

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

STANDARDS OF OFFICIAL CONDUCT

HEARINGS ON HOUSE RESOLUTION 1042

Wednesday, September 8, 1976

Washington, D. C.

Official Reporters to Committees

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1 HEARINGS ON HOUSE RESOLUTION 1042

2 - - -

3 Wednesday, September 8, 1976

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5 House of Representatives,

6 Committee on Standards of
7 Official Conduct,

8 Washington, D. C.

9 The committee met, pursuant to recess, at 10:00 a.m.,
10 in Room 2212, Rayburn House Office Building, Honorable John J.
11 Flynt, Jr. (chairman of the committee) presiding.

12 Present: Representatives Flynt, Teague, Foley, Bennett,
13 Spence, Quillen, Hutchinson, Quie, Mitchell, and Cochran.

14 Also Present: John M. Swanner, Staff Director; John T.
15 Marshall, Legal Counsel; David Bowers, Investigator; John W.
16 Marshall, Investigator; Jay Jaffe, Assistant Staff Director;
17 Jan Loughry, Secretary, and Nancy Otis, Clerk.

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1 Mr. Flynt. The committee will come to order.

2 The counsel will call the name of the first witness.

3 Mr. Marshall. Herbert J. Brooks.

4 Mr. Flynt. Do you solemnly swear that the testimony you
5 will give before this committee in the matters under
6 consideration will be the truth, the whole truth, and nothing
7 but the truth, so help you God?

8 TESTIMONY OF HERBERT J. BROOKS

9 Mr. Brooks. I do.

10 Mr. Flynt. Please be seated.

11 This is a continuation of the hearings conducted earlier
12 during this session into the matter which directed this
13 committee to make certain investigations pursuant to the
14 provisions of House Resolution 1042.

15 Mr. Brooks, are you familiar with the subject matter of
16 this investigation and the provisions of House Resolution 1042?

17 Mr. Brooks. Yes, sir.

18 Mr. Flynt. Counsel will proceed.

19 Mr. Marshall. Will you state your full name for the
20 record, please.

21 Mr. Brooks. Herbert J. Brooks.

22 Mr. Marshall. Where do you live?

23 Mr. Brooks. 1911 Jamestown Road, Alexandria, Virginia.

24 Mr. Marshall. And you are appearing here without
25 having counsel with you, is that right?

1 Mr. Brooks. Yes, sir.

2 Mr. Marshall. Now you are here pursuant to a subpoena
3 which has previously been served upon you?

4 Mr. Brooks. Yes, sir.

5 Mr. Marshall. At the time that subpoena was served, you
6 also received copies of House Resolution 1042 and 1054, and
7 a copy of the rules of the House Committee on Standards of
8 Official Conduct, a copy of the Investigative Procedures of
9 this committee, and a copy of the Chairman's opening statement;
10 is that correct?

11 Mr. Brooks. Yes, sir.

12 Mr. Marshall. Now, the subpoena served upon you commanded
13 you to produce certain documents, records and other writings,
14 including copies of drafts of the Report of the House Select
15 Committee on Intelligence which were prepared pursuant to
16 House Resolution 591. Have you brought these documents and
17 writings with you?

18 Mr. Brooks. I have no such documents.

19 Mr. Marshall. You have no such writings?

20 Mr. Brooks. No, sir.

21 Mr. Marshall. Do you have a written prepared statement
22 which you wish to read to the committee?

23 Mr. Brooks. No, sir.

24 Mr. Marshall. Do you wish to present a brief oral summary
25 of a statement at this time?

1 Mr. Brooks. No, sir.

2 Mr. Marshall. In the event your evidence or testimony
3 involve information or data concerning an executive session of
4 the House Select Committee on Intelligence or classified
5 information or information which may tend to degrade,
6 incriminate or defame any person, please notify this committee
7 promptly so it may take appropriate action under the rules of
8 the House of Representatives.

9 Mr. Brooks. Yes, sir.

10 Mr. Flynt. May I state that a quorum is present for the
11 purpose of taking testimony.

12 Mr. Marshall. Mr. Brooks, you were an employee of
13 the Select Committee on Intelligence, is that right?

14 Mr. Brooks. Yes, sir.

15 Mr. Marshall. Will you tell us briefly what your
16 job title and duties were?

17 Mr. Brooks. My job title was documents control clerk.
18 My duties were to sign out relevant documents to members of
19 the staff and to see that they were returned to the files.

20 Mr. Marshall. When did you begin your work with the
21 Select Committee?

22 Mr. Brooks. August 28, 1975.

23 Mr. Marshall. When did you terminate your employment?

24 Mr. Brooks. The middle of March, 1976.

25 Mr. Marshall. Mr. Brooks, did you give the report

1 of the House Select Committee on Intelligence or a draft of any
2 part of that report to Mr. Daniel Schorr or to any other person?

3 Mr. Brooks. No, sir.

4 Mr. Marshall. Do you know of anyone who did?

5 Mr. Brooks. No, sir.

6 Mr. Marshall. Do you have any knowledge whatsoever
7 of the circumstances surrounding the publication of the report
8 or any part thereof?

9 Mr. Brooks. No, sir.

10 Mr. Marshall. Do you know of anyone who has such
11 knowledge?

12 Mr. Brooks. No, sir.

13 Mr. Marshall. Did you divulge any part of the report
14 of the Select Committee or a draft of that report to anyone
15 in the media or anyone acting on behalf of the media?

16 Mr. Brooks. No, sir.

17 Mr. Marshall. Do you know of anyone who did?

18 Mr. Brooks. No, sir.

19 Mr. Marshall. Did you give any part of the report
20 of the committee to anyone outside the Select Committee on
21 Intelligence?

22 Mr. Brooks. No, sir.

23 Mr. Marshall. Do you know of anyone who did?

24 Mr. Brooks. No, sir.

25 Mr. Marshall. That concludes my questions, Mr. Chairman.

1 Mr. Flynt. Mr. Quillen?

2 Mr. Quillen. Did you say you were the documents clerk?

3 Mr. Brooks. Yes, sir.

4 Mr. Quillen. Did you give any of those documents to
5 anybody that asked for them which might be of a questionable
6 nature?

7 Mr. Brooks. No, sir.

8 Mr. Quillen. That is all, Mr. Chairman.

9 Mr. Flynt. Are there any other questions?

10 Mr. Brooks, the committee thanks you for your appearance.
11 You may step down. You are excused.

12 Mr. Brooks. Thank you.

13 (Witness excused.)
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1 Mr. Marshall, Mr. James C. Minge.

2 Mr. Flynt. Mr. Minge, will you remain standing while
3 the Chair administers the oath.

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF JAMES C. MINGEE, III

9 Mr. Minge. I do.

10 Mr. Marshall. Mr. Minge, will you state your full
11 name for the record, please?

12 Mr. Minge. My names is James C. Minge.

13 Mr. Marshall. And you are appearing here without
14 counsel?

15 Mr. Minge. That is correct.

16 Mr. Marshall, You are here pursuant to a subpoena
17 having been served upon you?

18 Mr. Minge. That is correct.

19 Mr. Marshall. At the time that subpoena was served,
20 you also received copies of House Resolution 1042 and 1054?

21 Mr. Minge. That is correct.

22 Mr. Marshall. Copies of the rules of the House
23 Committee on Standards of Official Conduct?

24 Mr. Minge. Yes.

25 Mr. Marshall. And a copy of the Investigative

1 Procedures of this committee?

2 Mr. Mingee. Yes.

3 Mr. Marshall. And a copy of the Chairman's opening
4 statement?

5 Mr. Mingee. Yes.

6 Mr. Marshall. The subpoena served upon you commanded
7 you to produce certain documents and writings and records,
8 including copies of drafts of the Report of the House Select
9 Committee on Intelligence which were prepared pursuant to
10 House Resolution 591. Do you have any of these documents
11 with you?

12 Mr. Mingee. I have none. I advised your staff that the
13 only copies I have were those which appeared in the Village
14 Voice and I was advised by your staff that that is not what you
15 sought.

16 Mr. Marshall. When you said that is the only copies
17 you had, you mean you had copies of the Village Voice
18 newspaper, not copies of the report but copies of the newspaper
19 itself?

20 Mr. Mingee. That is right, purchased at a newsstand.

21 Mr. Marshall. In the event that your evidence or
22 testimony may involve information or data concerning an
23 executive session of the Select Committee on Intelligence or
24 classified information or information which may tend to
25 defame, degrade, or incriminate any person, please advise this

1 committee in a timely fashion so that it can take appropriate
2 action under the Rules of the House of Representatives; is
3 that clear to you, sir?

4 Mr. Mingee. Yes, sir, and I have so advised the committee.

5 Mr. Flynt. I recognize the gentleman from Tennessee for
6 a motion.

7 Mr. Quillen. I move pursuant to House Rule 112 (K)(5)
8 that we receive the testimony of Mr. James C. Mingee later
9 today in executive session, September 8, 1976.

10 Mr. Flynt. This is a motion which must be made in open
11 session with a quorum present. Further under the Rules of the
12 House, the vote on this motion must be taken by a roll call
13 vote.

14 Those in favor of the motion when their names are called
15 will vote aye, those opposed will vote no.

16 Mr. Swanner. Mr. Flynt?

17 Mr. Flynt. Aye.

18 Mr. Swanner. Mr. Spence?

19 (No response.)

20 Mr. Swanner. Mr. Price?

21 (No response.)

22 Mr. Swanner. Mr. Quillen?

23 Mr. Quillen. Aye.

24 Mr. Swanner. Mr. Teague?

25 Mr. Teague. Aye.

1 Mr. Swanner. Mr. Hutchinson?

2 Mr. Hutchinson. Aye.

3 Mr. Swanner. Mr. Hebert?

4 (No response.)

5 Mr. Swanner. Mr. Quie?

6 (No response.)

7 Mr. Swanner. Mr. Foley?

8 Mr. Foley. Aye.

9 Mr. Swanner. Mr. Mitchell?

10 Mr. Mitchell. Aye.

11 Mr. Swanner. Mr. Bennett?

12 (No response.)

13 Mr. Swanner. Mr. Cochran?

14 Mr. Cochran. Aye.

15 Mr. Swanner. Mr. Chairman, seven members answer aye.

16 Five members absent and not voting.

17 Mr. Flynt. On this roll call the ayes are seven and the
18 nays are none. The motion is agreed to.

19 Accordingly, Mr. Mingee, would you temporarily step down
20 and we will go into executive session at a later time but
21 hopefully within a short period of time, at which time you will
22 be recalled to the witness stand. Let me remind you at that
23 time that you will still be under oath.

24 Mr. Mingee. Thank you, Mr. Chairman.

25 Mr. Flynt. Call the next witness.

1 Mr. Marshall. John D. Burke.

2 Mr. Flynt. Mr. Burke, will you raise your hand and let
3 me administer the oath?

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF JOHN D. BURKE

9 Mr. Burke. I do.

10 Mr. Flynt. You may be seated.

11 The committee welcomes you to its session today with the
12 thanks of the committee.

13 Mr. Marshall. Mr. Burke, would you please state your
14 full name for the record.

15 Mr. Burke. John David Burke.

16 Mr. Marshall. Where do you live?

17 Mr. Burke. 3740 Military Road, N. W., Washington.

18 Mr. Marshall. You are appearing here without counsel?

19 Mr. Burke. That is right.

20 Mr. Marshall. You are appearing pursuant to a subpoena
21 which has previously been served upon you?

22 Mr. Burke. That is right.

23 Mr. Marshall. At the time you were served with the
24 subpoena you received copies of House Resolution 1042 and 1054,
25 and a copy of the rules of the House Committee on Standards of

1 Official Conduct, a copy of the Investigative Procedures of
2 this committee, and a copy of the Chairman's opening statement;
3 is that correct?

4 Mr. Burke. Yes.

5 Mr. Marshall. The subpoena served upon you commanded you
6 to produce certain documents, records and other writings,
7 including copies of drafts of the Report of the House Select
8 Committee on Intelligence which were prepared pursuant to
9 House Resolution 591. Do you have those things with you?

10 Mr. Burke. I have no such documents.

11 Mr. Marshall. In the event that your evidence or
12 testimony may involve information or data concerning an
13 executive session of the Select Committee on Intelligence or
14 classified information or information which may tend to defame,
15 degrade, or incriminate any person, please advise the
16 committee in a timely fashion so that it may take appropriate
17 action under the rules of the House.

