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EXECUTIVE SESSION

5212
CAPS
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COMMITTEE BUSINESS MEETING

- 5 -
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1248
CAPS
CTR

Thursday, July 13, 1978

~~U.S.~~ House of Representatives, ☐

Select Committee on Assassinations, ☐

Washington, D.C. ☐

9 The Committee met, pursuant to notice, at 10:50 ~~o'clock~~ a.m.
10 in Room 1310, Longworth House Office Building, the Honorable
11 Louis Stokes (Chairman of the Committee) presiding.

12 Present: Representatives Stokes (presiding), Fauntroy,
13 Dodd, Ford, Fithian, Edgar, McKinney and Sawyer.

14 Also present: G. Robert Blakey, T. Howarth, E. Berning and
15 R. Morrison, Professional Staff Members.

17 ^{Stokes}
~~The~~ Chairman. The Committee will come to order.

18 The Chair will recognize Mr. Blakey for a statement.

19 Mr. Blakey. Mr. Chairman, the subject to be brought before
20 the Committee this morning basically deals with the nature of the
21 investigation. It would be appropriate to go into executive
22 session.

23 ^{Stokes}
~~The~~ Chairman. The Chair will entertain a motion.

24 Mr. Fauntroy. So move.

25 The Chairman. It has been properly moved that the Committee

1 go into executive session at this time for the reasons stated.

2 The clerk will call the roll.

3 Ms. Berning. Mr. Stokes.

4 Mr. Stokes. Aye.

5 Ms. Berning. Mr. Devine.

6 [No response.]

7 Ms. Berning. Mr. Preyer.

8 [No response.]

9 Ms. Berning. Mr. McKinney.

10 [No response.]

11 Ms. Berning. Mr. Fauntroy.

12 Mr. Fauntroy. Aye.

13 Ms. Berning. Mr. Thone.

14 [No response.]

15 Ms. Berning. Mrs. Burke.

16 [No response.]

17 Ms. Berning. Mr. Sawyer.

18 Mr. Sawyer. Aye.

19 Ms. Berning. Mr. Dodd.

20 Mr. Dodd. Aye.

21 Ms. Berning. Mr. Ford.

22 Mr. Ford. Aye.

23 Ms. Berning. Mr. Fithian.

24 Mr. Fithian. Aye.

25 Ms. Berning. Mr. Edgar.

1 9 Mr. Edgar. Aye.

2 Ms. Berning. Seven ayes, Mr. Chairman.

3 ^{Stokes}
4 ~~The~~ Chairman. Seven members having voted in the affirmative,
5 this meeting is now in executive session and all members of the
6 public ^{are} ~~are~~ asked to exclude themselves.

7 [Whereupon, unauthorized persons left the hearing room, and the
8 committee proceeded in executive session.]

9 Mr. Blakey. Mr. Chairman, the first issue that the committee
10 ought to address itself to is two immunities on the King side.
11 The committee has before it a resolution asking for staff permis-
12 sion to go to court to secure immunity for Clarence ^y ~~H~~anes and
13 Naomi Denny.

14 I note that it will be required that we have eight committee
15 members present during this. Might I suggest the parliamentary
16 procedure that the matter be considered and a slow vote be
17 undertaken. I understand that a proxy from ^{Mr.} ~~Chairman~~ Preyer is
18 on the way to the committee at this time.

19 [Pause]

20 Mr. Blakey. My suggestion was that after the committee has
21 considered the suggestion for immunity for these two individuals,
22 it might be appropriate to undertake a slow vote. I understand
23 that Mr. Preyer's proxy is under way, and we need eight votes on
24 the issue.

25 We have seven people present now.

I would be glad to answer any questions about either of the

two immunities.

Stokes
The Chairman. Any questions?

We may move on to something else and then come back to this?

Do we have a motion?

Mr. Fithian. I so move, Mr. Chairman.

The Chairman. It has been properly moved, then, that the Committee authorize the requested immunity order.

The Clerk will call the roll.

Ms. Berning. Mr. Stokes.

The Chairman. Aye.

Ms. Berning. Mr. Devine.

[No response.]

Ms. Berning. Mr. McKinney.

[No response.]

Ms. Berning. Mr. Fauntroy.

Mr. Fauntroy. Aye.

Ms. Berning. Mr. Thone.

[No response.]

Ms. Berning. Ms. Burke.

[No response.]

Ms. Berning. Mr. Sawyer.

Mr. Sawyer. Aye.

Ms. Berning. Mr. Dodd.

Mr. Dodd. Aye.

