground.

3 Mr. Sprague. Mr. Chairman, we can do what Mr. Devine  
4 says and Mr. Preyer and the whole thrust of this. However,  
5 I find that part of the difficulty from an investigative  
6 standpoint but a second difficulty is that what we have  
7 done or are doing is being distorted by the media for whatever  
8 their reasons are.

9 I am kind of at a loss here when we are talking about  
10 what are we to be presenting and in what format, when really  
11 what we are trying to do is get back to Mr. Delaney and Mr.  
12 Latta.

13 Now, what we in fact have as you got at the time  
14 of the Executive session briefing is some, what I consider  
15 valuable information which, even at this threshold area, does  
16 plow new ground. Must we get to Mr. Delaney and Mr. Latta only  
17 on the basis of working out a presentation in some purified  
18 manner which it scintillates, taking the chance on  
19 how is the news media going to report what it is that  
20 we have done here, hoping that Mr. Delaney, maybe, is going  
21 to read that article or--

22 Mr. Edgar. Would the gentleman yield?

23 Mr. Sprague.--or maybe has not read it and he is  
24 responding on the basis of just somebody running in and  
25 saying, hay did you hear that that Committee dropped that

1 they had a witness who did not answer questions, and then  
2 there is a response, well, they had better do better than  
3 that.

4 Mr. Edgar. Would the gentleman yield there, Mr.  
5 Chairman.

6 Mr. Sprague. May I just say one additional thing?  
7 We have this material, we have that report that you have  
8 seen that was presented in Executive Session. If a Mr.  
9 Delaney or whosoever, is so crucial, can't we sit down in  
10 some fashion with him and get it finally there, not in a  
11 purified fashion?

12 Mr. Edgar. Mr. Chairman.

13 The Chairman. Mr. Edgar.

14 Mr. Edgar. Mr. Sprague, I do not think you know  
15 what this area involves. It involves sitting down with  
16 the leadership on Monday, sharing that very sensitive data.  
17 It involves sitting down on Tuesday with the Rules Committee  
18 in Executive Session, sharing that sensitive data, being  
19 perceived only by the press as being an executive session.

20 On Wednesday, separate from Mr. Latta and Mr. Delaney,  
21 we have members of Congress, much of the general public, that  
22 puts pressure on members of Congress in terms of their  
23 votes for or against reconstitution. I think that there are  
24 three different issues. The first issue is what do you  
25 say to the leadership and how do you get them on your side  
not just nodding your head or working for you? If Tip O'Neill



1 is not with us on this thing, we lose the votes in the  
2 Rules Committee. That is a fact of life.

3 Secondly, we have got to say to the Rules Committee,  
4 here is the information that we are pursuing in a very  
5 sensitive way under this very strict condition and share  
6 with them the data that has been shared by this committee.  
7 And the third part of it is less sensitive than that and  
8 it is just the unanswered questions on the part of the  
9 general membership, the uninitiated Congressman who has  
10 got to cast a vote or the uninitiated person in the general  
11 public that is putting pressure on that Congressman in terms  
12 of his vote. The Congressman, basically, is saying, what  
13 am I going to get for my money and how much is it going to  
14 cost, and are there enough unanswered questions to pursue  
15 or should we simply scuttle this and spend the on public  
16 works or on some other issue?

17 I was not suggesting that Wednesday's meeting be  
18 for the Dulaneys and for the Lattas and the Tip O'Neills  
19 or the Jim Wrights. The Wednesday meeting is much more of  
20 our public announcement similar to yesterday's session  
21 that we are serious about the investigation of Kind and  
22 Kennedy. We are serious enough to offer this report and  
23 this resolution and this budget, and we have a number of  
24 elements of leads, one specific one being to capture their  
25 imagination.

Mr. Devine. Mr. Chairman.

1 The Chairman. Mr? Devine.

2 Mr. Devine. This, of course, is not the way to conduct

3 an investigation, Mr. Sprague knows that as the Staff  
4 does. But what we are talking about today is survival.

5 The Chairman. Yes.

6 Let me inject one additional element for the consider-  
7 ation of Mr. Edgar, though, and it bears upon what Mr. Sprague  
8 has said and this is just for the purpose of further  
9 dialogue on the issue--the news media, there is an additional  
10 pearl when Mr. Sprague starts briefing us and making comments  
11 in the open about new witnesses and people who were not  
12 talked to. A few days ago when he, in response to a question  
13 put to him by me in open meeting, caused reverberations  
14 throughout the Congress. What I was trying to obtain from  
15 him was the necessity for us to go into Executive Session,  
16 and I posed a question, would the briefing be in the nature  
17 of matter that should be undertaken in executive session  
18 and he, in response to that, said, yes, Mr. Chairman, we  
19 will present testimony regarding others who may have been  
20 involved, and so on.

21 The newsmedia went wild with that. Calls came in  
22 from Canada about the fact, didn't Sprague say this, that  
23 he has some others--evidence of conspiracy. This and that.  
24 They ran wild with it. At the same time it had another reper-  
25 cussion in the Congress. Those who had made Mr. Sprague the  
issue, used this to say there he is, spouting off at the

1 mouth again, Sprague again, speaking for the Committee,  
2 instead of the Committee and the news media is going to  
3 take that briefing from him and turn it around.

4 Mr. Edgar. Would the gentleman yield?

5 The Chairman. Certainly.

6 Mr. Edgar. I will not have Mr. Sprague say more than  
7 a sentence or two at that public meeting. I would have Mr.  
8 Tannenbaum, Mr. Lehner report for Mr. Sprague on what they  
9 have done in their separate investigations and I would  
10 have Mr. Sprague there and present but clearly saying that  
11 here are his two chief investigators who have briefed the  
12 staff and the committee in executive session, we are  
13 summarizing here in public session what we are about, and  
14 turn to Mr. Tannenbaum and say now in relationship to the  
15 King investigation would you give your report at this time.

16 I think that if it was carefully written and carefully  
17 done--

18 Mr. Fithian. I am wondering.

19 The Chairman. Mrs. Burke, I think has been seeking  
20 recognition.

21 Mrs. Burke. Well, there are two points I just wanted  
22 to hit on very fast. No. 1, I would like to see added to  
23 the briefing of the leadership and the briefing of the  
24 Rules Committee in executive session the kind of thing that  
25 Mr. Devine is talking about and those are leads. If there

1 could be developed a list of undeveloped leads that could be  
2 presented to the Rules Committee, so they could get an idea  
3 of what we are working on, I think that is what we want them  
4 to know. You know, I think the summary is very good but  
5 beyond that you need to say, O.K. where are we going, and  
6 if we show a list of those leads, witnesses that need to be  
7 interviewed, there is a general feeling of what the future  
8 kind of work needs to be done, I think the leadership and  
9 also the Rules Committee needs that.

10 My second problem is this, in between all of this  
11 if I could see the kind of a public statement that you have  
12 in mind, I would be better able to evaluate it. I have been  
13 sitting here, wracking my brain, trying to figure out what  
14 would be in the public presentation and I cannot visualize  
15 it because every time I think of something I think of  
16 something that immediately the press is going to do what  
17 you are talking about here, so I would like to reserve at this  
18 point on a determination until perhaps we could get some-  
19 thing before us as to what you see would be presented in  
20 this public presentation.

21 Mr. Edgar. I would think the same data that is  
22 going to be presented in the report to justify the reconsti-  
23 tution of this Committee would be what would be shared in  
24 the public meeting.

25 Mrs. Burke. You see this is my problem, I cannot

1 visualize the kind of things that you have determined can  
2 be presented versus those things that cannot be presented  
3 without undermining investigation. It would be very  
4 helpful to me and I suspect to some others, we would have  
5 some of that before us and then make an intelligent deter-  
6 mination.

7 Mr. Fithian. I was going to suggest, if perhaps the  
8 Wednesday session would not be, we can use this instead of  
9 calling it a briefing, just simply say, you know, the  
10 Committee is working on the report. I do not know what  
11 the date of the schedule of the report is but you know, in  
12 some committees you discuss the report at some length  
13 that you are going to go to the Congress with and actually  
14 vote on including this that or the other thing.