18 Mr. Burke. Yes, sir.

19 Mr. Marshall. Do you have a written statement you wish
20 to make?

21 Mr. Burke. No, sir.

22 Mr. Marshall. Do you have an oral statement you wish to
23 make to the committee?

24 Mr. Burke. No, sir.

25 Mr. Marshall. Mr. Burke, did you give the report of the

1 Select Committee on Intelligence or a draft of any part of
2 that report to Mr. Daniel Schorr or any other person?

3 Mr. Burke. No.

4 Mr. Marshall. Do you know of anyone who did?

5 Mr. Burke. No.

6 Mr. Marshall. Do you have any knowledge whatsoever of
7 the circumstances surrounding the publication of that report
8 or any part thereof?

9 Mr. Burke. No.

10 Mr. Marshall. Do you know of anyone who has such
11 knowledge?

12 Mr. Burke. No.

13 Mr. Marshall. Did you divulge any part of the report of
14 the House Select Committee or any draft of that report to
15 anyone in the media or anyone acting in behalf of the media?

16 Mr. Burke. No.

17 Mr. Marshall. Do you know of anyone who did?

18 Mr. Burke. No.

19 Mr. Marshall. Did you make any part of that report
20 available to anyone outside the Select Committee on Intelligence?

21 Mr. Burke. No.

22 Mr. Marshall. Do you know of anyone who did?

23 Mr. Burke. No, sir.

24 Mr. Marshall. Mr. Burke, would you also for the record
25 identify what your job title was and a brief description of

1 your duties with the Select Committee?

2 Mr. Burke. My job title was research assistant. In this
3 capacity we assisted the investigators developing background
4 information.

5 Mr. Marshall. When did you begin work with the Select
6 Committee?

7 Mr. Burke. October 12, 1975.

8 Mr. Marshall. When did your work terminate?

9 Mr. Burke. The end of February.

10 Mr. Marshall. 1976?

11 Mr. Burke. Right.

12 Mr. Marshall. No further questions.

13 Mr. Flynt. Are there questions on my right? Are there
14 questions on my left.

15 If not, Mr. Burke, you may step down. You are excused
16 from your subpoena with the thanks of the committee.

17 (Witness excused.)

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1 Mr. Marshall. Denise L. Gittin.

2 Mr. Flynt. Mrs. Gittin, will you remain standing while
3 the Chair administers the oath?

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF DENISE L. GITTIN

9 ACCOMPANIED BY

10 ARTHUR E. CAMERON, COUNSEL

11 Ms. Gittin. I do.

12 Mr. Flynt. You may be seated.

13 The committee welcomes you to its session and expresses
14 the thanks of the committee for your appearance today.

15 Mr. Marshall. Would you state your full name for the
16 record?

17 Ms. Gittin. Denise Negley Gittin.

18 Mr. Marshall. Where do you live?

19 Ms. Gittin. 6113 Everglades Drive, Alexandria,
20 Virginia.

21 Mr. Marshall. Counsel?

22 Mr. Cameron. Arthur Cameron. I am Miss Gittin's
23 counsel.

24 I wish to assure the committee I have read the rules of
25 the procedure and will so conduct myself.

1 Mr. Marshall. Thank you.

2 Mr. Flynt. The committee welcomes you.

3 Mr. Marshall. You are here pursuant to a subpoena which
4 has been previously served upon you?

5 Ms. Gittin. Yes, sir.

6 Mr. Marshall. At the time that subpoena was served, you
7 also received copies of House Resolution 1042 and 1054, and a
8 copy of the rules of the House Committee on Standards of
9 Official Conduct, a copy of the Investigative Procedures of
10 this committee, and a copy of the Chairman's opening statement;
11 is that right?

12 Ms. Gittin. That is correct.

13 Mr. Marshall. The subpoena served upon you commanded you
14 to produce certain documents for the record and other writings,
15 including copies of the drafts of the Report of the House
16 Select Committee on Intelligence which were prepared pursuant
17 to House Resolution 591. Have you brought these documents
18 with you?

19 Ms. Gittin. I have no such documents.

20 Mr. Marshall. In the event that your evidence or
21 testimony may involve information or data concerning an
22 executive session of the Select Committee on Intelligence or
23 classified information or information which may tend to
24 defame, degrade, or incriminate any person, please advise
25 this committee in an appropriate fashion so it make take

1 appropriate action under the rules of the House.

2 Ms. Gittin. Yes, sir.

3 Mr. Marshall. Do you have a written statement you wish
4 to file with the committee?

5 Ms. Gittin. No, sir.

6 Mr. Marshall. Do you have an oral summary of a statement
7 you wish to make?

8 Ms. Gittin. No, sir.

9 Mr. Marshall. Mrs. Gittin, could you tell us briefly
10 what your job title was with the Select Committee and what
11 your duties were?

12 Ms. Gittin. I was a secretary and I typed and took
13 shorthand and filed.

14 Mr. Marshall. Were you a secretary to a particular
15 member of the subcommittee or in a pool?

16 Ms. Gittin. I was in a pool.

17 Mr. Marshall. When did you begin work with the Select
18 Committee?

19 Ms. Gittin. August, 1975.

20 Mr. Marshall. And when did your work terminate?

21 Ms. Gittin. February of 1976.

22 Mr. Marshall. Did you give the report of the House
23 Select Committee on Intelligence or a draft of any part of
24 that report to Mr. Daniel Schorr or to any other person?

25 Ms. Gittin. No, sir.

1 Mr. Marshall. Do you know of anyone who did?

2 Ms. Gittin. No, sir.

3 Mr. Marshall. Do you have any knowledge whatsoever of
4 the circumstances surrounding the publication of the report
5 of the Select Committee on Intelligence or any part thereof?

6 Ms. Gittin. No, sir.

7 Mr. Marshall. Do you know of anyone who has such
8 knowledge?

9 Ms. Gittin. No, sir.

10 Mr. Marshall. Did you divulge any part of the report of
11 the Select Committee on Intelligence or a draft of such report
12 to anyone in the media or anyone acting on behalf of a member
13 of the media?

14 Ms. Gittin. No, sir.

15 Mr. Marshall. Do you know of anyone who did?

16 Ms. Gittin. No, sir.

17 Mr. Marshall. Did you give the report of the Select
18 Committee on Intelligence or any part of that report to anyone
19 outside the Select Committee on Intelligence?

20 Ms. Gittin. No, sir.

21 Mr. Marshall. Do you know of anyone who did?

22 Ms. Gittin. No, sir.

23 Mr. Flynt. Are there questions on my right or left?

24 If not, Mrs. Gittin, you may step down and you are excused
25 from your subpoena. The committee thanks you for your

1 testimony.

2 (Witness excused.)

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1 Mr. Marshall. Martin Handelman.

2 Mr. Flynt. Do you solemnly swear that the testimony you
3 will give before this committee in the matters under
4 consideration will be the truth, the whole truth, and nothing
5 but the truth, so help you God?

6 TESTIMONY OF MARTIN HANDELMAN

7 Mr. Handelman. I do.

8 Mr. Flynt. You may be seated.

9 Mr. Handelman, the committee welcomes you to this session
10 and expresses the thanks of the committee for your appearance.

11 Mr. Handelman. Thank you, Mr. Chairman.

12 Mr. Marshall. Mr. Handelman, will you state your full
13 name for the record?

14 Mr. Handelman. Martin Handelman.

15 Mr. Marshall. You are appearing here without counsel?

16 Mr. Handelman. Yes.

17 Mr. Marshall. Where do you live?

18 Mr. Handelman. 12105 Reardon Lane, Bowie, Maryland.

19 Mr. Marshall. Now, you are here pursuant to a subpoena
20 having been served upon you; is that right?

21 Mr. Handelman. Yes.

22 Mr. Marshall. At the time that subpoena was served, you
23 also received copies of House Resolution 1042 and 1054, and a
24 copy of the rules of the House Committee on Standards of
25 Official Conduct, a copy of the Investigative Procedures of

1 this committee, and a copy of the Chairman's opening
2 statement; is that right?

3 Mr. Handelman. Yes.

4 Mr. Marshall. That subpoena commanded you to produce
5 certain documents, records and other writings, including copies
6 of drafts of the Report of the House Select Committee on
7 Intelligence which were prepared pursuant to House Resolution
8 591. Have you brought these documents with you?

9 Mr. Handelman. I have no such documents.

10 Mr. Marshall. In the event that your evidence or
11 testimony may involve information or data concerning an
12 executive session of the House Select Committee on Intelligence
13 or classified information or information which may tend to
14 defame, degrade, or incriminate any person, please advise
15 this committee so that it may take appropriate action under
16 the Rules of the House.

17 Mr. Handelman. Yes, sir.

18 Mr. Marshall. Do you have a written prepared statement
19 you wish to file with the committee?

20 Mr. Handelman. No.

21 Mr. Marshall. Do you have an oral statement?

22 Mr. Handelman. No.

23 Mr. Marshall. What was your job title and describe
24 briefly your duties.

25 Mr. Handelman. Well, I am employed at the Government

1 Printing Office. I am a printer proofreader. I was detailed
2 to the Select Committee to help handle their printing needs,
3 to act as an liaison between the Government Printing Office and
4 the committee.

5 Mr. Marshall. When did you begin work with the Select
6 Committee?

7 Mr. Handelman. About the beginning of November.

8 Mr. Marshall. When did your duties terminate?

9 Mr. Handelman. About the middle of March.

10 Mr. Marshall. Mr. Handelman, did you give the report of
11 the Select Committee on Intelligence or a draft of any portion
12 of that report to Mr. Daniel Schorr or to any other person?

13 Mr. Handelman. No, sir.

14 Mr. Marshall. Do you know of anyone who did?

15 Mr. Handelman. No, sir.

16 Mr. Marshall. Do you have any knowledge whatsoever of
17 the circumstances surrounding the publication of the report or
18 any part thereof?

19 Mr. Handelman. No..

20 Mr. Marshall. Do you know of anyone who has such
21 knowledge?

22 Mr. Handelman. No.

23 Mr. Marshall. Did you divulge any part of the report of
24 the Select Committee or a draft of that report to any member
25 of the media or anyone acting on behalf of a member of the

1 media?

2 Mr. Handelman. No.

3 Mr. Marshall. Do you know of anyone who did?

4 Mr. Handelman. No, sir.

5 Mr. Marshall. Did you give the report of the Select
6 Committee or make any part of that record available to anyone
7 outside of the Select Committee on Intelligence?

8 Mr. Handelman. No.

9 Mr. Marshall. Do you know of anyone who did?

10 Mr. Handelman. No.

11 Mr. Marshall. That is all the questions I have,

12 Mr. Chairman.

13 Mr. Flynt. Mr. Foley? Mr. Hutchinson?

14 Mr. Foley. I have no questions.

15 Mr. Hutchinson. I have no questions.

16 Mr. Flynt. Any other questions?

17 Mr. Handelman, you may step down. You are excused from
18 your subpoena and we thank you for appearing.

19 (Witness excused.)

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1 Mr. Marshall. We call Peter L. Hughes, III.

2 Mr. Flynt. Do you solemnly swear that the testimony you
3 will give before this committee in the matters under
4 consideration will be the truth, the whole truth, and nothing
5 but the truth, so help you God?

6 TESTIMONY OF PETER L. HUGHES, III

7 Mr. Hughes. I do.

8 Mr. Flynt. Mr. Hughes, you may be seated.

9 The committee expresses its thanks to you for appearing
10 before this session.

11 Mr. Hughes. Thank you, Mr. Chairman. I appreciate being
12 here.

13 Mr. Marshall. Will you state your full name?

14 Mr. Hughes. Peter L. Hughes, III.

15 Mr. Marshall. Where do you live?

16 Mr. Hughes. 4 Concord Lane, Basking Ridge, New Jersey.

17 Mr. Marshall. You are appearing here without counsel?

18 Mr. Hughes. I am an attorney.

19 Mr. Marshall. Are you permitted to practice law?

20 Mr. Hughes. Yes, sir.

21 Mr. Marshall. In what States?

22 Mr. Hughes. New Jersey and the District of Columbia.

23 Mr. Marshall. You are here pursuant to a subpoena having
24 been served upon you?

25 Mr. Hughes. I am.

1 Mr. Marshall. At the time that subpoena was served,
2 you also received copies of House Resolution 1042 and 1054, and
3 a copy of the rules of the House Committee on Standards of
4 Official Conduct, a copy of the Investigative Procedures of
5 this committee, and a copy of the Chairman's opening statement;
6 is that correct?

