

Mr. HAYES. I cannot do that, sir.

Mr. PATMAN. Do you have custody of those records?

Mr. HAYES. At this time I do not, Mr. Chairman.

Mr. PATMAN. You do not. You are the head trustee, aren't you? You are the one in charge.

Mr. HAYES. I am one of the trustees.

Mr. PATMAN. Who has custody of them? Obviously, the trustees have custody.

Mr. HAYES. The executive secretary has custody of these records.

Mr. PATMAN. Who is the executive secretary?

Mr. HAYES. Mrs. Bertha Fields.

Mr. PATMAN. Mrs. Bertha Fields.

Mr. HAYES. Right.

Mr. PATMAN. Is she at Barrington, Ill.?

Mr. HAYES. She is.

Mr. PATMAN. Could she get down here tomorrow?

Mr. HAYES. I would have to check that, sir, to find out.

Mr. PATMAN. You realize of course that you are responsible for your actions in refusing to comply with the subpoena duces tecum, and further that your refusal to answer pertinent questions may subject you to criminal prosecution. You realize that.

Mr. HAYES. No; I do not realize that. Where is the criminal prosecution?

Mr. PATMAN. Well, contempt proceedings of course, if instituted by this committee and voted by the House, that will be in the direction of bringing you before a court of justice of which the end result would be either conviction or acquittal of the charges.

Mr. HAYES. Under what section, Mr. Chairman, of criminal law would I be—

Mr. PATMAN. Well, I am not dealing with that, with the details in it, but I can assure you that you would be subject to being put in jeopardy for your failure and refusal.

We have requested by letters dated October 3, 1967, October 25, 1967, that you furnish us certain documents and information relating to the history and operations of ABC, the R. D. Hayes Family Foundation and the Sales Analysis Institute Foundation. You refused to furnish such information on October 30 and October 31.

I am now ordering you again to hand me the information and documents described in attachment A which accompanied our request of October 3 and October 25.

Mr. HAYES. We have that information with regard to Sales Analysis Institute Foundation, and also the R. D. Hayes Family Foundation.

Mr. PATMAN. That is two of them. Now what about the ABC?

Mr. HAYES. I cannot as trustee provide that information.

Mr. PATMAN. For two of them you have it there now. Let us have it please. Let the clerk have it. That is all of it for the two but not for the third. That is all of it for the Hayes Foundation and Sales Analysis, is that correct?

Mr. HAYES. For Sales Analysis.

Mr. PATMAN. What about the Hayes Foundation? Is that all for the Hayes Foundation and the Sales Analysis.

Mr. HAYES. Correct.

Mr. PATMAN. And that is in compliance with our request.

Mr. HAYES. Yes, sir.