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Y4 FINANCIAL OR BUSINESS INTERESTS OF OFFICERS
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GOVERNMENT
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HEARINGS
BEFORE THE
COMMITTEE ON
RULES AND ADMINISTRATION
UNITED STATES SENATE
EIGHTY-EIGHTH CONGRESS
FIRST AND SECOND SESSIONS

PURSUANT TO
S. Res. 212 and S. Res. 291

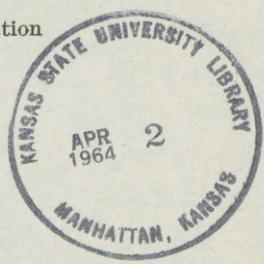
RESOLUTIONS AUTHORIZING AN INVESTIGATION INTO THE
FINANCIAL OR BUSINESS INTERESTS OF ANY OFFICER OR
EMPLOYEE OR FORMER OFFICER OR EMPLOYEE OF THE
SENATE

FEBRUARY 19, 25, AND 26, 1964

PART 14

Testimony of Robert G. Baker and Nancy Carole Tyler

Printed for the use of the
Committee on Rules and Administration



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WASHINGTON : 1964

FINANCIAL OR BUSINESS INTERESTS OF OFFICERS
OR EMPLOYEES OF THE SENATE

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PT. 14

HEARINGS
BEFORE THE
COMMITTEE ON
RULES AND ADMINISTRATION

B. EVERETT JORDAN, North Carolina, *Chairman*

CARL HAYDEN, Arizona
HOWARD W. CANNON, Nevada
CLAIBORNE PELL, Rhode Island
JOSEPH S. CLARK, Pennsylvania
ROBERT C. BYRD, West Virginia

CARL T. CURTIS, Nebraska
JOHN SHERMAN COOPER, Kentucky
HUGH SCOTT, Pennsylvania

GORDON F. HARRISON, *Staff Director*
HUGH Q. ALEXANDER, *Chief Counsel*

SPECIAL STAFF FOR THE PURPOSES OF SENATE RESOLUTION 212 AND SENATE
RESOLUTION 291

LENNOX P. MCLENDON, *General Counsel*
W. ELLIS MEEHAN, *Chief Investigator*
BURKETT VAN KIRK, *Associate Counsel (Minority)*
JAMES H. DUFFY, *Associate Counsel*

[The hearing of February 19, 1964, was held in executive session, and transcript released to the public by the committee on February 25, 1964.]

II

PART II

Testimony of Robert G. Baker and Nancy Carole Tyler



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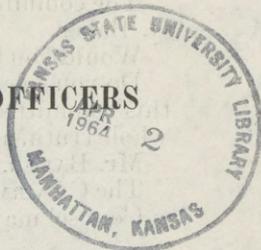
EXHIBITS

Exhibit 1, letter dated February 14, 1904, from Edward Bennett Williams to Senator B. F. Stewart, Chairman of the Committee on Rules and Administration, 1307-1308
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FINANCIAL OR BUSINESS INTERESTS OF OFFICERS OR EMPLOYEES OF THE SENATE

WEDNESDAY, FEBRUARY 19, 1964

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.



The committee met, pursuant to recess, at 10 a.m., in room 301, Old Senate Office Building, Senator B. Everett Jordan (chairman) presiding.

Present: Senators Jordan, Cannon, Pell, Byrd, Curtis, and Cooper.

Also present: Gordon F. Harrison, staff director; Hugh Alexander, chief counsel; L. P. McLendon, general counsel; Burkett Van Kirk, associate counsel; James H. Duffy, associate counsel; William B. Whitley, staff assistant to Senator Jordan; Walter Mote, professional staff member; William Ellis Meehan, investigator; Marian G. Moore, assistant chief clerk; and Alice Clark, staff.

The CHAIRMAN. The committee will come to order.

It is necessary that I read a statement in order that you are fully acquainted with what resolution we are operating under, the authority this committee has.

A quorum being present, the committee will please come to order.

This committee is acting by direction and under the authority of Senate Resolution 212, agreed to October 10, 1963, and Senate Resolution 291, agreed to February 10, 1964.

Senate Resolution 212 authorizes and directs the Senate Committee on Rules and Administration—

to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purposes of ascertaining—

(1) Whether any such interests or activities have involved conflicts of interest or other improprieties; and

(2) Whether any additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities.

Witnesses have been interviewed by the staff and heard both in executive and in public sessions. Considerable evidence has been obtained and testimony received to date. Witnesses who have appeared previously, or who will be called in the future, possess information which the committee believes is material and pertinent to the provisions of the resolutions of direction and authorization, and which will aid the committee in fulfilling its legislative purpose.

The Chair advises each witness that he is entitled under the rules of procedure of the committee to retain and be accompanied by counsel. The counsel may advise the witness of his legal rights during the course of his testimony. Should the witness not fully understand any question, the witness might ask for clarification. Counsel, however, shall not coach the witness or answer for the witness.

The committee will now proceed to hear the testimony of Mr. Robert G. Baker.

Would you kindly rise and be sworn?

Do you solemnly swear that the evidence you are about to give before this committee in the matter now under investigation is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BAKER. I do.

The CHAIRMAN. Thank you. Have a seat, please, sir.
Counsel may proceed with the examination.

TESTIMONY OF ROBERT G. BAKER; ACCOMPANIED BY EDWARD BENNETT WILLIAMS AND BORIS KOSTELANETZ, COUNSEL

Mr. McLendon. Will you state your full name and residence address to the reporter?

Mr. BAKER. My name is Robert G. Baker. I reside at 5115 Van Ness Street NW., Washington, D.C.

Mr. McLendon. Are you represented by your personal counsel, who appear now present?

Mr. BAKER. Major, I am represented here this morning by two very distinguished members of the bar. To my immediate left—

Mr. McLendon. Let them state their names and addresses.

Mr. WILLIAMS. My name is Edward Bennett Williams. My address is 1000 Hill Building, Washington, D.C.

Mr. KOSTELANETZ. My name is Boris Kostelanetz. My address is 52 Wall Street, New York City.

Mr. WILLIAMS. Mr. Chairman, at this juncture I would like respectfully to request that the letter dated February 17, 1964, addressed to you, sir, a copy of which went to your chief counsel, Major McLendon, be introduced into the record as part of it. I believe that we have complied with rule 10 of the rules of this committee in submitting our position more than 24 hours prior to this hearing. And I would like, sir, if that letter might be made part of the record. If other members of the committee do not have copies of the letter, I would be glad to furnish them with copies at this point.

Mr. McLendon. All members of the committee have been supplied with a copy of the letter.

Mr. Chairman, I see no objection to having the letter made a part of the proceedings.

The CHAIRMAN. I will give the original to the reporter. It will be inserted in the record at this point.

(The letter referred to was marked "Baker Exhibit 1," and is as follows:)

BAKER EXHIBIT 1

WILLIAMS, WADDEN & STEIN,
Washington, D.C., February 17, 1964.

Senator B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: This will acknowledge receipt of a subpoena duces tecum issued by the Senate Committee on Rules and Administration and directed to Robert G. Baker, calling for the production on February 19, 1964, of certain records, documents, and memorandums all of which were requested 2 months ago by Major McLendon, your chief counsel. I told Major McLendon then that I had advised Mr. Baker not to produce the materials requested and that Mr. Baker would abide by my advice. I have now advised Mr. Baker not to produce

the records, documents, and memorandums called for in the subpoena and again Mr. Baker will follow the advance of counsel. Our position is predicated upon a number of grounds.

While we fully recognize the right of your committee and every other committee of the Senate to hold inquiries and subpoena witnesses and documents for the purpose of gathering information that will be helpful to the Congress in enacting, repealing, or modifying legislation, or in formulating rules for the conduct of its own members and employees, we do not recognize that your committee or any other committee of the Senate has the right to conduct a legislative trial.

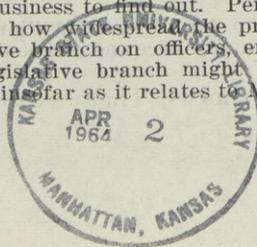
It is clear from the legislative history of the committee's resolution and the course of its hearings to date that you are conducting a trial of Mr. Baker. The dangers of the unwarranted intrusion of the legislative branch into the proper function of the judiciary have not recently been more cogently dramatized. The trial has been conducted with no rules of evidence. The right to cross-examine adverse witnesses through counsel is denied. Charges are formulated on an ad hoc basis and testimony is taken both in secret and in public. The evidence is being received in an atmosphere of partisanship and predilection by a tribunal which has neither the power nor the disposition to acquit him even if he undertook to put in his defense.

Furthermore, the subpoena calls for documents, memorandums, agreements, and letters relating to Serv-U Corp. and Capitol Vending Co. As you must know, there is litigation pending in U.S. District Court for the District of Columbia between Capitol on the one hand and Serv-U and Mr. Baker on the other. The documents called for in your subpoena are the subject of controversy in this suit. In fact, motions regarding the production of documents are scheduled for argument in court this very week. Surely you will recognize that the committee subpoena in this respect constitutes an improper invasion of the function of the judiciary.

Simultaneously with the course of the Senate inquiry, two agencies of the executive branch of the Government, the Federal Bureau of Investigation and the Internal Revenue Service, have been conducting intensive independent investigations of Mr. Baker. If Mr. Baker were to respond to your subpoena and if subsequently a prosecution were to be instituted against him, Department of Justice attorneys would be in the unfairly advantageous position of having all of his defense material before trial, whereas in accordance with their traditional practice they would refuse to permit Mr. Baker to subpoena his accusers before trial for purposes of taking their testimony. I believe that pretrial discovery procedures should be a two-way street. If the Department of Justice will agree to permit Mr. Baker to take pretrial depositions of witnesses in any subsequent judicial proceeding brought against him, we shall certainly reevaluate our position on this subject.

Finally, it should be noted that one of the items called for by your subpoena relates to Edward Levinson, of Las Vegas, Nev. "All correspondence, documents, and memorandums between Robert G. Baker and Edward J. Levinson" are demanded. On December 19, 1963, Major McLendon requested that we produce "correspondence, letters, telegrams, and memorandums of telephone conversations" between Mr. Baker and Mr. Levinson. It has come to our attention that an electronic listening device was placed last year on Mr. Levinson's telephone at the Fremont Hotel in Las Vegas without his knowledge or consent. The device intercepted all conversations held over Mr. Levinson's telephone and, furthermore, it transmitted all conversations held in his office whether on the telephone or not. Through this device agents of the Government, acting in concert with the Central Telephone Co., of Las Vegas, unlawfully invaded the privacy of all persons using the telephone in question and of all persons holding nontelephone conversations in the room where the telephone was located. Mr. Baker and Mr. Levinson talked over this telephone on numerous occasions in 1963. I am sure that you will agree that there was an unconscionable and unlawful invasion of Mr. Baker's right to privacy of communication.

I do not as yet know how extensively this practice was carried on vis-a-vis Mr. Baker, but we are making it our urgent business to find out. Perhaps the committee would have an interest in learning how widespread the practice of eavesdropping by the agencies of the executive branch on officers, employees, and former officers and employees of the legislative branch might be. This would certainly be information we would want insofar as it relates to Mr. Baker



before advising him to waive any of the constitutional rights guaranteed to him by the first, fourth, fifth, and sixth amendments.

Very truly yours,

EDWARD BENNETT WILLIAMS.

cc: Major Lennox P. McLendon.

Mr. McLENDON. Mr. Baker, do you have with you a copy of the subpoena which was accepted for you and on your behalf by your counsel, the subpoena being dated February 14, 1964?

Mr. BAKER. Yes; I do.

Mr. McLENDON. I would like to compare the committee's copy with yours to be sure there is no difference between the two.

Mr. WILLIAMS. They certainly appear to be identical.

Mr. McLENDON. Mr. Baker, I have shown you the committee's copy of the subpoena, and you and I have compared it with the copy you have. Are you prepared to say they are identical or appear to be identical?

Mr. WILLIAMS. I will speak for Mr. Baker on that, if I may, Major. I have made a cursory examination of the original and the copy and they certainly appear to me to be entirely identical.

Mr. McLENDON. All right.

Did your counsel accept service of this subpoena, with your approval, Mr. Baker?

Mr. BAKER. He did.

Mr. McLENDON. Are you making any point that the subpoena was not properly served on you?

Mr. WILLIAMS. No, sir. I advised one of your investigators, Mr. Chairman, on Saturday that I would be glad to accept service of the subpoena, so as not to inconvenience the committee. Apparently the investigator had not been able to locate Mr. Baker on Friday because he was out of town. I did accept service on Saturday, about 1 o'clock in the afternoon.

Mr. McLENDON. And your client is not making any point about that?

Mr. WILLIAMS. He is making no point of that at all, sir.

Mr. McLENDON. The committee's copy of the subpoena, which you have seen, contains this endorsement on the back—I will read it. If there is any correction to be made in it, I wish you would call my attention to it.

This is by the committee's chief investigator, over his signature:

Bennett Williams telephoned me at 12 noon, 2-15-64, at my office, and stated he desired to accept service of Baker's subpoena that day. He stated he would send his messenger over to accept the subpoena.

At about 1:30 p.m., 2-15-64, Judy—

Is that the correct name?

Mr. WILLIAMS. It is one of the secretaries in my office.

Mr. McLENDON. Villa—anyway, Judy Villa, secretary to Mr. Williams.

Mr. WILLIAMS. She is not my secretary, Major. She is one of the office stenographers. I am not sure of her name.

Mr. McLENDON (continuing):

Secretary to Mr. Bennett Williams, attorney for Robert G. Baker, appeared personally at my office and accepted this subpoena by hand.

(Signed) W. E. MEEHAN.

Mr. WILLIAMS. That is entirely accurate.

(The copy of subpoena referred to was marked "Baker Exhibit 2," and is as follows:)

BAKER EXHIBIT 2

UNITED STATES OF AMERICA
Congress of the United States

To Robert W. Baker
Washington, D. C.

Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the _____ Committee on Rules and Administration of the Senate of the United States, on February 19 1964 at 10:00 o'clock a. m. at their committee room 203 Old Senate Office Building, Washington 25, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee.

and produce for the period January 1, 1940 through October 7, 1961 the documents described in Schedule I, attached hereto and as a part hereof.

Whereof fail to do so you will answer your default under the pains and penalties in such cases made and provided.

To W. E. Keenan

to serve and return.

Production of these records in the office herein designated will be required at this time, or be available for inspection forthwith in the Chairman's investigations.

Given under my hand, by order of the committee, this 14th day of February, in the year of our Lord one thousand nine hundred and Sixty-Four.

W. E. Keenan
 Chairman, Committee on Rules and Administration

BAKER EXHIBIT 2—Continued

COPY
SCHEDULE I -- A PERSON'S SUBPOENA OF ROBERT G. BAKER

1. All records, memoranda and documents showing payments in money or property made to Robert G. Baker by Don B. Reynolds.
2. All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any or all business or financial transactions.
3. All of the correspondence files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corporation, and the issuance and sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's beneficial interest in the stock of that company, whether issued in his name or the names of others.
4. All memoranda or correspondence or other communications with Internal Revenue Service or other public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MOIC.
5. All agreements, memoranda or documents relating to Robert G. Baker's stock ownership in SERV-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.
6. All letters, memoranda or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.
7. All records or documents concerning the Haitian Meat Company (HAMPCO) for the years 1961, 1962 and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Company of Chicago, Illinois, and payments made by either of them to him or anyone for his benefit; all records, correspondence, memoranda and agreements between Robert G. Baker and Jesse Benites or Andres Lopez or Marshall F. Dancy.

BAKER EXHIBIT 2—Continued

· 2 ·
COPY

8. All correspondence, memoranda and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Law, either as individuals or representatives of others.
9. All correspondence, documents and memoranda relating to chain stores, or association of chain stores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.
10. All documents, letters, tslegrams and other memoranda concerning communications with and visits to the North American Aviation Corporation and other corporations having defense contracts with the U. S. government or agencies thereof.
11. Any and all correspondence, documents, or memoranda between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper and Edward Torres.
12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the Town House located at 308 N Street, NW, Washington, D. C.

BAKER EXHIBIT 2—Continued

Bennet Williams telephoned me at about 12⁰⁰ noon. 2/15/64 at my office & stated he desired to accept service of Baker's subpoena that day. He stated he would send his message over to accept the subpoena.

At about 1³⁰ pm 2/15/64 Judy Villa, Secy to Bennet Williams, atty for Robt H. Baker appeared personally at my office & accepted this subpoena by hand.

W. E. Meekins

Mr. McLENDON. Mr. Baker, you have read the attached schedule, indicated as schedule I, to this subpoena, have you not?

Mr. BAKER. Yes, sir.

Mr. McLENDON. Containing 11 items, referring to books, documents, and records?

Mr. BAKER. That is correct.

Mr. McLENDON. Twelve items, rather. Do you have those records described in those 12 paragraphs of schedule I attached to the subpoena with you this morning at this time?

Mr. BAKER. Major, I refuse to produce these records for all of the reasons set out in the letter of my counsel, Edward Bennett Williams, to Chairman Jordan, dated February 17, 1964. Specifically, I assert, one, these proceedings are an unconstitutional invasion by the legislative branch to the proper function of the judiciary. I do not intend to participate as a defendant witness in a legislative trial which is governed by no rules of evidence; which denies me the right to cross-examine my accusers through counsel; which holds proceedings both in secret and in the open; and which has provided me with no specifics of charges.

The records are not pertinent to any bona fide legislative purpose.

Three, some of the documents called for are the subject of controversy in a case being argued in the U.S. District Court for the District of Columbia tomorrow.

Four, I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. To force production of these records against this background would be to do indirectly for these agencies what they cannot lawfully do directly.

Five, my privacy of communication has been invaded by the agents of Government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agency of Government.

Six. Against the background above outlined, I feel that the documents called for will be used to incriminate me. Therefore, on the advice of counsel, I invoke the protection of the first, the fourth, the fifth, and the sixth amendments of the Constitution and I specifically invoke the privilege against self-incrimination.

Mr. McLENDON. Will you refer to the schedule attached to the subpoena? I will read to you schedule I.

The subpoena itself says the documents are confined to the period of January 1, 1960, through October 7, 1963.

Paragraph 1 reads:

All records, memoranda, and documents showing payments in money or property made to Robert G. Baker by Don B. Reynolds.

Do you have in your possession or under your control the documents described in that paragraph?

Mr. BAKER. I give you the same answer to that question, Major.

Mr. McLENDON. Will you not answer directly, as to whether you have those documents in your control or in your possession?

Mr. BAKER. Major, I give you the same answer.

Mr. McLENDON. I am not asking whether you have them in the room here. I am asking you whether you have them in your possession or control.

Mr. BAKER. Major, I give you the same answer.

Mr. McLENDON. Is it your contention that the records described in paragraph 1 are not pertinent to the legislative purpose expressed in Senate Resolution 212?

Mr. BAKER. I give the same answer, Major.

Mr. McLENDON. Is it your contention that those records, if produced, would tend to incriminate you?

Mr. BAKER. I give you the same answer, Major.

Mr. McLENDON. Well, do I understand by the same answer that you are asserting all these numerous reasons for refusal to comply with paragraph 1 of the subpoena that you read a moment ago?

Mr. BAKER. Yes, sir.

Mr. McLENDON. Now, with respect to paragraph 2:

All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any or all business or financial transactions.

Do you have possession or control of those documents?

Mr. BAKER. I give the same answer, Major.

Mr. McLENDON. You do not have them here in the committee room this morning?

Mr. BAKER. I give the same answer.

Mr. McLENDON. And is it your contention that you have a right to refuse to obey that paragraph of the subpoena for the numerous reasons recited earlier by you?

Mr. BAKER. Yes, sir.

