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OLC # 78-3012

18 August 1978

## MEMORANDUM FOR THE RECORD

SUBJECT: Discussion on Matters Affected by HSCA Subpeona

1. This memorandum includes more than the above subject as there was a preliminary conversation with Ken Klein who initiated a request for an Agency position on Nosenko. I spoke with him briefly when I went down to the Headquarters entrance today to pick up Mr. Cornwell. I told Klein that we would not have someone available on 21 August to provide the testimony requested, but that a person is preparing for it. I said that we thought it inappropriate to address a staff member in giving an Agency position, and that in this case it would place in their record (thereby becoming HSCA property) sensitive matters that we have taken great pains to hold within the Agency. I said that written answers to the questions are being prepared, in addition to the statement. He asked if I would tell him who would make the statement; I replied that it was intended that John Hart do so, as he had studied the problem already and was not an actor in the earlier phases of the matter. I told Klein that I had tried to contact him by telephone to give him this message, but that in any event a letter from the DDCI to Chairman Stokes was to have been delivered to the Committee this morning.

2. Cornwell and I met for slightly over a half hour today. I told him that I was embarrassed for Chairman Stokes over his subpoena. I said that the Harvey OPF had been reviewed in the morning of the day before the subpoena was voted. I said that the document being requested from the AMMUG file had not been found, which was known to his investigators, and that a subpoena could not produce it. I said that the other two matters were of very doubtful relevance to the charter of the Committee--the deception operation that I had described to him earlier could not in good faith be requested by the Committee, and the Mexico City history covered [redacted] years of activity with the most limited reference to the Oswald matter. I expressed the opinion that if they pressed for the subpoena that they would essentially be creating a constitutional confrontation at what is probably the most inopportune time so far as the investigation is concerned. I was not at all sure that the

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Agency's response, if it had to become public, would not be embarrassing to the Committee. I said that I assumed that the issues on the Harvey file and the AMMUG file had been resolved already. Cornwell expressed ignorance on the AMMUG file and said that they had wanted to include the year 1959 in the Harvey file (we have provided 1960 through the period of his service as COS )

3. The balance of our conversation had to do with how we would handle the Proenza 201 file for the period in question and the Mexico City history. I had explained to Cornwell the difference between the 201 file and the operational file, without comment from him.

4. Cornwell stated that he knew from our earlier conversations that we wanted to limit access to these two matters. He was under instructions from Blakey to say that they could not accept such a limitation at this time; both Blakey and Cornwell are so busy that they cannot take this on themselves. I pointed out the dilemma between the situation created by their own time restraints and our security considerations. I told him that the investigators he wanted to look at this (Hardway and Lopez) labored under a burden of credibility in the Agency and that these young men are so callow that we did not want to trust them with the kind of information that they had been seeking. He said that if I knew something about them that he ought to be made aware of I should tell him. I replied that it was primarily their attitude and conduct and I did not feel it constructive to discuss it further.

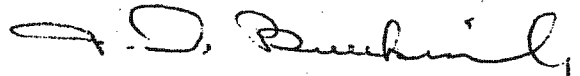
5. I pointed out that Messrs. Sturbitts and Hawkins were ready to review the Mexico City history with him. In fact, he did go through it very briefly with them, noting that there were deleted sections with hand written explanations of the subject matter. Cornwell asked me to get authority for Hardway and Lopez to review these two matters. I first asked that Mr. Leap, who had worked the Mexico City problem be used, emphasizing that he was a mature person. I then asked if it would be acceptable to limit the review to one of the two. When he asked me which one it would be, I replied that it should be Lopez as much of the Proenza file is in Spanish which Lopez handles well.

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6. We left it that I would submit the Committee's request for Hardway and Lopez to review the matters, and that in any event Cornwell who is leaving for Dallas today would be back in town Tuesday to review the matter further. He wants Hardway and Lopez to see the file today and Monday; I said that I doubted that I could get a decision before later in the day. Cornwell's Dallas address will be the Holiday Inn on Regal Road if I have to call him.

  
S.D. Breckinridge

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