15 I wonder if we could not use that for the rationale  
16 you know, what we are doing today is voting or agreeing upon  
17 a report that we are going to Congress with and have the  
18 two presenting pieces of the report. We are not then,  
19 you see, Mr. Sprague, trying to tell them all out there  
20 a rehash, we are doing a logical parliamentarian process  
21 simply to prepare a report to the Congress. We would not  
22 be there moving for anything new, it is just what  
23 we have been doing, we cannot include everything or we  
24 would break the bank in printing it.

25 Mr. Edgar. Mr. Chairman.

The Chairman. O.K.

1           Before you replay, Mr. Sprague, we have a vote on  
2 the Floor, on the NASA authority.

3           Mr. Devine. Rule on the NASA authority.

4           The Chairman. O.K.

5           While on the floor, I will have to request permission  
6 for us to meet during the 5-minute rule session, in order  
7 for us to be able to sit legally.

8           Mr. Fithian. It is not within the five-minute  
9 rule, is it?

10          The Chairman. No, but if we are going to be meeting  
11 later, it looks like we are going to have to go for a while--  
12 I must do that before we meet later on today when we get  
13 into that session so I suppose we had better do that because  
14 it looks like we have got quite a few matters to discuss.

15          Mr. Preyer. I wonder, Mr. Chairman, if we could  
16 endorse the scenario-idea position which makes sense to me  
17 and maybe wait before we decide what we are going to do  
18 on Wednesday, I agree with Mrs. Burke, I have a hard time  
19 knowing just exactly what it is we are going to try to pre-  
20 sent. Did you indicate that you have a draft of the report  
21 perhaps by Monday.

22          Mr. Preyer. We could if you would give us also some  
23 idea of things you would like included in the report today  
24 so we could start working.

25          I wonder if we could go ahead with the scenario but  
hold off with the decision of what we do on Wednesday to at

1 see the report and maybe --

2 Mr. Devine. Mr. Chairman, the immediate problem  
3 is we are going to have to go. The second bell has not  
4 run yet but are you prepared to meet these wolves outside  
5 the door--do you know what you are going to tell them  
6 all we have done in here.

7 Tell them of what we have done in here.

8 The Chairman. That is a hard question, too. It just  
9 seems to me at this time in light of yesterday's hearings  
10 what I have been trying to say to them essentially is  
11 that we are still discussing matters that relate to the  
12 entire investigation and many matters which are sensitive  
13 in nature and I have left it go at that. They want  
14 to know, can you give us something about the subject  
15 matter and I say, just the investigation.

16 Mr. Preyer. The budget is always a pretty good  
17 thing to discuss, I guess.

18 Mr. Sprague. I thought you did not want to focus on  
19 that.

20 Mrs. Burke. Tell them we are talking about the  
21 report.

22 Mr. Fithian. I think you should keep them right  
23 where you have them now, champing at the bit and not tell  
24 them anything

25 The Chairman. I think it has more aura because we have

1 been on the investigation two days and especially with  
2 Trafcantee being here --we are not just dismissing his appear-  
3 ance.

4 Mr. Sprague. And I Have things to report back on that  
5 anyway.

6 The Chairman. O.K. we will come back.

7 Yes, we are in room 2325 since the Committee Space room  
8 when we return.

9 Mrs. Burke. What time?

10 Mr. Fithian Have the people thing we keep moving  
11 around just to keep them off balance.

12 The Chairman. Room 2325 which is on the third floor  
13 of this building. We will reconvene there immediately after  
14 the roll call. I will be a little late. I will ask Mr.  
15 Pryer to take the Chair.

16 (Recess.)

17 (The Committee reconvened in Room 2325 Rayburn  
18 House Office Building at 12:15 p.m.)

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1           The Chairman. The Committee will come back to  
2 order.

3           We are once again in Executive Session and I assume  
4 all personnel in the room are permitted.

5           Mr. Dodd. Mr. Chairman.

6           The Chairman. Mr. Dodd.

7           Mr. Dodd. Mr. Chairman, I spoke with Chairman Dulaney  
8 on the floor about the prospects of going before the Rules  
9 Committee. He is amenable to it and I would like to do it.  
10 His problem is one of scheduling. One, the Situs Picketing  
11 bill is up before the Rules Committee at One p.m. on  
12 Monday and they expect that to take the entire afternoon,  
13 if not Tuesday so he was talking about Wednesday or so.

14           I told him that I thought the presentation in executive  
15 session, informal presentation in Executive Session, would  
16 not necessarily take any more than 45 minutes to an  
17 hour if we could boil it down in any way and we are trying  
18 to work out possibly around noon on Monday. We wanted to clear  
19 it with the Speaker before he did anything and will get  
20 back to me this afternoon. He is very interested in doing  
21 it. It is really a question of working out the time and  
22 making sure the Speaker does not have any objections to  
23 that kind of a program.

24           The Chairman. All right.

25           Mr. Dodd. He should have time, yes.

          The Chairman. Fine.

1 We will just make ourselves available.

2 At the time we recessed, we still had the matter  
3 under discussion as to the nature of the agenda of the public  
4 meeting, so we will resume discussion on that point if  
5 there are further comments.

6 Mr. Sprague. Not to belabor the point but I guess  
7 I have a feeling as I have said from the investigative stand-  
8 point and I agree with what Mrs. Burke and Judge Pryer said,  
9 that it is very difficult to think of what is being presented  
10 publicly that is meaningful, that does not get into that  
11 which ought to not be presented and if we really want to focus  
12 on what will make a headline and perhaps something that  
13 members of Congress can read, because I think the only  
14 thing basically that is read is the headline, not the  
15 story. We are then subject to the headline writer. You know,  
16 we could present that whole memo from the Executive  
17 Session.

18 You know, obviously to do that is to throw away at  
19 least the immediate efforts in this investigation and I  
20 find myself again wondering whether or not a presentation looks  
21 lessens then that does not subject us to merely a  
22 headline writer that said almost Ho-hum," or "nothing new,"  
23 and whether the risk of that is not greater than the  
24 potential advantage of something being there that all of a  
25 sudden makes it look like we are striking pay dirt.

1           Secondly, I do find myself wondering to what extent  
2 the concept of this being of influence to other members  
3 of Congress as meaningful.

4           It kind of assumes that the story is reported  
5 accurately, it assumes that the members of Congress read  
6 the story in its entirety. I question both those assumptions.  
7 It seems to me that if the thought is to get it out because  
8 then of the pressure that will come from the public back  
9 to the Congress, the realities are that the people who were  
10 contacting their Congressmen are primarily those that are  
11 against something. Those that are for, they will read that  
12 but they are not motivated to write saying, you had  
13 better get this thing through.

14           Even that assumption questions who become the letter-  
15 writers and in addition to that since time is of the essence  
16 here, I really wonder to what extent whatever is reported in  
17 the press next week is going to get acted upon that quickly  
18 by members of a public that convey their attitudes in a  
19 significant manner to members of Congress which is going to  
20 be the basis of action that they may take and finally, I am  
21 struck by the fact that, let us say that Mr. Latta has  
22 expressed himself as he has. Mr. Latta, as I understand it,  
23 lives with Mr. Devine, they share an apartment.

24           You know, we have our report, I am willing that it be  
25 available to members of Congress through members of this  
Committee.

1           It seems to me that, if we are trying to get to  
2 that member, and in fact we may be on the Rules Committee,  
3 I do not mean him particularly, but we are happy to have,  
4 let us say, Mr. Devine have a copy of that report one  
5 evening with Mr. Latta, sit down, read this thing, let  
6 us talk about it.

7           Now if after he has read it, that does not persuade  
8 him, I daresay nothing in the paper, nothing that  
9 you do publicly is going to persuade him. It seems to me that  
10 the effort that has to be made again is not just a matter of  
11 the formulation of the questions of the leadership that they  
12 or whatever members of the Congress that this Committee  
13 things can be important, that they just have to literally be  
14 dragged, if that can be done, and set down and a presentation  
15 made to them. To try to do it through this indirect  
16 vehicle, I think is just not going to be effective.

17           The Chairman. Mr. Fithian.

18           Mr. Fithian. Thank you.

19           I would not want Mr. Sprague to operate under the delu-  
20 sion that we were going to rely on the Washington Post recon-  
21 stituting us, nor that we were going to rely on this  
22 next Wednesday meeting reconstituting us. At the earliest  
23 opportunity, later in the session here, I am prepared to  
24 present a plan for the politics of this in terms of getting  
25 the required votes.

