

Date: 08/20/93
Page: 1

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : HSCA
RECORD NUMBER : 180-10116-10334

RECORDS SERIES :
TRANSCRIPT OF EXECUTIVE SESSION HEARINGS

AGENCY FILE NUMBER :

DOCUMENT INFORMATION

ORIGINATOR : HSCA
FROM : BLAKEY, G. ROBERT
TO : STOKES, LOUIS

TITLE :
CHANGES IN ADOPTED RULES

DATE : 07/28/77
PAGES : 8

SUBJECTS :
HSCA, ADMINISTRATION, RULES

DOCUMENT TYPE : MEMORANDUM
CLASSIFICATION : U
RESTRICTIONS : OPEN IN FULL
CURRENT STATUS : O
DATE OF LAST REVIEW : 10/05/93

OPENING CRITERIA :

COMMENTS :

Box 7.1

WIS STOKES, OHIO, CHAIRMAN
N.C.
D.C.
WIFE BURKE, CALIF.
DODD, CONN.
TENN.
IND.
EDGAR, PA.
SAMUEL L. ...
STEWART H. ...
CHARLES THOMAS ...
HAROLD S. ...

Select Committee on Assassinations
U.S. House of Representatives
3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

(202) 225-4824

TO: Chairman Stokes and Members
FROM: G. Robert Blakey, Chief Counsel and Director
DATE: July 28, 1977
RE: Changes in adopted Rules

It is recommended that the Committee consider the following list of amendments to the Rules of the Committee:

Rule 2.1 should be modified in regard to the regular meeting date of the Committee. As currently drafted, Rule 2.1, in pertinent part, provides:

The regular meeting date of the Committee is 10:00 A.M. on every Monday, Tuesday and Thursday of each month when the House is in session.

Rationale for Amendment:

Due to the reconstitution of the Committee and its new Chairman, it is no longer necessary to provide by Rule that the Committee meet three times a week.

Suggested Amendment:

The regular meeting time and date of the Committee is 10:00 A.M. of the first Monday of each month when the House is in session.

II. Rule 2.5 provides a quorum is one-third of the Committee. It should be made clear that a quorum is also one-third of a subcommittee.

Suggested Amendment:

Insert after the word "Committee" the words "or subcommittee."

- II. The Rules do not address the issue whether ex officio members of a subcommittee count for the purposes of a quorum. On the basis of Roberts Rules, they would not. This should be made clear in the Rules.

Suggested Amendment:

Ex officio members of each subcommittee shall not be considered a member of the subcommittee for the purpose of determining whether a quorum is present.

- V. Rule 2.6 requires a verbatim transcript of all meetings as well as hearings. At times, it may be impracticable to have a verbatim transcript of each meeting. It is suggested Rule 2.6 be amended to provide as follows:

2.6 Records. It shall be the duty of the Clerk and Staff Director to keep or cause to be kept a verbatim transcript of all Committee or subcommittee hearings, and where practicable, Committee or subcommittee meetings. The Clerk and Staff Director shall keep or cause to be kept the record of votes on any matter on which a record vote is taken and of all quorum calls together with all motions, points of order, parliamentary inquiries, rulings of the Chair and appeals therefrom. The record shall show those Members present at each meeting.

- V. Rule 2.8 should be entitled "Notice of Hearings" and inserted in its entirety as new Rule 3.9. The Rule as drafted addresses hearings and not meetings, and consequently is misplaced in Rule 2.

Suggested Amendment:

Delete Rule 2.8, and insert it as Rule 3.9 with a new caption "Notice of Hearings."

- VI. Rule 3.1 should be amended to make it clear that ex officio members of each subcommittee may vote.

Suggested Amendment:

Add a new sentence at the end of Rule 3.1 to provide as follows:

Ex officio members of each committee may vote on any matter before such subcommittee.

II.

Rule 3.8 allows a witness to correct the transcription of his or her testimony within 5 days after the transcription is complete. However, there is no mechanism for a witness to know when the transcription is done.

Suggested Amendment:

Insert after the first sentence a new sentence:

"A witness shall, upon request, be notified by the Clerk when the transcription of his or her testimony is complete."

II.

Rule 5.1 requires each subpoena to be served with a copy of H. Res. 222. The Rule should be amended to provide H. Res. 433, the resolution extending the life of the Committee, be given to each subpoenaed person as well.

Suggested Amendment:

Line 2, Rule 5.1 is amended to read as follows:

Each subpoena shall be served with a copy of House Resolutions 222 and 433, 95th Congress, 1st Session, and a copy of the Rules of this Committee which are in effect at the time of issuance of the subpoena.

IX.

Rule 5.2(a) presently only refers to H. Res. 222. It should be amended to refer to H. Res. 433 as well.

Suggested Amendment:

The first clause of Rule 5.2(a) is amended to provide as follows:

For the purpose of carrying out any of its functions and duties under House Resolutions 222 and 433, the Committee or subcommittee...

Since it is frequently difficult to obtain a quorum of a subcommittee, and numerous subpoenas will be issued in the investigations, Rule 5.2(b) should be changed to allow the Chairman to authorize and issue subpoenas.