*(H Ms. Berning Mr. Preyer
H [No response])*

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1 9 Ms. Berning. Mr. Ford.

2 Mr. Ford. Aye.

3 Ms. Berning. Mr. Fithian.

4 Mr. Fithian. Aye.

5 Ms. Berning. Mr. Edgar.

6 Mr. Edgar. Aye.

7 9 Chairman Stokes

8 ~~Ms. Berning~~ We will suspend the counting of the roll
9 call until a subsequent time, and we will come back to the
10 roll call.

11 Mr. Blakey. Mr. Chairman, the next and probably most
12 important item on the agenda is the Committee's supplemental
13 funding request.

14 The Committee has before it a memorandum outlining the
15 nature of that request, coupled with a number of supporting
16 pages. Basically the outline is where we have been and where
17 we can reasonably expect to go between now and December 31st.
18 The budget has been cut by the staff really about as deep
19 as we can. I think it is fair to say that it is razor thin
20 with the expectation that we go through December 31st continuing
21 both investigations, frankly, or at least keeping the options
22 open to continue them both right through December. It is
23 particularly important on the King side that that option be
24 kept open.

25 I note that over the two-year period what had been
estimated as a \$5 million budget, would be, if this supplemental

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1 were adopted, be only 1.8 percent off the original estimate.
 2 In fact, I would commend on the record Tom Howarth for having
 3 estimated the budget so well on all occasions. If the House
 4 had given us the money we had originally asked for, of \$500,000,
 5 the only amount that we really would have been off was the
 6 value of the basic scientific projects, and that, indeed, was
 7 a matter brought to their attention at the time. We didn't
 8 include it in the original budget because we did not know in
 9 January and February exactly what those figures would be?

10 *9* We did, I remember specifically Mr. Preyer indicated to them
 11 that we would probably come back for a supplemental on that.
 12 So in effect, what we are doing is coming back for a supplemental
 13 on the scientific projects, and the relatively minor cost
 14 overrun which is primarily attributable to the cost of travel
 15 and telephones.

16 ~~The~~ ^{Stokes} Chairman Questions of any members?
 17 Mr. Fithian?

18 Mr. Fithian. Thank you, Mr. Chairman.

19 I would just ask that Mr. Blakey and Mr. Howarth provide
 20 us with some information as to what happens in December. I
 21 haven't gotten all the way through the budget, but obviously
 22 our whole investigation will be done and public hearings will
 23 be done. We will still have the need for staff to do the
 24 reporting, ^{et cetera,} ~~et cetera~~ but I would trust that the phase out ²/₁₇
 25 Mr. Blakey.

In the best of all possible worlds, which

1 this is not, we will end on December 31~~st~~, hand in our report,
 2 and quit. Because this is not the best of all possible worlds,
 3 the likely result will be is that the ~~C~~ommittee will have to go
 4 back to the Congress for probably 90 days extension into the
 5 next Congress and spend an as yet undetermined amount of money,
 6 certainly a relatively small figure to maintain a skeleton
 7 force, to process the report through the agencies, through
 8 the Government Printing Office, and to transfer its files
 9 to wherever they will ultimately be transferred. This budget
 10 aims to end us at the end of this Congress when technically
 11 our life is over with anyway.

12 ¶ If, in fact, we determine in December when it will
 13 be appropriate to determine that there is a need for a wind-up
 14 time, this is a practice virtually universally followed by
 15 ~~C~~ommittees. For example, all of our bills won't come in
 16 in December for the month of December ¹/₄ there will have to
 17 be the skeleton force around for 60 ~~to~~ 90 days just to process
 18 the bills, but what we are talking about is a relatively routine
 19 process of cleanup in the next Congress, certainly no hearings,
 20 certainly no investigation after December 31~~st~~.

21 ~~The~~ ^{Stokes} Chairman. Mr. Fithian?

22 Mr. Fithian. And one further question.

23 Might it be possible to never have to go back to the
 24 House for that final mopping up operation if we could get
 25 House Administration simply to take on the responsibility of

1 payment of the remainder of the staff to finish out the
2 purely routine?

3 Mr. Blakey. No; I think what happens is that all
4 Committees of the House die at the end of the Congress, and
5 technically every committee around here doesn't exist for one
6 day, and then you must be reauthorized in the new Congress.
7 This Congress cannot bind anything beyond the 31st.

