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HEARINGS

Before The

SENSITIVE

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

Washington, D.C.

March 23, 1977

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SENSITIVE

AFTER RECESS

(The committee reconvened 2:00 p.m., Hon. Louis Stokes, chairman of the committee, presiding.)

Present: Representatives Stokes, Devine, Preyer, Burke, Fauntroy, Dodd, Fithian and Edgar.

Also Present: Al Lewis, Staff Member; Bob Tanenbaum, Staff Member; Richard Sprague, Staff Member; Jim Wolf, Staff Member; Bob Lehner, Staff Member; and Thomas Howarth, Staff Member.

The Chairman. The meeting will come to order.

First, I might advise the members of the committee that we have been in touch with the Rules Committee. We are advised that in all probability, we will go before Rules at 2:00 o'clock on Monday and it will go to the Floor Tuesday or Wednesday.

The format at this point has been discussed and it was suggested that perhaps we might just go in with the presentation by myself and our Ranking Minority Member, Mr. Devine, with Mr. Preyer and Mr. Fauntroy ready if they fire any questions in regard to the investigation and with the other members just in a supportive back-up position. The thinking being that in light of the briefing that took place the other day and the highly sensitive nature of the investigatory material that was given to them in all probability they are

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1 not going to want to get into very much questioning on that
2 aspect.

3 So the less said about that in all probability is going
4 to be, they think, the best approach.

5 Mr. Devine. Mr. Chairman.

6 The Chairman. Mr. Devine.

7 Mr. Devine. I am not sure it will be a problem, but
8 Mr. Anderson of Illinois mentioned this morning that one of
9 the 19 water projects that President Carter deferred or
10 eliminated happens to be in his district and there is a pub-
11 lic hearing in his district on Monday. I wish it were possible
12 for Mr. Anderson to be at the Rules Committee when we appear
13 because he is very articulate and on our side. I don't know
14 whether we can persuade him to neglect his constituency or
15 not, but we might keep that in mind in scheduling.

16 The young lady from Mr. Anderson's office, do you know
17 whether he is scheduled in Illinois on Monday?

18 Ms. Brown. I believe so, yes. I don't know how long
19 he will be there.

20 The Chairman. I agree with you; I think it is important
21 to try to have Mr. Anderson be here. We will try to work
22 that out.

23 Do they have proxies in the Rules Committee?

24 Mr. Devine. I don't know whether they have proxies in
25 the Rules Committee or not.

log 2

log 3
1 Mr. Dodd. Absolutely not. No proxies.

2 The Chairman. The Chairman can't vote for Anderson,
3 then?

4 Mr. Dodd. No, he has to be there.

5 Is there a problem?

6 Mr. Devine. His water project has been eliminated by
7 the President and he is having a meeting in his district.

8 Mr. Dodd. You can't use the proxy, I can tell you that.
9 I would like to see him there.

10 Mr. Devine. I would, too.

11 The Chairman. We will have to try to work that out.

12 Let us get back to the discussion of the report and
13 other matters relating to the report.

14 Is everyone provided with a copy of the draft report?

15 We are open to discussion relative to this draft report. How
16 much time do we have, Mr. Sprague, in terms of being able to
17 revise and extend this report and prepare for final prepara-
18 tion?

19 Mr. Sprague. Mr. Chairman, I asked before we recessed
20 for lunch if I could have that time to take up with the
21 Printing Office the matter of the printing of the transcripts
22 that have been turned over to you and the matter of the
23 printing of this report.

24 We have been advised that if we get to the Printing
25 Office by 6:00 p.m. this evening the transcripts, as corrected,

1 they will have them fully printed up for us this Friday
2 morning. The same would apply, by the way, with regard to
3 this report. It will be printed up for us this Friday morning.

4 If we are unable to do that, we can have the report
5 and/or the transcripts for them by 6:00 p.m. tomorrow morning,
6 they will have either or both of those items printed up Monday
7 morning.

8 The Chairman. I guess this part of the whole equation
9 will be a question of whether some members will want to have
10 supplemental or additional views to submit in the report, also.
11 I assume they will prepare those.

12 Mr. Fithian. Mr. Chairman, will we need to take action
13 in the committee when we have a quorum to dispense with the
14 usual three days for minority views or for separate concurring
15 views?

16 The Chairman. I would imagine that we would have to,
17 in light of the time constraints here.

18 Mr. Fithian. I have no separate or dissenting views,
19 but I wanted to make sure we don't get tripped up on a techni-
20 cality.

21 The Chairman. I don't know whether everyone has suffi-
22 cient time to be able to get through these or not; to discuss
23 them.

24 Mr. Preyer. Mr. Chairman.

25 The Chairman. Mr. Preyer.

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Mr. Preyer. If no one else has a comment, initially, I would like to ask a couple of questions about the ending part of the report.

I thought it would sound a lot more sterile than it really sounds. It sounds more interesting or intriguing than I thought it would.

I wonder about the Amlash incident? One reason I ask is that I thought that incident which is not new, of course, and so we can't take credit for developing all of that, it gives us an opportunity to say a couple of those quotes there along the lines that the process by which the intelligence agency gathering went along has been compromised.

Therefore, to make the point which I probably over-emphasized, that if we don't have to necessarily come out with a new result in the Amlash case to justify, that whole process is void, ab initio, and that is a good enough reason for going ahead with it.

That Amlash case has some good quotes on it. I wonder why you left out Amlash in this.

Mr. Sprague. Mr. Preyer, my thinking there is that we had made reference in the earlier report, the end of last year, to the U.S. Senate Select Committee's statement. That is in that earlier report, at least their statement, after having gone into Amlash, and that to put that in here would look almost like we were repeating it.

1 Mr. Preyer. You were considering both of these reports
2 together?

3 Mr. Sprague. Yes. As a matter of fact, in part of this
4 report we have made reference to material in the final report.

5 Mr. Preyer. I have one specific question. At the top
6 of page 12, the question about Ruby and Oswald. You say,
7 "The Committee staff has spoken with a witness."

8 Maybe we have just spoken with a witness, but is there
9 more than one witness on that subject?

10 Mr. Tanenbaum. No, that was the young lady that indi-
11 cated.

12 Mr. Preyer. There was a witness there who said that.

13 The other comment I would make, and I think it is impor-
14 tant, is that we emphasize where we can what is new and what
15 is not just a rehashing of old evidence. Like that one at
16 the top of page 12, necessarily you have to be very cautious
17 in that case, but that is a brand new witness, as I understand
18 it.

19 Mr. Tanenbaum. That is correct.

20 Mr. Preyer. I wonder there and in other instances where
21 you have a chance to emphasize that the staff came up with
22 this witness, he may have been known before but he never
23 testified before, if we could have emphasized he never testi-
24 fied, he is new and it is not a rehash, that would be good; I
25 think that makes a good strong statement.

log 7
1 The Chairman. Mr. Devine.

2 Mr. Devine. Mr. Chairman, perhaps I am overly sensitive
3 about the problems that this committee has had since its
4 conception until such time as you became chairman. I am a
5 little troubled by the wording of the first paragraph on page
6 2.

7 I think we belabor that too much, going into too much
8 detail about all these budgetary restrictions, and I have
9 rewritten some language for paragraphs 1 and 2 that I think
10 would be less inflammatory and still do the job. It would
11 read like this.

12 "For technical and administrative reasons, the committee
13 had some delays in the course of the investigation. For
14 example, the committee did not have access to certain files on
15 the assassinations for approximately two months; telephone
16 service was disconnected for the same period, preventing the
17 staff from maintaining contact with witnesses and potential
18 witnesses; and other problems which severely restricted the
19 committee in its investigative efforts."

20 I don't think we should lean on the budgetary restric-
21 tions, because that is one of the problems that we have to
22 overcome in both the Rules Committee and on the Floor.

23 I don't think that we should talk about specifically
24 what our problems were. I think the language suggested would
25 probably tell the same story.

1 Then the next three-line paragraph, I don't like what
2 you say: "...many of the impediments have been removed,"
3 under the chairmanship of Mr. Stokes. I would like to have
4 them believe they all have been.

5 My suggestion on that is in line 2 of the second para-
6 graph strike out "many of" and "impediments" and insert
7 "problems" instead of "impediments" and strike out "removed"
8 and insert "resolved." That would read: "Under the chairman-
9 ship of Representative Louis Stokes, the problems have been
10 resolved and the investigations are now resuming in a
11 thorough manner."

12 I am not married to the language, Mr. Chairman, but I
13 think that it would be less provocative.

14 The Chairman. I agree with you.

15 The staff will take that into consideration.

16 Is there anything else?

17 Mr. Devine. That is all, Mr. Chairman. I scanned it
18 during the luncheon period. By and large, I think it will
19 do the job.

20 The Chairman. I wonder if I can sort of react to the
21 "investigation" part here.

22 I guess, Mr. Sprague, I will direct the question to you
23 and to Mr. Tanenbaum. I am concerned that with reference to
24 the investigatory material that appears in the report, that
25 we do not have the news media once again taking another shot

1 at us in the sense of their rehashing the same old stuff
2 which gives our opposition on the Floor the arguments that
3 they need. They will very hastily say to George Lardner or
4 some other author who is an authority on each one of these
5 investigations -- I guess I am wondering whether that section
6 needs to be reworked or less data included, we need to make
7 more reference to the fact that there is within our possession
8 much more sensitive and highly volatile information that
9 just cannot be disclosed in light of this type of investiga-
10 tion and that type of thing.

11 I am just wondering whether we need to go this way.

12 Mr. Sprague. Mr. Chairman, that really hits the nub
13 of the problem, because to have something is going to cause
14 the problem; that it is so limited as to make it appear what
15 in the world is being done, and on the other hand, to just
16 have that it is so sensitive creates, I guess, the problem
17 that we are going to be criticized. Are we just hiding behind
18 a label and not disclosing?

19 What we have attempted to do and really part of the
20 reason that this has not been submitted to you, as I indicated
21 it would be on Monday, is that we have gone through a number
22 of drafts. What you have here is a tremendously toned down
23 version of what existed, trying to really incorporate and put
24 into writing what has been the comments and suggestions by
25 members of the committee.

dog 10
1 Mr. Devine. Mr. Chairman.