Suggested Amendment:

Rule 5.2(b) be deleted, and a new section inserted to provide as follows:

5.2(b) A subpoena may be authorized and issued by the Committee or subcommittee under subparagraph (a) (2) in the conduct of any investigation or series of investigations when

- (1) authorized by a majority of the Members voting, a majority being present, or
- (2) authorized by the Chairman of the Committee or subcommittee, provided that prior to its authorization and issuance, the Chairman have the Clerk send a notice to each member of the Committee or subcommittee of the intent of the Chairman to authorize and issue a subpoena. If 2 or more members of the Committee or subcommittee object to the issuance of the subpoena, and so notify the Clerk prior to the Chairman's authorization and issuance of the subpoena, the Chairman may not authorize or issue a subpoena pursuant to this subsection.

Authorized subpoenas shall be signed by the Chairman of the Committee or subcommittee or any Member designated by the Committee or subcommittee.

I.

Rule 5.4 presently provides a witness may not be subpoenaed without at least 24 hour notice. However, Rule 3.7 requires a witness who desires the Committee to find counsel for him or her to notify the Committee at least 48 hours in advance. It is suggested that Rule 5.4 be amended to provide that a subpoena may not require an appearance without at least 48 hours notice, unless the witness waives such notice.

Suggested Amendment :

In Rule 5.4, delete the words "24 hours" and insert "48 hours".

XII. Rules 5.3, 6.4 and 11.4 contain provisions which restrict the staff from disclosing information concerning the Committee's operation and investigation. Congressman Edwards has written the Committee to suggest the rules be clarified to make certain that these same restrictions apply to the designated personal staff member of each Committee Member. The Committee has previously discussed Congressman Edwards' suggestion and agreed with the necessity for clarifying the rules.

Suggested Amendment:

(a) In Rule 5.3, insert after the phrase "Member of the committee" the following:

" , designated personal staff member of each committee member"

(b) In Rule 6.4, insert after the word committee where it first appears, the following:

" , and designated personal staff member of each committee member"

(c) In Rule 11.4, insert after the phrase "or made public by the staff" the following:

"or designated personal staff member of each committee member"

XIII. The second sentence of Rule 10.4 should be deleted to reflect the Security Operating Procedures.

Suggested Amendment:

Delete the second sentence of Rule 10.4. Insert the sentence:

"Restricted (including classified and confidential) information may not be reproduced without the written authorization of the Chairman and Chief Counsel to the Security Director."

XIV. The following is a suggested amendment to Rule 10 to establish procedures for classifying internally generated documents of the Committee.

Suggested Amendment:

Section 10.8 to Rule 10 shall provide as follows:

10.8 The Chief Counsel and Deputy Chief Counsels shall have authority to designate materials and documents as sensitive. The contents of all such materials and documents, in addition to any materials or documents already classified or marked confidential by any agency or department of the United States Government, shall not be released or divulged in any way, form, shape or manner without the approval of the Select Committee or one of its subcommittees.

v. Rule 11.2 should be changed to reflect the Security Operating Procedures.

Suggested Amendment:

Delete Rule 11.2, and insert new Rule 11.2 to provide as follows:

Restricted (including classified and confidential) and other material the Committee deems sensitive shall be segregated in a secure storage area. Restricted (including classified and confidential) material may only be examined in the Committee's security office or a secure reading room designated for such purpose. Sensitive material may be examined anywhere within the Committee's offices. Copying or duplicating of restricted (including classified and confidential) documents is prohibited except upon authorization of the Chairman and Chief Counsel. Copying and duplicating of sensitive documents is prohibited except upon authorization of the Chief Counsel or a Deputy Chief Counsel authorized to grant access to such materials.

XVI. Rule 11.3 should be changed to reflect the Security Operating Procedures.

Suggested Amendment:

Delete Rule 11.3, and insert new Section 11.3, which shall provide as follows:

Access to restricted (including classified and confidential) information supplied to the Committee shall be limited by the Committee and Chief Counsel to those Committee staff members with appropriate security clearances and a need-to-know.

VII. The rules do not contain any procedures governing access by Congressmen who are not Members of the Committee to information in the Committee's possession. Pursuant to the House Rules, all Members may have access to such information. The following rule is modeled upon one approved on January 27, 1977, by the House Armed Services Committee.

Suggested Amendment:

The Committee adopt Rule 13, which shall provide:

Rule 13. Access by Members of the House of Representatives to Restricted (including classified and confidential) or Sensitive Information.

13.1 Members of the House of Representatives who desire access to restricted (including classified and confidential) or sensitive information will be escorted to a reading room within the Committee's offices after requesting access to such information from the Chief Counsel and Director.

13.2 Before receiving access to such information, Members will be required to identify the material, document or information they desire to read, identify themselves to the staff member assigned, and sign the Access Information sheet.

13.3 The Access Information sheet to be signed by Members will state the Member has read all the Committee's rules and in particular Rule 13, and agrees to honor them.

13.4 Restricted (including classified and confidential) or sensitive information shall be treated as such by all Members who receive access.

13.5 Restricted (including classified and confidential) or sensitive information will be available only during regular Committee hours. Only Members of the House of Representatives may have access to such information.

13.6 Information to which the Member receives access may not be removed from the reading room, and a staff member will be present at all times.

13.7 An access log will be kept identifying the material, staff member assigned, and the time of arrival and departure of all Members having access.

13.8 The staff member assigned will insure that the material examined by the Member is returned to the proper custodian for safekeeping.

13.9 No notes, reproductions or recordings may be made of any restricted (including classified and confidential) or sensitive information.

13.10 Restricted (including classified and confidential) or sensitive information will not be divulged by Members who receive access in any way, form, shape or manner.