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EXECUTIVE SESSION

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COMMITTEE  
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FRIDAY, JUNE 16, 1978

U. S. House of Representatives, 13

Select Committee on Assassinations, 13

Washington, D. C. 17

9 The committee met, pursuant to call, at 10:40 a.m., in Room B-236, United States Capitol, Hon. Louis Stokes, (chairman) presiding.

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

Also present: <sup>G.</sup>~~R.~~ R. Blakey, K. Klein, M. Goldsmith, J. Smith, E. Berning, G. Cornwell and S. Brady.

<sup>Chairman</sup>~~Mr.~~ Stokes. A quorum is now present. The committee will be in order.

The Chair will recognize Professor Blakey.

Mr. Blakey. Mr. Chairman, the matters that will be brought before the committee this morning deal with the substance of what procedure of investigation; it would be appropriate therefore that the meeting be in executive session.

<sup>Chairman</sup>~~Mr.~~ Stokes. The Chair will entertain a motion.

Mr. Preyer. I so move, Mr. Chairman.

<sup>Chairman</sup>~~Mr.~~ Stokes. It has been properly moved that the committee

1 go into executive session for reasons stated and the clerk  
2 will call the roll.

3 9) Ms. Berning. Mr. Stokes.

4 <sup>Chairman</sup>  
~~Mr.~~ Stokes. Aye.

5 Ms. Berning. Mr. Devine.

6 Mr. Devine. Aye.

7 Ms. Berning. Mr. Preyer.

8 Mr. Preyer. Aye.

9 Ms. Berning. Mr. McKinney.

10 Mr. McKinney. Aye.

11 Ms. Berning. Mr. Fauntroy.

12 Mr. Fauntroy. Aye.

13 Ms. Berning. Mr. Thone.

14 [No response.]

15 Ms. Berning. Mrs. Burke.

16 Mrs. Burke. Aye.

17 Ms. Berning. Mr. Sawyer.

18 [No response.]

19 Ms. Berning. Mr. Dodd.

20 [No response.]

21 Ms. Berning. Mr. Ford.

22 [No response.]

23 Ms. Berning. Mr. Fithian.

24 [No response.]

25 Ms. Berning. Mr. Edgar.

1 and ~~raising~~ it again. Then you lose the umbrella and you can  
2 see the President.

3 *U* We have photographs taken by other people immediately  
4 after the shooting. Everyone in the plaza is facing the  
5 knoll, running in that direction, and the umbrella man and  
6 his friend are the only two people standing facing the  
7 complete opposite direction and then the umbrella man is  
8 sitting down, which no one else is doing. That is why the  
9 critics have focused on him so much, though they have never  
10 seen this particular photograph.

11 *Chairman*

11 *n* ~~Mr.~~ Stokes. Mr. Devine has offered a very good suggestion.

12 Mrs. Burke. Could I suggest a resolution that would  
13 authorize the *Chairman*, in his discretion, to approve the  
14 press release, consistent with the dignity of the committee,  
15 not involving the committee in an umbrella theory and consist-  
16 ent with Time-Life's permits.

17 Mr. McKinney. I would so move.

18 *Chairman*

18 *n* ~~Mr.~~ Stokes. You have heard the resolution. Do you  
19 want a record vote?

20 Mr. Blakey. I don't think that is necessary.

21 There are a couple of matters of information you should  
22 be aware of.

23 The committee is going into court on Monday in Memphis  
24 to examine the records of a hospital dealing with  
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There are two other matters I would bring to your attention. One is an outstanding issue. Former President Ford was a member of the Warren Commission. Some time in the next ~~thirty~~ <sup>30 to 60</sup> ~~to sixty~~ days he probably ought to be talked to and I would solicit your advice on the way in which that occurs.

If he is in town for another purpose, it might be appropriate to have an executive session in which he could come in and talk about the Warren Commission<sup>\*</sup> and his role on it.

If he is going to be in Colorado for any period of

1 would it be advisable for the committee, with due dignity, to  
2 release these to the press with an effort being made to  
3 solicit anyone who could identify the individuals?

4 <sup>A</sup> The umbrella man is in no sense a central figure in the  
5 committee's investigation. He is a central figure in the  
6 critical literature. The argument is made that he had an  
7 umbrella on a sunny day and that the umbrella was raised  
8 just before the assassination and was somehow a signal  
9 relating to the assassination.

