

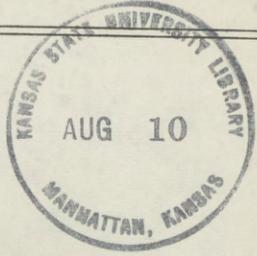
Y 4
.R 86/2

1046

8874
R 86/2
10/1/64
10/1/64

**F 49/ FINANCIAL OR BUSINESS INTERESTS OF OFFICERS
OR EMPLOYEES OF THE SENATE**

GOVERNMENT
Storage



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

MARCH 13, 1964

PART 24

Printed for the use of the
Committee on Rules and Administration



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1964

AY
5/28 R.
/ 97
97.29

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

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

[Executive session of March 13, 1964, released to the public July 1, 1964]

FINANCIAL OR BUSINESS INTERESTS OF OFFICERS OR EMPLOYEES OF THE SENATE

FRIDAY, MARCH 13, 1964

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

The committee met, pursuant to notice, at 9 a.m., in room 301, Old Senate Office Building, Senator B. Everett Jordan (chairman) presiding.

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

Also present: Gordon F. Harrison, staff director; Hugh Q. 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; and William Ellis Meehan, investigator.

The CHAIRMAN. The committee will please come to order.

Senator CURTIS. Mr. Chairman, inasmuch as I will have to leave at 10 o'clock, I won't monopolize the time, but I do want to put something in the record.

The CHAIRMAN. How long will it be?

Senator CURTIS. About a minute. On Monday morning, March 9, 1964, prior to the convening of this committee, there was delivered to the chairman a letter signed by Senator John Cooper and Senator Hugh Scott and myself, asking that 10 witnesses be called. I would like to have that incorporated in the record at this point.

(The letter referred to is as follows:)

U.S. SENATE,
Washington, D.C., March 9, 1964.

Hon. B. EVERETT JORDAN,
*Chairman, Senate Rules and Administration Committee, Senate Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: The purpose of this letter is to convey our request that the individuals listed herein be called as witnesses in the current Baker investigation. We do not discount the value of staff interviews, but we feel that testimony under oath before the committee is more beneficial.

May we also stress the point that making this request for an individual to be called as a witness does not imply wrongdoing, but he is called for the purpose of providing information for the committee.

Our hearings should include all Senate employees and past employees who were associated with Mr. Baker in his duties during the period covered by the investigation; therefore, our request for witnesses is as follows:

Mrs. Margaret Broome.

Mr. Rein J. Vander Zee.

Mr. Jessop McDonnell.

The three pages who performed any duties in connection with Mr. Baker's business transactions.

We also request as witnesses the following people who have had business transactions with Mr. Baker or who were officers or partners in one or more of Mr. Baker's enterprises:

Mr. Matthew McCloskey.

Mr. Max Kampelman.

Mr. Paul Aguirre.

Mr. Warren Neil.

Messrs. Jack Anderson and James H. Carmichael, of Riddle Airlines (newspaper clipping attached).

Mr. Charles Baker.

Mr. Nick Popich.

Because a portion of the testimony of Don Reynolds was contradicted elsewhere and because Robert Baker refused to clear up the matter, we, therefore, request the committee to call as witnesses the following:

Mr. Walter Jenkins.

Mr. George Sampson.

Mr. Chairman, we are aware that plans may already be underway to call some of the foregoing witnesses, but we felt it essential that we provide you with our request and with an expression of our feelings that these individuals should be called as witnesses in order for the committee to properly carry out the directions of the Senate. We will be submitting a further request later.

With kindest personal regards, we are,

Sincerely yours,

CARL T. CURTIS, *U.S. Senator.*

JOHN SHERMAN COOPER, *U.S. Senator.*

HUGH SCOTT, *U.S. Senator.*

Senator CURTIS. Then I know there will be discussion concerning the affidavit of Mr. Milton Hautf, of March 12, yesterday. I ask that a copy of that affidavit be inserted in the record.

Mr. McLENDON. Just a minute. On that point, Mr. Chairman, I do not think that affidavit ought to go in the record, because that relates to a matter that is under investigation, and we are not prepared to make any report on it.

Senator CURTIS. I will read it into the record.

Mr. McLENDON. Wait a minute.

Senator CURTIS. No, no; you are an employee.

Senator SCOTT. Mr. Chairman?

Senator CURTIS. The counsel cannot overrule a Senator.

Mr. McLENDON. I am not overruling the Senator.

Senator CURTIS (reading):

March 12, 1964—

The CHAIRMAN. Off the record.

Senator CURTIS. No, sir. I am on the record.

The CHAIRMAN. Wait a minute.

Senator CURTIS. I am on the record. You take this down.

The CHAIRMAN. You go ahead.

Senator CURTIS (reading):

I, Milton L. Hautf, living at 3801 Archer Place, Kensington, Md., do give this affidavit to Senator John J. Williams, of Delaware, of my own free will.

On this date I was called to the Internal Revenue Service to give information relative to tax returns I had prepared for Robert G. Baker.

During the course of presenting the information in my possession I was questioned about some partnership tax returns prepared for the Carousel Motel. During the course of my association with Mr. Baker I had never prepared any returns for the Carousel Motel. When presented with the return by the Internal Revenue Service I noted that the signatures purported to be mine were forgeries.

As the result of this I went back to the personal returns for Mr. Baker prepared by me, and on looking at the signatures on these returns I noted that the signatures as to the person preparing these returns were also forgeries and were not my signature.

(At this point, Senator Cooper entered the hearing room.)

Senator CURTIS (reading) :

This was reported immediately to the investigators of the Internal Revenue Service, and samples and specimens of my handwriting were also presented to them for matching purposes.

Milton L. Hauft, District of Columbia. Sworn to and subscribed before me this 12th day of March 1964, Kathryn M. Coulter, notary public, seal. My commission expires April 14, 1965.

And now, before yielding the floor, I ask under rule 19 that all the people set forth in the letter that I introduced and in the affidavit that I read be called as witnesses. I yield.

The CHAIRMAN. Members of the committee, in answer to this that you have just heard read into the record, I don't think it belongs in the record, because that information came to the committee late yesterday afternoon. An investigator from the committee has already been to the Internal Revenue Service. This letter is under investigation at this time. We have no answer to it whatsoever, and it will be investigated fully, and, if necessary, brought before this committee.

Senator SCOTT. Mr. Chairman, may I read rule 20 at this point?

The CHAIRMAN. Yes.

Senator SCOTT (reading) :

All inquiries conducted and all information received from any source will be made a part of the record and included as a part of the committee's files of the investigation. All files of this investigation will be available to properly accredited personnel.

I submit Senator Curtis is acting in accordance with the rules, and, in any event, having the floor he cannot be taken off the floor under the rules of the house, and cannot be forced to yield except at his own judgment.

The CHAIRMAN. Well, I want to say to the Senator—I don't want to be quarreling with him—but that will be done at the proper time.

Senator CURTIS. It is done now.

The CHAIRMAN. No; it is not done.

Senator CURTIS. It is in the record now.

The CHAIRMAN. That is in the record. But the answer to it is not in the record. It hasn't had a chance to be investigated. One of the investigators from this staff has already been down to Internal Revenue, gone into it; there is no answer to it yet. We will have the answer. It will be brought before the committee.

Senator SCOTT. So then the committee's record on this is incomplete, Mr. Chairman?

The CHAIRMAN. Certainly. We got this information late yesterday afternoon. And another thing about that. Of course, as you well know, that is a criminal offense. It is already in the hands of the Revenue Service. That is where it originated. And if it is true, it will be up for prosecution. But these records will be made clear before this committee.

Mr. McLendon. Mr. Chairman, I think in view of Senator Curtis' statement about counsel, I ought to be permitted to make my statement in the record. My only point that I wanted to make was that I didn't think it was proper to put this affidavit in evidence until the record can be made complete. This thing only happened yesterday afternoon. One of our investigators has been down there this morning

and has reported back to us the facts as they stand at the moment, and in the course of maybe today or tomorrow, we will have the whole facts, and I assure you, as far as I am concerned, they will be put in the record. If necessary, another meeting of the committee will be held for that purpose.

But I think it is a little out of order to put an affidavit like that in the record with no answer, no explanation, because we haven't had time to get any. Now, I can give you such information as they gave us down there this morning, and it involves such a matter as determining the genuineness of these signatures, whose signature it is. That would be a decisive question, as you can readily see.

Senator CURTIS. On that question, the person whose writing it is is the best evidence—

Mr. McLENDON. Not necessarily.

Senator CURTIS. Yes; it is. He is either guilty of perjury or what he says is true. And if Hauft committed perjury, this committee ought to call him as a witness. I put the affidavit in the record for the purpose of making my request under rule 19, because I have been patient for many months with this committee, and I have withheld a lot of things from going to press or to the floor about it.

But I have certainly been unsatisfied with the way this committee has discharged its job. And this letter that we delivered last Monday before the hearing, the press had begged for it, I said no, won't give it out until we have a hearing. And I have done everything I could to be fair on this. You do not have to be very wise to know there is a lot of goings-on in this room that is not an attempt to investigate. It is attempted to protect people, and I am going to have no part in it.

The CHAIRMAN. Well, for your information, you sent that letter, signed by all three of you. I turned it over to the committee the next day. They have checked—

Senator SCOTT. Mr. Chairman, you said you turned it over to the committee. You meant counsel.

The CHAIRMAN. To the counsel and the investigators. About half of those people have been interviewed. The other—all the rest of them had been interviewed. The staff feels that there is no reason to bring those people back again.

Senator CURTIS. Well, under rule 19, I have asked that they be brought back, and this is not a staff investigation.

The CHAIRMAN. Well, I think it is a matter for the committee to decide.

Senator CURTIS. No, no. Unless you can show that these are not material, we are entitled to the witnesses we want.

The CHAIRMAN. Well, we are going to show that.

Senator SCOTT. We are entitled to discuss what they would testify to, then, in order to establish the relevancy of these witnesses.

Senator COOPER. I haven't said anything yet. I suggest we look at the list of witnesses that has been sent to the chairman and discuss them one by one, and see whether or not they should be called.

The CHAIRMAN. We are getting things ahead of what I want to do at this meeting this morning. I called this meeting together this morning to get a report from the counsel. Now, if counsel will read his report, we will go from there. You may proceed with your report.

MR. McLENDON. Mr. Chairman and members of the committee, about 4 weeks ago I became convinced that the investigation under Senate Resolution 212 was rapidly reaching a point of no return. At that time a number of witnesses remained to testify and we had not completed some specific investigations then underway, such as those in Puerto Rico and the Caribbean area. I am now prepared to state to the committee my views with respect to the future activities of the committee and of its staff. Before stating these views, I would like to review briefly what has been done to date.

More than 180 individuals have been interviewed at length, and approximately 50 more have been interviewed briefly. Some of these persons have been interviewed twice and some even three times. Written reports of these interviews, numbering more than 180, have been prepared and placed in the files and studied by the legal staff; 59 witnesses have been examined and 5 of these in both executive and public sessions. A total of 42 witnesses have been examined in public sessions. Records of more than 35 banks and financial institutions have been carefully examined. Information and assistance have been sought and obtained from a number of Government agencies. The committee has held 18 public sessions, 3 of these consuming both morning and afternoon. It has met in executive session on 22 days, and 6 of these meetings have been in both the morning and afternoon. It is of some significance that of the total of 59 witnesses examined, all but 5 have volunteered to be interviewed and have appeared and testified voluntarily. In the course of the investigation extending to 31 cities, States, and countries, including Puerto Rico and the Dominican Republic, the committee has compiled a list of more than 700 individuals and organizations identified in interviews, or in public records, or in the public press has having some knowledge of the subject matter under investigation.

This enormous amount of work has been done by a relatively small staff consisting of four former FBI-trained investigators, three trained and competent accountants from the General Accounting Office, one former FBI-trained investigator assigned by the minority, and five permanent staff members of the Rules Committee, including an associate counsel assigned by the minority. It must be borne in mind that the committee, in its investigations and in taking evidence, is bound by the limitations of the Senate resolution under which it functions. The express language of the resolution confines the investigation to "financial or business interests or activities of any officer or employee or former officer or employee of the Senate."

Senator SCOTT. At that point, would counsel yield? Does it not also continue and say, "or other improprieties"?

Mr. McLENDON. That is in another phrase.

Senator SCOTT. I just point out counsel has not completely described the purpose or the scope of the resolution.

Mr. McLENDON. There may be a difference of view about the approach I am making. But what I have said here is correct, quoted from the resolution. I would like to emphasize that all evidence deemed by me as general counsel to be pertinent under this language of Senate Resolution 212 has been produced under oath before the committee, except such evidence as witnesses have declined to give in reliance upon their claimed legal and constitutional rights, and except such as I have

deemed insignificant, repetitive, or cumulative. Although I have conferred and consulted fully with other members of the staff, I take full responsibility for these decisions required in the orderly conduct of the investigation.

I think two conclusions may be drawn from this extensive investigation. First, it is highly unlikely that any additional evidence can be found materially differing from the type of evidence already placed in the record of the committee's hearings; and, second, that it is a reasonable certainty that any additional evidence which can be produced will be repetitive and cumulative. If evidence differing substantially from the pattern of evidence already presented is in existence, surely it would have been discovered in the course of this investigation.

Although it is not my responsibility to make factual conclusions and judgments for the committee, it is my responsibility to express to the committee my legal opinion as to the probative value of the evidence presented to the committee under my direction. It is my carefully considered opinion that the evidence fully justifies the committee in finding the existence of conditions which have made possible a multitude of acts by some of the officers and employees of the Senate, which acts are incompatible with the responsibilities of the Senate, violative of the generally accepted standards of official conduct rightfully expected by the American people of their public officials and employees, and constituting improprieties of the grossest character within the meaning of Senate Resolution 212. The further and inescapable conclusion follows that additional laws, rules, or regulations are necessary for the purpose of prohibiting or restricting such activities and conduct.

I would be remiss in my duty to the committee if I did not make some observations concerning other legal aspects of this investigation. Notwithstanding widely entertained and often asserted opinions to the contrary, the committee has no authority to conduct a "trial" or "trials," either civil or criminal, of anyone. If, in the orderly conduct of its investigations, the evidence shows the commission of a crime, the responsibility for prosecution of the indicated criminal falls upon the Department of Justice which, at the appropriate time, should have full access to the committee's records and files. It is of importance to note that when basic facts are once established from which the committee may draw reasonable conclusions with respect to the exercise of its legislative duty of making recommendations to the Senate for remedial and preventive legislation, or rules and regulations, any further investigations and exposures of the conduct of individuals find unqualified condemnation in the applicable court decisions holding that exposure for exposure's sake is both legally and morally indefensible.

It is also of importance to take note of the inescapable legal conclusion that the committee would be detoured completely away from its area of jurisdiction if it proceeds to try individuals for the purpose of determining, if possible, whether a particular witness has not testified to the truth or has testified falsely respecting details of pertinent transactions. What is material and relevant to the subject matter defined in Senate Resolution 212 is—was there a business or financial transaction, participated in by an officer or employee of the Senate, constituting a conflict of interest (as defined by Federal law) or constituting any other impropriety (meaning other than a conflict of inter-

est)? If the answer is "Yes," then the transaction, its operation, and its purpose are helpful to the committee in the performance of its legislative purpose—if the answer is "No," then the transaction loses its probative value, however curious or even sensational it may be. This is not to say the committee is not interested in the commission of perjury by witnesses, but, in this connection, it must be remembered that the basis for the crime of perjury is that the alleged perjured testimony must be material to the subject matter—meaning helpful to the committee in coming to a judgment conclusion with respect to its recommendations for legislative action. I can think of few things more unseemly and positively violative of the accepted standards of fair and objective investigation than would be a series of "trials" in instances where real or imaginary conflicts of testimony have occurred with respect to details of transactions, which transactions themselves are adequately established or proven.