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However, I would say, and there is a great deal of accuracy in what you say both in terms of timing and all the rest. The one thing that attracted me to Mr. Edgar's proposal was that the two or three public meetings that we have had, even regardless of how badly Lardner had reported them, and he has reported them pretty badly, have nonetheless to erode the feeling generally held by many members of the House that we really have not done anything.

It is to the question, what have you done since you have been constituted last October, we are precious hard to come up with anything without going into leads which we cannot talk about. The very fact that the Committee is meeting in an orderly process, it is being briefed by its two investigators for each side, whether that is a justification for the report that we are now going to submit or whether we figure out some other way of justifying what they are doing, we then move to orderly discussion of the budget and so on.

These are things which, if they are occurring, tend to transmit almost by rote training to other Congressmen that the normal functions are being performed, that is that the Committee is discussing its report. The Committee is discussing its budget, the Committee is discussing the things that justify it continuing to spend its time.

All of these things are common among the members of the

1 House. They do not appear as much in the paper, they  
2 certainly do not appear as anything to investigators, I am  
3 sure of that and they do not swing a deal that they will  
4 vote against this resolution--if Sam Devine sat down with  
5 DeLatta for six hours, he is not going to vote for this, unless  
6 Mr. Stokes has any magic that I do not know of.

7 The Chairman. I do not have any.

8 Mr. Fithian. I still intend to inquire as to how  
9 we can proceed and we have to discuss the budget at  
10 some time and whether or not we cannot use this public  
11 session on Wednesday as a demonstration that we are working,  
12 we are proceeding on in an orderly fashion.

13 Mr. Sprague. I certainly would not disagree with  
14 anything you said, all I do want to emphasize is that  
15 while I do not know the result of it, Mr. Devaney had  
16 myself and Mr. Tannenbaum and Mr. Lehner last night meet  
17 with some people, members of Congress--they are not particu-  
18 larly enamored with this Committee and the purposes with  
19 meeting with them maybe that when they heard something,  
20 when they saw the kind of personnel that we had, that their  
21 attitudes might change and while I do not deal in asking  
22 people for commitments, I would say that as a result of just  
23 that getting together here with some people who have been  
24 strong opponents, who by the end of it gave pretty good  
25 indication that they might perhaps be changing their minds.

1 Now, to do what you say from a cosmetic sense,  
2 and a soothing sense, I understand that but I guess I am  
3 focusing on what really will help get a job done.

4 Mr. Edgar. Would the gentleman yield?

5 I was not going to say too much coming back since  
6 the idea was shared this morning but I think that it is very  
7 important to look at the psychology of what we are about.  
8 And I think that Mr. Fithian is exactly right in that the  
9 public and the Congress have to be reinforced that the  
10 Committee is in control and that the Committee is pursuing  
11 the investigation in an orderly fashion.

12 Now, I think that you do have competent investigators  
13 that have briefed us and I guess at the heart of my  
14 suggestion, and I think Mrs. Burke perhaps has a better idea,  
15 and that is, after we review the report, it seems to me that  
16 a public session is in order to have that report revealed,  
17 discuss the budget, discuss what direction the committee  
18 is going to go in four or five or ten or whatever possible  
19 directive leads that we are heading on in a general way,  
20 and I think that you know, it should not be misunderstood  
21 that we intend this public session to be a session where we  
22 are, in fact, going to change the minds of a lot of  
23 Congressmen on specific issues but I think the public  
24 meeting should be perceived as a public affirmation that the  
25 Committee is serious, as well as tool whereby we follow  
that up with specific action through the "Dear Colleague"

1 letters and through specific discussions with those  
2 Congressmen in person sharing in more detail the kind of  
3 information that you have shared in smaller settings.

4 I think, if we go, between now and the 30th of March,  
5 only with private settings, only with private discussions  
6 with Congressmen, we may find ourselves on March 30 shy of  
7 some votes because we have not given the general  
8 Congress the impression that the Committee is working  
9 actively and pursuing it.

10 And with respect to Mr. Sprague's investigative skills  
11 and I think investigation beyond the 30th should proceed  
12 as aggressively and in depth as possible, but the psychology  
13 in the next two weeks is important and I think we need  
14 both in-dpth discussion with the Rules Committee and  
15 the leadership and the in-depth discussion with Congressmen  
16 at the same time we are perceived in the public media  
17 as being about our business.

18 Mrs. Burke. I have just been thinking about some  
19 report language. When I suggest that I have no pride of  
20 authorship, it may not make sense so I am just throwing it  
21 out and one thing I was thinking is that we explain that  
22 the number of documents that have been reviewed as I understand,  
23 there are 1800 classified documents of which 112  
24 have been reviewed but that we have been unable to review  
25 other because of a lack of access because of the security



1 problem and the delay in FBI allowing us to get them.

2 Second, I was thinking about on the witnesses, a state-  
3 ment like this, have interviewed blank number of witnesses,  
4 blank number of whom have testified or given statements  
5 to the Warren Commission and have since changed their testi-  
6 money or contend that they misrepresented their  
7 testimony based on duress, or fear or something like that.

8 Have interviewed blank number of police officers  
9 or former intelligence agents who wish to give information  
10 they had withheld because of whatever reason and what I  
11 am trying to do is to go in a direction of where you indicate  
12 the new things without getting bogged down in detail.

13 I think it is true, we have a number of police officers,  
14 intelligence officers who have come forward and who wish  
15 to give it.

16 I think that gives some credibility--witnesses who  
17 have appeared before the Warren Commission who testi fied to  
18 one thing and who since have changed it has the aura of  
19 new ground. I am trying to think of things that I  
20 can suggest for the report.

21 The Chairman. I can appreciate that. I wonder if we  
22 might not have Mr. Tannenbaum, Mr. Lehner or both  
23 respond to Mrs. Burke's suggestion in terms of whether  
24 the report might be able to help. Mr. Lehner.

25 Mr. Lehner. Sure. I think that we can do what has been

1 suggested but I do not think we could do it at much length  
2 in a public setting. I think when you talk about 45 minutes  
3 I would have to do a little "soft shoe dance" in the middle  
4 of it. I think what Mrs. Burke has suggested is something  
5 that can be worked out and it can be done in outline form but  
6 I would not want to.

7 Mrs. Burke. I am talking about report language. I  
8 really have not gotten to the public thing, just report  
9 language.

10 Mr. Lehner. I think that definitely can be worked out  
11 and can be done for the record as well. It has to be done  
12 so that we are not, it doesn't look as if we are intentionally  
13 giving information which an investigate reporter using his  
14 research and using his intellect, can get to exact people  
15 who were involved in this, that is something we have to  
16 be very careful about.

17 Obviously, we will be discussing that before we report  
18 back to you next.

19 The Chairman. Mr. Tannenbaum, do you want to respond.

20 Mr. Tannenbaum. If you wish, sir.

21 The Chairman. Yes, sir.

22 Mr. Tannenbaum. I think that I agree with Mr. Finley--  
23 I think that Mrs. Burke's suggestion should be done both in  
24 the report and in a formal briefing, I think as far as  
25 our investigation is concerned, you can just look at the briefing

1 memo which is now outside, and see the areas that  
2 we really hit -- each of you can do that yourself. I am  
3 prepared to do that and have something submitted to your  
4 consideration to show you just what we are talking about  
5 as far as a public briefing is concerned, because there  
6 really are new areas that have not been touched upon and that  
7 is really one thing that perhaps we ought to do, let the  
8 people know what new areas are as well. I am looking  
9 beyond really the members of the Congress but I think perhaps  
10 the people should know what the new areas are that we  
11 are involved with.

12 As far as the proposals concerning the public  
13 session, I re-emphasize something we stated about a week and  
14 a half ago in the Capital room and that is that it is imper-  
15 ative it seems to me that the briefing memorandum and  
16 the substance of it be discussed with the leadership at the  
17 earliest possible opportunity because, as we are all  
18 well aware, if that is done, one would be hard-pressed  
19 when seeing that memorandum and its contents, to vote against  
20 this Committee on substantive grounds. So I think that  
21 as far as we are concerned, we can at a public session not  
22 give up anything as far as investigate process will be if  
23 indeed we are continued, we will not be giving up  
24 anything and yet we will be able to outline the areas we  
25 are interested in.

