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HOUSE OF REPRESENTATIVES

HEARINGS
BEFORE THE COMMITTEE
ON
SELECT COMMITTEE ON ASSASSINATIONS

EXECUTIVE SESSION

BUSINESS MEETING

Monday, November 15, 1976
Washington, D.C.

Official Reporters to Committees
The committee proceeded into executive session at 10:35 a.m., in Room 2310, Rayburn House Office Building, the Honorable Thomas N. Downing (chairman) presiding.

Present: Representatives Downing, (presiding), Devine, Gonzalez, McKinney, Preyer, Thone, Stokes, Fauntroy, Burke, Dodd, Ford, and Anderson.

Also present: Richard A. Sprague, chief counsel and director; Kenneth Brooten, counsel; Donovan L. Gay, chief researcher; Richard Feeney, Billie Gay Larson, Rebecca Martin, committee staff; Gus Edwards, Christine Groden, Robert Groden, consultants; Gail Beagle, Bruce Gwinn, Percy Harvey, Joe McGee, Vicki Peckham, administrative assistants; Peter D. Lennon, Robert H. Maloney, Henry Spring, legal assistants; Quentin L. Burgess, staff assistant; and William Briggs, staff member.
Chairman Downing. For the purposes of the record, I would like each person in the room to identify themselves with their title.

Mr. Burgess. Quentin Burgess. I am with Mrs. Burke's office.


Ms. Beagle. Gail Beagle, Congressman Gonzalez's office.

Mrs. Martin. Rebecca Martin, with the committee staff.

Mr. Gay. Donovan L. Gay, committee staff.

Mr. Sprague. Richard A. Sprague, chief counsel.

Mr. Feeney. Richard Feeney, committee staff.

Ms. Peckham. Vicki Peckham, Mr. Thone's office.

Ms. Larson. Billie Gay Larson, committee staff.

Mr. Lennon. Peter Lennon, Mr. Dodd's staff.

Mr. McGee. Joe McGee, Mr. McKinney's staff.

Mr. Spring. Henry Spring, Mr. McKinney's office.

Ms. Groden. Christine Groden, consultant.

Mr. Groden. Robert Groden, consultant.

Mr. Briggs. William Briggs, Congressman Fauntroy's staff.

Chairman Downing. The first item on the executive session will be a presentation by Mr. Sprague.

Mr. Sprague. Mr. Chairman and members of the Select Committee:

I would like to take up what has been done up to this
point, what analysis has been made by the staff with regard
to what the needs are of staff in the direction of the
investigation. Suffice to say that in being asked to
become chief counsel and director of this investigation,
I have entered upon those duties with a number of assumptions.
The first assumption is that it is the intent of the Congress
in passing the resolution on the investigation of the two
assassinations of Dr. King and President Kennedy, to see
that the investigations are done in a thorough professional
manner, the kind of manner that can withstand, as it ought
to, any searching analysis as to what has been done on a
day-by-day basis.

With that in mind, I have also accepted the basic
assumption that since one of the reasons that these
investigations have come to pass is that

Chairman Downing. Let me interrupt, Mr. Sprague.

John Anderson has been appointed to fill in the vacancy
(formerly occupied by Congress Talcott, and he is on his way
here now, so if you will just desist for the moment, and
we will wait for Mr. Anderson.

[Short recess.]

Chairman Downing. The committee will again come to
order.

I have a letter here from Mr. John J. Rhodes, minority
leader, addressed to the Speaker: "As a result of the
resignation of the Honorable Burt L. Talcott for the Select Committee on Assassinations, I now make the appointment of the Honorable John B. Anderson."

Mr. Anderson, welcome aboard. This committee is very grateful to have your talents.

Mr. Anderson. Thank you very much, Mr. Chairman.

Mr. Harvey. Percy Harvey from Mr. Harold Ford's staff. Chairman Downing. John, Mr. Sprague is just beginning his presentation.

All right, Mr. Sprague.

Mr. Sprague. Mr. Chairman, if I may, I will just start from the beginning.

As I was stating, upon taking this position as chief counsel and director, I have taken it with a number of assumptions which I think I ought to state preliminarily. One is that the Congress of the United States, in passing the resolution for the Select Committee on Assassinations, intends that there be a thorough, hopefully definitive investigation with regard to each of the assassinations, Martin Luther King and President Kennedy.

Secondly, I have made an assumption that one of the reasons that these investigations have come into being is that questions have arisen, criticism has arisen, with regard to prior investigations, the extent to which other agencies of government, particularly the Executive branch of government, participated in those previous investigations,
and the extent to which those other agencies withheld
information, or did certain acts that perhaps indicate
destruction of documents affecting the results of the
investigation.

I am not stating, saying whether those things are
so or not. I want to say to this committee that I have
no conclusions, I have not the slightest opinion, with
regard to either death, with regard to any wrongdoing by
any agencies of government, with regard to any inaccuracies,
with regard to what has been developed in the past. I take
the function now to be to thoroughly investigate and
ascertain what is the evidence, indicating who in fact
were the participants in either of the assassinations.

Is there any additional evidence that was not known
earlier?

In addition, is there any evidence indicating that
there may have been participation in each of the assassinations
by more than one person, and whether or not any agencies
of government have impeded attempts to ascertain the answers
to those questions before?

With that again being an assumption on my part, I take
it that this Congress would not, in authorizing this
investigation, have as its investigators the agencies of
the Federal Government that perhaps might be part of the
area to be investigated. By that, to be specific, it seems
to me that what has to be for this investigation to be thorough, at least attempt to be definitive, is an independent investigative staff of the Congress, not beholden to any other agency of government. Again that is one of the assumptions that I have made in analyzing what has to be done, and making a determination to recommend to you as to what kind of staff is necessary for this investigation.

I am not stating whether or not the Congress was aware as to what really is involved in the investigation of two homicides, two deaths. It is not something that you do with three investigators and two file clerks.

Upon taking this assignment, I have instituted a number of measures, and have taken certain actions up to this point, one of which was to be in touch with agencies of the Executive Branch of government, the CIA, the Department of Justice, who spoke in behalf of that department and the FBI, to initiate requests for access to material in their possession. Suffice to say that the indications up to this point have been that of full cooperation, and I might say that in speaking to the representative from the CIA, he advised me that just at the initiation of our investigation, the CIA has some 64 cartons of documents for examination and review, which points out to some extent really the size of the task that is being undertaken here, because we are dealing there with just one branch of the Executive
In order to investigate, it seems to me that there must be a review made as to what has been done up until now. I do not see how, in looking and deciding the directions to go, there can be any intelligent approach without finding out what has been done, analyzing it, determining in what areas need to be done, if anything in addition, in order to be able to make a determination what else has to be done.

Each of you has before you a book in which we have laid out an approach in each of these two cases. The question I think was raised as to why should we proceed on both matters, the two assassinations at the same time?

With regard to that question, let me respond as follows: I think it important that we proceed simultaneously, for the reason that, as I look at it, as a homicide investigator-prosecutor, we are being called to the scene of two homicides really 13 years later and 8 years later. I do not think it is in the interests of this Congress, if it means what it said, investigating the matters thoroughly, that the Congress ought to be part of any further delay.

For example, it has come to my attention that since at least the resolution on which this committee is presently here as passed by the Congress, that authorities in Tennessee have destroyed some documents relating to the surveillance
on Dr. King. If that be so, and I have sent an investigative
team down to Memphis, it emphasizes the fact that any delay
on either one of these investigations is not really in the
interests of the Congress to do a thorough job.

There is another reason. As again an investigator
and homicide prosecutor, to me one of the essentials in a
thorough investigation is not to have a time limitation.
This is a different species of animal than the Congress
wanting to have say the unemployment statistics in Michigan
a week from Thursday and you can get it. You cannot in this
area say wrap up that matter by six months from today. Once
you put a limitation, a time barrier, that is destructive of
the investigative team, because what happens, and I speak
from experience here, the areas of inquiry, the people
who are being subject to the investigation, use then that
time limitation as a point where they know that if they get
a delay, if they get lost for a while, if they tie you up in
court for a while, they can really end up preventing the
conclusion of the investigation. I think it would be a
mistake, and again my main assumption is that what is
intended here is to do a thorough job, professional job,
definitive as can be, to start imposing some barrier of
time. If we were to proceed, for example, in the King
assassination first, there would be a great push to get that
wrapped up, so we could get on Kennedy, and vice versa. If
we were to be proceeding on Kennedy, there would nonetheless
be a push to get that wrapped up, to be proceeding on King.
I think that that kind of pressure ought not to exist,
that again in our main thesis of doing it thoroughly, we
ought to be willing to do them both.

Now what do I mean when I say "thoroughly"? I am aware
of Perry Mason on TV, and the appearance that you start
at Point A and you go to Point B and it is a nice path.
Maybe I am not that good an investigator. I have never been
able to do that.

I think a great number of questions have arisen in
each case, which I will get into in a moment, which
unfortunately make the public question the integrity of
government, the integrity of officials. Questions have been
raised on each of these cases going into the thoroughness
of the investigation. For my part, as your chief counsel
and director, I feel that it is necessary in the investigation
to be willing to be patient and thorough. I never can tell
whether a street, an avenue of an investigation is a dead
end, whether it is in fact not relevant until I go down
that street.

What I think is required when we talk about a thorough
investigation is a willingness to take up the areas of
tangential materiality, to be willing to go down those
roads, make a determination when we get down there, yes,
what we found out in no way aids, in no way is really ultimately relevant to what we are seeking, but if we are unwilling to be that thorough, then again I say there is no reason to be engaging in this investigation.

To do it in a manner where we do not seek and intend to be that definitive and thorough from my own feeling means really don't do it in the first place. I am aware that there are people in the Congress who perhaps felt that, no, these investigations ought not to be pursued, for various reasons, but my point is the Congress has decided to do it, and I think that there is literally a vested interest in each member of Congress, whether he was for it or not in the first instance, that if it is to be done, it must be done thoroughly. To do it in a manner that is going to raise as many questions as have been raised up to now is self-defeating, and I would urge the members of this committee not to participate, just for your own sake and for the sake of the Congress, in an investigation that is just going through an appearance for the sake of appearance, without the desire to do it thoroughly.

What do I mean when I say "thoroughly"? Let me bring to your attention a number of matters. In the brief period of time that I have been working on this matter, not only going through concepts of what kind of an organization is needed to do a thorough investigation, reviewing applications,
and not getting them all reviewed yet, trying to interview people, trying to take up questions with regard to the commitment of the Congress in getting space, I have sought to get some investigative effort underway. I did not see why, just because I happened to be sitting doing some housekeeping chores something could not be done in the meantime.

Let me present to this committee some things, and I want to emphasize this is just the first blush of an investigation that we have ascertained. I will utilize at this point the Dr. King assassination, not that I think of one have priority over another. Both have to be pursued, but let me bring to this committee's attention what we ascertained just by sending and obtaining the guilty plea of James Earl Ray in the assassination of Dr. King. This is a document of only 140 to 160 pages. You will find in the book that you have in front of you a whole area of threshold inquiries in just the Dr. King assassination.

Let me point out that those threshold inquiries only came about from an analysis of one document, the guilty plea. We have not even yet availed ourselves, obviously we have not had the time, of other areas of the investigation that have existed before or interviewing any witnesses.

When James Earl Ray had been arrested and was in Tennessee to be prosecuted for assassinating Dr. King, an approach was made in behalf of Mr. Ray to the Tennessee
authorities to work out a plea bargain for James Earl Ray to plead guilty. The State of Tennessee had been seeking the death penalty against James Earl Ray. They worked out a plea bargain. The State of Tennessee agreed that in return for the plea of guilty, they would agree to a sentence of 99 years in prison for James Earl Ray, and that they would forego asking for the death penalty.

Now Mr. Devine is a former member of the FBI, and I would say to him without any question, I am sure had he been a participant at this time in these proceedings, that when James Earl Ray wanted to plea bargain and was going to plead guilty and get a term of years, the first thing that the prosecution team in my experience normally does, particularly in a case of this magnitude is say "Fine, give us a confession. We will work out a plea bargain if it is appropriate, but tell us what you did. Tell us whether or not there was anybody else who participated in this assassination with you. Let's subject you, Mr. Ray, to a lie detector test, and find out whether or not what you are saying is the truth. Let's use that as an investigative aid. Let's also make sure, if there is to be a plea bargain, and we ascertain that there is somebody else involved, that you are going to be a witness against that other person."

This is just to me the most natural flow of what happens when someone is plea bargaining in a first degree
murder case, and certainly a case that had at least the threshold questions as to whether or not there was a conspiracy, but what did we ascertain?

We have ascertained that no one from the prosecution team asked, as part of that deal, that they be able to interrogate Mr. Ray, James Earl Ray, and get from him a statement at least as to his participation. There wasn't even a request made. As a matter of fact, when I heard this I couldn't believe it, and I sent as I say some investigators immediately to Tennessee to find out, and we were told, one, that that is true and, secondly, that they just did not think that that was the thing to do. But what else do we find in an examination of just the notes of testimony of the plea of guilty?

At that time Ramsey Clark, who was then the Attorney General of the United States, had made a public statement that there was no conspiracy involved in the assassination of Dr. King. Mr. Hoover had made the same statement. At this plea of guilty by Ray, the State prosecutor made the statement there in open court that they have investigated far and wide, inter-viewed thousands, examined thousands of documents, and that they find no evidence of a conspiracy. The State prosecutor did not say to the judge "But the man who is pleading guilty here, that we are working a plea bargain, we are not bothering to even question about his participation."
After the State prosecutor made the statement in open court, it is right there and as a matter of fact it is in an excerpt that we have got in the report to this committee here, Mr. Percy Foreman, who was the lawyer for James Earl Ray, got up and he also made a similar statement saying that since he has been in the case, investigating it, the defense lawyer for Ray, for a month, he has checked and he is satisfied himself that the statement by Ramsey Clark, by Mr. Hoover, by the State prosecutor, that there was no conspiracy, is correct, and that there is no conspiracy.