2 I think, Mr. Sprague, what concerns the Chairman and most
3 of us is that any material contained in this proposed report,
4 whether there is a balance between so-called new material
5 which has already been revealed in the Warren Commission
6 report and the Senate Intelligence Committee report -- is it
7 all a rehash of those two things or is there enough new stuff
8 to show that we are not just rubber stamping or rehashing old
9 material?

10 Mr. Sprague. Part of the problem, Mr. Devine, is that
11 it is hard to say something is new as opposed to rehash,
12 because in fact people have read everything under the sun.
13 Somebody may well suggest, and I am sure has suggested, that
14 Ruby and Oswald had been in contact prior to the assassination.

15 Ruby knew Oswald. What is new, in a sense here from out
16 standpoint, is that we have located a witness who apparently
17 says that. The allegation may be old and in terms of proof
18 that may be nil.

19 Obviously in this investigation, one of the things that
20 we are doing is looking into what has been alleged to be able
21 to prove or disprove so that to go into what we are doing is
22 going to, of necessity, raise things that have been raised
23 right along. That is one of the reasons that we are doing it.

24 The Chairman. Here is what I have in mind. From the two
25 documents that were prepared, final documents, we were able

1 to take those two documents along with the oral presentations
2 and we were able to convince both the leadership of the House
3 and most of the Rules Committee members that we were on to
4 something here that needs to be continued.

5 As a result of that, I doubt that the Rules Committee is
6 going to really want us to get into disclosing what we feel
7 we are on to here.

8 Now the question is in terms of this presentation here
9 will we get the same kind of result that we have gotten last?
10 Obviously we can't name names as we did the other day. I know
11 the media are sitting here waiting to tear us apart on this
12 report, and we have to out-think them.

13 I am just wondering, are we hurting ourselves with this
14 approach here right now?

15 Mr. Sprague. Mr. Chairman, I really don't know what
16 else could be included. I am struck by the fact that Mr.
17 Preyer, in reading the Kennedy aspect, said it came out
18 stronger than he thought it would. From that standpoint, I
19 would assume that it would be somewhat helpful. To limit it
20 further raises the problem that if we are going to be attacked,
21 that we obviously are not doing much.

22 The Chairman. You don't see a problem here revealing
23 this much?

24 Mr. Preyer. I think it is a problem all right, as you
25 have outlined it.

1 The Chairman. I think we can make a statement that
2 there are in both cases witnesses who have talked to investi-
3 gators who have never been interviewed before, never given a
4 statement before, substantive in nature, and so forth.

5 Mr. Preyer. I am wondering what is new, looking through
6 the Kennedy thing, and is not a rehash.

7 On page 11, second paragraph, "Oswald was associated
8 with anti-Castro groups." There is new evidence on this,
9 isn't there; it has not been rehashed?

10 Mr. Sprague. That is correct.

11 Mr. Preyer. The second paragraph; the Hunt letter is
12 new. That has just recently surfaced.

13 On page 12, top paragraph, that is new. In other words,
14 the first three paragraphs, each I think can be defended as
15 new evidence.

16 Trafficante, I don't know whether that witness surfaced
17 before or not that we are talking about now.

18 The Chairman. What would trouble me on page 12 is that
19 the committee "received information, not yet corroborated."

20 I think the news media would take you apart on that;
21 "received information, not yet corroborated." What does that
22 mean?

23 Mr. Preyer. I wonder if we should not make some blanket
24 statement at the outset or at the close of it that we empha-
25 size these are all leads; they have not been subjected to

1 cross-examination or polygraph test or the usual test of
2 corroboration, but they are the kinds of things that are so
3 important, if true, that they must be run down, that we should
4 be allowed to corroborate and cross-examine them.

5 I think we would be making a mistake to try to give an
6 impression that these things are all true. Then if they
7 blow up in our face, we will really be in trouble.

8 Mr. Dodd. I think your point is well taken.

9 Possibly in the very beginning, I think we get ourselves
10 into a box where one puts the purpose of support? Are we
11 supposed to be able, in the period of time we have been in
12 existence, to come up with corroborated, conclusive evidence
13 that would convince the Congress we should go forward?

14 I think everyone in the Congress knows what difficulty
15 this committee has had over the past couple of months. The
16 language would have to be chosen carefully. I think if you
17 stated at the outset what the purpose of the report was and
18 that was to bring up to date the members of Congress with
19 regard to the activity of the committee, the hurdles that they
20 have had to overcome and so forth, and not allow ourselves to
21 be put in the position of trying to defend the material we
22 have with conclusive evidence which has not been brought up
23 at one time in the past -- I see us getting into a situation
24 where we are really boxed in.

25 Mr. Preyer. If we could disarm the press at the outset

log 14
1 by saying "Sure, this is uncorroborated."

2 We will say it has raised questions and we have to run
3 it down.

4 Mr. Dodd. We don't want to get ourselves in a position
5 of saying we have not been able to get into this stuff and it
6 is thoroughly because of our problems, which is one thing we
7 have been saying, which is a fact, which is true, and then to
8 also come forward with evidence that we have had an opportunity
9 to examine thoroughly, that is contradictory.

10 I think we ought to make to clear in the beginning that
11 is not our intention in this report, to defend necessarily
12 that kind of evidence being fact.

13 The Chairman. It may be that we can approach it from
14 the viewpoint of saying, we refer back to the time that the
15 committee was originally constituted, it was constituted as
16 a direct result of the unanswered questions that were apparent
17 as relates to both these deaths.

18 Obviously, the short period of four months or so that
19 this committee has been constituted, these questions are still
20 unanswered and we are in the process, within the limited
21 time we have had of developing the leads and other information
22 that has come to us and that I think we can say that some of
23 the leads and information that have come to us have never
24 before surfaced, without being sensational or wrong, but to
25 show that there is an ongoing progressive state of an

1 investigation. In that regard, I think, further, we can say
2 that obviously there are things we cannot include in this
3 report because of the sensitive nature of the investigation.

4 Mr. Sprague. Mr. Chairman, I thought we really had, in
5 a sense, responded to what is being raised now, because on
6 page 2 at the beginning we do say in the bottom paragraph;
7 "While the committee believes that the new leads must be
8 vigorously pursued, we emphasize the fact that it is impossible
9 to predict whether the information will be proven reliable
10 and capable of verification. The investigations are in their
11 infancy and, therefore, the committee cannot submit verifiable
12 conclusions with respect to the assassinations before the
13 inquiry is completed and the evidence gathered, tested and
14 corroborated."

15 I thought that would address itself to what Mr. Preyer
16 was saying in the beginning.

17 The reason in the latter part dealing with Trafficante
18 on page 12 where it says, "The committee has received infor-
19 mation, not yet corroborated," was that we wanted to keep the
20 credibility of this committee at the highest level, and even
21 though there is that statement at the beginning, we thought
22 it well to reemphasize that with regard to that particular
23 information so as not to be caught off base, because I would
24 hate to get in the posture for this committee where we are
25 making one statement with a number of others and then somebody

1 goes out and proves that one statement is untrue and that
2 giving an implication that everything else is down the drain
3 as well.

4 That is why I thought we covered really what you are
5 raising here.

6 Mr. Dodd. I am suggesting rather than that, that should
7 be the first paragraph. That is out immediately. This is
8 the first thought that is in this report that we are not, in
9 effect, saying that it is in its infancy, we have not had a
10 chance or opportunity to corroborate all the evidence and
11 testimony come forward because of the obvious restraints the
12 committee has operated under, and so forth. I think that
13 ought to be the first thing that we say.

14 I think that, in a sense, will get us off the hook of
15 having to defend each and every statement that is in here with
16 regard to potential witnesses, evidence and so forth.

17 Mr. Sprague. We just want to be very careful, like that
18 Trafficante-Ruby situation. We can put it more in the
19 beginning than we have it. We did not want it thought that
20 this committee representing the House of Representatives is
21 making the statement, nonetheless, because if things are not
22 put in a cautionary sense, it is going to have the weight of
23 this committee behind it and it ought not have that where we
24 are not able to say that definitively.

25 The Chairman. Mrs. Burke.

1 Mrs. Burke. Thank you very much, Mr. Chairman.

2 Before we get too far along, I wanted to ask if it is
3 possible to clarify who Mr. Maheu was. We know, but every
4 time I have heard the name or the name said, I have heard
5 someone say "Is this the same Maheu?"

6 Could there be some sentence there explaining which
7 Maheu and the fact that I guess he testified to certain things
8 before the Church Committee?

9 Was it the Church Committee?

10 Mr. Sprague. That is correct.

11 I will certainly put in who he is and his statement
12 that he was in fact recruited for this purpose.

13 Mrs. Burke. The next thing I am saying is something I
14 am not sure about the reaction politically.

15 The allegation that we go on here, the CIA, FBI, and
16 various things. If I could argue both sides.

17 It does raise confirmation of suspicions that some people
18 have. On the other side, there are many people I find in the
19 House that, unless there is something that they can really
20 cling to, they are terrified by the idea of criticizing our
21 intelligence agency.

22 The statement, for instance, in here that Hoover tried
23 to mislead the Warren Commission. From my experience, and my
24 own experience relates to appropriations where we reviewed,
25 for instance, the CIA budget, where we took a vote there and

1 the majority of the members of that committee voted not to
2 know what was in the CIA budget, the idea being that there is
3 this terrible apprehension of criticizing those agencies.

4 So, I just want to raise the question, realizing that
5 maybe the people who feel that way would never vote for us
6 anyhow, which is a possibility, but I am not sure, and I
7 would just throw that out, Mr. Chairman.

8 The Chairman. I think the gentlewoman's observations
9 are well taken.

10 The gentleman from Maryland said he had originally voted
11 for it, but now he understood that it would embarrass the FBI
12 and like that, he used the FBI in his objections the last time.
13 He opposed the resolution.

14 I think that is something we might rethink, in light of
15 that knowledge. What we wind up doing is one thing, but it
16 might not be necessary for us to telegraph it.