Mr. McLENDON. With respect to paragraph 3:

All of the correspondence files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corp., and the issuance and sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's beneficial interest in the stock of that company; whether issued in his name or the names of others.

Do you have those documents in your possession and under your control?

Mr. BAKER. I stand by my original answer, Major.

Mr. McLENDON. You do not have them present in the courtroom?

Mr. BAKER. I stand by the original answer.

Mr. McLENDON. How do you explain that the documents described in paragraph 3 could possibly incriminate you?

Mr. BAKER. The same answer.

Mr. McLENDON. You refuse to elaborate upon your answer?

Mr. BAKER. Yes.

Mr. McLENDON. And the same question addressed to paragraphs 1 and 2. You make no further explanation of why those documents will incriminate you?

Mr. BAKER. No, sir.

Mr. McLENDON. With respect to paragraph 4:

All memorandums or correspondence or other communications with Internal Revenue Service or other public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MGIC.

Do you have those documents or records under your control or in your possession?

Mr. BAKER. Same answer.

Mr. McLENDON. You do not have them present this morning?

Mr. BAKER. Same answer.

Mr. McLENDON. Can you demonstrate to the committee that the production of those documents could in any event involve you in any criminal offense?

Mr. BAKER. Same answer.

Mr. McLENDON. Or that they would tend to incriminate you?

Mr. BAKER. Same answer.

Mr. McLENDON. Paragraph 5:

All agreements, memorandums or documents relating to Robert G. Baker's stockownership in Serv-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.

Do you have those documents or records in your possession or under your control?

Mr. BAKER. Same answer, Major.

Mr. McLENDON. Can you and will you demonstrate to the committee how and in what respect you contend that the production of those documents would tend to incriminate you?

Mr. BAKER. Same answer, Major.

Mr. McLENDON. And you will not elaborate upon the statement that you previously introduced?

Mr. BAKER. Same answer.

Mr. McLENDON. With respect to paragraph 6:

All letters, memorandums or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.

Do you have those documents under your control or possession?

Mr. BAKER. Same answer.

Mr. McLENDON. And will you explain to the committee how you think the production of those documents would incriminate you?

Mr. BAKER. Same answer.

Mr. McLENDON. Would you make any further explanation of the general objections which you read earlier?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. Paragraph 7:

All records or documents concerning the Haitian Meat Co., HampCo, for the years 1961, 1962, and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Co., of Chicago, Ill., and payments made by either of them to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Jose Benitez or Andres Lopez or Marshall F. Dancy.

Will you state to the committee why you contend, if you do contend, that the production of those documents would tend to incriminate you?

Mr. BAKER. Same answer, Major.

Mr. McLENDON. Do you have those documents or records in your possession or under your control?

Mr. BAKER. Same answer.

Mr. McLENDON. You do not have them present this morning?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. Paragraph 8:

All correspondence, memorandums, and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Law either as individuals or representatives of others.

Mr. BAKER. Same answer, sir.

Mr. McLENDON. Do you have those documents or records in your possession or under your control?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. You do not have them present this morning?

Mr. BAKER. Same answer.

Mr. McLENDON. Will you explain to the committee how and why you contend, if you do, that the production of those documents would tend to incriminate you?

Mr. BAKER. Same answer, sir.

Mr. McLENDON (reading):

9. All correspondence, documents, and memorandums relating to chainstores, or association of chainstores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

Do you have those documents and records in your possession or control?

Mr. BAKER. Same answer.

Mr. McLENDON. You do not have them with you this morning?

Mr. BAKER. Same answer.

Mr. McLENDON. Will you explain to the committee how and why you contend, if you do contend, that the production of those documents would tend to incriminate you?

Mr. BAKER. Same answer, sir.

Mr. McLENDON (reading):

10. All documents, letters, telegrams, and other memorandums concerning communications with and visits to the North American Aviation Corp. and other corporations having defense contracts with the U.S. Government or agencies thereof.

Do you have those documents or records under your control or in your possession?

Mr. BAKER. Same answer.

Mr. McLENDON. You do not have them here this morning?

Mr. BAKER. Same answer.

Mr. McLENDON. Will you explain to the committee how and why, if you contend that these documents would tend to incriminate you—how they would do so?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. Paragraph 11:

Any and all correspondence, documents, or memorandums between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper, and Edward Torres.

Do you have those documents under your possession or control?

Mr. BAKER. Same answer.

Mr. McLENDON. You do not have them with you this morning?

Mr. BAKER. Same answer.

Mr. McLENDON. Will you explain to the committee how, if you contend that these—production of these documents would tend to incriminate you—would you explain to the committee how and in what respect they would incriminate you?

Mr. BAKER. Same answer.

Mr. McLENDON (reading):

12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the townhouse located at 308 N Street NW., Washington, D.C.

Do you have those records and documents in your possession?

Mr. BAKER. Same answer.

Mr. McLENDON. Will you explain, if you contend that the production of these documents would tend to incriminate you, how and why they would incriminate you?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. Do you have any further explanation of your refusal to produce them than what you read earlier to the committee?

Mr. BAKER. I stand by my original statement, sir.

Mr. McLENDON. Mr. Baker, your statement which you read to the committee does not say that you do not have these documents or records in your possession. Do you want to say now whether you have them?

Mr. BAKER. I stand by the same answer.

Mr. McLENDON. So the committee is to understand that you are not denying that they are in your possession?

Mr. BAKER. Same answer, Major.

Mr. McLENDON. And you are unwilling to explain whether they are in your possession, if they are?

Mr. BAKER. Same answer.

Mr. McLENDON. And you are not making—taking the position that you are not physically able to produce these records?

Mr. BAKER. Same answer, sir.

Mr. McLENDON. You are not taking the position that they do not physically exist?

Mr. BAKER. Same answer.

Mr. McLENDON. And you are not taking the position that any or all of these documents are not under your control and in your possession?

Mr. BAKER. Same answer.

Mr. McLENDON. And you are not taking the position that it would be physically impossible for you to produce any or all of the documents described in schedule I attached to the subpoena?

Mr. BAKER. Same answer, Major.

Mr. McLENDON. Is your position as read earlier tantamount to or the equivalent of saying that you are not going to testify before this committee?

Mr. BAKER. The statement speaks for itself, Major.

Mr. McLENDON. Beg pardon?

Mr. BAKER. The statement that I read previously speaks for itself. I need not elaborate, sir.

Mr. McLENDON. Well, I don't understand that it said that. Have you got a copy of it?

Mr. BAKER. The stenographer has it. I read it.

Mr. WILLIAMS. Major, what Mr. Baker said this morning as an answer to the very first question propounded to him, other than the question designed to elicit his name and address, is simply a précis of the letter which I furnished the chairman and yourself on February 19, and I think the letter is quite clear. If there is anything

in the letter which is ambiguous, I will be glad to explain it, since I wrote it.

Mr. McLENDON. My point is that in that letter there is no clear-cut statement that Mr. Baker declines to testify under oath before this committee.

Mr. WILLIAMS. Mr. Baker was given a subpoena duces tecum, and that is what we responded to by the letter.

Mr. McLENDON. And he was required to appear personally.

Mr. WILLIAMS. And he has appeared personally.

Mr. McLENDON. Now, my question is: Do you mean by this statement that he is not going to testify upon the merits of the case, we will say?

Mr. WILLIAMS. I think the letter speaks for itself.

Mr. McLENDON. Well, the letter doesn't say that, Mr. Williams.

Mr. WILLIAMS. We will have to cross that bridge when we come to it.

Mr. McLENDON. Well, we certainly will cross it. Don't you have a copy of the statement that Mr. Baker—do you have a copy of the statement that was read earlier to the committee?

Mr. WILLIAMS. Yes, sir.

Mr. McLENDON. Will you furnish me with a copy of it, so I can make some comparisons of the letter?

Mr. WILLIAMS. I will furnish you with a copy of it after the hearing, Major. It is the only copy we have at the moment. If you want to borrow it for a moment—

Mr. McLENDON. Well, let me borrow it for a moment. This statement starts out by saying, "I refuse to produce these records"—referring, of course, to the records described in the subpoena—"for all of the reasons set out in the letter of my counsel, Edward Bennett Williams, to Senator Everett Jordan, dated February 17, 1964."

Now, that obviously is addressed to the records, and nothing else.

Mr. WILLIAMS. Major, maybe I can shortcut this for you, if I understand what you are driving at. As I understand it, what you are now asking Mr. Baker is whether he will give testimony in the future, whether it be in the future this morning or in some remote period in the future, before this committee.

Mr. McLENDON. Yes.

Mr. WILLIAMS. And I can help you out, I think, by saying this. So long as Mr. Kostelanetz and I advise Mr. Baker, and so long as he follows our advice, we shall give him the same advice as we have given him heretofore. But I don't think it is appropriate to ask him now what he will do in the abstract in the future.

Mr. McLENDON. Well—

Mr. WILLIAMS. Unless you have specific questions which you wish to propound to him at this very moment. Because I don't see how he can tell you what he will do with respect to some questions which you have in mind to propound to him in the future.

Mr. McLENDON. I think you misunderstand me. I have asked this witness a number of questions about these documents.

Mr. WILLIAMS. Yes.

Mr. McLENDON. And he has in every case answered the question by referring to this statement.

Mr. WILLIAMS. Yes.

Mr. McLENDON. Which he read—and to your letter addressed to the chairman. And I think the committee has to know whether the position taken by the witness is that he refuses, as he has done, to answer any question with respect to these documents, and whether he will also refuse to answer any question with respect to other aspects of the matter under investigation.

Mr. WILLIAMS. So long as the reasons set out in my letter of February 17 to the chairman are apposite, then he will refuse to answer.

Mr. McLENDON. Well, to begin with—

Mr. WILLIAMS. But I cannot say here in the abstract whether those reasons will be apposite to some questions I have not heard you ask.

Mr. McLENDON. All right. That clears it up.

Mr. Baker, you admit, do you not, that you were a former employee of the U.S. Senate?

Mr. BAKER. I will stand by my original answer.

Mr. McLENDON. You mean to say that you refuse to tell the committee whether you were a secretary of the majority?

Mr. WILLIAMS. Major, in fairness to the witness, you know, as a very skilled and competent lawyer, that there is a very, very difficult and nebulous question concerning waiver of one's right by beginning to answer questions which apparently are innocuous. And, for that reason, Mr. Kostelanetz and I are going to advise Mr. Baker not to answer questions this morning, regardless of how innocuous they appear to be—if they are designed to open the door to a line of questioning to which the reasons set forth in my letter of February 17 are germane.

Mr. McLENDON. Well, let me make it perfectly clear. The committee has got a right to have this witness identify himself so that the committee knows whether he admits that he is such a person as described in Senate Resolution 212.

Mr. WILLIAMS. I will stipulate that, to save time. As Mr. Baker's counsel, I will stipulate that Mr. Baker, who is here present this morning physically in response to your subpoena, is the Mr. Baker described in the Senate Resolution 212.

Mr. McLENDON. He is not described. You mean he falls within the category of persons specified in the resolution as being subjects of investigation? That is what you mean, do you not?

Mr. WILLIAMS. I think I will stand on what I said.

Mr. McLENDON. Mr. Baker is nowhere described.

Mr. WILLIAMS. He certainly is referred to in the legislative history of this resolution, and only he is referred to.

Mr. McLENDON. The resolution is:

To make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate.

The committee has got a right to know whether this witness denies that he was a former officer and employee of the Senate, as one of the grounds for refusing to produce these documents.

Mr. WILLIAMS. So that we can avoid any quibble on semantics here, I said to you earlier we will concede that Robert Baker, who is physically present here today, is the Mr. Baker who was referred to in the subpoena, and is the Mr. Baker who has been referred to in the voluminous hearings that have been held before this committee in the last couple of months.

Mr. McLENDON. You still have not answered my question, Mr. Williams. The committee has a right to have this witness answer either yes or no, whether or not he is a former officer or employee of the U.S. Senate.

Mr. WILLIAMS. I will stipulate to that.

Mr. McLENDON. Let him answer on the record.

Mr. WILLIAMS. I am not going to let him answer anything—not if I believe it is—if you are trying to pry—either the question is fatuous on its face, or else it is designed to open the door to a chain of questioning which is, in my opinion, as a lawyer for Mr. Baker, objectionable for the reasons which I set out in my letter. I don't believe you would ask a fatuous question, Major. So, therefore, I have to assume that you are attempting to open the door and have a waiver. And, therefore, I am going to tell him not to answer.

Mr. McLENDON. I am not doing anything of the kind. I repeat—this committee has got a right to know whether, as one of the reasons for refusing to produce these documents, he contends that he was not an officer and employee of the Senate, as encompassed by the resolution of the Senate, under which this investigation—

Mr. WILLIAMS. We do not make that contention.

Mr. McLENDON. You do not make that contention?

Mr. WILLIAMS. No, sir.

Mr. McLENDON. Now, Mr. Chairman, and gentlemen of the committee, with respect to the objection entered by the witness to the production of these documents because they are not pertinent, I think the record might show the evidence of pertinency which I will now state, and I am sure the members of the committee can elaborate upon.

One. All records, memorandums and documents showing the payment of money or property made to Robert G. Baker by Don B. Reynolds—obviously such records do deal with business and financial interests or activities, which is the scope of this investigation.

Furthermore, the committee already has in its possession testimony and has heard testimony that there was an agreement existing between Robert G. Baker and Don B. Reynolds by which money and other property was paid to Baker. Therefore, the pertinency of these records is perfectly apparent. Any member of the committee want to add anything to that?

Two. All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any and all business or financial transactions.

Those documents also fall clearly within the scope of the resolution of the Senate which defines it as being financial or business interests or activities of any officer or employee of the Senate.

The committee has already received evidence, some documentary evidence and some oral testimony, that there was at least one and maybe more agreements existing between Baker and Reynolds, and that in consequence of those agreements, payments were made to Baker, and he, in turn, gave promissory notes and other obligations to Reynolds. Part of that evidence is also contained in an affidavit signed by Reynolds and furnished to the Internal Revenue Service. The affidavit was not obtained by the committee from the Service, but was obtained directly from Reynolds himself. Obviously, therefore, the records referred to in that paragraph are pertinent.

Three. All correspondence and files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corp. and the issuance or sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's financial and beneficial interest in the stock of that company, whether issued in his name or the names of others.

Obviously, also, those documents relate to business and financial interests or activities, and the committee has heard evidence of the existence of transactions, multiple transactions, in fact, by the witness, Baker, concerning the purchase, sale, and resale of the stock of this company. Therefore, these records are pertinent to the matters authorized by the resolution, and fall clearly within the scope.

Four. All memorandums or correspondence or other communications with the Internal Revenue Service or public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MGIC.

This document and correspondence would apply—would be related to the same matters referred to in the previous paragraph; namely, the purchase and sale of the stock of this company, the reasons for its value or its expected value, and would also disclose any activities that the witness, Baker, may have had in connection with the publication of information, distribution of information affecting the financial transactions which he conducted in the sale, purchase and resale of this stock.

Five. All agreements, memorandums or documents relating to Robert G. Baker's stock ownership in Serv-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.

Again, these documents would refer to a very substantial business interest and activity on the part of Baker in the organization jointly with one other person in what appears to be a controlling interest in this corporation, and his financial transactions concerning the purchase of the stock, the retention of the stock, and other financial transactions to which he was a party. Therefore, it is clearly pertinent to the matters authorized by the resolution.

Six. All letters, memorandums or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.

These records again refer to a business activity and interest of Robert G. Baker with the Capitol Vending Co. The committee has already heard evidence bearing upon this point, and whether he did or did not receive compensation for his services in connection with business and financial activities with Capitol Vending Co. is obviously pertinent to the subject matter of the resolution.

Seven. All records or documents concerning the Haitian Meat Co., Hampco, for the years 1961, 1962, and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Co., of Chicago, Ill., and payments made by either of them to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Jose Benitez or Andres Lopez or Marshall F. Dancy.

These also—these records are related directly to business and financial activities of Robert G. Baker and fall clearly within the scope of the resolution. The committee is aware of evidence already offered and heard before it with respect to these same transactions.

Eight. All correspondence, memorandums, and documents relating to business or financial transactions with Fred Black, Thomas Webb, or Francis Law, either as individuals or representatives of others.

By the very language, it is indicated that these documents are limited to those which relate to the business or financial transactions with Fred Black, Thomas Webb, or Francis Law, either as individuals or representatives, and, therefore, fall directly within the scope of the resolution. The committee has heard some evidence with respect to the existence of such transactions.

Nine. All correspondence, documents, and memorandums relating to chainstores, or association of chainstores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

While the language as read and as contained does not contain the words "business or financial interest," it is so intended to mean that, and I inform you now that the committee would not expect you to produce these documents under paragraph 9 unless they related to business and financial interests or activities.

Mr. WILLIAMS. Will you say that again, Major, please?

Mr. McLENDON. I say, correspondence, documents described in paragraph 9 do not by the language expressly refer to business and financial interests of Baker, but I inform you now that the purpose and the intent was that he produce only correspondence, documents, and memorandums with these organizations and individuals which do refer to business or financial interests or activities.

Ten. All documents, letters, telegrams, and other memorandums concerning communications with and visits to the North American Aviation Corp. and other corporations having defense contracts with the U.S. Government or agencies thereof.

Again, these documents and letter do refer to business interests and activities of Robert G. Baker with North American Aviation Corp. and other corporations having defense contracts, particularly contracts negotiated between Serv-U Corp. and this particular corporation and others with which such contracts were made.

The committee is aware of the evidence which has already been heard with respect to those kinds of transactions. And these documents obviously are encompassed by the resolution.

Eleven. Any and all correspondence, documents, or memorandums between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper, and Edward Torres.

It was the intent and is the intent and purpose of this paragraph of the subpoena that Baker would produce only such documents, memorandums, and records as related to business and financial transactions between him and these individuals named. Any correspondence, documents in his possession which do not relate to such business interests and activities are not comprehended by the subpoena. And I advise you now that the committee would not expect the production of anything except those documents which relate to business interests and activities with those persons named.

Finally, all bills, vouchers, and evidence of expenditures for equipment and furnishings installed into the town house located at 308 N Street NW., Washington, D.C.

These records and documents refer to a business transaction involving the purchase and retention of this property designated under a rental or long-term lease contract with the owner thereof, and it refers to the expenditure of money upon that property after Baker acquired leasehold or some other estate in it. It is not intended to require him to produce anything except documents relating to those business transactions in connection with that property.

Now, Mr. Baker, having gone over this in some detail, I ask you if you and your counsel want any other information from the committee with respect to the pertinency of any of these documents that are called for in this subpoena?

Mr. WILLIAMS. We ask for no other information, Major.

Mr. McLENDON. Beg pardon?

Mr. WILLIAMS. We ask for no other information.

Mr. McLENDON. I want the record to show, Mr. Chairman, with your permission, that the committee stands ready and willing to answer any question with respect to the pertinency of any of these documents, and we will afford the witness, Mr. Baker, and his counsel, ample opportunity to be acquainted with any information in the possession of the committee tending to show that these documents are pertinent to the subject matter of the resolution.

Mr. WILLIAMS. I think the record should reflect, Major, that my not pressing you for further information on the pertinency is not acquiescence in your concept of the law with respect to pertinency. We still contend that these documents are not pertinent. I don't think it is fruitful for us to debate the law here before the committee. But I don't want my answer to be construed as an acquiescence in your legal theory.

Mr. McLENDON. I just want to make the record perfectly clear that the committee is offering now to furnish the witness and his counsel with any information in the possession of the committee tending to show that these documents are pertinent under Senate Resolution 212.

The CHAIRMAN. This is a statement from the chairman. The statement of the counsel with respect to the pertinency is the statement of the committee, unless there is objection.