7 Mr. Hughes. Yes, sir, I did.

8 Mr. Marshall. The subpoena served upon you commanded
9 you to produce certain documents, records and other writings,
10 including copies of drafts of the Report of the House Select
11 Committee on Intelligence which were prepared pursuant to
12 House Resolution 591. Have you brought these things with you?

13 Mr. Hughes. I have no such documents. I have a brief
14 statement and I will cover that.

15 Mr. Marshall. In the event your evidence or testimony
16 may involve information or data concerning an executive
17 session of the Select Committee on Intelligence or classified
18 information which may tend to defame, degrade, or incriminate
19 any person, please advise this committee so that it may take
20 appropriate action under the rules of the House.

21 Mr. Hughes. I will.

22 Mr. Marshall. Do you have a prepared statement you wish
23 to file with the committee?

24 Mr. Hughes. Yes, I have a brief statement.

25 Mr. Flynt. You may proceed.

1 Mr. Hughes. Thank you.

2 Mr. Chairman and Members of this Committee on Standards of
3 Official Conduct:

4 I am pleased to be among those remaining members of the
5 staff of the House Committee on Intelligence to testify before
6 your Committee on the issues of House Resolution 1042 and
7 House Resolution 1054. I welcome the opportunity, and I am at
8 your service.

9 My presence here is at your request, necessarily by
10 subpoena. I am happy to appear by your invitation, which I
11 accept. However, my present job requires that I justify my
12 presence here under legal process, since I am employed by,
13 and under the constraints of, another government. Also, the
14 distance I must travel necessitates some assistance in
15 coverage of expenses I have incurred.

16 In further response to your duces tecum, I reply that I
17 have possession of no documents whatsoever which relate in
18 any way to the subject matter of your inquiry. Every document
19 possibly germane to your command, and every document at my
20 disposal relevant to the work of the House Committee on
21 Intelligence was remanded to the House Committee on
22 Intelligence files, before I left the employ of the Congress.

23 Other than the foregoing, I will be obliged if I can
24 assist your inquiry as best I can do.

25 Thank you, Mr. Chairman.

1 Mr. Marshall. Mr. Hughes, what was your job title with
2 the Select Committee on Intelligence?

3 Mr. Hughes. I was a staff counsel and head of the
4 Domestic Intelligence Task Force.

5 Mr. Marshall. When did you begin your duties?

6 Mr. Hughes. July 31, 1975.

7 Mr. Marshall. When did you terminate your duties, February?

8 Mr. Hughes. February 29, 1976?

9 Mr. Marshall. Did you give the report of the Select
10 Committee or a draft of any part of that report to Mr. Daniel
11 Schorr or to any other person?

12 Mr. Hughes. I did not.

13 Mr. Marshall. Do you know of anyone who did?

14 Mr. Hughes. I do not.

15 Mr. Marshall. Do you have any knowledge whatsoever of
16 the circumstances surrounding the publication of the report
17 or any part thereof?

18 Mr. Hughes. No knowledge whatsoever.

19 Mr. Marshall. Do you know of anyone who has such
20 knowledge?

21 Mr. Hughes. I do not.

22 Mr. Marshall. Did you divulge any part of the report of
23 the Select Committee on Intelligence or a draft of such report
24 to anyone in the media or anyone acting on behalf of a member
25 of the media?

1 Mr. Hughes. No, sir.

2 Mr. Marshall. Do you know of anyone who did?

3 Mr. Hughes. I do not.

4 Mr. Marshall. Did you make any part of that report
5 available to anyone outside the Select Committee on
6 Intelligence?

7 Mr. Hughes. No, sir.

8 Mr. Marshall. Do you know of anyone who did?

9 Mr. Hughes. I do not.

10 Mr. Marshall. Mr. Hughes, the Chair has already thanked
11 you for your appearance. The Chair wishes to add that we
12 congratulate you on the clarity and preciseness and forthright-
13 ness of that statement.

14 Mr. Hughes. I appreciate that very much.

15 Mr. Flynt. Are there any questions?

16 You may step down, Mr. Hughes. The committee wishes to
17 thank you. You are now excused from your subpoena.

18 (Witness excused.)

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1 Mr. Marshall. Thomas H. Hattery.

2 Mr. Flynt. Mr. Hattery, will you remain standing and
3 take the oath, please?

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF THOMAS H. HATTERY

9 ACCOMPANIED BY

10 ROBERT B. CORNELL, COUNSEL

11 Mr. Hattery. I do.

12 Mr. Flynt. Mr. Hattery, the committee welcomes you to
13 this session and thanks you for your appearance at this time.

14 Mr. Hattery. Thank you.

15 Mr. Marshall. Mr. Hattery, would you please state your
16 full name and residence address?

17 Mr. Hattery. Thomas H. Hattery, Route 4, Mt. Airy,
18 Maryland.

19 Mr. Marshall. Are you appearing with counsel?

20 Mr. Hattery. Yes, sir.

21 Mr. Marshall. Counsel, would you identify yourself?

22 Mr. Cornell. Robert B. Cornell, sir.

23 Mr. Flynt. Mr. Cornell, the committee welcomes you to
24 this session in your capacity as counsel to Mr. Hattery.

25 Mr. Cornell. Thank you, Mr. Chairman.

1 Mr. Marshall. Mr. Hattery, you are here pursuant to
2 a subpoena having been served upon you previously.

3 Mr. Hattery. Yes.

4 Mr. Marshall. At the time the subpoena was served, you
5 also received copies of House Resolution 1042 and 1054, and a
6 copy of the rules of the House Committee on Standards of
7 Official Conduct, a copy of the Investigative Procedures of
8 this committee, and a copy of the Chairman's opening statement;
9 is that correct?

10 Mr. Hattery. That is correct.

11 Mr. Marshall. The subpoena served upon you commanded
12 you to produce certain documents and other writings, including
13 copies of drafts of the Report of the House Select Committee
14 on Intelligence which were prepared pursuant to House
15 Resolution 591. Have you brought these documents?

16 Mr. Hattery. Yes, I have. I have no drafts or reports
17 but my counsel has all the papers or reports that I have that
18 have anything to do with the committee.

19 Mr. Marshall. May I have them at this time?

20 (The documents referred to were submitted to the
21 committee.)

22 Mr. Marshall. Mr. Hattery, in the event that your
23 evidence or testimony may involve information or data
24 concerning an executive session of the Select Committee on
25 Intelligence or classified information or information which

1 may tend to defame, degrade, or incriminate any person,
2 please advise this committee so that it may take appropriate
3 action under the rules of the House.

4 Mr. Hattery. I will.

5 Mr. Marshall. Do you have a written statement which you
6 wish to file with the committee?

7 Mr. Hattery. No.

8 Mr. Marshall. Do you wish to present a brief oral
9 summary of your statement at this time?

10 Mr. Hattery. No, sir.

11 Mr. Marshall. What was your job title with the
12 committee?

13 Mr. Hattery. Research assistant.

14 Mr. Marshall. When did you begin your duties?

15 Mr. Hattery. Sometime late in August.

16 Mr. Marshall. What year?

17 Mr. Hattery. 1975.

18 Mr. Marshall. When did you terminate those duties?

19 Mr. Hattery. To the best of my knowledge it was
20 January 10th. I say to the best of my knowledge because I
21 started working in Annapolis the first day of the Maryland
22 Legislature and just reconstructing from the calendar I know I
23 left the committee before that started.

24 Mr. Marshall. Mr. Hattery, did you give the report of
25 the Select Committee or a draft of any part of that report to

1 Mr. Schorr or to any other person?

2 Mr. Hattery. No, I did not.

3 Mr. Marshall. Do you know of anyone who did?

4 Mr. Hattery. No, I don't.

5 Mr. Marshall. Do you have any knowledge whatsoever of
6 the circumstances surrounding the publication of the report
7 of the Select Committee on Intelligence or any part thereof?

8 Mr. Hattery. No.

9 Mr. Marshall. Do you know of anyone who had such
10 knowledge?

11 Mr. Hattery. No.

12 Mr. Marshall. Did you divulge any part of the report of
13 the Select Committee on Intelligence or a draft of that report
14 to any one in the media or anyone acting on behalf of a member
15 of the media?

16 Mr. Hattery. No.

17 Mr. Marshall. Do you know of anyone who did?

18 Mr. Hattery. No.

19 Mr. Marshall. Did you give the report of the Select
20 Committee on Intelligence or make any part of that report
21 available to anyone outside the Select Committee on
22 Intelligence?

23 Mr. Hattery. No.

24 Mr. Marshall. Do you know of anyone who did?

25 Mr. Hattery. No.

1 Mr. Foley (presiding). Are there any questions?

2 There being no questions, Mr. Hattery, you are excused
3 from your subpoena and any further testimony and you are
4 excused with the thanks of the committee.

5 (Witness excused.)

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1 Mr. Flynt. Let the record show that the Chair designates
2 the gentleman from Washington, Mr. Foley, to administer the
3 oath to Mr. Hecht.

4 Mr. Foley. Mr. Hecht, will you raise your right hand?

5 Do you solemnly swear that the testimony you will give
6 before this committee in the matters under consideration will
7 be the truth, the whole truth, and nothing but the truth, so
8 help you God?

9 TESTIMONY OF STANLEY M. HECHT

10 Mr. Hecht. I do.

11 Mr. Flynt. Be seated, please.

12 Will you state your full name and address for the record?

13 Mr. Hecht. Stanley M. Hecht, 3705 South George Mason
14 Drive, Fall Church, Virginia.

15 Mr. Marshall. You are appearing here without counsel?

16 Mr. Hecht. That is correct.

17 Mr. Marshall. You are here pursuant to subpoena which
18 was served upon you previously?

19 Mr. Hecht. That is correct.

20 Mr. Marshall. At the time that subpoena was served, you
21 also received copies of House Resolution 1042 and 1054, and a
22 copy of the rules of the House Committee on Standards of
23 Official Conduct, a copy of the Investigative Procedures of
24 this committee, and a copy of the Chairman's opening statement;
25 is that correct?

1 Mr. Hecht. Yes, I did.

2 Mr. Marshall. The subpoena served upon you commanded
3 you to produce certain documents, records and other writings,
4 including copies of drafts of the Report of the House Select
5 Committee on Intelligence which were prepared pursuant to
6 House Resolution 591. Do you have those documents and
7 writings with you?

8 Mr. Hecht. I have no such documents.

9 Mr. Marshall. In the event that your evidence or
10 testimony may involve information or data concerning an
11 executive session of the Select Committee on Intelligence or
12 classified information or information which may tend to
13 defame, degrade, or incriminate any person, please advise this
14 committee so that it may take appropriate action under the
15 rules of the House.

16 Mr. Hecht. I will.

17 Mr. Marshall. Do you have a written prepared statement
18 which you wish to file with the committee?

19 Mr. Hecht. No, I do not.

20 Mr. Marshall. Do you have a brief oral summary of the
21 statement you wish to make at this time?

22 Mr. Hecht. Not at this time.

23 Mr. Marshall. Mr. Hecht, what was your job title with
24 the Select Committee on Intelligence?

25 Mr. Hecht. Counsel.

1 Mr. Marshall. Are you admitted to the bar?

2 Mr. Hecht. In the District of Columbia.

3 Mr. Marshall. When did you begin your duties?

4 Mr. Hecht. September 7, 1975.

5 Mr. Marshall. When did your duties terminate?

6 Mr. Hecht. The end of January, 1976.

7 Mr. Marshall. Mr. Hecht, did you give the report of the
8 Select Committee on Intelligence or a draft of any part of
9 that report to Mr. Daniel Schorr or to any other person?

10 Mr. Hecht. No, I did not.

11 Mr. Marshall. Do you know of anyone who did?

12 Mr. Hecht. No.

13 Mr. Marshall. Do you have any knowledge whatsoever of
14 the circumstances surrounding the publication of the report
15 of the Select Committee on Intelligence or any part thereof?