Now this is said in open court. Fine, but what then happens right in that open court proceeding?

A little later in the very proceeding, James Earl Ray says, and I am paraphrasing: "Judge, can I say something?"
The judge says "What would you like to say?" Mr. Ray says "Judge, I don't want to upset the deal that I have got, and I don't want to add anything, but I do not agree with the statement by Ramsey Clark, Mr. Hoover, Mr. Foreman and the State prosecutor about this conspiracy business."

Now that is said, believe it or not, right on the record. Your point here isn't whether Mr. Ray is telling the truth or is a liar. That is not the point. The point of it is that having made that statement at that point, what would you expect? Wouldn't you normally expect at least the judge there or the prosecutor to say "Mr. Ray, what are you talking
about? Tell us what you know."

We find from an examination of just that transcript all
the judge said is "Are your answers any different, Mr. Ray,
about the plea bargain?" Of course what did Ray say? "No,
I am not changing any of my answers."

Now just this area alone raises many, many questions
in terms of threshold areas of inquiry. Let me present
another, if I may. May I say to the committee, in going
into this kind of detail, this is really the reason why I
thought it ought to be in executive session, because I do
not think that it would be really advantageous in proceeding
with the investigation to be discussing areas that we are
going to be looking into. I think that that could be
harmful, but let me point out what else is found in the
Ray case, and then I will switch over to President Kennedy.

Just from that very same transcript, the guilty plea
alone, we find the following sequence of events, and mind
you, these are not laid out on the basis of questions
being asked. They are just a narration of events, but
look what questions they do raise. James Earl Ray was in
a Missouri prison. Who was Ray? He was really a two-bit
kind of thug, nothing sophisticated in the crimes he had
committed in the past, holdups. He is visited one day by his
brother in the Missouri prison. Ray escapes the next day,
makes his way through Illinois and up into Canada, goes to
Montreal. What does Ray do when he is in Montreal? He now assumes and takes an alias, the name of Galt. It is obviously an area to develop in the investigation. This Ray while in Canada, for the first time in his life is now getting tailor-made clothes, not ready-made suits in stores, but doing things with an indication at least of more money than he has been used to in the past. He uses this alias, the name Galt, and bear with me because it develops and it is in this same transcript, that in not Montreal, the city he was in, but in Toronto, there lives a person by the name of Galt, who has a remarkable similar resemblance physically to Ray, and is approximately the same age group. I am not saying at this point that when Ray took the name Galt in Montreal that meant that he is necessarily referring to that Galt that is in Toronto, but bear with me as we complete the circle here.

Ray, after using this name of Galt in Montreal, comes back to the United States, and I find that an area of inquiry, whether a person who is a two-bit thug, who is wanted in the States, who is successful in getting out of this country, would just be coming back to the States unless there was something that is motivating it or making it worth his while.
And there are lots of details in terms of what he does when he is back in the States, such as, for example, out on the West Coast, three weeks before the assassination he goes to a plastic surgeon, not one of the sleazy plastic surgeons, to get a nose job, but he goes to someone who is highly reputable, a plastic surgeon for the Hollywood movie stars, again a question whether someone of Ray's background has nothing sophisticated in his background would end up going to a plastic surgeon who is operating on the level of dealing with the movie stars and having the cash to pay. We find that just three weeks prior to the assassination when Ray goes to that plastic surgeon for this nose job, the plastic surgeon has a photograph, he always does of his patients before the plastic surgery and afterwards.

Ray did not return after the surgery, and again the suture, there were stitches that had to be removed. Question: Where was the expertise to have done that?

After the assassination of Dr. King, that plastic surgeon, in examining his files, finds the only picture that was removed of any of his patients is the picture that was taken of Ray beforehand, who is using the name Galitz. Could Ray have done it? Is it perhaps some indication that the person that arranged for Ray to see this plastic surgeon may have removed it? Maybe.

In any event, what I am pointing out is really threshold,
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even begin to guess.

We have the additional problem $\frac{1}{N}$ and I do not look
upon this investigation as merely critiquing what has been
done before. It seems to me that the mandate is to find
out what is the evidence and where it leads. But obviously
we have to look into what has been done, and we have it in our
report here.

In the Warren Commission investigation they had a
staff, direct staff of their own, of 83 people. They had,
in addition $\frac{1}{N}$ and it is the "in addition" that counts $\frac{1}{N}$
full-time FBI agents assigned to that Warren Commission
with all of the secretarial and supporting personnel necessary
for those 150 full-time agents to operate. In addition, they
had 12 full-time and part-time professionals from the CIA
who gave, again, all of the clerical and supporting personnel
necessary for those additional people.

They had, in addition, 60, six-zero, full-time professionals
from the Secret Service assigned to work with the Warren
Commission, again with all of the filing, clerical, back-up
personnel that they needed.

The Justice Department has told us that they put four
full-time people and would not have figures for us as to what
they had in addition, or the clerical and back-up data.

The State Department advised us that they gave certain
full-time support, but did not tell us of the number.
The Internal Revenue Service stated that their Intelligence Division provided six staff years of support. I do not know what that figure means. But what I am pointing out is, this is what was involved in the Warren Commission investigation.

We are talking here of an investigation that is not covering just that one assassination, but covering two. So that when I talk, as I am going to talk to you about a staff need of 170, one-seven-zero, while that may sound to the experienced people around Capitol Hill and the people in the Congress of the United States as a big staff, the determination of big staff is only made on the basis: Well, it is larger than what staffs other congressional committees have.

But I urge this committee not to evaluate it on that basis, but to evaluate it in terms of the job to be done, the need that exists.

Let me say again, I do not want to keep repeating myself, you do not know me. I am not giving a figure that is a padded figure. I am not playing the game of saying, "Here is half again what I need," going on the assumption that it will be cut somewhat and then I am ending up with what I really need.

Now I consider, again, my function to effectively be your counsel, not to play that kind of game, but to lay out precisely what is the need. And I will, as I say, get into a breakdown of what one-seven-zero means. But compare 170 with what existed with just the Warren Commission and we have
the task not only of reviewing the work that they did, but it has come to the fore, and again we have threshold areas of inquiry in the book that we have for you here, in the investigation and assassination of President Kennedy. But it has come to the fore, for example, that there was a destruction of a document, at least, by an FBI agent, and let me say, even there, I am advised that the Department of Justice may shortly be prosecuting that FBI agent for perjury, although it is interesting to note what that FBI agent said was that his destruction of a particular document relevant in the Kennedy assassination was based upon orders that he got from his superior.

//The question in my mind is the investigator here, I do not want to be locked in by someone who is charged with perjury before we have had even an opportunity to be inter-viewing him.

It has also come to the fore at this time that the whole area of our government's attempts to assassinate foreign leaders, particularly Castro, was an area that was not made knowable to the Warren Commission. So again we are talking not only of an investigation that goes into what had been done, but into many, many areas in terms of area that has come to the public attention since, which I dare say represents some of the reasons that there is a public disquiet.

It is interesting, and we have it in our report to you,
when Patty Hearst disappeared, was kidnapped, with all due respect to the Hearsts, as compared with the magnitude of an investigation as to whether or not other people are involved in the assassination of a president, where that was a civil rights thing, but in three months' investigation by the FBI in the kidnapping of Patty Hearst, the FBI alone, not talking about state agencies, spent $2.6 million. That is a figure we got from the FBI.

Now when we are talking about what is necessary in an investigation, I get back, you do not just compare it: What does the \( \frac{1}{n} \) I am sorry I am not that familiar with congressional committees \( \frac{1}{n} \) what does the Agriculture Committee have on its staff? That cannot be the approach here. It has to be on the job to be done and the need.

We have other documentation in our reports such as just the House Impeachment Committee, it had a staff of 174 members. There was not the need, not investigating the complexities and the mass of material and the areas involved and the travel involved which is called for here in that committee. That exceeds what I am asking this committee to give its support for in terms of a staff.

As I say to you, frankly each time I have said this I end up really feeling when I am talking about a staff of 170 it is being such a minimal figure that when somebody reacts and thinks, "Oh, that is too much", you cannot do this job.
And I would say to you, and I mean it, every bone of sincerity, do not tarnish this House of Representatives or yourself by commencing an investigation with not the facilities to do a thorough job and you are not going to be able to do it with less than the minimum figure I am talking about.

Let me give you how that breaks down and, again keeping in mind what I have been talking about here, just think how minimal it is.

In each of these two investigations I am talking about \( \frac{1}{4} \) and we have a chart on the last page of the booklet that is before you \( \frac{1}{4} \) of the two investigative teams, basically Kennedy and King. I am talking about 15 investigators on each, attorneys that is, and 25 investigators. That is 40 people on each.

If anyone is going to think that that is too mammoth a size investigative force, they just, you know, are not realistic.

Forty people, getting into the complexities of each of these, is as minimal a squad as you can hope to have.

Right there then, between 40 and 40, that is 80 people, right there. Would you really think you can do it on less? Do not attempt it. I am not talking about clerical.

Let me also say this, from the investigative standpoint, to do a thorough job does not mean merely going to some witness and saying to him "Come before our subcommittee or
committee and relate what you have to say." That is not the way, in my opinion, you investigate. To investigate means field interviews, it means being able to analyze what this witness is saying, to be able to then check the areas of corroboration or the areas to disprove what he is saying. It is only when that information has been tested that there is then, in that instance, reason to then bring him and have him under oath, let's say, before a committee or a subcommittee.

There is another way in which the committee aids in the investigation. Obviously, when we talk to people they do not have to talk to us; they can tell us to go jump in the lake. It is important to be able to then say, "Well, you do not want to talk to us, fine, we are subpoenaing you before a subcommittee of the Congress of the United States, and that is where you are going to testify."

So it is a device to be able to use in the investigative process; hopefully along the line as information is developed to be able, perhaps, to also use the terms "public hearings" if what is developed is developable and does not thwart the continuing investigation and is in the area that ought to be imparted publicly.

But you need to have, to do an investigation, the ability to put people on a polygraph if they would agree to do it. I do not happen to think the polygraph is gospel. I would
hate to see its use in court speaking as a prosecutor. But as an investigative tool, and also with the stress evaluator, because some people will not agree to go on the polygraph but you can be recording what they are telling you and you can run it through the stress evaluator. These are very, very helpful investigative tools.

If you will permit me to digress here a moment, in the Yablonski murder case, with the FBI, we had a woman who was a conduit, she was not the initiator of the murders, she was not down with the trigger people; we got her to go on a lie detector test; with an experienced polygraph operator the responses that the subject gives are unimportant. As a matter of fact, the subject can remain mute, because what you get is the emotional response. The answer is meaningless.

With the expert polygraph people we not only, by the use of a polygraph with that young lady, were able to get out of her information not that she was saying it at first blush, it was finding out really what she was withholding and a good operator is not confined merely to just the answer, he can ferret into what it is you are withholding from us if he asks his questions well. We were able to ascertain that this young lady's own father was the one who recruited her in the assassination of Jack Yablonski. We were able to ascertain that she in turn recruited then her husband. We were able to ascertain locations that the conspirators met.
We were able even to ascertain the dates, the motels, not
on the basis of what she was volunteering, but pinpointing it
in questions.

So what I am saying to you is, to do a thorough investi-
gation, this area, a polygraph-stress evaluator unit again is
necessary as is on my original chart, to be available to each
of the investigative teams when they have a need, when they
can put someone on the polygraph or run them through the
stress evaluator to be able to call them there. Again, you
are not talking about clerical people.

I must address myself now to one other major area on
an organizational chart here.

Speaking as a prosecutor and as a lawyer, I have found
that when I have two secretaries, items get filed for me in
about 22 different fashions, and the way in which one secre-
tary, the heading she files something under, we never remember
later when we want the documents and I end up finding there
is something in one file that is relevant to something in
another file and we, unfortunately, find it out after the fact.

It is necessary in an operation of this magnitude, with
the documents that we are talking about \( \frac{f}{n} \) and I will use,
for example, just the King plea of guilty \( \frac{f}{n} \) that any document
that we obtain, we are being inundated by people sending us
information now, but there is a need to get, for example in
the Kennedy case, access to files, information; in the
King case the investigation, the court records; these should not come to individuals on the staff, they will get lost. It is necessary to have a document control unit so anything that comes in, addressed to me, addressed to anyone else on the staff, it does not come to us; if it does it will never be correlated or used. It is necessary to have an operation here that these items that come in must come to a central document unit, which must note, obviously, the date of receipt, they must separate out in its initial evaluation, Kennedy on the one hand, King on the other.

There has to be a research group to analyze that document, not only for purposes of a master filing of the document, but for purposes of cross-references, knowing where that is to be listed for filing purposes.

Again, that is a small part of it. This document may refer to six different people. We have to be able to cross-reference that to what we already have in. That guilty plea of Ray's must be cross-referenced to what we already have in so that the use of the name Bridgman, the use of the name Sneed, the use of the name Galt, so that when we have a file on those it is cross-referenced to everything else that exists.

This is a mammoth task for it to be handled properly. Not only cross-referencing things as it now appears, but the documents that we already have in have to now be recross-
referred so that they show the later documents that come in.

When you realize that we are talking just in the Kennedy
case of tens and tens and tens of thousands of documents,
literally, the size of this area just bespeaks itself without
further elaboration.

As a matter of fact, I submit that what we do need here,
not only is this research staff, the document control unit,
but we will need, as I think they used in either the
impeachment staff or the Watergate investigation, we ought to
use in combination here, not instead of because I do not like
to give up thinking power by people, but in addition I think
we ought to have and use a computer to aid us in this recross-
referencing problem.

