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HEARINGS

Before The

SENSITIVE

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

Washington, D.C.

March 23, 1977

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SENSITIVE

AFTER RECESS

(The committee reconvened 2:00 p.m., Hon. Louis Stokes, chairman of the committee, presiding.)

Present: Representatives Stokes, Devine, Preyer, Burke, Fauntroy, Dodd, Fithian and Edgar.

Also Present: Al Lewis, Staff Member; Bob Tanenbaum, Staff Member; Richard Sprague, Staff Member; Jim Wolf, Staff Member; Bob Lehner, Staff Member; and Thomas Howarth, Staff Member.

The Chairman. The meeting will come to order.

First, I might advise the members of the committee that we have been in touch with the Rules Committee. We are advised that in all probability, we will go before Rules at 2:00 o'clock on Monday and it will go to the Floor Tuesday or Wednesday.

The format at this point has been discussed and it was suggested that perhaps we might just go in with the presentation by myself and our Ranking Minority Member, Mr. Devine, with Mr. Preyer and Mr. Fauntroy ready if they fire any questions in regard to the investigation and with the other members just in a supportive back-up position. The thinking being that in light of the briefing that took place the other day and the highly sensitive nature of the investigatory material that was given to them in all probability they are

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1 not going to want to get into very much questioning on that
2 aspect.

3 So the less said about that in all probability is going
4 to be, they think, the best approach.

5 Mr. Devine. Mr. Chairman.

6 The Chairman. Mr. Devine.

7 Mr. Devine. I am not sure it will be a problem, but
8 Mr. Anderson of Illinois mentioned this morning that one of
9 the 19 water projects that President Carter deferred or
10 eliminated happens to be in his district and there is a pub-
11 lic hearing in his district on Monday. I wish it were possible
12 for Mr. Anderson to be at the Rules Committee when we appear
13 because he is very articulate and on our side. I don't know
14 whether we can persuade him to neglect his constituency or
15 not, but we might keep that in mind in scheduling.

16 The young lady from Mr. Anderson's office, do you know
17 whether he is scheduled in Illinois on Monday?

18 Ms. Brown. I believe so, yes. I don't know how long
19 he will be there.

20 The Chairman. I agree with you; I think it is important
21 to try to have Mr. Anderson be here. We will try to work
22 that out.

23 Do they have proxies in the Rules Committee?

24 Mr. Devine. I don't know whether they have proxies in
25 the Rules Committee or not.

log 2

log 3
1 Mr. Dodd. Absolutely not. No proxies.

2 The Chairman. The Chairman can't vote for Anderson,
3 then?

4 Mr. Dodd. No, he has to be there.

5 Is there a problem?

6 Mr. Devine. His water project has been eliminated by
7 the President and he is having a meeting in his district.

8 Mr. Dodd. You can't use the proxy, I can tell you that.
9 I would like to see him there.

10 Mr. Devine. I would, too.

11 The Chairman. We will have to try to work that out.

12 Let us get back to the discussion of the report and
13 other matters relating to the report.

14 Is everyone provided with a copy of the draft report?
15 We are open to discussion relative to this draft report. How
16 much time do we have, Mr. Sprague, in terms of being able to
17 revise and extend this report and prepare for final prepara-
18 tion?

19 Mr. Sprague. Mr. Chairman, I asked before we recessed
20 for lunch if I could have that time to take up with the
21 Printing Office the matter of the printing of the transcripts
22 that have been turned over to you and the matter of the
23 printing of this report.

24 We have been advised that if we get to the Printing
25 Office by 6:00 p.m. this evening the transcripts, as corrected,

1 they will have them fully printed up for us this Friday
2 morning. The same would apply, by the way, with regard to
3 this report. It will be printed up for us this Friday morning.

4 If we are unable to do that, we can have the report
5 and/or the transcripts for them by 6:00 p.m. tomorrow morning,
6 they will have either or both of those items printed up Monday
7 morning.

8 The Chairman. I guess this part of the whole equation
9 will be a question of whether some members will want to have
10 supplemental or additional views to submit in the report, also.
11 I assume they will prepare those.