16 Mr. Hecht. No, I do not.

17 Mr. Marshall. Do you know of anyone who has such
18 knowledge?

19 Mr. Hecht. No.

20 Mr. Marshall. Did you divulge any part of that report
21 of the Select Committee on Intelligence or a draft of such
22 report to anyone in the media or anyone acting on behalf of
23 a member of the media?

24 Mr. Hecht. No.

25 Mr. Marshall. Do you know of anyone who did?

1 Mr. Hecht. No.

2 Mr. Marshall. Did you give the report of the Select
3 Committee on Intelligence or any part of that report to anyone
4 outside the Select Committee on Intelligence?

5 Mr. Hecht. No.

6 Mr. Marshall. Do you know of anyone who did?

7 Mr. Hecht. No.

8 Mr. Marshall. That concludes my questions.

9 Mr. Foley. Any further questions?

10 Mr. Hecht, you are excused from further testimony and
11 from your subpoena. You are excused with the thanks of the
12 committee.

13 Mr. Hecht. Thank you, Mr. Chairman.

14 (Witness excused.)

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1 Mr. Foley. Mr. Charles W. Mattox?

2 Mr. Flynt. Let the record show that the Chair designates
3 the gentleman from Washington, Mr. Foley, to administer the
4 oath to Mr. Mattox.

5 Mr. Foley. Will you raise your right hand?

6 Do you solemnly swear that the testimony you will give
7 before this committee in the matters under consideration will
8 be the truth, the whole truth, and nothing but the truth, so
9 help you God?

10 TESTIMONY OF CHARLES W. MATTOX

11 Mr. Mattox. I do.

12 Mr. Flynt. You may be seated.

13 Will you state your full name and address?

14 Mr. Mattox. Charles Winter Mattox, 8213 Mockingbird
15 Drive, Annandale, Virginia.

16 Mr. Foley. Counsel?

17 Mr. Marshall. Mr. Mattox, you are appearing here without
18 counsel?

19 Mr. Mattox. That is right.

20 Mr. Marshall. You are here pursuant to a subpoena
21 served upon you previously; is that correct?

22 Mr. Mattox. That is correct.

23 Mr. Marshall. At the time that subpoena was served, you
24 also received copies of House Resolution 1042 and 1054, and a
25 copy of the rules of the House Committee on Standards of

1 Official Conduct, a copy of the Investigative Procedures of
2 this committee, and a copy of the Chairman's opening statement;
3 is that correct?

4 Mr. Mattox. That is correct,

5 Mr. Marshall. The subpoena served upon you commanded you
6 to produce certain documents, records and other writings,
7 including copies of drafts of the Report of the House Select
8 Committee on Intelligence which were prepared pursuant to
9 House Resolution 591. Do you have those documents with you?

10 Mr. Mattox. I have two memorandums with me, one was an
11 internal memorandum to the committee; one was a memorandum
12 made after I went back to work for the General Accounting
13 Office.

14 Mr. Marshall. Will you turn those documents over to the
15 committee at this time?

16 Mr. Mattox. I think any questions raised by these
17 documents should be answered in executive session.

18 (The documents referred to were submitted to the
19 committee.)

20 Mr. Mattox. I would like to make one more statement.

21 Somebody sent me a check as a government employee. I can't
22 use it.

23 Mr. Marshall. The committee will be happy to receive
24 that check back with its thanks.

25 In the event your evidence or testimony may involve

1 information or data concerning an executive session of the
2 Select Committee on Intelligence or classified information
3 or information which may tend to defame, degrade, or incriminate
4 any person, please advise this committee so that it may take
5 appropriate action under the rules of the House.

6 Mr. Mattox. Yes.

7 Mr. Marshall. Mr. Mattox, do you have a written
8 statement you wish to file with the committee?

9 Mr. Mattox. No.

10 Mr. Marshall. Do you have a brief oral summary of a
11 statement you wish to make at this time?

12 Mr. Mattox. No.

13 Mr. Marshall. What was your job title with the House
14 Select Committee on Intelligence?

15 Mr. Mattox. Staff investigator.

16 Mr. Marshall. When did you begin those duties?

17 Mr. Mattox. July 28, 1975.

18 Mr. Marshall. When did those duties terminate?

19 Mr. Mattox. February 14, 1976.

20 Mr. Marshall. Mr. Mattox, did you give the report of
21 the Select Committee on Intelligence or a draft of any part of
22 that report to Mr. Daniel Schorr or to any other person?

23 Mr. Mattox. I did not.

24 Mr. Marshall. Do you know of anyone who did?

25 Mr. Mattox. No, I do not.

1 Mr. Marshall. Do you have any knowledge whatsoever of
2 the circumstances surrounding the publication of the report of
3 the Select Committee on Intelligence or any part thereof?

4 Mr. Mattox. I do not.

5 Mr. Marshall. Do you know of anyone who has such knowledge?

6 Mr. Mattox. No, I do not.

7 Mr. Marshall. Did you divulge any part of the report of
8 the Select Committee on Intelligence or a draft of such report
9 to anyone in the media or anyone acting on behalf of a member
10 of the media?

11 Mr. Mattox. I did not.

12 Mr. Marshall. Do you know of anyone who did?

13 Mr. Mattox. No, I do not.

14 Mr. Marshall. Did you give the report of the Select
15 Committee or any part of that report to anyone outside the
16 Select Committee on Intelligence?

17 Mr. Mattox. No, I did not.

18 Mr. Marshall. Do you know of anyone who did?

19 Mr. Mattox. No, I do not.

20 Mr. Marshall. Excuse me.

21 (Discussion off the record.)

22 Mr. Foley. On the record.

23 Are there any questions of Mr. Mattox?

24 Mr. Flynt. No questions except to say that I do thank
25 you, Mr. Mattox, for appearing and bringing the two documents

1 which you did. After the committee has had time to examine
2 them, they will either be returned to you or you will be
3 notified about when you can expect them back.

4 Mr. Mattox. Thank you.

5 Mr. Foley. Mr. Hutchinson?

6 Mr. Hutchinson. I have no questions.

7 Mr. Foley. Thank you very much for your appearance.

8 You are excused from further testimony on your subpoena.

9 Mr. Mattox. Thank you.

10 (Witness excused.)

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1 Mr. Marshall. We will call Ellen S. Miller.

2 Will you remain standing while the Chair administers the
3 oath.

4 Mr. Flynt. Do you solemnly swear that the testimony you
5 will give before this committee in the matters under considera-
6 tion will be the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 TESTIMONY OF ELLEN S. MILLER

9 ACCOMPANIED BY

10 HAROLD HIMMELMAN, COUNSEL

11 Ms. Miller. I do.

12 Mr. Flynt. Please be seated.

13 The committee welcomes you to this session and we thank
14 you for your appearance.

15 Mr. Marshall. Would you state your complete name and
16 address for the record?

17 Ms. Miller. My name is Ellen S. Miller. I reside at
18 2501 Tracey Place, N. W., Washington, D. C.

19 Mr. Marshall. Are you appearing here with counsel?

20 Ms. Miller. Yes, I am.

21 Mr. Marshall. Would you identify yourself for the record?

22 Mr. Himmelman. Himmelman, Harold, Washington, D. C.

23 Mr. Marshall. Mrs. Miller, you are here pursuant to
24 a subpoena having been served upon you previously?

25 Ms. Miller. Yes, I am.

1 Mr. Marshall. At the time the subpoena was served, you
2 also received copies of House Resolution 1042 and 1054, and a
3 copy of the rules of the House Committee on Standards of
4 Official Conduct, a copy of the Investigative Procedures of
5 this committee, and a copy of the Chairman's opening
6 statement; is that correct?

7 Ms. Miller. Yes.

8 Mr. Marshall. The subpoena served upon you commanded
9 you to produce certain documents and other writings, including
10 copies of drafts of the Report of the House Select Committee on
11 Intelligence which were prepared pursuant to House Resolution
12 591. Have you brought these documents and writings?

13 Ms. Miller. Yes, I have all the documents that were
14 in my possession.

15 (The documents referred to were submitted to the
16 committee.)

17 Mr. Flynt. Mr. Himmelman, the Chair and the committee
18 also welcomes you before this committee in your capacity as
19 counsel.

20 Mr. Himmelman. Thank you, Mr. Chairman.

21 Mr. Marshall. Mrs. Miller, in the event your evidence
22 or testimony may involve information or data concerning an
23 executive session of the Select Committee on Intelligence or
24 classified information or information which may tend to
25 defame, degrade, or incriminate any person, please advise this

1 committee so that it may take appropriate action under the
2 rules of the House.

3 Ms. Miller. Yes, I will.

4 Mr. Marshall. Do you have a written statement you wish to
5 file with the committee at this time?

6 Ms. Miller. I do not.

7 Mr. Marshall. Do you wish to present a brief oral summary
8 of a statement to the committee at this time?

9 Ms. Miller. I do not.

10 Mr. Marshall. What was your job with the committee?

11 Ms. Miller. I was an investigator with the Domestic Task
12 Force with the committee.

13 Mr. Marshall. When did you begin?

14 Ms. Miller. On or about August 5, 1975 and I terminated
15 the last day of February, 1976.

16 Mr. Marshall. Mrs. Miller, did you give the report of
17 the Select Committee on Intelligence or a draft of any part of
18 that report to Mr. Daniel Schorr or to any other person?

19 Ms. Miller. I did not give it to Daniel Schorr. I worked
20 on preliminary drafts and those were circulated throughout the
21 committee by the Domestic Task Force, but I did not give it
22 to Mr. Schorr.

23 Mr. Marshall. Other than circulating those preliminary
24 reports that you have testified about to either members of the
25 committee or to employees of the committee, did you give the

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2 report of the Select Committee or a draft of any part of that
3 report to any other person?

4 Ms. Miller. No, I did not.

5 Mr. Marshall. Do you know of anyone who did?

6 Ms. Miller. No, I do not.

7 Mr. Marshall. Do you have any knowledge whatsoever of
8 the circumstances surrounding the publication of the report
9 of the House Select Committee or any part thereof?

10 Ms. Miller. No, I do not.

11 Mr. Marshall. Do you know of anyone who has such
12 knowledge?

13 Ms. Miller. No, I do not.

14 Mr. Marshall. Did you divulge any part of the report
15 of the Select Committee on Intelligence or a draft of such
16 report to anyone in the media or anyone acting on behalf of
17 a member of the media?

18 Ms. Miller. No, I did not.

19 Mr. Marshall. Do you know of anyone who did?

20 Ms. Miller. No, I do not.

21 Mr. Marshall. Did you give the report of the Select
22 Committee on Intelligence or any part of that report to anyone
23 outside the Select Committee on Intelligence?

24 Ms. Miller. No.

25 Mr. Marshall. Do you know of anyone who did?

1 Ms. Miller. No, I do not.

2 Mr. Marshall. Mrs. Miller, with regard to the materials
3 that you have produced pursuant to the subpoena duces tecum,
4 to your knowledge is any of that material classified?

5 Ms. Miller. To my knowledge none of it is classified.
6 It consists mainly of memos and notes and working papers I
7 used in the course of my work.

8 Mr. Marshall. That material will be received by the
9 committee, Mrs. Miller, and will be returned to you at a later
10 date if the committee decides that is appropriate. Is that
11 satisfactory?

12 Ms. Miller. That is satisfactory. If there is a need to
13 remove any material, I would appreciate and my counsel would
14 appreciate a conference to understand the nature of the
15 material removed and the reason for it.

16 Mr. Marshall. What you are asking is that you be advised
17 in the event that the committee wishes to retain any material
18 you produce?

19 Mr. Himmelman. That is correct, Mr. Marshall. Miss Miller
20 maintained most of her file memoranda and related documents
21 which she prepared in the course of her work. She believes
22 none of the material is classified. In the event the
23 committee determines that some documents should be retained by
24 the committee, we would appreciate knowing that and if
25 possible, knowing the basis for that determination in light of

1 the fact that we do not believe anything in this file would be
2 considered to be classified information.

3 She would like to have her personal papers returned so
4 that if the committee determined to keep any of the documents,
5 she would simply like to be advised of it.

6 Mr. Flynt. Without objection, the committee, of course,
7 will grant a part of Miss Miller's request and your request
8 made in behalf of Mrs. Miller. However, while the staff
9 director is looking for a pertinent rule, it is present opinion
10 of the Chair that all such documents are the property of the
11 House of Representatives and are not the property of an
12 individual.