Is there objection?

The Chair hears no objection.

Without objection, it is so ordered.

Mr. Baker—

Mr. WILLIAMS. Excuse me. May we have the memorandum which I furnished you, Major?

The CHAIRMAN. Mr. Baker, as chairman of this committee, I want to ask you now whether you want the record of these proceedings to contain your answers as you have made them to the several questions addressed to you by the committee's counsel and by members of the committee with respect to your failure to comply with the requirements of the subpoena dated February 14, 1964, or whether you now wish to modify, change, or add to those answers.

Mr. WILLIAMS. Mr. Chairman, since we are all apparently being very technical here, I don't think any questions have been asked by any members of the committee here.

Senator PELL. Exactly; you are correct.

Mr. WILLIAMS. Therefore, I think the question—

Mr. McLENDON. It has been asked under authority of the committee.

Mr. WILLIAMS. The question has a premise in it which is involved, because no questions have been propounded according to my recollection by any member of the committee. All the questions have been asked by Mr. McLendon. I think you should modify the question. Otherwise, the record is going to be ambiguous on this.

Mr. McLENDON. Addressed to you by committee's counsel and approved by the committee.

The CHAIRMAN. I will withdraw that first question there, and I will read this into the record: Mr. Baker, as chairman of this committee I want to ask you now whether you want the record of these proceedings to contain your answers as you have made them to the several questions addressed to you by the committee's counsel and approved by the committee with respect to your failure to comply with the requirements of the subpoena dated February 14, 1964, or whether you now wish to modify, change, or add to those answers.

Mr. BAKER. Mr. Chairman, I stand by my original answer.

Senator PELL. Mr. Counsel, just as a member of the committee, I would like to make the recommendation that we postpone this as little as possible, and meet on Monday.

Mr. McLENDON. We will meet on Monday. But I am not sure—

Senator PELL. Couldn't we have perhaps an evening meeting, to wrap this up?

Mr. McLENDON. If the committee wants to sit that long. I think there are certain things that need to be done before the witness is called back for final examination.

The CHAIRMAN. Mr. Baker, in order to carry out the instructions of the Senate, contained in its Resolution 212, agreed to on October 10, 1963, this committee—that this committee ascertain whether any financial or business interests or activities of any officer or employee or former officer or employee of the Senate is involved in conflict of interest or other improprieties, and whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities, it is essential that this committee take testimony from such officers or employees of the Senate themselves, and that the Senate have access to all their pertinent documents and records.

The subpoena served on you and returnable here today calls on you to produce records and documents which are pertinent to the performance of this committee of its legislative purpose and function. I want to be sure that you understand this committee has no authority to try you—has not tried you, and will not try you for any offense, real, or imaginary. It simply seeks to ascertain the truth as to those matters clearly within the scope of Senate Resolution 212.

It, therefore, becomes my duty to order and direct you to comply with the subpoena served—service of which you and your counsel have accepted. Upon your failure to do so, the committee will be forced

to report your refusal to the Senate for appropriate action against you for contempt.

Because of the importance of this matter to the committee, in the performance of its legal purpose, and the importance—legislative purpose—and the importance to you of the probable serious consequences of your refusal to obey the subpoena, I am going to continue the subpoena to Tuesday, February 25, 1964, at 10 a.m., in the caucus room, 318 Old Senate Office Building, at which time this committee will examine you in connection with your compliance with the subpoena and also with respect to all other matters pertinent to the purpose of this investigation as set forth in Senate Resolution 212.

Mr. McLENDON. That is all, unless—

The CHAIRMAN. Do you have any questions?

Mr. WILLIAMS. Yes; I have just one or two.

Do I understand, Mr. Chairman, that the witness is being directed to appear on Tuesday to answer whether he has changed his position with respect to the subpoena?

Mr. McLENDON. That, and also to testify.

Mr. WILLIAMS. Well—and to testify with respect to other matters than which are set out in the subpoena?

Mr. McLENDON. Yes.

Mr. WILLIAMS. I can save some time by telling you, No. 1, we will not change our position between now and Tuesday with respect to compliance with the subpoena.

The CHAIRMAN. Is there any other—

Senator PELL. What about the second point?

Mr. WILLIAMS. And I can tell you that we will advise Mr. Baker, Senator Pell, in accordance precisely with the advice that I gave the chairman and counsel on February 17. I think it is quite clear. I don't think there are any questions that the committee can propound that he will answer.

Mr. McLENDON. Even so, it is necessary that the committee propound them; so your client is instructed to be here Tuesday.

Mr. WILLIAMS. I don't understand—I don't want to quarrel with you, but I do want to state for the record, Major, that I do not think that it is in the fulfillment of a bona fide legislative purpose for the committee to call this witness into open hearings when it knows beforehand on the representation of counsel that he is going to take the same position that he has taken in executive session today. I don't believe it is the purpose of the committee to call him solely for the purpose of exposing him or humiliating him or degrading him.

Mr. McLENDON. Neither is it the purpose of the committee to permit the witness to tell the committee how to conduct the investigation. The proper way to conduct the investigation is for the witness to appear, be put under oath, and be asked questions. Then he can exercise his rights, whatever they may be.

Mr. WILLIAMS. I would like to suggest for the record, Mr. Chairman, that any questions that the committee has in mind for Mr. Baker be propounded now. He will give his responses here and now while he is here. And if the committee sees fit to release his answers, it is within their prerogative to do so. It will obviate his coming back here in open session, which will contribute nothing to the legislative pur-

pose of the committee, since I have indicated to you he is not going to answer the questions.

Mr. McLENDON. Well, earlier I understood you to object to the witness being asked any questions, except with respect to the documents.

Mr. WILLIAMS. I didn't say that, Major. I think the record is quite clear. I said we told you what our position was with respect to the documents, and if you had other questions that we would cross the bridge when we came to them. Now, we have come to them, because you say you have other questions to propound to him on Tuesday in open session. And I want to put the committee on notice that Mr. Baker, for the reasons set forth in my letter to you, and the chairman, and for the reasons which he has given here this morning, will not answer those questions. So that it will not be an exercise of bona fide legislative purpose to recall him in open session. It can't have any legislative purpose to call him on Tuesday because I have given you notice here that we will not answer questions, and that we will demonstrate that here, now, if you have questions to propound.

Mr. McLENDON. Well, even so, this matter is of such importance that even you might change your opinion, if you had more time to consider it.

Mr. WILLIAMS. I have had a lot of time to consider it. In fact, Major, I have considered it for 2 months, ever since you first asked me for the very records which you subpoenaed here today. I told you then that we would not give them to you, and I told you on Monday we would not give them to you; I told you today we would not give them to you. And I tell you that respectfully. I don't mean to be curt or impertinent.

But I believe in the exercise of my obligations toward this man, that he should not give you these records for the reasons that I have set out in my letter. And this is a considered opinion. And it will not change between now and Tuesday.

Mr. McLENDON. Well, it was not contemplated that Mr. Baker was going to be examined this morning, except with respect to his compliance or failure to comply with the subpoena. Therefore, the committee is not prepared to examine him on the other matters.

There are certain aspects of this investigation which I would be very much surprised that—even under advice—that the witness would refuse to answer. And I think, Mr. Chairman, and gentlemen of the committee, that the witness ought to be required to return at the time designated by the chairman, for such proceedings as the committee then decides to conduct.

Mr. WILLIAMS. Well, I would respectfully, Mr. Chairman—I would respectfully—

Mr. McLENDON. Just a minute.

Senator CURTIS. Mr. Chairman, I think that the witness and his counsel have every right to raise any objection that they choose. But I do not think they have a right to state when and where this committee will meet. I do not believe that it would be responsive to the instructions of the Senate if any change was made. The order has been read by the chairman.

Mr. WILLIAMS. Mr. Chairman, I would respectfully urge you to ask the committee to rule whether or not in the light of the represen-

tations that we have made to you for the witness, and in the light of his obvious acquiescence in these representations—I would ask the committee to rule whether or not this witness must return here on Tuesday to appear in open session, when we have told you that we will take precisely the same position that we have heretofore taken before the executive session, because I most earnestly say to you that I do not believe that this is in the discharge of a bona fide legislative purpose—to call a witness who has stated to you that he is not going to answer the questions for the reasons set out in a long, carefully considered letter directed to the chairman on Monday. I don't see how it can be said that the committee is fulfilling a legislative purpose to call him when it will not get information that will contribute to its reservoir of information with respect to the matter it is inquiring into.

Mr. McLENDON. You are not basing your objection upon the fact that he would be examined in public? Are you making a distinction between public examination and executive session?

Mr. WILLIAMS. Yes, sir; I am, Major, for this reason: I think, No. 1—if I may just state my legal position—that if a witness is called in executive session and testifies fully, or refuses to testify at all, and then is called in open session and the same ground is simply recanvassed, when the committee is apprised already of what his answers will be, that the calling in open session can only be for the purpose of exposure, or for the purpose of humiliation, or for the purpose of degrading the witness. It cannot contribute to the sum total of the information of the Congress with respect to the matter with which it is concerned—rules and regulations regarding employees and officers of the Senate.

I say that to you. And I think—yes; I do object to open session for this reason—I think this, Major McLendon, his exposure for the sake of exposure, which has been specifically inhibited by the Supreme Court of the United States, in the case of *Watkins v. United States*, decided in 1957—

Mr. McLENDON. I am familiar with the case. But I disagree with you. The committee has the constitutional right to conduct its proceedings either in executive session or open. It is discretionary with them. This committee has not tried anybody, has not attempted to try anybody. It is investigating the matters set forth in the resolution. Mr. Baker happens to be one of the persons described in the resolution who is amenable to subpoena issued by the committee.

I think the chairman's ruling here, which was acquiesced in by the committee, is the proper way to handle it. I cannot, as counsel for the committee, say at this moment that you are to be excused from further attendance upon the committee, and have your client present, and either answer or decline to answer certain questions which have not yet been propounded to him. It is necessary that that kind of ordinary and decent procedure be followed.

Now, if you are making a point that you are objecting to appearing in public as distinguished from an executive session, I think that would be addressed to the discretion of the committee, Mr. Chairman. It would be for the committee to decide whether they want to let you appear again on Tuesday in executive session or public session.

Mr. WILLIAMS. I certainly make that request, Mr. Chairman, as a secondary position. If the committee feels that this witness must come

back here Tuesday, then I respectfully urge that the hearing be in executive session.

Mr. McLENDON. Mr. Chairman, with that statement from counsel; I recommend to the committee that the witness and counsel be excused, and the committee take that particular aspect of the matter under consideration, and you can advise me, and I, in turn, will advise counsel for the witness as promptly as possible—maybe today—with respect to whether it be public or executive session. Otherwise—

The CHAIRMAN. We will take your request under consideration and notify you—we can notify you today, certainly.

Mr. McLENDON. I think so.

The CHAIRMAN. Do you have any further questions, Counsel?

Mr. WILLIAMS. I think I have no further questions, Mr. Chairman. I have only to underscore my request that, No. 1, in the light of the representations made to the committee, we not be called back; and, No. 2, if the committee insists upon recalling the witness, that recall be in executive session.

The CHAIRMAN. Do you have any questions?

Mr. KOSTELANETZ. No, sir.

The CHAIRMAN. Do you have any questions, Mr. Baker?

Mr. BAKER. No, sir, Mr. Chairman.

The CHAIRMAN. Well, thank you very much. You will be excused. We will let you know promptly.

Thank you very much. We appreciate your coming and being with us this morning.

Mr. McLENDON. Off the record.

(Discussion off the record.)

(Whereupon, at 11:15 a.m., the committee recessed, to go into further business.)

FINANCIAL OR BUSINESS INTERESTS OF OFFICERS OR EMPLOYEES OF THE SENATE

TUESDAY, FEBRUARY 25, 1964

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 318, Old Senate Office Building, Senator B. Everett Jordan (chairman) presiding.

Present: Senators Jordan, Cannon, Pell, Clark, Byrd, Curtis, Cooper, and Scott.

Also present: Gordon F. Harrison, staff director; Hugh Alexander, chief counsel; L. P. McLendon, general counsel; Burkett Van Kirk, associate counsel; James H. Duffy, associate counsel; William B. Whitley, staff assistant to Senator Jordan; Walter Mote, professional staff member; William Ellis Meehan, investigator; Marian G. Moore, assistant chief clerk; and Alice Clark, staff.

The CHAIRMAN. The committee will please come to order.

Without objection from the committee, the transcript of the proceedings of the committee in executive session on February 19, 1964, at which time Robert G. Baker with his personal counsel appeared in response to a subpoena issued by authority of the committee and dated February 14, 1964, and was examined, touching his failure to comply with such subpoena, is now ordered to be released to the public. I am advised by the committee's counsel that the witness and his counsel have already had access to this transcript.

That meeting of the committee on February 19, 1964, was recessed, to be reconvened in this public hearing at this place and time, and the subpoena was continued accordingly.

The witness, Robert G. Baker, is still under the oath administered to him on February 19, 1964. The attention of the witness is called to the statement made by the chairman of this committee on February 19, 1964, explaining the legislative purpose and function of Senate Resolution 212, agreed to October 10, 1963.

The committee will now proceed with the performance of its duties under authority of Senate Resolution 212, agreed to October 10, 1963.

The committee's counsel may proceed.

Mr. WILLIAMS. Mr. Chairman, before we begin, sir, we have not yet seen a transcript of the proceedings in executive session which were held on February 19, last week. It is true that we were told yesterday by your chief counsel that we might read the transcript of those proceedings here in the Senate Office Building. We have not yet had the opportunity to do that, and so we don't know whether this is an

accurate transcript or not. However, I have one request that I would like to make of the committee before we begin.

Inasmuch as the executive session proceedings are now part of this record, and the letter which I addressed to you, sir, on February 17 and which was delivered to you on February 17 are part of this record, we would make the following request:

(At this point, Senators Clark and Curtis entered the hearing room.)

Mr. WILLIAMS. Since we have advised the committee heretofore both in the letter that I mentioned and in the executive proceedings that Mr. Baker would not supply the documents called for in the subpoena, at that time or at any time in the future, and since in the executive session I advised the committee, Mr. Chairman, that Mr. Baker would not answer any questions propounded to him, whether they be within the scope of the resolution under which the committee is conducting these hearings, or whether they be irrelevant to it, I suggest, sir, that we be excused at this time, stipulating for the record that we will not answer questions for the reasons that I outlined, the reasons being that we believe, sir, that this is a legislative trial of Mr. Baker, and we are unwilling to participate in it so long as he is denied the right to cross-examine his accusers, denied the right to subpoena witnesses in his defense, and so long as he has not been furnished with any specifications of charges, so long as the proceedings are held both in secret and in public.

We object to this proceeding because we contend that it is for no legislative purpose, Mr. Chairman; that it is held solely for the purpose of holding Mr. Baker up to public obloquy on television cameras, and we say, sir, that the Supreme Court has said without dissent that a hearing of this kind may not be held for the purpose of either punishing the investigated or for the aggrandizement of the investigators.

And so I respectfully request at this time that we be excused from participating further in these proceedings, while stipulating for the record that we will not furnish the documents which have been subpoenaed, nor will Mr. Baker answer questions which are propounded by committee counsel or members of the committee for all of the reasons that I have heretofore alluded to in my letter of February 17, and in executive session on February 19.

I respectfully ask, sir, that we be excused at this time while making this stipulation for the record.

The CHAIRMAN. Without objection, the Chair overrules the request of the counsel.

Mr. WILLIAMS. Then, Mr. Chairman, if Mr. Baker is to be made to sit here, sir, and to invoke his constitutional rights before this committee, when the committee has been advised that he will invoke his constitutional rights, I feel that he should not be held up to public obloquy on the television cameras, and I ask, sir, at this time, that the television cameras be excluded from this hearing room, because the sole purpose of this hearing in the light of the stipulation that we are making, cannot be a legislative purpose because we have advised you, sir, that we will answer no questions.

The CHAIRMAN. Since objections have been raised to the lights and cameras—

MR. WILLIAMS. And I make the point, Mr. Chairman, I am not invoking your rule 11, which says that the lights and cameras, if they be a source of discomfort or distraction or harassment to the witness, may be turned off him. That is not the purpose of my objection. I object to any televising of these proceedings because I say, sir, that they are being held solely for the purpose of the television camera.

Senator SCOTT. Mr. Chairman, may I lodge an objection to the last statement made by Mr. Edward Bennett Williams, to the effect that this hearing is being held solely for the purpose of the television camera. This statement is without warrant. It is an unfair attack upon the committee. It is, in my judgment, simply a statement by Mr. Williams for the purpose of gaining public attention, and I again repeat my strong resentment at any such implication, which is thoroughly and totally unwarranted.

MR. WILLIAMS. If it be unwarranted, Mr. Chairman, we can prove it is not warranted by turning out the lights. It is a quick way to prove that my statement is unwarranted. Let's turn out the lights.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I would suggest that Mr. Williams withdraw his statement to the effect that the sole purpose of these hearings is for the television camera or that he be expelled from the room, or that he stand charges of contempt. [Applause.] Please don't. This is a serious business.

The Senate directed this committee to conduct this hearing. We didn't ask for it. Mr. Williams is entirely out of line. He has no authority to make such a statement. We do not have to tolerate it, and speaking for myself only, we will not. This committee did not ask for this task, but it is here.

Furthermore, an attorney may advise his client on any question raised. No attorney can predict that all questions in the future will be declined to be answered. Some of these questions might be answered and be very helpful to all parties concerned.

MR. WILLIAMS. Mr. Chairman, I have, so that the record will be clear on this, complete respect for this body as an arm of the U.S. Senate, and nothing that I have said was intended to be in derogation of the respect that I have for this body. But I say in the defense of the rights of Mr. Baker that I believe—and I feel that I am compelled to state what my belief is in the discharge of my responsibilities to him—that this proceeding is not for a legislative purpose. I say that to you respectfully.

I have a sharp disagreement with you on a question of law. I don't think that that is a reason for our having a personal exchange here, and I, in the discharge of my function as a lawyer for Mr. Baker, request respectfully, first, that the proceedings be terminated with the stipulation that he will invoke all of his constitutional rights before the committee; secondly, I ask that if he is held here and compelled to respond in this fashion to the questions, that it not be for the television cameras.

Senator COOPER. Mr. Chairman?

The CHAIRMAN. Yes.

Senator COOPER. I think it would be proper to make a decision on the first objection made by counsel. Counsel asserts that the statement

made prior to this hearing by himself and Mr. Baker that Mr. Baker would claim certain rights under the Constitution makes it unnecessary to hold this hearing. As we all know, the first hearing was held for the purpose of asking the witness to submit his records. The purpose of this hearing, as we know, is to ask the witness to testify. A statement made in advance of hearings about what the witness would claim is not a ground for objection to this hearing taking place. We know that under the law the witness must make his objections on constitutional grounds during the hearing itself.

Senator CLARK. Mr. Chairman?

The CHAIRMAN. Senator Clark.

Senator CLARK. I concur with what Senator Cooper has just said. In my judgment there is a proper legislative purpose in requiring Mr. Baker personally to answer the questions and to invoke personally his constitutional rights if he sees fit to do so, without regard to any stipulation. However, in my opinion, the presence of the television cameras serves no useful legislative purpose. If my view were to prevail, and I have no doubt it will not, I would exclude them.

Senator SCOTT. Mr. Chairman?

The CHAIRMAN. Yes, Senator Scott.