8 Mr. Fithian. No; I understand that. I didn't make my
9 question clear, obviously.

10 The House Administration Committee sometimes lumps in
11 a whole series of little incidental type expenditures, rather
12 than to retain or ask that this Committee be reconstituted for
13 any part of the next Congress, do you follow me? ~~4~~ In other
14 words, whoever was doing the mopping up-exercises would be
15 employees of the House Administration Committee.

16 Mr. Blakey. I suppose that could be done. It would
17 probably be just as simple to have the continuing resolution
18 and put us in, and having explained at the time this was
19 mop-up. It would be appropriate to have our life continued for
20 legal purposes so that the staff could represent the Committee
21 in negotiations with the agencies. That is what I think may
22 happen. The commitment has always been from the agencies to
23 disclose the information to us subject to a review before
24 final declassification. The memorandums of understanding are
25 between this Committee and the Department of Justice, this

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Committee and the CIA. It would be appropriate to have this Committee finally negotiate those positions.

9 Mr. Edgar. Mr. Chairman.

4 ~~The~~ ^{Stokes} Chairman. Mr. Edgar.

5 Mr. Edgar. Just a point following up on Mr. Fithian's
6 comments ¹~~PM~~ I would hope that some research has been done on
7 exactly how to do what you are talking about. ~~because~~ ^I If I
8 remember the last two Congresses, we took the first ²two weeks
9 of January off, and the first legislative day was not until
10 mid-January at the earliest, 18th, 19th, 20th, ~~and~~ ^T There is a
11 great deal of organizational work that is done there, and I
12 would hope that we wouldn't find ourselves in a position where
13 we die on the 31st and have to ask our staff to be volunteers
14 for a month.

15 Mr. Blakey. It is unlikely that the staff would, given
16 the history of the last similar request. Nevertheless, there
17 has to be a resolution introduced by House Administration for
18 all Committees, Judiciary on, and it would be appropriate to
19 put us in there, and it would be extremely unusual for us to
20 be taken out. It would require a vote for us to be taken
21 out. And if it is put simply as clean-up, which is what it would
22 be, I doubt that it would present an issue of controversy.

23 ~~The~~ ^{Stokes} Chairman. I think maybe what Mr. Edgar has in mind
24 is a pay lag system that occurs in January.

25 Mr. Blakey. It is only a day and every Committee suffers

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1 it. This Committee would be no different than any of the
2 others.

3 ^{Stokes}
4 ~~The~~ Chairman. Well, we would undergo a period where in
5 the Democratic Caucus we go through the process of electing
6 Chairmen of committees, etc., and so forth, and until such
7 time as you have [#]approval of that, there are no Committees,
8 I don't believe, in operation.

9 Mr. Blakey. The staffs continue from year to year, though.
10 They are paid continuous from year to year.

11 Mr. Edgar. ^But the staff continues because the jurisdiction
12 and the authority for the staff, for the Committee, goes from
13 Congress to Congress.

14 Mr. Blakey. No. At the beginning of each Congress
15 there must be a new, in the House, a new resolution creating
16 each Committee anew, including the Judiciary Committee. It
17 does not continue.

18 ^{Stokes}
19 ~~The~~ Chairman. That is the first order of business?

20 Mr. Blakey. Yes.

21 Mr. Howarth. Also, ^{pass} ~~of course~~ they have to ~~put in~~
22 a resolution to finance the Committees on a temporary basis,
23 which covers all Committees that are in existence. If you
24 recall, the resolution continues the Committees more or less
25 at the same level of expenditure that they had the previous
year until the House acts on their funding resolution for the
current year. So all Committees have to be extended



financially. ~~I mean, No~~ committee has any funds until this general resolution is passed.

^{Stokes}
 9 ~~The~~ Chairman. As that applies to select committees, standing committees I can understand having to be funded in that way, but how about select committees?

The resolution applies to all committees.

6 Mr. Howarth. Well, ~~it is in the resolution. It has~~
 7 ~~happened each year. That is how we had a problem, if~~ you will
 8 remember the ^{problem we had} ~~first year~~, last year, when we were restricted
 9 to about \$83,000, ~~I mean, it does cover all committees. So~~
 10 ~~the thing is we would have to be created again like any other~~
 11 ~~committees~~ but once ^{that is done;} ~~we were created~~, we would come under the
 12 general funding resolution.

^{Stokes}
 13 ~~The~~ Chairman. Anything further?

