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OLC 78-1863
18 May 1978

MFR

MEMORANDUM FOR THE RECORD

SUBJECT: Guidance to Present or Former Employees Concerning
House Select Committee on Assassinations Testimony

1. In the process of getting informed on the House Select Committee on Assassinations investigation, I learned that OGC is advising all employees that they should answer fully all questions asked them. This guidance is based essentially on the 27 January letter to the DCI from Chairman Louis D. Stokes (D., Ohio) and the DCI's reply of 6 February. The 23 March letter from the DDCI, however, contains the following statement:

"I understand that Committee staff members will be instructed to be circumspect in the conduct of their interviews and during hearings to avoid the risk of inadvertent disclosures and to provide the affected person with the opportunity to receive guidance from me or my designees on the applicability of this authorization to particular questions which are asked."

2. I talked to Haviland Smith, Special Assistant to the DDCI, about this. He expressed the opinion that the statement in the letter of the DDCI accurately reflects his view about testimony. If witnesses have reservations about revealing specific sources and methods, they should feel free to decline answering until they have received guidance from either the DDCI or someone designated by him. I spoke with Mr. Rininger, of OGC, who agreed that these instructions would be included in future discussions with witnesses. He raised a question as to whether this represents a change in procedures, and whether the Agency should take some formal action in connection with it. I expressed the opinion that it is consistent with existing written procedures, noting that I was familiar with at least one witness having seized on the above statement from the DDCI letter as a basis for declining to reveal the name of an agent.

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Distribution:

1 - Mr. Smith, SA/DDCI
1 - Mr. Rininger, OGC
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