17 Mr. Sprague. May I respond, Mr. Chairman and Mrs. Burke?

18 We put it in, and it is on page 14 really dealing with
19 "The committee has obtained evidence suggesting the actual
20 destruction of evidence."

21 That, in fact, is something that is known and that the
22 Federal Bureau of Investigation has admitted. It is not a
23 disclosing of something unknown there. It seems to us that
24 not putting in a matter that is concerned with the connection
25 between Oswald and the FBI, when it already is an area that is

1 in the public domain and questions have been raised, would
 2 lead to the question why is it not mentioned since you are
 3 mentioning different things? That is the reason for that.

4 It seems to us that everything we do is going to be
 5 reviewed, subject to analysis. If this is an area involved
 6 in the investigation, if there is a feeling of not putting it
 7 in now because, let us say, someone might attack us on it, I
 8 query how thorough will be the investigation if there is a
 9 concern like that and something that is publicly known.

10 The second part dealing with the misleading statements,
 11 again, that is not based really on witness's statements.
 12 That happened to be something that is predicated upon the
 13 actual documents that exist.

14 Mrs. Burke. If this is in the public domain, I would
 15 think it should be stated specifically; rather than "The
 16 committee has information" it should be saying that evidence
 17 has already been corroborated or there have already been
 18 statements before committees that Oswald had a link with the
 19 CIA. If we have it in the public domain, I think it should
 20 be specifically stated.

21 The Chairman. Mr. Tanenbaum, isn't that in the Warren
 22 Commission report?

23 Mr. Tanenbaum. What is in the report is that Oswald
 24 had some pro-Castro views. There is nothing there that
 25 indicates that he had links to the CIA, that we have, namely,

1 through Feliciano. That is new; it is not in the public
2 domain.

3 The Chairman. I thought the Warren Commission sent
4 their counsel to J. Edgar Hoover for the purpose of his mak-
5 ing inquiry as to whether Oswald was one of their agents or
6 not.

7 Mr. Tanenbaum. That happened in executive session on two
8 occasions in January 1964.

9 The Chairman. Mr. Fithian.

10 Mr. Fithian. I share some of the concerns of Mrs. Burke.

11 I am wondering if, on page 14, we might not want to do
12 it slightly differently. I think that we ought to indicate
13 at the beginning of that paragraph at the top of the page
14 that "It has already been established that," or some such
15 wording, if that is the case, and then I am wondering if we
16 might not drop the rather accusative paragraph which follows
17 involving the CIA, et cetera, "must be fully scrutinized."

18 It does seem to cast this whole inquiry and investigation
19 into sort of an investigation of the FBI and CIA. Some
20 aspects of those two agencies obviously have come into review.

21 I am wondering if we need to irritate those members who
22 otherwise might go along with us. I have found one of the
23 more effective arguments with some members of the House is to
24 argue the case that we ought to clearly delineate, in the
25 course of this investigation, exactly what administrative

1 procedures were and were not followed by agencies of the
2 government in order to establish whether or not there is
3 need for legislative remedy. One of the things we do not
4 point to in this report -- maybe we don't want to; maybe
5 that is jumping the gun -- but it does seem to me to be a
6 very convincing justification for this committee as a
7 Congressional committee to review those procedures and to
8 conclude sometime down the line that we ought to mandate
9 that in times of national emergency or assassination of a
10 President or a national leader that certain things would, of
11 necessity, be done by these agencies; that all information
12 would be immediately transmitted to duly constituted investi-
13 gative bodies, or some such thing.

14 For a lot of them who are uncertain as to exactly what
15 role either of these agencies was and there are those in the
16 House who fall on both sides of that, they can all agree that
17 if this investigation demonstrates a breakdown in the normal
18 process, then it might well be the responsibility of this
19 committee to recommend some legislation correcting the process,
20 and that is not necessarily digging up the bones of J. Edgar
21 Hoover; it is looking down the road ahead to prevent some
22 breakdown in the process.

23 I am wondering if we might not want to drop words like
24 "scrutinize," et cetera, and recast that in such a way that
25 it simply indicates we are going to review all of these

1 processes and where they demonstrate or prove to have broken
2 down we may want to subsequently recommend legislative remedy.
3 That is not proving who killed JFK or Martin Luther King.
4 It is an entirely different thrust.

5 Mr. Tanenbaum. I think a point has to be made here.
6 That is what we are not simply saying from what we know that
7 J. Edgar Hoover whispered in somebody's ear something that was
8 significant; that CIA made a mistake in filing a report,
9 we think during the course of the investigation we are going
10 to look into those kinds of problems.

11 The two areas we have with the FBI and CIA are very
12 significant. In fact, J. Edgar lied about a very important
13 witness concerning their own assassin; Oswald. CIA misrepre-
14 sented also about Lee Harvey Oswald; his alleged trip to
15 Mexico City.

16 It seems to me that people who otherwise might not vote
17 for this committee because they think there might be a
18 problem in those areas might be very hard pressed, when
19 confronted with the report, that documents based upon their
20 own documentation, not witnesses that we have but upon things
21 that they have themselves, that we were able to put together,
22 they will be very hard pressed on the merits publicly to vote
23 against the committee that has demonstrated unequivocally
24 that both of these agencies significantly played a role in
25 covering up, acquiescing or participating in the assassination

1 of the President.

2 Mr. Fithian. Why don't we say "based on documents in
3 possession of these agencies"? In other words, we are not
4 now drafting this from newspaper accounts. It would strengthen
5 it if we say "based upon documents in the possession of these
6 agencies."

7 I am still wondering, instead of saying all this
8 scrutiny business, that we might not hint at some legislative
9 remedy. I know as an investigator you don't worry about what
10 we might do later on in offering a bill before Congress, but
11 that might well be the action of this committee.

12 Mr. Tanenbaum. Absolutely. I do think that it is very
13 important that we ourselves maintain our own integrity with
14 regard to this.

15 I agree with Mr. Stokes, there is no need to telegraph
16 a play that may be called sometime in the future. This is a
17 very fundamental issue and that is part of what we have
18 already found. For us to sidestep it now, it seems to me, is
19 not to really play fair and square with people who are in
20 the opposition.

21 If they still wish to vote against us, knowing that we
22 have documentation about significant major importance, power-
23 ful misrepresentations and cover-ups, then let the record be
24 so stated that they voted against it knowing that, rather
25 than just simply saying that we are going to carefully

1 scrutinize or in any way politically, we can all agree.

2 This is too important to do that.

3 Mr. Preyer. I think the first paragraph does what you
4 are talking about. It sets out, it talks about information,
5 when corroborated. It talks about evidence.

6 I believe with Mr. Fithian on that second paragraph that
7 there you are drawing a conclusion rather than talking about
8 what we have in evidence. From a political point of view, it
9 is going to antagonize some people, I am afraid. They will
10 say we are on a crusade against the FBI and CIA.

11 I don't see how we can lose anything to either strike
12 out the second paragraph or amend it in the form that Mr.
13 Fithian has suggested. We are not trying to hide from any-
14 body that we have evidence and information that they are
15 involved.

16 The Chairman. The staff can take those suggestions in
17 mind and work that over.

18 Mr. Sprague. Mr. Chairman, we can omit that second
19 paragraph.

20 Mr. Devine. As a postscript to what has been said
21 about that, I think it should be in our final report, but it
22 can be inflammatory to those persons who are looking for
23 excuses to vote against us.

24 We have to survive in order to get to the point to
25 establish those things. It is not essential that this be

1 retained at this point; I think it had better go out.

2 Mr. Sprague. I think it is easy to omit that second
3 paragraph altogether.

4 Mr. Fithian. Mr. Chairman, a small technical matter.

5 On page 10, which has the budget, would it not be helpful
6 to put an asterisk behind that final figure at the bottom and
7 indicate in the footnote that this figure includes the repay-
8 ment of the \$254,000 for the funds already expended during
9 the January to March period?

10 Those of us who work with these figures so much now
11 know that is the case, but I think it might be helpful to
12 other members who are reviewing the budget to know when they
13 see the one page that has the budget in it, that that total
14 figure at the bottom included the January-February-March
15 repayment of funds already expended.

16 Mr. Sprague. Mr. Chairman, may I bring to Mr. Fithian's
17 attention that the paragraph just preceding that budget
18 figure ends with the following statement:

19 "We submit for the consideration of the members of the
20 House the following summary of our proposed budget of 1977,
21 which includes the funds."

22 Mr. Fithian. What I am saying is if somebody is bothered
23 with the budget, they don't read the rest of the report.
24 They say "That is \$2,796,000. I thought the Speaker was in
25 favor of \$2.5 million" -- bang.

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1 Mr. Sprague. We can easily put an asterisk and put that
2 specific thing under it.

3 Mr. Anderson. Mr. Chairman, I have a brief comment, if
4 you have not passed the point of discussing page 10 of the
5 report.

6 I think that, to some extent, this very, very skeletal
7 outline of the budget leaves a little bit to be desired. I
8 am wondering why it can't be fleshed out with just a little
9 bit more detail.

10 You have a figure here of almost \$2 million for salaries,
11 and nothing more. I don't know, I could be wrong, but I
12 think when the members learn that in lieu of the original
13 contemplated staff of 170 that you are down to 115 and they
14 are going to be phased in gradually over a period of time
15 from the present level of 73, that I would explain that a
16 little bit, I think, and adjust a little bit more detail on
17 the budget.

18 The Chairman. Maybe that reconciliation sheet that you
19 worked on this morning might be the way to do that.

20 Mr. Preyer. One suggestion has been that we put the
21 budget plus the reconciliation statement plus some of the
22 comments on how we got the six and a half million to \$2.7
23 million that was made this morning into the Congressional
24 Record, print the whole detailed budget in the Congressional
25 Record. I think your point is a good one.

1 Looking at that cold there, it looks bare.

2 Mr. Anderson. At least on the salary item, I would like
3 to see a little more detail.

4 The Chairman. Where is Tom Howarth?

5 Mr. Sprague. I think he is working on budget for the
6 Appropriations Committee right now, Mr. Chairman, but we can
7 follow through on that.