With this background and subject to the authority of the committee to control its future proceedings—and I emphasize that because, obviously, the committee does have authority to control its proceedings—I recommend:

1. That investigations and hearings concerning any financial interests or business activities of officers or employees and former officers or employees of the Senate, for the purpose of ascertaining whether any such interests or activities (financial or business interests or activities) have involved conflicts of interest or other impropriety, be discontinued; and

2. That the staff and such other assistants as the committee may choose be instructed to begin immediately the preparation of the committee's report and its recommendations to the U.S. Senate.

Now, Mr. Chairman and gentlemen of the committee, I want to add to that an oral report on activities that led up to the making of this report. This report was not made by me without careful consideration.

On March 4 we held in this room a meeting attended by every single staff member of the committee, even the secretaries, and we spent half a day, almost, going over in detail the files of the committee that had been accumulated, going over the record of proceedings, the names of witnesses who had been examined, the names of others who had not been examined. And every single individual on the staff was asked to express an opinion on two questions:

One, have we left out anything that should be put in the record? Two, is there anyone that we know about who has information that is pertinent to this record that we ought to examine? And, three, are there any other persons that any of you have knowledge of who have information pertinent to the subject matter who ought to be either interviewed now or investigation made so that we could determine whether they should be called?

In the process of a perfectly free discussion in this meeting, more than 30 names were discussed, falling in different categories. Some of them, a large number of them, are people who had already been interviewed, and records made of the interviews. Others were people about whom the committee or the staff had assembled information without a personal interview.

Senator SCOTT. Major, would you yield for a question there?

Mr. McLENDON. Yes, sir.

Senator SCOTT. It is my understanding, first, that recommendations that certain people be called were made by at least one member of the staff, and were turned down.

Mr. McLENDON. I am coming to that.

Senator SCOTT. However, before you proceed further, may I point out that the ranking minority member, Senator Curtis, made a request that exactly such a proceeding be held, with all members of the committee present, and all of the staff present, for the purpose of obtaining such a review. But, notwithstanding the request of Senator Curtis, concurred in by myself—Senator Cooper can speak for himself—we were never notified of such a meeting; we have never had the opportunity to be present at such a meeting; the members of the majority were present at such a meeting; members of the majority staff were present at such a meeting. And that I personally object to what I believe and choose to designate as star chamber proceedings unless the situation is altered by giving the full membership of this committee the same opportunity made available to the staff, especially in view of the fact that all but one or two members present were members of the majority. That the suggestions of the minority were refused or ignored. And that the request of Senator Curtis has been either arbitrarily ignored or summarily rejected; we don't know which.

Senator CLARK. Will the Senator yield?

Senator SCOTT. Yes; I yield.

Senator CLARK. Does the Senator suggest that the time-honored custom, begun, I think, as early as the administration of Thomas Jefferson, if not earlier, of party members meeting in a party caucus is an impropriety?

Senator SCOTT. I certainly do not, and I would call the Senator's attention to the fact I did not mention the majority Senators. I said the majority staff were present.

Senator CLARK. Does the Senator think it is improper for the majority Senators to meet with the majority staff?

Senator SCOTT. I do not by any means think it improper. But I think it most improper for proceedings to be held and decisions made there without acting upon the request of the ranking minority member—the same information be made available to the minority so they can comply with their responsibilities under the mandate of the Senate resolution. And it is a star chamber proceeding, if the information is made available only to certain Senators, or to certain investigators, and is not made available to other Senators or to other investigators.

Senator CLARK. Does the Senator have any information which would justify the charge that information has been made available to majority members of the committee which has been withheld from minority members, and, if so, what?

Senator SCOTT. It is my understanding that there was a meeting of the majority members of this committee, and that at that point there was discussion of the material which the committee had and discussion as to what should be done with it. I was not there.

Senator CLARK. Was not that information equally available to the minority through its counsel and its representatives?

Senator SCOTT. No; because its counsel is prevented from making investigations. His recommendations were disregarded. And the members of the committee have not had the same opportunity to be advised by the investigators that members of the majority—so I am informed—have had.

Senator CLARK. Mr. Chairman, I would like to make the observation for the record that in my opinion the attack on the majority members of the committee, counsel, and the staff, by my good friend from Pennsylvania, is entirely unwarranted by the facts, as I know them.

Senator SCOTT. I would like to have the record show what I have said is in no sense an attack on anybody. It is an attempt to preserve the right of the minority, or such rights as the minority has, which I assert have been denied. I do not attack either the majority or the majority staff. I simply am trying to state the facts as I understand them.

I have the greatest respect for all the persons included in my remarks. I certainly have a very high respect for Major McLendon. I do not, however, think that the conduct of this committee at this point has fully taken into account the clear and unmistakable rights of the minority to be equally advised, and to be equally advised under the same circumstances.

The CHAIRMAN. May I—if you will yield at that point—I have no knowledge of any requests made for a meeting of the full staff from you or anybody else.

Senator SCOTT. Senator Curtis made such a statement.

The CHAIRMAN. No; he did not; not to me.

Senator CURTIS. I made it in a hearing that we have a meeting of the committee.

Mr. McLENDON. That is right.

Senator CURTIS. Get all of the reports in, go over the written ones, call in our investigators, have an opportunity to ask them, before any decision is arrived at as to whether or not they should terminate or continue on. Instead of that, we have a recommendation here, also mimeographed, taking a position, and it totally ignores the fact that this is not an investigation of private citizens, but it is an investigation of our own household of the Senate—any employee who worked with Robert Baker during any of this time, certainly his testimony is relevant. If it doesn't hurt anybody, why do you resist it? Certainly anyone who during this time was a business partner or an officer in one or more of his enterprises, this information is relevant. On the basis of that, we have carefully selected at this time 10 people—I believe it is 10 in that letter.

Senator SCOTT. Sixteen.

Senator CURTIS. Sixteen. And also Hautt falls in the same category. I know of no committee in the Senate which refuses to call a witness when one member asks for it.

Mr. McLENDON. Mr. Chairman, with due respect to Senator Scott, I think he interrupted me before I was permitted to say what had been done with respect to the discussions that occurred in the staff meeting, the names that were suggested, and the care which has been exercised with respect to—

Senator SCOTT. I think counsel ought to be permitted to proceed, but I think the interjection will protect our position on the record, and I think Senator Curtis has made an important point in that the recommendations of counsel are arrived at and mimeographed and read without any consultation whatsoever with the minority members of the committee, and the record should show that. Therefore, we do not feel bound by the recommendations of the counsel.

Mr. McLENDON. Mr. Chairman, let me complete my statement, please. I don't think I have any misunderstanding about the suggestions made by Senator Curtis. I understood it and interpreted it to mean that at some executive meeting of the committee an opportunity should be afforded to discuss any prospective witnesses or any evidence that has not been presented which was deemed by anybody to be pertinent to this inquiry.

I thought the preparation for such a meeting—that a staff meeting ought to be held first, because they are the people who know the basic information that has been assembled, and that they were in a better position in the first instance to discuss the thing as freely as they did.

I give you my word, there was no restraint put on anybody in that meeting. I begged every one of them to talk freely and frankly and make any suggestion they wanted. Then I thought it was the proper thing to come to an executive meeting and make a report on that, which I was about to do when you interrupted me.

The same thing would apply to the requests received by Senator Jordan on March 9, signed by the three Senators—Senator Cooper, Senator Scott, and Senator Curtis. That letter has been received and treated with the utmost seriousness, and I am prepared to report on that. You have interrupted me before I was permitted to make the report.

Senator CURTIS. Was that received before this was mimeographed?

Mr. McLENDON. Yes.

Senator SCOTT. It was not acknowledged to the minority members.

Senator CURTIS. For the request of three members to call some witnesses is not even passed on by the committee? Of course, I contend the committee doesn't have to pass on it.

Mr. McLENDON. Senator Curtis, that is what this committee meeting is for.

Senator BYRD. Mr. Chairman, I understood—Mr. Chairman?

The CHAIRMAN. Senator Byrd.

Senator BYRD. I understood you to ask the counsel to proceed with reporting his recommendations to this committee.

The CHAIRMAN. You mean now?

Senator BYRD. Yes, and I suggest that he be permitted to continue.

The CHAIRMAN. I suggest that counsel finish his report.

Mr. McLENDON. I want to repeat again that the assembling of the staff was designed by me to afford to every single member, Republicans and Democrats alike, an opportunity to say whatever they had on their mind with respect to what has been done and what should be done. And I can give you my word of honor there wasn't any restraint placed on anybody. Everybody talked freely. As I said, more than 30 names were mentioned in that conference.

Likewise, when the letter of March 9, signed by Senators Cooper, Scott, and Curtis, reached Senator Jordan, he turned that letter over

to me, and I immediately called the staff, or some members of the staff, in, and went over with them these names with respect to what records we had on them, interviews that had been conducted. I then asked that certain of these people be interviewed if they were available, so that we could make an honest report to the committee as to what had been done about that list.

In the meantime, we got information from one or two other sources about different people that perhaps should be interviewed or further consideration should be given to whether they would testify, and we pursued each of them as diligently as we have done from the very beginning of this proceeding.

Lastly, yesterday afternoon, very late, Senator Jordan received a letter from Senator John Williams, enclosing a copy of this affidavit by Mr. Hauft. I talked to Senator Williams, myself, before I ever saw that affidavit, and he repeated to me over the telephone what he understood had occurred.

The story was this: That Mr. Hauft had been asked to come down to the Internal Revenue Service because they wanted to ask him some further questions about tax returns which he, Hauft, had prepared. When he arrived there, they asked him about some return that was made by Robert G. Baker, and when Hauft saw it he immediately said:

Well, that is not my signature. I prepared a return for Bobby Baker in 1961, but this copy here purporting to carry my signature does not carry my genuine signature.

Then they went back and got the 1961 Carousel report, which would be a partnership report. It likewise carries the name of Mr. Hauft. And he looked at that and said, "No; I never prepared a tax return for Carousel in my life. And that is not my signature." Then they got out other income tax returns, as I understand it—I may be in error on this point—but they got out other returns which purported to carry Mr. Hauft's signature, and he was asked about them, and he said, "They are not my signatures."

Now, the two inferences, and only two apparently could be drawn from that: No. 1, that somebody has forged Hauft's signature on those returns, or else that Mr. Hauft himself is mistaken. The Internal Revenue Service, as you know, has about the best detection organization in the country, and they are immediately, so they tell me, pursuing the matter for the purpose of determining the identity of these signatures, if they can. They can do that much better than we can.

And, as soon as that information is available, I assure you that I will suggest to the chairman that a meeting be held for the purpose of receiving enough of that evidence to make a record of it. Since it involves a felony, the committee is not concerned with the prosecution of the crime, and is not responsible for it. But it is of such character and so directly related to Baker's financial activities and interests that obviously it would be pertinent in this record.

Now, returning to—

The CHAIRMAN. Excuse me just a minute. Didn't we dispatch an investigator down to the Internal Revenue?

Mr. McLENDON. He went down there this morning. He was there before the office opened.

The CHAIRMAN. I don't know what time he got there—evidently about 8 o'clock.

Senator CLARK. Will the chairman yield? The investigator made a brief, informal report to several members of the committee in this room less than half an hour ago. I imagine he is still here.

Mr. McLENDON. He stated in substance what I have stated, did he not?

Senator CLARK. Exactly. You have accurately stated what the investigator stated to the chairman in my presence about this matter.

Mr. McLENDON. So I was going to say I don't think we need to discuss that any further, because it is perfectly obvious that this is a matter that has arisen here spontaneously almost, and that the obvious thing for the committee to do is to let the experts in the Internal Revenue Service develop the facts, and then we will bring whatever witnesses are necessary to make the record before this committee.

Senator SCOTT. Mr. Chairman.

Senator CURTIS. I do not subscribe to that at all. It involves the principal object of our investigation, and we should call the witnesses; we should enlist the help of the Internal Revenue, but we should not let them draw the conclusion.

Mr. McLENDON. I am not suggesting they draw the conclusion, Senator. To begin with, you cannot get any testimony from Mr. Baker.

Senator CURTIS. That is why everyone who worked under him is a material witness, and everyone who had business transactions is a material witness.

Mr. McLENDON. You are making a different point now. Let's stick to this. The only evidence that the Internal Revenue Service can get, and the only evidence that we can get, is the document itself, the testimony of Mr. Hauft that that is not his signature, and then scientific testimony, I assume, or perhaps witnesses who know signatures, could testify as to whether or not they are his signatures, or try to identify the person who forged them.

Senator CURTIS. If you wish, I will add to my list of requested witnesses the appropriate people from Internal Revenue. That testimony should be taken here.

Mr. McLENDON. I agree to that.

Senator SCOTT. Mr. Chairman, may I ask a question here?

Senator CURTIS. You suggested that we close up.

Mr. McLENDON. But subject to the right of the committee to control the future proceedings.

Senator CURTIS. I am pleased that you concede that to the committee.

Senator PELL. We can open whenever we want.

Mr. McLENDON. We can open any day.

Senator CURTIS. You have no intention of reopening.

Mr. McLENDON. Senator, I resent that—

Senator CURTIS. You said the other day you saw no reason for continuing.

Mr. McLENDON. I told the press I had in my possession no evidence, relevant evidence, which was not cumulative or repetitious.

Senator CURTIS. I had made the request that we go over these reports before a decision is made. The press stopped me in the hall, quoting you.

Senator SCOTT. Mr. Chairman, may I be heard?

The CHAIRMAN. Yes.

Senator SCOTT. Mr. Chairman, I don't see how the members of the committee, certainly not the members of the minority, can arrive at any judgment whatever on the income tax returns of Mr. Baker unless we are made privy to what the investigators have learned with regard to the background or what went before. Therefore, I request that we hear at the earliest possible time all investigators who have made any investigation whatever with the Internal Revenue Service of the tax returns of Bobby Baker, because it may well be—it may be that there already is something which would point to the fact that these tax returns as seen by our investigators might have contained some suspicious indicia that would itself warrant calling of witnesses or further investigation.

Moreover, we have heard that Bobby Baker went down to Oklahoma in an effort to persuade Senator Kerr's son, and perhaps others, to be prepared to support him in a statement that the \$40,000 he received from Senator Kerr, the late Senator Kerr, was in fact a gift. It becomes relevant at this point to know whether or not the tax returns seen by our investigators made any reference to the \$40,000. Because, if it is not a gift, it may well have been income—was the income reported?

I think it is most important to call Mr. Hautt here and examine his working papers, find out whether the original returns which he prepared showed the \$40,000 transaction at all, or in what connection; whether the apparently substituted and forged return treated it in a different manner. Because if Bobby Baker was filing tax returns which had some relation to a \$40,000 gift or fee, or whatever it was, this is as clearly within the scope of this investigation as anything we have investigated. And I don't see how we can arrive at a judgment, how we can do anything except to go to the Senate and ask for a reopening of the investigation, if it is arbitrarily closed, unless we have this, among many other pieces of information.

Further, I think unless we comply with rule 19, in calling witnesses requested by any member of the committee, we will fall short of our obligation under the mandate given us. I have witnesses other than those suggested by Senator Curtis, who I think should be called. I think the girl who had the telephone answering service, who provides information contradicting an affidavit received by the committee, should be heard. I think that Mr. Reynolds, who has offered new evidence, and who has answers as to why he didn't offer it before because he wasn't asked to offer it, ought to be heard.