10 If it were possible to identify him and have him come  
11 forward, it might be one way which that aspect of the  
12 critical literature could be explained.

13 Our ability to identify him simply by showing this  
14 photograph to people in Dallas is limited. If we release  
15 it to the press, they could obviously give it nation-wide  
16 circulation.

17 There are plusses and minuses if we did this. It might  
18 appear to some credible people we are pursuing the umbrella  
19 man theory, which lacks a certain credibility.

20 On the other hand, if these are printed and we indicate  
21 we don't know who the person is, I suppose one of the first  
22 things that will be raised is, "Why didn't you give it to the  
23 press earlier? We could have identified him at any time."

24 I don't know that there is an easy answer either way.  
25 I also don't know that this is a terribly important issue,  
but if we were to do it, it probably ought to be done now and

1 it would require a committee resolution to make them public.

2 *¶* I might add it might also require the permission of Time-  
3 Life, since they are their photographs.

4 Mr. Dodd. Mr. Chairman.

5 <sup>Chairman</sup>~~Mr.~~ Stokes. Mr. <sup>#</sup>Dodd.

6 Mr. Dodd. I have read that one "Thirty Seconds in  
7 Dallas." In fact, they even have it that there is a gun in  
8 there; that you open it up and it fires. I just wonder how  
9 many theories there are. I know the signal theory and I know  
10 about you opening it up and somehow there is a triggering  
11 mechanism in the top of the thing. Those are basically the  
12 two.

13 Mr. Blakey. Yes.

14 Mr. Dodd. The former having a lot more support, I  
15 presume even among the critics, than the latter.

16 Mr. <sup>#</sup>Blakey. He is one of the mystery figures. It is the  
17 kind of thing people want explained. Why would a man have an  
18 umbrella up on a sunny day?

19 Mr. Edgar. Do we have that picture with us?

20 Mr. <sup>#</sup>Blakey. No; we don't. It is part of the Zapruder  
21 film. You can see right below where the President is. It  
22 actually raises just before the assassination. These are  
23 separate pictures. You can see the umbrella laying right  
24 here to the right of the light post. This is indeed an  
25 umbrella man.

1 Mr. Fauntroy. The thing that has always puzzled me about  
 2 this is, with all the attention focused upon this theory,  
 3 we have had no one to come forward (from Day One) to say "I am  
 4 he."

5 With respect, therefore, to the question, shall we  
 6 publish this in the hope of finding the person, I tend  
 7 rather to be pessimistic about<sup>#</sup> the prospects.

8 Mr.<sup>#</sup> Devine. He looks like he is 65 years old in that  
 9 picture. That would make him 80 today.

10 Mr.<sup>#</sup> Fauntroy. No; that is not the man.

11 The question is, what public relations value is there  
 12 to feeling that we are pursuing every lead? I just don't  
 13 think it will be productive. If people have been talking  
 14 about the umbrella man and he hasn't come forward  $\frac{2}{M}$

15 Mr. Dodd. If that is our only public pronouncement, I  
 16 think it is going to focus an awful lot of attention on this  
 17 one single aspect of the thing. It makes it look as  
 18 though we place a lot of credibility in that.

19 <sup>Chairman</sup>~~Mr.~~ Stokes. Mr.<sup>#</sup> Edgar.

20 Mr. Edgar. One of the suggestions I would have on a  
 21 public pronouncement would be to make, on the first or second  
 22 day of public hearings, a major emphasis on this photograph.  
 23 That way you would have major TV coverage with a statement  
 24 that at the beginning of our hearings  $\frac{1}{M}$  and this is one of  
 25 the unanswered questions  $\frac{1}{M}$  I kind of agree with Walter, if we



1 go out to the<sup>#</sup> public now on this one picture, people will  
2 pick that up and say, "Oh, they are only pursuing that idea  
3 and that thought."

4 ¶ It would have to be handled very well.

5 Mr. McKinney<sup>#</sup>. Obviously if I were "the umbrella man"  
6 and all of a sudden people were writing about me, I would  
7 be the last person to come forward.

8 A president has been shot and who wants the FBI, Secret  
9 Service and everybody else pouring over them because they  
10 were sitting there with an umbrella.

11 This is the first time we have seen this man's face  
12 and I think we should say many of the critics have mentioned  
13 this umbrella man and we have found no vast importance to  
14 it, but here is his face and would someone please come  
15 forward and tell us if they know him?