12 Mr. Fithian. Mr. Chairman, will we need to take action
13 in the committee when we have a quorum to dispense with the
14 usual three days for minority views or for separate concurring
15 views?

16 The Chairman. I would imagine that we would have to,
17 in light of the time constraints here.

18 Mr. Fithian. I have no separate or dissenting views,
19 but I wanted to make sure we don't get tripped up on a techni-
20 cality.

21 The Chairman. I don't know whether everyone has suffi-
22 cient time to be able to get through these or not; to discuss
23 them.

24 Mr. Preyer. Mr. Chairman.

25 The Chairman. Mr. Preyer.

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Mr. Preyer. If no one else has a comment, initially, I would like to ask a couple of questions about the ending part of the report.

I thought it would sound a lot more sterile than it really sounds. It sounds more interesting or intriguing than I thought it would.

I wonder about the Amlash incident? One reason I ask is that I thought that incident which is not new, of course, and so we can't take credit for developing all of that, it gives us an opportunity to say a couple of those quotes there along the lines that the process by which the intelligence agency gathering went along has been compromised.

Therefore, to make the point which I probably over-emphasized, that if we don't have to necessarily come out with a new result in the Amlash case to justify, that whole process is void, ab initio, and that is a good enough reason for going ahead with it.

That Amlash case has some good quotes on it. I wonder why you left out Amlash in this.

Mr. Sprague. Mr. Preyer, my thinking there is that we had made reference in the earlier report, the end of last year, to the U.S. Senate Select Committee's statement. That is in that earlier report, at least their statement, after having gone into Amlash, and that to put that in here would look almost like we were repeating it.

1 Mr. Preyer. You were considering both of these reports
2 together?

3 Mr. Sprague. Yes. As a matter of fact, in part of this
4 report we have made reference to material in the final report.

5 Mr. Preyer. I have one specific question. At the top
6 of page 12, the question about Ruby and Oswald. You say,
7 "The Committee staff has spoken with a witness."

8 Maybe we have just spoken with a witness, but is there
9 more than one witness on that subject?

10 Mr. Tanenbaum. No, that was the young lady that indi-
11 cated.

12 Mr. Preyer. There was a witness there who said that.

13 The other comment I would make, and I think it is impor-
14 tant, is that we emphasize where we can what is new and what
15 is not just a rehashing of old evidence. Like that one at
16 the top of page 12, necessarily you have to be very cautious
17 in that case, but that is a brand new witness, as I understand
18 it.

19 Mr. Tanenbaum. That is correct.

20 Mr. Preyer. I wonder there and in other instances where
21 you have a chance to emphasize that the staff came up with
22 this witness, he may have been known before but he never
23 testified before, if we could have emphasized he never testi-
24 fied, he is new and it is not a rehash, that would be good; I
25 think that makes a good strong statement.

log 7
1 The Chairman. Mr. Devine.

2 Mr. Devine. Mr. Chairman, perhaps I am overly sensitive
3 about the problems that this committee has had since its
4 conception until such time as you became chairman. I am a
5 little troubled by the wording of the first paragraph on page
6 2.

7 I think we belabor that too much, going into too much
8 detail about all these budgetary restrictions, and I have
9 rewritten some language for paragraphs 1 and 2 that I think
10 would be less inflammatory and still do the job. It would
11 read like this.

12 "For technical and administrative reasons, the committee
13 had some delays in the course of the investigation. For
14 example, the committee did not have access to certain files on
15 the assassinations for approximately two months; telephone
16 service was disconnected for the same period, preventing the
17 staff from maintaining contact with witnesses and potential
18 witnesses; and other problems which severely restricted the
19 committee in its investigative efforts."

20 I don't think we should lean on the budgetary restric-
21 tions, because that is one of the problems that we have to
22 overcome in both the Rules Committee and on the Floor.

23 I don't think that we should talk about specifically
24 what our problems were. I think the language suggested would
25 probably tell the same story.

1 Then the next three-line paragraph, I don't like what
2 you say: "...many of the impediments have been removed,"
3 under the chairmanship of Mr. Stokes. I would like to have
4 them believe they all have been.