I think the affidavit by Mr. Jenkins represents a treatment of one witness—and no criticism of Mr. Jenkins, because his story may be wholly accurate—but it represents a preferential treatment to one witness, because of his high office, which was denied to all the other witnesses heard, except a GI, that we had a unanimous consent for compassionate reasons. Therefore, I don't think we are anywhere near through. I have a list of 35 or 40 names, some of whom, in my opinion, are quite relevant, and some of whom were employees of Mr. Baker, including Mr. Jessop McDonnell, and including Mrs. Broome.

Mr. McLendon. I am ready to make a report on both of them.

Senator CANNON. Would the Senator yield? Would the Senator name for the record the names of these people you claim you would like to have called, so we can find out whether they should be considered?

Senator SCOTT. Some of these names have been made available in the letter offered by the three Senators. I will make the other names available as soon as we have heard the investigators in pursuance of our request as to what information they already have. And then if it appears that that information is less than the information which I have noted on these names, I will, at that time, make the names public. Probably there is no objection to making them public in any event—so they can be discussed one by one, because that is the proper procedure under rule 19. But we cannot intelligently argue this case unless we have heard the investigators pursuant to the request of Senator Curtis, which he certainly made to me as well as to the chairman.

The CHAIRMAN. If the Senator would yield just a minute, and let counsel finish his report.

Senator SCOTT. I have finished.

Senator CANNON. Mr. Chairman, while we are on that, if I may—I don't want to let this go by. This is the second time that Senator Scott has indicated that he had information that he was not willing to disclose at the particular time.

Senator SCOTT. No; I deny that.

Senator CANNON. I would simply like to point out, under rule 20, as I did before, when the situation arose, that all information received from any source is supposed to be made a matter of record, and included as a part of the committee's files of the investigation. Now, this is the second instance in which this has occurred, and I don't appreciate it. I don't think this is being fair with the committee.

Senator SCOTT. Mr. Chairman, I flatly—

Senator CANNON. To that type of approach. If there are names that he feels that should be examined, I think the names should be laid right out here, and then we should have a discussion from the counsel as to what has been done with respect to these names, if anything. And if not, a statement from Senator Scott as to what these witnesses substantially would testify to.

Senator SCOTT. Mr. Chairman, I flatly deny any unwillingness to furnish these names. I have said that the furnishing of the names will make a lot more sense if they are put in the framework of what the investigators have already investigated.

(At this point, Senator Curtis withdrew from the hearing room.)

Senator SCOTT. I note that Senator Cannon's argument supports the argument of Senator Curtis, that we should give them at once, as Senator Curtis has done—although the chairman has sought to stop him—in connection with Mr. Hauft.

The CHAIRMAN. I did not. Except it was out of order—the place he put them in there.

Senator PELL. I think, as a matter of courtesy, the chairman should have allowed the counsel to make his report and move from there.

Senator SCOTT. I think, as a matter of courtesy, the ranking minority member should be allowed to make a statement at the opening of the hearing. But I will read these names now, if the committee is anxious to hear them.

The CHAIRMAN. We are not ready to hear those. Let the counsel make his report first. Then we will take up anything else that anybody has to bring up.

Senator SCOTT. Let the record show that I am willing to make the names available on the record, but I do not think the mere offer of the name itself establishes the case, and that they are offered then on condition that the full committee be given an opportunity to hear all of the investigators and all of what they have done with regard to these witnesses. Because most of the names are from the records of the investigators, off of the transcript.

Senator COOPER. Mr. Chairman, I have a statement and some recommendations I would like to make, but I would prefer to wait until counsel makes his statement and recommendations.

The CHAIRMAN. If you let the counsel complete his report here, I think it would be helpful at this time.

Mr. McLENDON. I think, in view of this discussion, that it ought to be observed that it is my thought that the function of counsel was to direct the investigation in every direction in which we could find evidence which was pertinent to this inquiry. And I assure you that has been done, without limitation or restriction. And I also thought it was the purpose of—the function of—counsel, in the first instance, at any rate, to determine whether evidence was pertinent to the subject matter disclosed in the resolution under which the committee acts, and that procedure has been followed.

Going back to the staff meeting, which occurred on March 4, I told you that we discussed more than 30-odd names in that proceeding. We finally wound up with about 12, or perhaps 14, that we made a list of, which should be examined further in order to be sure whether their testimony might be relevant and not repetitive and not cumulative. I will go over those with you, if you would like me to. The first one is Staley Brinkley, Jr.

Senator SCOTT. Before going over them, may I understand, Major, what this list represents, again?

Mr. McLENDON. This is a list compiled as a result of that staff meeting on March 4, of the persons that we concluded—let me take full responsibility for pointing out that these people perhaps should be reexamined, that reports on their previous interviews be reexamined, and, if necessary, that they be interviewed again, or those that have not been interviewed should be interviewed.

The CHAIRMAN. Let me ask: Was the minority counsel present at that time?

Mr. VAN KIRK. Yes, sir.

The CHAIRMAN. Were you denied any information you wanted?

Mr. VAN KIRK. No; but not all of my requested witnesses, I thought necessary to the investigation, are on that list.

Senator SCOTT. When the major finishes, I am going to ask Mr. Van Kirk to supplement and indicate what names he recommended.

The CHAIRMAN. All right.

Mr. McLENDON. Staley Brinkley, Jr., of Lincoln Federal Savings & Loan Association. It is my well-considered and carefully considered opinion that his testimony adds absolutely nothing to the record as it now exists.

Senator CANNON. Has he been interviewed?

Mr. McLENDON. No, sir.

Senator CANNON. Has he been referred to and a reference been checked?

Mr. McLENDON. That is right. Mr. Meehan says he was interviewed by telephone.

Senator SCOTT. He received a loan of \$11,111.11 from Baker to go into the savings and loan business—a man who was receiving a salary of \$19,600.

Mr. McLENDON. Senator, it looks like you are not going to let me make my report. I wish you would let me.

Senator BYRD. Mr. Chairman, if counsel is not going to be permitted to make his report, I, for one, would like to leave and come back at such time as he may be permitted to do so. I don't think we can reach any decision until we hear what he has to say, after which there can be plenty of discussion on the points raised.

Mr. McLENDON. Someone has to exercise judgment with the materiality and relevancy of this evidence, and whether it is cumulative and repetitive. And that is my responsibility in the first instance. I don't expect everybody to agree with me 100 percent, but I think I at least ought to be allowed to state my conclusions.

Staley Brinkley was a man who became an officer of the Lincoln Federal Savings & Loan Association when it was organized. Ernest Tucker testified that he, Tucker, wanted to become the general counsel for this company, and that he persuaded Baker to loan Brinkley \$11,111.11, I believe, which was required as a deposit under the regulations of the Savings and Loan Board. And that that money was paid in by Baker, and Baker took this man Brinkley's note, payable to Baker.

Ernest Tucker testified that the money was not actually owing to Baker, but owing by him, Tucker, and that he expected to pay it. And this same note for \$11,000 was later deposited at the District of Columbia Bank. The note was deposited—you remember the officer from the bank testified that Baker voluntarily offered the note to him as collateral for a \$10,000 note that Baker gave this particular bank.

Now, the only thing that Brinkley could testify is whether or not he owes the money, and we know that he claims he doesn't owe it. So you don't add a thing to the record by calling him in here to testify about it. He is not in the State now—not available to us—he is out West somewhere. But, of course, he could be found at some point.

The transaction insofar as borrowing the money, giving the note, and the present whereabouts of the note are all in the record. There is nothing more you can add to it except Brinkley's statement, which we know is the same as Tucker's; that is, the statement that he doesn't actually owe the money, but that Tucker does owe it.

Senator COOPER. May I ask: Are these facts in the public record?

Mr. McLENDON. Yes; they are, every one of them, and perfectly clear. I asked Tucker about that very carefully in examination, because I had already been informed what the facts were.

Now, the next—is there any other question on Brinkley? I will go on to the next one.

The next witness was Glenn Troop. Glenn Troop has been previously interviewed. We reexamined his interview, and I believe you interviewed him again.

Mr. MEEHAN. Interviewed him twice.

Mr. McLENDON. In the first interview he gave us no information that had any probative value whatever. He knew Baker and was a friend of Baker, and that is about as far as he went. He is connected with, I believe, a national association of building and loan organizations. So we would get nothing from examining him, if we went through the form of examining him. Unless he completely reverses himself, he would testify to nothing of any material value in the case.

The third witness is a man named Stanley Sommer, who is a registered lobbyist. He has been interviewed, and was interviewed again. He says that he is a good friend of Baker's; at one time he had a son, I think, working in Baker's office, as sort of an apprentice, or, at any rate, as he expressed it, having the boy get experience. He says he knows nothing about any business or financial transactions of Baker's and would add absolutely nothing if he was examined; unless, as I say, he completely reversed himself.

The fourth name—

Senator COOPER. For what company is he a lobbyist?

Mr. McLENDON. It is an organization. Lockheed, I believe it is.

Senator SCOTT. And Northrop.

Mr. McLENDON. And Northrop. The next name appearing on this list is Senator John J. Williams. The reason his name was put on there was because at a previous interview by one of the investigators with Senator Williams, Senator Williams declined to furnish to the investigator or the committee any additional information that he had at that time, but he did it in a very nice way—I don't cast any reflection on it. He said that he thought the committee was doing a remarkably good job of investigation, and he didn't want to interfere with it, but that he might—it was stated in about these terms, as reported to me—but he might have some information he would want to use at a later date. It was a little difficult to understand whether he meant he was going to supply it to the committee or whether he was going to give publicity to it.

I would like to say that in the course of the investigation up to this time I have talked to Senator Williams two or three times over the telephone. He has been cooperative and courteous to me. I don't know anything that he knows that would be helpful to us. He has appeared twice before the committee already, as you remember.

The next name on the list is Clayton Gasque. The reason he was put on the list was because somebody had quoted—I don't recall the witness now—but someone had quoted him as having made some statement which might be interpreted as a threat. I believe it was this man Hill, from the vending company. Isn't that right?

Mr. VAN KIRK. Yes, sir.

Mr. McLENDON. It was not in express language a threat. I suppose if anybody were looking for the worst interpretation of it, it might be so considered. But he was contacted, and he would not testify that he made any threat to Hill or anybody else.

The next name was put on the list by Mr. Scott, one of the investigators who was designated to the staff by the minority; the name is Oscar Jenebra, and it was thought his familiarity with Caribbean politics might enable him to give the staff some information, worthwhile in-

formation, regarding the gambling activities in the Caribbean and in South America. He was interviewed and could not give us anything of any value.

The next name was the name of Mary Dixon, who, you will recall, had made a little written memorandum that was in the file of the cooperative association which handled the lease of the townhouse to Baker. Some suspicion attached to her connection with it. It was thought it might be well to see if she had any other connection, other than just in the sale area. We can find nothing she knows except that.

The next witness listed is Paul Ferrero.

Before I pass on to that—it was reported she knew no details of the sale of the townhouse to Baker, and treated the thing as routine.

Ferrero is a former Deputy Commissioner of FHA in Washington. He has knowledge of one request made by Baker in behalf of the Development Corporation of Puerto Rico to recheck processing and construction of projects by this man Aguirre in Puerto Rico. The application was rechecked and again turned down. He said that this was not an unusual type of transaction in the office, and he attached no importance to it, other than that the request came for reconsideration from Baker. We have interviewed Aguirre, also, and I believe he is on the list furnished by the three Senators in the letter of March 9. So there is nothing of any probative value there, except the one thing; that Baker made a request to reconsider.

The next person on this list is Deane Beman. Beman, as you remember, was identified in evidence as an expert golf player. He was employed as a consultant for Melpar. He says he has no knowledge of the Melpar-Baker vending relationship, and refuses to be interviewed, and says he will not testify unless he is put under subpoena. We know absolutely nothing that he knows, except in his relations as a consultant to Melpar. The only reference to him in any of the testimony was a reference made by somebody connected with the Capitol Vending Co. with Hill, and he said this fellow approached one of them and wanted to know if Hill's company was for sale, or words to that effect. That is the only information he can furnish to the committee.

The next name is former Senator J. Allen Frear. The reason his name was put on the list is because one person in the SEC had told us in interviews that former Senator Frear manifested some interest in the first registration of the MGIC stock. So I interviewed him myself, personally. He will testify that he was a member of the Commission at the time the application was filed by MGIC for the first registration; he had nothing to do with it, because it didn't come to the Commission for a vote; that is, he had nothing to do with it before he first found out Baker's connection with it, because it hadn't come to the Commission for a vote.

The only thing he can testify is that while it was pending Baker called him over the phone one day and asked him if he would be good enough to let Baker know why action had not been taken on it. He says Baker told him, "I am not asking you to take any particular kind of action. All I want to know is whether action has been taken pro or con." He said he called one of the staff people in whose office the application was pending, and asked him what the status of it was, and this particular employee said, "Well, the information they gave is not complete; they haven't complied with the regulations about

furnishing a certain type of information." He said that is all that he had to do with it, except that he did call Baker back, as a matter of courtesy, and told him his information was that the application was not complete. He said he didn't know what the details were; did not undertake to tell him any; and that is all he ever had to do with it. I believe he said he didn't vote on it when it came up. Didn't he? You were present there part of the time.

The CHAIRMAN. I think that is right. But this stock that Baker and his associates acquired was back in 1959, and Frear didn't go down there until 1961.

Mr. McLENDON. This was the 1961 public issue that he is talking about. So that, if he were to testify, all he would do would be to say that Baker phoned down and made inquiry what the status of it was.

Now, the next witness on the staff list was a man named Wayne Bromley, who has been interviewed twice. He has been interviewed early in January, and was interviewed again since this meeting of the staff. He is a man who is a good friend of Baker's. He says he has no knowledge of any of Baker's activities whatever, business activities; that he attended the page school with Baker in 1938, was a member of the Quorum Club, knew many of Baker's social friends. He owned no MGIC stock, and insists he has no knowledge of any business activities of Baker of any kind.

Then we have a note resulting from this staff meeting to check with Ernest Tucker about a record that he had been asked for and had not furnished. Since that time, one of our auditors has been down—the record referred to was concerning the amounts of money which Tucker & Baker's office had received in that meat transactions. And, at the time he testified, he was not able to give a complete statement of the matter. However, you will recall that the Chicago concern, Mr. Kentor, did give the committee an accurate statement of the amount received—amount paid by him each month.

(At this point, Senator Clark withdrew from the hearing room.)

Mr. McLENDON. The only value in getting this other record from Tucker would be that it would show, hopefully, the total amount of money received during the whole period of time.

There was one other report that we thought we would like to get, because it had been promised. It was a canceled check from Fred Black, if he had it, confirming his testimony that he bought part of Baker's stock subscription at the District of Columbia National Bank. He testified, you remember, that he bought part of the 360 shares and another 360 had been purchased by this man Sigelbaum. The records of the bank, as you remember, were put in evidence, and the bank records do not show either Black or Sigelbaum as a stockholder. The stock still stands in the name of Baker.

The CHAIRMAN. The banker testified to that.

Mr. McLENDON. So, even if he does produce the check, or doesn't produce the check, it doesn't change the fact that Baker bought the stock in his own name, still has it in his own name. And if he has agreed to sell part of it to Black and part to Sigelbaum, that transaction has not been completed insofar as the record of the stock is concerned.

Now, there are quite a number of other people whose names I have not read to you here that were discussed. For instance, I recall that

at that meeting we had not examined Joe Stewart and the pages over there in Baker's office, and I see that those three pages are called for in the letter of the Senators, dated March 9. They were examined the following Monday, you recall, two of them in person, and a third one, who is in the Army, furnished an affidavit.

