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EXECUTIVE SESSION

COMMITTEE BUSINESS

- - -

Thursday, July 13, 1978

- - -

U.S. House of Representatives,

Select Committee on Assassinations,

Washington, D. C.

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

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

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

- - -

The Chairman. The Committee will come to order.

The Chair will recognize Mr. Blakey for a statement.

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

The Chairman. The Chair will entertain a motion.

Mr. Fauntroy. So move.

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.

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1 two immunities.

2 The Chairman. Any questions?

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

5 Do we have a motion?

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

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

9 The Clerk will call the roll.

10 Ms. Berning. Mr. Stokes.

11 The Chairman. Aye.

12 Ms. Berning. Mr. Devine.

13 (No response.)

14 Ms. Berning. Mr. McKinney.

15 (No response.)

16 Ms. Berning. Mr. Fauntroy.

17 Mr. Fauntroy. Aye.

18 Ms. Berning. Mr. Thone.

19 (No response.)

20 Ms. Berning. Ms. Burke.

21 (No response.)

22 Ms. Berning. Mr. Sawyer.

23 Mr. Sawyer. Aye.

24 Ms. Berning. Mr. Dodd.

25 Mr. Dodd. Aye.



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

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

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

24 I note that over the two year period what had been
25 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 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 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, etc., but I would trust that the phase out --

25 Mr. Blakey. In the best of all possible worlds, which

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1 this is not, we will end on December 31st, 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 Committee 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 Committees. For example, all of our bills won't come in
16 in December for the month of December -- 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 31st.

21 The 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 -- 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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1 Committee and the CIA. It would be appropriate to have this
2 Committee finally negotiate those positions.

3 Mr. Edgar. Mr. Chairman.

4 The Chairman. Mr. Edgar.

5 Mr. Edgar. Just a point following up on Mr. Fithian's
6 comments, I would hope that some research has been done on
7 exactly how to do what you are talking about, because if I
8 remember the last two Congresses, we took the first two weeks
9 of January off, and the first legislative day was not until
10 mid-January at the earliest, 18th, 19th, 20th, and 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 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 The Chairman. Well, we would undergo a period where in
4 the Democratic Caucus we go through the process of electing
5 Chairmen of committees, etc., and so forth, and until such
6 time as you have approval of that, there are no Committees,
7 I don't believe, in operation.

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

10 Mr. Edgar. Cut the staff continues because the jurisdiction
11 and the authority for the staff, for the Committee goes from
12 Congress to Congress.

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

17 The Chairman. That is the first order of business?

18 Mr. Blakey. Yes.

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

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1 financially. I mean, no Committee has any funds until this
2 general resolution is passed.

3 The Chairman. As that applies to select committees,
4 standing committees I can understand having to be funded in that
5 way, but how about select 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
8 remember the 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 committee, but once we were created, we would come under the
12 general funding resolution.

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 \$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 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

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1 was room to cut it.

2 The 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 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 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 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 Chairman. Aye.

21 Ms. Berning. Mr. Devine.

22 (No response.)

23 Mr. Berning. Mr. Preyer.

24 (No response.)

25 Ms. Berning. Mr. McKinney.



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1 (No response.)

2 Ms. Berning. Mr. Fauntroy.

3 Mr. Fauntroy. Aye.

4 Ms. Berning. Mr. Thone.

5 (No response.)

6 Ms. Berning. Mrs. Burke.

7 (No response.)

8 Ms. Berning. Mr. Sawyer.

9 Mr. Sawyer. Aye.

10 Ms. Berning. Mr. Dodd.

11 (No response.)

12 Ms. Berning. Mr. Ford.

13 Mr. Ford. Pass.

14 Ms. Berning. Mr. Fithian.


15 Mr. Fithian. Aye.

16 Ms. Berning. Mr. Edgar.

17 Mr. Edgar. No.

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

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



21 The Chairman. All right, then without objection, the
22 previous vote will be expunged from the record, and the clerk
23 will call the roll.

