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HEARINGS

Before The

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

Washington, D. C.

March 17, 1977

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EXECUTIVE SESSION

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

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 not 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 those?

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 ^{Barton} 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 *Mrs. Martin* 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 permssion 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 bueget. At that pointm 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 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
25

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2 on the King and Kennedy Assassinations, that I think will
3 set the stage, followed up immediately by a "Dear Colleague"
4 letter that would go to every Congressman indicating what
5 our resolution and budget request will be and urging their
6 support. Wednesday night's public media would announce our
7 information, you know, then we can talk about, after that,
8 what else needs to be done along the lines of our
9 Whip count and others to have the Committee reconstituted.

10 Mr. Fithian. Mr. Chairman.

11 The Chairman. Mr. Fithian.

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

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

24 Some have said information discussion. Maybe
25 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

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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, or 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.

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. Edgard. 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

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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 Latimer? 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

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.

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

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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

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 Te

3 Mr. Devine. This, of course, is not the way to conduct
4 an investigation, Mr. Sprague knows that as the Staff
5 does. But what we are talking about today is survival.

6 The Chairman. Yes.

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

22 The newsmedia went wild with that. Calls came in
23 from Canada about the fact, didn't Sprague say this, that
24 he has some others--evidence of conspiracy. This and that.
25 They ran wild with it. At the same time it had another reper-
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 parliamentary 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 Traficante 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 doesnot 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 leads
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 reconstituing 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.

1
2 However, I would say, and there is a great deal of
3 accuracy in what you say both in terms of timing and
4 all the rest. The one thing that attracted me to Mr. Edgar's
5 proposal was that the two or three public meetings that
6 we have had, even regardless of how badly Lardner had
7 reported them, and he has reported them pretty badly, have
8 nonetheless to erode the feeling generally held by many
9 members of the House that we really have not done anything.

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

20 These are things which, if they are occurring, tend
21 to transmit almost by rote training to other Congressmen
22 that the normal functions are being performed, that is that
23 the Committee is discussing its report. The Committee
24 is discussing its budget, the Committee is discussing the
25 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 800 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 mony 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

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

As far as the proposals concerning the public session, I re-emphasize something we stated about a week and a half ago in the Capital room and that is that it is imperative it seems to me that the briefing memorandum and the substance of it be discussed with the leadership at the earliest possible opportunity because, as we are all well aware, if that is done, one would be hard-pressed when seeing that memorandum and its contents, to vote against this Committee on substantive grounds. So I think that as far as we are concerned, we can at a public session not give up anything as far as investigate process will be if indeed we are continued, we will not be giving up anything and yet we will be able to outline the areas we 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 go 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 phraseolo-
4 gy 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 detemrining 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 workin, 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 11 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. Preyer. 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

1 will proceed then with the Lehner-Tannenbaum presentations.

2 Mr. Sprague. Fine.

3 The Chairman. Is that O.K?

4 Fine, you may proceed.

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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 has 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 has
11 befriended 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.

15 end srs
16 ef fols

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ef/fols srs 1

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

4

to the whereabouts of Mr. DeMohren Schildt, you say?

5

Mr. Tanenbaum. Yes, sir.

6

Mr. Fauntroy. Given our projected staff capability, do

7

we have any capacity to try to find him?

8

Mr. Tanenbaum. Presently?

9

Mr. Fauntroy. Yes, given the 115 figure.

10

Mr. Tanenbaum. The answer to your question is simply

11

yes. I think, given that figure, it will be very difficult;

12

I think we have a chance of finding him.

13

Mr. Fauntroy. Second, Mr. Chairman, with respect to

14

both this report and the King report, can you give us an idea

15

of what a work program in both cases over the next two months

16

might consist of, in terms of specific investigative activity?

17

Mr. Tanenbaum. I think, as Mr. Sprague has indicated,

18

what we have to do now --

19

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

20

Mr. Sprague. I think only to restate my basic premise,

21

we have got to start from the beginning, find out what occur-

22

red, what led up to that, and what occurred since.

23

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

24

briefly.

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 speculators, 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

3

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