1           The Chairman. I wonder if I could pose a question  
2 to Mr. Fithian and to Mr. Edgar for their response.

3           One of my major concerns here having endeavored to  
4 display to the Congress in the picture of disarray that they  
5 had of the Committee, that the Committee is now performing  
6 the function of a committee and rather than having our  
7 feeling that we have made some--we have gained some ground  
8 in that direction, the Congress now feels the Committee is  
9 back where it ought to be in terms of the Chairmanship  
10 and the Committee, that we refocus attention of the media on  
11 Staff, whether it be Mr. Sprague or whether it be Tannenbaum  
12 or Lehner, that we are once again putting statements of  
13 the Staffs, I wonder if we couldn't work this out in a way  
14 where the Committee in its report sets forth exactly what you  
15 are talking about in terms of a public presentation but it  
16 is coming from the committee in terms of developing what  
17 has come to the Committee by way of investigation.

18           That the Committee at public session discuss their  
19 report. (Mrs. Burke leaves.)

20           It would seem to me that you are putting the focus  
21 where it ought to be rather than just on staff and being  
22 in the position where the media once again runs away  
23 with the Staff situation.

24           Mr. Fithian. I think we could do that in focus  
25 on the Committee.

1 I would like to have the corroborative strength  
2 of our at least raising a question of Mr. Lehner and Mr.  
3 Tannenbaum, you know, whether this Committee report we are  
4 going with now is either accurate or whether that tells all  
5 the unclassified part of the story, or in other words,  
6 I think there should be some dialogue. I think it would  
7 look a little artificial if we were just, I am not  
8 sure, just thinking out loud, it would look a little artificial  
9 if just discussing it among ourself--

10 Mr. Edgar. Will the gentleman yield.

11 The Chairman. Mr. Edgar.

12 Mr. Edgar. One way to handle that, I think the direction  
13 to go would be to have the two task force Chairmen, Mr. Faunt-  
14 roy and Mr. Preyer, make the actual prepared report  
15 statement, but I think that we ought to highlight the fact  
16 that we do have two investigators who are working full time  
17 on these two assassinations and perhaps as a result of  
18 their giving the statements, we then could turn to Mr. Tannen-  
19 baum, Mr. Lehner and you know, clarify any questions  
20 we have of the reports that are made. I have no feeling  
21 that that could be part of the choreography of the  
22 meeting. I feel very strongly that we need the public  
23 direction.

24 Mr. Fithian. I like the idea. I like the idea  
25 and would support it.

1           The Chairman. Why don't we then, with this in mind,  
2 have the staff work on the report, to see what we can come  
3 up with in a few days. How long do you think you would  
4 need to work that up?

5           Mr. Sprague. Well, how about by Monday afternoon?

6           The Chairman. Is that agreeable to the Committee?

7           Mr. Dodd. Yes, I would suggest that we be prepared  
8 for like noon on Monday, if the thing with the Rules Committee  
9 workout out, I would assume at that session--

10          Mr. Prier. Well, you could do that with the memorandum  
11 you have got right now, couldn't you, that is a confidential  
12 memorandum.

13          Mr. Dodd. Yes.

14          The Chairman. Yes we really want to give them the  
15 Executive material. We have that.

16          Mr. Edgar. Mr. Chairman, could we move on if that is  
17 agreed that Monday they would be there and receive their  
18 report from the Staff on some of those other issues.

19          The Chairman. Fine.

20          We need the resolution.

21          Mr. Sprague. Mr. Wolf.

22          Mr. Dodd. Mr. Chairman.

23          The Chairman. Yes, Mr. Dodd.

24          Mr. Dodd. Have we finished our briefing? We have  
25 still got a little more to do on that, have we not?

1 Mr. Sprague. That is right.

2 The Chairman. Yes, we do but I thought we would get  
3 to this.

4 Mr. Wolfe. This is prepared in the form, I guess, we  
5 spoke of, Mr. Stokes, as a new resolution as opposed to either  
6 restating HR 222 in hoc verba or amending HR 222. This is  
7 in essence a short resolution that extends it for the  
8 duration of the Congress and we have spoken to the Parlia-  
9 mentarian, Bill Brown about this. It was his view that  
10 that would be better to have a new resolution rather than  
11 amend the old one.

12 He reviewed this this morning. That is why there  
13 is that panned in on page two, he suggested that as a  
14 lead into that introductory sentence and just  
15 Section 2 still basically of the resolution will require  
16 the Committee to submit a final report because that  
17 would not be in H Res. 222 just by extending it as it current-  
18 ly is drafted.

19 Section 3 makes H Res. 222 as an alternative provision  
20 and applies to the Committee giving us subpoena power to  
21 hold hearings and so on. Now, the last sentence has  
22 been amended because under HR 222 the Committee does not  
23 have authority to bring lawsuits in its own name, it  
24 can require by subpoena or otherwise testimony but that  
25 has been narrowly construed by Courts and for a variety

1 of reasons, I think it is a good idea to include this language  
2 although it certainly may add some controversy that you know  
3 we could delete if it was being deemed politically necessary.  
4 The reasons I think it should be included are for example  
5 on litigation against the Executive Branch for access to  
6 classified documents or whatever--technically if we issue  
7 a subpoena, the Committee does, the Executive Branch determines  
8 to not comply with that subpoena. The Committee, the Staff  
9 of the Committee can then not take any action as a commit-  
10 tee against the Executive Branch, it must go to the U.S.  
11 Attorney's office to procure a contempt of Congress. Again  
12 there may be a problem involved in the litigation  
13 against the Executive if it involved either the Justice  
14 Department or one of the intelligence agencies.

15 Other examples of the type where this would be neces-  
16 sary are, for example, the suit that sealed the King  
17 tapes that were made by the FBI, the District Court  
18 ordered those tapes sealed for 50 years in the archives, I  
19 believe, about a month ago. Now the last provision  
20 of that order says the only exception is if there is a  
21 valid order of the Court ordering access to those tapes.

22 Well, the Committee does not have standing in the  
23 current Resolution to go to Court and get a resolution  
24 to the Court and get those tapes. The same would be true--  
25 the statute restricts access to Grand Jury minutes  
if you apply for order of the Court, you can have access



consent

1 and again the Committee would not have standing just by  
2 the words to require by subpoena or otherwise. Another  
3 important possible advantage to this is realistic ally, it  
4 gives the Committee a procedure that could procure contempt  
5 of an order without going to the entire House. This  
6 procedurally would arise, for example, by the issuance of a  
7 subpoena if a motion to quash that subpoena was then  
8 filed, the Committee in that court could get a Court order  
9 directing that it was a valid subpoena and directing  
10 the parties to comply with that subpoena.

11 If the party then failed to comply with that subpoena,  
12 they then could be found in contempt of that Court order which  
13 held that it was a valid subpoena.

14 So, it would avoid the necessity, if it were desired,  
15 of going to the Congress or the House for resolution of the  
16 House to find someone in contempt for not complying  
17 with a subpoena. And the Watergate, the Senate Watergate  
18 Committee had these provisions, analogous provisions, not  
19 this verbatim language.

20 Now, the other types of instances where, you know, this  
21 type of language I think would be desirable is if you wanted  
22 injunctive relief. For example, the rooming house in Memphis  
23 is boarded up and there was some question a month or two  
24 ago whether that was not going to be torn down for Urban  
25 Renewal or other purposes. The Committee has no authority

1 to prevent that for even one month or two months or just  
2 you know, to have a view of the scene or things of that  
3 nature.

4 And again this just gives the authority of the  
5 Committee to go to Court to bring lawsuits, defend lawsuits  
6 or make applications to secure other information.

7 Mr. Fithian. Mr. Chairman.

8 The Chairman. Mr. Fithian.

9 Mr. Fithian. Is this unprecedented in the House?

10 Mr. Wolf. I do not know if it is unprecedented, if  
11 it is, it would be my answer, I do not know of another Committee  
12 that had it. It arose because as I said, the Senate  
13 Watergate resolution I think that the most recent instance  
14 of where the issue was focused and then Judge Sirica, after  
15 they found that the Committee had authority to sue, then  
16 there is a separate question which may or may not come down  
17 the line further which would be the jurisdiction of a  
18 District Court to entertain these types of lawsuits.