What does this unit do when they finish? That document
that came in, let's say addressed to me, is not going to go
right into that file and sit there; it has to get $\frac{1}{4}$ it will
not do any good if it came in today and it gets to me a month
from now. It has to be a unit that can operate and has a
sufficient staff so if it comes in today, this cross-referencing
documenting is fast enough so that document gets to me that
same day. I mean you need that for this investigation.

You are going to do this with three file clerks, you
are going to do it with six people? To say it is to point
out that you need to have an adequate staff.

What else do I envision here? Make no mistake about it,
at least in my own view, there are going to be many legal hurdles thrown at this investigation, raising broad, in my opinion, constitutional questions, going into the power of subpoena, contempt power of the Congress. There is going to be a constitutional question raised as to the power of Congress to be investigating here at all, particularly in the case of Dr. King.

We need a legal staff to aid you know, when we need subpoenas issued, for example, I do not want the investigative staff, some investigator there preparing a subpoena and he will do it in some, perhaps, poor fashion.

We want one legal unit, so when the investigators need a subpoena prepared, it is not done on a hit-or-miss basis, we have some legal experts who are preparing them for each one of our needs. They just say prepare a subpoena and it is done uniformly on a basis that we know will withstand attack.

I submit one of the things we need now is research by staff so that the resolution recreating this committee in the forthcoming Congress is appropriately bottomed to withstand constitutional attack in the court.

What kind of staff am I talking about? Again, do not get any idea that I am just trying to pad a big thing. I am talking about a staff of four lawyers and a chief deputy, five people.
Another area, because it cannot be ignored; security is a problem, from a twofold standpoint:

One, my own concepts as to what is done when we are professionals trying to do job, not having leaks. Our own investigative effort must have adequate security. It will not do me any good, for example, if, as I just happened to in a matter I will raise with you shortly we sent somebody out to Denver to interview somebody; it would not do the investigation any good if there are leaks of that information or, when we get reports back, all of a sudden they are appearing in the Washington Post or any other news media. They have to be on the basis of our own security.

In addition, we obviously are going to be going into areas with branches of the Executive Branch of government that are security problems. I have taken up, as I say, with the CIA and representatives of the Department of Justice my views in terms of our right to have access and their response has been pretty much along the same line, of a willingness to grant access, stating that there may be some individual situations which they would like they do not want to say that they refuse to turn those matters over, but they would rather take them up on a case-by-case basis, whether they feel that the disclosure of the identity or the disclosure of the means of securing the information may present a danger in terms of an ongoing matter.
Well, suffice it to say, I have no desire just to make a big point, and I am perfectly happy that we proceed on a professional basis and take those matters up on a case-by-case basis.

Obviously, for example, if there is a document that they have a name blanked out, or the means by which the information was secured and it says in that document that it was sunshiny in Houston or in Dallas on a certain day, I have no desire to get into a demand that, "Oh, I have to know who that is and the means by which you got it."

But, on the other hand, let's suppose there should be a document where there is a statement, the name is omitted and the means by which the information is obtained, in which someone is saying that they were present at a meeting and they heard, let's say, an assassination plan of President Kennedy being discussed; then that would be the other side of the line.

Yes; on a case-by-case basis I think there would have to be a demand and a fight to get that information.

So we need to have our own security operation. Again being perfectly blunt with this committee, I think that a previous committee of the Congress of the United States, by virtue of what appeared to be leaks of information, not only harmed the area of inquiry but, from my own point of view, harmed just the standing and the stature of the Congress of
the United States.

I think that everything that this committee and this staff does is going to be subject, in years to come, to searching inquiry, and it ought to be. And I repeat, I want this staff and I urge this staff to think of it in that sense, and to have it done in that dedicated professional manner.

We need, therefore, a security unit to assure the agencies of the Executive Branch that, yes, we have proper security and control for our own area as well.

I have in that document that is before you further layouts, because up to this point I have not yet talked about secretaries. I have not talked about just some of the other supportive things. So that this figure of 170 is \( \frac{1}{4} \) as a matter of fact, I really do believe as you listen to me the question really ought to be in your mind: Can you do this kind of a job with even 170?

I am stating that, yes, we can attempt to do it, but do not cut it below that because, if you cut it below that, you are just making it impossible.

We have felt a desire to present to you \( \frac{1}{4} \) because in my view, when we talk about these investigations we ought to start with what we are talking about, the two murders. It was raised earlier: Why have two subcommittees? I hope I have at least made my presentation in any manner of some effectiveness,
that there is a recognition that we ought to proceed on both
and it would facilitate the investigation if there was a
subcommittee that was really staying on top of Kennedy, if
there is another subcommittee staying on top of King.

Now, what I also urge, and I have it in our report, I
think it important, however, that the entire committee be
kept advised. I do not think \( \frac{1}{4} \) the question was raised being
on the subcommittee as to what one does that limit in terms
of the other? It ought not to. What I would urge is that
there should be a meeting of the full committee, I would say,
at least a minimum of once a month, where we can be brought
up to date so that the subcommittee in one is brought up to
date as to what is happening in the other.

I think it important that it be a team concept; nothing
political about this. It is an attempt to find out whether
or not there were other participants, who are the participants
in two murders.

What else do I urge on you? I have sent to each of you,
and I thank Mr. Devine who initiated the request, and I
really think it was a failing on my part not getting it
through even before the initiation of the request \( \frac{1}{4} \) but I
have sent, of those that have presently been employed or those
to whom commitments have been made to bring on the staff,
resumes and the positions of the people so far employed.

Obviously, within the budget that presently exists, I
cannot be recruiting the kind of staff to be doing this job. What I have been seeking to do is to recruit the people at the top who are going to help guide these investigations, the deputy chief counsel for example, in Kennedy and in King.

The reason in my mind $\frac{1}{M}$ I happen to be very much interested in a team effort to get a good job done. I do not want to just recruit a staff and then bring in a deputy chief counsel. I would rather, with the wealth of talent that is available, have those people on board and have them participate with me in picking the team that is going to work with them.

Now it may not appear to you gentlemen from reading those resumes, but let me assure each one of you, again in terms of getting to know me, of the people employed, not one represents anybody that I knew before I took this position. I have been in homicide work but $\frac{1}{L}$ I have had contacts in Philadelphia. I have not looked upon this as just getting friends or people that I knew on board.

I have actively sought to recruit on a national base people that I thought could be the cream-of-the-crop talent to do a thorough professional job. That is what I am seeking to do here.

As you look at these resumes, I do want to say, I do not know one of them. They are people that I have interviewed that not only, upon interviewing them did I make the decision, but I made requests, I suppose to prosecutors, other people
around the country to get evaluations of them. That is what I am seeking to do. Hopefully, if this committee will accept my recommendation as to what I say is a minimal kind of staff, what I will then do is go on with the planning, the filling in of the detail of the actual number of people, in documents, in research, and be able to come back to you at your next meeting with what that total budget requirement is.

You know, salaries is just a small part of this thing. We are not dealing with a matter that is just here in Washington. As I say, I sent out a team to Denver in a matter I will take up in a moment; just to do that cost us $1,000, to be going out interviewing, interrogating.

If this committee through its subcommittees must have hearings in various parts of the country, just the travel expenses, the investigative expenses, are a tremendous part of the budget which have to be included in a request for appropriation.

What I would hope is that if this committee approves in concept what I have said, that I be directed to submit to you by the time of the next meeting the detailed, really, appropriation request that is required to do this job. Let me, ending it here, really, point out again the detail that is necessary.

I start from scratch in both of these homicides. I assure you, you are not dealing with someone who has
preconceptions or opinions. I probably know less, or knew less about both of these assassinations than just about anybody else in the country when I first took this position. I found out in looking over the film you are about to see something that I had not even known, for example, in the past that at the time a photograph was taken by the Associated Press of President Kennedy being shot, the photograph taken from the front of his car going back, that that photograph shows the doorway of the book depository in Dallas, and standing in that doorway there is a person that, when you look at him, appears or looks like Oswald. And this and I am not saying anything that is new this was brought to the attention of the Warren Commission. The Warren Commission determined that that, in fact, was not Oswald.

Obviously, if it was Oswald and he is standing in the doorway at the moment President Kennedy is assassinated, you can imagine what questions that raised.

They determined, and it is in their report, no, that was not Oswald, it was another individual named Lovelady, who also worked at the Dallas book depository, who did bear an amazing resemblance to Oswald. And Lovelady looked at that photograph for the Warren Commission and said yes, that is him.

As a result of looking at some of the film that you are about to see, it turns out that other film was taken as
well, some other filmmm, eight minutes later, I am told again this has to be documented and examined. In the additional film which was taken, there is a picture of a person who, as you look at him, looks kind of bearded who has, to say the least, a couple of days' growth of beard. I was advised by the person who is exhibiting the film that in that exhibitor's opinion this bearded individual in fact was Lovelady.

Well, obviously, if Lovelady has a beard, and as you can see in the picture of the person that appears to be Oswald, it is of someone who is clean-shaven, it raises questions in my mind, can it be? What about it?

Of course, the first thing to find out is is this apparently bearded person Lovelady. If he is not, then that avenue is not an avenue of immediate investigation. Subsequently, we will get into that as well.

In addition, this bearded person is wearing a certain plaid shirt, black, red, it stands out, you will see it in the picture. I dispatched, as a result of that I sent some people we found out where Lovelady was. The last he was known was in Dallas. We traced him to Denver. I sent out some people to Denver to interview Lovelady. And Lovelady was shown this additional film, the new film, if I can call it that. Sure enough, Lovelady and his wife both see it and say, "Yes, that is me." And his wife goes on to say that
Lovelady hates to shave, she always has to be on him to
shave, and so forth. And Lovelady said, "You know, you are the
first people that have ever asked me was I shaven on the
day of the assassination. Nobody ever asked me. And when I was
shown that original picture where I said the look-alike of
Oswald was me, nobody asked me, really, what jacket or what
shirt I wore that day or anything about my appearance."

Now, do not misunderstand, I happen to be a big believer
that to be thorough and detailed, and I am not saying from
this that in fact that is still a different person than the
person of the look-alike of Oswald who was photographed. What
I am now doing, one of the things I am going to ask, we want
to subpoena the Associated Press negative, the original
negative that they have, and we want to arrange to have
this photograph of what appears to be the look-alike of Oswald
blown up.

Obviously we want to see what kind of shirt was being
worn, we want to see he could still be the same person
and the beard may yet be in that picture, although it does
not appear to be at the initial thrust of it. But what I
am saying to you is, this is the kind of detail that is
involved in doing a thorough investigation. If it is going to
be done in a way that reflects credit, it has to be done
thoroughly.

To do it in a way with inadequate staff, not a willingness
to be thorough and not a willingness to be professional about it, you are going to be subject to searching inquiry, an evaluation as the Warren Commission has, for my money it means then do not do it. But if you are going to do it, do it thoroughly.

—we do have this film. If there are any questions I will be happy to answer them. Maybe we might recess for lunch.

Chairman Downing. Thank you, Mr. Sprague. I feel sure there are questions. We will probably take them in order and go to 12:30 and then adjourn for lunch.

Mr. Gonzalez?

Mr. Gonzalez. We had a brief discussion about how we can insure continuity. One thing depends on the other. I think we have learned as we have gone along, I think you realize some aspects of the congressional procedures that may not have been too clear to you.

We do have some questions that we will have to direct at the proper time to the leaders of the House. But at this point I do not know if the fact is clear that you cannot really make commitments. There is really no way we can insure commitments to people that have forsaken a job in order to get on with the committee until we know exactly what is going to be done by the 95th Congress in providing appropriations. And I think that really is the all-important question at this point.

I do not know how to resolve it.
Mr. Sprague. Mr. Chairman, with regard to the statement by Mr. Gonzalez, he is absolutely right. And let me state that of the personnel that has been recruited this is a skeletal kind of recruiting I am going into when you look at this resume, I have recruited people who are giving up good positions, who are coming here as professionals, really, with a kind of faith and confidence that the Congress intends to do a thorough job.

Chairman Downing. Mr. Devine?

Mr. Devine. Thank you, Mr. Chairman.

I will be very brief, Mr. Sprague. I am extremely impressed by your presentation. You have been sitting there for 45 minutes right off the top of your head giving us a very fine analysis of why you think we should go in the direction you are seeking to go, and I find very little area of disagreement.

You point out about polygraphs, lie detectors, you recognize immediately it is merely an investigative tool, it is not conclusive.

I have three questions that perhaps you can answer rapidly. I am concerned about press releases by anyone connected with this investigation. I had to fly to Miami last week one day and back the next, and read in the Miami Herald all about the fact that, as I indicated to you earlier, this is going to be a massive investigation; it could be a
career for many people, with no termination of the number of persons involved. And that raised the question, not particularly as to whether or not that is the right thing, but who should make releases, who should be talking about what this committee is doing.

I hope that we do not have press releases by the executive director or by staff members or by committee staff. I think we should determine policy on who is the spokesman and who should talk about what.

The other thing that occurs to me, if in fact the Congress does provide the funds to give us 170 or more persons, what are we going to do with the bodies? Do we have a place to headquarter them? If we have met that particular problem, maybe you have an answer to that.

Chairman Downing. That is in the general area.

Mr. Preyer?

Mr. Thome. How about that first question?

Chairman Downing. Do you want to respond?

Mr. Sprague. Yes, may I respond?

Chairman Downing. Certainly.

Mr. Sprague. With regard to the last question first, we do have an inadequate temporary space in the House Annex right now, really just three rooms, but we are making arrangements to get additional temporary space right next to it, which I think will be adequate for the remainder
of this year with what is do-able with the limitations of
budget for this year.

What I would request, and do need, if the committee
would feel that what is being asked is proper, I think there
should be the initiation of a request of the Architect to
give you the place for these numbers of bodies, and questioning
rooms as well, with the new Congress. That is on the agenda
which we will take up as well.

With regard really to the first question, I think that
the only spokesman, really, ought to be the chairman and there
ought to be a press aide to whom those inquiries from the
press goes, so the chairman is not driven crazy by the demands.