5 My suggestion on that is in line 2 of the second para-
6 graph strike out "many of" and "impediments" and insert
7 "problems" instead of "impediments" and strike out "removed"
8 and insert "resolved." That would read: "Under the chairman-
9 ship of Representative Louis Stokes, the problems have been
10 resolved and the investigations are now resuming in a
11 thorough manner."

12 I am not married to the language, Mr. Chairman, but I
13 think that it would be less provocative.

14 The Chairman. I agree with you.

15 The staff will take that into consideration.

16 Is there anything else?

17 Mr. Devine. That is all, Mr. Chairman. I scanned it
18 during the luncheon period. By and large, I think it will
19 do the job.

20 The Chairman. I wonder if I can sort of react to the
21 "investigation" part here.

22 I guess, Mr. Sprague, I will direct the question to you
23 and to Mr. Tanenbaum. I am concerned that with reference to
24 the investigatory material that appears in the report, that
25 we do not have the news media once again taking another shot

1 at us in the sense of their rehashing the same old stuff
2 which gives our opposition on the Floor the arguments that
3 they need. They will very hastily say to George Lardner or
4 some other author who is an authority on each one of these
5 investigations -- I guess I am wondering whether that section
6 needs to be reworked or less data included, we need to make
7 more reference to the fact that there is within our possession
8 much more sensitive and highly volatile information that
9 just cannot be disclosed in light of this type of investiga-
10 tion and that type of thing.

11 I am just wondering whether we need to go this way.

12 Mr. Sprague. Mr. Chairman, that really hits the nub
13 of the problem, because to have something is going to cause
14 the problem; that it is so limited as to make it appear what
15 in the world is being done, and on the other hand, to just
16 have that it is so sensitive creates, I guess, the problem
17 that we are going to be criticized. Are we just hiding behind
18 a label and not disclosing?

19 What we have attempted to do and really part of the
20 reason that this has not been submitted to you, as I indicated
21 it would be on Monday, is that we have gone through a number
22 of drafts. What you have here is a tremendously toned down
23 version of what existed, trying to really incorporate and put
24 into writing what has been the comments and suggestions by
25 members of the committee.

1 Mr. Devine. Mr. Chairman.

2 I think, Mr. Sprague, what concerns the Chairman and most
3 of us is that any material contained in this proposed report,
4 whether there is a balance between so-called new material
5 which has already been revealed in the Warren Commission
6 report and the Senate Intelligence Committee report -- is it
7 all a rehash of those two things or is there enough new stuff
8 to show that we are not just rubber stamping or rehashing old
9 material?

10 Mr. Sprague. Part of the problem, Mr. Devine, is that
11 it is hard to say something is new as opposed to rehash,
12 because in fact people have read everything under the sun.
13 Somebody may well suggest, and I am sure has suggested, that
14 Ruby and Oswald had been in contact prior to the assassination.

15 Ruby knew Oswald. What is new, in a sense here from out
16 standpoint, is that we have located a witness who apparently
17 says that. The allegation may be old and in terms of proof
18 that may be nil.

19 Obviously in this investigation, one of the things that
20 we are doing is looking into what has been alleged to be able
21 to prove or disprove so that to go into what we are doing is
22 going to, of necessity, raise things that have been raised
23 right along. That is one of the reasons that we are doing it.

24 The Chairman. Here is what I have in mind. From the two
25 documents that were prepared, final documents, we were able

1 to take those two documents along with the oral presentations
2 and we were able to convince both the leadership of the House
3 and most of the Rules Committee members that we were on to
4 something here that needs to be continued.

5 As a result of that, I doubt that the Rules Committee is
6 going to really want us to get into disclosing what we feel
7 we are on to here.

8 Now the question is in terms of this presentation here
9 will we get the same kind of result that we have gotten last?
10 Obviously we can't name names as we did the other day. I know
11 the media are sitting here waiting to tear us apart on this
12 report, and we have to out-think them.