13 Notwithstanding that, the committee will certainly grant
14 the request for a conference and will, of course, act with
15 total courtesy and respect for both individual and property
16 rights.

17 Mr. Himmelman. We appreciate that, Mr. Chairman, and
18 of course are anxious to cooperate with the committee.

19 Mr. Flynt. We appreciate that expression of cooperation
20 and in turn will assure you of the committee's cooperation
21 insofar as is possible.

22 Mr. Himmelman. Can the committee advise us as to how long
23 a period of time will be involved in reviewing these files and
24 getting back in touch with us?

25 Mr. Flynt. Would a week impose any undue inconvenience?

1 Mr. Himmelman. No, that is perfectly agreeable.

2 Mr. Flynt. The Chair was going to state that if it would,
3 we would try to advise you within 72 hours, but with the other
4 workload of the committee this week, if we could advise you
5 not later than the close of business on September 15th the
6 committee will do so.

7 Mr. Himmelman. We will be happy to accommodate your
8 schedule, sir.

9 Mr. Flynt. Are there any questions?

10 Mr. Hutchinson?

11 Mr. Hutchinson. I have no questions.

12 Mr. Flynt. Mrs. Miller you and your counsel may step
13 down. You are excused from further testimony and you are
14 excused from your subpoena with the thanks of the committee.
15 The committee does not anticipate recalling you, but if we
16 do, we will issue another subpoena.

17 So you are excused from further testimony today and also
18 from your subpoena.

19 Ms. Miller. Thank you.

20 (Witness excused.)

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1 Mr. Marshall. Michal Ann Schafer.

2 Mr. Flynt. Mrs. Schafer, will you raise your right hand,
3 please?

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF MICHAL ANN SCHAFER

9 Ms. Schafer. I do.

10 Mr. Marshall. Will you state your full name for the
11 record?

12 Ms. Schafer. Michal Ann Schafer.

13 Mr. Marshall. Where do you live?

14 Ms. Schafer. 4500 South Four Mile Run Drive, Arlington,
15 Virginia.

16 Mr. Marshall. You are appearing here without counsel?

17 Ms. Schafer. Yes, I am.

18 Mr. Marshall. You are here pursuant to a subpoena which
19 was previously served upon you?

20 Ms. Schafer. That is correct.

21 Mr. Marshall. At the time the subpoena was served, you
22 also received copies of House Resolution 1042 and 1054, and a
23 copy of the rules of the House Committee on Standards of
24 Official Conduct?

25 Ms. Schafer. Yes.

1 Mr. Marshall. A copy of the Investigative Procedures of
2 this committee?

3 Ms. Schafer. Yes.

4 Mr. Marshall. And a copy of the Chairman's opening
5 statement?

6 Ms. Schafer. Yes.

7 Mr. Marshall. The subpoena served upon you commanded you
8 to produce certain documents or writings, including copies of
9 drafts of the Report of the House Select Committee on
10 Intelligence which were prepared pursuant to House Resolution
11 591. Have you brought these documents and writings with you?

12 Ms. Schafer. I have no such documents.

13 Mr. Marshall. In the event that your evidence or
14 testimony may involve information or data concerning an
15 executive session of the Select Committee on Intelligence or
16 classified information or information which may tend to defame,
17 degrade, or incriminate any person, could you advise this
18 committee so it can take appropriate action under the rules of
19 the House?

20 Ms. Schafer. Yes, I will.

21 Mr. Marshall. Do you have a written statement you wish to
22 make?

23 Ms. Schafer. No.

24 Mr. Marshall. Do you have a brief oral summary you wish
25 to make?

1 Ms. Schafer. No, I do not.

2 Mr. Marshall. Would you tell us what your job title was
3 with the Select Committee?

4 Ms. Schafer. I was a secretary.

5 Mr. Marshall. Was this a secretary for a particular person
6 or for a pool?

7 Ms. Schafer. It was a pool of two.

8 Mr. Marshall. Who were the two?

9 Ms. Schafer. It was myself and Denise Gittin.

10 Mr. Marshall. When did you begin your duties as a
11 secretary?

12 Ms. Schafer. June 1, 1975 and terminated March 31, 1976.

13 Mr. Marshall. Mrs. Schafer, did you give the report of
14 the Select Committee on Intelligence or a draft of any part of
15 that report to Mr. Daniel Schorr or to any other person?

16 Ms. Schafer. No, I did not.

17 Mr. Marshall. Do you know of anyone who did?

18 Ms. Schafer. No.

19 Mr. Marshall. Do you have any knowledge whatsoever of
20 the circumstances surrounding the publication of the report
21 of the Select Committee on Intelligence or any part thereof?

22 Ms. Schafer. No, I do not.

23 Mr. Marshall. Do you know of anyone who has such
24 knowledge?

25 Ms. Schafer. No.

1 Mr. Marshall. Did you divulge any part of the report of
2 the Select Committee on Intelligence or a draft of such report
3 to anyone in the media or anyone acting on behalf of the media?

4 Ms. Schafer. No.

5 Mr. Marshall. Do you know of anyone who did?

6 Ms. Schafer. No, sir.

7 Mr. Marshall. Did you give the report of the Select
8 Committee on Intelligence or any part of that report to anyone
9 outside the Select Committee on Intelligence?

10 Ms. Schafer. No, sir.

11 Mr. Marshall. Do you know of anyone who did?

12 Ms. Schafer. No, sir.

13 Mr. Marshall. That is all.

14 Mr. Flynt. Mr. Hutchinson?

15 Mr. Hutchinson. I have no questions.

16 Mr. Flynt. Mrs. Schafer, you may step down. You are
17 excused from your subpoena with the thanks of the committee.

18 Ms. Schafer. Thank you.

19 (Witness excused.)

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1 Mr. Marshall. Kenneth A. Seidel?

2 Mr. Flynt. Mr. Seidel, will you raise your right hand,
3 please?

4 Do you solemnly swear that the testimony you will give
5 before this committee in the matters under consideration will
6 be the truth, the whole truth, and nothing but the truth, so
7 help you God?

8 TESTIMONY OF KENNETH A. SEIDEL

9 Mr. Seidel. Yes, sir.

10 Mr. Flynt. You may be seated.

11 Mr. Seidel, the committee welcomes you and thanks you for
12 your appearance.

13 Mr. Seidel. Thank you.

14 Mr. Marshall. Will you state your full name and residence
15 for the record?

16 Mr. Seidel. Kenneth A. Seidel. I live at 3307 Cannongate
17 Road, Fairfax, Virginia.

18 Mr. Marshall. You are appearing here without counsel?

19 Mr. Seidel. Yes.

20 Mr. Marshall. You are here pursuant to subpoena which
21 was served upon you previously?

22 Mr. Seidel. Yes, sir.

23 Mr. Marshall. At the time that subpoena was served you
24 also received copies of House Resolutions 1042 and 1054; is
25 that right?

1 Mr. Seidel. Yes, sir.

2 Mr. Marshall. A copy of the rules of the House Committee
3 on Standards of Official Conduct?

4 Mr. Seidel. Yes.

5 Mr. Marshall. A copy of the Investigative Procedures
6 of this committee?

7 Mr. Seidel. Yes.

8 Mr. Marshall. And a copy of the Chairman's opening
9 statement?

10 Mr. Seidel. Yes, sir.

11 Mr. Marshall. The subpoena served upon you commanded you
12 to produce certain documents and other writings, including
13 copies of drafts of the Report of the House Select Committee
14 on Intelligence which were prepared pursuant to House
15 Resolution 591. Have you brought these documents or writings
16 with you?

17 Mr. Seidel. I have no such documents, sir.

18 Mr. Marshall. In the event that your evidence or
19 testimony may involve information or data concerning an
20 executive session of the Select Committee on Intelligence or
21 classified information or information which may tend to defame,
22 degrade, or incriminate any person, please advise this
23 committee so that it may take appropriate action under the
24 rules of the House.

25 Mr. Seidel. Yes, I will.

1 Mr. Marshall. Do you have a prepared written statement
2 to present to the committee at this time?

3 Mr. Seidel. No, sir.

4 Mr. Marshall. Do you wish to present a brief oral summary
5 of a statement?

6 Mr. Seidel. No, sir.

7 Mr. Marshall. Mr. Seidel, what was your job title with
8 the Select Committee on Intelligence?

9 Mr. Seidel. Mr. Marshall, I was assigned to the Select
10 Committee on Intelligence on loan from the Government Printing
11 Office as a printer to handle all the printing of the hearings,
12 any committee reports, committee prints and the final report.

13 Mr. Marshall. When did you begin your duties with the
14 Select Committee?

15 Mr. Seidel. August of 1975.

16 Mr. Marshall. When did those duties terminate?

17 Mr. Seidel. Approximately the middle of April of 1976.

18 Mr. Marshall. Did you give the report of the Select
19 Committee on Intelligence or a draft of any part of that report
20 to Mr. Daniel Schorr or to any other person?

21 Mr. Seidel. No, sir.

22 Mr. Marshall. Do you know of anyone who did?

23 Mr. Seidel. No, I don't.

24 Mr. Marshall. Do you have any knowledge whatsoever of
25 the circumstances surrounding the publication of the report

1 of the Select Committee on Intelligence or any part of that
2 report?

3 Mr. Seidel. No, sir.

4 Mr. Marshall. Do you know of anyone who had such
5 knowledge?

6 Mr. Seidel. No, I don't.

7 Mr. Marshall. Did you divulge any part of the report of
8 the Select Committee on Intelligence or a draft of such report
9 to anyone in the media or anyone acting on behalf of the media?

10 Mr. Seidel. No, sir.

11 Mr. Marshall. Do you know of anyone who did?

12 Mr. Seidel. No, I do not.

13 Mr. Marshall. Did you give the report of the Select
14 Committee on Intelligence or any part of that report to anyone
15 outside the Select Committee on Intelligence?

16 Mr. Seidel. No, sir.

17 Mr. Marshall. Do you know of anyone who did?

18 Mr. Seidel. No, sir, I don't.

19 Mr. Flynt. Mr. Hutchinson?

20 Mr. Hutchinson. I have no questions.

21 Mr. Flynt. Mr. Seidel, you may step down. You are
22 excused from your subpoena.

23 Thank you.

24 Mr. Seidel. Thank you, Mr. Chairman.

25 (Witness excused.)

1 Mr. Marshall. I would like to inquire if any of the
2 following persons are present with counsel.

3 Paul Hyndman?

4 Mr. Hyndman, do you have a counsel with you?

5 Mr. Hyndman. No, I don't have counsel.

6 Mr. Marshall. Please be seated and let me call for the
7 others.

8 Jeffrey R. Whieldon?

9 Katherine J. Schroeder?

10 Susan R. Paisner?

11 Ms. Paisner. Present.

12 Mr. Marshall. Are you here with counsel?

13 Ms. Paisner. No, he will be here this afternoon.

14 Mr. Marshall. Thank you.

15 Cheryl T. Yamamoto?

16 Mr. Flynt. Mr. Hyndman, will you please stand and let
17 the oath be administered?

18 Do you solemnly swear that the testimony you will give
19 before this committee in the matters under consideration will
20 be the truth, the whole truth, and nothing but the truth, so
21 help you God?

22 TESTIMONY OF PAUL V. HYNDMAN

23 Mr. Hyndman. I do.

24 Mr. Marshall. Mr. Hyndman, would you state your full name
25 and address for the record?

1 Mr. Hyndman. Paul Vance Hyndman, 2410 - 20th Street, N.W.

2 Mr. Marshall. You are appearing here without counsel?

3 Mr. Hyndman. That is right.

4 Mr. Marshall. You do not desire counsel?

5 Mr. Hyndman. No, I don't.

6 Mr. Marshall. You are here pursuant to a subpoena

7 served upon you previously?

8 Mr. Hyndman. I was not, no. I just got all this

9 information just now.

10 Mr. Marshall. You are appearing voluntarily before the

11 committee?

12 Mr. Hyndman. Yes, sir.

13 Mr. Marshall. Have you been supplied with copies of

14 House Resolutions 1042 and 1054?

15 Mr. Hyndman. I believe I was just supplied that

16 information about three minutes ago.