14 Mr. Fauntroy?

15 Mr. Fauntroy. Mr. Chairman, I am not sure that this is
 16 the point at which you would want to consider some amendments,
 17 but I have now had an opportunity to look over this budget
 18 and I would agree with counsel that it is razor thin, but in
 19 that regard, we certainly have to commend the staff for the
 20 very tasteful way it handled the very difficult task of reducing
 21 staff so that we come in at this level, but I think that it
 22 is perhaps too razor thin a budget to take forth at this time,
 23 and particularly in light of some of the things that I am
 24 concerned about in the King investigation. I feel we need
 25 a little more latitude for some contingencies, and therefore I

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1 would simply recommend and will make a motion at the appropriate
2 time to add, oh, a \$60,000 contingency fund, that would bring
3 it up to \$750,000 and would afford us some latitude to carry
4 out what appeared to me to be potentially productive follow-up
5 leads that we are now continuing to pursue.

6 Mr. Blakey. That would be very useful, Mr. Fauntroy.
7 Obviously what we don't spend we will give back. This
8 Committee has a unique history of, in fact, not spending money
9 given to it. We turned ~~back~~ ^{back} \$450,000 the first session, and
10 if there is a little flexibility in the budget, that shouldn't
11 cause any trouble.

12 Mr. Sawyer. Why not make it \$100,000 so we go \$790,000?
13 I don't like those round figures like \$750,000. You never bill
14 legal bills that way. It always looks too arbitrary.

15 Mr. Fauntroy. I would have no objection to that. I suspect
16 that once our submission is made, those of our detractors in
17 the press will say it is more than a half-million dollar
18 request. If it got up to \$750,000, they would say three-quarters
19 of a million. So \$790,000 wouldn't make much difference.

20 ^{Stokes}
~~The~~ Chairman. And they are probably going to cut us some
21 anyway, so I think that whatever the Committee feels is appro-
22 priate ought to be entered as the budget figure.

23 Mr. Blakey. I might add, Mr. Chairman, this budget was
24 not framed with a notion that there was need to cut it, as
25 indeed, the last budget was not framed with the notion that there



1 was room to cut it.

2 ~~The~~ ^{Stokes} Chairman. As I say, with the realization that this is
3 a barebones budget, your figure of \$690,000, I think Mr. Fauntroy
4 is right and Mr. Sawyer, we ought to have some leeway for
5 some contingencies.

6 Mr. Fauntroy. If it is therefore appropriate, Mr. Chairman,
7 I will move that we add the contingency item of \$100,000 to
8 the budget proposed by staff.

9 ~~The~~ ^{Stokes} Chairman. You are talking about a total figure of
10 \$790,000?

11 Mr. Fauntroy. We are talking about a total figure of
12 \$790,000.

13 ~~The~~ ^{Stokes} Chairman. Is there any discussion?

14 If not, then the clerk will call the roll.

15 Mr. Ford. This is on the \$790,000? It is on the
16 \$790,000 rather than the additional?

17 ~~The~~ ^{Stokes} Chairman. The motion is for a total figure of
18 \$790,000 for the submission of the budget.

19 Ms. Berning. Mr. Stokes.

20 ~~The~~ ^{Stokes} Chairman. Aye.

21 Ms. Berning. Mr. Devine.

22 [No response.]

23 ^{Stokes} ~~MA~~ Berning. Mr. Preyer.

24 [No response.]

25 Ms. Berning. Mr. McKinney.



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9 [No response.]

Ms. Berning. Mr. Fauntroy.

Mr. Fauntroy. Aye.

Ms. Berning. Mr. Thone.

[No response.]

Ms. Berning. Mrs. Burke.

[No response.]

Ms. Berning. Mr. Sawyer.

Mr. Sawyer. Aye.

Ms. Berning. Mr. Dodd.

[No response.]

Ms. Berning. Mr. Ford.

Mr. Ford. Pass.

Ms. Berning. Mr. Fithian.

Mr. Fithian. Aye.

Ms. Berning. Mr. Edgar.

Mr. Edgar. No.

Ms. Berning. Four yeas, one no, and one pass.

Mr. Blakey. Mr. Chairman, I would suggest it might be appropriate to take that vote over.

^{Stokes}
~~The~~ Chairman. All right, then without objection, the previous vote will be expunged from the record, and the clerk will call the roll.

Ms. Berning. Mr. Stokes.

^{Stokes}
~~The~~ Chairman. Aye.



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9 Ms. Berning. Mr. Devine.

[No response.]

Ms. Berning. Mr. Preyer.

[No response.]

Ms. Berning. Mr. McKinney.

[No response.]

Ms. Berning. Mr. Fauntroy.

Mr. Fauntroy. Aye.

Ms. Berning. Mr. Thone.

[No response.]