13 I am just wondering, are we hurting ourselves with this
14 approach here right now?

15 Mr. Sprague. Mr. Chairman, I really don't know what
16 else could be included. I am struck by the fact that Mr.
17 Preyer, in reading the Kennedy aspect, said it came out
18 stronger than he thought it would. From that standpoint, I
19 would assume that it would be somewhat helpful. To limit it
20 further raises the problem that if we are going to be attacked,
21 that we obviously are not doing much.

22 The Chairman. You don't see a problem here revealing
23 this much?

24 Mr. Preyer. I think it is a problem all right, as you
25 have outlined it.

1 The Chairman. I think we can make a statement that
2 there are in both cases witnesses who have talked to investi-
3 gators who have never been interviewed before, never given a
4 statement before, substantive in nature, and so forth.

5 Mr. Preyer. I am wondering what is new, looking through
6 the Kennedy thing, and is not a rehash.

7 On page 11, second paragraph, "Oswald was associated
8 with anti-Castro groups." There is new evidence on this,
9 isn't there; it has not been rehashed?

10 Mr. Sprague. That is correct.

11 Mr. Preyer. The second paragraph; the Hunt letter is
12 new. That has just recently surfaced.

13 On page 12, top paragraph, that is new. In other words,
14 the first three paragraphs, each I think can be defended as
15 new evidence.

16 Trafficante, I don't know whether that witness surfaced
17 before or not that we are talking about now.

18 The Chairman. What would trouble me on page 12 is that
19 the committee "received information, not yet corroborated."

20 I think the news media would take you apart on that;
21 "received information, not yet corroborated." What does that
22 mean?

23 Mr. Preyer. I wonder if we should not make some blanket
24 statement at the outset or at the close of it that we empha-
25 size these are all leads; they have not been subjected to

1 cross-examination or polygraph test or the usual test of
2 corroboration, but they are the kinds of things that are so
3 important, if true, that they must be run down, that we should
4 be allowed to corroborate and cross-examine them.

5 I think we would be making a mistake to try to give an
6 impression that these things are all true. Then if they
7 blow up in our face, we will really be in trouble.

8 Mr. Dodd. I think your point is well taken.

9 Possibly in the very beginning, I think we get ourselves
10 into a box where one puts the purpose of support? Are we
11 supposed to be able, in the period of time we have been in
12 existence, to come up with corroborated, conclusive evidence
13 that would convince the Congress we should go forward?

14 I think everyone in the Congress knows what difficulty
15 this committee has had over the past couple of months. The
16 language would have to be chosen carefully. I think if you
17 stated at the outset what the purpose of the report was and
18 that was to bring up to date the members of Congress with
19 regard to the activity of the committee, the hurdles that they
20 have had to overcome and so forth, and not allow ourselves to
21 be put in the position of trying to defend the material we
22 have with conclusive evidence which has not been brought up
23 at one time in the past -- I see us getting into a situation
24 where we are really boxed in.

25 Mr. Preyer. If we could disarm the press at the outset

log 14
1 by saying "Sure, this is uncorroborated."

2 We will say it has raised questions and we have to run
3 it down.

4 Mr. Dodd. We don't want to get ourselves in a position
5 of saying we have not been able to get into this stuff and it
6 is thoroughly because of our problems, which is one thing we
7 have been saying, which is a fact, which is true, and then to
8 also come forward with evidence that we have had an opportunity
9 to examine thoroughly, that is contradictory.

10 I think we ought to make to clear in the beginning that
11 is not our intention in this report, to defend necessarily
12 that kind of evidence being fact.

13 The Chairman. It may be that we can approach it from
14 the viewpoint of saying, we refer back to the time that the
15 committee was originally constituted, it was constituted as
16 a direct result of the unanswered questions that were apparent
17 as relates to both these deaths.

18 Obviously, the short period of four months or so that
19 this committee has been constituted, these questions are still
20 unanswered and we are in the process, within the limited
21 time we have had of developing the leads and other information
22 that has come to us and that I think we can say that some of
23 the leads and information that have come to us have never
24 before surfaced, without being sensational or wrong, but to
25 show that there is an ongoing progressive state of an

1 investigation. In that regard, I think, further, we can say
2 that obviously there are things we cannot include in this
3 report because of the sensitive nature of the investigation.