19 Now, in the Senate Case, there is a jurisdictional  
20 statute passed that is on the books, providing that for  
21 Senate Committees but not House Committees the District  
22 Courts now have jurisdiction and that was passed as a  
23 direct outgrowth of the Senate Watergate Committee case. But  
24 we would not need jurisdiction in all instances in the  
25 District Court, because this language basically gives you

1 authority to sue so it would be applicable to state  
2 courts sometimes of District Court suits perhaps not all --

3 Mr. Fithian. I would be interested in either the  
4 Chairman or Judge Preyer's reaction to this. I find that  
5 it is wholly new terrain to me but it may be that I am too  
6 new around here.

7 Mr. Preyer. Yes, it is new to me, too.

8 Did the Parliamentarian bring on this or did he?

9 Mr. Wolf. Yes he read it this morning. He said he  
10 understands that certainly is a valid reason the Resolution  
11 as drafted is questionable at best, whether it would have  
12 that authority and it is a political decision whether you  
13 want to include it. He understands the legal reasons  
14 for including it and, as I say, he was the one that suggested  
15 that kind of language just introducing that sentence to  
16 make it clear that it relates back to HR 222 for  
17 purposes of carrying out H Resolution 222.

18 Mr. Preyer. Most people around here, when you  
19 ask them what they think about a resolution! technical  
20 aspects, they just say what does the Parliamentarian say,  
21 and if he gives it his blessing, I would not think it  
22 would cause any trouble.

23 But I am not familiar with that, are you?

24 The Chairman. No, the only problem I see here,  
25 Judge, is the interjection of anything new here gives--

1 Mr. Preyer. I hate to raise a new House issue  
2 for the House or Brown to quarrel about.

3 The Chairman. You recall before they raised phraseology  
4 there--

5 Mr. Preyer. New powers and all.

6 The Chairman. The new powers, right.

7 Did Bill Brown seem to feel that--I assumed you  
8 talked to Bill.

9 Mr. Wolf. Yes.

10 The Chairman. That, in the absence of this  
11 provision that you have real serious legal difficulties  
12 in terms of injunction relief.

13 Mr. Wolf. Yes.

14 The Chairman. And in other court procedures.

15 Mr. Wolf. He thought it would be doubtful, that is  
16 right.

17 In other words, it is not conclusive but the language,  
18 specific language in our Resolution was construed by the  
19 Supreme Court in 1928 in the Reed Case and they specifically  
20 found that there was no authority to bring lawsuits just by  
21 the language to require by subpoena or otherwise, evidence.

22 The Chairman. What was the analogous language in  
23 the Watergate resolution?

24 Mr. Wolf. The Watergate resolution, I do not have  
25 the specific language here, provides that they could require  
by subpoena or order, and then they specifically made

1 extensive reference to the Executive Branch because that  
2 is specifically what they were concerned with in the Water-  
3 gate Resolution, orders determining that the Executive  
4 Branch shall do the following.

5 The Chairman. Is there reason why we chose  
6 different language?

7 Mr. Wolf. I just thought it was more concise. That  
8 went on for almost a page, just about Executive Branch  
9 Departments and then repeated the language, saying "or any other  
10 person or persons."

11 Mr. Fithian. Mr. Chairman.

12 The Chairman. Mr. Fithian.

13 Mr. Fithian. I wonder if we might not be able to  
14 incorporate in that sentence something the House is a  
15 little more familiar with which is already in H. Res. 222 and  
16 that is the subpoena power and just by language and grammati-  
17 cal construction could not we work in, you know, to state  
18 in addition to the subpoena power or as an extension of the  
19 subpoena power the committee shall, in other words, somehow  
20 tie it to something the House is very used to with subpoenas.

21 Mr. Wolf. It is a trifle difficult because this really  
22 does not relate per se to the subpoena power because it is  
23 an extension.

24 Mr. Fithian. As Franklin Roosevelt once said,  
25 can't you just weave it in?

Mr. Wolf. Yes, we can try to make that clear but want

1 to make clear that it is not a part of the Subpoena  
2 power.

3 Mr. Dodd. Mr. Chairman.

4 The Chairman. Mr. Dodd.

5 Mr. Dodd. Did the parliamentarian refer you to any other  
6 instance-- you mentioned Watergate Committee, how about  
7 the House Impeachment Panel.

8 Mr. Wolf. I do not believe they had this in but  
9 I am not sure.

10 Mr. Dodd. Any other precedent at all that you are  
11 aware of.

12 Mr. Wolf. No. Like I said, in 1928 the Supreme Court  
13 case just found, did not have authority absent something  
14 like this and I do not believe the Committee went back  
15 to get a further grant of authority.

16 Mr. Fithian. What kind of difficulties do we get  
17 into if we do not have this in there and you get on  
18 the way six months and decide that for whatever reason  
19 you need this?

20 Mr. Wolf. The only difficulty is you have to go back  
21 to the House.

22 Mr. Fithian. But I feel so much safer, once we  
23 get beyond the reconstitution resolution.

24 Mr. Wolfe. Sure there is no problem just amending  
25 that could always be done just amending the resolution  
down the road to give you this power.

1           The Chairman. Judge Preyer was just mentioning to  
2 me that that it might be well for us to consider talking  
3 to the Rules Committee counsel regarding this because he  
4 shares with me my apprehension that once we open up a new  
5 area for them, it just adds to our present problems.

6           Mr. Wolf. Certainly, we can pass this without that  
7 and in the event we needed that, you know, four or five  
8 months down the road, just introduce that as an amendment  
9 and perhaps you would have a specific purpose as well.

10           The Chairman. Then why don't we, as unanimous consent,  
11 strike this provision so we do not encounter this additional  
12 difficulty?

13           Mr. Dodd. I would, if you do not need a second  
14 unanimous consent request but follow along your rule as  
15 well, and check the Rules Committee counsel to find out  
16 what you know, what the status would be in terms of a  
17 new resolution coming up and what we have to do to handle it  
18 but I agree with you, Mr. chairman.

19           The Chairman. All right. Why don't you do that and  
20 then give your report back to us at the next meeting?

21           Mr. Wolf. O.K. and the last section 4 just  
22 makes it clear interim funding in HR 11 which by its  
23 own terms, does expire March 31, makes it clear no limitation  
24 either express or implied in that would apply to the  
25 Committee after the 31st of March.

          The Chairman. Did he feel that was necessary, too?

1           Mr. Wolf. He thought it was not absolutely  
2 necessary but because H. Res. 11 expires by its own terms,  
3 on the other hand, he said without that the last sentence  
4 of H. Res. 222 states that the provisions of H. Res. 11 shall  
5 apply so there may be an implication even though H. Res. 11  
6 doesnot apply, the restrictions detailed in there might by  
7 implication, and he thought it was a good idea just to make  
8 it explicitly clear he did not think any controversy--  
9 but to make it clear after the 31st, is off the books and  
10 any implication regarding 1' is off the books.

11           The Chairman. Any further questions?

12           All right, then you will report back at our next  
13 meeting regarding this other aspect of it.

14           Mr. Sprague. Mr. Chairman.

15           The Chairman. Mr. Sprague.

16           Mr. Sprague. If I may request some guidance from the  
17 Committee going back to the report a moment, how does the  
18 Committee want the matter of the problems that were  
19 created after commencement as a result of the impediments  
20 and the financial limitations and the problem of the  
21 previous Chairman, treated in this report?

22           The Chairman. Ignored, I would say, completely.

23           Mr. dodd. Benign neglect.

24           The Chairman. Yes.

25           That deplorable expression.



1 Mr. Fithian. I am not sure we should not say that.  
2 I would have to think about it, but we might want to consider  
3 sayint something to the effect that for a period of time  
4 we were denied access to the FBI's CIA materials or  
5 soemthing like that. Although that comes to sound like  
6 an apology for non-performance.

7 Mr. Edgar. I do not know.

8 The Chairman. If the gentleman would yield to me, I  
9 think it is important when we meet with the Rules  
10 Committee, to at the outset recite for them the state in  
11 which this Committee found itself up until a week ago when  
12 the Committee began to try to function as a committee. Because  
13 I think, it is important for them to realize that we had a  
14 Staff here of investigators who were unable to investigate.  
15 You had a staff unable to make telephone calls back to wit-  
16 nesses who were proffering testimony to this Committee.  
17 That you had a staff that was unable to travel anywhere to  
18 investigate.

19 I think this is a part of what you have not done and  
20 why you have not. And that they have taken it to a total ap-  
21 praisal of where we are now.

22 Mr. Dodd. I will agree. I just thought I understood  
23 in the questioning of Mr. Sprague referring to any reference  
24 to the former chairman or why this occurred.