17 Mr. Marshall. And a copy of the rules of the House

18 Committee on Standards of Official Conduct?

19 Mr. Hyndman. I was supplied that same information at

20 the same time.

21 Mr. Marshall. And a copy of the Investigative Procedures

22 and the Chairman's opening statement?

23 Mr. Hyndman. That is correct. I received them at the

24 same time.

25 Mr. Marshall. Would you like to have time to review those

1 and testify later this afternoon or do you wish to go forward?

2 Mr. Hyndman. I think I understand the procedures that
3 have been followed here.

4 Mr. Marshall. Mr. Hyndman, do you have in your possession
5 any documents or records or writings, including any copies or
6 draft of the Report of the House Select Committee on
7 Intelligence which were prepared pursuant to House Resolution
8 591?

9 Mr. Hyndman. Short of press clippings and open source
10 information, I have none.

11 Mr. Marshall. When you say open source information,
12 do you mean information which appeared in the public media?

13 Mr. Hyndman. Yes.

14 Mr. Marshall. But short of that, you have no papers
15 which you retained as a part of your work with the Select
16 Committee?

17 Mr. Hyndman. I believe I have my own personal notes, but
18 in no sense are they classified.

19 Mr. Marshall. Would you be willing to allow this
20 committee to examine those notes?

21 Mr. Hyndman. I certainly would.

22 Mr. Marshall. At the conclusion of your testimony I will
23 ask Mr. John Marshall, a member of the committee staff, to
24 make appropriate arrangements with you to let the committee
25 look at those notes.

1 Mr. Hyndman. Certainly.

2 Mr. Marshall. You are willing to let the committee do
3 this without a subpoena of any kind, correct?

4 Mr. Hyndman. Correct.

5 Mr. Marshall. In the event your evidence or testimony may
6 involve information or data concerning an executive session
7 of the Select Committee on Intelligence or classified
8 information or information which may tend to defame, degrade,
9 or incriminate any person, would you please advise this
10 committee in a timely fashion so that it can take appropriate
11 action under the Rules of the House?

12 Mr. Hyndman. I will.

13 Mr. Marshall. Do you have a written statement you wish
14 to file?

15 Mr. Hyndman. No.

16 Mr. Marshall. Do you wish to present a brief oral summary
17 of a statement?

18 Mr. Hyndman. No, I don't.

19 Mr. Marshall. What was your job title with the House
20 Select Committee on Intelligence?

21 Mr. Hyndman. I was an investigator assigned to working
22 on foreign intelligence.

23 Mr. Marshall. When did you begin your duties?

24 Mr. Hyndman. I believe about September 8th or 9th, 1975.

25 Mr. Marshall. When did you terminate those duties?

1 Mr. Hyndman. At the end of the committee's existence,
2 at the end of February.

3 Mr. Marshall. 1976?

4 Mr. Hyndman. Right.

5 Mr. Marshall. Mr. Hyndman, did you give the report of
6 the Select Committee on Intelligence or a draft of any part of
7 that report to Mr. Daniel Schorr or any other person?

8 Mr. Hyndman. I didn't.

9 Mr. Marshall. Do you know of anyone who did?

10 Mr. Hyndman. No, I don't.

11 Mr. Marshall. Do you have any knowledge whatsoever of
12 the circumstances surrounding the publication of the report
13 of the Select Committee on Intelligence or any part thereof?

14 Mr. Hyndman. No, I don't.

15 Mr. Marshall. Do you know of anyone who has such
16 knowledge?

17 Mr. Hyndman. No, I don't.

18 Mr. Marshall. Did you divulge any part of the report of
19 the Select Committee on Intelligence or a draft of that report
20 to anyone in the media or anyone acting on behalf of a member
21 of the media?

22 Mr. Hyndman. No, I didn't.

23 Mr. Marshall. Do you know of anyone who did?

24 Mr. Hyndman. No.

25 Mr. Marshall. Did you give the report of the Select

1 Committee on Intelligence or any part of that report to anyone
2 outside the Select Committee on Intelligence?

3 Mr. Hyndman. No, I didn't. I saw it in a member's office
4 s all. I thought I may have taken it to a member's office,
5 but I didn't.

6 Mr. Marshall. Is it your testimony that you took a draft
7 of the Select Committee's report to a member's office?

8 Mr. Hyndman. I did not; no, I didn't.

9 Mr. Marshall. Did you see it in a member's office?

10 Mr. Hyndman. I certainly did, yes.

11 Mr. Marshall. Which member was that?

12 Mr. Hyndman. Congressman McClory's office.

13 Mr. Marshall. When was that, sir?

14 Mr. Hyndman. I don't remember the date. It would have
15 been sometime during the discussion that we had on the final
16 report.

17 Mr. Marshall. Was it prior to the time the final report
18 had been voted on by the Select Committee on Intelligence?

19 Mr. Hyndman. I frankly can't remember.

20 Mr. Marshall. What were the circumstances of your seeing
21 the report in Mr. McClory's office?

22 Mr. Hyndman. I was sitting with one of his staff personnel,
23 Mr. Paul Ahern.

24 Mr. Marshall. Was anyone else present?

25 Mr. Hyndman. No.

1 Mr. Marshall. My question was, did you give the report
2 of the Select Committee or make any part of that report
3 available to anyone outside the Select Committee on Intelligence?

4 Mr. Hyndman. No, I didn't.

5 Mr. Marshall. Do you know of anyone who did?

6 Mr. Hyndman. No, I don't.

7 Mr. Flynt. Mr. Hutchinson?

8 Mr. Hutchinson. What was your position with the
9 committee?

10 Mr. Hyndman. I was an investigator working on foreign
11 intelligence.

12 Mr. Hutchinson. No further questions.

13 Mr. Flynt. Mr. Hyndman, you may step down. You are
14 hereby excused from your subpoena with the thanks of the
15 committee for your appearance.

16 Mr. Hyndman. Thank you.

17 (Witness excused.)

18 Mr. Flynt. Pursuant to the motion adopted earlier in
19 this committee session, pursuant to the motion made by the
20 gentleman from Tennessee, Mr. Quillen, the committee will go
21 into executive session. With the motion made in open session
22 and a quorum being present and by a roll call vote of 7 to 5,
23 the motion was passed.

24 The committee now resolves itself into executive session
25 and the committee respectfully requests Mr. Mingee and

1 Mr. Mattox to remain briefly with the understanding that we
2 will call Mr. Minge at this time and that we may or may not
3 call Mr. Mattox.

4 But Mr. Mattox, if the committee does not call you, you
5 will be promptly excused.

6 The committee hereby resolves itself into executive
7 session pursuant to the motion of Mr. Quillen heretofore
8 adopted by the committee.

9 (Whereupon, at 11:07 a.m. the committee proceeded into
10 executive session.)

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1 (The committee resumed in open session at 2:21 p.m.)

2 Mr. Foley (presiding). The Committee on Standards of
3 Official Conduct will come to order.

4 The committee meets again in public session for the
5 purpose of receiving the testimony of the witnesses called.
6 The record will show that a quorum is present for the purpose
7 of receiving testimony.

8 The first witness scheduled for this afternoon's hearings
9 is Mr. Jeffrey R. Whieldon.

10 Will you remain standing?

11 Mr. Flynt. I hereby designate the gentleman from
12 Washington, Mr. Foley, to administer the oath to Jeffrey R.
13 Whieldon.

14 Mr. Foley. Mr. Whieldon, do you solemnly swear that the
15 testimony you will give before this committee in the matters
16 under consideration will be the truth, the whole truth, and
17 nothing but the truth, so help you God?

18 TESTIMONY OF JEFFREY R. WHIELDON

19 Mr. Whieldon. I do.

20 Mr. Foley. Would you state your full name and address
21 for the record?

22 Mr. Whieldon. My name is Jeffrey R. Whieldon. I live
23 at 213 - 9th Street, S.E., Washington, D. C.

24 Mr. Foley. Counsel?

25 Mr. Marshall. Mr. Whieldon, you are appearing here

1 without counsel?

2 Mr. Whieldon. That is correct.

3 Mr. Marshall. You are here pursuant to a subpoena
4 served upon you?

5 Mr. Whieldon. That is correct.

6 Mr. Marshall. At the time the subpoena was served, you
7 also received copies of House Resolutions 1042 and 1054, a copy
8 of the rules of the House Committee on Standards of Official
9 Conduct, a copy of the Investigative Procedures of this
10 committee, and a copy of the Chairman's opening statement; is
11 that correct?

12 Mr. Whieldon. That is true.

13 Mr. Marshall. The subpoena served upon you commanded you
14 to produce certain documents, records and other writings,
15 including copies of drafts of the Report of the House Select
16 Committee on Intelligence which were prepared pursuant to
17 House Resolution 591. Do you have those documents?

18 Mr. Whieldon. I had some documents and I have given them
19 to Mr. Harkness.

20 Mr. Marshall. Of this committee staff?

21 Mr. Whieldon. Yes, that is correct, prior to the meeting.

22 Mr. Marshall. And you turned over to Mr. Harkness all the
23 documents you brought pursuant to the subpoena?

24 Mr. Whieldon. Yes, all that I had included within the
25 subpoena.

1 Mr. Marshall. In the event your evidence or testimony
2 may involve information or data concerning an executive session
3 of the House Select Committee on Intelligence or classified
4 information or information which may tend to defame, degrade,
5 or incriminate any person, would you please advise this
6 committee so that it may take appropriate action under the
7 rules of the House?

8 Mr. Whieldon. I will.

9 Mr. Marshall. Do you have a written prepared statement
10 which you wish to file with the committee?

11 Mr. Whieldon. No, sir.

12 Mr. Marshall. Do you have an oral statement that you
13 wish to make at this time?

14 Mr. Whieldon. No, sir.

15 Mr. Marshall. What was your job title with the Select
16 Committee on Intelligence?

17 Mr. Whieldon. The job title, Mr. Marshall, was counsel
18 to the Select Committee on Intelligence.

19 Mr. Marshall. Are you admitted to the bar?

20 Mr. Whieldon. I am.

21 Mr. Marshall. What bar are you admitted to?

22 Mr. Whieldon. Commonwealth of Massachusetts and the
23 District of Columbia.

24 Mr. Marshall. When did you begin your duties with the
25 Select Committee?

1 Mr. Whieldon. June 23, 1975 I began work with the
2 committee.

3 Mr. Marshall. When did you terminate those duties?

4 Mr. Whieldon. I believe I was on the payroll until
5 February 29, 1976.

6 Mr. Marshall. Mr. Whieldon, did you give the report of
7 the Select Committee on Intelligence or a draft of any part of
8 that report to Mr. Daniel Schorr or to any other person?

9 Mr. Whieldon. No, sir.

10 Mr. Marshall. Do you know of anyone who did?

11 Mr. Whieldon. No, sir.

12 Mr. Marshall. Do you have any knowledge whatsoever of
13 the circumstances surrounding the publication of the report
14 or any part thereof?

15 Mr. Whieldon. I do not.

16 Mr. Marshall. Do you know of anyone who has such
17 knowledge?

18 Mr. Whieldon. No, sir.

19 Mr. Marshall. Did you divulge any part of the report of
20 the Select Committee on Intelligence or a draft of such report
21 to anyone in the media or anyone acting on behalf of a member
22 of the media?

23 Mr. Whieldon. No, sir.

24 Mr. Marshall. Do you know of anyone who did?

25 Mr. Whieldon. No, sir.

1 Mr. Marshall. Did you give the report of the Select
2 Committee on Intelligence or make any part of that report
3 available to anyone outside the Select Committee on
4 Intelligence?

5 Mr. Whieldon. Outside of the membership or the staff?

6 Mr. Marshall. Membership or staff of the Select
7 Committee on Intelligence?

8 Mr. Whieldon. No, sir.

9 Mr. Marshall. Do you know of anyone who did?

10 Mr. Whieldon. No, sir.

11 Mr. Marshall. Thank you.

12 Mr. Foley. Are there any questions of Mr. Whieldon?

13 Mr. Price?

14 Mr. Price. I have no questions.

15 Mr. Foley. Mr. Chairman?

16 Mr. Flynt. I have no questions.

17 Mr. Foley. Mr. Whieldon, we appreciate your appearance
18 this afternoon. You are excused from your subpoena with the
19 thanks of the committee.