There is one other boy named Gray, who worked there in the office a short time. Some newspaper articles appeared which said that he had two jobs—one in Baker's office and one with a local newspaper—and he was paid full-time pay up there in Baker's office, when, as a matter of fact, he was giving part of his time to the newspaper. We haven't been able to get him, but we do have—don't we have a letter, his letter to Senator Mansfield?

Mr. ALEXANDER. Yes, sir. We have a questionnaire from the majority leader to him and all the other pages. He is under subpoena, but they have not been able to locate him.

Mr. McLENDON. The first witness on the list—well, let's see. I was saying there were some other names not on the list. I cannot recall them all now. But every single one of them that was suggested by anybody was given consideration. The staff had a list of them, and we checked every one of them. We haven't been able to come up with anyone who has any material evidence that would be helpful to the committee.

Going on with the list in the letter of the Senators, dated March 9, the first name is Mrs. Margaret Broome. She was interviewed in December and a written report made of the interview. She has no knowledge whatever of any of Baker's business activities. She did recall the names of some of Baker's friends whom she said she saw from time to time at the office. And then she said that she believed that Baker did not pay for all of the personal telephone calls that he made. That was an expression of opinion on her part. So, obviously, she doesn't add anything of any substance.

The next man is Rein J. Vander Zee, who up until about a week ago was employed in the office of the Senate majority. Mr. Alexander and I both interviewed him. He was sent over here by Senator Mansfield, who told him he must not leave the Capitol until he had reported to the committee, to find out whether he had any information that would be valuable. He told Mr. Alexander and me that he knew absolutely nothing about Baker's financial transactions; he could not add a thing to what had already been put in evidence. He had read some of the newspaper accounts of some of the testimony and obviously he could not be of any value to the committee.

The next name is Jessop McDonnell. I suppose that I would not be exaggerating when I say to you that, with the possible exception of Don Reynolds, this is the most mysterious person I have seen. He was interviewed briefly one afternoon by me. His first statement was, "You are looking at the man who is solely responsible for the Baker investigation." I told him that that was rather surprising; that, after these months, interviews with more than 200 people, I had never heard that suggestion before.

I asked him why he made that statement. He said, "Well, Baker fired me."

I said, "Well, that wouldn't explain why you caused this investigation to be made of Baker."

I could not get him to talk very coherently about that. He would leave that subject and talk about the fact that he was a candidate for Governor in the State of Washington; he wanted to make his announcement the following week, and intimated very strongly that if he was permitted to testify before this committee it would help him politically in his campaign.

Then I said, "Well, Mr. McDonnell, if you have any information about Baker's financial activities, I wish you would give it to us."

Then he said, "I know of one, and that was an occasion when Baker told me that he had been given \$30,000 worth of Winn-Dixie Stores stock by ex-Senator Charles Daniels, of South Carolina." I can't give the year he served.

I immediately had one of the staff get in touch with Mr. Daniels. It was several days before he could interview him. He interviewed him down in Greenville. And the Senator just laughed and said, "If I had known the committee wanted to hear from me, I would have been up there long ago." He said, "I never had but one business transaction or had knowledge of but one business transaction with Baker in all my life, and that occurred in this way." Daniels was one of the original subscribers for stock in a gas distribution system down in my country known as the Carolina Pipeline Co. And one day, talking to Baker, Baker asked him if he knew of any good investment, or words to that effect, and the Senator said, "Well, I have got a good one." And he told him what it was. And Baker said, "Can I buy some of the stock?" Daniels said, "How much you want?" Baker said, "\$2,500 worth." He said, "All right; give me your check and I will let you have \$2,500 worth of my stock." And he said that is what happened. He never talked to him about any other investment in his life anywhere. He hooted at the idea that he would give away \$30,000 worth of Winn-Dixie stock to anybody, much less Baker.

Then after his name was presented in the Senators' letter of March 9, I thought that, in deference to the Senators, perhaps they knew something we didn't know. I had one of our staff members call him over the telephone, and he refused to talk.

Senator COOPER. Who is that?

Mr. McLENDON. McDonnell. He said, "If you want to interview me, you can come out here. I am not going to tell you anything." The staff man, a very discreet man, said to him, "Mr. McDonnell, I am just calling you at the direction of the committee. I understood you might have some information about Baker's business and financial transactions. I hope you will tell me about it." He said no; he would not tell him anything.

Not being content with that, I got in touch with a person over at the Department of Justice, and I made a request of him—I said, "I understand this man has been interviewed not once but several times, and I would like to ask you, to save us the time, to let us see the interviews, or at least that you repeat to me what the interviews show." He came back and said that he personally had seen the interviews, both of them conducted by the FBI at the request of the Department of Justice. That the first one occurred on October 16 of last year, and the second one occurred on December 24.

He said in the first interview that McDonnell was very incoherent; that he just talked as fast as he could; talked about how he had been

mistreated; that he ought to have been the secretary of the majority and would have been if it hadn't been for Bobby Baker, and that he kept him from getting it, and then turned around and fired him. He made statements like this to the investigators—that Jimmy Hoffa had financed the Carousel property. Of course, we know that is not true, because the evidence is complete on that, and established beyond question by documentary evidence.

He also said that Baker underwrote defense contracts. I said, "What do you mean by that?" He couldn't make any explanation of it. He stopped with that statement. He also said that he didn't believe, much like the Broome woman, that Baker paid for all of his personal telephone calls. The investigators were curious as a result of this investigation and undertook to check some of those minor things that he told them, that were not of particular importance, for the purpose of trying to establish whether he was credible, could be believed. And in no instance were they able to corroborate what he had said, about individuals or other things.

Senator CANNON. That was from the Department of Justice?

Mr. McLENDON. Department of Justice. They, in turn, got it from the FBI. So they were so curious that they went back a second time and interviewed him. At that time, he said he knew nothing. They asked him specifically if he would tell them a little bit more about why he didn't get the job, or how Baker kept him out of it; was Baker engaged in any unfair tactics, anything, and he said he didn't have to go into that, because everybody knew that Baker took the job away from him.

And then they asked him, "In our first interview, you were vague about it, but you did imply that you had knowledge about some other activities of Baker, such as activities with women. Can you tell us anything about any of Baker's activities with call girls or women?" He said he absolutely knew nothing about that—was very positive, said he knew nothing about it.

I am a little reluctant about disclosing the FBI's connection with this, because we have been warned over and over again that they resent any exposure of information that comes to them.

The next item on the list—

The CHAIRMAN. I went to park my car down here at the railroad station on the right-hand side, where those dime meters are. About the time I got parked, Jay came out from someplace. And I said, "Hello, I haven't seen you for a long time. What are you doing?" He said, "I am a football scout for Notre Dame."

"Where are you going?" He said, "I don't know now right where I am going, because I am scouting for football players, and I am fixing to catch a train." I said, "Don't you know where you are going to go to scout?" He said, "I haven't made up my mind yet." I laughed. He said, "I am running for Governor of the State of Washington." I said, "I thought you lived here." He said, "No; my home is in the State of Washington." I said, "Well, good luck to you." That was the end of the conversation.

Senator SCOTT. Mr. Chairman, McDonnell was interviewed by a newspaperman. He said to the newspaperman that—I believe sometime in early 1961—Baker told him he was going to get rid of him because "You don't like the way I operate." Then through the inter-

vention of something like 12 or 15 Senators, majority Senators, he was kept on for, from time to time, I believe he said, for about a year. Then he was finally fired. I just throw that in. That was an interview with a newspaperman.

Mr. McLENDON. Of course, that would not be pertinent.

Senator SCOTT. I just thought it was of interest that this man now being attacked or described as being——

Mr. McLENDON. Don't accuse me of attacking him.

Senator SCOTT. I withdraw the word. I would say who is being described as —— evidently stood very highly in the opinion of some of our senatorial colleagues at one time, if his statement is true.

Mr. McLENDON. It is very unpleasant for me to discuss the personality of individuals, their peculiarities, what they have done and haven't done. I wish I wasn't required to do it. But when you confront me with the problem of making an answer to why these people cannot be called, I don't know any other way to do it. However much I regret to say these things about McDonnell, or anybody else, I have to tell you the truth, I have to be frank with you.

Proceeding with this list, the next name is Matthew McCloskey. He has not been interviewed. Personally, unless he knows something that I have no idea of, he could not add anything to this record that would be pertinent. The evidence is perfectly clear that the only time his name was mentioned is in that meeting in Baker's office—conference in Baker's office—which was attended by Reynolds and McLeod and others.

Senator PELL. And may I be—extend this thought a moment here, if I may, Mr. Counsel? If we get into other areas, one might query the cost of the Rayburn Building; one might enlarge on the only real conflict of interest that has yet come up, which is a Member of the other body that first got a favorable tax ruling, and then proceeded to buy the stock a few months later and did very well. But I think that that would be going a little beyond the terms of reference of this committee. And I would suggest we keep our eye on Mr. McCloskey's activities as they concern the U.S. Senate.

Mr. McLENDON. That is what I was trying to make clear. I have no information; no one on the committee has given us any information; the staff has assembled no information that McCloskey knows a thing in the world about Baker except attending that meeting. The contract was awarded to him after that on competitive bidding, according to the records here and the testimony of McLeod. And he did, through his own insurance firm in Pennsylvania—and someone said, I think Senator Scott said that his son-in-law, I believe, was the head of that firm.

Senator SCOTT. His son-in-law is a member of the firm.

Mr. McLENDON. They, in turn, designated Reynolds as their local agent for that bond. That is how Reynolds got into it. And you remember the evidence about Reynolds as to the distribution of the commission of between \$10,000 and \$11,000 was between himself and Baker and McLeod. All that evidence is in. And I cannot see how the committee would have any authority to investigate any of Matthew McCloskey's private affairs or personal affairs. You would be bound, as soon as you ask him, "Did you attend a meeting and what took place?" that would be the end of it. You couldn't require him

to testify to anything else. So I don't see any point to interviewing him or getting him down here.

Senator CANNON. You are saying it would only be cumulative with respect to the meeting or on a fishing expedition, or exclusive of the authority of the resolution to go beyond that into his other activities?

Mr. McLENDON. That is right.

Senator SCOTT. I was thinking, from Matthew McCloskey's own standpoint, there was, as I recall it, testimony that the reason that Bobby was there was to help get the stadium bill through the Senate, and McLeod was there in connection with getting the stadium bill through the House. And I simply raise the point that Mr. McCloskey hasn't been given an opportunity to affirm or deny this. It may well be up to him to say whether he wants to or doesn't want to, if he is asked. But it is a little more than repetitious if a witness mentions the name of somebody and ties it in with an attempt to get passage of a bill, and then to say that people named as attending the meeting are not important to the investigation.

Mr. McLENDON. Senator, you understand the evidence different from my recollection. My recollection is that the evidence is perfectly clear that the only testimony connecting anybody with the stadium legislation was the testimony of McLeod himself when he said he was the clerk to the House committee; you remember, he worked on this thing for years before it was finally passed. He denied that he even knew Baker, you remember; had no connection with Baker whatever. The other testimony on the part of Reynolds was in answer to a question which was directed to him, "Did Baker render any assistance in the passage of this bill in the Senate?"

(At this point, Senator Byrd withdrew from the hearing room.)

Mr. McLENDON. I cannot quote Reynolds' exact words, but the substance of his answer was, "Well, he must have, because there were some complications over there that I didn't understand or don't understand, and I understood that Baker was helpful in ironing them out." I repeat, I am not trying to quote his words, but that is the gist of what he said.

I don't see how McCloskey could possibly have any information that would be pertinent or relevant, and we certainly have no right to invade his business or private affairs.

Senator PELL. I think the record should show that Senator Scott has a certain concern for the welfare of his constituent, and wanted him to have the opportunity to come down.

Senator SCOTT. If he wishes.

Senator PELL. But I invite to Senator Scott's attention that Pennsylvania is singularly fortunate in being blessed with two representatives on this committee, and I am sure that this opportunity has been extended to Mr. McCloskey.

Mr. McLENDON. Some member of the staff has reported to me they tried to get in touch with Mr. McCloskey. They were not able to reach him. And my purpose in having him called was to tell him just what you are saying—that this evidence was here, if he wanted to testify.

Senator SCOTT. Then the state of the present record is he has not been communicated with, as far as counsel knows.

Mr. McLENDON. I don't think anybody has talked to him.

The CHAIRMAN. Is he back from Ireland?

Mr. McLENDON. I cannot answer that.

The CHAIRMAN. I know he was Ambassador. I don't know whether he is back or not.

Mr. McLENDON. The next man's name on the list is Max Kampelman. He has been interviewed at length. The only thing he can testify to is that, as employed counsel, he was responsible for the legal work in connection with the organization of the District of Columbia National Bank; that he became a director, and he can furnish any information concerning the legal work done in organizing the bank, and he can confirm, but do nothing more than confirm, the testimony of the banker with respect to this loan of \$125,000 made to Baker by the bank.

I think he drafted some of the papers in connection with the loan, and I think—I assume from what he says—that he would testify that he had full knowledge that the bank was making the loan to Baker. And that is all. It would just be cumulative.

(At this point, Senator Byrd entered the hearing room.)

Senator SCOTT. Does he say that he knows that Baker listed him as the reference, as his reference in order to get the \$125,000 loan?

Mr. McLENDON. I think he does, Senator. At any rate, he says that he went along with making the loan—let's put it that way—whatever that means.

Senator SCOTT. You are satisfied that no amount of questioning by any member of this committee would bring out anything that Mr. Kampelman knows of further transactions with Mr. Baker?

Mr. McLENDON. I am sure that is correct. He denies having any business transactions with Baker. He claims that he doesn't know anything about Baker's activities, although he was a good friend of Baker's. He admits that. He said he and Baker were good friends.

The next person is this Paul Aguirre, who was interviewed on the 26th of February. He is a Puerto Rican real estate developer. He has known Baker for several years. He was one of the persons involved in the organization of Pasantic Corp. That is the one that Baker started to go in and got out, rather than become a stockholder. And he says that he knows of his own knowledge that Baker did not become affiliated with the corporation in any way. He said he has made a few trips with Baker—one to Houston, Tex., I believe. He refused to say anything about Baker's private life. He says that Baker never used his influence or tried to get the influence of anybody else in his behalf. He has had no business transactions with him. He knows only of the incident that I told you earlier, about Mr. Ferrero, in the FHA office, when Baker asked that they reconsider a ruling or decision that they had made with respect to this housing proposition—housing project—in Puerto Rico.

(At this point, Senator Byrd withdrew from the hearing room.)

Senator CANNON. Was that the one that was turned down?

Mr. McLENDON. Yes. I think the record shows that, after that, a different kind of organization was set up, but Baker was in no way connected with it. We have a list of the names of people who were connected with it, and Baker had no connection with it at all.

The next was Warren Neil, Jr. He was interviewed in Puerto Rico. He first met Baker through an introduction by Benitez in 1959. He said he was very fond of Baker, and that he is by business a house-

builder. He said he has absolutely no knowledge of any business activities of Baker of any kind at any time.

The next names on the list are Jack Anderson and James H. Carmichael, connected with the Riddle Airlines.

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

Mr. McLendon. They have not been interviewed, but, as you know, Carmichael has made several public statements concerning the chartered plane flight from Washington to Las Vegas. I think—I may be wrong about this, but I think either he or Anderson was called by telephone. If there is any interest in that, I have a letter here from Mr. Anderson; the letter happens to be addressed to Senator Cannon. Would you like for me to read this?

Senator Cannon. I think it would be well to read it.