Ms. Berning. Mrs. Burke.

[No response.]

Ms. Berning. Mr. Sawyer.

Mr. Sawyer. Aye.

Ms. Berning. Mr. Dodd.

Mr. Dodd. Aye.

Ms. Berning. Mr. Ford.

Mr. Ford. Pass.

Ms. Berning. Mr. Fithian.

Mr. Fithian. Aye.

Ms. Berning. Mr. Edgar.

Mr. Edgar. No.

Ms. Berning. Five ayes, one no, and one pass, Mr. Chairman

^{Stokes}
The Chairman. What is the parliamentary situation?

Mr. Blakey. That is sufficient, Mr. Chairman.



1 *H* Now, we have one vote in process waiting for $\frac{2}{17}$

2 ~~The~~ ^{Stokes} Chairman. On this, also?

3 Mr. Blakey. I am sorry. It would be appropriate to
4 state that the resolution passes.

5 ~~The~~ ^{Stokes} Chairman. All right, then, five members having voted
6 in the affirmative, the resolution is adopted.

7 Professor Blakey?

8 Mr. Blakey. Mr. Chairman, we have one vote in process
9 awaiting the arrival of Mr. Preyer's proxy. In that interim
10 it might be appropriate for me to note for the benefit of
11 the committee several items. One, Charlie Mathews will be by
12 to see each of the ~~M~~ members individually to discuss the question
13 of specialization for the upcoming King and Kennedy hearings.
14 The hearings have been outlined by subject matter. I made an
15 effort myself to specialize people and I found it just simply
16 wasn't appropriate for me to do it without getting your judg-
17 ments first about the areas where you would like to specialize,
18 and with a clear idea of when that material may come up in the
19 hearings.

20 By the end of this week or certainly the middle of next,
21 Mr. Mathews will certainly be around for you and he will ask
22 you to set out your preferences one through 17. I will come
23 back and shuffle them to try to maximize your preferences, and
24 then come back to you with a tentative list of specialization,
25 and then you people can work among yourselves to make sure

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everybody gets basically what they are most interested in.

9 Second, you ought to be aware that yesterday the Committee secured a writ of habeas corpus ad testificandum for James Earl Ray to appear in the August hearings. It was done over the objections of Mark Lane. Fortunately, Judge Bryan ruled in favor of the Committee. What you ought to be aware of is the end of next week, with the Chairman and a small delegation of the Committee will go down to Brushy Mountain to speak with Mr. Ray, in an effort to secure his cooperation in the hearings and perhaps to take a polygraph.

You also ought to be aware that we will try to schedule next week probably on Monday night an optional briefing for all the membership to bring you up to date exactly where the investigations are on both King and Kennedy. Outlines of the final reports have been prepared in both. Summaries of the investigations have been prepared on both sides. The King case is in a very dynamic situation, and the Chairman has said it is appropriate that all of you ought to be brought up to date, and we will try to do that, as I said, Monday night at the briefing. It is optional. There won't be any business discussed, but you may want to hear exactly where we are.

Mr. Edgar. Would counsel yield?

Mr. Blakey. Yes.

Mr. Edgar. The briefing is this Monday night?

At what time?

1 9 Mr. Blakey. It would be after Congress goes out of
2 session, about 5^{P.M.}~~00~~, and we will find an appropriate room.

3 You ought to also be aware that the ~~Committee~~ is moving
4 to a situation where there may be a confrontation between
5 it and the Department of Justice. The ~~Committee~~ has asked
6 for and not received access to certain informant files in
7 Memphis. It has ¹~~H~~ well, Mr. Chairman, I was just reminded
8 by the ~~clerk~~ that that amendment was an amendment to the
9 budget but not an adoption of the budget itself.

10 ^{Stokes}~~The~~ Chairman. Well, it is a question of interpretation.
11 The motion, as I understood it, by Mr. Fauntroy was that we
12 submit the budget in the amount of \$790,000 rather than
13 amending it as such.

14 Mr. Blakey. All right, then we are okay.

15 To go back, it is likely that the Department of Justice
16 will deny us access to those informant files, and it may be
17 necessary for the ~~Committee~~ to subpoena them. You will
18 probably receive that subpoena application sometime next week.
19 There will be a detailed justification on it. I simply draw
20 it to your attention at this time.