I may say this, and if there is criticism, I accept it;
while I have not spoken of the investigation or the material
that I have laid out here, what I have said publicly has been
on the need for staff, and the numbers of staff. That I have
done on the basis that I thought that there is a certain
public education involved. This has nothing to do with the
direction of the investigator information developed, but I
do recognize, well, 170 in my opinion is minimal, it sounds
tremendous when someone hears it.

I really thought it would be of aid, even to the committee
and the Congress, if members of the public heard not from a
congressman but someone who is, I do hope, considered a
professional, as to what is the professional need for staff.
That is the reason, and that is the area that I have spoken about myself.

Chairman Downing. Mr. Preyer?

Mr. Preyer. Well, I agree with Mr. Devine on the splendidness of your presentation, Mr. Sprague. I agree with you entirely on the importance of this being a definitive investigation, and that if it is not done right it is better not to do it at all.

Along that line, I would be interested in the strategy of how we convince Congress of that and what role we as individual members should play, if any.

Should we let all of this suddenly hit the Congress cold with a report in December?

Maybe that is the way to give it maximum impact. Or do not say anything? Or should we among our colleagues informally be talking about the needs for staff such as you have indicated here?

What should we be doing right now, if we agree with you that this is something that ought to be done, which I do agree with?

Mr. Sprague. Mr. Preyer, the chairman and I have met with the Speaker, I guess I should not say the Speaker, probably the next Speaker of the House and the present Speaker, really for the purpose of laying out, not in the depth that I just did here, but the concepts and the kind of
staff that is required, because in my view a big mistake
would be made in just thinking that we just drift along.

What? Organizing now for something in January? I
think, and here I urge this committee \( \frac{1}{H} \) I cannot do every-
thing; you are the congressmen, you are the people experienced
on the Hill, not me. I am willing to knock myself out. If
you want, I will appear before 435 congressmen, one-by-one,
and go through the same presentation so it is understood.
Hopefully you would feel that that is not necessary. But
if you feel it is, I will do it.

I think it is important that on a nonpolitical basis,
which is really what this investigation is \( \frac{1}{H} \) you cannot
urge that strong enough \( \frac{1}{H} \) that really the leadership all
around, both parties, be brought into recognizing what
hopefully you do, and that it is understood that, yes, we will
get this kind of backing and that; yes, we will get what is
the required appropriation.

I think the groundwork for that must be done as of
yesterday, not tomorrow. I think it has to be worked on now.

One of the things that I read right now, I understand \( \frac{1}{H} \)
did not until I came down here \( \frac{1}{H} \) that when the new Congress
convenes in January 3, there is an interim of time in which
things have to get going.

Well, I really do think that when we are talking about
investigating these two assassinations, we cannot be in the
posture of telling investigators, you may have to go out
to Denver or you may have to go to Toronto, or may have to
go somewhere else, that stop, stop the investigation cold
because we need two, three weeks, a month, for the reorgani-
ization of the new Congress.

I do not think that would even, just the appearance
of it I do not think would be appropriate for the Congress.

What I would urge this committee to do, and I do not
know what to do, but it is to get involved or take the
steps with the leadership so they understand that ought not
to be, so there could be introduced H.R. 1, H.R. 2 perhaps,
H.R. 3, something where there is a continuity and we can be
in the posture of getting the kind of staff lined up.

Obviously we cannot recruit all of the people now, we
can only be recruiting a few people. I think it has to be
done immediately.

Chairman Downing. I will get with the Speaker to see
what can be done to provide this continuity.

It strikes me we have two ways to go in the resolution:
Immediate action on the request by the committee for money

Mr. Sprague. Mr. Chairman, I also have one other comment.

I do not look upon this as a career matter for the staff.

It will be nice to work with you and I will appreciate it,
but I have other fields to go back in Philadelphia.

This is, in my opinion, a one-shot operation, which is
different than the usual continuous committee. It is to
do both jobs thoroughly.

I have stated you cannot put a time limitation. When I
speak to juries in murder cases, where we are going to lock
them up, juries like to have some idea how long they are
going to be confined for the length of this trial.

Well, I give them an approximation, saying, but if I
say a month, do not at the end of the month jump up and say,
Mr. Sprague, you promised us the case would be over today.
In that sense I do not think there can be a time limitation.
I hope that we could finish the job in the two-year period
of the next Congress. I do not think that it ought to be
on and on and on and on, and with the kind of staff I am
talking about, I hope we can do a definitive job.

Chairman Downing. Mr. McKinney?

Mr. McKinney. Mr. Chairman, I hope you will excuse my
voice.

I am pretty impressed by your presentation. I do have
one problem.

Most of us are wearing about six hats at this table. I
think it came out at the Senate hearings that lord knows I
do not want to add to the staff. But I do think that our
reputations are going to ride on this, every person at this
table is going to be either looked at as a buck-passers, a
failure, and another one of those sort of whitewashers, or
they are going to be looked at as people who did a thorough, one-time definitive job.

I really do feel, for instance I am ranking member on one committee, probably a ranking member on two subcommittees, and I really do feel, without interrupting your flow, that we are going to have to have as members someone on this committee that keeps us from being just innocents.

We are not a jury, we are not sequestered to hear each stage. We are going to have to come in here with some kind of background behind us and some continuing knowledge.

I do not think we can take your staff and keep pulling them all the time to get the background information. It seems to me the Senate Committee tried it without individual staff and found out it just could not be done if they did not have a continual liaison person with your operation, particularly on the subcommittee level.

With that I will stop speaking.

Chairman Downing. Perhaps that is a good suggestion.
Mr. Sprague. May I respond, Mr. Chairman and Mr. McKinney?

That sounds nice. In my opinion it is not workable in this instance, and I will say why in a moment.

What I had thought was desirable here, and again one of the reasons for the subcommittee, is that what I intend to do is to see that on a weekly basis each member of the
subcommittee is fully advised as to what is going on and we are going to take that burden, the deputy chief in Kennedy or King, for that subcommittee, with me, is going to have the responsibility of getting together and giving that information.

I think the obligation is ours to furnish it weekly, as opposed to having a member of each congressman's staff, standing or sitting by, for this reason: Again, it is a little different area of operation, as I see it.

I had a meeting, for example, going over this matter of the film, and the person out in Denver, Lovelady, if in fact we must be sitting in on these meetings and having one representative from each congressman sitting in to discuss that congressman, it becomes an unworkable operation.

The investigation phase here, in each case, is not only, let's say somebody in Denver, it has to do with New Orleans, it has to do with Houston. The only way that a staff member from each congressman could then be knowledgeable on his own would be if he was to sit with me and the chief deputy in literally every one of the overall operational matters, and that would mean that we have 12 staff people sitting in there. I think it would be unworkable.

What I would request, at least, is that in starting out, at least you attempt it initially the way in which I suggest, where we have that burden and keep each subcommittee fully
advised on a weekly basis. If that does not seem to do it, maybe then we would have to make some change, but I would urge that we at least attempt it that way.
Chairman Downing. I would advise the members we are trying to close up by 12:30. I don't want to cut it short. We can come back to this. If we could wrap it up in 10 minutes, it would be good.

Mr. Stokes?

Mr. Stokes. Thank you, Mr. Chairman.

Mr. Chairman, I may have several questions.

Chairman Downing. Take the time.

Mr. Stokes. Thank you very much.

Mr. Sprague, let me join with my colleagues in commending you for the presentation you have made. I would concur in the analysis you have made with reference to the absolute need for professionalism, not only by the staff but by this committee. Consequently I would be one who would certainly support whatever you need, in order to bring this investigation, this massive type of investigation, the type of staff that you need. This makes me really wonder why you want to make this type of presentation in executive committee rather than in open committee.

It would seem to me that such a presentation would have had value to the public at large, and would perhaps commence helping to mold the opinion of the public at large as to the massiveness of the job, the need or necessity for second professionalism, the kind of staffing that would be required. I would like your comments on that.
Mr. Sprague. Mr. Chairman and Mr. Stokes, I do think that the laying out of what is needed in terms of staff is desirable to present to the public, and as a matter of fact that is the reason with regard to public press conferences and interviews I have done that. What I thought would be undesirable would be to raise in a public posture at this point even the questions concerning the guilty plea of Ray or the question in terms of a photograph. In the document we have submitted to you, where we lay out threshold questions of inquiry, I thought maybe there might be some questions raised about that, that it would facilitate and be desirable that that kind of detail not be said publicly, because I do think that in terms of the appearance of really professionalism, that the avoidance of saying that kind of thing publicly is helpful.

Now I did not know how I could be really making the presentation to the committee this morning without at the same time getting into some detail of what was found out at the threshold. I thought it would be more meaningful to the committee to get that kind of detail as well to understand the presentation. If I could have made the presentation in just the numbers, and I would be glad to do it again without getting into the detail, I quite agree with you.

Chairman Downing. I take part of that responsibility. It was a decision I made and looking back on it, it may have
been better to have it made public but that is something that
is up for question now.

Go ahead.

Mr. Stokes. Thank you, Mr. Chairman.

Mr. Sprague, my next question has to do with the degree
of staffing that you have done thus far in your recruiting
mechanism. Of course one of my major concerns, in an area
in which I am quite sensitive, is that of minority appointment.
I realize this is a skeleton staff that you have put together,
but I have read the resumes that you have submitted to us,
and I do have some very serious concerns with reference to
personnel thus far recruited. Particularly I look at your
staff recruiting in the area of attorneys and investigators, and
you correct me if I am wrong, but other than Belford Lawson,
are any other minorities on that list of 11 thus far employed?
Other than Belford Lawson in the 11 that you have employed
thus far, are there any other minorities?

Mr. Devine. Are you talking about black minorities or
Republican minorities?

Mr. Sprague. Are you just asking about attorneys, Mr.
Stokes?

Mr. Stokes. I am concerned with attorneys and investi-
gators, the list of 11.

Mr. Sprague. Mr. Lawson is the only black member of
those presently employed. However, that is not to say he
is going to be the only black member, and we are interviewing
others, and I have been in touch with Mr. Fauntroy about
recruiting black members.

Mr. Stokes. In the case of Belford Lawson, whom I
happen to know and I know he is a very busy lawyer, probably
one of the top counsel in the country.

Is this the son?

Mr. Sprague. Yes; this is the son, Mr. Stokes.

Mr. Stokes. He is being employed full time then.

Mr. Sprague. Oh, yes.

Mr. Stokes. I couldn't see Belford Lawson being employed
for $20,000.

Mr. Sprague. Full time, as will be the requirements
for each member.

Mr. Stokes. Let me ask you this. In terms of the
selection of those who are going to act in the capacity
of acting chief counsel or deputy chief counsel, in both the
King and Kennedy investigations were any blacks considered in
terms of those appointments?

Mr. Sprague. Yes, they were.

Mr. Stokes. Can you give me some idea about how many?

Mr. Sprague. I would say approximately four for those
positions. I am not talking about other positions where
they are under consideration. As a matter of fact, one of
the reasons I have held up the filling of the position of
deputy chief counsel of the Legal Division right now is
I am trying really to get a black attorney for that position.

*Mr. Stokes.* So that I understand, you are not saying
you have any difficulty or trouble finding qualified legal
talent in the black community for these positions.

Mr. Sprague. Mr. Stokes, I have been having some
problem. I have as a matter of fact contacted numbers of
people and urged them to submit, and I have specifically
stated black attorneys with criminal experience, to me.

Now I would be glad to sit down with you and discuss
some of the people that were considered here, and really
the reason why they were not put in the position of deputy
chief, and I feel pretty confident that in discussing that,
that you will concur.

There is in my opinion, and I think I have made it quite
clear as a matter of fact in my discussions, certainly again
I think with Mr. Fauntroy, I want to see the staffing here
equally balanced. I would not, for example, want to see
the King probe a black investigative probe and the Kennedy,
white. I want to get people of all races. I want to get
it on a combined basis.

Mr. Stokes. Neither would I like to see that, but I
would like to see a concerted effort, of course, in balancing
the staff to see that we do get and provide an opportunity for
some of the talent that I do know exists, and I would be
very happy to work with you on this, in terms of your availability, and I will be glad to discuss the matter with you outside of this hearing.

Mr. Sprague. May I make one further response, as a matter of fact along that same line. Some of the people in the chief deputy spot, as you noted from New York, they have at my request obtained the names of some experienced black attorneys and investigators. My problem there is not black at all. I really would like to get a more broad base. I do not want to have everybody from one locality of the country. I would like to have the staff really represent a broad national base.

Mr. Stokes. Thank you, Mr. Chairman.

Chairman Downing. Thank you.

The hour of 12:30 has arrived, so we will recess until 2 if that is convenient. These booklets that you have in front of you are fairly sensitive as they contain not only the mode of questioning and line of questioning of certain witnesses, but it also contains the names of the witnesses which we propose to investigate, and for that reason I believe that when you leave today they ought to be turned back to the committee. If you want to see them in the meantime, I think it is perfectly proper for you to go into the committee room to see them but to let this material out to the press might hinder the investigation. If you will bear with me,
leave it here and somebody will be in the room, Mr. Feeney, you will see to that. The room is going to be electronically swept while we are at lunch again, and we will come back and resume the questioning of Mr. Sprague and go forward with the rest of the agenda.

The press is going to come in and ask me questions. Is it all right if I say that the number of 170 was mentioned, and that we spent all this time explaining it?

Mr. McKinney. I suggest that Mr. Sprague explain some of the technical reasons for the depth of investigation.

Chairman Downing. The committee will recess until 2 o'clock.

[Whereupon, at 12:30 p.m., the committee was recessed, to reconvene at 2 p.m., this same day.]
Chairman Downing. The committee will come to order.

Are there any people in the room that have not been identified to the reporter as to their name and staff position?

The committee will come to order.

At the time of the recess Mr. Stokes had finished his questioning of Mr. Sprague. I now recognize Mr. Thone.