Senator SCOTT. Counsel has made the point that this is a legislative trial. I think part of the history of these proceedings ought to be made right here and now. This hearing is in pursuance of a Senate resolution, as Senator Curtis says, directing the committee to proceed; that is, to investigate a conflict of interest, fiscal irregularities, and other improprieties; that it is not for the purpose of the institution of any criminal proceedings in any other place whatsoever, and that since it is entirely within the scope of this committee in seeking to determine whether legislation is necessary to prevent possible future violations of any of the regulations which the Senate now has or which the Senate may by rule or legislation enact, I think it should be clearly understood that that is the purpose of the investigation, and if there is any dissent from that purpose by members of the committee, now would be the time to hear it, since Mr. Williams is basing at least part of his objection on the ground that this testimony is being sought in pursuance of prosecution for a crime, which I assert it is not.

The CHAIRMAN. Mr. Williams, you have had access to the rules of procedure.

Mr. WILLIAMS. Yes, sir.

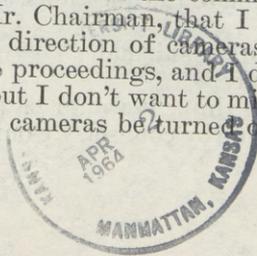
The CHAIRMAN. 11(a). The rule, you know, does permit the witness to request that lights or television cameras or other cameras be not directed at the witness.

Is that what you would like to ask? That isn't what you asked before.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. But that is as far as we can go in this proceeding. I would have to have a concurrence of the committee on that.

Mr. WILLIAMS. I think, Mr. Chairman, that I stated quite clearly my objection was not to the direction of cameras at Mr. Baker. It was to the televising of these proceedings, and I do object to the televising of these proceedings, but I don't want to mislead the committee by asking that the television cameras be turned out, and lead you to



believe that if they are that he will then proceed to answer, because he will continue to take the same position that he has taken heretofore whether the television cameras be on or off, but I respectfully request that they be removed from the room. But I am not specifically invoking rule 11, Mr. Chairman.

The CHAIRMAN. I think for the record I had better read a statement that I prepared in case a question like this should be raised. Since objections have been raised to the lights and cameras, I would like to read to the witness a rule which was adopted by the committee on its original rules of procedure. This rule was adopted by the committee in cases where witnesses are caused discomfort and distraction by the glare of lights and the operation of the camera. The rules are as follows, and I will read from 11(a) :

A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such request to be ruled on by the committee members present and voting at the hearing.

Unless there is objection, I will ask that the lights be taken off of the witness, and the television cameras not be directed at the witness.

Mr. WILLIAMS. I haven't asked for that, Mr. Chairman.

Senator CLARK. The committee has the right to invoke its own rule, Mr. Williams.

Mr. WILLIAMS. Yes, sir; I realize that. But I just wanted the record to be quite clear.

The CHAIRMAN. Is there objection?

Senator COOPER. What is the motion?

The CHAIRMAN. That the lights and the cameras not be directed at the witness, which is provided in rule 11(a). The Chair hears no objection to that.

Senator CANNON. Mr. Chairman, I would like to say that committee rule 11 is provided for the witness himself, not for the benefit of the committee.

If the witness does not see fit to invoke rule 11, I see no occasion for the committee of its own motion to invoke the rule.

The CHAIRMAN. That is entirely correct.

Senator CLARK. Mr. Chairman?

Mr. WILLIAMS. I say, Mr. Chairman, that I feel that if the committee has decided, sir, to permit the television of the hearings, then it would seem that, as has been observed by Senator Cannon, that the rule 11 is a rule which is provided for the benefit of the witness, and I think that if there is going to be television of the hearings, over our objection, that it would be unfair to the witness to eliminate his answers from the proceedings, and eliminate that part of the proceedings in which he participates. But I do again say that we are objecting to the overall televising of the proceedings. But we think if it is going to be televised, both sides should be presented.

Senator CLARK. Mr. Chairman?

The CHAIRMAN. Senator Clark.

Senator CLARK. I assume that the provisions of rule 11 cannot be taken advantage of by a member of the committee. I would like to state for the record that I am distracted, harassed and made physically uncomfortable by the lights turned on me. I don't think any proper legislative purpose is served by televising these proceedings. If this

were a court of law, which Mr. Williams seems to think it is, we wouldn't have television cameras. I would like to see them turned off.

Senator PELL. I would like to associate myself, Mr. Chairman, with the views of Senator Clark. I think one can see that this is more of a hippodrome atmosphere today than it is the quiet deliberations we have had in the past. I think this hearing should basically be done in closed session to try and get at the objectives we are seeking. I, generally speaking, find myself in sympathy with the request of Mr. Baker's attorney.

Senator SCOTT. Mr. Chairman, I would say that while I believe that Senator Cannon is entirely right in his interpretation of the rule, it can be invoked only for the benefit of the person who seeks its protection, and Mr. Williams has indicated that under the present state of the rulings he has no objection to the television cameras being directed at the witness and at himself. Nevertheless I do not think that television cameras in this room serve any legislative purpose, and I would like to associate myself with the views of Senator Clark and Senator Pell in that regard, and I believe that I am authorized to speak for Senator Curtis and Senator Cooper in that regard; is that right?

Senator COOPER. I base my position on different grounds. I think the witness can make the request under this rule. But in any event and apart from this rule, if he objects—and through counsel he has objected—I think the courts have held that objection is sufficient to raise the issue, and that the motion should be granted. I think objection to the cameras and lights can be made on a broader issue than just inconvenience to the witness or the committee.

Senator CURTIS. Mr. Chairman, I will very briefly state my position. I believe that the committee should cooperate with every cooperative witness. On that basis I want it understood that my position on the television is not yielding to the language of the counsel that has been before this committee, for he has bluntly stated that it was being held up for the purpose of television. He hasn't retracted. As a fellow lawyer I hope he will reconsider. But inasmuch as the legislative purpose of these hearings can proceed without television, I will have no objection to the removal of the television. But I do for the purpose of getting along with the legislative business of this committee, and in no sense yielding to the demand of counsel in the light of his insulting language to this committee.

Senator CANNON. Mr. Chairman.

The CHAIRMAN. Senator Cannon.

Senator CANNON. Before we take action on this, I would like to inquire in one particular, and I have already pointed out that rule 11 is for the benefit of the witness. We are now confronted with the situation where the witness has not invoked that rule, but the committee is apparently constrained to eliminate television coverage from the hearing.

Rule 11 also provides "television, motion picture, and other cameras and lights," and I am wondering if the position indicated by Senator Scott, Senator Cooper, and Senator Curtis also includes the television cameras and lights, because if it does, if that is the view of the com-

mittee, I would be constrained to go along with the majority of the committee. However, I do not believe that one medium should be favored over another if we are going to conduct a proper hearing.

Senator SCOTT. Mr. Chairman, I am satisfied to abide by the committee's decision on this. I would hope that we leave enough light so that we can see, and if it is required that we proceed by candlepower I do not wish to be associated with any such reactionary decision.

The CHAIRMAN. The majority of the committee has indicated that they dispense with the television and the lights, so the Chair will now rule that the television cameras be stopped, taken entirely out of the room and the lights turned off, no other cameras. I might add that this ruling also applies to the still cameras. No picturetaking from now on in this room at this particular hearing. May we have quiet in the room so we can proceed?

I would like to say to the audience that we want no demonstration of approval or disapproval of any question to be asked.

Thank you very much. Counsel, you may proceed.

Would the cameramen remove their equipment as quietly as possible?

Thank you very much.

Mr. McLENDON. Mr. Chairman, the point has been made here that the witness and his counsel have not seen the transcript of the proceedings conducted on February 19, 1964. I was under the impression that you did see it yesterday, but in view of your statement, do you want to take time to look at it now before we proceed?

Mr. WILLIAMS. I don't want to delay the committee while we do that, Major. I would appreciate a copy of the proceedings, however.

Mr. McLENDON. I am delivering to you a copy of the transcript of the proceedings on February 19, 1964.

Mr. WILLIAMS. Thank you very much.

Mr. McLENDON. Mr. Baker—

The CHAIRMAN. I would appreciate your not using that movie camera. That ruling referred to all cameras. Thank you very much. Proceed, Mr. Counsel.

Mr. McLENDON. Mr. Baker, at the direction of the chairman and of the committee, you are now reminded that on the return date of the subpoena, February 19, 1964, service of which was accepted by you and your counsel on February 15, 1964, you appeared before this committee without producing any of the documents described in the subpoena.

The subpoena was then continued by the committee for your appearance at this time and place. You were advised by the committee that the documents described in the subpoena were pertinent and material to the legislative purpose and function of this investigation, and that the committee had no interest in the documents which you were subpoenaed to produce except to ascertain the truth as to matters clearly within the scope of Senate Resolution 212. In continuing the subpoena to this time and place, it was the hope of the committee that you would reconsider your repeated refusal to produce the documents described in the subpoena. Since you have had further time to consider the matter, the chairman directs me to ask you if you now have the documents described in the subpoena with you in this hearing room?

TESTIMONY OF ROBERT G. BAKER, ACCOMPANIED BY EDWARD BENNETT WILLIAMS AND BORIS KOSTELANETZ, COUNSEL—

Resumed

Mr. BAKER. Major, to answer your question, No. 1, I had my records with me when I appeared before you last week. I have my records here with me today. Based upon the advice of my counsel I do not intend to turn them over to the committee, sir.

Mr. McLENDON. The record does not show that you presented the records at the meeting on February 19.

Mr. BAKER. I had them in my possession, Major.

Mr. McLENDON. You state that they were present with you in the room?

Mr. BAKER. Yes, sir, and they are here now.

Mr. McLENDON. All right. Also in the proceedings on the 19th you will recall that the committee went over each item of the subpoena with reference to the documents which you were asked to produce, and pointed out to you why each of those documents or classifications of documents were pertinent and material to this inquiry, and after such statement was made at length, you were asked if you wanted any other information tending to show that these documents were material and pertinent, and your answer was that you did not. I repeat that question now. Do you want any further demonstration from the committee that these documents described in the subpoena are material and pertinent to the purpose of the resolution under which the Senate committee acts?

Mr. BAKER. Major, I take the same position today that I took in the executive meeting last week.

Mr. McLENDON. You were also asked if you would indicate to the committee whether any of these documents—or why you considered any of these documents might incriminate you, and you declined to answer that question. I repeat the question now. Will you point out to the committee with respect to any of these documents why you think they would be self-incriminating if presented to the committee?

Mr. BAKER. Major, I take the same position today that I took last week about my records.

Senator CURTIS. Mr. Chairman, I think he should state for the record as to what his position is.

Mr. BAKER. Senator Curtis, I refuse to produce these records for all of the reasons set out in the letter of my counsel, Edward Bennett Williams, to Senator Everett Jordan, dated February 17, 1964, and for the same reasons I gave to this committee when I appeared before it in executive session on February 19, 1964. Specifically I assert:

(1) I advised this committee under oath on February 19, 1964, that I would not produce these records at the time or at any time in the future. The committee was specifically told that I would not produce them today. Therefore calling me back here today to repeat my position cannot and does not have any true legislative purpose.

(2) Today's proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary. I do not intend to participate as a defendant witness in a legislative trial of myself where there are no rules of evidence, when my counsel has no right to cross-examine my accusers, or summon witnesses in my defense,

when no charges have been furnished to me, and when the testimony has been taken both in secret and in the open.

(3) The records are not pertinent to any bona fide legislative purpose.

(4) Some of the documents called for are the subject of controversy in a case presently pending in the U.S. District Court for the District of Columbia.

(5) I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. To force production of these records against this background would be to do indirectly for these agencies what they cannot lawfully do directly.

(6) My privacy of communication has been invaded by agents of Government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agents of Government.

(7) Against the background which I have outlined I feel that the documents called for will be used to incriminate me. Therefore on the advice of counsel, I invoke the protection of the first, the fourth, the fifth, and the sixth amendments of the Constitution and I specifically invoke the privilege against self-incrimination.

Mr. McLendon. So your position today is that, notwithstanding that you have with you and in your possession here in the presence of the committee the documents—or most of them or some of them—described in the subpoena, you are unwilling to submit them for inspection by the committee?

Mr. Baker. Major, I have all the documents that were requested in the subpoena, but I stand by my statement. You knew what my position was going to be before I was called back here today.

Mr. McLendon. I have a right to ask you a second time. Sometimes people change their minds, you know.

Mr. Baker. You don't know me.

Mr. McLendon. Have you changed your mind? You are still steadfastly refusing to permit these documents to be inspected by the committee, are you, or presented to the committee?

Mr. Baker. Major, whatever reputation I had in the Senate my word is my bond and when I told you I was not going to testify that ended it as far as I was concerned. So I stand by my statement.

(Senators Cannon and Byrd left the hearing room.)

Mr. McLendon. Now, do you contend that every single document in the list of documents described in the subpoena is self-incriminating?

Mr. Baker. Major, I stand on the same answer that I have just read to Senator Curtis. I will read it again for you if you want me to.

Mr. McLendon. I don't want you to read it again. I am asking you a very simple question.

Mr. Baker. I answered you very simply.

Mr. McLendon. You aren't answering it. You are simply interposing your objection. My question is: Do you contend upon advice of your counsel that every single document described in the subpoena would, if presented to this committee, tend to incriminate you?

Mr. Baker. Major, I believe that the documents that I have could be used to incriminate me; yes.

Mr. McLendon. Every single one of them?

Mr. BAKER. Yes, sir.

Mr. McLENDON. You are not willing, then, to submit the documents to any impartial person for inspection and advice to this committee as to whether in the opinion of the impartial people they would not incriminate you?

(Senators Cannon and Byrd entered the hearing room.)

Mr. BAKER. Major, I have stated my position and I stand by it, sir.

Senator BYRD. Mr. Chairman.

The CHAIRMAN. Senator Byrd.

Senator BYRD. Mr. Baker, as a demonstration of your good faith, and as an aid to this committee in determining fairly whether or not any or all of the subpoenaed documents would tend to incriminate you if they were produced and submitted to this committee during this proceeding, are you willing to permit the committee's counsel to inspect your papers and documents in the presence of your own counsel so that he might fulfill his responsibility as the legal adviser to this committee by advising it whether or not any or all of the documents that have been subpoenaed would actually incriminate you or would tend to incriminate you or would supply a link in a chain of evidence which would incriminate or tend to incriminate you?

Mr. WILLIAMS. Mr. Chairman, as the lawyers on the committee well know, the submission of these documents would be a waiver of all the constitutional rights of this witness, and of course we will advise him not to do any such thing.

Senator BYRD. Mr. Chairman.

The CHAIRMAN. Senator Byrd.

Senator BYRD. I call the attention of the committee to a case which will be found in 214 Federal Supplement at page 877, the ruling thereon which occurred on March 13 of 1963 in a Maryland U.S. district court involving the case of the Mutual Security Savings & Loan Association, Inc. I call the attention of this committee to this case to make a number of points. One, that a witness can only claim the right of privilege against self-incrimination if he has good reason to apprehend danger. Two, to make the point that his say-so does not automatically render the statement self-incriminating, and three, to point out that he is not the sole judge as to whether or not his answer to the questions would be self-incriminating, and four, to indicate that the court in that case required two officials of the bankrupt savings and loan association who had refused to produce schedules of the property and a list of creditors on the grounds of self-incrimination, to produce schedules of property and a list of creditors, and under the condition that they would not be waiving their right to the claim of privilege against self-incrimination in response to any disclosure which might incriminate the witness or which might tend to incriminate the witness or which might provide a link in a chain of evidence which might tend to incriminate the witness.

The court ordered the two witnesses to produce the documents, and if they made such a claim, they were to submit in a sealed envelope statement by their counsel as to the basis upon which the claim was invoked and the statement was to be seen only by the court itself, after which the envelope was to be sealed and no other individual or no other group of individuals were to be permitted to see the statement except a higher court if the witnesses in their determination should decide to challenge the ruling and the position of the lower court.

So I cite this case for the record, Mr. Chairman, to show that there is a legal precedent for the production of subpoenaed documents under the conditions I suggested.

The CHAIRMAN. You may proceed to question, Counsel.

Mr. McLENDON. Mr. Baker, the committee is anxious for you to understand that it has respect for the legal and constitutional rights of any witness appearing before it. It is anxious for you to also understand that it has a duty to perform, and that duty requires it to be satisfied that, when you claim the documents which you have been lawfully subpoenaed to produce do tend to incriminate you, the committee should have an opportunity to judge for itself as to whether that defense is made arbitrarily, capriciously, or in good faith.

The suggestion of Senator Byrd would accomplish that, because, first of all, the documents would never be out of your possession or the possession of your counsel, and it would impose obligations upon him as well as the counsel for the committee to give an objective advice to the committee whether in fact your defense is arbitrary and capricious or whether it is taken in good faith.

In view of the statement made by Senator Byrd, which I have in substance repeated, I ask you again do you decline to cooperate with the committee in any effort enabling it to determine whether any or all of these documents which you were subpoenaed to produce would in fact tend to incriminate you?

Mr. BAKER. Major, I stand by my previous answer, sir.

Mr. McLENDON. Mr. Baker, I want to now ask you some questions aside from relation to the specific documents which you have been subpoenaed to produce and which you refuse to produce and make available to the committee. Did you resign your position as secretary to the Senate majority October 7, 1963?

Mr. BAKER. Yes.

Mr. McLENDON. Was your resignation voluntary or was it requested?

Mr. BAKER. It was voluntary, sir.

Mr. McLENDON. How long had you held the position—excuse me; I didn't mean to interrupt you.

Mr. WILLIAMS. That is all right; go ahead, sir.

Mr. McLENDON. How long had you held the position as secretary to the majority as of October 7, 1963?

Mr. BAKER. Major, I was elected secretary for the majority January 3, 1955.

Mr. McLENDON. Would you tell the committee what your duties were in that office?

Mr. BAKER. Major, I refuse to answer the question for the reasons set forth in the letter of my counsel, Edward Bennett Williams, to Senator Everett Jordan dated February 17, 1964, and again repeated before this committee in executive session on February 19, 1964.

Mr. WILLIAMS. Mr. Chairman, this is not the same answer that he heretofore read in the record. It is a different answer that is applicable to questions that will be propounded to him, so it is not a waste of time to let him read this one statement into the record.

The CHAIRMAN. You may proceed to put it into the record.

Mr. BAKER. Specifically I assert, one, the committee was fully apprised before my appearance here today that I will invoke my consti-

tutional rights and give no evidence. Therefore when the committee compelled my appearance here today, it was not in furtherance of any true legislative purpose, but solely to force me to restate my position. This is a perversion of the legislative investigative function.

Two, today's proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary. I do not intend to participate as a defendant witness in a legislative trial of myself when there are no rules of evidence, when my counsel has no right to cross-examine my accusers or summon witnesses in my defense, when no charges have been furnished to me, and when the testimony has been taken both in secret and in the open.

Three, the question is not pertinent to any true legislative purpose.

Four, my privacy of communication has been invaded by agents of Government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agents of Government.

Fifth, I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. Against all of this background I fear that any answer I might give will be used to incriminate me.

Therefore, on the advice of counsel I invoke the protection of the first, the fourth, the fifth and the sixth amendments to the Constitution and I specifically decline to answer because of the privilege against self-incrimination.

Senator CLARK. Mr. Chairman.

The CHAIRMAN. Senator Clark.

Senator CLARK. I suggest that the question which the witness has refused to answer—namely, what were his duties as secretary to the majority of the Senate—could not possibly incriminate the witness in any way. It is particularly pertinent to the investigation of this committee to find out not only what those duties were, but what Mr. Baker thought they were, in order to make an appropriate report to the Senate under Senate Resolution 212. While in my view Mr. Baker has so far, until his answer to this last question, been within his constitutional rights, I suggest that his failure to answer the last question propounded to him by Major McLendon might well result in his being in contempt of the Senate.

Senator SCOTT. Mr. Chairman.