21 You ought also to be made aware that the ~~Committee~~ has
22 made an effort to interview a man named Maxie, Dr. Maxie in
23 Missouri who apparently was one of James Earl Ray's physicians
24 inside the prison and who we have information that leads us
25 to believe that he was involved in the drug traffic in the

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1 prison. Dr. Maxie's doctor has told us now that he is too
2 old and too senile to talk to us. This comes after his family
3 had first told us that he is bright and chipper and would be
4 glad to talk to us. We will make an effort to secure an
5 independent doctor's examination of Dr. Maxie.

6 *I* I do not think we need a specific resolution for that, but
7 since this moves us into a potential confrontation, I thought
8 it would be appropriate to bring it to the attention of the
9 *C*ommittee.

10 The *C*ommittee also ought to be aware that the discussion
11 of what to do about the Russians, any possible resolution being
12 introduced in the House calling on their cooperation is
13 proceeding at pace. A meeting is to be set up between the
14 Department of State and the *C*ommittee to secure their help
15 in going to the Russian embassy as a kind of a one last
16 effort before a resolution is introduced.

17 *Stokes*
~~The~~ Chairman. Let me interrupt, counsel. I just had
18 a thought with reference to the possibility of a subpoena
19 for the files of the Department of Justice. What would the
20 legal situation be in that event?

21 Mr. Blakey. If we subpoenaed them on a day certain, the
22 Department would either have to produce them or have an
23 adequate legal reason for not doing so.

24 And it would be my judgment that they have none, in which
25 case, the *C*ommittee would be in a posture much like the United

1 States District Judge in the Southern District. We would be
2 facing a situation where the Attorney General might well be held
3 in contempt, this time in contempt of Congress as opposed to contempt
4 of court in the Southern District.

5 ~~9~~ ^{Stakes} ~~The~~ Chairman, I see.

6 Mr. Blakey. It would be a very interesting contempt. We
7 would have one or two choices. We could either recommend to him
8 that he prosecute himself for contempt, or that he appoint a
9 special prosecutor to prosecute him for contempt, or that we
10 bring him before the bar of the House for a hearing on contempt.

11 I add, at this point, that this suggestion is not malicious
12 on my part, as much as I have indicated on the record that I
13 would like to see this Committee have an inherent contempt, this
14 isn't one being pressed by me for personal reasons.

15 Mr. Ford. Mr. Chairman, ~~while we are waiting~~ while we
16 are waiting I would like to know if it would be all right for
17 this Committee to move in a direction where starting Monday
18 night with the briefing of the full Committee and the Committee
19 members, that we would be able to bring at least one of our
20 people, a staff person connected with our office, inasmuch as
21 we are moving into ~~the~~ August, you know, the public hearings,
22 if we are going to do that, I personally would like to have a
23 staff person that I could work constantly with ~~you know~~ here
24 in Washington while I'm back home in the district.

25 Mr. Blakey. There would be two elements, Mr. Ford, inasmuch

1 as we talk about the hearings and the plans to use unclassified
2 material, there would be no problem with the staff person being
3 present. If we wanted to summarize the investigations as
4 they actually are in both King and Kennedy, and we got into
5 classified material, the staff person would not be permitted to
6 be present.

7 Mr. Ford. Well, we could ask him to leave, but I think
8 at some point we ought to bring them in now. For my sake, you
9 know, I need a staff person working with ^{me} ~~us~~ to be briefed on
10 certain issues and certain things that are going to be brought
11 out. If it is all right with the Chief Counsel along with the
12 Chairman, I would like to see us next week some time ^{given} ~~to have~~ the
13 permission to bring staff people in.

14 Mr. Blakey. Except for one area, apart from the classified
15 question, which we could reveal, except for one area on King,
16 it might be appropriate. I would be most reluctant to, at the
17 delicate current stage of the investigation on the King side,
18 to increase the number of staff people aware of that investigation.
19 For example, the entire Committee staff will not be there, the
20 entire Committee staff has not been made aware of, indeed, the
21 entire King staff has not been made aware of our pursuit of
22 certain conspiracy allegations. We have not had a leak up until
23 this point.

24 Mr. Ford. I don't see any problem with that. We can tell
25 the staff ~~you know~~ when they have to step out, ~~you know~~ or

certain information they are not privy of or what have you.

^{Stokes}
~~The~~ Chairman. I think Mr. Fithian is seeking recognition.

Mr. Fithian. Thank you, Mr. Chairman.