24 Ms. Berning. Mr. Stokes.

25 The Chairman. Aye.

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1 Ms. Berning. Mr. Devine.

2 (No response.)

3 Ms. Berning. Mr. Preyer.

4 (No response.)

5 Ms. Berning. Mr. McKinney.

6 (No response.)

7 Ms. Berning. Mr. Fauntroy.

8 Mr. Fauntroy. Aye.

9 Ms. Berning. Mr. Thone.

10 (No response.)

11 Ms. Berning. Mrs. Burke.

12 (No response.)

13 Ms. Berning. Mr. Sawyer.

14 Mr. Sawyer. Aye.

15 Ms. Berning. Mr. Dodd.

16 Mr. Dodd. Aye.

17 Ms. Berning. Mr. Ford.

18 Mr. Ford. Pass.

19 Ms. Berning. Mr. Fithian.

20 Mr. Fithian. Aye.

21 Ms. Berning. Mr. Edgar.

22 Mr. Edgar. No.

23 Ms. Berning. Five ayes, one no, and one pass.

24 The Chairman. What is the parliamentary situation?

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

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1 Now, we have one vote in process waiting for --
2 The Chairman. On this, also?

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

5 The 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 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



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 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 no 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 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 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

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

2 The Chairman. I think Mr. Fithian is seeking recognition.

3 Mr. Fithian. Thank you, Mr. Chairman.

4 I just want to strongly support Mr. Ford, and I want to say
5 this. It seems to me as we prepare, Mr. Blakey, for the public
6 hearings, that segregation of material of that which can and
7 that which cannot be made public is incumbent upon you and the
8 staff in any event. That has to be carefully done and done in a
9 timely fashion, and all I would want, quite honestly, and
10 obviously for my staff person is to work to help me coordinate
11 and prepare for the public hearing, and therefore, as we go
12 along, you will have to segregate the information and the material,
13 in any event, and as you segregate by section, by parts of inquiries,
14 by parts of the investigation, it seems to me that we could have
15 our staff or permit our staff to have access to that which is
16 no doubt going to be used in the public hearing.

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

20 Mr. Blakey. Insofar as we talk about the hearings, there
21 is no problem. Insofar as we talk about the full investigation,
22 the personal staff people would probably have to be on a revolving
23 door, in and out, in and out, and what I am questioning here is
24 the utility for them coming and asking them to leave over major
25 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 two days before we begin public hearings.

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

10 I would, Mr. Chairman, 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 proce;ss. I think most of us had a
14 staff person assigned in our own offices some time ago to this
15 area, and then 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, I mean, 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 three or four months, and it raised
21 through the Committee, 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, if there is a possibility
3 of getting someone from the Committee, that the Committee is aware
4 of, that would be a good person to have, that they may have dealt
5 with or someone they would have brought on or didn't because they
6 reached a level 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 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, you know, we are going to have our own local
19 press in addition to what goes on here, and calls coming into
20 the office, and what are you doing, and we as individual members
21 have to do all of that in terms of what was actually said and
22 what wasn't, and we have to provide not to be hit 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 is really something at this point. I think we
3 are probably going to have to have, and I would support Harold's
4 idea, and I would add only to that that I would like some personal
5 with the committee 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 Chairman. I see no problem in working that out.

8 Mr. Dodd. I have a request, Mr. Chairman. How about
9 during these briefing sessions, 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 as we
12 eventually pull the thing together, where we have gotten the
13 areas of specificity where we are going to be working, to have
14 sort of cell meetings with that staff person from that 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 members of Congress on that witness,
25 what areas those two members 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 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 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. 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 Chairman. All right, continue the count.

17 Ms. Berning. Mr. McKinney. Aye.

18 Ms. Berning. And Mr. Preyer.

19 (No response.)

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

21 The 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 Mr. Blakey. Yes.

3 The 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.)

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