16 The individual himself would be crazy<sup>z</sup> to come forward.

17 Mr. Blakey. This is the first time there has been a  
18 picture of him from the front. In the past it has always  
19 been a person from behind.

20 If the background was given to the newspaper people  
21 and the statement was made, "This is only one among a number  
22 of things being pursued by the committee and it is not of  
23 central importance to us, but is a question raised by the  
24 critics and it is a matter of some interest that he be  
25 identified  $\frac{2}{11}$ "

1       9 Mr. Devine. Have we other photographs we could have  
2 identified at the same time to lessen the focus on this one?

3       Mrs. Burke. I suspect there are other photographs.

4       <sup>Chairman</sup>~~Mr.~~ Stokes. When you release this photo and ask the  
5 press to find out for you who he is, doesn't this lend  
6 credence then to precisely what the press is saying? "See  
7 there, I told you; they haven't found out anything."

8       I think you just invite that reaction from the press.

9       Mrs. Burke. Of course, we could indicate we have found  
10 a photograph of the umbrella man, which nobody else has until  
11 now.

12       Mr. Devine. But we would want to talk to him as a  
13 witness rather than as a suspect.

14       Mr. Fauntroy. It would be nice to clear that up one  
15 way or the other.

16       Mr. McKinney. One thing the critics will say is that  
17 they didn't follow up the umbrella man.

18       Mr. Dodd. They are going to be saying things for the  
19 next hundred years. If we go into this thing with that in  
20 mind, we will be basket cases.

21       Mr. Fauntroy. The idea of a fellow having an umbrella  
22 on a sunny day that is opened up just as the President is  
23 coming by <sup>2</sup>/<sub>M</sub>

24       ~~Mrs. Burke~~ <sup>Mr. Goldsmith.</sup> This photograph is after the shooting.

25       He is calmly sitting there on the curb.

1 9 Mr. Fauntroy. This photograph is after the shooting.

2 ~~Chairman~~ ~~Mr.~~ Stokes. Yes.

3 Mr. McKinney. He is probably lifting his black umbrella  
4 to indicate some protest.

5 Mr. Fauntroy. After he is shot he sits down and says  
6 "Well, let's wait here."

7 Mr. Devine. Do you know what was the temperature that  
8 day?

9 ~~Mrs. Burke~~ *Mrs. Goldsmith.* About 65.

10 Mr. Devine. Some people have an umbrella to shield  
11 themselves from the hot sun on a hot day, but 65 in November  
12 wouldn't apply.

13 Mr. Preyer. Mr. Chairman, would it be possible for Mr.  
14 Blakey to ~~draw up~~ *draft* the ~~proposed~~ press release they would  
15 propose to use to release this and see whether it would  
16 meet with your approval?

17 I agree that how it is presented is crucial. Of course,  
18 it could be misinterpreted regardless of how it is presented.  
19 We are going to be a loser on this one any way we go.

20 It does have the thrust of a new photograph and if it  
21 is presented in the right light so it does not appear we  
22 have bought the umbrella man theory, it might indicate the  
23 committee's desire to be thorough and follow up all leads.  
24 Otherwise, we could be accused of not following up an obvious  
25 step.

1 Mr. Devine. Must he be identified with the umbrella?

2 Mrs. Burke. We could say this was a man whose photo-  
3 graph we have and we have not been able to identify him and  
4 if anybody knows him, will they please write us.

5 Mr. McKinney. Are there any modern photography  
6 techniques that will upgrade those pictures?

7 Mr. Goldsmith.

8 ~~Mrs. Burke~~ No. This is about the size of a pinhead  
9 in an eight by ten. It has already been enlarged and en-  
10 hanced and the grain is caused by the lack of information.  
11 There is no information there. If you saw the original  
12 8 by 10, this is maybe just a 1<sup>#</sup> inch 1/<sub>4</sub> the umbrella man  
13 may be 1 inch by 1 inch and the photograph is eight by  
14 10.

15 Mr. Dodd. If you use anything like that, you are going  
16 to get confusion over which one you are talking about.

17 <sup>Chairman</sup>  
18 ~~Mr.~~ Stokes. Time-Life has never printed this picture?  
19 It is just something that was in their files?

