

OLC #78 0446

NOTE FOR: Pat Carpentier, OLC/C&R

FROM: Gary M. Breneman, OGC

Mr. Ashbaugh's memorandum of 3 March 1978 has been revised per your suggestion. While it is not the intention of OGC to interfere in your relationship with the Committee's investigation, this Office has an interest in seeing that the cover of Agency employees is protected while at the same time advising the employee concerning the perils of perjury. This interest, of course, becomes a duty when the employee, as in this case, comes to OGC for guidance on these matters. It would seem particularly important to have OGC input in this matter given the sensitive nature of the Committee's investigation vis-a-vis the Agency in an attempt to avoid even the appearance of providing misleading information.


Gary M. Breneman

24 March 78

MEMORANDUM FOR THE RECORD

OGC #78-0446

FROM: Bill Ashbaugh
Office of General Counsel

SUBJECT: ⁰³ Merrill McCollough -- Contact with House Select
Committee on Assassinations

1. Subject, an Office of Security employee under Department of Defense cover, was contacted by a staff member of the House Select Committee on Assassinations on 27 February 1978. Mr. Jeremiah Aker arranged a meeting with the subject to take place on 2 March 1978 in order to discuss subject's knowledge of the Dr. King assassination. Subject came to work for the Agency in 1974 but worked for the Memphis Police Department at the time of the assassination. Subject has previously been questioned about his knowledge of the Dr. King assassination by the Department of Justice.

2. Subject came to the Office of General Counsel for guidance concerning protection of his cover while dealing with the Committee. It was the initial opinion of the undersigned that a member of this Office should accompany the subject to the 2 March meeting in order to advise those present of subject's true employer and ask that such cover be protected since current employment was not material to their investigation.

3. The undersigned notified Pat Carpentier of the Office of Legislative Counsel of subject's meeting of 2 March 1978. Mr. Carpentier is acting as the Agency liaison with the House Select Committee on Assassinations. Coincidentally, present at the time in Mr. Carpentier's office was Gary Cornwell who is the Associate Counsel for the House Select Committee on Assassinations. After explaining the situation to both men, it was their opinion that the undersigned should not accompany the subject and that subject should stick with his Department of Defense cover during the questioning. Mr. Cornwell is aware of subject's true employer and feels that his knowledge is sufficient notice to the Committee at this stage of the inquiry. The undersigned passed this advice along to the subject.

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4. Subject subsequently advised the undersigned that he was questioned on 2 March by four attorneys and one investigator from the Committee staff. He was not placed under oath, but was asked about his employment to which he responded using his Department of Defense cover. Subject will notify the undersigned if he is contacted by the Committee in the future.

Bill Ashbaugh
Bill Ashbaugh

cc: OLC ✓

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