20 Mr. Whieldon. Thank you very much.

21 (Witness excused.)

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1 Mr. Foley. The next witness will be Miss Katherine J.
2 Schroeher.

3 Mr. Flynt. I hereby designate the gentleman from
4 Washington, Mr. Foley, to administer the oath to Miss Schroeher.

5 Mr. Foley. Miss Schroeher, do you solemnly swear that the
6 testimony you will give before this committee in the matters
7 under consideration will be the truth, the whole truth, and
8 nothing but the truth, so help you God?

9 TESTIMONY OF KATHERINE J. SCHROEHER

10 ACCOMPANIED BY

11 LAWRENCE R. VELVEL, COUNSEL

12 Ms. Schroeher. I do.

13 Mr. Foley. Would you state your full name and address?

14 Ms. Schroeher. Katherine J. Schroeher. I live at
15 4005 Fessenden Street, N.W., Washington, D. C.

16 Mr. Marshall. Can you tell me how to pronounce your
17 last name.

18 Ms. Schroeher. Shroyer.

19 Mr. Marshall. Are you appearing here with counsel?

20 Ms. Schroeher. Yes, sir.

21 Mr. Marshall. Will you identify yourself for the record?

22 Mr. Velvel. Lawrence R. Velvel, counsel to Miss
23 Katherine Schroeher.

24 Mr. Marshall. Miss Schroeher, you are appearing
25 pursuant to a subpoena which was served upon you previously?

1 Ms. Schroeher. Yes, sir.

2 Mr. Marshall. At the time that subpoena was served, you
3 also received copies of House Resolutions 1042 and 1054?

4 Ms. Schroeher. Yes, sir.

5 Mr. Marshall. And a copy of the rules of the House
6 Committee on Standards of Official Conduct?

7 Ms. Schroeher. Yes, sir.

8 Mr. Marshall. And a copy of the Investigative Procedures
9 of this committee?

10 Ms. Schroeher. Yes, sir.

11 Mr. Marshall. And a copy of the Chairman's opening
12 statement?

13 Ms. Schroeher. Yes, sir.

14 Mr. Marshall. The subpoena served on you commanded you
15 to produce certain documents and other writings, including
16 copies of drafts of the Report of the House Select Committee
17 on Intelligence which were prepared pursuant to House
18 Resolution 591. Have you brought those documents with you?

19 Ms. Schroeher. Yes, sir.

20 Mr. Marshall. Do you have them now?

21 Ms. Schroeher. Yes, I do.

22 Mr. Marshall. Will you turn them over to a member of
23 my staff?

24 Ms. Schroeher. Surely.

25 (The documents referred to were submitted to the
committee.)

1 Mr. Marshall. Mrs. Schroeher, in view of the voluminous
2 nature of those documents, at the conclusion of your testimony
3 I am going to request that you stand by so we have an opportunity
4 to examine them before you are excused.

5 Ms. Schroeher. Surely.

6 Mr. Marshall. In the event that your evidence or
7 testimony may involve information or data concerning an
8 executive session of the Select Committee on Intelligence or
9 classified information or information which may tend to
10 defame, degrade, or incriminate any person, please advise
11 this committee so that it may take appropriate action under
12 the rules of the House.

13 Ms. Schroeher. Yes, sor.

14 Mr. Marshall. Do you have a written statement which you
15 wish to file with the committee?

16 Ms. Schroeher. No, sir.

17 Mr. Marshall. Do you have a brief oral statement you
18 wish to make?

19 Ms. Schroeher. No, sir.

20 Mr. Marshall. Mrs. Schroeher, what was your job title
21 with the Select Committee on Intelligence?

22 Ms. Schroeher. I was a writer and a researcher.

23 Mr. Marshall. Did you work for a particular member of
24 the Select Committee?

25 Ms. Schroeher. No, sir.

1 Mr. Marshall. Who was your immediate supervisor?

2 Ms. Schroeher. Stanley Bach.

3 Mr. Marshall. When did you begin duties with the
4 Select Committee on Intelligence?

5 Ms. Schroeher. September 1, 1975.

6 Mr. Marshall. When did those duties conclude?

7 Ms. Schroeher. February 18, 1976.

8 Mr. Marshall. Mrs. Schroeher, did you give the report
9 of the Select Committee on Intelligence or a draft of any part
10 of that report to Mr. Daniel Schorr or to any other person?

11 Ms. Schroeher. No, sir.

12 Mr. Marshall. Do you know of anyone who did?

13 Ms. Schroeher. No, sir.

14 Mr. Marshall. Do you have any knowledge whatsoever of
15 the circumstances surrounding the publication of the report
16 or any part thereof?

17 Ms. Schroeher. No, sir.

18 Mr. Marshall. Do you know of anyone who does?

19 Ms. Schroeher. No, sir.

20 Mr. Marshall. Did you divulge any part of the report
21 of the Select Committee on Intelligence or any draft of such
22 report to a member of the media or anyone acting on behalf of
23 a member of the media?

24 Ms. Schroeher. No, sir.

25 Mr. Marshall. Do you know of anyone who did?

1 Ms. Schroeher. No, sir.

2 Mr. Marshall. Did you give the report of the Select
3 Committee on Intelligence or make any part of that report
4 available to anyone outside of the Select Committee on
5 Intelligence?

6 Ms. Schroeher. No, sir.

7 Mr. Marshall. Do you know of anyone who did?

8 Ms. Schroeher. No, sir.

9 Mr. Marshall. That concludes my questions.

10 Mr. Foley. Are there any additional questions?

11 Mr. Quie. Did you write a portion of the final report?

12 Ms. Schroeher. No, sir. I helped to write a first draft
13 of the report.

14 Mr. Quie. Thank you.

15 Mr. Foley. Are there any further questions?

16 We appreciate your appearance this afternoon. You are
17 excused from any further testimony and from the subpoena.

18 (Witness excused.)

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1 Mr. Marshall. Is Susan R. Paisner in the committee room?

2 Ms. Paisner. My attorney is not here yet. I prefer to
3 wait until he gets here if that is all right.

4 Mr. Marshall. All right.

5 Cheryl T. Yamamoto, is she in the committee room?

6 (No response.)

7 Mr. John T. Marshall. We call Mr. John W. Marshall to
8 the witness stand.

9 Mr. Flynt. I hereby authorize the gentleman from
10 Washington, Mr. Foley, to administer the oath to Mr. Marshall.

11 Mr. Foley. Mr. Marshall, do you solemnly swear that the
12 testimony you will give before this committee in the matters
13 under consideration will be the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 TESTIMONY OF JOHN W. MARSHALL

16 Mr. John W. Marshall. I do.

17 Mr. Foley. Would you state your full name, address and
18 position for the record?

19 Mr. John W. Marshall. John W. Marshall, 2301 South
20 Jefferson Davis Highway, Arlington, Virginia, Deputy Director
21 of Investigations of the Committee on Standards of Official
22 Conduct.

23 Mr. John T. Marshall. My name is John T. Marshall and
24 we are not related.

25 Mr. Marshall, at my direction did you attempt to locate

1 and serve a subpoena on Mr. Jacob A. Beam?

2 Mr. John W. Marshall. A member of the investigative staff
3 did.

4 Mr. John T. Marshall. Do you know the results of that
5 attempt?

6 Mr. John W. Marshall. The investigative staff has been
7 advised that Mr. Beam is touring Russia with a photographic
8 exhibit sponsored by another government agency and will not
9 return to this country until February of 1977.

10 Mr. Flynt. Does the return on the subpoena so state?

11 Mr. John W. Marshall. I don't know, sir.

12 Mr. Flynt. If it does not and if it was made by an
13 investigator under the direction of you and Mr. Bowers, will
14 you have the return on the subpoena reflect the contents of
15 your testimony today?

16 Mr. John W. Marshall. Yes, sir.

17 Mr. Foley. Are there any other questions of Mr. Marshall?
18 If not, you are excused.

19 Mr. John W. Marshall. Thank you very much.

20 (Witness excused.)

21 Mr. Foley. Without objection, the committee will stand
22 in recess until 3 p.m.

23 (A brief recess was taken.)

24
25

Copeland
follows
Rudolph
2:45 p.m.
9/8/76
3:05 p.m.

1 Mr. Flynt. The committee will come to order. Is
2 Ms. Yamamoto present? Are you accompanied by counsel?

3 Ms. Yamamoto. Yes.

4 Mr. Flynt. Would you and your counsel please come
5 forward?

6 I will administer the oath.

7 Do you solemnly swear that the testimony which you will
8 give before this committee in the matters now under investiga-
9 tion will be the truth, whole truth, and nothing but the truth,
10 so help you God?

11 Ms. Yamamoto. I do.

12 Mr. Flynt. Ms. Yamamoto, the committee welcomes you, and
13 we welcome your counsel to this session of the committee, and
14 we express our appreciation to both of you for appearing.

15 TESTIMONY OF MS. CHERYL T. YAMAMOTO,

16 ACCOMPANIED BY

17 STEPHEN J. KOVACIK, JR., COUNSEL

18 Mr. Flynt. Mr. Counsel, will you proceed?

19 Mr. Marshall. Ms. Yamamoto, will you please state your
20 full name and residence for the record?

21 Ms. Yamamoto. Cheryl Yamamoto, 4500 South Four Mile
22 Run Drive, Apartment 620, Arlington, Virginia.

23 Mr. Marshall. You are appearing with counsel?

24 Ms. Yamamoto. That is correct.

25 Mr. Marshall. Counsel, would you identify yourself for the

1 record?

2 Mr. Kovacik. My name is Stephen J. Kovacik, Jr. I am
3 counsel for Ms. Yamamoto, and am from Columbus, Ohio.

4 Mr. Marshall. Ms. Yamamoto, you are here pursuant to a
5 subpoena served on you previously?

6 Ms. Yamamoto. That is correct.

7 Mr. Marshall. At the time that subpoena was served, you
8 also received copies of House Resolutions 1042 and 1054?

9 Ms. Yamamoto. Yes, I did.

10 Mr. Marshall. And a copy of the rules of this committee?

11 Ms. Yamamoto. Yes.

12 Mr. Marshall. A copy of the investigative procedures of
13 this committee?

14 Ms. Yamamoto. Yes, sir.

15 Mr. Marshall. And a copy of the Chairman's opening
16 statement to these hearings?

17 Ms. Yamamoto. Yes, sir.

18 Mr. Marshall. The subpoena served upon you commanded you
19 to produce certain records, documents and other writings, includ-
20 ing copies or drafts of the report of the House Select Committee
21 on Intelligence which were prepared pursuant to House Resolution
22 591. Do you have those documents in writing?

23 Ms. Yamamoto. I didn't bring anything home with me so I
24 don't have anything to bring here.

25 Mr. Marshall. It is your testimony you have none of those

1 documents in writing in your possession?

2 Ms. Yamamoto. I have none of the documents.

3 Mr. Marshall. In the event that your evidence or testi-
4 mony may involve information or data concerning an Executive
5 Session of the House Select Committee on Intelligence, or
6 classified information, or information which may tend to de-
7 fame, degrade or incriminate any person, would you please ad-
8 vise this committee so it may take appropriate action under
9 the rules of the House of Representatives?

10 Ms. Yamamoto. I will.

11 Mr. Marshall. Do you have a written statement you wish
12 to file with the committee?

13 Ms. Yamamoto. No, sir.

14 Mr. Flynt. Would counsel suspend briefly so that the
15 Chair may observe for the record that at the time the committee
16 was called to order, at the time Ms. Yamamoto and her counsel
17 approached the witness table, that there was then and is now
18 a quorum present for the purpose of taking testimony.

19 Proceed, Mr. Counsel.

20 Mr. Flynt. Do you wish to present an oral statement to
21 the committee at this time?

22 Ms. Yamamoto. No, sir.

23 Mr. Marshall. Ms. Yamamoto, what was your job title with
24 the Select Committee on Intelligence?

25 Ms. Yamamoto. I was an investigator with the foreign
and military intelligence section.

1 Mr. Marshall. When did you begin those duties with the
2 Select Committee?

3 Ms. Yamamoto. June 15.

4 Mr. Marshall. Of what year?

5 Ms. Yamamoto. 1975.

6 Mr. Marshall. When did those duties terminate?

7 Ms. Yamamoto. February 28, 1976.

8 Mr. Marshall. Ms. Yamamoto, did you give the report of
9 the Select Committee on Intelligence or a draft of any part of
10 that report to Mr. Daniel Schorr, or to any other person?

