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CIA HISTORICAL REVIEW PROGRAM**

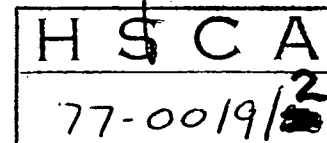
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*3 Feb 77
To : DD CI
Instead?*

MEMORANDUM FOR: Deputy Director of Central Intelligence
Deputy Director for Operations
General Counsel
Legislative Counsel
Director of Security

FROM : John H. Waller
Inspector General

SUBJECT : Procedures for Dealing with House
Select Committee on Assassinations



1. We are of the opinion that the Agency must establish a firm basis for doing business with the House Select Committee on Assassinations. The Agency must reserve the right to respond on an orderly and considered basis, and it must put itself in a position to be dealt with by the Committee on an orderly basis.

2. The need for a tight procedure is highlighted by the public statements that have been made recently by Chief Counsel Sprague. He has stated that:

a. "The Committee would have to retain its own authorities with respect to disclosures and couldn't capitulate to Executive Branch requirements in this regard;

b. "the Committee might even reveal the identity of undercover CIA agents, if necessary, to tell the story;

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c. "the Committee would make public, chiefly through public hearings, the information it developed, even if the disclosures might affect individuals or government agencies only indirectly connected to the assassinations;

d. "the Committee plans to record secretly the remarks of potential witnesses with the use of hidden body transmitters and then subject the responses to psychological stress evaluation."

3. In dealing with the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities the Agency was guided by an agreed set of SSC-CIA procedures (attached). A different set of procedures was formulated by the Agency to deal with the House Select Committee on Intelligence (Pike Committee) because of the manner in which it conducted its investigation (attached). In light of the recent Sprague announcements, it is felt that a tighter procedure is indicated than that provided by the set of SSC-CIA procedures, which gives the Congress the final word on the release of information from the Executive Branch. Carefully considered terms of reference, such as those provided for in the Pike formula, which called for resolution by the courts, should be agreed upon for dealing with the House Select Committee in its investigation. It is interesting to note that some of the public pronouncements by Mr. Sprague have

aroused the apprehension of the Chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, who publicly warned that some of the proposed investigative techniques of the House Select Committee on Assassinations would be "wrong, immoral, and very likely illegal". While these are proper matters for our concern, we are responsible, under the DCI, for protection of intelligence sources and methods.

4. It is recommended that the Legislative Counsel propose to the House Select Committee on Assassinations the adoption of the same set of procedures, with minor modification, which controlled the Agency's dealings with the Pike Committee. These procedures would establish policy for the control of certain types of information; for the interviewing of witnesses; the sanitizing procedures for documents, etc. The rule should be that operational materials involving sources and methods are not usually available, but that investigators might be granted access to Agency documents on a case-by-case basis.

John H. Waller

Attachments: 2

1. SSC-CIA Procedures
2. Procedures for Dealing with Pike Committee

House Restores Assassinations Panel for 2 Months

By George Lardner Jr.
Washington Post Staff Writer

The House voted last night to restore its investigation into the assassinations of President Kennedy and Martin Luther King Jr. but put it on two months' probation.

The resuscitation, approved 237 to 164, gives the House Select Committee on Assassinations until March 31 to work out a palatable budget and to adopt rules that will safeguard the rights of witnesses and others who might become targets of the inquiry.

Rep. Henry B. Gonzalez (D-Tex.), who was immediately named the committee's new chairman, said he hoped to hold a meeting today in an effort to get moving again, although only "a minimum of investigative work" will be possible in the next few weeks.

Under the resolution adopted last night, the committee will have to confine its spending to \$84,000 a month—the amount it incurred in December before it went out of business under a rush of criticisms over its proposed budget and investigating techniques.

Republicans, led by Rep. James H. Quillen (R-Tenn.), favored killing the investigation by more than 2 to 1, but the temporary revival was fashioned as a compromise measure and had the support of the House Democratic leadership. The Democratic majority voted for it by nearly 3 to 1.

Leading off the opposition, Quillen cited a report yesterday morning by United Press International that a Justice Department study undertaken last year had concluded that James Earl Ray was King's lone assassin in the 1968 Memphis killing.

The 148-page study, commissioned last year after Senate disclosures that the FBI had conducted a long undercover campaign to discredit King, has yet to be made public, ostensibly because of the change in administration.

tions and because the Justice Department did not want to appear to be influencing the House decision.

The leak of the finding about Ray immediately touched off suspicions among supporters of the congressional investigation that it was an attempt to squelch the investigation. House Speaker Thomas P. (Tip) O'Neill told reporters that he regarded the timing of the leak as "very unfortunate."