20 Mr. Blakey. Yes.

21 <sup>Chairman</sup>  
22 ~~Mr.~~ Stokes. How do you establish the fact, Micky,  
23 that it was a photograph taken after?

24 Mr. Goldsmith. If you saw the rest of the picture,  
25 you would see in the background people running around, up  
the grassy knoll. There was a series of seven photographs.  
This is one of the seven. You can see people running in the  
background. It is just mass confusion. The photographs before

1 the assassination, people are standing there watching.

2 <sup>9</sup> Mr. Devine. How many seconds per frame would you  
3 estimate?

4 Mr. Goldsmith. I couldn't say that.

5 Mr. Devine. Each frame is supposed to be in a second  
6 segment. Is this just a straight photo and not part of a  
7 motion picture?

8 Mr. Goldsmith. That is right.

9 <sup>Chairman</sup> ~~Mr.~~ Stokes. What does Zapruder show the umbrella man  
10 doing?

11 Mr. Goldsmith. You can only see the umbrella. You can  
12 see it opening up, being raised, lowered, raised again,  
13 simultaneous with the shooting.

14 <sup>Zapruder</sup> When ~~Caputo~~ pans in you see the umbrella go up and  
15 down but you then continue watching the President and you lose  
16 the umbrella.

17 <sup>Chairman</sup> ~~Mr.~~ Stokes. What is the proximity of the umbrella man  
18 to the President's car?

19 Mr. Goldsmith. He is standing on the edge of the curb.  
20 I don't think he shot the President.

21 <sup>Chairman</sup> ~~Mr.~~ Stokes. We have this man sitting down while you  
22 say people are running around all behind him with the  
23 President having just been shot. He is raising his umbrella  
24 and then calmly sits down?

25 Mr. Goldsmith. He was raising and lowering the umbrella

1 time, it might be appropriate for three members of the  
 2 committee to go out and see him. I would suppose that prior  
 3 to contacting him in a formal sense, it might be appropriate  
 4 for the chairman to call him and outline for him the general  
 5 areas of our interest and concern.

6 *P* Most of the other principal figures in the Warren  
 7 Commission and cabinet who we have talked to, of all of them,  
 8 obviously President Ford presents a special problem.

9 Mr. Devine. I know he has accepted an engagement at the  
 10 Danny Thomas Hospital out there.

11 I could in<sup>3</sup>quire and find out when he will be in the  
 12 Washington area.

13 Mrs. Burke. Given our financial situation, if he is  
 14 here, it would be preferred if we could do it here.

15 Mr. Devine. He will be glad to do this without  
 16 publicity because if the word gets out we are going to question  
 17 him, it would be difficult. Perhaps he could be met somewhere  
 18 off the Hill.

19 Mrs. Burke. I am sure that could be arranged.

20 Mr. Dodd. This doesn't relate directly to President  
 21 Ford, but are we going to bother with inhabitants of the  
 22 car <sup>2</sup>/<sub>M</sub>

*Mr. Blakey.*

~~Mrs. Burke.~~ We have talked to Governor Connally.

23 *Blakey?*  
 24 We have not talked to Mrs. Connally.

25 Mr. Dodd. Are we going to pursue that in the committee?

*Blakey*  
1 9 Mrs. Burke. It is likely Governor Connally might be a  
2 witness in the hearings. We didn't feel it was necessary  
3 to present him to you in executive session.

4 Mr. Dodd. We will be apprised of what he will be  
5 saying.

6 Mr. Blakey. Absolutely.

7 Mr. Dodd. There is no reason to call Mrs. Kennedy, I  
8 presume?

9 Mr. Blakey. I hadn't thought about it. I have not  
10 talked to the former First Lady.

11 Mr. Devine. I can anticipate a *question*  
12 from President Ford, <sup>cc</sup> what do you want to talk about? <sup>W</sup>

13 Mrs. Burke. If you are going to make that phone call  
14 what we should give you before hand is a briefing memorandum  
15 where we outline for you the various areas. Frankly, I think  
16 the committee probably has a duty to, in addition to going  
17 over how it was formed, and the pressures under which it  
18 worked, airing what came out of the release of the FBI  
19 document. That is, had Congressman Ford served as an  
20 information conduit for the FBI from the Warren Commission.  
21 There are memoranda written by de Loach indicating that is  
22 the case. I am aware that the newspapers or, I think it is  
23 CBS, has talked to President Ford about that and he has an  
24 explanation for it. I do not think that interview has been  
25 aired. I believe it was NBC, where Carl Stern talked to him.