Mr. WILLIAMS. May I say this, Mr. Chairman, in response to Senator Clark? As you appreciate, Senator, I am sure, we have a very delicate problem under the decision of Rogers against the United States. This is a very nebulous area, and one that no lawyer has been able to satisfy himself on completely as to when a waiver takes place and as to when the defendant or the witness may continue to answer safely. Because of the fact that the concept of waiver is nebulous, it may appear, and this is not in any way meant to be contemptuous, sir, it may appear that the witness is refusing to answer questions which seem to be innocuous, but we fear the problem of waiver here, and accordingly we have to advise Mr. Baker that he must refuse to answer those questions, and it is not done in any spirit of contumacy, I assure you.

Senator CLARK. Mr. Williams, you are as much of an expert in this field as any man alive. I am just questioning whether this particular question is one you would want to have your witness make this par-

ticular answer to. Of course, your legal judgment will prevail. I raise the issue so you may fully consider it before you make a final decision.

MR. WILLIAMS. I simply wanted you to understand, Senator Clark, that our failure to respond is not in any sense contemptuous of this committee, but it is motivated by the serious problem of waiver under the privilege against self-incrimination.

SENATOR CLARK. Of course, you can protect the waiver, you know. The CHAIRMAN. Senator Scott.

SENATOR SCOTT. I think at this point the record should show that while the witness has said in his statement, in effect, that his presence here today is not necessary, would serve no purpose since he has already appeared in executive session, that on the record his appearance has already served a purpose in that he has voluntarily answered asserted question or questions, particularly the question as to whether his resignation as secretary to the majority was voluntary or involuntary, and however controversial his answer may be, and however others may disagree, the point is that when it was to his advantage to answer a question, that he did so and his answer was as I recall it that his resignation was voluntary. Therefore, his appearance has already established the reason for the open hearing, and I do not in any way question his right to full constitutional protection when he wishes to avail himself of it.

The CHAIRMAN. Mr. Baker, I order and direct you to answer the question.

MR. BAKER. Mr. Chairman, I stand by my previous answer that I read a few moments ago.

MR. McLENDON. Mr. Baker, in your official position as secretary to the Senate majority, were you familiar with the Senate manual which contains rules applicable to the office of secretary to the Senate majority and secretary to the Senate minority?

MR. BAKER. I stand by the same answer, Major.

The CHAIRMAN. Mr. Baker, I order and direct you to answer the question.

MR. BAKER. Mr. Chairman, I stand by the same answer, sir.

The CHAIRMAN. Proceed.

MR. McLENDON. I read you rule II from the Senate manual appearing on page 115, entitled "Majority and Minority Secretaries":

The secretary for the majority and the secretary for the minority shall be assigned, during the daily sessions of the Senate, to duty upon the Senate floor. They shall see that the messengers assigned to the doors upon the Senate floor are at their posts, and that the floor and cloakrooms are cleared at least 5 minutes before the opening of daily sessions of all persons not entitled to remain there. In the absence of the Sergeant at Arms the duties of his office, so far as they pertain to the enforcement of rules, shall devolve upon the secretary for the majority and the secretary for the minority in order of their rank.

I repeat my question. Were you familiar with that rule of the Senate?

MR. BAKER. Major, I stand by the same answer.

The CHAIRMAN. Mr. Baker, I order and direct that you answer the question.

MR. BAKER. Mr. Chairman, I stand by the same answer.

MR. WILLIAMS. I suggest to you, Mr. Chairman, that the point that we are making has just been underscored by Senator Scott's pointing

to what may be argued to have been a waiver already, and therefore we must continue to take this same position. Senator Scott seized upon one answer, which was wholly innocuous, and which I told Mr. Baker he might answer, and suggested that he had voluntarily answered a question. So we will continue to refuse to answer all questions which I feel fall within the position that we have taken to date.

The CHAIRMAN. You may proceed with the questions.

Mr. McLENDON. Mr. Baker, did you consider your job as secretary to the majority, what is commonly known as a whole-time job requiring all of your time?

Mr. BAKER. I stand by the same answer.

The CHAIRMAN. I order and direct that you answer the question.

Mr. BAKER. Mr. Chairman, I stand by the same answer.

Mr. McLENDON. In your position as secretary to the majority were you familiar with the Code of Ethics for Government Service enacted by the 86th Congress, 1st session, House Document No. 103, passed by the Congress of the United States on July 11, 1958?

Mr. BAKER. Major, I stand by the same answer.

The CHAIRMAN. I direct and order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by the same answer.

The CHAIRMAN. Proceed, sir.

Mr. McLENDON. You decline to inform the committee whether this code of ethics adopted by the Congress of the United States was known to you?

Mr. BAKER. I stand on my lengthy answer.

(Senator Clark left the hearing room.)

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my same answer.

Mr. McLENDON. What authority did you have as secretary of the majority to employ staff people in your office and under your supervision?

Mr. BAKER. Major, I stand by my previous answer.

Mr. McLENDON. Will you tell the committee how many people worked in your office prior to your resignation?

Mr. BAKER. I stand by my original answer.

Mr. McLENDON. Will you tell the committee the duties of any single one of them?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Mr. McLENDON. Did you consider that you had authority to employ members of your staff and to prescribe their duties?

Mr. BAKER. Major, I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my answer.

Mr. McLENDON. Did you, while you occupied the office of secretary to the majority, use the office and its facilities for private business purposes?

Mr. BAKER. Major, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Mr. McLENDON. Did you use the telephone, the Government-furnished telephone, for purely private purposes?

Mr. BAKER. Major, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Mr. McLENDON. Did you at any time conduct private business in the office of the secretary for the majority?

Mr. BAKER. Major, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my answer.

Mr. McLENDON. Did you pay to different people large sums of money in cash for private business purposes?

Mr. BAKER. Major, I stand by my answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my answer.

Mr. McLENDON. Did you make engagements for people to assemble and to meet in your office for the purpose of discussing private business affairs?

Mr. BAKER. Major, I stand by my answer.

The CHAIRMAN. I order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my answer.

Mr. McLENDON. Is the committee to construe your refusal to answer this series of questions as an unwillingness on your part to contribute anything constructive to the job that this committee has assigned to it; namely, to recommend to the Senate whether additional rules, laws, and regulations are needed for the proper conduct of that office?

Mr. WILLIAMS. I suggest, Major, that is not a proper question. He can't speculate on how the committee will construe his answer.

Mr. McLENDON. I am not asking him to speculate on how the committee should perform. I am asking him just out of his experience if he is unwilling to contribute anything constructive to aid this committee in the performance of its legislative function. If he does, if he answers "yes" on this point, why that is his answer.

Mr. WILLIAMS. He will answer the questions as you propound them, Major. I have told you that we will continue to advise him not to answer questions that are within the purview of the resolution authorizing this inquiry. So to that extent he will not make any constructive contributions to the sum total of the legislative knowledge that the committee gets this morning.

The CHAIRMAN. I order the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Mr. McLENDON. Mr. Baker, you are bound to be intelligent enough to know that the only legal and constitutional purpose of this committee is to advise the Senate what can be done to improve the operation of the office that you held for many years. I now ask you if as a citizen and a past officer of the U.S. Government you decline to give any advice to this committee how it could perform its function of making recommendations to the Senate?

Mr. WILLIAMS. I submit that is not a proper question, Major.

Mr. McLENDON. That is for the committee to decide, Mr. Williams. You make your objection.

Mr. WILLIAMS. I make my objection and I advise him—

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator BYRD. Mr. Chairman.

The CHAIRMAN. Senator Byrd.

Senator BYRD. For the purpose of clarification of the record, I should like to ask the witness whether or not his answer in each instance—to wit, that he stands upon his previous statement—is to be interpreted as meaning that he stands upon each of the reasons enumerated in his statement, or does he invoke only the fifth amendment privilege against self-incrimination?

Mr. BAKER. So you will be crystal clear as to my position, Senator Byrd, I will read the statement again that I have referred to. Specifically I asserted:

(1) The committee was fully apprised before my appearance here today that I would invoke my constitutional rights and give no evidence. Therefore when the committee compelled my appearance here today, it was not in furtherance of any true legislative purpose, but solely to force me to restate my position in public. This is a perversion of the legislative investigative function.

(2) Today's proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary. I do not intend to participate as a defendant witness in a legislative trial of myself when there are no rules of evidence, when my counsel has no right to cross-examine my accusers, or summon witnesses in my defense, when no charges have been furnished to me and when the testimony has been taken both in secret and in the open.

(3) The question is not pertinent to any true legislative purpose.

(4) My privacy of communication has been invaded by agents of Government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agents of Government.

(5) I am presently being investigated by two agencies of the executive branch—the Federal Bureau of Investigation and the Internal Revenue Service. Against all of this background I fear that any answer I might give will be used to incriminate me.

Therefore, on the advice of my counsel, I invoke the protection of the first, the fourth, the fifth, and the sixth amendments of the Constitution and I specifically decline to answer because of the privilege against self-incrimination.

The CHAIRMAN. Counsel, you may proceed.

Mr. McLENDON. Is the Senator through?

The CHAIRMAN. Had you finished, Senator Byrd?

Senator BYRD. For the time being, yes.

Mr. McLENDON. Mr. Baker, in an abundance of caution the committee has directed me to call your attention to the exact language of the United States Code, section 192, title 2, which reads:

Every person who having been summoned as a witness by the authority of either House of the Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established

by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months.

Having read the code to you, I ask you: Do you wish to change or modify any of the answers that you have heretofore made to questions addressed to you?

Mr. BAKER. No, sir.

Mr. McLENDON. I also am directed to read to you section 193, title 2, of the United States Code, which reads:

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

Having read that section of the code to you, I ask you now: Do you wish to change or modify any answers that you made to the questions which have been directed to you this morning?

Mr. BAKER. Major, I stand by my previous position.

The CHAIRMAN. Senator Curtis, do you have any questions?

Senator CURTIS. Yes, Mr. Chairman. I would like to ask the witness: The subpoena served on you required you to bring in certain corporate records, did it not?

Mr. BAKER. No, sir.

Senator CURTIS. What corporate records do you have in your possession?

Mr. BAKER. Senator Curtis, I stick by my answer that I have just read a few moments ago.

Senator CURTIS. Mr. Baker, it was testified under oath here by Mrs. Novak that in order to meet certain business obligations in which her late husband and you were engaged she would call at your office to secure that with which to pay the debts and that she would pick up large sums of cash, in the neighborhood of \$12,000 on one occasion. Will you advise the committee whether or not her testimony is correct?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. Will you advise the committee whether or not you acquired the cash referred to by Mrs. Novak in the course of your duties as secretary to the majority of the U.S. Senate?

Mr. BAKER. Senator, I stand on my previous answer.

Senator CURTIS. Will you advise the committee whether or not that money referred to by her, if it came into your possession, came into your possession through business transactions conducted in the facilities provided by the U.S. Senate?

Mr. BAKER. I stand by my previous answer, Senator.

Senator CURTIS. Mr. Baker, a previous witness, Mr. Hill, testified under oath that he paid to you the sum of \$250 for a number of months for the purpose of securing and keeping a contract which his company, the Capitol Vending Co., had with a Government-contracting defense plant. Will you advise us whether or not Mr. Hill's testimony is true?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. I refer to the Melpar Co. Will you advise us whether or not that testimony is true?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. Mr. Chairman, I ask, if the committee has no objection, that the witness be ordered to answer the questions I have just propounded.

The CHAIRMAN. Mr. Baker, I order and direct that you answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, have you had any part in planning, making contacts, or any activities to set up gambling concessions at various points outside the United States?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. Have you made trips outside the United States in which all or part of your activity was directed toward the securing of gambling concessions?

Mr. BAKER. Senator, I stand by the same answer.

Senator CURTIS. Have you ever contacted any official of a foreign government, to wit, the Dominican Republic, or any intermediary for an official of government, concerning the securing of gambling concessions in that country and other countries?

Mr. BAKER. I stand by my previous answer.

Senator CURTIS. Mr. Chairman, I ask, if the committee has no objection, that he be ordered to answer these questions.

The CHAIRMAN. I direct and order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Now, Mr. Baker, I hope that you will consider this question carefully, the rights of all people involved. The witness, Mr. Don Reynolds, has testified that he gave to one Lyndon Johnson a hi-fi set costing something over \$500. Statements have been made elsewhere that you were the giver of that gift. Will you tell this committee whether or not you made that gift?

Mr. BAKER. Senator, I stand on my previous answer.

Senator CURTIS. Mr. Chairman, I ask—

The CHAIRMAN. I order that the question be answered.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. Mr. Baker—Mr. Reynolds, while under oath, testified before this committee concerning this hi-fi gift. He produced certain canceled checks and invoices. He also testified that he purchased \$1,200 worth of television time on a TV station in Austin, Tex. My question is: Did you have any part in that transaction?

Mr. BAKER. I stand by my previous answer, Senator.

Senator CURTIS. I ask that—

The CHAIRMAN. I order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Can you tell this committee, if you know, whether or not that transaction testified by Mr. Reynolds took place?

Mr. BAKER. I stand on my previous answer.

Senator CURTIS. Mr. Baker, were you employed—I ask that he be ordered to answer the question.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, while serving as secretary to the majority of the U.S. Senate, were you employed by meat importers in connection with the exportation and importation of their meat, and did you receive some \$4,000 for that in 1962 and a lesser amount in 1963, as testified?

Mr. BAKER. Senator, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. Mr. Baker, I ask that you look at a certain document. Have you looked at it?

Mr. BAKER. I have.

Senator CURTIS. It is a reproduction of your signature on it?

Mr. BAKER. Senator, I stand by my previous answer.

Mr. WILLIAMS. Senator Curtis, so that the record will be clear as to what we are speaking of, may we have it understood that we are talking about a statement which is captioned "Statement of Condition," dated February 1, 1963.

Senator CURTIS. It refers to financial condition.

Mr. WILLIAMS. Yes, sir.

Senator CURTIS. Mr. Baker, that purports to be a financial statement showing net worth submitted by you, of your net worth submitted during the time you were secretary to the majority. Will you advise the committee whether or not that is a copy of a net-worth statement that you did submit in the course of your business on or about the date that it shows?

Mr. BAKER. Senator, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. And is the statement substantially correct that shows that on or about that date you had a net worth of something over \$2 million?

Mr. BAKER. Senator Curtis, I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Will you tell the committee the source of that net worth and that part of it which is in excess of your net worth when you took office as secretary to the majority?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. I ask that he be——

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. Mr. Baker, it was testified under oath that a meeting was held at which Mr. McCloskey, a contractor, was present; Mr. William McLeod, Clerk of the House of Representatives District of Columbia Committee, Mr. Don Reynolds, and others were present, at which time the building of the stadium in the District of Columbia and the legislation pertaining thereto and the procurement of a contractor's performance bond was discussed; were you at that meeting?

Mr. BAKER. Senator, I stand on my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did Mr. Don Reynolds make a payment back to you of \$4,000 of the commission received on the performance bond of the contractor in connection with the District of Columbia Stadium?

Mr. BAKER. Senator, I stand by my previous answer.

Senator CURTIS. Mr. Chairman, I request that he be ordered to answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my original answer.

Senator CURTIS. Will you tell the committee what you know, if anything, in reference to the testimony that Mr. Don Reynolds who secured this performance bond business paid Mr. William McLeod whom I have already identified, the sum of \$1,500?

Mr. BAKER. Senator, I stand on my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. Mr. Baker, have you used your office and the facilities provided therefor to provide assistance to Government contracting officials, contractors, potential contractors, and others doing business with the U.S. Government?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Have you rendered assistance to contractors, businessmen, and others who may be doing business with the U.S. Government in the way of providing entertainment facilities for them in any of their dealings with Government officials—and by entertainment facilities I refer, also, to personnel, including party girls?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. That is all for the moment, Mr. Chairman.

The CHAIRMAN. Senator Cannon, do you have questions?

Senator CANNON. Mr. Baker, do I understand from your continuous line of refusal that there are no areas involved in this investigation where you would be willing to answer questions?

Mr. BAKER. Senator, you understand correctly because you are in a legal jungle. Based upon the advice of two of the most competent counsel in America I am following their advice. Therefore I will continue to take the same position.

Senator CANNON. I have no further questions.

The CHAIRMAN. Senator Pell?

Senator Byrd?

Senator Cooper, do you have any questions, sir?

Senator COOPER. For the purpose of making the record, I will ask the witness this question. Evidence has been given under oath that in the application for an FHA loan, a disaster loan, that—

Mr. BAKER. Senator, that was a small business loan, not FHA.

Senator COOPER. A small business loan—a disaster loan—for the Carousel property, that a deposit slip issued by the Bank of Maryland purported to show that you and your associates had borrowed \$100,000 from that bank. Then it was testified that the \$100,000 could not be withdrawn from the bank; yet the deposit slip was provided the Small Business Administration as part of their requirements for the loan. I ask if that is a correct statement?

Mr. BAKER. Senator, I stand by my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator COOPER. That is all I have to ask at this time.

The CHAIRMAN. Are there further questions? You may proceed.

Senator SCOTT. Mr. Baker, on at least one occasion did you not dispatch Walter J. Stewart, a Senate employee, in an official Senate automobile to carry supplies to your Carousel Motel in Ocean City?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my original answer.

Senator SCOTT. Mr. Baker, was not in fact your resignation procured because you had been summoned by the majority leadership, including Senator Mansfield, to explain certain alleged improprieties; that immediately prior to an appointment arranged with you and the majority leadership to meet Senator Dirksen and Senator Williams of Delaware you advised the majority leadership of your resignation?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. Was not your resignation in fact under pressure?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. Mr. Baker, isn't it a fact that you never showed to Mrs. Novak the alleged bid of Mr. Robert F. Thompson for the Carousel Motel in the alleged amount of \$1,500,000?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, was the Popich Marine Construction Co. involved in any work on a space project near New Orleans, La., in which you had an interest?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by the previous answer.

Senator SCOTT. Mr. Baker, is it not true that on or about May 7, 1962, you telephoned one Paul F. Ferraro to ask for a review of an addition by the FHA on a Puerto Rican housing development at which time Mr. Ferraro was a Deputy FHA Commissioner here in Washington?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did one Edward Lee Vinson in 1961, with your help, secure a \$4 million bank loan in order to build a 14-story addition to the Fremont Hotel?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. In Las Vegas, Nev.?

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, what was the purpose of your April 1963 visit to the Dominican Republic at the time of the inauguration of President Juan Bosch when you attended in the company of Jack B. Cooper and Edward Levinson?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order that the witness answer the question.

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. Mr. Baker, at that time did you not seek to secure gambling concessions for yourself and others from officials of the Dominican Republic?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did the late Grant Stockdale, of Florida, ever accompany you to the Dominican Republic where certain proposals were made by you regarding obtaining gambling concessions from the Dominican Republic?

Mr. BAKER. I stand by the same answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by the same answer.

Senator SCOTT. Mr. Baker, were not the four deeds of September 13, 1962, April 23, 1963, another of April 23, 1963, and another on April 23, 1963, relating to the Van Ness Street property simply a device to circumvent the racial restrictive covenants on the property, which covenant was restricted, in effect, to white Christians only by covenanting against Negroes, Jews, Armenians, Persians, and Syrians?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order that the witness answer the question.

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you have any part in furthering the deportation proceedings of one Ellen Rometsch?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. I stand by my previous answer, Mr. Chairman.

Senator SCOTT. Mr. Baker, did you ever urge or suggest that certain national advertisers buy time on station KTBC in Austin, Tex.?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, were you ever presented with a bill from Riddle Airlines for \$16,000 incurred as a result of an airplane trip from Washington to Las Vegas and return?

Mr. BAKER. I stand on my previous answer.

Senator SCOTT. Mr. Baker, isn't it a fact that that bill has not been paid?