Justice Department sources disclaimed responsibility and pointed out that classified copies of the report, which was completed Jan. 10, had been sent to Senate Judiciary Committee Chairman James O. Eastland (D-Miss.), Senate Intelligence Committee Chairman Daniel K. Inouye (D-Hawaii) and House Judiciary Committee Chairman Peter W. Rodino (D-N.J.).

The sources also said that the report, while concluding that the FBI conducted an adequately professional investigation of the King murder, makes plain that the bureau's work had shortcomings.

"It's not going to make anyone happy," said one source familiar with the report.

Rep. Yvonne Burke (D-Calif.) protested sharply that the Justice Department yesterday would not supply her with a copy even though she is a member of the House Appropriations subcommittee for the Justice Department, as well as of the assassinations committee.

Quillen used the reports about the study to support his contention that it would be "irresponsible to re-launch this apparently erratic investigation" which the House initiated last fall. He said he saw no need "for another run around the mulberry bush" of either assassination.

The final vote showed considerable erosion from the 280-to-65 tally creating the committee last September.

Rep. Richardson Preyer (D-N.C.), chairman of the subcommittee investigating the Kennedy assassination, said he felt one of the main reasons for the pronounced shift lay in the fact

that the past few months have been one of transition, of a public mood that has been saying:

"We want to put the nightmares behind us and here comes the [assassinations] committee raising all the old ghosts of the past."

Preyer maintained, however, that the investigation should be undertaken because "nothing is finally settled until it's settled right."

"Only 10 per cent of the American people believe the Warren Commission report," Preyer said. "We are not out to tear the nation apart. We are trying to restore its credibility."

Acknowledging that many of the complaints about the investigation have centered on chief committee counsel Richard A. Sprague, Preyer, assured congressional critics that the committee will delve into questions raised about Sprague's background and judgment as a "first order of business."

The resolution reviving the committee was adopted after the House rejected an amendment by Rep. Del Clawson (R-Calif.) to delete broad language establishing a legislative purpose for the investigation and another by Rep. Trent Lott (R-Miss.) to deny committee lawyers the authority to secure sworn statements from far-flung witnesses.

The House, however, approved a clarifying amendment offered by House Administration Committee Chairman Frank Thompson Jr. (D-N.J.) to make clear that the committee was not entitled to an additional 30 staff members that it might have claimed. It already has a staff of 73 with a monthly payroll of \$123,000; many have agreed to take a voluntary pay cut until the House acts on a permanent budget.

The Washington Post

3 February 1977

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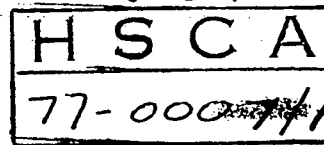
Points I had jotted down for the alleged meeting with Cummings² and Garbler:

1. All Agency contacts by HSCA are to be through Review Staff.
A log should be kept on all such contacts,
2. All requirements should be submitted in writing. As a practical consideration, telephonic requirements can be accepted, reduced in writing by Review Staff, but are to be confirmed by HSCA in writing.
3. Review Staff arranged processing of responses, assigning action to the directorate or directorates according to substantive responsibility. There should be a tickler system to maintain control.
4. Control all materials taken from building (review the sanitization and approval by those substantively responsible).
5. Monitor review of documents by HSCA personnel.
6. Record what goes out (copies).
7. Establish and maintain a current index system for reference and retrieval.
8. At all times, as important working interface with HSCA, keep in mind Agency equities in both substance and form of relationships.
Never hesitate to take "upstairs" any issue that cannot be resolved readily at Review Staff level.

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27. (Unclassified - LLM) LIAISON Jackie Hess, House Select Committee on Assassinations staff, called concerning access by the staff to unclassified material in the Agency's possession. We also discussed security clearances and the necessity for a Memorandum of Understanding governing access to classified material. As of the present, the Committee has not signed the security clearance standards proposed by the Department of Justice and according to Ms. Hess, no security processing has begun. In response to her inquiry as to whether we would be representing the Intelligence Community during the investigation, I said I would think that a separate but equal doctrine would govern an agency dealing directly with the Committee, but would follow the same standards regarding classified materials, etc.

Ms. Hess also inquired whether we would provide the Committee with unclassified material to read during the negotiations with the Attorney General. I told her that we had quite a bit of Freedom of Information information and would check into whether it could be provided to the Committee, although I saw no problem. She indicated that she would prefer having the staff members come to the Agency to read the material.


GEORGE L. CARY
Legislative Counsel

cc:
A/DCI
Ex. Sec.
DDI DDA DDS&T
Mr. Lpaham
Mr. Falkiewicz
SA/DO/O
IC Staff
Comptroller
NIO

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