1           9 We will be able to give you a memorandum.

2           Do I sense a consensus on the part of the committee  
3 that is the way we should proceed?

4           Mr. Devine. It doesn't make any difference to me.  
5 However you want to do it.

6           Chairman ~~Mr.~~ Stokes. It would appear ~~that then~~ <sup>this</sup> is the way we  
7 should proceed.

8           Mr. Blakey. **T**here is one other item I would bring  
9 up at this time before I suggest we go into the briefing and  
10 that is if the committee wants to discuss the memorandum that  
11 I circulated to you with the suggested date for the King  
12 hearings, the Kennedy hearings, and the King hearings again  
13 in the public meetings <sup>1</sup>/<sub>M</sub> I think, <sup>#</sup> Mr. Edgar, you wanted to  
14 speak to that.

15           Mr. Edgar. I have a couple of questions, or one specific  
16 one that I need to raise and that is, Floyd Fithian and I  
17 have been fairly active in the King <sup>Case</sup> ~~case~~ and we have tough  
18 elections and we may be counting <sup>50</sup> fifty votes or ~~one~~ <sup>100</sup> hundred  
19 votes at <sup>4</sup> four o'clock in the morning. I notice in the  
20 schedule the day after the election we are scheduled to be  
21 ~~here~~ <sup>here</sup> at <sup>9</sup> nine o'clock for a public session. I think that is  
22 inappropriate.

23           Mr. McKinney. Let's call it impossible.

24           Mr. Edgar. I would rather come on a Saturday or make  
25 one of them <sup>9</sup> nine to <sup>12</sup> twelve or <sup>9</sup> nine to <sup>5</sup> five to make up for the



1 loss of hours. The Wednesday after election doesn't seem to  
2 be a good day for any of us.

3 <sup>#</sup>Mr. Blakey. Would Thursday after election?

4 Mr. Edgar. I think I could probably make it by  
5 Thursday if I am not packing.

6 I would urge not to use Wednesday.

7 Mr. McKinney. **T**he consensus is unanimous that you are  
8 right.

9 <sup>Chairman</sup>~~Mr.~~ Stokes. Is there anything further?

10 Mr. Dodd. I would like to use a few minutes to discuss  
11 his. I have discussed this in the past and I have mentioned  
12 it to a few people on the floor over the last couple of days  
13 about the scheduling itself. We are looking at the week  
14 in August and then the full month of September. I know,  
15 Bob, you have expressed the feeling that it would be almost  
16 impossible to conduct public hearings and be through by the  
17 31st of December. I would like to raise for purposes of dis-  
18 cussion here, <sup>one,</sup> whether or not we want to proceed with this  
19 intensive public session in September.

20 Two, whether or not it is possible to conduct more  
21 shifts on part or all of this until November, December and  
22 write up the report simultaneously, if that is possible.

23 <sup>Mr. Blakey.</sup>

23 ~~Mrs. Burke.~~ Let me out line the strategy involved in  
24 setting this up. We are obviously dealing with problems.  
25 If you push it in one place, it will push out in another

1 direction. I think the first two things that have to be  
2 said is that the committee has to begin its public hearings  
3 before the end of September on both King and Kennedy because  
4 we will have to come up in September for additional money to  
5 go through December.

6 ¶ While I am certainly not an expert in politics, having  
7 sat through the hearings and the floor debate on our money  
8 bill the last time, it is difficult for me to believe that the  
9 floor would give this committee more money unless it had  
10 started its hearings.

11 I think preferably we should finish our hearings as an  
12 integral presentation on both sides. It is just not possible  
13 to do that before September.

14 In addition, the King hearings would have a special  
15 problem with the appearance of James Earl Ray. We can  
16 anticipate that he will present new material of some kind and  
17 therefore we probably ought to get him out of the way in  
18 August and then finish up the King hearings in November or  
19 we will have the opportunity in September and October to run  
20 down anything he says is new.

21 If we don't begin in a substantial way demonstrating  
22 our competency, our professionalism and our serious dedication  
23 prior to the votes in September, I doubt that the Congress  
24 would finance it. This means, in my judgment, we would have  
25 to begin in August and September. Then I think in September

1 we should finish Kennedy as a whole, so that people can watch  
2 it as a whole and not have it broken up.