Mr. Thone. No questions.

Chairman Downing. Mr. Fauntroy?

Mr. Fauntroy. Thank you, Mr. Chairman.

Mr. Sprague, I simply have one question to which I would like for you to react.

You are aware of the fact that a great deal of suspicion has been directed at the staff in many investigations relating to the Congress, and you are aware also probably of some of the allegations that would go to the staffing of the Warren Commission, in terms of information leads that were not followed, in terms of questions that were not asked that certainly it would appear should be asked, and in some instances allegations that materials and evidence that was made available was not in fact noted.

As we prepare ourselves to do the thorough investigation that you have indicated that we must do, I am concerned also
about staff, and for that reason I was certainly supportive
of the agreement that staff should be hired by you, since
you were going to be responsible for the investigation.
Already, however, I have received a number of questions
about at least one staff person, Mr. Robert Ozer, on the
basis of his conduct as federal prosecutor in the State
of Michigan, relating to a Supreme Court judge, where
according to newspaper accounts that have been made available
to me, he is accused of having engaged in investigation by
terrorism, and been responsible for something that you call
guilty by announcement, so much so that both the Nation
Magazine have taken note of his conduct, and numerous
newspapers in Michigan have taken note of it negatively,
and I believe you may correct me if I am not right that at the suggestion of the Michigan Bar Association, at
the instigation of the Michigan Bar Association, he was
removed from the position of investigator.

I raise that question for two purposes. One is that we
certainly want to be careful that we not subject ourselves
as an investigative committee to unwarranted criticism for
being overzealous, and employing tactics that may not
stand up to the eye of scrutiny and fair play, but also I
raise the question because I would wonder what you would
think of having to assist you in the hiring of a large
staff that we think is necessary, a personnel committee of
this committee, to assure that not only are your concerns
that you get the very best, and we want that, but also
our concern that we not be exposed unduly to both political
pressures and to possible embarrassment up the line.

Mr. Sprague. Mr. Chairman, Mr. Fauntroy, with regard
to the two parts really to that question, I took this
position on being assured that the determination as to who
to hire would be made by me, for the reason that in my view
investigation should not be tinged with selection on a
political basis, in the sense as an investigator I am
responsible for the staff and the team work. It of course
would be impossible to do a thorough and proper investigative
job with people that have been put on who I do not approve.
I say that preliminarily.

I think that it has come across as a high watermark
at the inception of this committee that the committee has
been willing to really turn over its own power for hiring
personnel, to keep it on that kind of a level, and I think
a mistake would be made to go back from that. I am certainly
concerned, and I think that the question raised that people
ought not to be on the staff, however, that in any way could
reflect upon not only the integrity of the staff but really
the committee, the integrity of each person on the committee,
is a point that I would not quarrel with, and would have not
the slightest objection let's say when there is somebody
that I think measures the test for putting on the staff, if there is let's say a personnel committee then to submit that name for let's say the personnel's committee determination "Yes, we concur" as opposed to it being initiated the other way around, which I think would be wrong. I would have no objection along that line, and I think that still meets the same high level of selection, so that that is my response to that.

With regard to Mr. Ozer in particular, let me say that I am aware and was aware, upon employing him, of the controversy that has occurred as a result of his prosecution of a justice of the Supreme Court in Michigan, and in looking into it, I ascertained certain facts.

Mr. Ozer has been a prosecutor in the Department of Justice for a number of years, heading strike forces in Philadelphia and Buffalo, before being out in the Michigan area. From the knowledge that I have of him, he has always been, and I think it goes without question, an excellent investigator.

From some observations of my own, this is before coming here, I had knowledge of his prosecuting some cases, and in my own view he is not quite the trial lawyer that I would like to see. That is not a reflection on him. He is a good investigator but he ought to let other people try his cases. That is all I mean as to that.
However, in the situation in Michigan, he uncovered evidence against a justice in the Supreme Court in Michigan, for which he then tried that justice. The justice was acquitted, but convicted of perjury charges arising from testimony before the investigating grand jury. I had been advised that Mr. Ozer had made statements to the news media, particularly Newsweek, which subjected him to admonition from the Department of Justice for having spoken to that magazine. I had also been advised that there had been allegations made that his use of the investigating grand jury had been in a heavy-handed fashion.

I guess I must insert here, having been a prosecutor, that I am very used to the concept that when you proceed against certain individuals who were placed in a fairly strong position with a political organization, counter-charges against the prosecutor many times are made. As a matter of fact I think I even do a disservice there. Many times part of really what occurs in prosecution, it need not be someone in a high level in a political organization, the defense becomes a counterattack against the prosecutor, so that for allegations to occur is not something that moves me one way or the other.

What I did do, I sought information from the Department of Justice today, and they have submitted a letter, which I have, which I would be glad to make available, that while the Department of Justice thought that Mr. Ozer ought not to
have made his statement to the news media, they did investigate
his use of the grand jury, and found that there was no
improper use or nothing high-handed or improper in that.

In addition, I have here a letter, which is from
Judge Ralph Guy, Jr., the District Judge of the United States
District Court in the Eastern District of Michigan, which
I would be glad to just make a part of the record, unless
you would like to have it read.

Mr. Guy was the United States attorney at the very
time that Mr. Ozer was heading a strike force in Michigan,
giving rise to the allegations. In this letter Judge Guy
relates fully the thoroughness, the total integrity of the
process by which Mr. Ozer did handle that very matter which
Mr. Guy, then the United States attorney, was fully knowledgeable
of, and he endorses him and backs him up completely. I say
that really in response to the question that you have raised.

I might say that in addition, and again I cannot say this
too strongly, to do a thorough job here, the integrity of
the personnel and the way in which they are viewed is
all important, and I have spoken to Mr. Ozer, because I have
been aware, even from Judge Guy's letter, that Mr. Ozer
sometimes is not the most diplomatic individual in going
on his investigations, and at this point he is representing
the Congress of the United States, and that is really a
high tone of what one must do.
Suffice to say that from my conversations with him, and looking into these matters, I was and am satisfied as to his integrity and ability, and his intent in not doing anything that would be a disservice to the staff or this committee.

With regard to the statement that he made to the news media, what he said was a statement after the defense counsel had made a statement. The defense counsel, after the conviction of the Michigan justice, made the statement to the news media that well, the justice was acquitted of the substantive charges, and it was a technicality, that he was convicted in his perjury charge.

Mr. Ozer's response, which he then gave, which he perhaps ought not to have done, but it was in response to that that Mr. Ozer said "Well, it is not an acquittal. A justice of the Supreme Court has been convicted of a perjury case," and that is part of what led to that news comment.

I feel confident of Mr. Ozer's integrity and ability.

Mr. Fauntroy. Mr. Chairman, I am satisfied with Mr. Sprague's answer. I did not intend to get into a specific justification of this particular employee, but to make the point that perhaps a happy medium between our desire each to have someone on staff and on the other hand not having any role in at least looking at staff, that your formulation of
the proposal is acceptable to me, that is that we have a small committee to which you could refer, because there might be things that the members of the Congress would see and perceive immediately that might not occur to you.

Chairman Downing. Thank you, Mr. Fauntroy.

Mr. Anderson?

Mr. Anderson. Thank you, Mr. Chairman.

Mr. Sprague, as you have noted this committee will launch an investigation or a probe which is unprecedented in the history of the Congress, and being without any precedents therefore to guide us, it is difficult to make an assessment and evaluation of the staffing requirements, as indicated in the proposed table of organization that is before me.

I am wondering with respect to the Kennedy and the King task force, where apparently about 35 percent of the personnel would be lawyers and 65 percent investigators, that seems to be about the ratio, is there in fact some precedent for that in the manner that the Senate Watergate Committee was organized or the House Impeachment Committee? How did you arrive at those ratios? Is there some rationale?

Mr. Sprague. Mr. Chairman, Mr. Anderson, I do not have a rationale with regard to another committee. It was just my own thinking process here of about one lawyer with each two to three investigators working as a team, and I was
trying to figure the number of teams that I thought would be necessary. The investigative talent, the lawyer talent that I am talking about here, is not just legal. They are to take part in the investigation as well, and from previous working with lawyer-investigator teams, I have tried to use approximately one lawyer with two to three investigators.

Mr. Anderson. Very briefly, you have already had a colloquy with Mr. Stokes on the question of the efforts which you have made with respect to minority hiring. More generally I am wondering, and not in a great deal of detail, that wouldn't be necessary, how do you go about recruiting personnel for an assignment of this kind? Do they largely come to you, or do you go to them, and if so, to whom do you go? Do you have recourse to certain professional organizations that put you in touch with people?

I would just be interested in a very broad, general description of the process.

Mr. Sprague. Mr. Chairman, we have had hundreds of applications sent in to, which we are in the process of reviewing. What I wanted to do and have done, to some extent, is the people that I thought would be in the senior positions, I wanted those to be people that I have gone out and recruited, who were not just people who had submitted applications. What I did do here, I have contacted lawyers, I have contacted judges, I have contacted prosecutors around
the country, and asked them, and I put to them, that we are trying to get a totally dedicated professional staff. Would they think about it and submit names to me of people in the upper echelon. What I wanted to do, when I got the people in the upper echelons, I wanted them to go through these applications that we now have, and cull from them and set up interviews then of those people, but in the upper echelons it was my initiation of inquiries. When I was given names, I then made other inquiries of people that had had contact, worked with them, and as a result of that, then arranged interviews, and from those interviews that I did personally, I culled out those in the upper echelons. Now of those people, I have turned over to them at this point the applications that have come in, and have asked them to go over these applications with me, after they have weeded out those that they think ought to be weeded out, and our thought is to then arrange for interviews with those people.

Mr. Anderson. Thank you, Mr. Chairman.

Chairman Downing. Mrs. Burke?

Mrs. Burke. Thank you.

I also certainly want to commend you, Mr. Sprague, on your statement to this committee. One question has been bothering me. You indicated that one of the reasons we had to have independent investigators was because those traditional
agencies that we would draw investigators from would possibly be a source of a great deal of the investigation and review.

Do you see any problem very specifically in the FBI conducting the investigation of the staff, if those staff members may ultimately have to review the FBI? The thing that bothers me is the possibility that something might be in the profile of a potential staff member that would not be disclosed, but could be disclosed at some future time if it became necessary to discredit this committee.

Mr. Sprague. To answer your question, yes, that is an area of concern to me. I have I guess two thoughts in response. One is that whether the FBI or any other agency is asked to do a background check, in fact they can do it whether we ask for our purposes or not, and if in fact they do it, and obtain any information that they subsequently want to use for whatever purposes to discredit, they are free to do it. There is going to be nothing secret about who is employed on this staff, and there is full reign for anybody to check their background, so that the problem of anyone releasing information, that is going to be whether we utilize them to do a background for us or not.

Secondly, I have considered whether we ought to ask the Defense Intelligence Agency to do a background check in lieu of the FBI, but I really thought that there is no reason to
avoid it. The background check is not for the purpose of that agency then determining for us whether we will accept or reject that employee. It is information. I am all for letting the FBI get all of the information that they can, turning it over to us, for us to have it for evaluating whether we want that person, not asking them to do it. It doesn't achieve anything because they can do anything. Why not avail ourselves of that. It doesn't bother me. I do not see that that is going to interfere in the least, and your concept that maybe they have developed something in a background check that they are not going to turn over, and to use it at some time, if that was to be, that can be done anyway in any event, so it seems to me that if that is the reason for avoiding having the FBI do a background check, it really doesn't hold water.

I guess I also have this feeling in my mind with regard to it, and the reason that I do not say let another agency do it. I said earlier the goal is to do a thorough, definitive job. I do not want to be in a position, and I suggest the committee ought not to want to be, that an avenue of attack can subsequently occur. I don't even want to waste the time of this committee or the staff with a public debate how come this committee and its staff did not allow its personnel to be subject to an FBI check. It is a waste of energy to get into, and with a broad body of the public
it doesn't mean that much but they are going to think that
that is of some significance. Why avoid it? I see no
reason to do that, and so my feeling is yes, let's have
that check.

Mrs. Burke. That answers my question. I suppose
one of the reasons some of us were very concerned about
particular members of the staff is the possibility of it
being used in a political context, and I personally am
very concerned that we do have staff people who have been
checked, and who will not leak a lot of things to the
press or to agencies.

As I see it, our credibility is going to depend upon
the level of the staff, and also the security of the staff.

Mr. Sprague. I couldn't agree with you more, and this
gets into the area of staffing. You know people ask how
do you make judgments? Well, it is difficult, and I assure
this committee that I feel very deeply the burden that is
on my shoulders in terms of not letting you down, not letting
really the public down.

I do feel it. I feel this obligation to do a thorough
job, and that includes a staff that isn't going to let any
of us down, and it is looking into their background.
It is evaluating them, sizing them up.

I hope I end up being right in that task.

Mrs. Burke. Just one further question.
9 Is it still our posture that all staff people that are
hired will be on a temporary basis, or are we now saying
that all staff people from this point forward are permanent
people?

Chairman Downing. There has been no decision, but I
just assumed that they would be permanent, unless they didn't
prove to be qualified or for some reason had to be dismissed.

Mrs. Burke. I see.

Thank you very much.

Chairman Downing. Mr. Dodd?

Mr. Dodd. Thank you, Mr. Chairman.

Mr. Sprague, I also join my colleagues in commending
you for your statement this morning, for your outlining of
how you envision the role of this committee and the problems
you are going to have in tackling these two assassinations,
the investigations of them. I have a couple of questions
that have been raised at least in part, but I wasn't really
satisfied with the response.