Mr. BAKER. I stand on my previous answer.

Senator SCOTT. Mr. Chairman, I request that he be ordered to answer this line of questions.

The CHAIRMAN. I order and direct that the witness answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, we have received testimony that Hampco had paid you a finder's fee and continues to pay you this fee although apparently you did nothing to get Hampco and Mr. Kentor together. Wasn't this part of a device whereby the Murchison interests who own Hampco could reimburse you for past and future legislative favors granted?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, referring to an article in the State newspaper of Columbia, S.C., on Thursday, November 14, 1963, is it correct as this paper states that in California Governor Brown said that you flew out there last May to argue the case of a race track concession leased to a charitable organization headed by the Murchison family in Texas?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, the committee has received testimony that you shared in a joint business venture in Florida with one Scott Peek and others. Have you shared this or any other business ventures with Scott Peek or with any others associated with him?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, do you recall or wish to state how many people you referred to a Puerto Rican doctor for the performance of abortions?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. Did you furnish this doctor's name to any Senate employees or any Senators also and Senate employees?

Mr. BAKER. I stand on my previous answer.

Senator SCOTT. Mr. Baker, the Washington Post of November 10, 1963, reports that in one instance you relayed word to Senator Thomas J. McIntyre of New Hampshire, who turned down the offer, that you knew some people who would pick up his \$10,000 in campaign debts. If so, who were those people to whom you referred?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be directed to answer the previous line of questions?

The CHAIRMAN. I order and direct that the witness answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, is it true that you forced a Senate page named Boyd Richie to deduct \$50 per month from his salary and kick it back to you in order that you could help Walter J. Stewart along?

Mr. BAKER. I stand on my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, can you tell this committee whether or not you have had any business dealings whatsoever with one Joseph Fabianich who is now serving time in Leavenworth Prison on white slavery charges?

Mr. BAKER. I stand on my previous answer.

Senator SCOTT. May the witness be directed to answer the previous line of questions?

The CHAIRMAN. I direct the witness to answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you assist Thomas Webb in securing a \$5,000 loan?

Mr. BAKER. I stand by my previous answer.

Mr. CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you in cooperation with one Wayne Bromley prepare any political literature for use in the primary campaigns of 1960?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator SCOTT. Mr. Baker, did you in concert with any other individual purchase or develop land near Clear Lake, Tex.?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be directed to answer these questions?

The CHAIRMAN. I direct that the witness answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you collect \$1,500 from Louis A. Johnson for the purpose of reimbursing Mr. Preston J. Moore, of Oklahoma City, for expenses incurred by him in campaign funds in 1960 and did you then fail to turn over the \$1,500 to Mr. Moore?

Mr. BAKER. I stand on my previous answer.

The CHAIRMAN. The witness will answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, is it the fact you kept this money for yourself or was it kept for other campaign funds?

Mr. BAKER. I stand on my previous answer.

The CHAIRMAN. The witness will please answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, a question was asked of you by counsel which in part referred to the payment by people of large sums of cash. How much money in cash did Fred Black give you for use in the political campaign of 1960?

Mr. BAKER. I stand on my previous answer.

The CHAIRMAN. The witness will please answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did not Mr. Fred Black give you \$10,000 in cash in \$100 bills in an envelope in the Carlton Hotel in Washington, these moneys to be delivered to one of the presidential candidates for his use in his campaign?

Mr. BAKER. I stand on my previous answer.

Senator SCOTT. May the witness be directed to answer?

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator SCOTT. Mr. Baker, did he not state at the time of the delivery of that \$10,000 in cash in \$100 bills, did not Mr. Black state to you at the time of delivery of the said \$10,000 in cash in \$100 bills, that \$90,000 more would be coming for the same purpose to aid the candidate in the 1960 election?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be directed to answer?

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you not arrange to buy tickets at the price of \$1,000 per ticket at a fundraising dinner at the International Inn where you purchased 10 tables for 10 persons each at this dinner?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, in recent statements you have been quoted as saying that you were writing a book, and replying to questions by saying: "Read my book." Did you intend to imply by that that you would implicate officials of the U.S. Government in this book or, if not, what was the implication of these two remarks?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be directed to answer the last series of questions?

The CHAIRMAN. I order and direct the witness to answer the questions.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. That is all.

Senator CURTIS. Mr. Chairman, I have a few more.

Mr. Baker, do you now own any stock in the MGIC?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did you ever render any service to that corporation?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, on or about November 30, 1962, you made a long distance call to Milwaukee, to Mr. Max Karl, head of the MGIC corporation. A similar call on April 2, 1963, a similar one on April 22, 1963, a similar one on May 8, 1963; will you tell the committee whether or not those calls were made at Government expense?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, records indicate that you made a number of calls to San Juan, P.R., to one Paul Aguirre. Will you state whether or not those calls were made at Government expense and, if so, what Government business was discussed?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, do you have a law partner by the name of Tucker?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, the telephone records indicate a number of calls made by you from Miami, Fla. For instance, February 26, 1963, you called from Miami Mr. Tucker. Was the purpose of that call your private business or Government business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. In your work as secretary of the majority are you provided with a secretary?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. I stand by my previous answer, Mr. Chairman.

Senator CURTIS. Is her name Miss Tyler?

Mr. BAKER. I stand by the same answer.

The CHAIRMAN. I order and direct the witness to answer.

Mr. BAKER. I stand by my previous answer.

Senator CURTIS. On this same day of February 26, 1963, there was a conversation between Miss Tyler, Mr. Ed Levinson, who was then at the International Airport Hotel. I refer to, Mr. Witness, that the Witness Black stated his business was gambling. Do you know whether or not that call was charged to the Government?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. On the 20th of February the records indicate—this is 1963—that you called Ed Levinson at his Fremont Hotel at Las Vegas, Nev. Will you tell us whether or not that call related to your official duties or whether it related to private business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Will you tell us who paid for the call?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, the telephone records indicate that on the 20th of November 1962 or—excuse me—on the 5th of December 1962, you called Mr. Clint Murchison, Jr., at Dallas, Tex. Will you state whether or not that call pertained to your official duties as secretary of the majority or whether or not it was your private business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. Will the witness answer the question?

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did the Government pay for that telephone call?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, the telephone records indicate many other calls; I am selecting some for the purpose of informing the Senate in the event any further laws or rules or regulations pertaining to Government facilities are necessary. The records indicate a great many calls to and from your office, official Government office, to Ocean City. Will you tell us whether or not any of those calls which related to your private business were paid for by the Government?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, the record indicates a number of calls made by you to one Nick Popich, New Orleans, La. Will you tell us whether or not those calls were made as part of your official duties?

Mr. BAKER. I stand by my previous answer.

Senator CURTIS. I request that he be ordered to answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. What business transactions or dealings did you have, while you were secretary to the majority of the U.S. Senate, with Mr. Nick Popich?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did the Government pay for any calls that you made to Nick Popich which did not relate to your official duties?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, do you know one William Rogers, Jr., in Baltimore?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I direct and order the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Is he an official in a financial institution from which you have borrowed money for your private business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. The records indicate a number of calls to him from you from your official office. Will you tell us whether or not the Government paid for any of those calls?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, the records indicate that on the 26th day of April 1963—I withdraw that. Mr. Baker, on March 7, 1963, you called Fred Black who was in Beverly Hills, Calif. Will you tell us whether or not that was in connection with your official Government business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Will you tell us whether or not that call was made at Government expense?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Do you deny in any way this inquiry concerning the use of Government telephones has a legislative purpose?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did Miss Carole Tyler while serving on the Government payroll perform duties in the furtherance of your private business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did Miss Tyler accompany you on business trips outside the city of Washington while she was on the Government payroll?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. I stand by my previous answer, Mr. Chairman.

Senator CURTIS. Do you deny that would have a legislative purpose?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my original answer.

Senator CURTIS. Mr. Baker, did you, in company with Carole Tyler and Ellen Rometsch, leave Washington on Eastern Airlines on June 19, 1963, and fly to New Orleans and there meet Mr. Paul A. Aguirre?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. And from New Orleans did you proceed to Dallas, Tex., and from there to Miami, Fla., with your secretary, Ellen Rometsch, and Mr. Aguirre?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, did you invite Mr. Ed Levinson, Edward Torres, Ben Sigelbaum to invest and buy stock in the corporation?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Mr. Baker, did you have any part in the securing of the vending business for the Serv-U Corp. at North American Aviation in California, and their various branches and subsidiaries and plants?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did you use your official position as secretary of the majority to secure for Serv-U Corp., of which you were one of the principal owners, business from North American Aviation Co., a company engaged almost entirely in Government contract business?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. Did you—

The CHAIRMAN. For the record I might say we have requested permission to sit while the Senate is in session. We have not received it, but I presume we will.

Senator CURTIS. May I inquire of counsel for the witness if he has any objection to us proceeding or would he prefer that we wait until the Senate rules upon our request?

Mr. WILLIAMS. Well, Senator, as I stated earlier, I have objection to the whole proceeding.

Senator CURTIS. I gather that. [Laughter.]

Mr. WILLIAMS. But I am not—since I have been overruled on that I am not insisting on the hypertechnical objection that because the Senate is in session that these proceedings are further invalidated.

Senator CURTIS. We will have to wait.

(Short recess.)

The CHAIRMAN. The committee will come back to order.

We do now have permission to continue with the hearing.

Senator CURTIS, were you through?

Senator CURTIS. Mr. Baker, have you had any banking investments—that is, purchase of bank stock—participated in by you and Mr. Ed Levinson and Mr. Fred Black?

Mr. BAKER. I stand on my previous answer, Senator.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. I stand on my previous answer, Mr. Chairman.

Senator CURTIS. Mr. Baker, in the creation of a new bank in the District of Columbia, did you have anything to do with the securing of the charter or other activities that related to any Government agency?

Mr. BAKER. I stand by my previous answer, Senator.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand on my previous answer.

Senator CURTIS. Do you recognize Mr. Edward Torres as being an individual from Las Vegas engaged in gambling activities?

Mr. BAKER. I stand by my previous answer.

Senator CURTIS. Have you made trips with Mr. Ed Levinson for the purpose of securing gambling concessions anywhere?

Mr. BAKER. I stand by my previous answer.

Senator CURTIS. I request that he be ordered to answer.

The CHAIRMAN. I direct and order that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator CURTIS. I will yield to Senator Scott.

Senator SCOTT. Mr. Chairman, just two or three questions.

The CHAIRMAN. Senator Scott, you may proceed.

Senator SCOTT. Mr. Baker, did you arrange through the American National Bank to have \$100,000 placed in an account in your name, which account could not be drawn upon by you, and was this a device to indicate to the Small Business Administration officials that you had sufficient interest in the Carousel Motel to be eligible to acquire an SBA disaster loan?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be required to answer?

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, did you use Government telephones or did you talk or did you arrange in person to place a horserace bet with one Snags Lewis, a person well known to the police of this city as a bookie?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May he be directed to answer?

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. I stand by my previous answer, Mr. Chairman.

Senator SCOTT. Mr. Baker, did you use Government telephones to discuss business affairs with one Mike Shapiro who owns 500 shares of the District of Columbia National Bank, and is also known to the police as a bigtime bookmaker?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. In the purchase of your townhouse, did you not state Carole Tyler was your cousin?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct that the witness answer.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, if that statement was made, was it not an inaccurate statement?

Mr. BAKER. I stand by my previous answer.

The CHAIRMAN. I order and direct the witness to answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. Mr. Baker, do you wish to state how you became worth over \$2 million in such a short time?

Mr. BAKER. I stand by my previous answer.

Senator SCOTT. May the witness be directed to answer?

The CHAIRMAN. I order and direct the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator SCOTT. That is all.

The CHAIRMAN. Senator Pell, I believe you have a question.

Senator PELL. Mr. Baker, it is a matter of record that you were or are a substantial owner of stock in the Mortgage Guaranty Insurance Corp. In this connection, the Internal Revenue Service reversed a previously unfavorable tax ruling after a request to do so from the ranking minority member of the Joint Committee on Internal Revenue Taxation—incidentally, after he had bought stock at an advantageous price himself.

Did you, Mr. Baker, play a role in securing this assistance from this leading member of the joint committee?

Mr. BAKER. I stand by my previous answer, Senator.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. BAKER. Mr. Chairman, I stand by my previous answer.

Senator PELL. Mr. Baker, as you know, we are not only interested in pursuing examples of conflict of interest, flagrant and otherwise, but also trying to come up with some sort of report to the Senate as to what might be done to alter some of the present patterns. In this connection, do you have any opinion as to whether it would be a good idea if the present system of pages were substituted for by a college intern program whereby there would be page interns?

Mr. BAKER. Senator, restate that question, please, sir?

Senator PELL. Certainly. As you know, we are not only pursuing examples of conflict of interest, flagrant and otherwise, but we are also trying to come up with a nonpartisan, we hope, positive report that can make recommendations for the future so that situations that have arisen may not repeat themselves.

In this connection, I would like your opinion, Mr. Baker, from the viewpoint of your experience here, as to whether you think it might be a good idea that we change our present system of young men as pages, or boys, and adopted a system of having young men and women,

between their sophomore and junior year, say, coming here, acting as pages and interns leading into a program of government, getting away from the present system whereby we have youngsters going around with \$300 cash in their pockets each month.

Mr. BAKER. Senator, if you want my judgment—

Senator PELL. For your personal recommendation and view.

Mr. BAKER (continuing). There are many fine young orphan boys here in the District. I think it would be a great deed on the part of the Congress if they would try to utilize those young men as much as possible. I have some strong views on this question. I won't bore the committee with it but, sometime when it is convenient, I will either talk to you or write you a letter on it if you would like.

Senator PELL. I would appreciate a letter very much or talk with you but, in general, you think that might be a good direction to go?

Mr. BAKER. It has merit.

Senator PELL. Thank you. Finally, and this is also a question of personal opinion: Do you think it would be a good idea if some guidelines were laid out for us on the Hill as well as for the employees of the executive branch of the Government?

Mr. BAKER. Yes.

Senator PELL. That is all.

The CHAIRMAN. Senator Cannon?

Senator CANNON. I have no further questions.

The CHAIRMAN. Senator Byrd?

Senator BYRD. Mr. Chairman, I would ask the witness to again read the statement to which he has alluded scores of times.

Mr. WILLIAMS. So that the record may be clear on this, Senator, are you referring to the statement he read in response to questions that were put to him, or the statement that he read with respect to the documents which were called for in the subpoena?

Senator BYRD. I am referring to the answer to which he alluded many times today in saying, "I stand on the previous answer."

Mr. WILLIAMS. He alluded to two answers—one when questions were directed to him with respect to documents, and one when other questions were directed to him.

Senator BYRD. I ask that he read again the latter.

Mr. BAKER. I refuse to answer the question for the reasons set forth in the letter of my counsel, Edward Bennett Williams, to Senator Everett Jordan, dated February 17, 1964, and again repeated before this committee in executive session on February 19, 1964.

Specifically I assert:

(1) The committee was fully apprised before my appearance here today that I would invoke my constitutional rights and give no evidence. Therefore, when the committee compelled my appearance here today it was not in furtherance of any true legislative purpose but solely to force me to restate my position. This is a perversion of the legislative investigative function.

(2) Today's proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary. I do not intend to participate as a defendant witness in a legislative trial of myself when there are no rules of evidence, when my counsel has no right to cross-examine my accusers or summon witnesses in my defense, when no charges have been furnished to me, and when the testimony has been taken both in secret and in the open.

(3) The question is not pertinent to any true legislative purpose.

(4) My privacy of communication has been invaded by agents of Government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agents of Government.

(5) I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. Against all of this background I feel that any answer I might give will be used to incriminate me.

Therefore, on the advice of counsel, I invoke the protection of the first, the fourth, the fifth, and the sixth amendments of the Constitution and I specifically decline to answer because of the privilege against self-incrimination.

Senator BYRD. Now, Mr. Chairman, I ask the witness to read the statement which he presented to the committee in its closed session.

Mr. WILLIAMS. We presented at that time, Senator Byrd, a letter for the record. Is that what you refer to?

Senator BYRD. I think the witness also read a statement upon that occasion.

Mr. WILLIAMS. It is on page 1873 of the record, Senator Byrd.

Mr. BAKER (reading):

Major, I refuse to produce these records for all of the reasons set out in the letter of my counsel, Edward Bennett Williams, to Chairman Jordan dated February 17, 1964. Specifically I assert:

One, these proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary.

Two, I do not intend to participate as a defendant witness in a legislative trial which is governed by no rules of evidence, which denies me the right to cross-examine my accusers through counsel, which holds proceedings both in secret and in the open and which has provided me with no specifics of charges. The records are not pertinent to any bona fide legislative purpose.

Three, some of the documents called for are the subject of controversy in a case being argued in the U.S. District Court for the District of Columbia tomorrow.

Four, I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. To force production of these records against this background would be to do indirectly for these agencies what they cannot now lawfully do directly.

Five, my privacy of communication has been invaded by the agents of government. Until I ascertain the extent of this invasion, I shall refuse to provide any additional information to any agencies of government.

Six, against the background above outlined, I feel that the documents called for will be used to incriminate me. Therefore, on the advice of counsel, I invoke the protection of the first, the fourth, the fifth, and the sixth amendments to the Constitution and I specifically invoke the privilege against self-incrimination.

Senator BYRD. Would the witness once again read the first reason set forth in that statement which he has just read?

Mr. BAKER (reading):

I refuse to produce these records for all of the reasons set out in the letter of my counsel, Edward Bennett Williams, to Chairman Jordan dated February 17, 1964. Specifically I assert: One, these proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary.

Senator BYRD. Now, Mr. Chairman, I call the attention—to the attention of the committee that the witness upon that occasion, when the committee was holding a closed session, stated as his first reason for refusing to answer the question that, "These proceedings" are an unconstitutional invasion by the legislative branch into the proper functioning of the judiciary.

In today's statement his first reason for refusing to answer the question propounded to him was, "Today's proceedings" are an unconstitutional invasion.

I ask the witness whether or not his objection in this connection is to proceedings being held in executive session or to proceedings being held in open session.

Mr. WILLIAMS. Senator, that calls for a legal conclusion. It was on my recommendation that Mr. Baker took this position, and I will be glad to tell you what our position is if you will accept my answer on that.

Senator BYRD. Well, the witness stated in a closed session that "These proceedings—

Mr. WILLIAMS. Yes, sir.

Senator BYRD (continuing). In his judgment, and on the advice of his counsel, constituted an unconstitutional invasion by the legislative branch of his rights. Now, in the present public hearing, he refers to "today's proceedings" and he makes the same objection.

Mr. WILLIAMS. Yes, sir.

Senator BYRD. Does the witness take the position that the proceedings, both in closed session and in open session, constitute an unconstitutional invasion of his rights?

Mr. WILLIAMS. Yes, sir.

Senator BYRD. Does the witness take the position that the committee has any alternative, that it has any other course, by which it may proceed other than sessions which either are executive sessions or open sessions?

Mr. WILLIAMS. Yes, sir; I do.

Senator BYRD. Would the witness, Mr. Chairman, state to the committee what procedures the committee might follow?

Mr. WILLIAMS. I think, Senator Byrd, as I said earlier, that it is an abuse of the legislative function to call a witness whom the committee knows is going to invoke his constitutional rights and refuse to answer questions on subject matters on which the committee already has full information, and I feel it would serve no useful purpose to call Mr. Baker when the committee was apprised that he would not answer questions because he was under investigation by agencies of the executive branch of the Government.