4 Mr. Sprague. Mr. Chairman, I thought we really had, in
5 a sense, responded to what is being raised now, because on
6 page 2 at the beginning we do say in the bottom paragraph;
7 "While the committee believes that the new leads must be
8 vigorously pursued, we emphasize the fact that it is impossible
9 to predict whether the information will be proven reliable
10 and capable of verification. The investigations are in their
11 infancy and, therefore, the committee cannot submit verifiable
12 conclusions with respect to the assassinations before the
13 inquiry is completed and the evidence gathered, tested and
14 corroborated."

15 I thought that would address itself to what Mr. Preyer
16 was saying in the beginning.

17 The reason in the latter part dealing with Trafficante
18 on page 12 where it says, "The committee has received infor-
19 mation, not yet corroborated," was that we wanted to keep the
20 credibility of this committee at the highest level, and even
21 though there is that statement at the beginning, we thought
22 it well to reemphasize that with regard to that particular
23 information so as not to be caught off base, because I would
24 hate to get in the posture for this committee where we are
25 making one statement with a number of others and then somebody

1 goes out and proves that one statement is untrue and that
2 giving an implication that everything else is down the drain
3 as well.

4 That is why I thought we covered really what you are
5 raising here.

6 Mr. Dodd. I am suggesting rather than that, that should
7 be the first paragraph. That is out immediately. This is
8 the first thought that is in this report that we are not, in
9 effect, saying that it is in its infancy, we have not had a
10 chance or opportunity to corroborate all the evidence and
11 testimony come forward because of the obvious restraints the
12 committee has operated under, and so forth. I think that
13 ought to be the first thing that we say.

14 I think that, in a sense, will get us off the hook of
15 having to defend each and every statement that is in here with
16 regard to potential witnesses, evidence and so forth.

17 Mr. Sprague. We just want to be very careful, like that
18 Trafficante-Ruby situation. We can put it more in the
19 beginning than we have it. We did not want it thought that
20 this committee representing the House of Representatives is
21 making the statement, nonetheless, because if things are not
22 put in a cautionary sense, it is going to have the weight of
23 this committee behind it and it ought not have that where we
24 are not able to say that definitively.

25 The Chairman. Mrs. Burke.

1 Mrs. Burke. Thank you very much, Mr. Chairman.

2 Before we get too far along, I wanted to ask if it is
3 possible to clarify who Mr. Maheu was. We know, but every
4 time I have heard the name or the name said, I have heard
5 someone say "Is this the same Maheu?"

6 Could there be some sentence there explaining which
7 Maheu and the fact that I guess he testified to certain things
8 before the Church Committee?

9 Was it the Church Committee?

10 Mr. Sprague. That is correct.

11 I will certainly put in who he is and his statement
12 that he was in fact recruited for this purpose.

13 Mrs. Burke. The next thing I am saying is something I
14 am not sure about the reaction politically.

15 The allegation that we go on here, the CIA, FBI, and
16 various things. If I could argue both sides.

17 It does raise confirmation of suspicions that some people
18 have. On the other side, there are many people I find in the
19 House that, unless there is something that they can really
20 cling to, they are terrified by the idea of criticizing our
21 intelligence agency.

22 The statement, for instance, in here that Hoover tried
23 to mislead the Warren Commission. From my experience, and my
24 own experience relates to appropriations where we reviewed,
25 for instance, the CIA budget, where we took a vote there and

1 the majority of the members of that committee voted not to
2 know what was in the CIA budget, the idea being that there is
3 this terrible apprehension of criticizing those agencies.

4 So, I just want to raise the question, realizing that
5 maybe the people who feel that way would never vote for us
6 anyhow, which is a possibility, but I am not sure, and I
7 would just throw that out, Mr. Chairman.

8 The Chairman. I think the gentlewoman's observations
9 are well taken.

10 The gentleman from Maryland said he had originally voted
11 for it, but now he understood that it would embarrass the FBI
12 and like that, he used the FBI in his objections the last time.
13 He opposed the resolution.

14 I think that is something we might rethink, in light of
15 that knowledge. What we wind up doing is one thing, but it
16 might not be necessary for us to telegraph it.