One was raised by Mr. McKinney regarding our individual
staff people that we have as members. I am sure you are aware
that all of us on this committee serve on at least one or
two other committees in addition to our obligations in
our district and so forth. Aside from the financial
problems, what will be the relationship as you see it between
our individual staff people and the committee staff?
Mr. Sprague. I think I ought to make clear the role that I see of the committee itself and the subcommittees, because it may help really explain the way in which the investigation proceeds. I do not see the committee or subcommittees just sitting and being given transcript after transcript to read, witnesses just being brought forth here to testify. There is going to be a need here for members of the committee, two members at a time from each of the subcommittees, to have to go, for example, to Dallas, to have to go to wherever for purposes of at times taking testimony, when witnesses are not otherwise taking testimony.

There is going to be more of an investigative role by the committee and the members of the committee themselves in all parts of the country.

That is not going to of necessity mean a committee having a staff member just read things. The only way that can operate, for this committee to be successful as I envision it, you are part of the investigative team really, and we have to deal with you on a direct one by one basis, and we can't deal through intermediaries.

Mr. Dodd. There are obviously going to be occasions when material is coming in where each one of us are going to want to designate our own staff member to be responsible for this legislative area, and there are going to be numerous occasions that will arise where because of our other
obligations we will want that staff person to be in contact
with the committee, to determine exactly what is going on,
what is coming in and so forth as a conduit.

Mr. Sprague. Fine. I would be happy for any individual
that any member of this committee designated, instead of
dealing directly with us, if you want someone else in touch
with us to be the intermediary, fine, as long as it is someone
that you have designated. That is no problem whatsoever.

Chairman Downing. Let me intercede a minute. I think
you have got a good point, but it ought to be limited to one
person. He ought to be known to the committee.

Mr. Dodd. You are anticipating my next question, Mr.
Chairman.

Chairman Downing. Go ahead.

Mr. Dodd. You then run into the potential problem
that Mrs. Burke has raised, and that is of course by
designating someone on our own staff you have got 12
additional people who may not have had checks done on them,
and you increase or open up the possibility of leaks and
so forth, and I am wondering what you are thinking about in
terms of that relationship, more than just what the daily
tasks will be, and so forth.

Mr. Sprague. I guess my response to that would be
that the information that we would be conveying to the
intermediary would be information that in my opinion, if
that person had not been himself cleared, it was proper to let's say clear and something of a more sensitive nature occurred, I would want to take it up directly with members of the committee, unless you arranged that that intermediary was himself cleared.

It would have to be an area of a certain balancing of what it is we are talking about.

Chairman Downing. The gentleman or any member of the committee for that matter could designate a name now or whenever he can, and we could have that man or woman cleared.

Mr. McKinney. Mr. Chairman, could I interject?

My whole reason for questioning was that I am being perfectly selfish. I see one staff member on my staff spending all his time with me, staying on top of this, and quite frankly representing Fairfield County, Connecticut. I can't stretch over 700 letters a week with the staff that I have now. I guess it is being selfish with money. I don't know whether Chris was aiming that direction. I don't know if we should designate one person having one person take the whole bit but to be honest I don't know how I am going to take one person out of the staff now.

Mr. Dodd. If the gentleman will yield back I wasn't talking about the financial problem. We are talking potentially of 170 staff people to this committee. We add in effect 12 more staff people in terms of the request of
the House Administration Committee. We then are going to jeopardize the effectiveness of the committee staff in terms of from a financial standpoint. I understood that as being one of your real concerns. You may want to respond to that.

Mr. Sprague. Could I say this, because there may be some area of confusion here with regard to what detail do you want to have information. Let me give as an example here, if I may use the Yablonski murders, at one point in that investigation, for example, I had people in Kentucky interviewing coal miners for a certain purpose. Well, I did not need to know the specific questions asked of each coal miner and the specific responses. The summary that I needed to know, just to let me know, are they proceeding on this thing, are they asking the questions about certain funding, and what is developing took five minutes of my time to learn things of that nature.

Now if this committee wants to know every little point, then you are going to be having your time and your intermediary's time just taken up on detail that I think is going to be a waste of your time.

Mr. Dodd. So I don't drag this out any longer, I might ask Mr. Sprague if he might consider this and give it some thought as to the Chairman's suggestion that if we do designate someone, should it be someone who will be with
this all the way through, what relationship you would want
to have with him through our office and so forth. I think
it would be helpful to us to have some clear idea, because
this is something we are all going to do. I guarantee
we are all going to have a staff person assigned to this.
I would like to know how we deal with that, so that we don't
infringe upon your efforts or the committee's efforts, and
at the same time we will be kept fully abreast of what is
going on.

Mr. Sprague. Fine. I shall do so, though again let
me repeat that hopefully this is going to be a team effort,
and I know for my part the importance of the task. I really
do intend to see that each member here is kept advised and
matters are discussed with them, and frankly to the extent
that it can be done without going through intermediaries,
I prefer to try to do it.

Mr. McKinney. If I could interrupt without killing
this whole subject, I would agree with you. I would want
to be at every meeting, but the mere fact of the matter is
that you are trying to be ranking member of the District
of Columbia Committee. I just picked up the Washington Post
today and saw that one of my agencies is in terrible
trouble. All hell is going to break loose. We need something
really if you understand the way we live, which is tough
to understand because I still don't understand it after six
years, someone who sits next to us who says "Hey, boss, remember," because we are going to be a team, and we are going to put our final stamp on your decision, and I know what we are going to do. We are going to run to greet the American Legion, the Veterans of Foreign Wars, from committee meeting to committee meeting, we are going to go to your briefings and we need one guy like Hank: "If you are going to let me forget one thing on this committee, we are dead, we need you."

I think this is what we need, not replacing us so much as to remind us that we are not meeting with the American Legion and the Boy Scouts. We are talking about the assassination of Martin Luther King. We want someone who keeps track of it. It is a stupid way to live but that is the way it is. We go to many areas. I don't have to tell you that.

Chairman Downing. Counsel will take this under consideration.

Mr. Sprague. One last thought on that if I may. When you say attending these meetings, I really think our obligation is to keep you advised without even meetings. I think we have an obligation to keep you advised on an independent basis. We have to make it our business to get to you, not with the formality of a meeting. That to me is part of our function here.
Mr. Dodd. Mr. Chairman, if I may indulge, Mr. Sprague, one other small question and then I will stop. I think it is important. It has to do with the media and the press. I might point out that in the last week or so I called Mr. Sprague prior to a radio interview, to talk with him about what I should be talking about and what I shouldn't be talking about. I got a letter today from someone else, what has some hidden information allegedly, and I am sure all of us are going to be inundated with this kind of thing, and I would like to see some of either unwritten rule, gentleman's agreement or something, wherein those of us on the committee don't want to unwittingly be the cause of this team effort suffering as a result of a media play, not in an effort to in any way sabotage the committee's work, but we may be the source of information that shouldn't be made public.

I think you understand what I am talking about. I am sure all the members do on the committee, and I wonder if you might be a little more clear as to how we should handle that. What should be done, so that we don't sabotage this effort?

Mr. Sprague. Mr. Chairman, responding to the question, it is really repeating what I said before, that I would hope that it would be agreed that it is only the chairman and the press aide to whom inquiries from the press should come,
who would speak on behalf of the committee and the staff, or of course anyone that the Chairman would designate to make any speech.

As the investigation proceeds, even with the inquiries by the press out there when we recessed for lunch, I really would like to see as a policy that there not be any discussion even by the Chairman or anyone with regard to what the evidence is as we are proceeding. I think that that is just the wrong thing to do.

The scope of what I think is desirable at the moment, which I would hope that the Chairman would perhaps concur in, I think there is a matter of public education involved right now, having nothing to do with where the investigation is proceeding, but I think there is a need to let the public know, if my figure of 170 is a figure accepted by this committee, as to that kind of educational process to the public, so they understand that that is really not a big figure.

Now that has nothing to do with what we are going to look into, for example, on the questions asked, are we going to examine this alleged report by J. Edgar Hoover, and follow through on whether it went to the Warren Commission, what the CIA allegedly did.

I do not think there should be any responses of that nature. That is what we are investigating.
Now hopefully from time to time when things are determined on some definitive basis, then the committee, the chairman, might decide to have a public hearing, and present some testimony, but beyond doing it in that manner, and beyond just an educational process for the public as to what the financial needs are and the size of the staff, I think it detracts from the dignity of this investigation to be saying "No, we do not know of the FBI memo" or "We are going to go into this or that CIA file." I think those things ought not to be.

Mr. Dodd. I thank you, Mr. Sprague.

Mr. Chairman, I thank you for allowing me to ask that second question.

Chairman Downing. You are welcome.

Mr. Ford?

Mr. Ford. Thank you very much, Mr. Chairman.

I have two questions of Mr. Sprague.

One as Mr. Dodd mentioned earlier, I would like to know if it is possible since we are talking about approximately 170 staff people, each member of this committee, is it possible that one member of the staff could be assigned to each member of the committee?

Mr. Sprague. In my opinion that is impossible really, one reason being I am not misstating it when I say that my 170 figure is a bare bone figure. Even to come down
from that 170 by 12, is putting it in a most difficult
situation, but, secondarily, in terms of the staff, this is
a staff that is doing an investigative job for you, for the
public. I can't run an investigation where 12 people on that
staff are just sitting in on every meeting that we are
having, determining, when I get a report from somebody today,
that something is occurring in Dallas, and I want to sit
with my top people to review that and find out what is to
be done. Ought I to be calling 12 aides of 12 Congressmen
to sit in, before I then review that and decide what to
do, and then when I get that underway, I am getting a
report over on the King matter? Do I do that? It is an
unworkable thing to do it that way.

What is workable, and I repeat again, is the obligation
on me to keep this entire committee advised as to what is
going on. I repeat what I said earlier. Try it my way.
If it doesn't work, fine. Then we will do it some other way.

Mr. Ford. One other question.

I missed the discussion, but how will you divide the
staff with regards to the King-Kennedy matter, or will you
divide the staff at all?

Mr. Sprague. There is an organizational chart in the
back of that book that I have there, and in brief it is
15 attorneys and 25 investigators on each.
Mr. Ford. I see the chart on the back now.

Chairman Downing. That was gone into this morning, Mr. Ford. But if you have any specific questions, feel free to go ahead.

Mr. Ford. I yield back the balance of my time.

Chairman Downing. Thank you very much, Mr. Sprague. You have been very patient and I think you have explained in depth your feelings about how this investigation should be conducted.

Now Mr. Sprague is asking, and I think he is entitled to, whether we accept his concept of how the committee should be staffed, and I would entertain a motion now from someone accepting the concept or discussion or whatever you want.

Mr. Gonzalez. Mr. Chairman, I would like to move that the committee, in affirming its earlier approbation of Mr. Sprague as the general counsel and chief of staff, further that affirmation by accepting his organizational chart and presentation as to the staff organizational matters in accordance with his recommendations.

Chairman Downing. Thank you.

Do I hear a second?

Second?

Mr. McKinney. Second.

Chairman Downing. All those in favor?

Mr. Burke. Mr. Chairman, I would just like to ask one
question. How does this organization anticipate we would proceed?

Would we be holding hearings in the subcommittees and this information brought before individual subcommittees and then, at the end, the full committee would meet, or could we have a bit of clarification?

I think the organization seems excellent except I am not sure I understand how we plan to proceed.

Chairman Downing. All right.

Mr. Sprague, I turn that one over to you. I have an answer, but I think he can tell you more succinctly.

Mr. Sprague. Mr. Chairman, as I see it, with each of the two subcommittees, the investigation which is under way continues in greater measure. Of course, I must say there cannot be much investigative effort with the limitations in staff that we have now. It would really only be at the first of the year.

It is, as the investigation proceeds we would be advising each of the subcommittees as to exactly what we are doing with people out in the field and discussing with that subcommittee whether or not at this juncture there is any problem occurring where we need to use the subpoena power of that subcommittee and bring people before the subcommittee for purposes of obtaining their testimony and, in addition, discussing whether or not we have developed certain material,
even though we have developed it out in the field and we got it willingly and there was no use to the subpoena power, but where, as a result of what we have developed, we ought to have a committee hearing to get that fully on the record and under oath in front of that subcommittee, keeping in mind that at some point there would also be a decision whether it ought to be a public hearing. But that is why I say, and repeat what I said earlier, the function is to keep the subcommittee constantly up on what is going on.

It is not just a matter of a subcommittee sitting and people being hauled in to testify.

Does that answer your question?

Ms. Burke. Yes.

As you see it, then, as the subcommittee is informed, it is in a private, not a public meeting, as we go through?

Mr. Sprague. Yes, with a determination then made, taking it up with the chairman, really, of the entire committee, I guess, whether or not certain information which has been obtained ought now to be put forth on the record publicly.

Let me illustrate again what I mean here. Maybe this would help explain at least my view of it.

I related earlier about the information about this Lovelady. It would not be appropriate just to convene a hearing of a subcommittee in the Kennedy assassination just to subpoena Lovelady from Denver and have him testify. The
first step is to go out there and interview him and find out what does he know? What does he say about this other photograph?

Now we have gotten that information. But that does not negate what is in the original Associated Press photo. We ought not to be just wasting your time and this gets back to how busy the committee members are in other things.

We now have to examine this original AP photo, get it blown up, get it looked at, find out what is there. It may turn out that that in fact is still a picture of Lovelady.

That ends that area and we will make a report of that to the subcommittee, but there is no need to have taken the time up in the hearing.

Let's take the converse of that. Let's suppose, as we proceed here and then make that blow-up of the AP photo, it turns out, absolutely, that the person in the photograph just has no beard whatsoever, that he is wearing a different shirt than what Lovelady is wearing minutes later on a photo that is established; at that point I think that the subcommittee might well want to consider, with that kind of information, bringing Lovelady in, bringing in the experts and the blow-up of the photographs, and having a hearing. Upon getting that on the record, they then might determine this is of sufficient interest in the public area, it does not interfere with the ongoing investigation; there might
then be an obligation to present that at a public hearing.

That is my view as to the way in which these matters would proceed.

Mr. Burke. I see.

Chairman Downing. Do you understand?

Mr. Burke. Thank you very much.