3 Mr. Dodd. May we go off the record, Mr. Chairman?

4 <sup>Chairman</sup>  
~~Mr.~~ Stokes. Yes.

5 [Discussion off the record.]

6 <sup>Chairman</sup>  
~~Mr.~~ Stokes. Back on the record.

7 Mr. Blakey. Mr. Chairman, I have no further business  
8 to bring before the committee.

9 <sup>Chairman</sup>  
~~Mr.~~ Stokes. There being no further business before the  
10 committee, the ~~committee~~ meeting is adjourned subject to the  
11 call of the Chair.

12 [Whereupon, at 11:30 a.m., the committee adjourned, to  
13 reconvene at the call of the Chair.]

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1 9 Mr. Edgar. Aye.

2 Ms. Berning. Seven ayes, Mr. Chairman.

3 <sup>Chairman</sup>~~Ms.~~ Stokes. Seven members having voted in the affirma-  
4 tive, the meeting is now in executive session and all members  
5 of the public are requested to remove themselves from the room.

6 Mr. Edgar..

7 Mr. Edgar. Mr. Chairman, before we move to the agenda, may  
8 I inquire as to one of the agenda items, is the schedule for  
9 the public hearings?

10 Mr. Blakey. Yes.

11 Mr. Chairman, there are several items for general  
12 discussion, two of which could require a vote. The main  
13 issue before the committee, or the main question before the  
14 committee, however, is the <sup>#</sup>nature and character of the hearings  
15 that will be held next week at night. I will not discuss those  
16 things on the record here, but at the conclusion of the <sup>#</sup>meeting  
17 we can go into a briefing off the record on them so I would hope  
18 the items of business could be handled as expeditiously as pos-  
19 sible so we could get to the main issue which is next week's  
20 hearings.

21 The first issue I would bring to your attention and  
22 solicit your advice deals with the Ray family.

23 As you are aware, of course, the committee has referred  
24 to the Department of Justice and the ~~Parole Board~~ the question  
25 of John Ray's perjury before the committee.

1        9 The Department of Justice has informed the Parole Board  
2 they are considering presenting the matter to the Grand Jury  
3 and ask the Parole Board to suspend his parole for a period of  
4 at least a month.

5        The Parole Board has indicated to us they would probably  
6 not grant him parole if the Department of Justice decides to  
7 charge him with perjury.

8        There will be a meeting on Tuesday at two between the  
9 staff and the Department of Justice officials to discuss that  
10 matter.

11        I would bring to your attention one other item in that  
12 connection. Evidence developed before the committee indicates  
13 that Jerry Ray probably committed a fraud on McMillan  
14 having to do with checks and other matters. Carol Pepper and  
15 Jerry Ray made available to Mr. <sup>#</sup>McMillan, leading Mr. McMillan  
16 to include in writing his book that the family was a conduit  
17 for funds while James Earl Ray was in prison. It turns out those  
18 materials were fraudulent.

19        Without going into the details, that transaction constituted  
20 Federal wire fraud and is a prosecutable offense.

21        The issue I would bring to the committee this morning  
22 is whether it might be advisable to refer that matter to the  
23 Department of Justice for possible prosecution.

24        I solicit your advice on it. If we did settle, we would  
25 have to have a committee resolution turning over to the

1 Department the basic testimony we have available to us  
2 indicating Jerry Ray's involvement in the effort to defraud  
3 McMillan.

4 <sup>Chairman</sup>  
H ~~Mr.~~ Stokes. Mr. Edgar.

5 Mr. Edgar. Mr. Chairman, having sat through both  
6 hearings having to do with John Ray and Jerry Ray, unless I  
7 get more information, I would think that the John Ray perjury  
8 should be pursued and the Jerry Ray thing ought to be just  
9 noted in our report and not made an issue of unless we find  
10 more significant evidence against Jerry Ray.

11 I think we just muddy the waters by going after each of  
12 these cases, or this one case, in terms of wire fraud.  
13 I think our issue is trying to sort out the pieces of Martin  
14 Luther King's death and I think the pressure on John Ray  
15 may be of value in helping to break the case open, given some  
16 of the new leads we are pursuing.