8 The Chairman. Mrs. Burke.

9 Mrs. Burke. Mr. Chairman, how many staff members did the
10 Watergate Committee have?

11 Mr. Devine. In addition to the staff members, they had
12 the total cooperated of all the FBI, Secret Service and the
13 State Department and everybody else. I don't know the number
14 of persons on the staff payroll. I think it is in our ori-
15 ginal report.

16 Mr. Sprague. Are you talking about Warren Commission
17 or Watergate?

18 Mrs. Burke. Watergate.

19 Mr. Sprague. Watergate, I do not know.

20 Mrs. Burke. The Judiciary inquiry, Impeachment Committee?

21 Mr. Sprague. I have a recollection somewhere of 120.

22 Mrs. Burke. This is one of the things that was raised
23 with me by some of the people who served on that committee,
24 and I was trying to get the correct figures.

25 Mr. Sprague. We can get that. It is 110.

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1 Mrs. Burke. I think it is good for us to know.

2 The Chairman. Mr. Fithian.

3 Mr. Fithian. Mr. Chairman, I would suggest that in our
4 own handling of this, that we point out or emphasize in our
5 discussions the point Mr. Dodd raised; the fact that there
6 are two investigations going on, so any members we have can
7 be divided by two.

8 I am wondering if we might not follow up so that the
9 staff has very specific instructions on what Mr. Anderson
10 has raised with regard to fleshing out the budget. I am very
11 much in favor of the total budget we discussed this morning
12 and Mr. Preyer's remarks going into the Congressional Record.

13 I don't know how much is appropriate to include in here,
14 although I am not one to worry about duplication of places
15 that members of Congress could find to read this thing,
16 because if we tried to get at them both through the Congres-
17 sional Record and this, they will think there is something
18 wrong with it.

19 I am wondering if we could give the staff some very
20 specific direction as to how much of the budget and how much
21 of the material you are going to put in the Congressional
22 Record is going to be printed on pages 10 and succeeding
23 pages.

24 Mr. Preyer. One thing that occurs to me is that we could
25 print the new budget here and put a column of the original

1 budget beside it so that you could see how much salary had
2 been reduced and so forth, and that would give you the oppor-
3 tunity to then put a page of comment under salaries and
4 explain that this reduction came about by reducing to a total
5 115 from the original total, and that sort of thing.

6 Mr. Fithian. And then perhaps some comment at the
7 bottom that would indicate that anyone who wants to peruse
8 the entire budget and explanation of it should see pages
9 X, Y, Z in the Congressional Record of such and such a date.

10 I think we are not giving too clear a road map where
11 they can find the information. They are all pressed for time
12 as we are. If we have in there, indicating on pages whatever
13 it is, in tomorrow's Congressional Record they can find the
14 entire budget, at least it cuts the ground out from under them
15 by saying in the course of the debate, "Well, you don't pre-
16 sent us with enough information on this budget to know whether
17 to support you or not."

18 It arms us a little better for the debate if we do that.

19 The Chairman. I suppose the headlines will be, "The
20 committee cut the Sprague budget by \$4 million, anyway."

21 Mr. Sprague. The committee cut Sprague.

22 Mr. Fithian. I see here Item 3, "Consulting Services."
23 It seems to me that at our task force meeting, Mr. Chairman,
24 we had some discussion about spelling out something there,
25 about experts or something, forensic services, scientific

1 services, so that it did not sound like it was a sludge fund
2 for consultants, knowing the way the House operates.

3 Mr. Dodd. Mr. Chairman, I have gone through the report
4 and have a bunch of little technical changes and some that
5 are a little more substantive.

6 I wonder if we might start with some of those.

7 The Chairman. Sure.

8 Mr. Dodd. On page 1, second paragraph after the words
9 "Martin Luther King, Jr.," for clarity's sake you talk about
10 "despite the eight years since these final conclusions were
11 reached" and so forth.

12 On page 2 at the very bottom this language might go
13 toward the front. "The investigations are in their infancy
14 and, therefore, the committee cannot submit verifiable con-
15 clusions with respect to the assassinations."

16 I would change the language to read, "Before all the
17 evidence is gathered, tested and corroborated, and inquiry is
18 completed."

19 Page three, I have a question on the very first sentence,
20 "While the committee is pursuing new information, it has also
21 undertaken to initiate an exhaustive de novo investigation of
22 the assassinations."

23 It seems to me from the Rules Committee discussion and
24 others is this to be a de novo investigation or are we going
25 to be relying on testimony, evidence and so forth? Maybe I

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1 still unclear. I thought this was not going to be a completely
2 de novo investigation. That is a fundamental question. I
3 thought we were going to be in with those things already
4 established, we are not going to go back to the very first
5 moment in time.

6 Mr. Sprague. Mr. Chairman, I think that is a pretty
7 fundamental question. I have been under the assumption that
8 we are going back to ground level number one, because part of
9 the problem that would exist if it is not de novo is how do
10 we know that which is in fact so?

11 We must start at the beginning. There are, obviously,
12 things along the way that have been established; there there
13 is not going to be any difficulty in our reestablishing. But
14 it seems to me that is where we start.

15 Mr. Dodd. Maybe I am suggesting that there is some
16 language after that sentence which would say, in effect, just
17 what you have said that obviously, where evidence has been
18 established as being conclusive, the committee is not going out
19 to reestablish that evidence.

20 The Chairman. Will the gentleman yield to me?

21 Mr. Dodd. Sure.

22 The Chairman. I suppose what you are saying by eliminat-
23 ing the words de novo you could say "initiate an exhaustive
24 investigation of the assassinations," which includes going
25 back to the beginning, wherever you have to. I think de novo

1 might engender some discussion. We still can do what we have
2 to.

3 Mr. Dodd. That is a kind of fuse word language to our
4 colleagues, to hear the word de novo.

5 Mr. Fauntroy. I wonder if I may speak to that.

6 I have not had an opportunity to read this, but it seems
7 to me what has been effective in my discussions with other
8 members has been to say that the committee is actually active
9 in two areas.

10 First, that we are identifying documents, evidence,
11 names and locations of witnesses and the like that are
12 available to us through both state, local and federal agencies.
13 We are identifying that.

14 And that we are also, secondly, and I hope this language
15 is included in this draft, we are also in the process of
16 looking at new and previously unpursued leads.

17 With those two things on the way, obviously we have to
18 do, in my judgment, a de novo investigation. Once we have
19 in hand everything that everybody has that we have looked at,
20 then we do the investigation and come right up.

21 Secondly, in the process I have been saying, we are
22 doing it. Like being cut off from the FBI files; we are
23 looking at all of them. In the meantime, there have been
24 some new leads.

25 What perks up people, in my judgment, is when you say

1 new and unpursued leads. I would hope that we hold to the
2 idea of doing the investigation but having in hand when we
3 do it, when we go to sit down at ground zero and say that we
4 are at the Rainbow Motel, we know everybody else who was
5 there and where they are.

6 The Chairman. You would agree with Mr. Dodd's reasons?

7 Mr. Fauntroy. Make it de novo.

8 Mr. Dodd. The last paragraph on page 3, "Now that the
9 committee has adopted rules of procedure and proposed a bud-
10 get, we are ready to continue."

11 I am changing the word "concentrate" to "continue." I
12 think the concept should be woven through the entire report
13 that this is a continuing function we are undergoing and not
14 something we are concentrating on. Change the word
15 "concentrate" to "continuing."

16 On page 4 -- and this was raised by Mr. Fithian in part --
17 at the beginning of that Section II A, I would like to
18 include here and anywhere else the staff may find helpful,
19 this restated concept of legislative action at the conclusion
20 of this inquiry.

21 Again, from a Judiciary Committee standpoint, one of
22 their major concerns is that our resolution and our efforts
23 be designed ultimately to result in legislation to come out
24 of this committee, not just a criminal investigation. The
25 language I have added here is, "The task of investigating

1 these two murders, especially as they relate to identifying
2 possibly future legislative action by Congress was commenced
3 under resolution," and so forth.

4 I will read it again. After the words "two murders,"
5 "especially as they relate to identifying possibly immediate
6 future legislative action by the Congress." That is something
7 I feel we should emphasize, the legislative intent, because
8 it is one of the major criticisms we face.

9 On page 5, paragraph B, "The 95th Congress," going down
10 to the beginning of the third sentence with the words
11 "thereafter," after "February 2, 1977." "Thereafter, on
12 March 8, 1977, Congressman Louis Stokes was appointed
13 Chairman by the Speaker of the House of Representatives and
14 the committee was again reorganized and continued to pursue
15 the investigation."

16 Again the word "continuance." This is the period, that
17 month, that I think is important so far as I have understood
18 it, that even though the phones were cut off and even though
19 the access was eliminated to the FBI, the staff was still
20 working, research was being done and so forth.

21 I think it might be important that during that month's
22 period, the emphasis was on continual operation; crippled
23 though it was, it was still a continuing investigation.

24 Mrs. Burke. There is no mention here of the former
25 Chairman Gonzales. I think there are people who are

1 immediately saying "and they did not even mention his name."

2 Mr. Dodd. We can put in subliminal cuts.

3 Mrs. Burke. I think we have to give some recognition
4 of the fact that he was the chairman at some time. Believe
5 me, there are a lot of people who are very sensitive on
6 this point, I am telling you, arguing and discussing and
7 rationalizing that we are trying to say that he has not been
8 just overlooked and slighted and everything else.

9 I think we have to put some reference that he was
10 chairman.

11 Mr. Fithian. I would suggest that perhaps we could
12 establish credit where credit is due very early in the report
13 on the creation of the committee, but saying in respect "In
14 response to the resolution proffered in the House by Henry
15 Gonzales (D) Texas, when he first introduced the resolution,"
16 which goes back a long way, "and Mr. Downing's resolution."