Chairman Downing. Thank you.

Thank you, Mr. Sprague.

Mr. Sprague. Mr. Chairman, before you proceed, may I request, however, because I could not help notice that it was stated that some material had come in, as I said earlier, the document unit is an important unit in this investigation and I would request, Mr. Chairman, that each member of the committee, if they should get any information or any material sent in to them, that they forward that or a copy of it to me because then that will go into our document unit, for that cross-reference thing of which I have spoken.

Chairman Downing. That is a good suggestion, Mr. Sprague. I hope the committee members will do that.

Mr. Devine. Mr. Chairman?

Chairman Downing. Yes, Mr. Devine.

Mr. Devine. In order that we proceed in order and properly, I notice in the minutes of our meeting on September 29 it was agreed that the chairman be given the authority to employ a person or persons to head the overall administration
and/or legal investigative staffs of the committees so long as the actual title of a permanent position not be given, and that the word "acting" be used in whatever title is selected.

Now, in response to a question raised down there, it says any such employment could be made permanent only upon confirmation by the committee at its next meeting. I am merely raising the question whether formal action is necessitated by these minutes today as it relates to people that Mr. Sprague mentioned.

Chairman Downing. We have already taken formal action on Mr. Sprague.

Mr. Devine. Individually, yes.

I am wondering about the other persons whose resumes have been submitted, or do we want to reserve on that until a later meeting?

Chairman Downing. Let's reserve on that.

It was my thought that should be limited to chief counsel and/or staff director, top-flight positions; we would not have to do it right down to clerical help. Let's reserve on that, if you will.

Mr. Thone. You did not vote formally.

Chairman Downing. The motion made by Mr. Gonzalez and it has been seconded, that we accept the presentation as offered by the chief counsel; all in favor signify by saying
aye; opposed, no.

The ayes have it. Thank you.

Now, the next item on the agenda is the showing of the Zapruder film. A little background on this film.

Mr. Zapruder was a dress manufacturer located in Dallas, Tex. The morning that President Kennedy was to visit Dallas and take this route, Mr. Zapruder and his secretary went by and picked up his 8 millimeter Brownie movie camera and was fortunate enough to get a position of prominence, where he could view the entire scene. I believe he was standing on a pedestal supported by his secretary. In any event, this is one of the few films of the entire event.

Now there were many cameras around that day, but apparently when the shooting stopped, they very wisely fell to the ground or for other reasons did not keep a continuous filming of the event. This film has quite a history. Mr. Zapruder sold it to Time-Life, who kept it six or seven years and subsequently, for reasons of their own, sold it back to Mr. Zapruder's son for the sum of $1.

It has been shown in television, I think, and maybe some of you have already seen it, but it is, I believe, a starting point, which everybody must see and make their own judgment as to what they do see.

The film will be shown by Mr. Robert Groden. I do not see him in the room.
Mr. Sprague. May we send for him?

Chairman Downing. Mr. Groden is known as a film expert, an expert in photography. In addition, he has been a student of this matter for the last eleven to twelve years. So if Mr. Groden and his assistant will come in, we will dim the lights and see the film.

We also ask Mr. Groden to narrate as he goes along what we are seeing.

Mr. Sprague. Mr. Chairman, one correction. It is more than the Zapruder film. He has put together a number of films and slides and single shots taken at that time.

Chairman Downing. Thank you.

[A film was shown.]

Chairman Downing. On behalf of the committee, we want to thank you, Mr. Groden, for a very good presentation.

Mr. Groden. Thank you.

Mr. Gonzalez. There is one question I have. The policeman who had drawn his gun and ended up on top, was he ever identified in the testimony?

Mr. Groden. Yes, sir, he testified to the Warren Commission. I am unclear as to his name. It may have been Baker or Smith, but I am unclear as to which one it was. I do not know. His testimony is in the volumes of the Warren Committee.

Chairman Downing. Mr. Groden, will you please stick
seek around to see if the committee has questions?

Mr. Thone. Who is the gentleman and what is his interest here? I do not know that I got that.

Chairman Downing. Suppose you tell him, Mr. Groden, your background.

Mr. Groden. All right, my name is Robert Groden; I reside in New York City. I have been researching the photographic evidence in the Kennedy assassination case for the last eleven years. I brought and presented this evidence to the House of Representatives on several occasions for the purpose of trying to raise interest in some of the unanswered questions contained in the photographic evidence.

Much of the evidence that you just saw was never viewed by the Warren Commission. All of it was available to them. The Warren Commission as a body never viewed the films that you just saw.

The Zapruder film, perhaps the single most important piece of evidence, was never viewed at all by the entire Commission; indeed, there is only evidence that three or four of the members actually saw it. They did deal with sections of the film in slide form, but in all the millions of words in the Warren Commission report, there is not one mention, not one word as to the backward motion of the President's body, a very peculiar point.

I was asked to appear here and present to you the
photographic evidence as I have been able to compile it. There is more evidence available. I know where a lot of it is, but it has not been available for study before. And that is who I am and that is why I am here.

Mr. Devine. What has motivated you during these eleven years, who finances your study?

Mr. Groden. Nobody is financing. I have never received one penny in assistance for finding the films, making the copies, or any of the work. I have done it purely out of a desire to know what has happened, a driving curiosity and perhaps the mystery. What happened to our President?

I wanted to know. I happened to be in the right place at the right time to obtain prints of the films that you just saw. The original films are available, I know where they are.

If there is any question in your minds at all as to the validity of these films, the originals can easily be checked. Copies of some of these, the most important ones, do exist in the National Archives. The prints can be verified for authenticity very easily.

Mr. Devine. Are you employed otherwise?

Mr. Groden. I was up until a few weeks ago. There was a conflict between my job and doing this work. I am now unemployed. I am trying to go into business for myself. But after eleven years, it seemed to me this was far more important than a job that would not allow me to follow through on this
type of work. I felt this appearance was more important and we had somewhat of a disagreement among other things, and I am now unemployed.

Mr. Devine. How did you sustain yourself during these eleven years?

Mr. Groden. I have done photo-optical work as my profession since 1969. I developed the techniques which you saw here dealing with 8 millimeter blow-up, liquid-gating. I am proficient in step-framing and other photo-optical techniques.

I made my living at that for several years. I was fortunate in having the type of machinery available to me, because there is no way I could have afforded to do this work. Bench time for this type of work runs to about $50 an hour. The single rotoscope version that you saw of just a close-up of the President's head took about five hours to shoot, one frame at a time, refocusing every frame, repositioning the exact point.

These are in some cases done from the original film and in some cases done with a first-generation copy of the film, even in the blow-up cases where zooming in, in that type of area, would have been physically impossible. But the techniques are known and verified and they have in some cases been recreated.

I believe last year an attempt was done to recreate it
by the CBS television network show on the assassination.
Again, the time consumption here would not allow the same
type of work to be done, and this has been my specialty over
the years, 8 millimeter blow-up.

Chairman Downing. Let me ask a very important question.
Have you done anything to alter these films so as to
give a wrong impression of what you see?

Mr. Groden. Absolutely not. The film that you saw
at the beginning was requested to show the authenticity of the
film and the frame sequence. All I have done to the film
is liquid-gated it to clean it up. I will describe that
process very briefly.

As the film is photographed in an optical printer from
the original film to the raw stock or the unexposed film for
the duplicater, light passes through the film. If there
are any inconsistencies or imperfections in the film, such
as scratches or dirt, they will be amplified by the light
passing through the film. If you take a low-oxygen content
liquid and coat the film as it is being photographed, it
tends to make the light go in a straight line toward the dupli-
cating lens. This is liquid-gating.

The other technique I used; one is step-framing, whereby you photograph each frame more
than once to slow it down so that, as it is viewed, you com-
prehend what you are seeing better.
The third technique I used was rotoscoping, which is taking a point of reference and in the aperture, as you photograph the film, you reposition each frame so that the same point of reference falls on the same spot. This way you eliminate the shakiness of that hand-held camera and telephoto lens.

Other than these three techniques, there has been absolutely nothing done to this film. The order of frames as you saw them is exactly as they appeared in the camera originally. Nothing has been added, nothing has been subtracted.

Chairman Downing. Thank you very much.

Any further questions of this witness?

Mr. Stokes. In your presentation you made reference to some filmed interviews that you have had with witnesses and then you further elaborate upon what happened to the witnesses, et cetera. Are those film interviews available to us?

Mr. Groden. Yes, sir. I did not mean to give the impression that I had done those interviews. Those interviews were done by Mark Lane and a professional film-maker, I believe his name is Emile D'Antonio. But I am not sure of the exact name.

The film, when edited down, was released as rush to judgment, in which many of these interviews do exist. There are
also numerous outtakes or sections of those interviews which were not included in the film, which I have not seen. But the film itself is perhaps the single most important document of now-deceased witnesses and what they had to say.

I had thought that perhaps if the film and the outtakes were subjected to a psychological stress evaluation, it might aid in establishing the validity of the stories that appear in the film.

Mr. Stokes. Thank you very much.

Chairman Downing. Further questions?

Mr. Dodd. Mr. Chairman?

Chairman Downing. Yes, Mr. Dodd.

Mr. Dodd. A couple of things.

The letter, letter or document, I guess affidavit regarding Agent Hosty in his statements regarding Oswald, 

Mr. Groden. Yes, sir.

Mr. Dodd. was that not eventually shown to have been a misstatement by Mr. Hosty, and in fact the Dallas Police Department, there was some speculation as to whether or not they should be shifting blame from them to the FBI, and therefore that affidavit was questioned to have been different from the officer who overheard Mr. Hosty make that statement?

Mr. Groden. In this particular case, and where it deals with that particular document, I am not sure. The document
itself is one of the few exceptions that I went into, away
from the photographic evidence and into documentary evidence.
I do not know of such a history of that particular document.
But what you say may indeed be true.

And just as that document appears in the report, that is the
way I dealt with it. What you said may be true and I do not
claim to know one way or the other.

Mr. Dodd. How about with regard to the dent on the
chroming on the inside of the limousine, in which President
Kennedy was traveling, was that dent ever determined to have
been caused by a bullet or were there statements or any
sort of testimony that later surfaced which indicated that that
had been caused by something entirely different?

Mr. Groden. As far as I know, it was never established
that that bullet had that damage was caused by a bullet.
I believe there has been testimony to the contrary, but it
has never been established to a certainty how that dent
got there. And certainly no evidence has ever come forward
as to the damage to the window itself.

Mr. Dodd. Lastly, with regard to the movement of Presi-
dent Kennedy, being forced back and forced forward, did you
happen to speak to any pathologist or ballistic experts or
people who would be experts in the movement of a human body
upon the impact of a bullet?

Mr. Groden. Yes, sir, I have. I have spoken to several
doctors. I have heard the testimony of pathologists, forensic pathologists, and a great many other people, hunters, people who are familiar with reactions to bodies as they are struck by bullets, both human and animal. And the only particular instance that has ever come to light whereby an opposite effect would hold true, as to the transition of momentum from the bullet, would be in something called decerebrate rigidity, whereby there is immediate stiffening of the body and a violent reaction going in any possible given way. It would not have to go backward or forward, it can go in any particular direction.

But the one characteristic of this particular phenomenon, I have been told, is a stiffening of the body. What we are seeing in the film is not a stiffening at all but, rather, a rag doll effect. The visual thing, and that is the only way I can deal with it, visual reaction is that the President was struck and forced or physically pushed backward away from the source or whatever it is that caused him to react.

Given the other evidence, including the fact which I did not mention during my presentation, that approximately 23 feet, as I recall, behind and to the left of the point of impact on the President's head, a large piece of skull fragment was found and it has been pushed backwards from the point of impact and away from the the grassy knoll, exactly in accordance with the movement of the President's body.
Ironically enough, the exact motion of the President's body from moment of impact until he hits the seat behind him, it is in an exact direct line with the grassy knoll, both the end of the stockade fence and the end of the retaining wall, on an exactly straight line.

Again, there is no absolute proof that the shot came from that point. But the President responds, or seems to respond, on such a way that it seems quite strange. Certainly you have all seen the reaction of the President's body, it seems quite strange that there was never a formal mention of the travel of his body in the Warren Commission report.

I do not claim to know the answer why there was not, but visually, photographically, and according to the preponderance of eye and ear witnesses, at least one shot did come from the right front and that is the only way I have been able to deal with it, that and the photographic evidence.

Chairman Downing. Thank you, Mr. Dodd.

Mr. Fauntroy?

Mr. Fauntroy. Mr. Groden, in the body of literature developed over the past 13 years by people who have been looking into this matter, there have been alleged a number of photographs have either been ignored or suppressed or in some instances destroyed. I noticed in the course of your presentation a number of films which apparently were not the Zapruder films.
Mr. Groden. Yes, sir.

Mr. Fauntroy. Were any of these films, say, the famed "babushka lady's" film?

Mr. Groden. No, sir, none of those were the famed "babushka lady's" film.

I believe you described that film quite correctly. The "babushka lady" was a young lady who appears on the opposite side of the street from Zapruder. For years the critics noticed she was there in many photographs and films and that she does appear to be panning the President with a motion picture camera. From where she was standing at the point of the impact on the President's head, she would have filmed the entire grassy knoll area.

I have an unconfirmed correspondence with several people in Texas who claim to know who this young lady is and that she is in fear of her life, but she described in exact detail where the "babushka lady" was, what she was wearing, and every single aspect of what had happened. This lady makes the charge, which is as yet unverified, that she was approached the day after the assassination and that she had unprocessed film, it had not been processed yet; that two people had approached her, one of which she later tentatively identified as someone else, and I would like to not go into that at this exact point, pending further investigation.

She claims that this film was taken from her by two men...
who represented themselves as being FBI agents. The film was then to have been processed and then returned to her. She never saw either of the men or the film again, and the film has not surfaced.