It was my feeling then, and it is my feeling now, that if this witness has transgressed any of the laws of the United States, the proper place to try that issue is in the courthouse and not in the caucus room, and that the courthouse is three blocks away and there is a grand jury sitting, and there are some rules of evidence; he has a right to cross-examine his accusers if he has done anything or if any allegation is made against him for having done anything wrong; he will have the right to summon witnesses on his behalf, and he will be tried in a tribunal which has the power to acquit him if it believes him not guilty; and for those reasons, I felt that there was an unconstitutional invasion of his rights on February 19, and I feel likewise that there was again today.

Senator BYRD. Mr. Chairman, does the witness feel that the Senate exceeded the bounds of its authority when it passed Senate Resolution 212, which required this committee to inquire into the financial or business interests of any officer or employee or former officer or employee of the Senate?

Mr. WILLIAMS. I am not prepared to say that there is anything improper about that resolution. I think, Senator Byrd, that it would be easier to defend if the resolution included not only the right to investigate employees and officers of the Senate but also Members of the Senate. But I do not charge that the resolution exceeded the legitimate scope of inquiry, and it was not on that basis that we claim it was an unconstitutional invasion.

Senator BYRD. I assume, Mr. Chairman, that the committee is to interpret the remarks of the competent and very able counsel for the witness to mean that the Senate did not exceed its authority in passing the resolution but that the committee can neither hold closed sessions nor open sessions in an effort to carry out the purpose of the resolution adopted by the Senate. In other words, he maintains that this committee is powerless to effectively exercise the authority which the parent body properly vested in the committee.

Do you think, Mr. Baker, that there should be any limitations placed upon the business and financial activities of Senate employees?

Mr. BAKER. Senator, on the advice of counsel, I will stand by the previous statements that I have read to the committee.

Senator BYRD. Mr. Baker, who was the individual who held the minority position comparable to yours at the time you were secretary to the majority?

Mr. BAKER. I will stand by my same answer, Senator.

Senator BYRD. Could you tell the committee whether or not his duties were comparable to your duties when you were secretary of the majority?

Mr. BAKER. I will stand by my same answer, sir.

Senator BYRD. For the record, Mr. Chairman, I quote extracts from the case of *Hoffman v. United States*, decided on May 28, 1951, volume 341, U.S. Reports:

The privilege afforded—

referring to the fifth amendment privilege against self-incrimination:

The privilege afforded not only extends to answers that would in themselves support a conviction under a Federal criminal statute but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant for a Federal crime.

Citing *Blau v. United States*, 340 U.S. 159, decided in 1950:

But this protection must be confined to instances where the witness has reasonable cause to apprehend danger from a direct answer—

citing *Mason v. United States*, 244 U.S. 362, 365, decided in 1917.

Further quoting from volume 341 U.S. Reports, *Hoffman v. United States*:

The witness is not exonerated from answering merely because he declares that in so doing he would incriminate himself. His say-so does not of itself establish the hazard of incrimination. It is for the court to say whether his silence is justified.

Mr. WILLIAMS. That is our point, Senator Byrd.

Senator BYRD (continuing)—

and to require him to answer if "it clearly appears to the court that he is mistaken."

I further call to the attention of the committee and for the purposes of this record I refer to the cases of *In re Hess*, 134 F. 109, and *In re Hart*, 136 F. 986, in which orders were entered requiring the bankrupt

to bring the books and papers which he claimed contained incriminating evidence before the court or referee in bankruptcy so that if the plea was determined to be well founded the court could enter an order protecting the claimant from discovery of the evidence but at the same time enable the trustee to obtain the desired information.

Mr. Chairman, I would like to ask the witness once again this question: As an evidence of your good faith, Mr. Baker, and as an aid to this committee in carrying out the responsibilities incumbent upon it by passage of the Senate resolution, and as an aid to the committee in determining whether or not any or all of the documents which were subpoenaed would incriminate you or would tend to incriminate you or would possibly supply a link in a chain of evidence which could incriminate or tend to incriminate you, if these documents were produced and submitted to the attention of the committee, will you permit the committee's counsel to examine these papers and documents in the presence of your counsel so that the committee's counsel in carrying out his responsibility as adviser to this committee, may advise the committee as to which, if any, of the subpoenaed documents would actually incriminate you, would tend to incriminate you, or would supply a link in a chain of evidence which would incriminate or tend to incriminate you?

Mr. WILLIAMS. Senator, we will advise the witness openly on that, that the answer should be "No," because clearly if the documents were submitted to counsel for the committee it would constitute a waiver of his constitutional rights.

So, your answer is "No."

Mr. BAKER. My answer, Senator Byrd, is "No."

Senator BYRD. Mr. Chairman, on what basis does the witness take the position that his answer is "No." Would he state the basis therefor?

Mr. WILLIAMS. I will state it for him, Senator, because it is very clear from the decided cases in the Supreme Court that furnishing the documents on which the constitutional right is being asserted would constitute a waiver of his rights under the Constitution. So, we would be defeating the whole purpose of our position here by following the course which you recommend and, therefore, respectfully we must decline to do that.

Senator BYRD. Thank you, Mr. Chairman.

The CHAIRMAN. Any further questions?

Senator Cooper?

Senator COOPER. Mr. Baker, in this hearing today you have been asked about transactions with which it is alleged you have been connected, and transactions about which evidence has been received by this committee. Can you state whether any Member of the Senate who has not been named in the testimony given before the committee has been engaged with you in any such transactions about which testimony has been given?

Mr. BAKER. On the advice of counsel I stand by my answer previously given.

Senator COOPER. That is all.

The CHAIRMAN. Mr. Counsel, I believe you have a question.

Mr. McLENDON. Mr. Baker, you testified this morning that you voluntarily resigned your position as secretary to the majority on

October 7, 1963. My question is: Did your secretary, Miss Carole Tyler, also resign voluntarily the same day?

Mr. BAKER. I suggest—Major, I understand she is going to be a witness here tomorrow—that you ask her that question instead of me.

Mr. McLENDON. We will.

Mr. BAKER. All right, sir.

Mr. McLENDON. My second question is: Did you confer with her and advise with her about her resignation?

Mr. BAKER. I give the same answer, Major.

Mr. McLENDON. You decline to tell the committee whether you and Miss Tyler collaborated with respect to the resignation of each of you?

Mr. BAKER. Major, I stick by the same answer.

Mr. McLENDON. All right. That is all.

The CHAIRMAN. Senator Byrd?

Senator BYRD. I have no intention of harassing the witness, but what does he mean when he sticks by the same answer?

Mr. BAKER. Senator Byrd, I will read the answer once again into the record.

Senator BYRD. The witness does not need to read the statement again, but he made an answer to the previous question. Does he refer to that answer or to the statement.

Mr. WILLIAMS. So the record may be clear on that, Senator, I think your point is well taken. He is asserting all of the constitutional rights heretofore asserted in declining to answer the question about Miss Tyler.

Senator BYRD. Thank you.

The CHAIRMAN. Are there further questions?

We stand in recess until 10 o'clock tomorrow morning in this same room.

(Whereupon, at 12:30 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, February 26, 1964.)



October 1, 1886. My question is: Did your committee find any...

Mr. Barker: I am sorry to hear that you are not satisfied with the...

Mr. Barker: All right, sir.

Mr. Barker: My second question is: Did you agree with the...

Mr. Barker: I was the same answer, I believe.

Mr. Barker: I would like to see the original of the certificate...

Mr. Barker: I will send you the original of the certificate...

Mr. Barker: I have no objection to your taking the witness...

Mr. Barker: I will read the answer once again in the...

the record.

Mr. Barker: The witness has answered to the best of his ability...

Mr. Barker: I have no objection to your taking the witness...

Mr. Barker: I will read the answer once again in the...

the record.

Mr. Barker: I have no objection to your taking the witness...

Mr. Barker: I will read the answer once again in the...

the record.



FINANCIAL OR BUSINESS INTERESTS OF OFFICERS OR EMPLOYEES OF THE SENATE

WEDNESDAY, FEBRUARY 26, 1964

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 318, Old Senate Office Building, Senator B. Everett Jordan (chairman) presiding.

Present: Senators Jordan, Cannon, Pell, Clark, Curtis, Cooper, and Scott.

Also present: Gordon F. Harrison, staff director; Hugh Alexander, chief counsel; L. P. McLendon, general counsel; Burkett Van Kirk, associate counsel; James H. Duff, associate counsel; William B. Whitely, staff assistant to Senator Jordan; Walter Mote, professional staff member; William Ellis Meehan, investigator; Marian G. Moore, assistant chief clerk, and Alice Clark, staff.

The CHAIRMAN. The committee will come to order, please.

Miss Tyler, it is necessary that I read a statement so that you and your attorney might know under what authority you are being questioned here this morning.

A quorum being present, the committee will please come to order.

This committee is acting by direction and under the authority of Senate Resolution 212, agreed to on October 10, 1963, and Senate Resolution 291, agreed to on February 10, 1964.

Senate Resolution 212 authorizes and directs the Senate Committee on Rules and Administration to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other improprieties or whether additional laws, rules or regulations are necessary or desirable for the purpose of prohibiting or restricting such activities.

Witnesses have been interviewed by the staff and heard both in executive and in public sessions. Considerable evidence has been obtained and testimony received to date. Witnesses who have appeared previously, or who will be called in the future, possess information which the committee believes is material and pertinent to the provisions of the resolution of direction and authorization and which will aid the committee in fulfilling its legislative purposes.

The Chair advises each witness that he or she is entitled under the rules of procedure of the committee to retain and be accompanied by counsel. The counsel may advise the witness of his or her legal

rights during the course of his or her testimony. Should the witness not fully understand any question, the witness may ask for clarification. Counsel, however, shall not coach the witness or answer for the witness.

The committee will now proceed to hear the testimony of Miss Tyler.

Miss Tyler, will you please stand and be sworn in?

Senator CLARK. Mr. Chairman, before you swear the witness, may I make a statement?

The CHAIRMAN. Yes, indeed, Senator Clark.

Senator CLARK. Yesterday morning—

The CHAIRMAN. Miss Tyler, have a seat.

Senator CLARK. Yesterday morning, largely as a result of a comment that I made, the television networks' cameras were excluded from the hearing. Yesterday afternoon my office was contacted by the television companies to inquire whether I would make the same motion this morning because they said they did not want to go to the trouble of setting up the cameras if I was going to object. I advised them that I would not object, and I do not intend to do so. The principal reason is because I am under a commitment to leave this hearing in 5 minutes to preside at the hearings of the Subcommittee on Housing which is considering the administration's housing bill, and other measures, one of which was introduced by me in the same area.

I will not object. However, I would like to have placed in the record, Mr. Chairman, if I may, a most stimulating article written by Anthony Lewis, of the New York Times, which appears in that paper this morning entitled "TV's Role at Hearings." This carefully thought-out article explores the reasons for and the reasons against permitting television cameras to be present at a senatorial hearing of this sort. My judgment is that the reasons against are stronger than the reasons for. However, for the reason which I have just indicated, I shall make no objection to having this hearing televised.

I thank you for your courtesy, Mr. Chairman, in permitting me to make that statement.

The CHAIRMAN. Thank you very much, Senator Clark.

Senator Scott?

Senator SCOTT. There will be no objection from me. I merely want to make the observation that one thing that concerns me greatly is the whole problem of the Supreme Court decisions and the resulting seeming unfairness to one media of communication as against another. These proceedings were heard over radio yesterday. They were reported by the press, and because of the situation I feel impelled to join because if a member could not see or hear the proceedings obviously there was a flaw from that time on in the proceedings. I have no objection except to note that I think the whole state of the situation operates unfairly against one of the various media, namely, television, and I wish somebody—Earl Warren please note—would help us clean this up.

Senator CLARK. Would the Senator yield?

Senator SCOTT. Yes.

Senator CLARK. I would like to call my colleague's attention to the article I referred to earlier, and I think I neglected earlier, Mr.

Chairman, to request that the article be made a part of the record at this point. May that request be granted?

The CHAIRMAN. Excuse me, Senator Clark?

Senator CLARK. I ask unanimous consent that the article by Mr. Lewis which I referred to may be made a part of the proceedings at this point in the record.

The CHAIRMAN. Yes, without objection.

(The article referred to follows:)

[From the New York Times, Feb. 26, 1964]

TV'S ROLE AT HEARINGS

DECISION TO BAR CAMERAS AT INQUIRY ON BAKER REKINDLES AN OLD ARGUMENT

(By Anthony Lewis—Special to the New York Times)

WASHINGTON, February 25.—With a nice mixture of legal argument and quiet needling, Edward Bennett Williams accomplished today what so many have tried before without success—the removal of television cameras from a hearing by a Senate investigating committee. The decision by the Rules Committee to go along with the request by Mr. Williams, counsel to Robert G. Baker, promptly reopened the old debate about the televising of congressional hearings.

The Columbia Broadcasting System and National Broadcasting Co. fired off telegrams of protest to the committee.

"By conducting the public hearing," said Richard S. Salant, president of CBS News, the committee "decided that there is a proper public and legislative purpose to be served by those hearings.

"It seems to us to be a serious derogation of the public interest and of public policy to bar one of the news media."

DISSERVICE TO PUBLIC

William R. McAndrew, executive vice president in charge of NBC News, said the hearings were "for the purpose of conducting public business."

"We believe it is a disservice to the public to prevent the public from attending by means of television a hearing to which members of the public are physically admitted."

One argument implicit in those comments is that television is just another news medium—that it is unfair to let reporters in and keep out cameras.

On the other side there are those, including most lawyers and judges, who think cameras are an incomparably worse distraction than pencils in a courtroom or committee room.

Mr. Williams made the point in 1962 in his book "One Man's Freedom":

"The chief danger posed by microphones and cameras is that both committee members and witnesses often become more conscious of their audience than of their legislative responsibilities. * * * The average person is extremely nervous when he appears before any court or committee. It is unfair to ask him to appear before the entire country as well."

Justice William O. Douglas of the Supreme Court made another criticism in a 1960 speech. When a hearing is televised, he said, it "often becomes a trial in which the entire Nation sits as a jury." And, he added, "the television jury often condemns men."

One technique of condemnation by congressional hearing was illustrated by the Rules Committee today. This is to ask a witness a long series of questions suggesting evildoing, although it is known that he will answer none.

There is no limit on the queries that may be framed. The witness dare not answer any, however ridiculous and unrelated to him it may seem to be, because under court decisions he might be held to have waived his constitutional right not to answer.

This raises a larger question: Why should a committee that knows a witness will not answer call him to testify in public anyway?

Many lawyers and others concerned with civil liberties think the practice is unfair and unwise. It leads to such distortions as counting up the number of times a witness has invoked the privilege against self-incrimination—a number limited only by the committee's time and ingenuity.

One lawyer who happens to be associated with the broadcast industry commented today:

"The only reason you can think of for a performance like this is to humiliate the witness and ridicule the Constitution."

And no witness can escape the obloquy by refusing to appear. He then would be in contempt, in all probability without a legal defense.

Television spokesmen argue, therefore, that the source of unfairness, if any, is the committee's and not their cameras. The contrary view is that television dramatizes and exaggerates such scenes as repeated refusals to answer questions.

Congress rules on televising hearings are more a result of history and personalities than of any consistent theory. The House has a flat ban largely because of the firm opposition of the late Speaker, Sam Rayburn. In the Senate each committee decides.

Senator PELL. Mr. Chairman.

The CHAIRMAN. Senator Pell.

Senator PELL. I think that these proceedings should also show that there is no objection to television per se as one medium of the press. It is the fact that our technological progress is not such that they can't make it without bright lights and the whirring of the cameras which not only distract the witness but are harassments in many ways to us, and also being human beings and seeing them whirring—particularly those who may have elections in the imminent future—we tend perhaps to be somewhat long in our questions.

Mr. EHRLICH. Senator, may I make a statement in behalf of Miss Tyler?

The CHAIRMAN. Just a second.

Senator CANNON. Mr. Chairman, while we are on this subject, I think I should make my position clear. I did not object to the television yesterday and do not intend to object to it again today. As I pointed out yesterday our rule 11 is for the benefit of a witness and not for the benefit of others in relation to these hearings, and if the witnesses desire to invoke rule 11 I think they should be supported in it, but I did not support the position to restrict the television from the room yesterday and do not intend to do so today.

The CHAIRMAN. Thank you, Senator Cannon. I might add at this point that I simply carried out the wishes of the committee yesterday when television was ordered to be removed. Five members of the committee asked that it be removed and, as chairman, I had no choice but to do it, because it was by a majority of five of this committee.

Now, you may say what you want.

Mr. EHRLICH. Neither Miss Tyler nor I have any objection to television, radio, or movies or any other media recording these proceedings.

The CHAIRMAN. Thank you, sir.

Miss Tyler, if you will now stand, please?

Place your left hand on the Bible and raise your right hand, please.

Do you solemnly swear that the evidence you are about to give before this committee in the matter now under investigation is the truth, the whole truth, and nothing but the truth, so help you God?

Miss TYLER. I do.

The CHAIRMAN. Thank you, ma'am. Have a seat, please. Counsel, you may proceed with the witness.

(At this point, Senator Clark left the hearing room.)

Mr. MCLENDON. Would you state your full name and your residence address?

TESTIMONY OF NANCY CAROLE TYLER, ACCOMPANIED BY MYRON G. EHRLICH, ATTORNEY

Miss TYLER. My name is Nancy Carole Tyler.

Mr. McLENDON. And your residence address?

Miss TYLER. I am the person named in the subpoena served upon and accepted by my attorney, Mr. Ehrlich. At this time, I should like to ask permission to read a statement which I have prepared for this committee.

Mr. McLENDON. Will you wait just one moment so I can get the appearances? You have given your name. Do you object to giving your residence address?

Miss TYLER. Yes, sir; I do.

Mr. McLENDON. Are you accompanied by counsel this morning?

Miss TYLER. Yes, sir; I am.

Mr. McLENDON. He is your own counsel of your own choice?

Miss TYLER. Yes, sir.

Mr. McLENDON. Will he please state his name and address for the record?

Mr. EHRLICH. My name is Myron G. Ehrlich—E-h-r-l-i-c-h. I practice law in the District of Columbia and have for more than 35 years. My local address, office address is 401 Third Street NW.

Mr. McLENDON. Now, Miss Tyler, you may make any statement you wish to make.

(At this point, Senator Curtis entered the hearing room.)

Miss TYLER. My name is Nancy Carole Tyler. I am the person named in the subpoena served upon and accepted by my attorney, Myron G. Ehrlich, on February 21, 1964, which subpoena commands me to appear before the Senate Rules Committee today "to testify what you may know relative to the subject matters under consideration by said committee." The committee counsel has informed my attorney generally regarding some areas of the questions intended to be propounded to me. Since this committee began this investigation, I have been investigated regarding the same matters by the Internal Revenue Service, by the Federal Bureau of Investigation, and by other Federal agencies. Alleged information given out—

Senator CURTIS. Mr. Chairman, may we have order? I can't hear what is going on.

The CHAIRMAN. Let's please have quiet.

Mr. McLENDON. May I interrupt you to ask you: Do you have copies of that statement she is reading, Mr. Counsel? Will you give me a copy and the chairman?

Mr. EHRLICH. The gentleman here, I suppose, who is the press officer for the Capitol seized all of them and said he was going to bring them back.

Mr. McLENDON. I only have one copy. Are any other copies available for use of the committee?

Mr. EHRLICH. Major, I believe they are making copies of it; copies are being made by your office at this time.

Mr. McLENDON. I am sorry to interrupt the witness, but apparently the statement is rather long and I thought it would be desirable for us to have copies with which to follow you closely. If you want to, you may start all over again or you can start where you left off.

Mr. EHRLICH. I would rather she start all over again in order to—

Mr. McLENDON. Mr. Reporter, in order to avoid the repetition in the record, just strike out what she had read up to this point and start with her statement; she starts to make the statement and then take it from that. Is that all right, Counsel? Is my statement to the reporter correct?