17 In other words, we can point to both their resolutions
18 as being the fathers --

19 Mrs. Burke. That is not true.

20 Mr. Fithian. I am not suggesting that we put anything
21 in that is not true.

22 Mr. Fauntroy. Explain it to him.

23 Mrs. Burke. Those resolutions were introduced and those
24 resolutions were voted on and defeated in March 1976. The
25 only reason that those resolutions were passed was the

1 compromise reached on the resolution introduced by Mr.
2 Fauntroy.

3 It was a matter that the only reason the resolution
4 came up on there before the Rules Committee was that we had
5 obtained a change in position and support for another resolu-
6 tion just out of courtesy and we had to wait for the matter
7 of having an old resolution overlooked, that those resolu-
8 tions were brought up.

9 That is a very misunderstood point.

10 Mr. Fithian. To give credit where credit is due in
11 including the Martin Luther King resolution?

12 Mrs. Burke. They were not before the House.

13 Mr. Fithian. As a member who came to the Congress
14 first just one term ago for many, many months whenever dis-
15 cussion of the investigation of reopening the Warren
16 Commission came up, it is my clear impression that there was
17 only one name associated with that and that was Henry
18 Gonzales.

19 Mrs. Burke. All of that was over and it had been voted
20 upon and the whole matter was set to rest. It was only
21 brought up again in the context of the King resolution, and
22 this was a matter of just, really it was just a matter of
23 having a vehicle rather than just overlooking it.

24 The Chairman. That is an important point that the
25 gentlewoman is bringing up, because among the members on the

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1 Floor that is not understood, but that is the fact.

2 Mr. Fauntroy. I did attempt to explain to the former
3 chairman when he cut off access to the FBI materials by the
4 staff that he was overlooking the fact that the only reason
5 he had access was that I was kind enough to accept --

6 Mr. Dodd. Let us go off the record.

7 (Discussion off the record.)

8 Mr. Devine. "Congressman Louis Stokes was appointed
9 chairman by the Speaker of the House of Representatives
10 succeeding Henry B. Gonzales."

11 Strike out "and" and start the next sentence, "Immediately,
12 the committee was again reorganized."

13 The Chairman. Would it not be better, Sam, if we said
14 this: "After February 2, 1977." "Upon adoption of this
15 resolution, Henry B. Gonzales was appointed chairman of the
16 committee." Then thereafter "on March 8th."

17 Mr. Devine. Either way.

18 The Chairman. It follows a more logical sequence.

19 Mr. Devine. Either way.

20 The Chairman. Does that sound okay?

21 All right.

22 Mr. Dodd. The next paragraph on page 5, beginning with
23 the language, "One of the first actions was adoption of the
24 rules of procedure" and then this next sentence I have added
25 language, "This item was a major requirement of the House and

1 it is the committee's belief that these rules are outstanding"
2 and then I have added here other language: "in their recog-
3 nition of the requirement of due process, orderly investi-
4 gations and emphasis on strict controls of staff activities
5 and may become a model for investigative committees in the
6 future."

7 To repeat, after the word "outstanding," "in their
8 recognition of the requirement for due process, orderly
9 investigations and emphasis on strict controls of staff acti-
10 vity."

11 In the next paragraph, "A task force of the committee
12 was appointed to consider the budgetary and staff require-
13 ments of the ensuing year. In addition, the committee
14 reaffirmed the decision to divide into two subcommittees."

15 Mr. Edgar. If the gentleman will yield at this point
16 where you are reaffirming and dividing into two subcommittees,
17 I notice on the front page, the third page in, it is not
18 numbered, where it lists the members of the committee, it
19 lists our chairman and each of our members, I wonder, since
20 we have made the division, whether we ought not to put the
21 two names of our chief investigators into the King and
22 Kennedy assassinations to highlight to the members of the
23 House that not only is Dick Sprague the Chief Counsel, but in
24 fact Mr. Tanenbaum and Mr. Lehner are working as lead people.

25 I think it would be helpful for the rest of Congress to

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1 know that there are those two persons pursuing those two
2 independent investigations.

3 The Chairman. That can be done without any problem.

4 Mr. Sprague. Mr. Chairman, could we also include in
5 that the two chief investigators on this?

6 Mr. Edgar. I don't have any problem with that. I just
7 wanted some way of showing the substance of the number of
8 people who are on staff who are top staff personnel who are
9 pursuing the investigations.

10 Mr. Fithian. I think the value of doing what he is
11 suggesting is that it is a graphic way of saying there are
12 two investigations underway here which subconsciously may
13 affect or impact on some people who say, well, there are too
14 many staff, or whatever.

15 It would show at the outset that we have Mr. Tanenbaum,
16 Mr. Lehner and the chief investigator under that organiza-
17 tional chart appearance. I think we would do a lot to trans-
18 mit to them directly.

19 Some people may flip this over and see who is on this
20 committee anyway. That might be the only page some people
21 read, so far as I know.

22 The Chairman. Okay, fine. The staff will take care of
23 that.

24 Mr. Dodd. On page 6, I changed the language "Mr.
25 Fauntroy, again, was appointed," to "remains as chairman of

1 the King subcommittee and Mr. Preyer the chairman of the
2 Kennedy subcommittee."

3 I am trying to show flow rather than emphasizing the
4 breakup the committee went through during this traumatic
5 period, to emphasize flow and continuity.

6 The end of the next paragraph, paragraph beginning, "A
7 meeting was immediately arranged," I have added a sentence at
8 the end of the last sentence there to read, "Access to FBI
9 materials on both assassinations was continued."

10 Dropping down to the two paragraphs, the paragraph
11 beginning with the words "On March 11, 1977," going to the
12 very end of that paragraph, changing the period after the
13 word "consultants" to a comma and adding the following lan-
14 guage: "including ballistics testing of the alleged rifle
15 used to murder Dr. King."

16 The next paragraph, beginning with the language, "On
17 March 16, 1977," and the second sentence in, "The witness
18 refused to testify, claiming his privileges under the First,
19 Fourth, Fifth and Fourteenth Amendments," not just the Fifth
20 Amendment.

21 Further in the next sentence, "The staff continues to
22 explore the leads developed in this area, and the committee
23 is considering recalling this witness to pursue these ques-
24 tions," again to reflect the status with which the witness
25 left the committee.

1 The Chairman. I think the official language was that
2 he remains under subpoena to this committee.

3 Mr. Dodd. Correct.

4 Maybe that would be better said that way then "and he
5 remains under subpoena."

6 On page 7, under "Rules of Procedure," a technical
7 amendment. "Congressman James J. Delaney" and "Chairman of
8 the House Committee on Rules" is the proper title of that
9 committee.

10 On page 9, subsection D, "Staff and Budget," the second
11 sentence, "The committee has," and I have changed the language,
12 "been fully briefed" to "discussed at length."

13 Mr. Edgar. Going back to page 7 where the American
14 Civil Liberties Union letter is noted, I have noted in a
15 number of reports they do include letters from the Administra-
16 tion and letters from other people.

17 I wonder what the value would be to make that statement
18 and then include the letter from the American Civil Liberties
19 Union. Is that a bad idea or excellent idea?

20 Mr. Sprague. Mr. Chairman, may I be heard on that?

21 The Chairman. Mr. Sprague.

22 Mr. Sprague. I think it is a bad idea, for the reason
23 that although that letter now supports the rules and supports
24 the continuation of the investigation, they state things that
25 we allegedly were going to do in the past which we never were

1 going to do. It happens to be a good illustration of the
2 falsity of things that had been spread around.

3 I do not think that we ought to have their letter here,
4 since it does state things absolutely contrary to what we
5 ever intended to do.

6 Mr. Fithian. On many occasions, including in this
7 report, however, there are examples of simply taking or quot-
8 ing from insufficient sentences; we in the profession do this
9 all the time. We don't use a whole six-page letter when
10 there is only a half page that is pertinent.

11 You put in an elipsis and the three sentences you want
12 and you go on. It is called selective evidence, Mr. Chairman.

13 Mr. Sprague. The trouble with that is that you end up
14 with a blank letter.

15 The Chairman. The essence of the letter was the fact
16 that this quote as contained here was the real essence of it.

17 Mr. Devine. I know a number of members that if they see
18 the ACLU favors the investigation, they will vote against it.

19 The Chairman. That is right. It is a red flag for some
20 of the members.

21 Mr. Dodd. On page 12, top of page 12, the second
22 sentence, "The committee staff has spoken with the witness
23 who stated that in November 1963, prior to the assassination
24 of President Kennedy, the witness was personally introduced
25 to Lee Harvey Oswald by Jack Ruby," has that been

1 corroborated or is that a fact?

2 Mr. Tanenbaum. Yes, it is a fact.

3 Mr. Dodd. It has been corroborated; the committee has
4 received information not yet corroborated that Ruby traveled
5 to Cuba and so forth?

6 Mr. Tanenbaum. I am just trying to protect you.

7 Mr. Sprague. Mr. Dodd, the statement that is there is
8 absolutely correct. In other words, we have interviewed a
9 witness who has stated that. We are not in a position of
10 saying whether what that witness is saying is true or not.
11 That is different than the next sentence which is based upon
12 information that we have received of somebody telling us that
13 he was at the jailhouse and he saw Ruby coming there to visit
14 Trafficante. There is that difference.

15 Mr. Dodd. You received information that Ruby traveled
16 to Cuba to visit Trafficante. You received a statement from
17 a witness who claims that he was introduced to Oswald by Ruby.
18 One is corroborated.

19 Mr. Sprague. I will say either is corroborated. I
20 know that we have a witness who says the one thing. We have
21 information about the other, but we have not really gone to
22 those sources yet. We cannot state that, in fact, when we go
23 to those sources they are going to be in a position of saying,
24 yes, they saw it.

25 Mr. Dodd. I am just trying to protect against the

1 accusation later that we are blowing smoke. If you want to
2 leave it like that, I have no complaint other than just
3 protect ourselves, that is all.

4 Mr. Fithian. When you say "committee has received infor-
5 mation, not yet corroborated," that leaves me a little uneasy,
6 because it appears as though the counsel is anticipating
7 corroboration.

8 I was under the impression that that was uncorroborated
9 and likely to remain uncorroborated. The inference I draw
10 from that is that it is not yet done, but we expect to get
11 this done shortly.