I just want to strongly support Mr. Ford, and I want to say this. It seems to me as we prepare, Mr. ^{Stokes} Blakey, for the public hearings, that segregation of material ~~on that~~ which can and ~~that which~~ cannot be made public is incumbent upon you and the staff in any event. That has to be carefully done, and done in a timely fashion, and all I would want, quite honestly, ~~and~~ ^{is} obviously for my staff person ~~is~~ ^{be able} to work to help me coordinate and prepare for the public hearing ~~and therefore~~ ^A as we go along, you will have to segregate the information and the material, in any event, and as you segregate by section, by parts of inquiries, by parts of the investigation, it seems to me that we could ~~have~~ ~~our staff~~ permit our staff to have access to that which is no doubt going to be used in the public hearing.

And I am only concerned about the public hearing at this point. All of us have carried the classified section ourselves on the ~~Committee~~. I am only concerned about the public hearing anyway.

Mr. Blakey. Insofar as we talk about the hearings, there is no problem. Insofar as we talk about the full investigation, the personal staff people would probably have to be on a revolving door, in and out, in and out, and what I am questioning here is the utility for them coming and asking them to leave over major portions of the briefing. It might be more appropriate to bring

the

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1 the staff people in when we focus squarely on the hearings, as
2 indeed we will, as soon as specialization is fully completed.

3 Mr. Fithian. So you are saying that this Monday night
4 session might not be the best session.

5 Mr. Blakey. It might not be the best time to begin.

6 Mr. Fithian. I am not quarreling with that, but I just want
7 to join in ~~on~~ saying I want to move a staff person in soon. I
8 don't want it to be ² two days before we begin public hearings.

9 Mr. Dodd. Will the gentleman yield on that point?

10 I would, Mr. Chairman, ^{Mr. Sawyer} like to support what ~~Harold~~ is
11 suggesting. ~~here, and I think informally~~ We have all discussed with
12 each other here the necessity to have some sort of help, particularly
13 during the public hearing process. I think most of us had a
14 staff person assigned in our own offices some time ago to this
15 area. ~~and then~~ ^I In my own case, that staff person has left my
16 employment, and I don't even know what they are doing, but I think
17 in the case of everyone else, ~~it means~~ they haven't done anything,
18 ~~you know~~ for a long time because of the nature of our hearings.

19 I was curious ~~myself~~ about trying to bring someone on to
20 work with me over the next ³ or ⁴ four months, and it raised
21 ~~through the Committee on the staff~~ the possibility of going back
22 and maybe getting some of those people that we no longer have
23 with us. I realize there are particular special problems involved
24 with that, issues that Mr. Blakey raised that I think are entirely
25 legitimate.

1 I would like to add ~~as~~ a request here. Since I would like to
 2 be able to have someone work with me, ^{is} ~~if~~ there ~~is~~ a possibility
 3 of getting someone ~~from the Committee~~ ^{who} ~~that~~ the Committee is aware
 4 of, ~~that~~ ^{helpful} ~~that~~ would be a good person to have, ~~that~~ ^{someone} they may have dealt
 5 with or ~~someone~~ ^{but} they would have brought on, ~~or~~ didn't, because they
 6 reached a level, ^{where} they couldn't bring anyone else on, [?] and I just
 7 would like to be able to have someone, and I don't know what pool
 8 of resources to go to, to get someone who would have a good working
 9 knowledge of the thing before we begin.

10 ~~But~~ I would like to endorse ^{Mr. Sawyer's} ~~Harold's~~ concept. I think we
 11 are absolutely going to have to have it.

12 Mr. Blakey. One of the things that is going to happen or
 13 is happening is that senior staff counsel are being assigned
 14 precisely the areas in which each of you will be specializing,
 15 and you will be directly, personally briefed by the senior staff
 16 people.

17 Mr. Dodd. It gets more complicated than that, Bob. We
 18 are going to have ^{to deal with} ~~you know, we are going to have~~ our own local
 19 press in addition to what goes on here, and ^(there will be) ~~calls~~ coming into
 20 the office, ^{concerning} ~~and~~ ^{we} ~~are you~~ doing, and we, as individual members,
 21 have to ^{handle} ~~do~~ all of that in terms of what was actually said and
 22 what wasn't, and we have to ^{get some help} ~~provide not to be~~ with it.

23 I think we are being awfully shortsighted, in terms of the demands
 24 that are being placed on us as individuals, during that time period.

25 And I think as much knowledge as these people are going to

1 have, without encroaching on the very sensitive areas you have
 2 outlined, ~~I think~~ ^{important} is really something at this point. ~~I think we~~
 3 ~~are probably going to have to have,~~ ^{Mr. Sawyer's} and I would support ~~Harold's~~
 4 idea, and I would add only ~~to that~~ ^{help} that I would like some personal
 5 ^{from} ~~which~~ the committee ⁱⁿ coming up with someone who could be helpful to
 6 me personally that I would put on my own payroll during this period.