Mr. EHRLICH. I agree with that, Major; yes, sir.

Mr. McLENDON. Now, you may begin again, Miss Tyler.

Miss TYLER. My name is Nancy Carole Tyler. I am the person named in the subpoena served upon and accepted by my attorney, Myron G. Ehrlich, on February 21, 1964, which subpoena commands me to appear before the Senate Rules Committee today "to testify what you may know relative to the subject matters under consideration by said committee." The committee counsel has informed my attorney generally regarding some areas of the questions intended to be propounded to me.

Since this committee began this investigation, I have been investigated regarding the same matters by the Internal Revenue Service, by the Federal Bureau of Investigation, and by other Federal agencies. Alleged information given out by this committee and others in authority to the press, radio, and television reporters has resulted in some worldwide intimations and suggestions that I have indulged in improper conduct, to say the least; and I have been held up to ridicule and disrepute by them on many occasions. It is a further fact that my telephone service was disconnected almost immediately subsequent to the service by the committee of a subpoena on the telephone company for the purpose of seizing records of my past telephone calls.

On the advice of my attorney, Mr. Ehrlich, I refuse to answer any questions that may be propounded to me by members or employees of this committee other than those which relate to my name and identification as the person named in said subpoena. My refusal is based on constitutional grounds as hereinafter are more fully set forth.

First, and on the advice of my counsel, Mr. Ehrlich, I refuse to answer the questions indicated herein on constitutional grounds because I believe this investigation is unrelated to any legislative purpose, it is beyond the powers conferred upon the Senate in the U.S. Constitution, and it is therefore invalid and an unjustifiable encroachment upon my right of privacy.

As you realize, the power to investigate is limited to a valid legislative function, and inquiry is precluded where, as here, the matter investigated is one on which no valid legislation can be enacted. The sole purpose of this investigation seems to be to bring down upon me and others the violence of public reaction because of my alleged past associations. The Constitution places upon the judiciary the responsibility of conducting trials, and this investigation appears to be a usurpation of this responsibility without according to me constitutional safeguards guaranteed in a trial to all.

Secondly, and on the advice of my counsel, Mr. Ehrlich, I refuse to answer the indicated questions on the further constitutional ground that the answers to such questions might tend to incriminate me. I deny I am guilty of any legal or moral wrongdoing, but I am availing myself of this constitutional privilege in view of my reasonable appre-

hension of even unwarranted prosecution. It is requested and hoped that this committee agrees with the Supreme Court of the United States when it stated in 350 U.S. 551, 557:

We must condemn the practice of imputing a sinister meaning to the exercise of a person's constitutional right under the fifth amendment. The right of an accused person to refuse to testify, which had been in England merely a rule of evidence, was so important to our forefathers that they raised it to the dignity of a constitutional enactment, and it has been recognized as one of the most valuable prerogatives of the citizen * * * we score the assumption that those who claim this privilege are either criminals or perjurers. The privilege against self-incrimination would be reduced to a hollow mockery if its exercise could be taken as equivalent either to a confession of guilt or a * * * presumption of perjury * * * a witness may have a reasonable fear of prosecution and yet be innocent of any wrongdoing. The privilege serves to protect the innocent who otherwise might be ensnared by ambiguous circumstances.

And that Court stated in another case in 350 U.S. 422, 427:

Too many, even those who should be better advised, view this privilege as a shelter for wrongdoers. They too readily assume that those who invoke it are either guilty of crime or commit perjury in claiming the privilege. Such a view does scant honor to the patriots who sponsored the Bill of Rights as a condition to acceptance of the Constitution by the ratifying States. The founders of the Nation were not naive or disregarding of the interests of justice.

And, finally, my attorney and I have no desire to impugn the motives of the committee members, even though we have no doubt that there is no congressional power to expose for the sake of exposure. The public is, of course, entitled to be informed concerning the workings of its Government. That cannot be inflated into a general power to expose where the predominant result can only be an invasion of the private rights of individuals.

In view of the foregoing, I pray that the public will keep an open mind regarding me in order to insure that no further irreparable injury results to my reputation.

The CHAIRMAN. Counsel may proceed with the questioning.

Mr. McLENDON. Miss Tyler, at this point the chairman has directed me to say to you on his behalf as chairman and also for the entire committee several things that we want you to understand and to be made perfectly clear to you.

No. 1, you are not on trial before this committee. You never have been. No criminal accusations have been made against you. The committee has no evidence before it at this time that you have committed any crime against the Federal Government.

No. 2, the committee is acting under a perfectly good valid constitutional resolution of the Senate of the United States which states on its face that the legislative purpose and function of this committee is to investigate financial or business interests or activities of any officer or employee—and you are an employee, or were—or former officer or employee of the Senate for the purpose of ascertaining whether any such interests or activities—such interests or activities, of course, referring to the business interests or activities—whether any such interests or activities have involved conflicts of interest or other impropriety, and whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities.

The resolution makes it perfectly clear that the reason for the existence of this committee, and the reason that it has been authorized

by the Senate of the United States to exercise the power of subpoena that required you to appear here this morning, is solely for the purpose of obtaining information that will enable this committee in its good judgment to make a report to the Senate of the United States with respect to needed legislation, if any.

Secondly, I want you to understand the committee wants me to make it clear to you, so that you will understand, that in calling you here as a witness it is obeying the mandate of the Senate of the United States. It is not a matter of personal choice of any member of this committee or of its general counsel, but it is obedient to the direction of the U.S. Senate that it make all investigations reasonably necessary for the purpose of ascertaining information upon which it can make its report to the Senate, in carrying out its legislative function.

I will not engage in any argument about the points of law made by your counsel in your statement except to say that the orderly process for examination of a witness under these circumstances is not to accept the witness' conclusion as to what the law is or the witness' conclusion as to what the evidence may be, but the orderly process is to present questions to you which are relevant and pertinent to the subject matter of this inquiry, and then you can make any objection that your counsel may advise you should be made.

On that point, I think on behalf of the committee, I can give you assurance that any objection you make will be considered by the committee with full recognition of your legal and constitutional right.

Finally, I think I can speak for the committee also in saying to you that the committee joins you in your appeal in the last paragraph of your statement that the public withhold judgment on you as an individual until it has heard all the evidence. This committee has never expected that the public would make its report. The responsibility for the report is upon the committee itself. These hearings disclose to the public either at the time the witness is examined or subsequently and they do become public knowledge, and no one could be more aware of the right and the hope that you express in your last statement there that the public withhold its judgment of you.

That would be my judgment. This committee doesn't have anything to do with the public judgment except as the public judgment may be influenced by the action of the committee itself in examination of witnesses.

Having made this statement to you, I find it necessary under direction of the committee to ask you certain specific questions.

You already indicated in your statement that you were an employee of the U.S. Senate.

In what capacity were you employed by the office of the secretary of the majority of the U.S. Senate?

Mr. EHRLICH. Major, there is no indication in that statement that she said she was an employee of the U.S. Senate or former employee.

Mr. MCLENDON. I will modify my question, then, by asking it directly. Were you, prior to October 7, 1963, an employee in the office of the secretary of the majority of the U.S. Senate?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. With reference to your first objection that it is not pertinent, may I remind you that the resolution itself says that the committee is instructed to investigate officers or employees, both past and present, of the U.S. Senate, and if you were an employee there could be no question about the relevance.

With respect to the second question, this question does not by any stretch of the imagination involve you in any criminal offense, and having said that I repeat my question, and I am reminded, it does not invade your privacy.

In view of that statement I renew my question: Were you an employee in the office of the secretary of the majority of the United States prior to October 7, 1963?

Miss TYLER. Major McLendon, I would like to repeat my statement, my answer. I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. The Chair orders and directs that the witness answer the question.

Miss TYLER. I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. What were your duties while you were employed in the office of the secretary of the Senate majority?

Miss TYLER. I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Mr. McLENDON. Do you or your counsel want any further demonstration from the committee that the question I just asked and which you refused to answer is pertinent and relevant to the subject matter of this investigation?

Mr. EHRLICH. Major, this young lady has sought my legal advice. I have advised her. If I am wrong, she is wrong. She has seen fit to accept my advice, and I think she is doing it. We don't want any proof of anything.

Mr. McLENDON. I think you have answered my question. There is a duty resting upon the committee, when a witness makes a point of pertinency or relevancy, to acquaint the witness with the reason for the pertinency and relevancy, and I understand your reason is that your client does not make that request.

Mr. EHRLICH. We don't question the pertinency at all. We do question the fact that this committee says that she is not entitled to claim the privileges under the Constitution that she has read to the committee in answer to the committee's questions.

Mr. McLENDON. The committee then understands that the witness, through her counsel, informs the committee that the witness does not question the pertinency or relevancy of the questions which are propounded to her up until this time?

Mr. EHRLICH. I thought you were talking about that particular question. I don't know what other questions you are going to ask.

Mr. McLENDON. Let's confine it to the last question. You do not raise the question of pertinency or relevancy to that question?

Mr. EHRLICH. No, sir; of course, that wouldn't preclude us from raising it at some other time if we saw fit to do it.

Mr. McLENDON. I am not arguing with you about that.

Mr. EHRLICH. Yes.

Mr. McLENDON. Was it part of your duty as an employee in the office of the secretary to the majority of the U.S. Senate to act as the confidential secretary to the secretary for the majority?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. While you were employed in the office of the secretary to the majority of the U.S. Senate did you perform any duties for the secretary—namely, Robert G. Baker—which were of a private character and nature as distinguished from his public duties in the office of secretary?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. The Chairman authorizes and recommends me to say to you, just to save time, that if your answer or refusal to answer any question which may be propounded to you from now on is the same as you have read, that you may instead of reading it say that "My answer is the same as I read heretofore," unless your counsel prefers she read it every time.

Mr. EHRLICH. I think it would be more effective if she read it every time. [Laughter.]

Mr. McLENDON. While you were employed in the office of the secretary to the majority of the U.S. Senate, did you on any occasion at his request deliver money—I mean currency—to any persons?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. May I ask that the cameramen please conduct themselves with a little bit more decorum? You are distressing the wit-

ness. Thank you. Now, I order the witness to please answer the question.

MISS TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose, and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

MR. McLENDON. Miss Tyler, did you ever occupy, while you were employed in the office of the secretary of the majority of the U.S. Senate, a house at 308 N Street SW., Washington, D.C.?

MISS TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

THE CHAIRMAN. I order and direct that the witness answer the question.

MR. McLENDON. If you did occupy such house—I beg your pardon.

MR. EHRlich. She hasn't answered the committee chairman's order.

MR. McLENDON. I am sorry, excuse me.

MR. EHRlich. Will you answer the committee chairman's order?

MISS TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

MR. McLENDON. If you did occupy such house, as evidence before this committee indicates, from whom did you rent?

MISS TYLER. I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

THE CHAIRMAN. I order and direct that the witness answer the question.

MISS TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

MR. McLENDON. How much was the monthly rental for this house, and to whom did you pay it, if you paid it?

MISS TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

THE CHAIRMAN. I order and direct that the witness answer the question.

MISS TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

MR. McLENDON. Miss Tyler, the committee has before it documentary evidence showing that Robert G. Baker, in arranging for the use of this house which I referred to, 308 N Street SW., represented in writing that you were his cousin. Are you related by birth or marriage to Robert G. Baker, and, specifically, are you his cousin?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, the committee has before it documentary evidence tending to show that Robert G. Baker represented that more than \$6,000 had been invested in the improvement of this house, the furnishings and decorations. Will you tell the committee whether any of that money was furnished by you and, if so, what part of it?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, the committee has before it the sworn testimony of Mr. Ralph Hill to the effect that, prior to the institution by his company, the Capitol Vending Co., of a civil suit against Mr. Baker and others, he, Mr. Hill, visited you at your residence, 308 N Street SW., and he told you about the pendency of the suit or threatening to bring the suit, and he had a conversation with you and pleaded with you to intervene with Baker to avoid the necessity of suit, and in the course of the conversation you asked him to please give you a few days' notice before the suit was instituted.

My question is: Did such conversation take place, and if I have not stated it correctly, will you state the conversation correctly to the committee?

Mr. EHRlich. Before she answers that, I question the pertinency of that question.

Mr. McLENDON. The pertinency of it is this: that this witness testified that Baker had an arrangement with him as a result of which this witness or his company was paying money to Baker, and that this witness who is now before the committee had some knowledge of that because of the frequent visits to Mr. Baker's office by Mr. Hill, and the payment by Mr. Hill of money to Mr. Baker on a number of occasions, and that he testified that he went to see Miss Tyler primarily to get her to intervene with Baker to avoid the necessity of a suit, and that she expressed concern about a suit and what it would involve, the implications being that her question was whether she would be involved and that she asked that she be informed a few days before the suit was instituted. She did not state, as I recall Mr. Hill's testimony, the specific reasons why she wanted to know,

but that was left in that state. Therefore, the committee considers this conversation pertinent as bearing upon the conduct of Mr. Baker with respect to business and financial transactions between him and the Capital Vending Co.

Mr. EHRLICH. Major, I still question the pertinency, but she is going to answer your question as she has all other questions, and in the same way.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and it is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, in the performance of your duties in the office of the secretary to the majority of the Senate, or in the performance of a request and in compliance with request made of you by Mr. Baker, did you ever prepare a financial statement of Mr. Baker?

Miss TYLER. Mr. McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, will you tell the committee what you know about the trips made by Robert G. Baker to Los Angeles, Calif., in December 1962 and January 1963, in connection with the business of the Serv-U Corp. in obtaining contracts for rendering vending machine service in the plants of North American Aviation Co.?

Mr. EHRLICH. I question, in behalf of Miss Tyler, the pertinency of that question.

Mr. McLENDON. The pertinency of it is evident.

Mr. EHRLICH. Major, it isn't to me.

Mr. McLENDON. Well, I will be glad to explain it to you and I hope it will be evident to you.

Mr. EHRLICH. Yes, sir.

Mr. McLENDON. The evidence shows overwhelmingly, Counsel, that Mr. Baker was one of the originators of the Serv-U Corp., and he and one other stockholder owned a controlling interest, stock interest in that company; that in December 1962 and early January 1963 the person associated with him in exercising control made an engagement with North American Aviation people for a representative of the Serv-U Corp. to visit it for the purpose of negotiating a contract. The evidence tends also to show that Mr. Baker was physically there on one or two occasions, at least, and was in the presence of officials of the North American Aviation Co. while the negotiations were going on.

The question, therefore, is obviously relevant to a very substantial business transaction which Mr. Baker was carrying on both for himself, personally, and on behalf of the corporation in which he was financially interested.

Mr. EHRLICH. Major, with all due regard for you, I continue to question the pertinency of that question.

(At this point, Senator Cooper entered the hearing room.)

Mr. McLENDON. Well, do you want any further explanation of pertinency on that question?

Mr. EHRLICH. No; I have had enough, and I still don't think it is pertinent.

Mr. McLENDON. All right.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, the committee has information which it deems to be reliable that Mr. Edward Levinson was a frequent visitor to Mr. Baker's office prior to his resignation on October 7, and that he and Mr. Baker made several business trips together to New York and to points in the Caribbean. My question is: Will you tell the committee anything that you know about any business trips made by Mr. Baker and Mr. Levinson either to New York or to any place in the Caribbean?

Mr. EHRLICH. I question the pertinency of this question because any knowledge this witness may or may not have certainly seems to be immaterial, or should be, to everybody.

Mr. McLENDON. Do you want any further investigation of the materiality?

Mr. EHRLICH. No, sir. I continue to suggest it is immaterial, and not pertinent.

Mr. McLENDON. I remind you that the question was intended, I think worded, so as to indicate that the committee is interested in the business activities of Mr. Baker and Mr. Levinson, and that this witness is only being asked to tell what she knows about it, if she knows anything.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, did you resign your position with the secretary to the majority of the Senate in October 1963?

Mr. EHRLICH. Major, I question the pertinency of that question.

Mr. McLENDON. Was your resignation voluntary, or was it compulsory?

Mr. EHRLICH. I question the pertinency of that.

Mr. McLENDON. Did you resign at Mr. Baker's request?

Mr. EHRLICH. I question the pertinency of that question.

Mr. McLENDON. Did you consult with Mr. Baker about your resignation?

Mr. EHRLICH. I question also the pertinency of that question, with all due respect to you, sir.

Mr. McLENDON. The committee is authorized by the resolution to investigate other improprieties, other than financial and business activities, and these questions are directed toward that. Mr. Chairman, I ask that you order the witness to answer the question.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and it is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. Miss Tyler, under the instructions of Robert G. Baker while employed in the office of the secretary to the Senate did you actually, at any time actually, participate in any business transaction for him or on his behalf such as depositing money in banks or delivering money to other persons for Baker?

Miss TYLER. Major McLendon, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The CHAIRMAN. I order and direct that the witness answer the question.

Miss TYLER. Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an invalid invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

Mr. McLENDON. That is all I care to ask her, Mr. Chairman.

The CHAIRMAN. Senator Cannon, do you have any questions?

Senator CANNON. Not at the moment.

The CHAIRMAN. Senator Pell?

Senator PELL. No.

The CHAIRMAN. Senator Curtis?

Senator CURTIS. Mr. Chairman, the minority have no questions.

The CHAIRMAN. Does counsel have further questions?

Mr. McLENDON. No, sir; that is all.

The CHAIRMAN. Senator Cannon, do you have any questions? No further questions; the witness may be excused.

Mr. EHRLICH. Thank you very much.

The CHAIRMAN. I would like to announce at this time that the committee will recess until 10 o'clock in the morning.

(Whereupon, at 11:10 a.m., the committee recessed, to reconvene at 10 a.m., Thursday, February 27, 1964.)

Mr. McLean: Will you consult with Mr. Baker about your testimony?

The Chairman: I question also the pertinency of this question with all due respect to you sir.

Mr. McLean: The committee is authorized by the resolution to investigate other industries, other than financial and business activities, and these questions are directed toward that. Mr. Chairman, I ask that you order the witness to answer the question.

The Chairman: I order and direct that the witness answer the question.

Mr. Fiske: Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and it is an inviolable invasion of my right of privacy, and I decline to answer on the further ground that my answer would tend to incriminate me.

Mr. McLean: I refer under the instructions of Robert F. Baker, your employer in the office of the secretary to the Senate, and you equally at any time actually, hypothetically, in any business transaction, whether on his behalf, such as depositing money in banks or on other investments, to a person for labor?

Mr. Fiske: Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an inviolable invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The Chairman: I order and direct that the witness answer the question.

Mr. Fiske: Mr. Chairman, I decline to answer on the ground that this investigation is unrelated to any legislative purpose and is an inviolable invasion of my right of privacy, and I decline to answer on the further ground that my answer might tend to incriminate me.

The Chairman: That really came to ask Mr. Chairman.

The Chairman: Senator Cannon, do you have any questions?

Senator Cannon: Yes at the moment.

The Chairman: Senator Tamm.

Senator Tamm: No.

The Chairman: Senator Curtis?

Senator Curtis: Mr. Chairman, the majority have no questions.

The Chairman: Does anybody have further questions?

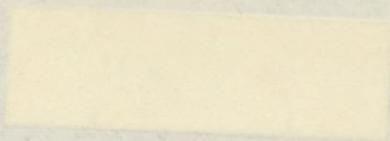
Mr. McLean: No, that is all.

The Chairman: Senator Cannon, do you have any questions? No further questions, the witness may be excused.

The Chairman: Thank you very much.

The Chairman: I would like to announce what time that the committee will meet to look in the morning.

Wednesday at 11:10 a.m. The committee is expected to reconvene in 1001, Tuesday, February 27, 1901.



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