Mr. McLendon. This is dated December 27, 1963 [reading]:

Hon. HOWARD W. CANNON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: I understand the press in your State has linked you unfairly with Bobby Baker because of a charter flight he is supposed to have arranged for a Washington group to attend a fundraising dinner for you in Las Vegas. I think it is only fair that I should set the facts straight so far as I know them.

The flight was chartered from Riddle Airlines in April. The following July, I was elected to Riddle's board. I first learned about the flight in September.

Officers of the company complained to me that they had been able to collect only \$2,800 of the charter fee, but that they were afraid to press for the balance for fear of offending powerful politicians. I asked what politicians might be offended, and they gave me the name of Bobby Baker. I got the impression from them that Baker had arranged for the flight.

I informed the company officers that, so long as I was a member of the board, I would insist that politicians pay for their flights like anyone else. Upon my insistence, a bill was sent to Bobby Baker for the balance still owed to Riddle.

Not until Baker protested that he had nothing to do with the flight did Riddle's management bother to check who had made the actual arrangements. It had just become assumed in our conversations that Baker was responsible. When he protested, the company's officers belatedly checked back and found the flight had been arranged not by Baker but by Stanley Sommer. Mr. Sommer happens to share office space with Slim Carmichael, Riddle's board chairman, who had submitted the order for the flight.

Baker's name apparently became involved because Carmichael had mentioned to company officers that Baker had been present on the flight. As it turned out, he had not made the flight to Las Vegas but had caught the return flight from Las Vegas to Washington, D.C.

The company officers found no records linking Baker in any way with the flight, and Mr. Carmichael assured them that Baker had not arranged it.

The bill was sent to Baker by mistake upon my insistence, after company officers had given me the wrong impression that Baker was responsible for the bill.

For the record, I would like to clear up the comedy of errors that has led to your unpleasant publicity. This has been one of those ridiculous mixups that sometimes occur in human affairs.

Signed, "Jack Anderson."

In the interview with this man Sommer, Mr. Meehan tells me that he corroborates the statement of Mr. Anderson with respect to who ordered the flight and so forth.

Also, you recall that Senator Mansfield directed a letter to every single member of the staff there in that office, asking whether they were on the flight and what, if any, connection they had with it, and got an answer from everyone of them. Not all of them went, but I think Vander Zee was one who said he went, and I believe Stewart went. The others, I believe, did not go, to my recollection.

And as a result of that, Senator Mansfield issued a memorandum of rules and regulations prohibiting any member of the staff over there from participating in such things hereafter without first clearing with the chairman.

The next and last witness on this list is George Sampson. He was interviewed early in December, and a long written interview—a long written statement of the interview was made and has been in the files all this time. He goes into great detail in the interview with respect to the policies of life insurance that were written on the life of Senator Johnson and later on the life of Vice President Johnson, pointing out that there was considerable competition for the sale of this insurance, that his connection with it was in a professional capacity, and as somewhat of an expert in the field of unusual risks in the insurance business, and that he did a tremendous amount of work assembling information about the Senator's health and so forth. And that Reynolds' connection with it was largely as a messenger, we might say, in obtaining the signature of the Senator to the formal papers such as applications and other statements that had to be filed with the policy.

He also states in his interview the amount of Reynolds' commissions. He knew nothing about Baker. In fact, if I am not mistaken, I think he said he had not even met Baker. He knew nothing about any connection between Baker and Reynolds. He had never heard anybody say that they had a contract or agreement by which they shared in the profits from business in which Baker was a finder or business that Baker referred to Reynolds.

He knew nothing about the hi-fi sets, one of which was given to Baker and one to the Senator. He knew nothing about the advertising. He did say—he made a very uncomplimentary remark about Reynolds, the substance of it being that you could only believe him half of the time—something like that. I don't think that there was anything in the interview that added any probative value to what was in the record. That is the only reason I did not call him as a witness to begin with.

Senator SCORR. Would you yield there? Senator Curtis is not here, but he has mentioned to me that Mrs. Sampson has stated that her husband was called by a White House aid and questioned as to what he knew of this transaction and gone over with him—had some discussion with him in the event he should be called to testify. Senator Curtis can give you any information further which may exist. But he has stated that to me as his reason for including Mr. Sampson in the letter which the three of us signed, among other reasons.

Mr. McLENDON. Senator, I called him over the telephone since this list arrived and talked to him. He said that he knew Walter Jenkins well; had great respect for him. He said that he could not understand why Jenkins would not go and tell the story—that there was nothing to be ashamed of. But that was not his business. He didn't suggest that he had been talked to by anybody.

He did tell me that—more recently, in 1963, a thing that I did not know before—that the company in Texas which bought the insurance on Senator Johnson's life announced that they were in the market for another \$100,000 policy. And Reynolds got excited about it, and thought because of his previous transactions that he had the inside track. It became very competitive. And a firm in New York sold

the policy, and Reynolds lost it. And I believe he said that Reynolds made a trip to New York in an effort to get it.

He also says that he talked to Reynolds on one occasion—and I am repeating as nearly as I can his exact words—he said, “I said to Don, ‘Don, I thought it was not a very good idea to bite the hand that feeds you. You made a lot of money out of these people. Why on earth are you going around talking about them like you do—not only testifying, but talking on the street, television, everywhere else?’” and Reynolds’ answer was, “Well, I got caught in the middle. The Republicans wanted me to testify; the Democrats didn’t want me to testify.”

He said, “That is a mighty poor excuse.” He said, “That is it.” Then he said he asked Sampson if Sampson would permit him to examine Sampson’s files. And Sampson said, “What files?” He says, “All of your files about this insurance.” And Sampson says, “No; I am not going to let you scramble around in my files. I won’t do anything of the kind.”

And I said to him, “Well, Mr. Sampson, you have been very cooperative, and I am sorry I had to bother you again about this thing, but so much public attention has been attracted to it. I am going to ask you one further question. What do you think is Reynolds’ motives for continually bringing up new things about this insurance after he has already testified under oath that he has told everything he knew, and then comes up with an affidavit a few days ago telling that Baker called him and demanded a commission out of this last \$100,000?”

He said, “Well, of course, it is hard to tell why other people do things, but my opinion is that when he lost the sale of this last \$100,000 insurance policy, he just turned his back on the whole crowd, including Baker.”

Senator SCOTT. In view of Mr. Sampson having talked so extensively about his views, and since they touch directly on Reynolds and Baker, isn’t that a further reason why Mr. Reynolds ought to be recalled and required to testify under oath, and Mr. Sampson should be called? I mean, the committee cannot act on hearsay or on conversations of counsel.

Mr. McLENDON. I don’t think what Mr. Sampson says is material. What the committee is interested in was the business or financial transactions in which Senate employees or officers were involved. And the answer to that positively is “Yes.” The transaction was the sale of this insurance under contract in existence at that time between Baker and Reynolds requiring Reynolds to account to Baker for the undetermined percentage of whatever earnings might be gained as a result of that thing. And you reelicited, I think it was, either 10 or 11 transactions when he was interviewed, and I went through each one of them when he testified. He was very vague about his negotiations about the advertising time, but quite positive about his statement about the hi-fi sets.

He said not once but several times that the hi-fi sets were delivered at the request of Baker, and then he used what we lawyers call a conclusion of fact—when you would ask him, “Who did you buy the advertising from?” he said Jenkins. “Well, why did you buy it?” At one time he said he was required to, and at another time he said he was expected to.

There are two things in Reynolds' testimony that stand out. He said unequivocally one of his motives in buying the advertising time was he wanted to be in good graces with these people in case another sale of insurance came up. The other thing of significance is that when he talked to Jenkins, as a result of a telephone call—he didn't know whether it came from Jenkins or Baker—that the first thing Jenkins said was, "You haven't lived up to your bargain."

And one of you Senators asked the question, "What bargain are you talking about? If you said that, you must have had a bargain before you saw him? Whom did you make it with?" He said with Baker; not Jenkins. So he himself contradicted himself as to whether he negotiated the purchase of advertising with Jenkins or whether he negotiated with Baker or somebody else. In substance, he is saying as a matter of conclusion that "they made me do it," meaning Jenkins made him do it, or Jenkins expected it of him. But when he got to the point of actual conversation he said the agreement already existed before he talked to Jenkins.

Senator SCOTT. Well, Major, is it not your experience in investigations that whatever the motive of a witness may be—and the motive may indeed be resentment, or the motive may not be of a high character, it may be venial—nevertheless, isn't that the way by which an investigation arrives at what it concludes to be the facts; namely, whatever Reynolds' motivation, if he has submitted an affidavit which contradicts another affidavit, and that other affidavit has been received as a part of this record, would it not at the very least be desirable that the affidavit of Mr. Reynolds be included in the record, or at the most that Mr. Reynolds be recalled so that these statements he made can be reviewed and checked by the committee as to accuracy?

Mr. McLENDON. Senator, my answer to all of that is very simple, and I am thoroughly convinced I am right as a matter of law. It doesn't make a particle of difference whether he bought this insurance through Jenkins, whether he bought it through—I mean the advertising—through Jenkins or through Baines or someone else.

The fact is that he bought the advertising in connection with the sale of the insurance. There isn't any question about that. You have the documents in the records. Therefore, it is immaterial for this purpose whether Jenkins continues to deny that he had anything to do with the arrangements. And I call your attention to the fact he has never denied he had knowledge of the advertising. He merely denied he had knowledge of the arrangements. So what difference does it make whether Reynolds is telling the truth or not telling the truth on that point?

Senator SCOTT. Major, I am referring more to another aspect of Reynolds, which is to the effect that upon the conversion of the insurance, he received—either his affidavit or his public statement on television, perhaps both—that on the conversion of the insurance, he received \$1,500, and they, whom he then identified as Baker and Jenkins, wanted some of that money. And his answer, on the television at least, was about \$700. Now, this is new evidence and it directly touches Baker. It also directly contradicts, either contradicts or adds new material, with relation to the affidavit of Mr. Jenkins.

Mr. McLENDON. It also contradicts Mr. Reynolds.

Senator SCOTT. Even so. Then the committee ought to know.

Mr. McLENDON. Why would we take up the time—let me say this. I don't see how on earth you could go into that thing again without trying Reynolds, and inviting us to try Jenkins, too, as to which one of them told the truth as to the inception of this thing.

Senator SCOTT. Is that not important to the investigation, to find out where the truth lies?

Senator CANNON. As long as we know what the facts are, so that we can take our action.

Senator SCOTT. Well, is there objection to introducing the affidavit of Mr. Reynolds as a part of the record, as the affidavit of Mr. Jenkins was introduced?

Senator CLARK. Mr. Chairman, before counsel answers that question, could I be heard briefly?

The CHAIRMAN. Yes, indeed.

Senator CLARK. It seems to me that this quite extensive discussion, which has now gone on for 2 hours, makes it pretty clear that our counsel was correct when in this statement he submitted to the committee he said, on page 2, and I quote:

I think two conclusions may be drawn from this extensive investigation. First, it is highly unlikely that any additional evidence can be found materially differing from the type of evidence already placed in the record of the committee's hearings. And second, there is a reasonable certainty that any additional evidence which can be produced will be repetitive and cumulative. If evidence differing substantially from the pattern of evidence already presented is in existence, surely it would have been discovered in the course of this investigation.

That, to me, is the heart of this situation. And all this discussion as to whether we should call this witness or that witness, none of it to my mind casts any doubt at all on the validity of the two conclusions which have been recommended to us by counsel. Now, this in the last analysis must be a matter of judgment. It is not a question of law. It is a matter of judgment. It is perfectly obvious this investigation has got to come to an end sometime. Now, my own judgment is in accord with yours, sir—that that time has just about come. And I think the members of this committee each have to exercise an individual judgment as to whether counsel is right or not. We may have differing views on that.

The reason I think that you are right is set forth in the last paragraph on page 2, where you say:

The evidence fully justifies the committee in finding the existence of conditions which have made possible the multitude of acts by some of the officers and employees of the Senate which acts are incompatible with the responsibilities of the Senate, violative of the generally accepted standards of official conduct rightfully expected by the American people of their public officials and employees, and constituting improprieties of the grossest character within the meaning of Senate Resolution 212. Further, an inescapable conclusion follows that additional laws, rules, or regulations are necessary for the purpose of prohibiting or restricting such activities and conduct.

That is established beyond a peradventure of a doubt. Bobby Baker has been hung. He is dead. He was hung by the neck until he was dead. Let's not hang him again in the interest merely of keeping this investigation going for a purpose which adds nothing, except repetitive and cumulative evidence, which fully justifies the conclusion which our counsel has recommended to us.

So it seems to me that a meticulous discussion of what this witness or that witness might or might not testify to with respect to any officer

or employee whom we have under investigation is now redundant, repetitive, and I for one am prepared right now to vote to close, as the major recommends, the part of the investigation which deals, as he says in the end, with the financial activities and interests, business interests, of officers or employees of the Senate. That is only the first part of this committee's inquiry. We have got a long way to go from here, and we better get about it. We cannot keep this thing going forever.

Senator SCOTT. Would the Senator yield?

Senator CLARK. In just a second I would be happy to.

Senator SCOTT. Would you just say what part you think has not been covered?

Senator CLARK. The very important part of the recommendations as to the rules, the regulations, the additional laws which are clearly indicated as desirable to prevent the repetition of this. Now, when we get to that point of the inquiry, I am probably going to be a little bit more extensive in my recommendations than some of my colleagues. I would like to get on with that. I think, for example, we ought to schedule hearings on the conflict-of-interest legislation which Senator Case and I and several other Members of the Senate have introduced. I don't think we ought to sweep this thing under the rug. Far from it. I shall be in favor of pretty rigorous recommendations which will take in the conduct of Senators, as well as the conduct of employees and officers. But I think we are just wasting our time piddling around here with additional testimony as to whether Bobby Baker has committed other acts of impropriety, or even crimes. We have got that all established right now.

Senator SCOTT. Would the Senator yield?

Senator CLARK. I would be happy to yield.

Senator SCOTT. I would suggest to the Senator that the major has pointed out that, regarding the forgery and possible substitution of income tax returns, the investigation can hardly be closed until we have had further evidence on that point. And I think that it would be a grievous mistake to have any motion to close in view of that. And then I have some further comments which I would like to make on my own time.

Senator CLARK. I quite agree with the Senator that the hearings must be held open until we have a little more definite information with respect to the subject matter of the affidavit of the public accountant. And as I now understand the situation, I think it is pretty clear that we ought to give the accountant, at least, an opportunity to come back here and give us the substance of his affidavit. Whether any further evidence should be taken in that regard or not, I have a perfectly open mind on it. But I agree with the Senator.

Senator SCOTT. I don't see how we can avoid calling the accountant back under any conditions, since he has clearly called the attention of the committee to a fiscal irregularity.

Senator CLARK. If the Senator would yield briefly at that point, while I think I agree with the Senator, it seems to me a motion to call him right now would be premature, because I think we ought to have a further investigation.

Senator SCOTT. Yes. I was going to say, whether a crime has been committed or not, this we don't know—we cannot dismiss evidence on

the ground that it may lead to a crime, because the greater includes the lesser. The lesser is the fiscal irregularity, which is our scope of investigation. If it extends further than that, this is another matter.

Senator CLARK. I would like to have the attention of counsel and the chairman, if the Senator will yield briefly. It does seem to me in the light of the discussion this morning with respect to the recommendation on page 4, Major, your first recommendation there, that investigations and hearings concerning any financial or business activities of officers or employees, et cetera, et cetera, "be discontinued," should be modified so as to make it clear that we are retaining jurisdiction and indeed judgment as to whether it is desirable to call as an additional witness the certified public accountant whose affidavit has been placed in the record this morning.