7 ~~The~~ ^{Stakes} Chairman, I see no problem in working that out.

8 Mr. Dodd. I have a request, Mr. Chairman. ~~Now about~~
 9 ~~during these briefing sessions,~~ ^{when} you are talking about having
 10 informal briefing sessions beginning on Monday, or at least
 11 having one on Monday about where things are. ~~What about~~ ^{know} as we
 12 eventually pull the thing together, ~~where~~ ^{when} we ~~have gotten~~ ^{know} the
 13 areas of specificity where we are going to be working, ^{why not} ~~to~~ have some
 14 sort of cell meetings with that staff person from ~~that~~ ^{the} committee?

15 Mr. Blakey. Let me outline what will happen. We have
 16 outlined August and September, into 17 subject matters, covering
 17 the entire Kennedy hearings and the first phase of the King
 18 hearings. They have been assigned to senior staff people to
 19 outline in detail. Those outlines will include the suggested
 20 text of the narration, the suggested witness lists, and the questions
 21 to be asked of the witness, our recommendation as to whether
 22 cross-examination would be appropriate of that witness, and if
 23 cross-examination is appropriate, what it should sound like, the
 24 specialization of at least two ^MMembers of Congress on that witness,
 25 what areas those two ^MMembers of Congress might want to raise with

1 this witness, all of the exhibits and demonstrable evidence that
2 might be introduced on that day. When all of that is outlined
3 and the backup material that supports it is put together and
4 the specialization has been cranked into it, a senior staff person
5 will come and work with the Congressman or the Congressman and
6 his staff in that area.

7 ¶ The books will be prepared on each of the areas so that it
8 will be possible for any Member of Congress to come and read
9 directly through all the books, in effect, preview the entire
10 set of hearings. Once it gets outlined with that kind of specificity,
11 it will then be possible for the entire Committee to sit in a
12 strategy session on exactly what the hearings look like, what
13 questions should be asked, what questions should be done on
14 certain days. By specializing like that, it should be possible
15 for a Member of Congress to choose not to be present on a certain
16 day because he knows what is coming up and probably in the context
17 of the hearings, not necessarily missed, because major roles will
18 be played by different people on different days, although some time
19 will be reserved for, probably under the five-minute rule, for
20 each Member to ask any questions any day.

21 Well, I am sure you can remember in the hearing involving
22 Mr. Nosenko, how frustrating and ineffectual questioning of a
23 significant witness is under the five-minute rule. You get your
24 first question in and it goes on to the next person. The defector
25 really was wiped out by direct and cross-examination and then

1 totally regained his posture and composure, and frankly began
2 to give the top level, he gained the upper hand in dealing with
3 the ~~Committee~~ because he talked all the time and the ~~Committee~~ only
4 talked five minutes.

5 9/ So that if we can avoid that kind of situation in our hearings,
6 we would be much better off.

7 Mr. Chairman, it might be appropriate at this time to
8 resume the roll call on the immunity question.

9 ~~The~~ ^{Stokes} Chairman. The clerk will inform Mr. McKinney at this
10 time of the motion.

11 Ms. Berning. There is a resolution to confer the immunity
12 that you have before you, ^(Mr. McKinney) Mr. Fithian made the motion. We have
13 a vote.

14 Have you had a chance to look at it?

15 Mr. McKinney. Yes.

16 ~~The~~ ^{Stokes} Chairman. All right, continue the count.

17 Ms. Berning. Mr. McKinney. [Aye.]

18 Mr. ~~McKinney~~.

18 Ms. Berning. And Mr. Preyer.

19 [No response.]

20 Ms. Berning. Eight ayes, Mr. Chairman.

21 ~~The~~ ^{Stokes} Chairman. All right. Eight members having voted in the
22 affirmative, the immunity order is granted.

23 Mr. Blakey. There is nothing else to bring before the
24 Committee at this time, Mr. Chairman.

25 Mr. Dodd. You will let us know about the meeting on Monday

1 night?

2 *W* Mr. Blakey. Yes.

3 ~~the~~ ^{*Stokes*} Chairman. All right, if there is nothing further to
4 come before the ~~Committee~~ at this time, the Chair will adjourn
5 the meeting subject to the call of the Chair.

6 [Whereupon, at 11:35 ~~o'clock~~ a.m., the ~~Committee~~ recessed
7 subject to the call of the Chair.]

8 *(all)*