25 The Chairman. None of that.

Mr. Dodd. I would not want to see in the report at all--

1 I think the membership of the House is fully aware  
2 of the reasons and I think if we outline those reasons  
3 as for the Staff's inability to perform at a hundred percent,  
4 everyone knows why, I do not think we need to go into  
5 the report to make any reference whatsoever to the former  
6 Chairman's actions, our actions as a response to his actions  
7 I just think we ought to leave that out of the report  
8 entirely.

9 The Chairman. Sort of. as we discussed this morning  
10 that the Committee, the sense of the Committee was that  
11 we report hearings that began with the present Chair's chair-  
12 manship and sort of proceed in that same way as regards  
13 the report.

14 Mr. Prayer. I agree that we never should mention any  
15 names or some personalities but I wondered if we do not  
16 at least want to make a point that things are different now  
17 from the circus that was portrayed earlier and that we  
18 are now proceeding in an orderly businesslike way--drop  
19 the hint that the charges about being a circus, but these no  
20 longer apply. That is one of the things we had to try to  
21 combat that everybody is going off in different  
22 directions but as a matter of fact, it was one person really  
23 going off in different directions but I think that atmos-  
24 phere of a circus is one of the hard things we have had to  
25 try to kick and I do not think there is anything wrong with

1 suggesting that we have that behind us now and that we  
2 are proceeding in an orderly way.

3 Maybe we can be a little subtle about why it is  
4 behind us now but I think we should give some sense that  
5 things are changed.

6 The Chairman. In the report.

7 Mr. Preyer. Doing it diplomatically, that is  
8 all.

9 Mr. Dodd. If the gentleman would yield. I would be  
10 interested in seeing language, I would just be concerned  
11 that in trying to be subtle--some members of the House are  
12 very sensitive to this chairmanship role and--

13 Mr. Preyer. I am afraid I am going to have to leave,  
14 Mr. Chairman.

15 The Chairman. All right.

16 There is nothing further then on Mr. Sprague's question  
17 so we will turn to the matter of--well, there are two  
18 things, one Mr. Sprague would be further briefing by you  
19 regarding yesterday's hearing. Secondly, I understand  
20 you have some additional data to bring to our attention  
21 regarding both investigations through Mr. Ta-nenbaum and  
22 Mr. Lehner, right.

23 Mr. Sprague. That is correct.

24 The Chairman. And since one of the matters is only  
25 presented by you in the absence of the Staff, I suppose we

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will proceed then with the Lehner-Tannenbaum presentations.

Mr. Sprague. Fine.

The Chairman. Is that O.K?

Fine, you may proceed.

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1 to give us this material.

2 We have conducted various interviews in Memphis and in  
3 Birmingham between Thursday and Saturday of this past week.  
4 These interviews are being transcribed and we will have the  
5 details of it for further report and the significance of  
6 these interviews.

7 Just one of the matters that was taken up at my previous  
8 briefing in executive session pertained to Mrs. Matthews,  
9 the lady that threatened Officer Redit at the airport on the  
10 3rd of April. Her account is that she did state to Officer  
11 Redit, "I am going to shoot you" but she said she did it in  
12 a joking manner; it had to do with a private matter between  
13 Officer Redit and herself and is not related to Redit's  
14 surveillance of Dr. King and his party.

15 So, rather than going into the details of this at  
16 this stage, I think after these reports have been transcribed  
17 and collated, then I could further detail the committee on  
18 these interviews.

19 The Chairman. Okay. Thank you.

20 Proceed, Mr. Tanenbaum.

21 Mr. Tanenbaum.. Yes. Just briefly, we have located a  
22 witness whose identity was unknown for the last 13 years.  
23 She is a female who was taking photographs on the south side  
24 of Elm Street, which would be facing what is known as the  
25 Grassy Knoll" and part of the Book Depository Building where

1 allegedly Oswald was and fired the shots.

2 She has indicated to us that approximately two weeks  
3 prior to the assassination, while she was working in another  
4 club, not Jack Ruby's club but another club, she went to Jack  
5 Ruby's Club and there she was introduced by Ruby to one "Lee  
6 Harvey Oswald" of the CIA" using Ruby's words. She didn't  
7 know what the letters "CIA" meant, and the next she saw Oswald  
8 was when he was arrested on television.

9 She has indicated that there were other people present,  
10 one of whom spoke about this event shortly after the investi-  
11 gation, after Oswald became a well-known, notorious figure.

12 This woman suddenly disappeared. Accordingly, our  
13 witness decided it would be in her best interests not to  
14 say anything. She, in a very real sense, has found religion;  
15 she is married to an evangelist now and she is willing to come  
16 forward. She also will state, as she has stated to our people  
17 who were out in Dallas, that approximately two days after the  
18 assassination two men came to her; one identified himself as  
19 a FBI person, the other as a CIA person, and asked for her  
20 film. She gave these two men her film, and she has never  
21 seen that film since.

22 Her film, of course, could be crucial, in that she was  
23 taking photographs of the President's car at the time the  
24 shots were fired, and it would show possibly, if indeed the  
25 film were developed, portions of the Grassy Knoll and possibly

1 some of the depository. So that is an area that we really  
2 have to get involved in and further investigate.

3 We have also been able to develop some information  
4 from a woman who is the head nurse at Parkland Hospital  
5 who was present when Governor Connally was being operated on,  
6 and had indicated that approximately four to five pieces of  
7 fragments were removed from the governor's body. If indeed  
8 that is the case, and we are able to track down those frag-  
9 ments, we would, of course, have to conduct scientific  
10 analysis on them, possibly neutronic relation tests, and others,  
11 to determine whether or not, first, the fragments came from  
12 the same bullet; secondly, and most importantly, whether or  
13 not these fragments weigh more than that one bullet that  
14 allegedly went through the President's body from his back,  
15 according to the Warren Commission, and then went through and  
16 wounded the governor in five different places, that is, from  
17 the right rear shoulder, entry out the right armpit into the  
18 left side, right side of his body, and out the right breast  
19 and lodging, according to the Warren Commission's finding, in  
20 his left thigh.

21 So that bullet, as I am sure you know, as was indicated  
22 previously, in what as been referred to as in a "pristine  
23 condition", that is, it is virtually unscathed. If the four  
24 or five fragments in fact were taken out and if we can show --  
25 if we can locate them -- that they weigh more than that



1 portion that is missing from that bullet, then the very corner-  
2 stone and basis of the entire Warren Commission Report is no  
3 longer valid.

4 So these two areas are very significant. We have just  
5 come up with them from people whom we have in Dallas. They have  
6 just returned last night.

7 We have also had a gentleman come to us, whom I have  
8 been in contact with, a member of the media from Holland.

9 His name is Wilhelm Altman. He will be assigned to  
10 cover the assassination by The Netherlands media, and he  
11 defriended a fellow who looms in the shadows of this whole  
12 investigation. His name is George De Mohrenschild.

13 Mr. Fauntroy. George?

14 Mr. Tanenbaum. De Mohrenschild, D-e M-o-h-r-e-n-s-c-  
15 h-i-i-d. This fellow recently contacted Altman and they have  
16 been in communication for years, approximately 11 years.

17 Then there is correspondence between the two gentlemen  
18 to support this.

19 In any event, Mr. DeMohrenschild was visited by  
20 Mr. Altman several weeks ago and he went with Mr. Altman to  
21 The Netherlands. The purpose of his trip was to divulge  
22 for the first time his knowledge of the assassination of the  
23 President, and he indicated that he was responsible for  
24 Oswald's activity, and that there were others involved who were  
25 involved in the actual shooting of the President.

1 This fellow, Mr. De Mohrenschild, in The Netherlands,  
2 was negotiating for book rights as well as TV presentation,  
3 and I imagine any other way he could possibly cash in on this  
4 kind of sensational information.

5 What is significant, of course, other than the fact that  
6 there is a confession here, is that George De Mohrenschild  
7 is one person, as I have said -- I really have to underscore  
8 this -- who is involved with Lee Harvey Oswald as a part of  
9 history; that is, he befriended Oswald and had his daughter  
10 cared for Oswald's wife and child while Oswald was living at  
11 a YMCA in Texas; so he is a person that is not a John Doe, who  
12 is coming forward, giving a confession to someone in the media.