12 Mr. Sprague. I do not want to give that implication.
13 He was not yet corroborated. We don't have corroboration at
14 this time.

15 Mr. Fithian. Could we get out of it by striking the
16 words "not yet" and put in the word "uncorroborated"?

17 The Chairman. Before the word "information"?

18 Mr. Fithian. Yes. That is even better.

19 Mr. Sprague. That is fine.

20 Mr. Fithian. On page 13, second paragraph, "Recently an
21 FBI informant stated he had seen an FBI agent and Lee Harvey
22 Oswald meeting." Who did the FBI informant state that to?
23 The committee staff; another informant?

24 Mr. Tanenbaum. To Dan Rather.

25 Mr. Sprague. My problem there in stating that, I would

1 not like it to look like a House committee is relying at this
2 point on a report carried by a newsman of what was said to
3 him. It is the basis of the statement that we are making,
4 but I don't like the idea of any notoriety.

5 Mr. Fithian. Say "reliable source."

6 Mr. Sprague. I don't want to say reliable source, either.

7 Mr. Devine. You can say publicly stated.

8 Mr. Dodd. It is a question I would ask if I were look-
9 ing at the report. If I was reading this thing and wanted to
10 poke holes in it, that is one of the questions I would ask.

11 Mr. Tanenbaum. We have spoken to the witness on the
12 telephone. He is the witness who indicated previously he wants
13 to take a lie detector test. He has indicated to us that what
14 he said then is so. Before he speaks to us any further, he
15 wants to take a lie detector so that we will understand he is
16 telling the truth.

17 Mr. Sprague. I guess the answer to your question is
18 that he has now said it to us. We can put in there "advised
19 by the witness."

20 The Chairman. In talking with him, did you consider that
21 an interview or just conversation?

22 Mr. Sprague. I would call it an interview.

23 The Chairman. If that is a fact, then you could say
24 "The witness, interviewed by our staff" or "witness we have
25 interviewed."

1 Mr. Sprague. My thought was to say "Recently, an FBI
2 informant has advised the committee that."

3 The Chairman. It takes it out of the Dan Rather cate-
4 gory, at least, and puts it here.

5 Mr. Dodd. Page 15, the third paragraph, "An FBI
6 ballistics expert," the third paragraph down, beginning with
7 the second sentence where you have the word "others by con-
8 trast believe that the bullet possessed sufficient character-
9 istics."

10 Mr. Lehner. We have one expert, Mr. MacDonald, who has
11 stated that. We also have Mr. Haines who stated that, who
12 was a former FBI agent. I don't think we would characterize
13 him as an expert. That is why we left it with that vague
14 "others."

15 Mr. Dodd. I think you ought to say "another expert."
16 I think you ought to be clear.

17 Mr. Fauntroy. I think that would be helpful.

18 Mr. Lehner. We can put "an expert."

19 Mr. Fauntroy. "An expert" or "Another expert," but I
20 would not leave it as "others."

21 Mr. Dodd. The last thing is on the last page of the
22 report, page 23. This is merely a question. I don't know
23 how it should be done. "Again, I would like to emphasize the
24 committee, therefore, recommends," and going to the two
25 points here.

1 I would like to emphasize again here that I think the
2 language regarding legislative intent ought to be stated at
3 the conclusion of this report as well. I will repeat it again.
4 We ought to emphasize that, however possible, in this report.
5 I don't know what language, but in addition, that the House
6 reconstitute the select committee and that the House approve
7 the budget.

8 The Chairman. Will the gentleman yield to me on that?

9 I am just thinking out loud with you on this. The first
10 thing is that I am wondering whether we need to have this
11 recommendation, and secondly, I am wondering -- we are not
12 asking at this time for action on the approval of the budget.

13 I don't know that these two explanations need to be
14 included. Just strike both of those recommendations.

15 Mr. Edgar. Under title of Section 5, it ought to say
16 conclusions.

17 The Chairman. Strike both recommendations. Strike the
18 language on page 22 saying "and recommendations."

19 Have you finished, Mr. Dodd?

20 Mr. Dodd. Two other points. One is the statement
21 "Today we had a closed session with Mr. Sprague regarding
22 allegations" and so forth. I would like to have that, if it
23 is not already typed up; we are going to need that right
24 away. It may be far too lengthy to incorporate in the
25 Congressional Record. I think stapled together and collated,

1 it could be available to members to go over.

2 I have had several requests for it. The members who are
3 most concerned about this have expressed satisfaction that
4 those of us on the committee are satisfied, but they still
5 would like to be able to have access to it.

6 I think that should be done immediately.

7 The Chairman. Do we know when that will be ready?

8 Mr. Sprague. Mr. Chairman, it will be ready tomorrow.

9 We are making copies for every member of the committee so
10 that you can have it for your own use if you want it. The
11 17th, I guess, would be in the morning.

12 Mrs. Burke. I was going to suggest that if we feel it
13 important enough to be in the record, we could sequentially
14 each sign for an entry in the record for it to appear that
15 way if it was not too long. I think we can get it in the
16 record if we feel that it is justified.

17 Mr. Fithian. Mr. Chairman, I am not sure whether it is
18 the intent of the committee that it should go in the record.

19 The Chairman. I think there is a consensus generally
20 that it ought not go in the record and be picked up by the
21 press and let them make an issue of that at this point in
22 time.

23 So now I think it ought to be kept within the members
24 of the committee's jurisdiction, and they can share it with
25 those members when they please.

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1 Mr. Dodd. I can remember one member in particular who
2 is going to be asking for a copy.

3 The Chairman. It was in executive session, and I don't
4 think he should have it.

5 Mr. Fithian. Congressman Wirth raised the question
6 originally. Mr. Edgar and I have both talked to him at some
7 length.

8 Our arrangement is simply this; that we, as a member of
9 the committee, can get a copy of that proceeding in executive
10 session. That if he and his staff person who has gotten
11 involved in this and dug into it earlier and raised the
12 question, want to come over to Mr. Edgar's office and sit
13 down and read it, that is fine.

14 I wholeheartedly concur that to now make this thing
15 public would make -- I think some reporters are looking for
16 something to run one good solid story or two between now and
17 our vote on the Floor. I think it could be handled that
18 way, if they are that interested. If they are not that
19 interested, they should not see it, anyway.

20 If they are interested, they can come over to our office
21 and look at it.

22 The Chairman. I really want to caution you that that is
23 all this committee needs.

24 Mr. Fithian. I have an altogether different point to
25 raise here, Mr. Chairman.

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1 The Chairman. I know that Congressman Fauntroy has
2 been waiting to be recognized regarding the section dealing
3 with the Kennedy matter.

4 I want to recognize him, and then we can come back to
5 you.

6 Mr. Fauntroy. Mr. Chairman, I would just like to
7 suggest some trappings for the King report. In the first
8 instance, knowing the penchant of the members for scanning
9 reports and trying to glean quickly what the reports say, I
10 would suggest a topic sentence to begin on page 14.

11 After you say "Development of the investigations into
12 the assassination of Dr. King," I would like to suggest a
13 topic sentence that summarizes what the report is and if it
14 appears that that topic sentence would go something like
15 that.

16 "The investigation into the assassination of Martin Luther
17 King, Jr., is proceeding along two lines of inquiry. The
18 committee is first investigating new and previously unpursued
19 leads in the assassination of Dr. King. Second, the
20 committee is investigating a number of questions not answered
21 by our review of available documents and investigations con-
22 ducted by federal, state and local agencies into the assas-
23 sination."

24 Having stated that, it seems to me then logically, we
25 could list under the topic "New and unpursued leads," which I

1 think ought to be up there because everybody is asking,
2 "What is new?" -- I may quarrel a little bit with the
3 order, but it seems to me the fact that James Earl Ray is
4 now willing to talk with us after having publicly said that
5 he didn't shoot him and has indicated in his pleading that he
6 did not agree that there was no conspiracy, that is a new
7 lead.

8 Secondly, I think at the very top of the new lead on
9 this ballistics test, we sort of run into the ballistic test
10 without saying why we are running into it. The key sentence
11 there, I think, has to do with the belief by at least one
12 expert that the bullet possesses sufficient characteristics
13 to permit a definitive conclusion.

14 So, the new lead we are pursuing is that the conclusion
15 was reached that the bullet could not be identified; on the
16 basis of our information, now it may be. I think that some-
17 how has to be the top of the reference to the ballistic test,
18 because the ballistic test does not make context until you get
19 that far.

20 Now the third group is one that I have found on page 16
21 to be very impressive among the members with whom I have
22 talked when I say as a topic sentence to them "we are investi-
23 gating," I say "six previously potential witnesses who are
24 prepared to testify on pre-assassination plot activity."

25 You have a statement here that essentially says that, but

1 then having the people looking for the six. We don't have
2 them here. But just that statement, look at six people who
3 have never been interviewed before whom we have identified
4 with whom we have talked, who give witness to pre-assassina-
5 tion activity, several witnesses about conspiracy against Dr.
6 King's life.

7 Is it a problem for you to quantify that, saying five?

8 Mr. Lehner. The problem is that some of these witnesses
9 have spoken before to the FBI. The FBI has given in at least
10 two instances, I think, a short investigation of it.

11 Mr. Fauntroy. It is that category. Sartor, his family;
12 there is Beard, McFarren, Zapp, Davis. We can't detail that
13 in the report, but it seems to me that the impression ought to
14 be given and it is a fact that we have identified and are
15 pursuing potential witnesses on that.

16 It may not be necessary to even rearrange this language
17 except to just give a little topic to that.

18 The Chairman. Will you yield for a moment?

19 Mr. Fauntroy. Yes.

20 The Chairman. I think you could rework this on page 16.
21 Your second sentence really does not say very much. You say
22 "The information furnished by some of these witnesses has the
23 potential to provide independent corroboration for the infor-
24 mation received by the committee from others of these
25 witnesses."

1 To me, this is a rather awkward construction there. You
2 might sort of reshape it in terms of hitting upon what he is
3 talking about; information relating to pre-assassination
4 conspiracy?