17 I think we still have to keep pressure on Jerry Ray  
18 but I don't think that pressure is harassing him, which may  
19 be perceived as harassment in terms of a wire fraud issue.  
20 That is just a personal feeling on my part.

21 <sup>Chairman</sup>  
^ ~~Mr.~~ Stokes. Are there other comments?

22 Mr. Fauntroy. He stated my predisposition on that question  
23 also.

24 Mrs. Burke. Mr. Chairman, unfortunately I was not at  
25 the hearings so I don't have the background information on the

1 wire fraud.

2 Mr. Blakey. What happened is that McMillan, an author,  
3 came to the Ray family to find out more about James Earl  
4 Ray and the relationship between him and the family and during  
5 the course of those contacts, Carol Pepper <sup>1</sup>/<sub>M</sub> James Earl's  
6 sister <sup>1</sup>/<sub>M</sub> and Jerry Ray, sold to McMillan photographs they  
7 had bought from the Salvation Army and portions of her check  
8 books in which she had entered back-dated interest under two  
9 theories. One is the photographs were of the family and that  
10 the back-dated checks, or check interest, were designed to show  
11 money was coming out of prison and through Carol Pepper's  
12 account, and this played a part in McMillan's book.. He  
13 paid money for those items and he in fact was defrauded by  
14 the Ray family. Mrs. Pepper indicated before the committee  
15 that these entries were fraudulent. They were, in effect,  
16 forgeries.

17 Mrs. Burke. I would reserve on the issue of the wire  
18 fraud, but I do think, having had to read the long, involved  
19 statement in the Los Angeles Times about the assassination  
20 developments <sup>1</sup>/<sub>M</sub> most of which were based on McMillan and his  
21 claim <sup>1</sup>/<sub>M</sub> I think that one way that strategically, if that  
22 information, when that is brought to the public light ~~is~~  
23 ~~is~~ and made clear the Justice Department can do with it  
24 what they want, that the whole attitude and approach toward  
25 the committee and the hearings will be different.

1        ¶ Mr. Edgar. My suggestion was not to cover it up at all.  
2 My suggestion was it is something that we need to have up  
3 front in our report, up front in our discussions as we go to  
4 public debate and let the Justice Department take it if they  
5 wish from there, but I don't think that it serves a purpose  
6 to tie up our lawyers now in trying to analyze and share  
7 with the Justice Department the information at this stage  
8 of our investigation. I may be wrong.

9            Mrs. Burke. I would agree with that.

10           I think the timing is very bad and could very easily be  
11 done at the conclusion.

12           ¶ Mr. Fauntroy. I would like to reiterate, however, the  
13 view that we must pursue the perjury charge on John Ray  
14 vigorously.

15           ¶ Mr. Edgar. May I speak to that, Mr. Chairman?

16           Chairman  
~~Mr.~~ Stokes. Mr. Edgar.

17           Mr. Edgar. I think that is a really key thing if I am  
18 reading John Ray right, and the testimony we have gotten  
19 from the Ray family. I don't think he wants to spend many  
20 more years in prison and I have a feeling he has not been  
21 cooperative with the committee and its investigation and I  
22 think shortly after we pursue this perjury we ought to get  
23 back to John Ray and have him back either before the committee  
24 or meet him in some context where he realizes he ought to be  
25 very factual and honest with us in terms of his involvement.



1 I think that is a clear case, where we have three or four  
2 witnesses.

3 <sup>Chairman</sup>  
4 ~~Mr.~~ Stokes. Let me ask counsel if any analysis has been  
5 made or any evaluation ~~has been~~ made with reference to the  
6 extent to which the ~~perjured testimony of the not the perjured~~  
7 ~~testimony, but the~~ testimony of the sister to the effect they  
8 did commit fraud and so forth  $\frac{1}{N}$  how it would materially alter  
9 the book itself.

10 Mr. <sup>#</sup>Blakey. I would have to pass on a real analysis of  
11 the book. The argument is made in it that with regard to the  
12 relationship of who Ray was and the relation with the family,  
13 that is not supported, but I would have to pass on a careful  
14 analysis of the book.

15 I think the point that would be made by the prosecution  
16 can ultimately be made by the final report and the prosecution,  
17 that the Ray family is not a reliable source of information  
18 and authors who have relied on statements by Jerry Ray or James  
19 Earl Ray, or Carol Pepper, have seemingly relied on an un-  
20 reliable source. In fact, there has been fraud committed  
21 against Mr. McMillan.