13 He is someone who has been looked at by researchers  
14 for the last 13 years, and people have pointed a finger at  
15 him all the time.

16 Unfortunately for us, at this stage he presently is mis-  
17 sing. He left The Netherlands during the negotiations and has  
18 not been heard of since. I just wanted you to know that,  
19 because the media in Europe is carrying the story that has  
20 been given out by Mr. Altman.

21 We have indicated to him that his information indeed  
22 was new, sensitive and unique and required further investi-  
23 gation, which, in fact, it does.

24 Lastly, let me comment just on Mr. Trafficante and  
25 others of his ilk. The other areas that are associated with

1 Mr. Trafficante, as far as the organized crime aspect of this  
2 investigation is concerned, go into New Orleans with a fellow  
3 by the name of Carlos Marcello who is the alleged leader in  
4 that city. There is one significant tie as far as that is  
5 concerned, and that is that there was a person taken into  
6 custody into custody in the DalTex Building, which is right  
7 next to the Texas Schoolbook Depository -- and, parenthetically,  
8 let me note, as to that building, that a shot fired from that  
9 building is consistent with the bullet impact mark that was  
10 found on the sidewalk on Elm Street.

11 There was a fellow taken into custody in that building  
12 by the name of Jim Brady, whose real name is Eugene Hale Braden.  
13 He has a criminal record. He was taken into custody in that  
14 building immediately after the assassination. He was wandering  
15 around on the second and third floors, and he indicated he was  
16 trying to call his wife and tell her about the assassination.

17 He was taken into custody and let go.

18 Braden worked for Marcello in a building in New Orleans,  
19 in Suite No. 1706, as I recall; and in Suite No. 1701, and  
20 whether or not 1706 -- 1706 where David was or 1701 -- David  
21 Ferry was working out of -- they are adjacent to each other.

22 I mention this because of the tie-ins that have been  
23 made between Ferry and Shaw and Oswald.

24 We are in the process of getting the trial transcript --  
25 portions of the trial transcript because of economies. We

1 would like to, and hopefully will, get the entire transcript  
2 of the Shaw trial.

3 There are individuals in an area in Clinton, Louisiana,  
4 from all walks of life, who put Oswald and Shaw and Ferry and  
5 these people all together with anti-Castro Cuban groups.

6 Now, there is a whole area here, obviously, and witnesses  
7 who have to be called, namely, Marcello and Mr. Braden and  
8 others, concerning this investigation.

9 So that is really where we are right now. We have just  
10 begun.

11 Lastly, as far as the autopsy is concerned, we have  
12 information that a person who is now a doctor, who was a  
13 resident at the time in Parkland Hospital, noticed wounds on  
14 the governor's body that appeared to be somewhat inconsistent  
15 with the official reporting of what happened. We have not  
16 heard from him, but his friend has come forward and told us  
17 about this; and we have this person's name and telephone  
18 number.

19 He, also, according to his friend, who is a lawyer,  
20 indicates--that is, this resident -- that he was barred from  
21 seeing the President's body by certain security people, which  
22 by his experience he deemed to be quite unusual, I am sure.

23 There is just one other question. On his observation  
24 of the governor's body, it was his impression that there were  
25 entry wounds on the governor's body; there was an entry wound

1 on the governor's body, and this, again, is someone we have  
 2 to dispatch people to speak with, so that we could really  
 3 run this down properly.

4 I also just want to correct the record. For purposes of  
 5 the record, we spoke with Mr. McBee whom I mentioned at our  
 6 last briefing. He, I am glad to report to you all, does not  
 7 have cancer, which I mentioned. That was a piece of misinfor-  
 8 mation we had. So, fortunately for him, he is not suffering  
 9 from any terminal disease; however, I report to you that our  
 10 people who spoke with Mr. McBee indicated that he is  
 11 wavering on his identification of Oswald.

12 We are still pursuing that. We will be pursuing the other  
 13 people who were at the meeting between this woman, Jack Ruby  
 14 and Lee Harvey Oswald.

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Mr. Fauntroy. Mr. Chairman?

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Mr. Preyer. Mr. Fauntroy?

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Mr. Fauntroy. I just have two questions. With respect to the whereabouts of Mr. DeMohren Schildt, you say?

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Mr. Tanenbaum. Yes, sir.

6

Mr. Fauntroy. Given our projected staff capability, do we have any capacity to try to find him?

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Mr. Tanenbaum. Presently?

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Mr. Fauntroy. Yes, given the 115 figure.

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Mr. Tanenbaum. The answer to your question is simply yes. I think, given that figure, it will be very difficult; I think we have a chance of finding him.

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Mr. Fauntroy. Second, Mr. Chairman, with respect to both this report and the King report, can you give us an idea of what a work program in both cases over the next two months might consist of, in terms of specific investigative activity?

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Mr. Tanenbaum. I think, as Mr. Sprague has indicated, what we have to do now --

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Mr. Fauntroy. Have you gone over this for the record?

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Mr. Sprague. I think only to restate my basic premise, we have got to start from the beginning, find out what occurred, what led up to that, and what occurred since.

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Mr. Tanenbaum. I can just give you the specifics, very briefly.

24

25

Mr. Fauntroy. Okay.

2 1 Mr. Tanenbaum. And that would be really to identify all  
2 the people who were present at Dealy Plaza, all those indi-  
3 viduals who were in the motorcade, those people who we can  
4 deem as specators, all official personnel, then determine the  
5 present whereabouts, any and all previous statements made  
6 by all of these people, as well as those in officialdom and  
7 those who went into the book depository, and move chronologi-  
8 cally.

9 We then in conjunction with that have to go over all of  
10 the documents that are available to us, both in a declassified  
11 manner and classified, that are presently in the possession  
12 of the Secret Service, FBI and the Central Intelligence Agency,  
13 and I would add the Department of State and all intelligence  
14 agencies as well as the State of Texas, any law enforcement  
15 agencies who conducted any investigation with regard to this  
16 case.

17 That would be what we would be doing, and I dare say  
18 that might be taking longer than two months.

19 Mr. Fauntroy. In the meantime, would you have people  
20 working on the Brady and Marcello and other matters?

21 Mr. Tanenbaum. Yes, absolutely. In that regard,  
22 Mr. Fauntroy, I keep neglecting to mention but it is so  
23 self evident that what we have to be involved with are the  
24 very beginnings of the investigation.

25 Of course it is what happened in Dallas, and then the

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1 autopsy, all of the evidence and all of the chain of custody  
2 and all of the people who were present in Parkland Hospital,  
3 from nurses, doctors, media people, security people, the  
4 transport teams that took the President to Air Force One,  
5 and then the trail of the President to Bethesda and ultimately  
6 to the mortuary. Everybody who was present at that autopsy,  
7 long and detailed discussions with Commander Humes, who  
8 actually performed the autopsy.

9 As you know, for some reason he destroyed his original  
10 notes, and the questions of why were never put to him by the  
11 Commission. That, of course, is all part and parcel of what  
12 we are talking about when you asked about the first two months.

13 Mr. Fauntroy. Sure.

14 Mr. Tanenbaum. So I think that really that goes beyond  
15 the two0month period.

16 Mr. Sprague. Mr. Fauntroy, I would respond on that. I  
17 think it is important that it be understood that when I keep  
18 talking about investigating from the beginning, I also think  
19 though that in this investigation we must at the same time, as  
20 we are doing that basic methodical approach, however, be able  
21 to handle new things that come to our attention.

22 Now, I don't think, for example, on this Mr. De Mohrenschildt  
23 thing that we just sit back and be methodically proceeding and  
24 just set something like that aside for six months, saying we  
25 will get to it. Part of the needs that exist when we talk about



4 1 staff is not only the ability to be doing the basic work, but  
2 we have to, on new leads coming in, be able to have units of  
3 manpower to be able to also work on the new leads.

4 I don't think we can just put them aside.

5 Mr. Lehner. I think in just a minute I could answer your  
6 question, as far as the King part. We have the rifle and  
7 bullet, obviously, now in our custody. I have been in touch  
8 with an expert who I know to be an excellent ballistics expert  
9 a Mr. Alfred Johnson, who is now with the Alcohol, Tobacco  
10 and Firearms Division of the Treasury. He has consented to test  
11 ~~fire~~ the gun, to compare the ballistics evidence that we have,  
12 including the test firings that we do have in our possession,  
13 and to report to us.