The story may be true, it may be a fabrication; clearly there was somebody there taking a film, from the action that we see on the film. We have never seen that particular film or several others.

Mr. Fauntroy. Do I take it that the film that you showed, the photograph that you showed of the figures behind the fence, was that the Mary Moorman photograph?

Mr. Groden. Yes. The rather grainy black and white Polaroid photograph was the Mary Moorman photograph, the second of a series of two. The first one, as alleged by Mrs. Moorman or Miss Moorman, I am not clear which

Mr. Fauntroy. Ms.

Mr. Groden. Ms., okay, Ms. Moorman. to have shown the depository window that Oswald was alleged to have been in. This picture was taken from her along with the second one by the Dallas police, and later handed over to the FBI, and had never been returned to her, at least for years it had not.

Everyone who originally saw that photograph said it did indeed show the depository window at the exact moment, or around the exact moment that the shot was fired. Since we have not seen the photograph, there is no way to determine whether
anyone, Lee Oswald or anybody else, was in that photograph. But she did take a photograph which she turned over to the Dallas police, and we have never been able to see it.

Mr. Fauntroy. Thank you.

Chairman Downing. Again on behalf of the committee, I want to thank you, Mr. Groden. I think this is a proper place to start this investigation and you have contributed greatly I think to the committee, both you and your assistant. So the committee thanks you.

Off the record.

[Discussion off the record.]
Chairman Downing. Restate your caveat as to film for the purposes of the record.

Mr. Sprague. Mr. Chairman and members of the committee, I think I ought to make it absolutely clear that the presentation of the witness that we just had here was only to acquaint the committee at the threshold with photographs of the scene. In no way are we presenting that witness for any conclusion, inference, his interpretation of shadows, things of that nature. That is why we are commencing the investigation. It was felt that it would be helpful to have some picture at the beginning of the scene of the crime, which we are going to present in the case of Dr. King as well. Obviously we intend to get all of the photographic evidence that is available, the originals, and have them examined for subsequent presentation, but this is not, and was not thought to be taken in any way as presenting anything in terms of any interpretation or conclusion.

The only thing I do want to say, that where there was pointing out of a Mr. Lovelady who appeared to have a noticeable kind of beard and a striking red and black shirt, that our investigators did fly out to Denver and presented that picture to Mr. Lovelady, merely to ascertain from him is he the person with that apparent beard and black and white shirt, and he has indicated that yes, that is so. That in no way indicates that that person that appears to be similar to
Oswald is not yet Lovelady as we are going to have to investigate that photograph and blow it up into a larger thing and have it examined.

I do want to repeat that what has been presented is only just the preliminary informational picture, so to speak, taking us back to the scene, and I for one do not accept any conclusion or interpretation.

Mr. Dodd. Mr. Chairman, I don't understand then. I recognize we are not reaching conclusions by seeing these films but I don't understand why we have a closed session when viewing them. It is not a conclusion. No one here is stating in fact this is exactly what happened based on this particular witness' testimony. I don't see what we are jeopardizing by having the meetings open.

I am willing to listen to a reasonable reason why. I am not trying to be difficult. I just don't understand why it should be closed.

Chairman Downing. The great problem here is that if it is open, the witness is going to have to omit references which he might have made if it was not open. In other words, I don't think it would be proper in open to talk of Lovelady. He has a right to some privacy until we are ready to get some basic evidence from him, or several of the other things which counsel mentioned this morning. He would probably have to withhold those, and that I guess is the basis
for the closed session.

Now tomorrow we have the King assassination slides, the authorization for subpoenas. I don't see anything that would come up from here on in that would really warrant a closed session, unless counsel disagrees with me.

Do you see anything on the remaining agenda?

Mr. Fauntroy. Mr. Chairman, I would just like to ask a question on the authorization for subpoenas. Are you talking about the names of people whose testimony we want to preserve?

Mr. Sprague. Mr. Chairman, not quite at this point. There are a number of agencies such as in Tennessee who have said that they will supply all of their material to us. They just want to be protected and have a subpoena served on them, so what I am requesting is the authorization of the committee to be able to serve those subpoenas.

I am told, for instance, that the Associated Press on that one photograph that you have seen here of this one person who appears to be Oswald in the doorway is glad to turn that over for examination, but they want a subpoena served on them. That is the category that I am talking about.

Mr. Thome. Mr. Chairman, I don't want to start where I left off this morning, but I think Mr. Dodd is absolutely correct. Mr. Sprague, you said before that what we really
need now is an educational forum here to acquaint the public
and members of Congress with what you are going to need and
wherewithal to conduct a thorough investigation. I think
we all agree with that. I thought we had a brilliant
opportunity to do that this morning and we closed the doors
on the press at that time.

I appreciate that occasionally you may have some real
sensitive material, and at that time hopefully at the end
of the morning or into the afternoon why you can have a
vote and go into executive session, but it would still seem
to me that we are missing a tremendous opportunity here to
evolve or to consummate this educational process that you
were talking about, because I thought you did a very, very
skillful job this morning of dramatizing to the 12-member
committee here on why you really needed this 170-man staff,
most of which of course would be lost to the public.

Mr. Sprague. Mr. Chairman, in response to that, I do
think that the presentation as to the need of the staff,
the size of the staff, is a different area, however, from
the actual nitty-gritty of the investigation, and I frankly
wonder to what extent it appears as though talking about the
areas of investigation and the gathering of evidence
publicly is conducive, as we start an investigation. I
think there are two different areas.

Mr. Gonzalez. May I say something in that respect?
I believe every member here of the committee has a similar feeling if you want to have everything out in the open and all. Nevertheless I will point out one thing that happened this morning that might have been inhibited, had you had the press present, and I think that would have been the thing that they would have hung their hat on, and that is the inference that the leaking out of that memorandum supposedly from J. Edgar Hoover came only after a request had been made by you and the staff from the FBI.

Now that is what they would hang their hat on, and then we would find ourselves pitted against the FBI from the very outset. Why go into that?

The press isn't going to accuse us of hiding anything at this point. There is nothing to hide and they know it, but it is essential that we distinguish between the proper area of free and open discussion, without giving a field day to some distorted reporting of segments of that discussion.

Chairman Downing. I think that is well stated, Mr. Gonzalez.

Mr. Stokes?

Mr. Stokes. I have some further discussion on this point. I have some real problems with shrouding everything in secrecy when you are constituted in order to make an investigation by the Congress. For instance, this afternoon in the movie that was shown here, I failed to see anything
about that movie that was of a sensitive nature that should have been withheld from the press or from the American public. I don't see any difference in that film and this book entitled "Cover-Up," or this other book here entitled "Betrayal," a book here entitled "The Umbrella Man," in which all types of theories are advanced with reference to the murder and how it occurred and who might have done it, et cetera. It just seems to me that unless someone can show me what was sensitive about it, in terms of the investigation, that this was an unnecessary portion of executive session, and I would further question, the constraints of an executive session. What am I to do this afternoon if the press happens to call me and ask about this movie. What constraints are upon us with reference to a movie of this type?

Chairman Downing. There are no constraints. You were shown the movie, and you are free to make any comments you want on it.

Mr. Stokes. Then tell me why it should have been shown in executive session?

Chairman Downing. Because at the time we didn't know exactly, I didn't know what was going to be shown. Looking back on it perhaps it could have been.

Mr. Sprague. Mr. Chairman, may I respond to that?

Chairman Downing. Please do.

Mr. Sprague. If I may, and I apologize if I appear to
be a little too abrupt with the committee. I do not mean to be. I thought that part of what we had at least suggested this morning was that statements to the news media would only come from the chairman or the press aide for the committee or someone designated by the chairman, and it would seem to me that that is the answer to what Mr. Stokes just raised.

I hope we do not get into the situation frankly, where everybody here comes out of a meeting and gives his interpretation of one item and somebody else gives a different interpretation.

Mr. Thone. Mr. Sprague, let me interrupt if I may right there.

You have 12 members here. We have got seven or eight members of our staffs here. Mr. Sprague, you have been in the prosecution business quite a while in Philadelphia. There is no way that statements are only going to come from Chairman Downing or from yourself on an investigation like this. We are just kidding ourselves if we think that that is going to happen. It just won't happen that way. That is another reinforcement for having your open hearing, because then you stay away from the rumor and the twisting and the turning and everything else that will inevitably follow.

Mr. Sprague. May I get to the second part of my comment there?

There again with all due respect, when it is pointed
out let's say a book here "The Umbrella Man, Betrayal," these different books, they may be written by individual authors for whatever their purpose, but I do think when something appears before the Congress of the United States, that is what you are, there is a greater significance to it.

I think that if you think that just to present something and let the public in, it impedes our ability just to hear and review things, some of which may not be of much value, some may be, but if everything that you are going to have here is going to be subject to just the public looking at it, and you are going to be trotting the news media in here, I frankly think you are going to do yourselves a disservice here.

You have got the imprint of the Congress of the United States on what you do, and the presentation of matters nonetheless on a public basis gets a certain greater acceptability just from the fact that you have reviewed it and looked at it here. It almost comes across as though you have seen fit to give this a certain higher level of importance by the presentation before you.

Now I am not saying that there doesn't come a time when you have seen certain matters, that you may not make a decision let's have a public hearing. Let us present that in the public forum, but I don't think that you are going to
help an investigation by just starting out and saying let's have everything really public here.

Mr. Stokes. Mr. Chairman, may I respond further to that? I think it is going to be necessary then for this committee to try and adopt some type of guidelines with reference to when we go into executive session and when we open it to the public.

I would disagree with Mr. Sprague in the sense that the presentation made here this afternoon, when presented to 12 members of Congress, is being presented to Congress, and the public has a very real vested interest in hearings and inquiries of this type when we were constituted for the purpose of making an investigation on behalf of the American people.

I would be the first to say that we ought to go in executive session when there is something sensitive to the total investigation that might in some manner be disruptive or have some adverse bearing upon any witnesses to appear before a congressional committee, but obviously the majority of that which we have received in executive session today, there has been sensitive, nothing of an adverse nature in terms of the public or witnesses, and it would seem to me that we have spent a great deal of the American public's time in executive session which they ought to have been a party to.
Mr. Devine. Mr. Chairman?

Chairman Downing. Mr. Devine.

Mr. Devine. Mr. Chairman, I generally almost without exception favor open sessions, open hearings, and I didn't vote to close this one.

I might say, however, that the atmosphere in which we took the basic information from Mr. Sprague and viewed the films and so forth was in a very orderly business-like manner. I think if the press had been permitted here, we would have had a carnival-like atmosphere. I don't think that Mr. Sprague could have been as candid as he has. I think we are in a posture today of building our foundation, the basis from which we will launch the investigation.

I think it is perfectly proper to do this in executive session. You know they have waited 13 years after one, 8 years after the other. I think we need a few more days to get our feet on the ground before we open to the public. I think it is in the public interest and then I think a more respectful image of the Congress to have our hearing tomorrow as we did today and if you want to open up at the conclusion of the basics, then let Mr. Sprague and you or whoever wants to make any statements necessary, but we are building a foundation here today as I see it.

Chairman Downing. There is merit on both sides as there always is. I tend to go slow in closing up.
Do you see anything tomorrow that possibly should be discussed in a closed session?

Mr. Sprague. Mr. Chairman, of course I echo what Mr. Devine just said. I think that the presentation has been on a more professional level just because we have been in executive session, and I would hope that we would continue in that vein. When I notice on here authorization for subpoenas, I do not think it ought to be a public discussion in terms of the issuance of subpoenas. I note that one of the areas yet to be discussed is taking up with the leadership in the Congress ahead of time now getting, making sure that there is the appropriate funding.

I am not a member of Congress, but I question how much of a discussion of that nature would be really helped by doing it publicly.

Mr. Dodd. Mr. Chairman, may I make a suggestion?

I think Mr. Stokes hit on a point that I intended to mention. I see here some question in all of our minds about exactly when we should or should not be in closed session. I think maybe the first thing we ought to do would be to have some sort of criteria laid out. I think more specifically, Mr. Sprague, in terms of when you believe we should and should not be in closed session. There may be a different set of guidelines we ought to be following than what we traditionally follow in the Congress in terms of having
closed sessions. Traditionally, and my more senior colleagues here will be in a far better position to talk about this than I, but it has generally been when it has been national security or sensitive data involving the personal lives of people that has been invoked, and I think you are talking about something that is entirely different than what we have traditionally followed in the Congress in terms of closed session rules.

I think before proceeding maybe we ought to have those criteria laid out, discuss them and then make a decision about whether or not we ought to proceed in this manner.

Chairman Downing. Chris, suppose we do this: Let Mr. Sprague and I get together and try to come up tomorrow morning with some criteria that would be acceptable.

Mr. Dodd. I thank you, Mr. Chairman.

Chairman Downing. But anyway we will try to come up with it by tomorrow morning. If it is ruled closed and you want to make a motion to overrule the Chair, you are perfectly able to do so.

One other thing. Please leave your folders on your desks and they will be picked up by members of the staff, the booklets. They will be brought tomorrow if you want them. If there is no objection Mr. Fauntroy?

Mr. Fauntroy. I am concerned that we have a little
better grasp of what we are going to look at than we have had today coming to the meeting. I am anxious to feast upon what you have in mind in terms of what we look at. I just wonder if it is that big a risk for us to look through this material.

Chairman Downing. It is, Walter, because you have got witnesses by name to be subpoenaed, and you have got the line and mode of questioning of certain witnesses.

Don't you agree?

Mr. Fauntroy. No; I didn't even know that that was involved.

Chairman Downing. You can see it any time you want to, but I think we ought not let it get out, because those witnesses will not cooperate.

The staff has informed me that this room is not open tomorrow but we will find a place and will notify you.

The committee is adjourned to meet again tomorrow at 10 o'clock in a room to be designated.

[Whereupon, at 5:20 p.m., the committee was adjourned, to reconvene at 10 a.m., Tuesday, November 16, 1976.]