11 Ms. Yamamoto. I did not.

12 Mr. Marshall. Do you know of anyone who did?

13 Ms. Yamamoto. I do not.

14 Mr. Marshall. Do you have any knowledge whatsoever of
15 the circumstances surrounding the publication of that report
16 or any part thereof?

17 Ms. Yamamoto. No, sir, I do not.

18 Mr. Marshall. Do you know of anyone who has such knowl-
19 edge?

20 Ms. Yamamoto. No, sir.

21 Mr. Marshall. Did you divulge any part of the report of
22 the Select Committee on Intelligence or draft of that report
23 to any member of the media or anyone acting on behalf of a
24 member of the media?

25 Ms. Yamamoto. No, sir.

1 Mr. Marshall. Do you know of anyone who did?

2 Ms. Yamamoto. No, sir.

3 Mr. Marshall. Did you give the report of the Select
4 Committee on Intelligence or make any part of that report avail-
5 able to anyone outside of the Select Committee on Intelligence?

6 Ms. Yamamoto. No, sir.

7 Mr. Marshall. Do you know anyone who did?

8 Ms. Yamamoto. No, sir.

9 Mr. Marshall. Those are all the questions I have, Mr.
10 Chairman.

11 Mr. Flynt. Mr. Hutchinson?

12 Mr. Hutchinson. No questions.

13 Mr. Flynt. Mr. Mitchell?

14 Mr. Mitchell. No questions.

15 Mr. Flynt. Ms. Yamamoto, with the thanks of the committee,
16 you may step down, and you are excused from your subpoena.

17 The committee would like to express its appreciation to you and
18 to your counsel for your appearance here today.

19 Mr. Kovacik. Thank you, Mr. Chairman.

20 (The witness is excused.)

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TESTIMONY OF SUSAN R. PAISNER

Mr. Marshall. Ms. Paisner, is your counsel here yet?

Ms. Paisner. No, he isn't, but I will go ahead anyway, rather than hold you up.

Mr. Flynt. If you will come forward, before the oath is administered, I would like to make a statement to you that I would like to be on the record, Ms. Paisner. Have a seat at the table.

Ms. Paisner, you have stated in response to a question from counsel -- you are not under oath -- but you have stated in response to a question from counsel that while you are present, your attorney has not arrived.

Ms. Paisner. Right; he is not here.

Mr. Flynt. Earlier, you stated that you would like to have him here, and just a minute ago I think you said you have no objections to proceeding.

Let me state the position of the committee on that. When an individual advises the committee or advises a member of the staff of the committee and that advice is communicated to me as Chairman or to my temporary chairman of the committee, we certainly do not want to impose upon a witness, and we want to make every reasonable effort to be accommodating.

Have you placed a call to ascertain whether your counsel is enroute?

Ms. Paisner. Yes, I have. I called, and from what I

1 can figure out, he is on his way here. I left a message for
2 him to get here earlier, if possible, so I assume he has been
3 informed. If it will work out better, I will wait until he
4 gets here.

5 Mr. Flynt. With him on the way, and out of courtesy to
6 both you and him, I think it would be best not to proceed.

7 Ms. Paisner. All right.

8 Mr. Flynt. The committee will stand in informal recess,
9 giving counsel a reasonable time in which to appear.

10 You are aware of the fact that both you and he were ad-
11 vised of the time you were expected to be reached on the witness
12 list, but we are certainly not going to impose on you or him.

13 Ms. Paisner. All right.

14 Mr. Swanner. Would you let us know when he is in the room,
15 please?

16 Ms. Paisner. All right; I will.

17 Mr. Flynt. The committee will stand in recess, subject
18 to the call of the Chair.

19 (Brief recess.)

20 Mr. Flynt. The committee will come to order. Ms. Paisner,
21 would you please come forward?

22 The Chair announces that for the purpose of taking testi-
23 mony and receiving evidence a quorum is present. Ms. Paisner,
24 before you take the seat and I administer the oath, let me
25 explain to you that you are entitled to a reasonable delay in

3:15 p.m.

3:30 p.m.

1 testifying before the committee if your counsel is not pres-
2 ent, if you so desire.

3 The Chair will go one step further and give you his assur-
4 ance as best he can that in the event your counsel arrives and
5 after being advised of that to which you have testified, if
6 either you or he requests this committee to vacate the proceed-
7 ings under which you testified, I think I can give you the
8 assurance the committee will vacate those proceedings and let
9 you re-testify with counsel present.

10 Ms. Paisner. I appreciate that.

11 Mr. Flynt. Are you prepared to testify without counsel
12 being present?

13 Ms. Paisner. Yes, I am.

14 Mr. Flynt. Do you have any objection whatsoever to tes-
15 tifying without counsel being present?

16 Ms. Paisner. No, I don't.

17 Mr. Flynt. That being the case, would you please raise
18 your right hand and let me administer the oath?

19 You do solemnly swear that the testimony you will give be-
20 fore this committee in matters now under consideration will be
21 the truth, whole truth and nothing but the truth, so help you
22 God?

23 Ms. Paisner. I do.

24 Mr. Flynt. You may be seated.

25 The committee welcomes you to this session of the committee

1 and we thank you for your appearance.

2 Counsel has some questions that he would like to ask you,
3 and I wonder if you would satisfy yourself as I have satisfied
4 myself that Ms. Paisner is willing to proceed without counsel.

5 Mr. Marshall. Ms. Paisner, would you please state your
6 full name and address for the record?

7 Ms. Paisner. Susan R. Paisner, 1832 Metzert Road, Adelphi,
8 Maryland.

9 Mr. Marshall. Ms. Paisner, you have previously stated,
10 and we need to restate it for the record since you are under
11 oath, that you are appearing without counsel at present?

12 Ms. Paisner. Yes.

13 Mr. Marshall. Ms. Paisner, as counsel for the committee,
14 I want to tell you, you have the right of an attorney at this
15 proceeding, that the committee will take such action as is
16 necessary to protect that right. Do you understand that?

17 Ms. Paisner. Yes, I do.

18 Mr. Marshall. It is of your free choice that you go
19 forward and testify without counsel being present?

20 Ms. Paisner. Yes.

21 Mr. Marshall. If at any point in the testimony you should
22 change your mind, and you should feel the need for counsel,
23 will you please advise the committee so it can take appropriate
24 action?

25 Ms. Paisner. Yes, I will.

1 Mr. Marshall. You are here pursuant to a subpoena having
2 been served upon you?

3 Ms. Paisner. That is correct.

4 Mr. Marshall. At the time that subpoena was served, you
5 also received copies of House Resolutions 1042 and 1054?

6 Ms. Paisner. That is correct.

7 Mr. Marshall. A copy of the rules of the House Committee
8 on Standards of Official Conduct?

9 Ms. Paisner. That is correct.

10 Mr. Marshall. A copy of the investigative procedures
11 of this committee?

12 Ms. Paisner. That is correct.

13 Mr. Marshall. And a copy of the Chairman's opening
14 statement to these hearings?

15 Ms. Paisner. Yes.

16 Mr. Marshall. The subpoena commanded that you produce
17 certain documents and writings described in the subpoena as
18 well as any copies or drafts of the report of the House Select
19 Committee on Intelligence which were prepared pursuant to
20 House Resolution 591.

21 Do you have those documents or writings with you?

22 Ms. Paisner. I have none of them with me at my home, so
23 I had none to bring in.

24 Mr. Marshall. It is your testimony then you had none of
25 those documents or writings in your possession at the time of

1 the subpoena, or in your custody or control?

2 Ms. Paisner. That is correct.

3 Mr. Marshall. In the event that your evidence or testi-
4 mony may involve information or data concerning an Executive
5 Session of the House Select Committee on Intelligence or clas-
6 sified information or information which may tend to defame,
7 degrade or incriminate any person, would you please advise this
8 committee so it may take appropriate action under the rules
9 of the House of Representatives?

10 Ms. Paisner. Yes, I will.

11 Mr. Marshall. Do you have a written statement you wish to
12 file with the committee at this time?

13 Ms. Paisner. I do not.

14 Mr. Marshall. Do you wish to present an oral statement
15 to the committee at this time?

16 Ms. Paisner. No.

17 Mr. Marshall. Ms. Paisner, what was your job title with
18 the Select Committee on Intelligence?

19 Ms. Paisner. I was a Research Assistant.

20 Mr. Marshall. When did you come to undertake those duties
21 with the Select Committee?

22 Ms. Paisner. September 2, 1975.

23 Mr. Marshall. When did your duties terminate?

24 Ms. Paisner. February 29, 1976.

25 Mr. Marshall. Ms. Paisner, did you give the report of the

1 Select Committee on Intelligence or a draft of any part of that
2 report to Mr. Schorr or to any other person?

3 Ms. Paisner. No, I did not.

4 Mr. Marshall. Do you know anyone who did?

5 Ms. Paisner. No, I do not.

6 Mr. Marshall. Do you have any knowledge whatever of the
7 circumstances surrounding the publication of that report or any
8 part thereof?

9 Ms. Paisner. No, I do not.

10 Mr. Marshall. Do you know of anyone who has such knowl-
11 edge?

12 Ms. Paisner. No.

13 Mr. Marshall. Did you divulge any part of the report of
14 the Select Committee on Intelligence or a draft of such report
15 to any member of the media or anyone acting on behalf of a
16 member of the media?

17 Ms. Paisner. No, I did not.

18 Mr. Marshall. Do you know anyone who did?

19 Ms. Paisner. No.

20 Mr. Marshall. Did you give the report of the Select
21 Committee on Intelligence or any part of that report to anyone
22 outside the Select Committee?

23 Ms. Paisner. No.

24 Mr. Marshall. Do you know anyone who did?

25 Ms. Paisner. No.

1 Mr. Marshall. One final question, Ms. Paisner, which I
2 must ask for the record: How old are you?

3 I want to be sure that you are of age in order to protect
4 your rights so far as counsel --

5 Ms. Paisner. You didn't ask anyone else.

6 Mr. Marshall. Let me withdraw the question. Are you over
7 twenty-one?

8 Ms. Paisner. Yes, I am.

9 Mr. Marshall. That certainly satisfies the committee.
10 I have no further questions.

11 Mr. Flynt. Mr. Spence?

12 Mr. Spence. Nothing except to comment that I am sure
13 the question was really complimentary.

14 Ms. Paisner. Thank you.

15 Mr. Flynt. Mr. Mitchell?

16 Mr. Mitchell. No questions, Mr. Chairman.

17 Mr. Flynt. Ms. Paisner, I am sure that counsel asked
18 that question because he thought you might have been consid-
19 erably younger than twenty-one and we wanted to be sure that
20 we were doubly protecting your rights.

21 Ms. Paisner. I appreciate the concern.

22 Mr. Flynt. We do thank you for appearing. We thank
23 you for the responsive and responsible manner in which you
24 have answered the questions and especially under the conditions
25 where you expected your counsel to be present and he was not.

1 With the thanks of the committee you may step down, and
2 you are excused from your subpoena.

3 Ms. Paisner. Thank you very much.

4 (The witness is excused.)

5 Mr. Flynt. The Chair desires to make an announcement.

6 The hearings upon this subject will resume at ten o'clock
7 a.m. Tuesday morning, the 14th of September in Room 2360.

8 The Chair emphasizes that the hearings on this subject will
9 resume at that time because the committee will meet again
10 tomorrow at ten o'clock pursuant to notice heretofore given
11 on a different subject matter, but this matter will be again
12 taken up by the committee -- that is the matter pursuant to
13 House Resolution 1042, on September 14, 1976.

14 Is there anything further to come before the committee at
15 this time by any of the committee members?

16 Counsel has suggested that I state the hearings which
17 have been scheduled for Tuesday, September the 14th, are in
18 addition to and not in lieu of the meeting of this committee and
19 hearings before this committee which were scheduled for
20 Wednesday, the 15th of September, 1976.

21 Without objection, the committee stands adjourned.

22 (Whereupon, at 3:40 p.m., the committee adjourned, to
23 reconvene at 10:00 a.m., Thursday, September 9, 1976.)

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