Mr. McLENDON. Senator, I tried to explain that that preceding paragraph "with this background and subject to the authority of the committee to control its future proceedings" was intended to accomplish that very purpose. For instance, when I get all the information available about these tax returns, I certainly, if I thought it had probative value and be put in the record—I would tell the chairman to call a meeting.

Senator CLARK. I agree with you, sir, that legalistically you are quite correct. I am afraid that unless some modifying language with respect to the certified public accountant is inserted, that your position is apt to be—the position of the committee on your recommendation is apt to be misunderstood. Therefore, I would suggest that a sentence perhaps be drafted to make that point abundantly clear.

Senator COOPER. Mr. Chairman, may I make a statement?

The CHAIRMAN. Yes, indeed.

Senator COOPER. Mr. Chairman—

Senator CLARK. Major—would you yield just a moment? Senator Cannon has a suggestion which I think makes good sense. And I would ask him if he would state it.

Senator CANNON. I asked Senator Clark if what he had in mind was this the type of addition after the word "discontinued"—"except as to the matter relating to Mr. Hautt's affidavit presented to the committee this date."

Senator SCOTT. If the Senator would yield—we don't know what that investigation is going to lead to. Mr. Hautt's testimony, plus the investigation of the income tax return, may bring in a third party who may have made the forgery. And there may be other witnesses from Internal Revenue. You can have a whole line of witnesses possibly.

Senator CLARK. If you yield—I don't think you understood what Howard said. He said except with respect to the matter.

Senator CANNON. Yes.

Senator SCOTT. And testimony which may be necessary in pursuance.

Senator CANNON. Subject matter covers that particular item.

Mr. McLENDON. I would have no objection to that.

The CHAIRMAN. No; there would be no objection to that. Senator Cooper.

Senator SCOTT. I don't want that to be understood that I agree.

Senator COOPER. As members of the committee know, I joined with Senator Curtis and Senator Scott in sending this letter to the chairman of the committee, requesting the calling of certain witnesses whose names were listed in the letter. I joined in requesting the call of these witnesses, either upon my own judgment that certain ones should be called, or upon the judgment of my colleagues, Senator Curtis and Senator Scott. I would like to tell the reasons—tell the committee my reasons for suggesting and asking that these witnesses be called.

First, I believe that the testimony that could be secured or might be secured from these witnesses should be discussed prior to their calling, witness by witness, in order that the committee may make a judgment whether such witness should be called. And the committee is required to make that judgment under rule 19 of the rules of the committee. I would like at this point for rule 19 to be copied into this record:

19. Any member of the committee may request that the chairman direct one or more staff members to secure evidence and interview possible witnesses. Any member of the committee may request that a witness be called to testify before the committee in executive session. Such requests shall be honored by the chairman unless he finds that the evidence in question, or interview of a possible witness or the testimony of the witness is irrelevant to the investigation, in which case the question shall be determined by a majority vote of the committee.

I would say also that I think it imperative that the committee consider very carefully whether these witnesses should be called, and the evidence that might be adduced by them. I think that evidence should be disclosed, if it is known, by not only the members of the staff, but the members of the committee, and that includes the majority and minority. I think it is important for another reason. That is that Mr. Baker has asserted his constitutional right, particularly the fifth amendment. In doing so, he has not only failed to explain evidence that has been adduced by various witnesses, and, second, I think in a very important way, he has closed the door to leads and to possible further evidence that might be considered by the committee. And it is for this reason that I believe that it is more imperative—because Mr. Baker has taken the fifth amendment—that the committee pursue evidence from every possible source which is included in the scope of this investigation.

(At this point Senator Byrd left the hearing room.)

Senator COOPER. And so I would say, procedurally I believe, that, although it is a tedious matter, this procedure should be followed. That the witnesses, the names of the witnesses which have been submitted by the minority, should be considered one by one. That the minority disclose fully what evidence they think might be adduced, so that the committee would have the opportunity to vote upon whether or not these witnesses should be called.

As I said a few minutes ago, I made my judgment in signing this letter upon my own views upon some of the witnesses—and unless some evidence was adduced to the contrary in discussion, I would at this time at least vote that they be called. Others that were named by Senator Scott and Senator Curtis, who have information—whose information I may not have, it might be possible, I cannot say it—that after discussion I might or might not vote to call them.

Senator CLARK. Would the Senator yield?

Senator COOPER. Yes.

Senator CLARK. The Senator is an excellent lawyer, and has been a very good judge in his day. I would ask him, as a lawyer, to look at page 2 of the statement read by counsel, the second paragraph on that page, and ask the Senator whether he can tell the other members of the committee whether any of these witnesses he thinks should be called could produce evidence materially differing from the type of evidence already placed in the record, or anything other than repetitive and cumulative evidence.

Senator COOPER. I want to do that now.

Senator CLARK. Then I think the Senator should do that right now.

Senator COOPER. I would like to give my reasons why I think they should be called, and not leave it hanging up in limbo. As I said, if we can discuss these, the evidence that these witnesses might adduce, one by one, I cannot say now that after it is considered fully that I would still insist upon their being called. But I can give my reasons now why I signed this letter, and why at this time I think they should be called.

Senator CANNON. Will the Senator yield for a question?

Senator COOPER. Yes, sir.

Senator CANNON. Is that list of witnesses of people that counsel just went through and explained what the files reflect?

Senator COOPER. That is right. I want to respond to it, by giving my reasons. I start out with Mrs. Margaret Broome. Before I comment on any of these witnesses, may I say I have not talked with any of them.

(At this point, Senator Scott entered the hearing room.)

Senator CLARK. I couldn't hear that, John.

Senator COOPER. I have not talked to any of them, and no one has given me any information which is not before this committee, before the counsel of the committee and the chairman of the committee. The first name on this list is Mrs. Margaret Broome. I will say the first two names on the list submitted by the minority are Mrs. Margaret Broome and Mr. Vander Zee.

It is correct, as counsel has informed the committee, about the statements that they have made. Nevertheless, I think—and I have full confidence, I might say, in what counsel tells us. Nevertheless, I think they should be called, for this reason: They were employed in close association, officially at least, as I understand, with Mr. Baker. It is wholly possible that in examination by the committee they might testify concerning facts of Mr. Baker's transactions outside the scope of his duty as secretary of the majority which they did not testify to or speak of in the investigation. I think that is always possible, that under examination by members of the committee that more testimony might be adduced. I think particularly because they were in close association with Mr. Baker that they should be called.

Senator CLARK. Would the Senator yield?

Senator COOPER. Yes.

Senator CLARK. I ask the Senator—suppose they did. Would that change in any way his judgment as to the validity of the opinion of counsel, set forth at the bottom of page 2, to which I subscribe? It seems to me that all they could do would be perhaps to give us some additional evidence as to the improprieties of Mr. Baker. And, in my opinion, we have got so much on him now, that it is just foolish to go into it any further. We have been at it now for 3 months.

Senator COOPER. Let me finish, if I can. My belief about it is this: First, because Mr. Baker asserted the fifth amendment, and, as I said, therefore, has not responded to some of the statements that have been made about him in certain transactions. It is unclear, some of this testimony. And I think that people like Mrs. Broome and Mr. Vander Zee, closely associated with him, might have evidence which would either give weight to previous testimony or lessen its credibility.

A further thing is that it may be that there are other transactions about which we are not acquainted that could be, if there are such, secured from witnesses who had the opportunity, by reason of their official association with him, to know about them. I want to give my reasons.

Now, Mr. McDonnell; his name was on the list. According to the statements made by eminent counsel, and the statements attributed to him, at least it is very unclear what kind of relationship he had with Mr. Baker, and if it is correct that, as he said, Mr. Baker wanted him to leave, and as he asserted to counsel various statements, made to counsel various statements, I think it would be unwise and unfair to the work of this committee if he is not called for the committee members to probe as deeply as they can into the meaning of his statements—whether or not they are credible or not credible. If he is not called, and it is probable that this investigation should be closed, he might continue to make these statements and leave the impression that the committee did not pursue fully the investigation.

Now, I want to speak about Mr. McCloskey—Matthew McCloskey. My judgment about the importance of his testimony would be this: Mr. Reynolds testified and made certain statements that as a result of Reynolds being awarded the business of writing a performance bond for Mr. McCloskey in connection with the construction of the stadium, that he was later asked by Mr. Baker to make a payment to him, which he said he did—although, as he said, he agreed to conceal its nature by making it appear that he had loaned Mr. Baker \$4,000 rather than given it to him.

Senator CLARK. Will the Senator yield?

Senator COOPER. Can I just finish a minute, and I will. This whole thing goes into the credibility also, of Reynolds. I think it would be important to learn from Mr. McCloskey, if it is possible, at least have an answer from him, whether or not he had any knowledge of any arrangement between Baker and Reynolds which looked forward to the payment of \$4,000 to Baker, if payment was actually made. He, by reason of being in Mr. Baker's office, and being, as Reynolds said, there with Reynolds and with Baker—I think that his testimony is of value.

Senator CLARK. Will you yield at that point?

Senator COOPER. Yes, indeed.

Senator CLARK. Mr. Chairman, I can see no useful purpose in requesting the testimony of Mr. McCloskey. I think it is perfectly clear what happened. Those of us who have had some connection with the legal aspects of writing a contractor's bond—I have had a little—I think would agree that a broker who writes the bond is entitled to a normal commission which is fixed by law. It is of the greatest indifference to the contractor who the broker is. Usually he gives the

brokerage to either a friend or a business associate or an individual who he thinks can render him quick and efficient service.

This is a perfectly routine transaction normally engaged in by Mr. McCloskey, who engages in similar transactions, I suppose, dozens of times each year. If he were to come and tell us, which I personally, having talked with him informally, and not in any way with the idea that he would testify, knows anything about the relationship between Baker and Reynolds, which I am personally confident he did not, although I cannot prove it—I don't see that that would throw the slightest light on what we already know about both Baker and Reynolds.

The CHAIRMAN. I would say in that connection to both of you, I would certainly think it would be perfectly in order for the counsel to contact Mr. McCloskey, and see if he would make a statement.

Senator CLARK. I would have no objection to that.

Senator SCOTT. I certainly have no objection.

Senator COOPER. Well, I am giving my reasons why I believe these witnesses should be called. I want to proceed. As regards Mr. Kampelman, Mr. Aguirre, Mr. Neil, those names were suggested by either Senator Curtis or Senator Scott, I have no view about their testimony. But, as I say, if Senator Curtis and Senator Scott have the opportunity to give their reasons why they think they should be called, then I feel not only I but members of the committee would have the opportunity to make a judgment as to whether or not they should be called. My conclusion as to that also goes to Nick Popich, who is on the list.

There was also included in the list the names of Jack Anderson and James H. Carmichael. That request to call them, of course, grew out of a press notice, I think, attributed to Jack Anderson that he called upon Baker to pay the bill for this flight.

Also, there was a statement in the newspapers, I believe, calling attention to some action by the CAB in reference to this flight. I did not know until today that Mr. Sommer had been in any way connected with this.

But I think we should discuss fully in the committee what testimony Anderson, Carmichael, and Sommer could give to determine whether or not Baker was involved in this, and whether there was any reason he could secure a credit from Riddle Airlines which CAB said was not appropriate under their regulations.

Finally, we get to Mr. George Sampson. I cannot make any conclusion as to that now. But my first impression was when his name was placed on the list that I didn't see what testimony of his would be relevant. But in view of the statement made by counsel who talked to him, I think that should be fully discussed.

I know the testimony of Mr. Walter Jenkins is a very controversial subject. I think its relevance is this: Reynolds was a witness before this committee and, as we know, has continued to discuss this case. His credibility has been called into question. His credibility goes to—and I am not relating this to any transactions that occurred with the former Senator Johnson, or President Johnson, but again, his statement goes to the credibility of Reynolds. And you remember that Reynolds has testified that he paid Bobby Baker \$4,000. Whether he did or not, we don't know.

But if Jenkins—I mean if Reynolds has lied about his transactions, or alleged transactions, with Mr. Jenkins, then I think that goes to the credibility of Reynolds. You may think I am very technical about this, but I think these are kinds of things that you would look into, certainly, if these men were being in court under regular judicial procedures. And the courts have held that we function in many respects like a court, to test credibility.

Again, if we have a chance to discuss this, my conclusions might be different.

As Deane Beman has refused to give an interview, I think he should be called.

As Gray, a former page, according to the statement of one of the staff, cannot be located, I cannot say that he is evading subpoena, but I think efforts ought to be made to locate him and have him called.

My final statement is this: Senator Williams, from time to time—he has presented testimony before this committee twice, and from time to time has sent affidavits to this committee. It has been said in the newspapers—I don't know whether it is true or not—that in the event that this committee ends its investigation—that has been said—I have no information of any kind that it is correct from him or anyone else—but it has been said that if this committee completes or ends this investigation, then he will make a further statement. I think it is fair to this committee to call Senator Williams, and ask him if he has any information additional to which he has given.

Senator CLARK. Will the Senator yield?

Senator COOPER. Yes.

Senator CLARK. I talked to Senator Williams on the floor of the Senate yesterday before I knew about the affidavit which he forwarded yesterday afternoon. I asked him categorically if he had any further information which he thought would be of use to the committee. He answered categorically, "No."

I asked him whether if information came into his possession subsequently he would send it over to the committee promptly. He said, "I will. I always have. I am holding nothing back."

Senator COOPER. I think, then, to make this part of the official record, that Senator Williams ought to give that statement to this committee.

Senator CLARK. If the Senator will yield—well, I won't say that.

Senator COOPER. Go right ahead. I want you to ask me questions. I want to say this. Senator Clark. You know very well that I am not questioning the veracity of what you said. You know that.

Senator CLARK. That is all I was going to raise. Then I decided not to raise it.

Senator COOPER. From our association together, you know that. I don't question that in any way, or question the veracity of any other member of this committee. I am simply calling attention to the fact it has been said in the newspapers that in the event this investigation closed, he was prepared to go on the floor of the Senate and reveal additional testimony, and I would simply want to say if he has such testimony or evidence the thing to do is for him to produce it for this committee.

Senator CANNON. Would the Senator yield at that point?

Senator COOPER. Or to make a statement he has no additional evidence at this time.

Senator CANNON. We all know a lot of things have been said in the newspapers in relation to this case that are just not true; that we have checked out and found to be not true. Now, Senator Williams testified and said in his testimony that as he obtained or if he obtained additional information he would promptly turn it over to us. He has made the statement to Senator Clark, and I, for one, am certainly willing to rely on Senator Clark's statement as to his conversation with Senator Williams. And I have no doubt in my mind but what he made that statement. And I am prepared to rely on it.

Senator COOPER. I might say I would rely wholly on anything Senator Clark said or Senator Williams said. But because he has from time to time submitted additional evidence to this committee, and because he has from time to time made statements to the press, I simply would like to say that, before this investigation is ended, I think he should make that statement to the entire committee.

I close on this. I would like to say this for the record: I think this committee did begin its work under rather difficult circumstances. It isn't organized for an investigation in the sense of the Committee on Government Operations or the Committee on the Judiciary or other committees which have an investigative staff. I think that—with Senator Clark—I think perhaps we took the initiative in asking that a special counsel be employed, and he was. I must say I think he has done a good job. The staff, according to the report that counsel gave, has in a reasonably short time done a great volume of work.

I would like to say, further, that—I think this should be made a part of the record—that with the exception of two or three matters, the committee has eventually come to agreement upon issues. The first matter was the question of minority staff. We came to an agreement upon that—minority counsel.

The second matter discussed at great length was the extent of the questioning which members of the committee could pursue. And I think that issues came up from time to time and were resolved. And I must say I do not know of any line of questioning which has been denied a member of the committee. I think the issue upon which we did disagree was the release of the testimony of Reynolds. But he, himself, has testified many times, and his testimony has been released.