22 <sup>Chairman</sup>  
23 ~~Mr.~~ Stokes. Aside from the fact that this information  
24 has been developed in our hearings, has there been any other pub-  
25 lic acknowledgement of this?

26 Mr. Blakey. No.

27 <sup>Chairman</sup>  
28 ~~Mr.~~ Stokes. This will be new when revealed to the public?

29

1           9 Mr. Blakey. That is correct.

2           Mr. Fauntroy. And is it not a fact that we have found  
3 no basis, no other evidence that checks in fact passed?

4           The bank records have no trace of those which are  
5 noted  $\frac{1}{M}$  rather ingenuously, to me  $\frac{1}{M}$  on the bank book which  
6 was shown to McMillan. I still have not figured out for  
7 myself how she put those two \$1,000 entries in in a  
8 fashion to make them look authentic and yet the bank records  
9 show no trace of it.

10           Mr. Blakey. It was a matter that probably ought to be  
11 taken up now if it is going to be taken up. The staff has  
12 no special interest in pressing it or not pressing it.

13           I understand the sense of the committee is that we  
14 reserve it for the final report.

15           The statute of limitations is such that we have a year  
16 after the final report in which the Department can pass on the  
17 prosecution. There is not a time factor.

18           Let me raise with the committee a second question.  
19 You have had passed to you copies of photographs. The source  
20 was from Time-Life. They are enlarged. The individual you  
21 see sitting on the curb there is the so-called "umbrella  
22 man," with a front view of him. It would be possible if  
23 you knew him, I suppose, to identify him. These pictures  
24 came into our possession in this form only a week or so  
25 ago and the issue I present to you for your resolution is,

1 and ~~raising~~ it again. Then you lose the umbrella and you can  
2 see the President.

3 ¶ We have photographs taken by other people immediately  
4 after the shooting. Everyone in the plaza is facing the  
5 knoll, running in that direction, and the umbrella man and  
6 his friend are the only two people standing facing the  
7 complete opposite direction and then the umbrella man is  
8 sitting down, which no one else is doing. That is why the  
9 critics have focused on him so much, though they have never  
10 seen this particular photograph.

Chairman

11 ~~Mr.~~ Stokes. Mr. Devine has offered a very good suggestion.

12 Mrs. Burke. Could I suggest a resolution that would  
13 authorize the ~~Chairman~~, in his discretion, to approve the  
14 press release, consistent with the dignity of the committee,  
15 not involving the committee in an umbrella theory and consist-  
16 ent with Time-Life's permits.

17 Mr. McKinney. I would so move.

Chairman

18 ~~Mr.~~ Stokes. You have heard the resolution. Do you  
19 want a record vote?

20 Mr. Blakey. I don't think that is necessary.

21 There are a couple of matters of information you should  
22 be aware of.

23 The committee is going into court on Monday in Memphis  
24 to examine the records of a hospital dealing with Lisa  
25 Stevens.

1 <sup>91</sup> All of you have received telegrams from Mark <sup>Lane</sup>~~Lynd~~ asking  
2 you to waive your congressional immunity as the price of a  
3 consent of turning over the hospital records. You should be  
4 made aware of the legal position of the staff.

5 Mark <sup>Lane</sup>~~Lynd~~ has no standing in law to participate in  
6 proceedings at all. He was notified of them as a matter of  
7 courtesy. You should also be aware that it is the position  
8 of the staff that the statute regulating the control of access  
9 to hospital records does not apply to a congressional com-  
10 mittee; that our subpoena would be adequate and that the  
11 court would be so informed but that we are obtaining a court  
12 order to do it to make the hospital administrator feel better.

13 Mark <sup>Lane</sup>~~Lynd~~ would have no standing in that proceeding at  
14 all.

15 There are two other matters I would bring to your atten-  
16 tion. One is an outstanding issue. Former President Ford  
17 was a member of the Warren Commission. Some time in the  
18 next <sup>30 to 60</sup>~~thirty~~ days he probably ought to be talked  
19 to and I would solicit your advice on the way in which that  
20 occurs.

21 If he is in town for another purpose, it might be  
22 appropriate to have an executive session in which he could  
23 come in and talk about the Warren Commission<sup>\*</sup> and his role on  
24 it.

25 If he is going to be in Colorado for any period of