14 I have been in touch with his superior, and that has been  
15 cleared for him to do that work. I intend to ask Mr. Kirshaw  
16 if he will supply us with the name of an expert that he wishes  
17 to do that same examination. We will research that person.  
18 If he is a true expert, we would be very happy to have him  
19 present during the test firings as well as maybe a third  
20 expert that we are now looking to.

21 In our recent trip to Memphis this past Thursday through  
22 Saturday we xeroxed some of the Memphis District Attorney's  
23 Office file, and we are working on that, the specific areas,  
24 the Canadian area, the use of aliases, the Birmingham question  
25 of safety deposit box and the question of renewing his lost

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1 driver's license and specific areas.

2 But we intend, once we get reconstituted and have some  
3 funds to do it, to xerox their entire file and once we do that  
4 we will be able to cross-index their file, compare it with  
5 what we have from the FBI in their file and other files that  
6 relate to Dr. King, and then be prepared to send teams to the  
7 various areas -- Canada, New Orleans, California, Memphis,  
8 Birmingham -- then the Portuguese and London situations as well.

9 These different teams will have specific areas within  
10 those locations, report back to us, and we will try to  
11 coordinate that from here in Washington.

12 Mr. Fauntroy. Thank you, Mr. Chairman.

13 The Chairman. The Chair wants to call the attention of  
14 the committee to the fact that earlier today when I made request  
15 on the floor for authority for the committee to sit during the  
16 five minute rule, that Mr. Rousselot of California reserved  
17 the right to object and asked if the meeting of the committee  
18 was for the purpose of hearing witnesses. I responded that it  
19 was for the purpose of executive hearing, to be briefed on  
20 matters relating to the investigations, because it was my under-  
21 standing that we did not have any specific requests coming  
22 before the committee relative to witnesses.

23 So then he had a second question in which he said, "But  
24 it is primarily to hear witnesses. The gentleman is not plan-  
25 ning to take any definitive action of which he should be aware.

6 1 He is listening to certain witnesses?" And the response of the  
2 Chair was that there will be no specific action taken with  
3 reference to witnesses.

4 Mr. Rousselot then said, "Thank the gentleman, and I with-  
5 draw my reservation of objection." After I had returned, I  
6 spoke with Mr. Sprague and told him of that colloquy and he  
7 said no, that no action would be taken relative to witnesses.

8 So. Mr. Lehner's request before the committee comes as a  
9 surprise. I called Mr. Rousselot to apprise him of the fact  
10 that we had this request before us. He appreciated the fact  
11 they called him and suggested a way we might amend the colloquy  
12 under the authority to revise and extend, but then said he would  
13 prefer, really, that we postpone any action until after the vote,  
14 at which time there is no question about our being able to take  
15 that action.

16 So in light of that, rather than being in a position of  
17 misrepresenting to another member of the House, I would request  
18 of the committee unanimous consent for us to defer the request  
19 made by Mr. Lehner until after the vote on the NASA bill, at  
20 which time it can legally be done.

21 Mr. Fauntroy. Without objection, Mr. Chairman.

22 The Chairman. So we have that unanimous consent.

23 Mr. Fauntroy. When is that vote, incidentally?

24 The Chairman. He said it should be coming momentarily.

25 Mr. Dodd. The final passage?

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1 The Chairman. He thought it would.

2 Mr. Fithian. Mr. Chairman?

3 The Chairman. Mr. Fithian. At any time I am ready to use  
4 ten minutes of the committee's time in an abbreviated recess,  
5 so if that will in any way convenience the process I will do  
6 that.

7 Mr. Fauntroy. You are not suggesting that we recess, are  
8 you?

9 Mr. Dodd. For ten minutes?

10 Mr. Fithian. Well, what I want to say, I don't want any  
11 reporting of, so however you handle that.

12 Mr. Dodd. Go off the record.

13 The Chairman. Okay. Now, before we proceed then, Dick,  
14 what else do you have for us? The matter relating to yester-  
15 day's hearing, right?

16 Mr. Sprague. The only other thing I guess is they had a  
17 meeting with the attorney who was here yesterday or this morn-  
18 ing?

19 The Chairman. Should we?

20 Mr. Sprague. This is off.

21 The Chairman. Mr. Fithian, do you want to go ahead with  
22 whatever Mr. Sprague has?

23 Mr. Sprague. There is one other thing I guess I should  
24 bring to the committee's attention, Mr. Chairman. I would like  
25 permission from the committee for our staff to analyze, if we

8  
1 can, over this week-end, the answer to the one question that  
2 was asked of Mr. Trafficante when I asked him did he have  
3 any immunity from any agency of the Government with regard to  
4 his participation in any assassination or attempt against  
5 world leaders. As to that he took the Fifth Amendment.

6 Now, there is a question in my mind as to whether or not  
7 the answer to that question can possibly tend to incriminate  
8 him, and it may well be that that one answer -- I am not talking  
9 about others -- perhaps is in the vein of one that cannot. I  
10 think if you would like to research that, reporting back to  
11 the committee early next week if we have any basis for showing  
12 that that answer could not possibly tend to incriminate him,  
13 it might be that the committee might on that one want to be  
14 in a position of recommending to the House appropriate contempt  
15 action.

16 The Chairman. It doesn't seem you need any authority  
17 here.

18 Mr. Sprague. No, I just wanted to mention it.

19 The Chairman. That is something the staff could pursue  
20 which you may present at a later time.

21 Mr. Fauntroy. Off the record.

22 The Chairman. We have got until the five-minute bell. Do  
23 you want to proceed?

24 Mr. Dodd. Why don't we do Floyd's thing and then since  
25 the only thing we need is Mr. Sprague's thing is for us --

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1 maybe we can go over to the Capitol and finish down there.

2 Mr. Fauntroy. Off the record.

3 The Chairman. I thought we could get that out of the way  
4 and then go to Floyd's thing.

5 (Thereupon, at 1:40 p.m., the reporter was excused from  
6 the room and there was discussion off the record.)

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1           The Chairman. The first order of business, Mr. Sprague,  
2 would you please renew the request previously made by Mr.  
3 Lehna?

4           Mr. Sprague. Yes, Mr. Chairman.

5           At this time I would request that the Committee designate  
6 Mr. Lehna and myself to be authorized to put Mr. Ray under  
7 oath in this interview that we are going to have with him in  
8 prison on this coming Tuesday, in the event he agrees to be  
9 put under oath. Frankly, our thought it just to interview  
10 him, and as I said, I consider that preliminary to many  
11 interviews, but if we could get him under oath, I would like  
12 to be in a posture to do so.

13          The Chairman. Okay. May I have a motion?

14          Mr. Fauntroy. Mr. Chairman, I would like to move that  
15 the Committee authorize or designate Mr. Sprague and Mr. Lehna  
16 to put Mr. Ray under oath during the course of the forthcoming  
17 meeting should Mr. Ray agree to that.

18          The Chairman. You have heard the motion.

19          Is there any question?

20          Those in favor of the motion say aye.

21          (A chorus of ayes.)

22          The Chairman. Those opposed?

23          (No response.)

24          The Chairman. The motion is carried, and so ordered.

25          Mr. Sprague. I guess the next thing perhaps is formally

1 on the record, as we did not have a stenographer here before,  
2 but with regard to the refutation that I have presented  
3 yesterday, I think that the record should at least indicate  
4 that I believe that covered each of the points that had been  
5 raised. So I think that should just be part of the notes, and  
6 I think Mr. Fithian had requested that all of that dealing with  
7 my response all be put together in just one segment.

8 The Chairman. Without objection, that will be done at  
9 this point.

10 At this point we will excuse the reporter.

11 (Whereupon, the Reporter left the hearing room and there  
12 was discussion off the record.)

13 The Chairman. At this point there is nothing further  
14 before the Committee, and I would entertain a motion that we  
15 adjourn subject to the call of the Chair.

16 Mr. Edgar. I so move.

17 The Chairman. Okay, it has been properly moved that the  
18 Committee adjourn subject to the call of the Chair.

19 Ready for the question?

20 All those in favor say aye.

21 (A chorus of ayes.)

22 The Chairman. Those opposed?

23 (No response.)

24 The Chairman. The motion is carried.

25 So ordered.



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Thank you, gentlemen.

(Whereupon, at 2:44 o'clock p.m., the Committee adjourned subject to the call of the Chair.)

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