5 Mr. Fauntroy. Once you have done that, then I think you
6 can go into questions not answered by our review of available
7 documents and investigation of state, local and federal
8 officials. Under that, it seems to me you could list first
9 the funds question and tie it to the FBI -- I think you have
10 done that -- to the FBI task force report. The passport is
11 a question, the escape from the penitentiary, the removal of
12 the security surveillance. The radio diversionary announce-
13 ment and the one family member, the question raised by the
14 FBI.

15 These are questions left unanswered that we are pursuing,
16 that they all happen to be related to the question of assis-
17 tance; whether we have assistance both with the fund, pass-
18 port, escape from the penitentiary, and the radio diversion
19 and the one family member question which Mr. Bell mentioned,
20 and then finally, it seems to me that there ought to be a
21 paragraph -- and you essentially do that -- which mentions
22 the task force report of the Justice Department and makes
23 reference to the fact that we have already mentioned the
24 Justice concern about funds. I think they are concerned about
25 one family member.

1 In the previous report, you said three questions
 2 remain from the task force report. One was the fund; they
 3 said it was a mystery, the fund was a mystery.
 4 They said one family member and didn't explain had been
 5 involved.

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1 Before Dr. King pointed to conspiracy, that could be
2 among the unanswered questions.

3 Mr. Chairman, in short, I am not recommending any speci-
4 fic language at this point because I have not had a chance to
5 do it carefully, but I do note it would be very helpful to
6 have a topic sentence that gives us those two areas for which
7 members can scan quickly to find the basis for those state-
8 ments.

9 The minute they see new and unpursued leads, they will
10 wake up. If you just start reading about Ray willing to
11 testify, they are not going to wake up.

12 The Chairman. Page 15, the third paragraph down, third
13 line we have a typo, "bullet." On page 17, second paragraph
14 where he said "The committee intends to investigate the
15 source of Ray's funds in general and of those \$20 bills in
16 particular." I would end that sentence with "funds."

17 Mrs. Burke.

18 Mrs. Burke. Mr. Chairman, the first memo that we
19 received on the King investigation is made up of two parts.
20 This is sometime back. One was a series of questions that
21 were raised. The second memo, I believe, set forth cities.

22 Of the things that we have received during this time,
23 those two documents, to me, raise more question and appear to
24 go into areas that had not been pursued by most of the writers,
25 more than anything else.

1 I just wonder if some of those things could not be em-
2 bodied in this report? The kind of things that were raised in
3 those memos, do you have those available now?

4 Mr. Lehner. Let me see if I do.

5 Mrs. Burke. They were in the notebook you put here at
6 one of your early meetings, and it had a list of questions.

7 The Chairman. That was the analysis the staff did of the
8 Justice Department's task force.

9 Mrs. Burke. No, I mean some time ago.

10 Mr. Sprague. Mr. Chairman, it was one of the first
11 committee sessions.

12 The Chairman. I remember.

13 Mr. Sprague. We just gave it to Mr. Edgar.

14 Mrs. Burke. We turned them in at that time.

15 Mr. Sprague. We still have them.

16 Mrs. Burke. I see here, this is it, that Mr. Edgar has.
17 There are many things here I think would move in a direction
18 of bringing before members of the House concrete issues. I
19 have not seen this for a long time, so I am not sure of the
20 details, the kind of things I am thinking about, but one of
21 those -- let me see if I can find the kind of thing I was
22 referring to. It is this whole area of questions that have
23 not been answered.

24 Mr. Sprague. Mrs. Burke, I think when we prepared that,
25 we are not saying there were questions that had not been

1 answered. I think we are suggesting they were questions
2 that would have to be addressed. The answers may have in
3 some instances existed and in others they may not have. We
4 are not sure.

5 Mrs. Burke. I know what I was trying to think about.
6 The circumstances immediately surrounding the shooting; the
7 location of the room, the determination of what hotel Dr.
8 King would register in, the change of hotel, the change of
9 room; if, in fact, these things did take place.

10 These are a number of questions, and I believe there
11 were a series of questions on Ray's immediate issues, under-
12 standing they have not been pursued.

13 My reaction to this section was that it was very, very
14 general, and in trying, I could get something I could present
15 to members that would be persuasive of what I have been trying
16 to do rather than using this approach as to review some of
17 these questions that had been raised in the past.

18 So I would really hope we could bring some of these
19 a little bit more into this section, a little bit more detail,
20 even if it is only questions. I recognize we are at a dis-
21 advantage more on King because you have a body of material,
22 so many writings on the Kennedy assassination; you do not have
23 that in the case of the King assassination. You do not have
24 all the documents that have been reviewed, and all that sort
25 of thing.

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1 investigations. This is really a reemphasis of what Mr.
2 Fauntroy has said with regard to the King investigation.

3 I am wondering if, at the very beginning on the first
4 page or two, you cannot use that in the introduction as well
5 as in the conclusion.

6 Other than that, I am ready to vote on it.

7 Mr. Devine. Mr. Chairman, I move the adoption of the
8 proposed committee report, as amended, and I think under the
9 rules, it is necessary to have a roll call on that.

10 The reason I make the motion at this time, I am due at
11 my office at 4:00 o'clock on an important matter. I would
12 like to vote for myself and my proxies, if we have a quorum
13 present.

14 Mr. Dodd. Under the Rules of the House, any time a
15 committee reports out legislation, you have to have a majority
16 present when reporting out from here.

17 Mr. Devine. If we call the roll and leave it open for a
18 few minutes, I think we can beat the problem.

19 Mr. Dodd. That is a long count.

20 The Chairman. The clerk will call the roll.

21 The Clerk. Mr. Stokes.

22 The Chairman. Aye.

23 The Clerk. Mr. Devine.

24 Mr. Devine. Aye.

25 The Clerk. Mr. Preyer.

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1 (No response.)

2 The Clerk. Mr. Anderson.

3 Mr. Devine. Aye, by proxy.

4 The Clerk. Mr. Fauntroy.

5 (No response.)

6 The Clerk. Mr. McKinney.

7 Mr. Devine. Aye, by proxy.

8 The Clerk. Mrs. Burke.

9 Mrs. Burke. Aye.

10 The Clerk. Mr. Thone.

11 (No response.)

12 The Clerk. Mr. Dodd.

13 Mr. Dodd. Aye.

14 The Clerk. Mr. Ford.

15 (No response.)

16 The Clerk. Mr. Fithian.

17 Mr. Fithian. Aye.

18 The Clerk. Mr. Edgar.

19 Mr. Edgar. Aye.

20 The Chairman. We have to hold until the rest come.

21 Mr. Dodd. Mr. Chairman, may we go off the record for a

22 minute?

23 The Chairman. Off the record.

24 (Discussion off the record.)

25 The Chairman. Back on the record.

1 Mr. Fithian. Mr. Chairman, I move a roll call on the
2 report.

3 The Chairman. The clerk will call the roll again of
4 those members who did not answer to their names.

5 The Clerk. Mr. Preyer.

6 Mr. Preyer. Aye.

7 The Clerk. Mr. Fauntroy.

8 Mr. Fauntroy. Aye.

9 The Clerk. Mr. Thone.

10 (No response.)

11 The Clerk. Mr. Ford.

12 (No response.)

13 The Chairman. Would you announce the vote.

14 The Clerk. The vote is 10 aye, none nay, two by proxy.

15 The Chairman. Accordingly, the report is adopted, as
16 amended.

17 Are you satisfied, Mrs. Burke?

18 Mrs. Burke. Is there going to be someone available --

19 The Chairman. Mr. Sprague.

20 Mr. Sprague. To respond to Mrs. Burke, the answer is
21 absolutely yes. The two people who are available are Mr.
22 Tanenbaum and Mr. Lehner for any briefing that any member of
23 this committee wants, or member of Congress, at any time.

24 Mrs. Burke. I can give you the names of two people, if
25 the appointments can be set up. One is Mr. Danielson. The

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1 other person is Mr. Krebs, Mr. Lloyd, and it could be done if
2 someone could take over a memo to Martha Keys of Kansas. She
3 voted against the first time. She might change her vote.

4 Mr. Sprague. The only question I have with regard to
5 this is the staff is under instructions from me, and I am
6 under my own instructions of what I think are the instructions
7 of the committee that we do not make and have avoided making
8 any contact on our own with any members of Congress other
9 than the members of this committee and what this committee
10 sets up for us with any members of Congress.

11 If you are saying to us for us to make this contact and
12 set it up, we will do so. What I would frankly prefer is if
13 a member of this committee who wants to do so would just set
14 up the appointments, we will comply with them.

15 The Chairman. Mr. Fithian.

16 Mr. Fithian. Mr. Chairman, this brings me to the point
17 I wanted to make before we break up.

18 Starting in about 30 or 45 minutes, I will be contacting
19 each member to get from them some time, hopefully before 7:00
20 this evening, in any case by noon tomorrow, a final tally of
21 how we stand on our entire whip count.

22 Included in the tally I would hope would be the names
23 of individual members whom we, as members of the committee,
24 believe could or would want to be briefed. At that point
25 then, to make more expeditious use of time, I would like to

1 arrange taking all the names from every member of the
2 committee who needs briefing.

3 I would like to arrange then a series of maybe three,
4 four, five times when we might get four or five of the members
5 together so that one briefing would accomplish four or five
6 members at a time until we exhaust the list of those who are
7 persuadable but need some kind of briefing, and that is one
8 of the purposes of this whip count.

9 The second purpose is to go back to all members that
10 any individual member here wants to go to with a computerized
11 letter; included in the letter a paragraph or paragraphs that
12 we are devising now and which I would like to have some review
13 by the staff so that we can go back to the individual members
14 of any member of Congress that any member of this committee
15 wants us to follow up on.

16 We have the capacity to do that with a computerized
17 letter. All it will take is some individual letterhead from
18 your office and the individuals you want us to send the letters
19 to. We will process them and have these ready for signatures
20 of the members of this committee prior to any vote.