Senator PELL. May I interrupt for just a minute, Senator? I think, also, there is a difference of view on the Republican and Democrat side as to the concept of the hearings, because there is a direct interchange with the senior minority member to the effect that private lives of employees are included in the scope of the committee, and there is direct disagreement on my part.

Senator COOPER. I think, as the investigation continued, the testimony concerning individuals has been made part of the record, and, if it has been adduced, testified to by witnesses that have come forth. I would say, finally, I think that—I believe that the testimony of Mr. Hauff should be made a part of the record at a time when it is appropriate, with such information as comes from IRS. Finally, I believe because Reynolds has sent this affidavit to the committee, I think that it is before the committee, and I think it has to be made a part of the record. I am not giving my views at this time, but I will at the proper time give my views as to its value.

The CHAIRMAN. Senator Hayden has a statement.

Senator PELL. May I comment for a moment on Senator Cooper's remarks? I would wonder if in your view any of the evidence that could conceivably be forthcoming might change your thinking with regard to the report that we would finally write, because the important thing is that the cow has left the barn; perhaps the worst we could have done before was to fire Bobby, but he took that action himself. And now, really, the constructive job is to try to prevent the set of conditions, the existence of conditions that permitted this to occur for which we all have a little responsibility, and if the evidence does not add to changing our views in that matter, is there any point in hearing it?

Senator COOPER. I agree with you that the record is of tremendous importance. That ought to be our purpose—to prepare a report with recommendations which would be effective as far as any report can be to prevent the recurrence of acts about which we have received testimony.

I have tried to make myself clear at the beginning. I tried to give you my reasons why I think these witnesses should be called specifically, and generally my reasons why I think they should be called are, as I said, first, because Mr. Baker, by taking the fifth amendment, therefore failing to explain transactions in which he is alleged to be involved—and, second, because his failure to do so has prevented the committee from reaching facts that I would say are very difficult to get.

I think there is an additional responsibility upon the committee, then, to probe to the depths other witnesses who might conceivably, if examined by the members of the committee—might give additional information.

My second point is this: I think we always have to consider whether there is additional evidence and facts relating to others that may not have been brought before the committee.

The CHAIRMAN. Senator Hayden?

Senator HAYDEN. Well, I want to make a motion. Having confidence in his judgment, I move that this committee adopt the recommendations of the general counsel.

The CHAIRMAN. Is there a second to Senator Hayden's motion?

Senator PELL. I will be delighted to second it.

The CHAIRMAN. It is open for discussion.

Senator SCOTT. Mr. Chairman, the motion is made before we had finished hearing the discussion of the witnesses. The Chair will recall that I asked that Mr. Van Kirk give us the list of the names which he recommended the committee call, and what disposition was made of that. I would like for us to hear Mr. Van Kirk at this time.

The CHAIRMAN. That is agreeable.

Mr. VAN KIRK. One of the names I brought up at the meeting, the staff meeting, was Clint Murchison. We discussed Jessop McDonnell, which I brought up.

Senator SCOTT. May I say, before he continues—I reserve the right to offer amendments to the motion. This is intervening discussion.

Mr. VAN KIRK. I brought up the name of Dorothy Baker, a Senate employee and an officer of Serv-U.

The CHAIRMAN. Who is that?

Mr. VAN KIRK. Dorothy Baker.

Senator CANNON. Is that Bobby Baker's wife?

Mr. VAN KIRK. Yes, sir. She is a Senate employee on the Internal Security Subcommittee.

I brought up the name of Matthew McCloskey.

Regarding—it was reported in the press that Baker had offered to pick up a \$10,000 campaign debt of Senator McIntyre. I suggested that he either be interviewed or contacted in some way to follow the story down that was printed in the press.

Margaret Broome. She was Baker's former secretary. She has been interviewed, and I think I suggested—I may be corrected on this, Major—did I want her called as a witness? I have forgotten, myself.

Mr. McLENDON. I think we agreed to reinterview her, which has been done.

Mr. VAN KIRK. Then I guess I wanted her called as a witness. Two other names I am a little hazy on are Max Kampelman, and I knew George Sampson—either reinterviewed or called as a witness.

Mr. McLENDON. I reported on both of them this morning.

Mr. VAN KIRK. The more sensitive names, witnesses in more sensitive areas, I was going to leave to the three minority members to bring up their names. But those are the names I threw out at the staff meeting.

Senator SCOTT. Mr. Chairman, in connection with the interviews by the major, he has interviewed and expressed his opinion as to whether or not their testimony should be had. And among those names he has covered are the very substantial number of the names which appear on the list which I said that I had with regard to persons I thought should be called. I would like to note, without eliminating any of the names, that I take special exception to and strongly urge the calling of the following witnesses, as mentioned in the report of majority and minority counsel:

Stanley Sommer, as to whom I think among other matters which have been raised we would be interested in knowing how the payments were made by Mr. Sommer, and under what circumstances, for the apartment which he occupied at the Carousel.

Mr. Paul Ferrero, the FHA Commissioner who was called by Mr. Baker on behalf of Paul Aguirre.

Paul Aguirre for the same general reason, plus the fact that he is involved in the Pasantic Co.

Deane Beman, an apparently recalcitrant interviewee mentioned by Senator Cooper.

Wayne Bromley, to determine whether he and Bobby Baker engaged in the preparation of campaign literature for the use of campaign funds, and whether or not the purpose of that use was proper or improper.

Margaret Broome, for the general reason that she is covered by the scope of the investigation, to look into the matter of Senate employees, and she was an employee of Baker. And I refer to what Senator Cooper has said, that notwithstanding what information may be received from a witness in the course of an investigation, it does not determine what such a witness would say when under oath and confronted by an examination in detail as to what she saw or may not

have seen. And I have not heard as to whether she was examined, as to whether or not she saw, for example, large sums of money in the possession of Mr. Baker.

Mr. Rein Vander Zee, who has left the employ of the office of the secretary to the majority within the last week, for reasons that have not been given, which may be perfectly proper, but who has now left that office, and who may well be able to testify under oath to matters which were not covered in the investigation, or may not have been known at that time.

Mr. Jessop McDonnell, the man who says, "You are looking at the man who is solely responsible for the Baker investigation," a man who has given interviews to the press, who has said that he has testimony to offer, who has said he is willing to testify, and was certainly a Senate employee with Mr. Baker.

Mr. Max Kampelman, who appeared as the sponsor of Mr. Baker in the \$125,000 loan, and who may have further testimony regarding his activities with Mr. Baker. They were reported to be close friends.

Mr. Warren Neil, a business associate of Mr. Baker's in the Puerto Rico matter.

Mr. George Sampson, for the reasons I have heretofore given, plus the alleged statement of his wife that pressure from White House aids was brought to bear upon him.

Among those named by Mr. Van Kirk, Mrs. Dorothy Baker.

And then I would ask for certain records of evidence which minority counsel, I believe, was asked to advise Senator Curtis—that there were certain subjects where records or evidence by majority counsel were planned to be put into the record before closing the investigation, as follows: One, letters between the pages and Senator Mansfield regarding Mr. Baker's activities. Two, hotel registrations—if these have not been—will these be inserted?

Mr. McLendon. Those letters are already in evidence, except for the one boy who was not here.

Senator Scott. Will the hotel registrations from the Caribbean showing Baker was there with Cooper, Levinson, and Stockdale be shown, and the fact that Mr. Baker received a diplomatic rate?

Mr. McLendon. No, sir; I don't think that is pertinent.

Senator Scott. It is on the question of influence, Counsel. You may have a different concept. Three, total amounts of commissions given Baker and Tucker by Normal Stead, vice president of Hamco. Four, records from the IRS examination of Serv-U in California. Five, Fred Black's check to Baker for the purchase of District of Columbia National Bank stock, and Black's letter to North American introducing Hancock. Six, if they are not already in—I think they may be—the final bank figures. Seven, a life insurance policy of Baker's.

Further along those lines, I think there should be evidence in the files as to Mr. Baker's telephone calls, with particular reference to the point at which he ceased putting all of his calls on the record of official business, and thereby had them paid for by the Government, and the point at which he began to indicate which were his personal calls.

I call attention to the fact that this resolution ignores the fact that the committee in open session agreed without opposition that I might recall Mr. Valeo for further questions. I would say I join in the requests to call all the witnesses in the letter from Senators Curtis and

Cooper and myself. I request the calling of Mr. Walter Jenkins on the ground that he receive the same treatment from the committee as all other witnesses who were required to appear and testify. That efforts be made to secure Dr. Oterio Roque, and obtain his testimony, from Puerto Rico. That Richard Popich be called, a business partner of Mr. Baker's in New Orleans. That the committee investigate the matter of Joseph Fabianich who ran an inn known as the Red Lion Inn, and who is reported to be prepared to testify that Mr. Baker beat up a young girl, to his knowledge, and who, until this investigation began to get underway, was in the District of Columbia jail, serving 9 years on a white slave conviction. He was then questioned about Don Reynolds and was suddenly transferred to Leavenworth, where I believe he now is.

I suggest that we request the West German Ambassador for his views as to whether Ellen Rometsch may be recalled to this country, since there is reason to believe that she can testify to Baker's financial activities, and to alleged financial irregularities. I suggest, also, that Mr. Charles Baker, Baker's brother, who works for North American in Los Angeles, may have evidence of interest.

I suggest the payroll records of all employees of the office of the secretary to the majority be made available to determine what people were put on the payroll by Mr. Baker; whether or not any relatives of his were on the payroll; whether or not he had any financial transactions with any of the persons on the payroll while he was the secretary. This is easily available to the committee.

I also suggest calling Mr. Warren P. Lasher, president of the bank which gave Baker a one hundred thousand dollar, 15-day loan. Mr. Arthur Haas, the Murchison representative for Hampco. Mr. Jake Jernigan, the strawman in one of the real estate transactions. Mr. Clifford Jones, who with Baker, Levinson, and Kozloff met with International Hotels, allegedly to arrange gambling concessions.

Has Mr. William McLeod been called?

Mr. McLendon. Yes.

Senator SCOTT. A representative from the Senate restaurant to determine whether Mr. Baker arranged for non-Senators and non-Senate employees to receive charge accounts at the restaurant.

Senator CLARK. Will the Senator yield at that point?

Senator SCOTT. I am almost through.

Senator CLARK. Just this particular one.

Senator SCOTT. Yes, sir.

The CHAIRMAN. Who was that last?

Senator SCOTT. The manager of the Senate restaurant, for the records as to whether Mr. Baker arranged for persons not employees of the Senate and not Senators to have charge accounts at the restaurant.

Senator CLARK. It occurs to me the Senator and I, and Senator Byrd are members of the Subcommittee on Restaurants, and I should think we could go into that.

Senator SCOTT. I would be glad to amend my suggestion to that effect. Dr. James C. Walsh, a director of Serv-U, who is believed to have information of value. Mr. Juan Laboy. Mr. Laboy was secretary to Dr. Juan Bosch, and in the notes of the investigation, Dr. Bosch identifies Laboy as a close friend of Mr. Baker, and one other witness, and identifies Mr. Laboy as having been in conversation with

Mr. Baker at the time the interest of Mr. Baker was commented upon in testimony in regard to gambling concessions in the Caribbean.

And I again renew my request that under rule 19 any member of the committee might request that a witness be called to testify before the committee in executive session—

such requests shall be honored by the chairman unless he finds that the evidence in question or interview of a possible witness or the testimony of the witness is irrelevant to the investigation, in which case the question shall be determined by a majority vote of the committee.

I request that I be given an opportunity to offer amendments to the motion at a meeting which I can attend, and I can attend any meetings from Monday morning on, as I have certain amendments to offer. And I want to pursue by further comment our reliance upon rule 19. I understand now the Senate is in session.

(At this point, Senator Curtis entered the hearing room.)

Senator CLARK. Will the Senator yield for a question?

Senator SCOTT. I yield on that point. But I want to make a point of order. Do we have permission to sit by request of majority rule?

Mr. HARRISON. We don't know at this point.

Senator CLARK. I would like the record to show that I talked to Senator Humphrey about 15 minutes ago, and asked him to request permission for the committee to sit today while the Senate was in session, and he told me he would do it promptly; he had no reason to think there would be any objection.

Senator SCOTT. I would request we learn now whether or not there is a morning hour today, and whether or not request has been made that we may continue.

Senator CLARK. Let's go ahead until we get that word.

Senator CANNON. Are you finished?

Senator SCOTT. No; I am not finished. I, at this point, offer an amendment that all the persons I have named who are or were employees in the office of the secretary to the majority during the time Mr. Baker held that office be called in executive session to testify, and I offer that as an amendment to the motion of the distinguished Senator from Arizona. And I will have other amendments to offer.

The CHAIRMAN. Is there a second to that motion?

Senator COOPER. Would you yield just a minute there?

Senator SCOTT. Yes.

Senator COOPER. I would like to have an opportunity to offer this substitute for the resolution offered by our distinguished colleague. This would be the substitute that I would offer: That, according to rule 19, the evidence which could be adduced by the examination of the witnesses listed by Senator Curtis, Senator Cooper, and Senator Scott, in their letter to the chairman—their most recent letter to the chairman of the committee—and, in addition, such evidence as might be adduced by an examination of the witnesses named by Senator Scott, and in addition such evidence as might be adduced by calling Senator Williams—be considered by the committee, witness by witness, and the evidence which members of the minority and other members of the committee could present to the committee as reasons why they think they should be called be considered so that the committee, as provided under rule 19, could make a determination whether the witnesses could be brought in.

Senator PELL. May I comment on Senator Cooper's motion? It would seem to me that within the report of the—submitted by the general counsel, where he says "subject to the authority of the committee to control its future proceedings," the points raised by Senator Cooper are already covered. Would that not be correct?

Mr. McLENDON. Undoubtedly it is correct, and if I have not advised the chairman, I advise him now he should hold under rule 19 none of this proposed evidence is material.

Senator PELL. Senator Cooper, I have just asked general counsel if, under his report, the points you have raised are not already covered.

Senator COOPER. I don't think so, because, as I stated, I have said in my statement before, and also in my substitute—which I must say with deference to my colleague would be a better procedure—so that the committee could consider, on such facts as members of the committee could present in reference to these witnesses, whether or not they should actually be called.

Senator CLARK. Mr. Chairman, a parliamentary inquiry. I believe Senator Scott's amendment is the pending business.

The CHAIRMAN. Didn't you offer a substitute to the substitute?

Senator CLARK. You want to supersede Hugh's motion?

Senator COOPER. Yes; I do, because I think it is the proper procedure under the rules of the committee.

The CHAIRMAN. You have a substitute to the substitute amendment; is that correct?

Senator COOPER. It never has been formally offered.

Senator SCOTT. Mr. Chairman, let me state the position which I took. I read the names of a number of witnesses who I suggested might well be called. Certainly we should have, as I said earlier, the benefit of the report of our investigators. I read a long list. I said that I thought they might be called.

Then I said—I think I said—at least I now want to clarify it—that I wanted to move for the calling of all witnesses who were Senate employees during Mr. Baker's tenure in his office. I would accept Senator Cooper's substitute if he will permit me to say that there should be added to that the names of witnesses contained in our letter to the committee, and the names which Senator Cooper has suggested be called this morning—namely, Deane Beman, a page named Gray, Senator Williams, Mr. Hauft, and Mr. Reynolds. If the Senator would accept that amendment—

The CHAIRMAN. The Republicans objected to the Rules Committee meeting. So our meeting will have to recess, I suppose, for the time being.