17 Mr. Sprague. May I respond, Mr. Chairman and Mrs. Burke?

18 We put it in, and it is on page 14 really dealing with
19 "The committee has obtained evidence suggesting the actual
20 destruction of evidence."

21 That, in fact, is something that is known and that the
22 Federal Bureau of Investigation has admitted. It is not a
23 disclosing of something unknown there. It seems to us that
24 not putting in a matter that is concerned with the connection
25 between Oswald and the FBI, when it already is an area that is

1 in the public domain and questions have been raised, would
 2 lead to the question why is it not mentioned since you are
 3 mentioning different things? That is the reason for that.

4 It seems to us that everything we do is going to be
 5 reviewed, subject to analysis. If this is an area involved
 6 in the investigation, if there is a feeling of not putting it
 7 in now because, let us say, someone might attack us on it, I
 8 query how thorough will be the investigation if there is a
 9 concern like that and something that is publicly known.

10 The second part dealing with the misleading statements,
 11 again, that is not based really on witness's statements.
 12 That happened to be something that is predicated upon the
 13 actual documents that exist.

14 Mrs. Burke. If this is in the public domain, I would
 15 think it should be stated specifically; rather than "The
 16 committee has information" it should be saying that evidence
 17 has already been corroborated or there have already been
 18 statements before committees that Oswald had a link with the
 19 CIA. If we have it in the public domain, I think it should
 20 be specifically stated.

21 The Chairman. Mr. Tanenbaum, isn't that in the Warren
 22 Commission report?

23 Mr. Tanenbaum. What is in the report is that Oswald
 24 had some pro-Castro views. There is nothing there that
 25 indicates that he had links to the CIA, that we have, namely,

1 through Feliciano. That is new; it is not in the public
2 domain.

3 The Chairman. I thought the Warren Commission sent
4 their counsel to J. Edgar Hoover for the purpose of his mak-
5 ing inquiry as to whether Oswald was one of their agents or
6 not.

7 Mr. Tanenbaum. That happened in executive session on two
8 occasions in January 1964.

9 The Chairman. Mr. Fithian.

10 Mr. Fithian. I share some of the concerns of Mrs. Burke.

11 I am wondering if, on page 14, we might not want to do
12 it slightly differently. I think that we ought to indicate
13 at the beginning of that paragraph at the top of the page
14 that "It has already been established that," or some such
15 wording, if that is the case, and then I am wondering if we
16 might not drop the rather accusative paragraph which follows
17 involving the CIA, et cetera, "must be fully scrutinized."

18 It does seem to cast this whole inquiry and investigation
19 into sort of an investigation of the FBI and CIA. Some
20 aspects of those two agencies obviously have come into review.

21 I am wondering if we need to irritate those members who
22 otherwise might go along with us. I have found one of the
23 more effective arguments with some members of the House is to
24 argue the case that we ought to clearly delineate, in the
25 course of this investigation, exactly what administrative

1 procedures were and were not followed by agencies of the
2 government in order to establish whether or not there is
3 need for legislative remedy. One of the things we do not
4 point to in this report -- maybe we don't want to; maybe
5 that is jumping the gun -- but it does seem to me to be a
6 very convincing justification for this committee as a
7 Congressional committee to review those procedures and to
8 conclude sometime down the line that we ought to mandate
9 that in times of national emergency or assassination of a
10 President or a national leader that certain things would, of
11 necessity, be done by these agencies; that all information
12 would be immediately transmitted to duly constituted investi-
13 gative bodies, or some such thing.

14 For a lot of them who are uncertain as to exactly what
15 role either of these agencies was and there are those in the
16 House who fall on both sides of that, they can all agree that
17 if this investigation demonstrates a breakdown in the normal
18 process, then it might well be the responsibility of this
19 committee to recommend some legislation correcting the process,
20 and that is not necessarily digging up the bones of J. Edgar
21 Hoover; it is looking down the road ahead to prevent some
22 breakdown in the process.

23 I am wondering if we might not want to drop words like
24 "scrutinize," et cetera, and recast that in such a way that
25 it simply indicates we are going to review all of these