21 We will also report to you, Mr. Chairman, as to where
22 we stand on this thing, specifically in terms of count.

23 I just spoke to Mr. Devine. His man has been sick, but
24 he is hoping to have a Republican count sometime tomorrow.

25 I will get with you no later than tomorrow afternoon. I would

1 hope all the members of the committee here would make every
2 effort to contact people on their list, because we have to
3 have a hard count by tomorrow at 2:00 in order to put the
4 rest of the mechanism in motion that we have.

5 Mr. Dodd. If the gentleman would yield, it has got to
6 be before that. We have a whip meeting tomorrow morning at
7 9:15 in the morning. I would like at that meeting to be able
8 to take our accumulated count, even if we do not have the
9 sponsors, and turn a good portion of that responsibility over
10 to the normal whip operations. That, I think, would increase
11 our possibility of success.

12 If the leadership of the Congress is pushing this as a
13 whip item, it can be counted in the remaining three or four
14 days. If you can give me that information before 9:15
15 tomorrow, at least what you have --

16 Mr. Fithian. I will give you what I have up to that
17 point. I would raise no objection to the regular whip
18 system handling this. I think it is crucial, from my exper-
19 ience today, those of us who are members of the committee, to
20 talk personally to some of these people.

21 There were two members today that I talked with, and all
22 we really needed was about five or six minutes of discussion
23 in which I could simply tell them, nothing that is really
24 classified, but just tell them it was my judgment, based on
25 these things, that this thing ought to go forward, and both

1 of them made a commitment today to vote for it.

2 We have a very long way to go on this matter.

3 The Chairman. Let me ask for a point of clarification,
4 Mrs. Burke. The briefing that you want is not the executive
5 briefing?

6 Mrs. Burke. It is going to take almost that with some
7 of them.

8 But let me turn the list of those over to Floyd of those
9 who need briefings.

10 The Chairman. It needs to go all the way.

11 Mr. Sprague. Mr. Chairman, we have not the slightest
12 objection, as long as it is set up with members of the
13 Congress by members of the committee for an executive brief-
14 ing.

15 The Chairman. But I agree with the procedure of the
16 staff not contacting any member unless so directed. I talked
17 to Al yesterday and instructed him to call a couple members.
18 I assume that was done. I know it was done, in one case.

19 Mrs. Burke. These are people who asked for briefings.
20 But it could be done by this method. We will try this first.

21 Mr. Sprague. We would be happy to have the executive
22 type, full, complete, and let them know what it is.

23 Mrs. Burke. In the case of one, he is a whip, and it
24 might not hurt --

25 The Chairman. You ought to get to him tonight. The whip

1 is leaving us tomorrow.

2 A couple matters. With the committee having voted out
3 this report as amended, when can we anticipate that this
4 report will be ready to file with the House?

5 Mr. Sprague. Mr. Chairman, we should have the type-
6 written draft of this with the amendments suggested here to you
7 tomorrow by noontime, so that we can get it over to the
8 printer tomorrow. They told us the printed copies of that
9 would be ready Monday morning.

10 The Chairman. Mr. Preyer.

11 Mr. Preyer. Does that have to be ready by noon? I
12 know Mr. Anderson made some comments to Mr. Fithian about the
13 budget provision. I was not sure whether tomorrow is clear
14 or what those changes are going to be or whether it is going
15 to involve -- that will take some writing and refiguring of
16 that.

17 I am wondering if we can get that done by noon tomorrow.

18 Mr. Sprague. Mr. Preyer, as long as we can have the
19 typewritten copy of the report to the printing office by
20 6:00 p.m. tomorrow, we can meet that printing deadline of
21 Monday morning. I was just allowing a little time tomorrow
22 in case after it is examined by the Chairman, there is a
23 desire to have some more changes. We do have until 6:00 p.m.
24 tomorrow.

25 The Chairman. With that, you also have a matter of the

1 members correcting the transcripts and ordering them to be
2 printed. Have you had someone following through with that?

3 Mr. Sprague. Mr. Chairman, if the members have no
4 amendments or changes to make, we can get them there by 6:00
5 p.m. today. They can be printed by Friday morning.

6 In the event the members are not in a position to say
7 that yet, as long as we know by 6:00 p.m. tomorrow, that can
8 be completed by Monday morning as well.

9 The Chairman. I would suggest you have someone follow
10 through with each member to be sure that is compiled right.

11 There were a couple of other matters that I wanted to
12 get into tonight. Don Edwards' letter; did we have the staff
13 prepare a response to that?

14 Mr. Wolf. Yes, we have, Mr. Chairman. His letter just
15 wants to make it clear that those rules that apply to the
16 committee staff will also apply to the individual staff person
17 on our staff, designated to be liaison.

18 For example, restrictions on revealing the names of
19 subpoenaed people, et cetera. I think just to make that
20 clear, it would require an amendment to our rules as to what
21 we are constituting.

22 The Chairman. Would you prepare a letter to him in which
23 you advise him that we appreciate that suggestion and that
24 the matter will be corrected by way of amendment after we are
25 reconstituted.

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1 Mr. Wolf. One point on the report to be filed. On
2 my meeting with Mr. Collins, he requested that the Rules
3 Committee be given, even if it is only a typed version, of
4 the report Friday morning.

5 If the Chair would like me to provide a typed xerox
6 version which will be done by that time. The printed copies
7 will not be back until Monday morning.

8 The Chairman. What do you need from us?

9 Mr. Wolf. Just your authorization to provide him the
10 xeroxes of the typed copy.

11 The Chairman. That is on the budget?

12 Mr. Wolf. No, of the report.

13 The Chairman. Of the report?

14 Mr. Wolf. Yes.

15 The Chairman. I see.

16 All right, you have that.

17 One other thing. On Bruton and Baish, when we last met,
18 you were to check out the usual ramifications of our accept-
19 ing the resignation of Mr. Bruton as opposed to our firing
20 him.

21 Mr. Wolf. That is correct.

22 The Chairman. And how it would affect the payroll status.
23 Can you give us a report on that?

24 Mr. Wolf. Surely. It is my recommendation that his
25 resignation as opposed to firing, the committee take the

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1 latter action. It is very questionable whether or not he was
2 fired at that committee meeting held in your office, I
3 believe, since the procedures of the committee itself were not
4 followed at that time.

5 There appears to be no difference. We have checked with
6 House Administration, for their purposes, for his back pay
7 claims for any other legal significance to accepting a resig-
8 nation as opposed to firing.

9 The only possible distinction might be for an unemploy-
10 ment claim that he would file with the District of Columbia.
11 If his resignation were for just cause, he would still be
12 eligible for unemployment.

13 The Chairman. Can we have then --

14 Mr. Wolf. Because of Mr. Fithian's amendment requiring
15 majority of the committee to be present to terminate staff
16 member, I do not believe a majority is present, so I do not
17 think action can be taken at the current time either on Mr.
18 Bruton or Mrs. Baish, who also should be re-fired, if you
19 will.

20 The Chairman. The only thing is, I think you should be
21 in communication with him so he does not feel we are ignoring
22 his correspondence and advise him that the committee has the
23 matter under consideration and that he should be getting a
24 reply in just a few days. Explain it to him.

25 Mr. Sprague. Mr. Chairman, I do not agree with Mr. Wolf

1 with regard to Mr. Bruton's situation.

2 As I understood it and from previous meetings, this
3 committee has already decided to accept the resignation of
4 Mr. Bruton as of the same day that that firing occurred,
5 provided there was no legal difficulty which would occur, and
6 we were to check that through.

7 That has been checked --

8 The Chairman. I do not think they actually took the
9 action. I think it was left open for him to check it out and
10 return with a report back to us.

11 Mr. Wolf. That is my understanding.

12 The Chairman. And if it was possible to go ahead and
13 accept his resignation, the committee ought to do that. That
14 appeared to be the consensus of the committee at that time.
15 I do not think on the record they formally did.

16 Mr. Wolf. That is my understanding, Mr. Chairman.

17 Mr. Sprague. I do not think, for a person to resign,
18 involves the hiring and the terminating. We are talking
19 about a different situation.

20 The Chairman. He posed the question in a letter to us
21 whether we had been fired, and if so, was it done in a duly
22 constituted meeting of the committee, and so forth.

23 In checking it out, also we ascertained that was really
24 an informal meeting that was called. It was not an official
25 meeting of the committee. That action had been brought to our

1 attention at that informal meeting. We would not be able to
2 say to him that it was done in a duly and legally consti-
3 tuted meeting of this committee.

4 Mr. Fithian. Mr. Chairman, since it was my amendment
5 that put the committee in this position, I would like to state
6 for the record that there was never any intention in that
7 amendment which would preclude anyone from resigning from the
8 staff.

9 I was talking about forceable separation from the staff,
10 and that is what the amendment directs itself to. Therefore,
11 there is no problem with the committee, as far as I can see; no
12 violation of our rules in any way to accept his resignation.
13 If it is a forced termination, then it would be another
14 matter.

15 Mr. Sprague. Mr. Chairman, I quite agree with Mr.
16 Fithian. The only issue is, can the committee accept his
17 resignation as of that same day? The answer is yes. I do
18 not think we ought to respond to his letter with any opinion
19 concerning the firing. He has requested we accept his
20 resignation. I think we merely ought to respond and say we
21 have decided to do so and that our record will reflect that.

22 The Chairman. There was another item, as I recall, to
23 the \$40 office telephone bill which I had the impression, in
24 all probability, they were legitimate calls. But he was asked
25 to do something by way of substantiating, or something of this

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sort.

I am just wondering if that is something we do not need to necessarily get involved in since we are talking about \$40 and we are denying the claim of something in the neighborhood of \$2500. Maybe we ought to respond in that way, and we will pay his \$40 upon signing the proper vouchers, and so forth, and then the other members and I will officially have the committee do that.

Meanwhile, Jim Wolf, you call him and advise him of the status of this matter so we do not encounter a lawsuit on this point.

Mr. Sprague. I do not think there is any official action required by the committee under the rules with regard to a staff member resigning.

The Chairman. Probably not. We can check that. If there is not, we can go ahead and reject that.

We will recess, subject to call of the chair.

(Whereupon, at 4:45 p.m., the committee adjourned, subject to call of the Chair.)

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