Senator CANNON. We already have permission to sit during the morning hour. Find out if the morning hour is still going on. That permission has previously been granted.

Senator PELL. Why would the Republicans object?

Senator SCOTT. I have tried to confine my comments to minority and majority. If Senator Pell wants to say this is a Republican objection, that is all right. But then we have to say every statement made by the Democrats indicating reluctance to proceed in certain areas of this investigation are made by the Democrats. But, in the interests of comity, I have been saying minority and majority.

Senator PELL. This is exactly what you have been saying in the outside world, that I read with interest each morning.

Senator SCOTT. In the outside world I have much to say, and I can assure the Senator I will have much more to say.

Mr. HARRISON. Mr. Chairman, there is a morning hour now, and under the new rule, the committee can sit during the morning hour.

Senator COOPER. Mr. Chairman, I offer my amendment as a substitute.

Senator CLARK. Let's vote, Mr. Chairman.

Senator CANNON. Is there a second to it?

Senator CURTIS. I will second it.

Senator CANNON. Mr. Chairman?

The CHAIRMAN. Yes.

Senator CANNON. May I direct a question to counsel? He has heard the names of witnesses here now without any explanation as to what they might testify to, other than a purported fishing expedition. And I would like to ask counsel whether or not there are any names, new names, furnished here now which lead him to believe, based on the record that we have, and the investigations made so far, that would present any additional evidence relevant to this investigation.

Senator SCOTT. Would the Senator yield before the major answers the question, because I want to make a point. I don't see how counsel could say that without access to the voluminous files of investigations as to which I have made not a fishing expedition but reference to at least one or more items to which I believe these witnesses could testify, which I believe to be relevant. Now, if counsel can say off-hand everything that Senator Scott says is irrelevant, that is his privilege. But it certainly doesn't bind the committee and it certainly doesn't bind Senator Scott.

Senator CANNON. May I ask Senator Scott at this point, then: Do you have information which you have not submitted to the files as a matter of—pursuant to rule 20?

Senator SCOTT. I have complied with the provisions of rules 19 and 20. I have received comments, reports, suggestions. But I have advised the committee under rules 19 and 20 of the information acquired that I do divulge, and I am also pointing out if the committee acts on this motion, original motion, it is violating its own rule 19; that it is overriding the rights of the minority members as given by the full committee, in which the majority join; that it is paying no attention whatever to our attempt to proceed under the rule; and that this is a highly irregular and possibly illegal procedure.

Senator CANNON. May I point out to Senator Scott, inasmuch as I have the floor, that rule 19 says—

or interview of a possible witness or the testimony of the witness is irrelevant to the investigation, in which case the question shall be determined by a majority vote of the committee.

My question is directed toward counsel to get his view on this. If the counsel advises the chairman, I would expect the chairman to rule either that the presentation here made is a presentation of purported material that is or is not relevant to the inquiry. If it is not relevant, we are to determine it by a majority vote, as specified in rule 19.

Senator SCOTT. And I raise the parliamentary question here that the rule 19 says that a witness—may request that a witness be called to testify. And if there is to be a ruling, I am going to read the name of

a witness and ask the chairman to rule whether or not I have a right to have this witness appear in accordance with rule 19. The chairman can rule on it.

Senator CLARK. Mr. Chairman, before the chairman is asked to rule I would like to be heard.

Senator CANNON. Mr. Chairman, I still have the floor. And I would like to request counsel, then—we had a long list of witnesses with a motion by Senator Scott, and a substitute motion by Senator Cooper, to hear these people.

Senator COOPER. No—will the Senator yield on that?

Senator CANNON. Yes.

Senator COOPER. My motion is not to hear these witnesses immediately. My motion in substitute was that we consider witness by witness those names of witnesses that have been suggested, and present to the committee such evidence as we think might be adduced from calling them. And then the committee can determine, either by agreement or by vote, whether or not they should be called. That is, I think, the substance of what I said.

Senator SCOTT. With this amendment—reserve our rights under rule 19.

Senator COOPER. Oh, yes.

Senator CANNON. Counsel has already discussed 16 of these witnesses this morning. We have had the discussion of 16 of your list. And I would like, then, to ask counsel to direct his answer to my question.

Senator COOPER. Will the Senator yield a moment? You do understand the distinction between the resolution which I offered and the resolution which would require to ask for immediate calling?

Senator CANNON. I understand the distinction now. But your resolution or your proposal still has included in it a discussion on the 16 people who have already been discussed for over 2 hours this morning.

Senator SCOTT. If the Senator would yield right there, the resolution also includes the right, after discussing these witnesses further—the right of any member to ask that such a witness be called, under the reservation of our rights under rule 19. I would not want it to be interpreted that I have joined in a resolution which waives our right to call witnesses. We have proposed the preliminary step that they be further discussed as to their relevancy.

Senator COOPER. I stand on my resolution—that my resolution—and I repeat it—as a substitute for the motion offered by our distinguished colleague, Senator Hayden—I proposed this as a substitute.

According to rule 19, the committee consider the names of the witnesses one by one that were included in the letter sent to the chairman by Senator Curtis, Senator Cooper, Senator Scott, and other witnesses which have been suggested by Senator Scott. And I added the name of Senator Williams.

That the committee hear from members of the committee evidence which they believe these witnesses could be adduced by their testimony. And then that the committee determine, witness by witness, whether or not they should be called to testify, either in executive session or publicly by the committee.

Senator SCOTT. And reserving our rights under rule 19? Is that included?

Senator COOPER. My resolution—

Senator SCOTT. I think you said at the beginning of it in accordance with rule 19. I would go along with that. I just want to be sure we reserve our rights under that.

Senator COOPER. Yes. That simply means you request. It doesn't mean the committee will call them.

Senator CANNON. Mr. Chairman, I have requested counsel to advise the chairman, pursuant to rule 19, on this list of names.

Senator SCOTT. I now ask that counsel advise us—

Senator CANNON. I have not yielded the floor. And I refuse to yield until counsel gives his advice pursuant to my request under rule 19.

Mr. McLENDON. Rule 19 very clearly states that all such requests referred to should be honored unless, in the opinion of the chairman, the testimony of such witness is irrelevant to the investigation, in which case the question shall be determined by a majority vote. And I advise the chairman that the evidence of all these people appears irrelevant on two grounds: First, it would be purely cumulative and repetitive, and would not change the probative value of the evidence which, as it stands, is adequate for the committee to base its legislative conclusion; that is, what laws and regulations are needed. Most of these people are known to me and to the staff. Many of them have already been interviewed. And what the suggestion here amounts to is that the committee convert itself into a debating society as to each witness and, after debating each witness, have a committee vote on whether he be called or not, which is a complete reversal of the standard procedure in these kinds of investigations.

Senator CURTIS. Mr. Chairman, may I ask counsel a question? Is it your contention that relevancy is the same as cumulative?

Mr. McLENDON. Not necessarily.

Senator CURTIS. What is the definition, in law, of "relevancy"?

Mr. McLENDON. In these kinds of hearings, the court has held—

Senator CURTIS. In law.

Mr. McLENDON. I am talking about in these kind of hearings, before Senate and House committees—the decisions of the court indicate that "relevancy" means evidence which is helpful and even necessary to enable the committee to perform its legislative function.

Senator CURTIS. And it must be related to.

Mr. McLENDON. Yes. It must not be just out of idle curiosity. But if the committee needs it in order to enable it to perform its legislative function, then it is material, and it would be pertinent.

Senator CURTIS. Now, I had something to do with writing that rule. A concession was made on relevancy, but we insisted on the right of any member of the committee to ask for a witness. There was objection to it. I know of no other committee where that is not allowed. Yesterday in the Finance Committee I made the request for the Secretary of State, the chief negotiator of trade agreements, the head of the Tariff Commission, to appear as a witness, and they were ordered just like that. In the McClellan committee, when any member asks that a witness be called, he is called.

I asked for such a rule here. There was an objection to it. So we conceded that if we came in and asked to go into something irrelevant, not related to business transactions and improprieties, of Senate employees, and Senate past employees, that we could not claim that right.

In other words, we could not take over and investigate a House Member on any improprieties; we could not start investigating contractors per se.

But in the ordinary and accepted meaning of relevancy, every one of those witnesses is relevant. It pertains to the Baker investigation. Now, before testimony is adduced, how can you say that it won't be helpful in legislation?

Here we have Baker. A series of actions have happened, which reflected on a great many people, a great many names have been involved. He takes the fifth amendment. His principal business partners take the fifth amendment. There has been some conflict of testimony. And we have asked that the people that worked with Baker—with him and under his jurisdiction, during the period involved—be called as witnesses. I am astounded to hear it suggested that that is irrelevant.

We have asked that individuals who were engaged in business with him, or were officers in one or more of his business enterprises, also be called, because a number of them have taken the fifth amendment. We cannot get all the facts until that happens.

I do not concede that rule 19 rests with the committee by majority vote to decide when they have had enough witnesses. After all, that is what cumulative means. To contend that a witness' testimony is cumulative and therefore is irrelevant, I have never heard of it. Cumulative means you have heard that part before. Well, we have not. These people have taken the fifth amendment. So while I will support Senator Cooper's motion as a matter of compromise, and willingness—

Senator COOPER. Will the Senator yield there? I don't look upon it as a matter of compromise. I look upon it as a method which is determined by rule 19.

Senator CURTIS. Yes. Well, may I say that I shall support—at the same time holding to my own feeling about the interpretation of rule 19, that a member has a right to call a witness unless what he is going to say is just not connected.

Mr. McLENDON. May I make just one simple statement on the record. I have respect for Senator Curtis' view, of course. But I call your attention to the fact that the law is well settled that when any investigative committee of Congress reaches a point that its legislative function has been served, it cannot engage in further investigations and hearings just for the purpose of exposure. That is a decision of the court, and you can recognize the justice in it and the reason for it.

In my opinion, most of this evidence referred to, if testified as these gentlemen said, would be irrelevant in the first sense, that it would not have any bearing upon the real function and purpose declared in the Senate Resolution 212, and it would be irrelevant in the second sense, that the committee has no authority to extend investigation just for the purpose of exposure.

Senator SCOTT. Mr. Chairman, I understand we are finding out whether we are covered under the quorum or not. If we are not covered, I want to make a motion to recess.

Senator CURTIS. Is the morning hour over?

The CHAIRMAN. That is what we are trying to find out.

Senator SCOTT. Meanwhile, Mr. Chairman, may I be heard on the motion? It is absolutely beyond my comprehension—

The CHAIRMAN. That was the end of the morning hour. It is a live quorum. I am going to direct—this is Friday—that the committee meet Monday at 10 o'clock—or 9 o'clock.

Senator PELL. I expect to be in Rhode Island Monday, but that is immaterial.

Senator CLARK. I expect to be in Pennsylvania on Monday. I am coming back for a meeting of the Banking and Currency Committee at 10 o'clock on a very important bill which we are going to vote out or vote down Monday morning.

The CHAIRMAN. Does anybody know what time we are going to start next week?

Senator CLARK. I have asked Senator Humphrey not to come in before noon on Monday. I don't know whether he will accede to my request or not. They had intended to move up to 10. But Senator Douglas has this bill he is deeply interested in. I requested yesterday that the Senate not come in before 12.

Mr. Chairman, it occurs to me to suggest that Senator Hayden, for whom everybody has the highest regard, might request the majority and the minority leaders for permission to sit on Monday in order that this matter might be disposed of. If the minority leader or any member of this committee is unwilling to let us sit while the Senate is in session, then I suggest that Senator Hayden request the majority and minority leaders not to bring the Senate in until noon.

Senator PELL. Couldn't the same request be made to meet this afternoon?

Senator CLARK. I understand the minority is unwilling.

Senator PELL. Couldn't we get permission to meet this afternoon?

The CHAIRMAN. It has been denied.

Senator CLARK. Because Senator Curtis asked to have it denied.

Senator SCOTT. It has been denied. I don't know what purpose you can serve. I have had an engagement for 4 weeks to take a 2 o'clock plane today. I can leave my proxy. But I think other members would not find it convenient to be here at an indeterminate time. I have an engagement. I am suggesting that the chairman's suggestion be followed, that we meet on Monday or Tuesday.

On any suggestion that you meet tomorrow, you are going to bring one and probably more members back from their home States. It is the only time we have a chance to get there. I think we are all entitled to a little consideration on that ground. I agree with the chairman when he says put it over to Monday—if we can work it out to Senator Clark. I agree with your suggestion that it be discussed.

The CHAIRMAN. Well, as you all know, I have tried very hard to set these meetings at a time convenient. I started this morning at 9 o'clock because Senator Curtis asked me to—he said he could not be here until after 10. What about leaving the hour for Monday morning, but say 9 or 10, until we can find out definitely—if we can start at 9, all right, and if there is going to be—if they are going to go ahead at noon, we can start at 10 o'clock.

Senator CLARK. Could I ask this question of my beloved colleagues on the other side of the table? I understand—and the Senator will correct me if I am wrong—that the objection to our continuing to sit right now was made by Senator Curtis, and I ask whether that is correct.

Senator CURTIS. That I made the objection to the floor?

Senator CLARK. No; that you sent word to the minority leader requesting him to object to this committee continuing to sit right now.

Senator CURTIS. I did.

Senator CLARK. I ask the Senator whether, were we to ask leave to sit on Monday, while the Senate was in session, whether the Senator would renew his objection and make it impossible for us to sit.

Senator CURTIS. I won't pass on that. I was opposed to being stampeded this morning into a foldup of this. I think the public would be outraged because it appeared that that might happen—

Senator CLARK. Would the Senator yield? As a matter of that same courtesy which Senator Scott urged on the majority a little while ago, I would think the Senator from Nebraska might do the majority the courtesy of advising us now, so we can make our plans, whether he will persist in his objection on Monday if the Senate comes in at 10.

Senator CURTIS. I haven't any idea.

Senator SCOTT. We meet at 10 on Monday?

Senator CLARK. Not if Senator Curtis is not going to let us.

Senator SCOTT. If the Senate is in session at 12.

Senator CLARK. If the Senate is coming in at 10—

Senator SCOTT. If you are going to go and override us, you are going to do it anyway.

Senator CLARK. Well, I have no power to—and I would not if I had—to require Senator Curtis, as a matter of courtesy, to tell us whether he will object on Monday or not. I just think, as you think, Senator Scott, that we are entitled to the courtesy of knowing this, so we can make our plans.

Senator CURTIS. Well, I don't know, but I think that you people will change your mind, if this goes over a couple of days.

Senator CLARK. Well, does that mean you are going to object on Monday?

Senator CURTIS. About folding up the hearing?

Senator CLARK. Off the record.

(Discussion off the record.)

Senator CLARK. Back on the record. The Senator well knows, I am quite sure—he will correct me if I am wrong—that Senator Dirksen has stated that he would make an exception with respect to this committee to the objection he stated he would make to the meeting of all other committees, because he felt that this committee ought to be permitted to go ahead and complete its investigation. Now, I think the record ought to show whether the Senator from Nebraska is in disagreement with the minority leader and intends to prevent us from meeting on Monday.

Senator CURTIS. I am not in disagreement with efforts to complete the investigation, but my disagreement is that you people are going to end the investigation.

The CHAIRMAN. Taking into account all the information I have about not being able to be here tomorrow or Monday, I am going to recess the committee to 9 o'clock Tuesday morning, and we can make our plans to be here Tuesday morning.

Senator COOPER. Before you do—a motion has been made. It seems to me we ought to get a reasonable chance to discuss the motion.

(Whereupon, at 12:35 p.m., the committee recessed, to reconvene at 9 a.m., Tuesday, March 17, 1964.)

